

THE 484
CIVIL HISTORY
Francis Hargrave.
OF THE
KINGDOM
OF
NAPLES.

In Two VOLUMES.

VOL. I.

Wherein is contain'd,
The History of that Kingdom (*comprizing also the general Affairs of Europe*) under the Romans, Goths, Greeks, ~~Danubians~~, Normans, and the Princes of the House of Suevia, 'till the Death of the Emperor Frederick II. in the Year 1250.

With the History of the Civil, Canon, and Feodal Laws; the Ecclesiastical Polity; the Succession of the Popes, and by what subtle Arts the *Pontificate* gain'd upon the *Régale*.

Where the Author clearly demonstrates, That the Temporal Dominion and Power exercis'd by the Popes, has been altogether owing to the Ignorance, and Connivance of, or Concessions extorted from Secular Princes during the dark Ages, &c.

Written in *ITALIAN*,
By *PIETRO GIANNONE*, Civilian and Advocate in
NAPLES; and publish'd *Anno 1723.*

Translated into *ENGLISH*,
By Captain *JAMES OGILVIE*.

L O N D O N:

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T O T H E

R I G H T H O N O U R A B L E the
 Earl of GRANDISON.

My L O R D,



THE History of *Naples*, which I now lay at Your Lordship's Feet, I may venture to say, is a valuable Piece, and worthy your Lordship's Protection, however it may have suffer'd in the Translation.

THE Author dedicates it to * The Emperor: a Great * Prince; and in Your Lordship I have found a Patron truly Great

and Good. I speak from Experience; for your Lordship was no sooner apprised of the Change of my Circumstances, than I began to feel the happy Effects of your great Goodness. The fatal Year that involved so many in irretrievable Ruin, was the Date of my Misfortunes; and from that Time, to this Day, your Lordship, and your good Lady, have relieved me and my Family with a bountiful Hand; and, in a Manner so ingaging, as has left no Impressions upon me, but those of a lasting Gratitude and Veneration. It is certainly one of the greatest Afflictions of a depressed Condition, that it is commonly attended with Contempt and Scorn: But when your Lordship relieves, you consult the Modesty of the unfortunate Object, as well as the Distress. I should never make an end of my Acknowledgments for all the Goodness with which your Lordship treats me, and with the Sense of which my Heart is full charged; but as I know you love to do Good, rather than hear of it, I shall be grateful and silent. But I must give myself the Pleasure of reflecting

D E D I C A T I O N.

reflecting upon the happy Situation of your Lordship's Affairs, within whose Gates nothing is seen but Magnificence and Splendor, under the Rules of that exact OEconomy and Order, with which your Lordship, and your excellent Lady did so remarkably distinguish yourselves before the Accession of the ample Fortune of your Ancestors: Such a Conduct, my Lord, is a great and rare Example of Wisdom and Prudence; but the Virtues in which you both shine out, are the conjugal Harmony in which you live, mutually deserv'd, and mutually express'd. And next to that, the tender Affection to your Children, visible in the Care of their Education, and of which you have the Comfort to behold the happy Effects in your accomplish'd Daughters, adorned with that Modesty, and those Graces of their Sex, which, to indulgent Parents, must give the most exquisite Pleasure this World can afford. These Felicities, my Lord, are the Fruits of Domestick Virtues, which, though they don't make such Glare, as those that are acted upon the Publick Stage, have ever been thought to set a great and wise Man in the truest Point of Light. And among the

* Scipio Africanus.

Romans *, one of the Greatest and Best is celebrated, not more for his Victories and Triumphs, than for his Behaviour among his Children, even in their Nursery, where some little Amusements of his have been represented by all Historians, as the most convincing Proof of the greatest good Nature and Humanity; which Qualities were always thought essential in the Composition of a Hero. But now I am talking of a great Man, it may be expected I should say something of the Nobility of your Lordship's and your Lady's Extraction: And I have at hand the noble Historian, who, in his Catalogue of Heroes (great as any *Greece* or *Rome* ever produc'd) has not two more beautiful Characters, than those of *Falkland* and *Grandison*; but these Things, your Lordship does not call your own, any farther than as you think yourself oblig'd to imitate them; And may your Lordship's promising Sons, and their late Posterity, form their Lives by the Examples of their Great Ancestors; which is the hearty Prayer of,

My LORD,

Your Lordship's most oblig'd, most devoted,

and most faithful humble Servant,



T H E

Translator's PREFACE.



THE Author's Introduction renders a Preface to this Work in a manner useless. He himself tells us, that his Style is very plain and simple; that he had so great a Regard to Truth, in every Thing, as to make the Credibility of his History depend more on the Connexion of Events, with their Causes, than on an elaborate Style, and a nice Order of Words: That though he was not ignorant of the Laws of History, yet he has sometimes neglected the scrupulous Observation of them, by insisting too much on Matters, perhaps of small Importance to a great many Readers particularly in the History of the Laws; and that he did it for the Advantage of Professors, and Gentlemen of the Long Robe. Notwithstanding all this, the Reader will not think his Labour lost, if he values Profit more than Pleasure, tho' a due * Mixture of both were better. The Author, tho' in Communion with the Church of Rome, has not been afraid to tell a great many bold Truths, nowise consistent with the Credit and Honour of that Court. To give one Instance among many; throughout the Course of the History, he clearly shews us, how that Monster of a Spiritual Monarchy, an Imperium in Imperio, was conceiv'd, brought forth, and nourish'd, till it came to full Maturity. The Reader will likewise see what Opinion he had of Relicks, Pilgrimages, Image-worship, the great Number of Holy-days, and other Practices introduc'd during the Ages of Ignorance and Darkness. For these and other Reasons, the Work no sooner appear'd in Publick, A. D. 1723, than the Court of Rome was

* Omne tulit punctum, qui miscuit utile dulci.

The Translator's PREFACE.

alarm'd: It was Censur'd, Condemn'd, and the Sale and Reading of it prohibited, under severe Penalties.

While the Country, which is now call'd the Kingdom of Naples, was under the Romans, and before the Italian Language prevail'd universally over all Italy, I thought fit to render the Names of Provinces, Cities, &c. as they were denominat'd by the Romans; but after the Italian became the general Language of all Italy, I have given them the modern Names, such as Benevento for Beneventum; Reggio for Rhegium, &c.

The Second Volume of this Work, contains the History of the Kingdom of Naples, I may say of all Italy, and even of all Europe, so far as the Princes thereof found themselves oblig'd to be concern'd in the many Wars and Revolutions of that Kingdom, during the Reigns of the Houses of Anjou, Aragon and Austria, down to the Year 1723. All I have to add, is, that if I had not undertaken the following Translation (the Book, as I have said, being suppress'd, and so few Copies got Abroad in the World) 'tis probable it never would have appear'd in English; therefore I hope the Reader will excuse, and with the Pen correct the following Errata.


ERRATA.

Page 6. l. 32. after divided, not. p. 13. l. 50. for continuing r. continued. p. 20. l. penult. r. one of whom gave Laws to the Locrians, and the other to the Turians. p. 25. l. 3. r. such Constitution. p. 30. l. 22. r. ancient Consultation. l. 23. r. is to be. p. 44. l. 15. r. caus'd them. p. 64. l. 3. r. it inserted. p. 80. l. 18. instead of for which Reason 'tis to be doubted r. have believed. p. 87. l. 20. r. rejected. p. 90. l. 21. r. crimini. p. 101. l. penult. r. and believe. p. 106. l. 33. for that by r. of. p. 109. l. 18. dele which. l. 19. dele rais'd higher; for giving r. gave. p. 124. for Chap. V. r. II. p. 133. l. 24. for without any r. with some. p. 134. l. 35 & 36. r. wherefore it was expedient to have recourse. p. 135. l. 40. r. eruption. p. 140. l. 2. for Colonies condemn'd to the Plough r. Colon additi glebe. p. 141. l. 13 & 14. dele with their Blood. p. 142. l. ante penult. for Skirmishes r. miseries. p. 151. l. 24. for soasmuch as r. as much as. p. 154. l. 10. dele of them. p. 173. l. 38. for discharge r. forbid. p. 174. l. 20. dele Justinian. ibid. r. Sect. IV. p. 187. l. 16 & 17. dele in one Day. ibid. r. in samnium. p. 204. l. 45. for being r. was. p. 208. l. 34. r. of the Theodosian than of the Justinian Laws. p. 232. l. 39 & 40. r. with the Greeks was call'd Cimetaria, and with us, Magnus, &c. p. 295. l. 27. r. hospitium. p. 352. l. 27. for which he caus'd first to be printed, r. was first printed. ibid. l. 50. dele Greek. p. 353. l. 15. for rather r. sooner. p. 376. l. 19. for that r. but. p. 379. l. 23. for being r. and. ibid. l. 24. dele John who. after Opinion r. and. p. 396. l. 26. after Venusia r. and Potenza. p. 422. l. 39. & 40. for fellow Soldier r. Party in the War. p. 437. l. 33. for but r. thus. for greater r. great. l. 34. dele more. p. 453. l. 53. for Salerno r. Palermo. p. 458. l. 28. for their r. the. p. 475. l. 8. for give the Reader an Account r. refer the Reader to. p. 532. l. 26. after de r. in. p. 576. l. 34. for Leuder r. Latuden. p. 664. l. 28. dele would. p. 680. l. 7. dele which. ibid. l. 8. after ap r. the Damages. p. 703. l. 31. for sprightly r. sprightly. p. 741. l. 32. r. salute. ibid. l. 36. r. solita. ibid. l. 54. r. ipse.



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- * Sir *William Young*, Knight of the Bath



their Royal Seats plac'd elsewhere, from whence they govern'd it by their Ministers, it ought to be imputed to cruel Necessity only, that in order to the right understanding its peculiar Polity, we are oblig'd to give a Hint of the Form and Disposition of the *Roman* Empire, and after what manner its Provinces were govern'd; amongst which, the most considerable that it had in *Italy*, were certainly these of which our Kingdom is compos'd. We should not be able to comprehend their Revolutions, if at the same Time we did not shew the more general Causes, whereby the whole being chang'd, this Part likewise came to be altered; and seeing these Provinces, on account of their noble Advantages, invited many Princes of *Europe* to conquer them, therefore they were long disputed, every one pretending Right to them, some as Tributary, others to have the Protection of them, and, in fine, some as Feudatory. Therefore we thought it worth the while to discover the Springs of all these Pretensions; neither could they be otherwise made clear, but by giving a general Idea and Relation of the State of *Italy* at different Times, and often of other remote Principalities, and of the Transferring of Kingdoms from one People to another, from whence arose the numerous Pretensions which set a going and encourag'd the Undertakings.

NEITHER have such Searches been necessary only for giving an exact and distinct Knowledge of the Political and Temporal State of this Kingdom, as perhaps some have thought, but likewise of what concerns Ecclesiastical Affairs; forasmuch as the Disputes were no less among Secular Princes, than among the greatest Prelates of the Church. This Kingdom was also contended for by the two most famous Patriarchs of the World, the one of *Rome* in the West, and the other of *Constantinople* in the East. By all Right the Government of our Churches belong'd to the *Roman* Pontiff, not only as Head of the Universal Church, but likewise as Patriarch of the West, even altho' his Patriarchal Authority had been confin'd to the Suburbicarian Cities only; but the Patriarch of *Constantinople*, with a rash Boldness, attempted to usurp his Right. He pretended, that many Churches of this Kingdom belong'd to his Patriarchate of the East; that it was his Right to erect Cities into Metropolis's, and to assign them what Suffragan Bishops he thought fit: Therefore it was necessary to shew, how these two Patriarchates by degrees have extended their Bounds; which cannot well be done without a general Knowledge of the Polity of the Ecclesiastical State, and of the Disposition of its Diocesses and Provinces.

THE Civil History, according to the present System of the Catholick World, surely cannot be separated from the Ecclesiastical. The Ecclesiastical State vying with that of the Political and Temporal of Princes, is so strongly fix'd and rooted in Empire, by the means of their Statutes, that at present the Changes of the one cannot be distinctly perceiv'd without the Knowledge of the other. Therefore it is necessary to see, how and when the Ecclesiastical State intruded itself into Empire, and what Novelties it occasion'd in this Kingdom; which, truly, was one of the greatest Causes of the Change of its Political and Temporal State; and thereby, not without Astonishment, we shall discover, how, contrary to all the Laws of Government, one Empire hath been able to establish itself within another, and how the Priesthood often, by perverting the Devotion of the People, and its own Spiritual Power, hath inroach'd upon the Temporal Government of this Kingdom, which was the Source of the numberless Disputes about Jurisdiction, with which the Christian Republick will always abound, and our Kingdom more than any other, which induc'd some worthy Men to labour to bring these two Powers to a perfect Harmony and Agreement, by mutually communicating their Power and Energy; it being known by long Experience, that if the Empire assist the Priesthood with its Power, in order to support the Honour of God, and if the Priesthood, in return, tie and unite the Affection of the People to the Obedience of the Prince, the whole State will flourish and be happy; but on the contrary, if these two Powers disagree with one another, so as that the Priesthood, by exceeding the Limits of its Spiritual Power, should inroach upon the Political Government, or if the latter, by turning against God that Power which he has put into its Hands, should intrench upon the Priesthood, all will go into Confusion and Ruin; of which the many Disorders which have happen'd on that account in this our Kingdom are flagrant Testimonies.

IN treating of the Use and Authority, which as well the *Roman* Laws, as the Ecclesiastical Statutes, and the Laws of other Nations, had in these our Provinces,

vinces, we have spar'd neither Labour nor Pains; and, perhaps, my having dwelt so much on that Part of the Work, will discover my Profession, and prove me to be more a Lawyer than a Politician. This Part truly wanted to be well explain'd among us; seeing that in all Places, and at all Times, the Practice and Authority of the *Roman* Laws were not the same; so that our Lawyers having neglected this most valuable Part, and likewise that of the Origine and Use of the other Laws that have been introduc'd into our Kingdom by foreign Nations, has been the chief Occasion of their having stuffed their Volumes with gross and stupid Errors; which shews us clearly, how much better it is for a Man to toil himself in searching after the various Fortune and Chance of the *Roman* Laws, and of those of his own at home, than to go wandering up and down doubtful, and with little Certainty, in a foreign Country. Forasmuch as, altho' it be in the Power of one Man to collect the History of the Rise and Progress of Learning in other Professions, and of its various Success over all the Parts of *Europe*, in which we have seen some now and then who have succeeded; nevertheless, as to the Jurisprudence, which often changes its Shapes on the Change of Princes and Nations, it is not an Undertaking that can be perform'd by one Man, but ought to be divided amongst many, each of whom must set about to treat of the Use, Authority, and the various Changes that have happen'd in his own Country. So we perceive, that a Sort of a History of the *Roman* Jurisprudence has been compil'd by some excellent Writers; nevertheless they have all labour'd to make it clear and evident in relating its Origine and Progress in the Times when the *Roman* Empire had its Rise, Growth, and when it came to the highest Pitch of Grandeur; but its various Turns of Fortune, when the Empire began afterwards to fall from its Glory, its Declension, Extinction, and Restauration, the Use and Authority that it had in the new Dominions establish'd in *Europe* after the Inundations of so many Nations, when by the new Laws it was in a manner extinct; and when, being restor'd, it eclips'd these, cannot surely be exactly describ'd by any one Man in the whole World. Therefore it was well advis'd of some noble Genius's, who, after having given a Specimen of general things in their own Kingdom or Province, set Bounds to themselves, beyond which they seldom or never went.

A *BRITON*, separated from the rest of the World, thinking that others had confin'd the Reach of human Understanding to too narrow a Compass, shew'd that he had Courage enough for so great an Undertaking. This was the famous *Arthur Duck* ¹, who would not confine himself to his own Country of *England*, but went in Search of the Use and Authority of the *Roman* Laws in the new Dominions of Christian Princes, as well to the neighbouring as the remoter Countries: He made diligent Inquiry after them, for Example, in the neighbouring Dominions of *Scotland* and *Ireland*; he went over to *France* and *Spain*; to *Germany*, *Italy*; and also came to our Kingdom; besides, he travell'd as far as *Poland*, *Bohemia*, *Hungary*, *Denmark*, *Swedeland*, and to still remoter Parts. But even this Work, tho' very famous, has clearly demonstrated to the World, that this Undertaking was not to be perform'd by one Man; seeing that altho' by his great Care, and Travelling into diverse Parts of *Europe*, such as *France*, *Germany*, and *Italy*, he has been able, in a great measure, to remove the many Difficulties in the Prosecution of his Undertaking; nevertheless the Event has demonstrated, that tho' he may have perform'd it exactly in *England*, *Scotland*, *Ireland*, and in some Countries not far distant from them; yet in other Parts, and especially in our Kingdom, we see that he has demean'd himself like a Stranger; and, by following the common Guides, falls into many Blunders, having only furnish'd us a very slight Account of the Practice and Authority both of the *Roman*, and those Laws of our own, that have been introduc'd by the different Princes who have govern'd us. Neither has his Ingenuity allow'd him to dissemble it in the Conclusion of his Book; expecting to be pardon'd by Strangers, if in treating about their Laws and Customs he has been so sparing; and he confesses, that he had no other Design, than to incite the Lawyers of other Countries, that, by following his Example, they might do in their own Countries, or Provinces, what he had done with relation to *England*. A little before *Arthur Duck*, some Writers on this Subject, without much Travelling, confin'd themselves to their own Countries. *Innocentius Cironius* ², Chancellor of *Toulouse*,

¹ A. Duck, De Usu & Autoritate Jur. Civ. Rom. in Dominiis Principum Christianorum.

² Ciron. Observat. Jur. Can. lib. 5.

made a Tour through *France* only, yet very superficially: But *Alteserra* ¹ made a more exact and distinct Search in the Province where he was born, to wit, *Aquitania*: And *Joannes Costa*, an Excellent Professor in *Toulouse*, promis'd to do the same, with the greatest Exactness, over all the Kingdom of *France*; but this great Work, which was impatiently expected by *Cironius* ², by *Arthur Duck* ³, and all other learned Men, hath never been publish'd to this Day, that we know of. *Joannes Dovjat* ⁴ did the same since, without going out of *France*; and sometimes it has fallen out, that some, by having been too curious in the searching after the Laws of other Nations, have neglected what was most valuable in their own, and thereby have fallen into a thousand Mistakes.

GERMANY wants not its own Historian on this Subject. *Hermanus Coringius* ⁵ compiled a Treatise concerning the Origine and various Fortune of the *Roman* and *German* Laws, of which *Georgius Pasquius* ⁶ makes honourable mention; and in our Time *Burcardus Struvius* ⁷ has compiled another more diffusive, wherein he mentions other Authors, who have done the same with respect to *Germany*.

HOLLAND has its own Historian, and *Joannes Voetius* compos'd a Book intitled, *De Usu Juris Civilis, & Canonici in Belgio Unito*.

AS for *Spain*, we have *Michael Molinus*, who wrote such another for the Kingdom of *Aragon*. *Joannes Ludovicus Cortes* wrote the History *Juris Hispanici*; and *Gerardus Ernestus de Frankenau*, has enlarg'd more than any other on that Subject ⁸. *Swedeland*, *Denmark*, *Norway* and other Northern Provinces, have also their Historians on the same Subject. Neither are there wanting such in some Parts of our *Italy*, as in *Milan*, *Franciscus Grassus*, ⁹ and in other Countries likewise of the same.

WHAT others have done for the Glory of their respective Countries, hath always been neglected in our Kingdom only: Neither truly can we expect to see it supply'd. What a strange thing it is, that in so large a Kingdom, and productive of so many great Genius's, which the Works they have publish'd testify, and wherein they have shew'd that they had no other Study more at Heart, than that of the Laws, yet for all that, have neglected so noble and renowned a Subject: Because an exact History of the Use and Authority that the *Roman* Laws had in our Kingdom, and of the various Fate of the other Laws that from Time to Time were by different Nations introduced into it, by which the former were eclips'd, and how being afterwards restor'd, they recover'd their ancient Splendor and Authority, and are in the State we see them at present; ought truly to be what we should most desire, not for slight and vain, but for grave and most important Reasons: Not that we ought to be anxious in diving into the various Turns they have undergone; nor by so doing, that we may add to their Lustre, nor out of Ostentation of rare and uncommon Erudition; but for more weighty Reasons: which are, because from an exact Knowledge of what we have propos'd, besides the Improvement of Wisdom, by the Use of the Laws, and a right Judgment, we may form the Idea of a most excellent Government; for, by observing in History the Disturbances and Commotions in Civil Matters, the Vices and the Virtues, and their various Vicissitudes, we shall be best able to distinguish which is the true, and to choose the best.

BUT especially upon that, in a great measure, depends the clearing of the Laws of our own Country, and of our Institutions and Customs; which Matters have been so coarsely treated of by our Writers, and so strangely explain'd to us, and often without comprehending the Sense of them, for no other Reason, but because they were ignorant of the History of the Times, of their Authors, of the Occasions of their being establish'd, and ignorant of the Use and Authority of the *Roman* Laws, and those of the *Longobards*; therefore they fell into the many Errors, Puerilities and useless Things with which their Volumes are stuff'd; and they were so blinded with Ignorance, that they valued themselves upon being only Professors of Law, and not Historians; not being sensible, that by their not being Historians, they were but wretched Professors of Law, and render'd themselves despicable, as well to Strangers, as to many of their own Countrymen. How many gross Errors

¹ Altes. Rerum Aquitaniz, lib. 3.

² Ciron. lib. 5. Obser. Jur. Can. cap. 6. & 7.

³ Arthur. lib. 2. cap. 5. num. 43.

⁴ Dovjat. Hist. Jur. Civ.

⁵ Herm. Coring. de Origine juris Germanici.

⁶ Georg. Pasq. de Novis Invent.

⁷ Struv. Hist. jur. German. cap. 6.

⁸ V. Struv. in Prolegom. ad Hist. jur. §. 28.

⁹ Franc. Grass. in Libello de Orig. jur. Mediol.

through Ignorance of History, did *Carolus Molineus*¹ lay to the Charge not only of *Baldus*, but likewise of our *Andrea d'Isfernia*? And how much were our Writers despis'd on that account by others? How much was *Nicholas Boerius* laugh'd at, who wrote, that the *Longobards* were certain Kings that came to us from *Sardinia*, as also *Matth. de Afflict.* and many others?

ADD to this likewise, the great Advantage the Knowledge of History is of to the Practice of our Courts and Tribunals, and even to publick Pleadings: For which we can produce no better Evidence in these Times, than the Cardinal *de Luca*, who had been a famous Advocate in *Rome*, and a most accomplished Barrister, who in almost all his numerous Discourses, whence so many Volumes were compiled, and from long Experience, has demonstrated in a Thousand Places², that the numerous Blunders of our Writers are owing to nothing else but the Ignorance of the Law-History; so that he recommends nothing so much, both to Judges and Advocates, as the exact Knowledge of it, without which, Blunders and Stupidity are inevitable. But among our Writers none have made this Truth more evident, than that greatest Ornament of our Tribunals, the incomparable *Franciscus d'Andreys*, who in that learned Feudal Disputation³, which he publish'd, has fully demonstrated, that by no other means, than this of History, was it possible to remove the Difficulties into which our Writers had involv'd that Matter; which had occasion'd their committing a thousand Mistakes. And this ought to be a Warning to all, how much the Knowledge of the Law-History is necessary in all Pleadings at the Bar: Whereof this learned Man, as far as his Purpose would bear, has given us an excellent Intimation. And truly it has been our Misfortune, that he did not attempt to do for our Country, what other Writers have done for theirs; for then certainly, we should not have had occasion to lament such a Want at this Day. For what could we not have expected from the Strength of his divine Genius, from his great Skill in the Laws, in History, and from his Erudition; from his wonderful Eloquence, unwearied Application and Accuracy? Neither, in my Opinion, are fewer Endowments requir'd for accomplishing such an Undertaking, which, when shar'd out amongst many, create Admiration, and yet, were most surprizingly center'd in him alone.

WEIGHTY then, and perhaps superior to my weak Abilities, is the Task that I have undertaken; and so much the more weighty, that I have declared it impracticable to treat of the Law-History to any purpose, without joining at the same time the Civil with it, which I have done, by treating of the Polity of this Kingdom together with its Laws; the History of which could not have been perfectly understood, if at the same time we had not shewn from whence they sprung, and what Disposition and Form these Provinces had that were govern'd by them. And thence it hath happen'd, that by attributing their Changes to the Ecclesiastical Statutes, which afterwards were call'd Canonical Laws, this Work of mine has become a great Attempt, whereby I have involv'd myself into many Difficulties, out of which it will be hard to extricate myself: Therefore, I was many times tempted to give it over, forasmuch as considering with myself the Difficulty of the Undertaking, the Bustle of the Courts of Justice that diverted me from it, and much more being conscious of my weak Capacity, I thought, that not only all my Endeavours would be to no purpose, but likewise, that I should be accus'd of too great Assurance; whereupon, being terrified at so many Difficulties, I banish'd all thoughts of prosecuting it, by reserving the Task to a more fit Opportunity, and when I should be at more leisure.

BESIDES, from my Youth I had heard, that *P. Parthenius Giannettasius*, in the Solitudes of *Surrentum*, freed from all worldly Cares, with great Helps, and a huge Apparatus, had undertaken to write the *Neapolitan* History; and altho' my Design was quite different from his, nevertheless both of us, tho' with different Aims, designing to treat of the same Subject; I apprehended that he, by prying more narrowly, might deprive me of the Novelty of many Things which I had observ'd; and perhaps, might search more nicely into others, than I was able to do, who wanted

¹ Molin. in Comment. ad Consuet. Paris. part. 1. tit. 1. num. 91 & 96.

² Card. de Luca de servit. Disc. 1. De judiciis Disc. 25. De regularib. Disc. 161. in

Miscellanies, et alibi sæpe.

³ Franc. de Andreys Disp. an fratres in feuda nostri Reg. Succed. &c.

so many Helps, and so much Leisure: And this contributed to incline me to lay aside the Undertaking.

BUT being on the other hand exceedingly encourag'd by several Persons of the most exalted Genius, I went on in prosecuting the Work, with a Design, that it should only serve for myself and the Curious; amongst whom there wanted not some, who, besides approving of the Matter, and pushing me on to prosecute it, with very prevailing Arguments, accus'd me of Pusillanimity; whereupon I took courage, and became more bold; especially as I reflected, That this Work, whatever it might prove, was not to be expos'd to all the World; nor to go beyond the Limits of this Kingdom; seeing it was only design'd for the Perusal of Persons curious in our Affairs; and that if it should ever be of any Advantage, it was we ourselves that were to reap it. But what most of all embolden'd me, was, The favourable Assurance of those who are employ'd in the Magistracy and at the Bar (of whose Kindness and Friendship towards me, I had had long Experience) That this my Essay would not be reckon'd Impudent, and whatever Defect they might find in it, they would rather excuse and bear with it, than blame and despise it.

But whilst I, stimulated by so many Motives, was prosecuting the Undertaking, behold; when I scarcely came to the tenth Book of the Work, the so long expected History of *Naples* was publish'd in the Year 1713. in *Latin*, by the aforesaid famous learned Man. I read it immediately, and, quite contrary to my Expectation, it cannot be express'd, how much more bold it made me in the Prosecution; when I found, that this able Man had had little other Design, than to translate into good *Latin* the History of *Summonte*, for the Benefit of those who do not perfectly understand our *Italian* Language.

THEREFORE this Fear being over, I can now boldly promise those, who will undergo the Trouble of reading this History, that I present them one altogether new, and as yet never attempted by any other Person.

MOREOVER, I have endeavour'd to support all that I have related, with the Authority of Men most worthy of Credit, and who were either Contemporaries with the Events that are treated of, or most exact Searchers of our Records. My Style shall be altogether plain and simple, being willing that my Talents, few and weak as they are, should be all employ'd in Matter rather than Words, by directing my Reader to the Search of Truth alone; and I was willing likewise, that its Clearness should depend much more on a right Connexion of Events with their Causes, than on Phrases of Speech, or the over-nice Ranging of Words. And as I was unwilling to arrogate to myself so much Authority as to think that my single Narration ought to be credited, I have added in the Margin the Authors that liv'd nearest the Time of the Events treated of; or at least those who are the most exact and careful; and all that was not supported with lawful Vouchers, I have excepted against as fabulous, or pass'd it over as doubtful.

I AM not so ignorant of the Laws of History as not to perceive, that sometimes I have not carefully observ'd them; and that, perhaps, by my having been at too much Pains in searching into many Things of little Moment, I may have sometimes derogated from them; and that often by deriving Things from too remote Principles, I may have too much deviated from the Design of the Work. But I likewise know, that all Subjects cannot be fitted to the same Rules, and that mine being concerning the Polity and Civil State of this Kingdom and its Laws, as the Matter was quite different, so likewise it behov'd me to make use of a different Method; and as I pretend that it may be of some Advantage, even to our Affairs before the Courts of Justice, it will not be imputed as a Fault in me, if by descending to the most minute Things, I may, perhaps, in some measure have lessen'd the Gravity of it, because our Professors; for whom it is chiefly intended, and especially what concerns the Law-History, cannot read it without reaping some Advantage by it; On the contrary, some things would have perhaps required a more strict and narrow Examination, but not being intirely Master of my Time, I should never have ended. And my having sometimes enlarg'd upon the Principles of Things, was, because Events could not otherwise be distinctly connected with their Causes; which besides Knowledge, carries along with it Perspicuity; as will be perceiv'd in the Course of this History.

BUT upon what more solid Foundations could I build the Civil History of our Kingdom than by beginning with the *Romans*, to whom, as we may say, the Art of Government and making Laws was peculiar, when these our Provinces had the Fate to be long govern'd by them? For which end, in the First Book, before we come to the Time of *Constantine the Great*, which shall be the Beginning of our History, we shall give, by way of *Apparatus*, a Specimen of the Form and Disposition of the *Roman* Empire, and of its Laws: Of the Favour of the Princes to which they ow'd their Glory: Of the Wisdom of their Constitution: Of the Prudence of the Lawyers; and of the two most famous Academies of the World, the one of *Rome* in the West, the other of *Berytis* in the East: Seeing the Decay and many Revolutions and Changes of the Civil State of our Provinces, which happen'd afterwards, when *Constantine* was pleas'd to translate the Seat of the Empire to *Constantinople*, and of one, to make two Empires, may be more clearly describ'd, by a succinct Account of their flourishing State, as well with respect to what belong'd to their Polity as their Laws, in the Times preceding that Prince.



THE



T H E
CIVIL HISTORY
Of the KINGDOM of
N A P L E S.

B O O K I.



HAT large and potent Part of *Italy*, which now is call'd the Kingdom of *Naples*, being surrounded both by the Upper and Lower Seas, has no other inland Limit but the Estate of the Church of *Rome*; when, by the victorious Arms of the People of *Rome*, it was happily join'd to their Empire, had a Form of Government very different from that which it had afterwards in the Times of the *Roman* Emperors. When it came under the Dominion of the Kings of *Italy* it got a new Polity. It suffer'd other Changes under the Emperors of the East. And it underwent many more strange Alterations, when by various

Fortune it pass'd from one People to another: At last it came under the most august Family of *Austria*.

DURING the Time of the Free Commonwealth it was not divided into *Provinces*, as it was afterwards; neither had it any other Laws but the *Roman*. The different People who inhabited it, took from, or gave Names to the different *Regiones* into which it was divided; and the Cities of each *Regio*, according as they kept in Friendship with, and were faithful to the People of *Rome*, receiv'd hard or mild Usage as they deserv'd. They had no occasion to look out for a better Form of Government than that which the provident *Romans* had introduc'd in those early Times, the Art of Government being peculiar to them, for which they were remarkable above all other Nations in the World; as the incomparable *Virgil* testifies, ¹ who after

¹ Virg. *Æneid*. lib. 6. v. 851. Tu regere Imperio Populos Romane memento;
Hæ tibi erunt artes, &c.

having given to each Nation the Praise for those Arts in which they were most famous, prefers the *Romans* alone for the Art of Government to all other Nations: By which *Rome* gain'd more Renown than it did by its Conquests; for if we have regard only to the Extent of its Empire, the *Assyrians* may, in some measure, boast of theirs acquir'd by *Ninus*; the *Medes* and the *Persians* of theirs by *Cyrus*; and the *Grecians* of theirs founded by *Alexander the Great*. The Conquests of the *Turks* were not inferior to those of the *Romans*, and under the famous Emperors *Mahomet II.* and *Soliman*, their Empire was nothing less¹; and even the *Spaniards*, with more reason may brag of that of the most fierce Kings of *Spain*; being greater, if we consider the Largeness of its Extent, which is such as the World never saw the like before². And how excellent and incomparable soever the Wisdom of their Councils was, the Intrepidity of their Minds, their Virtues, and the Success wherewith all their Undertakings were crown'd; yet the Opinion of the World, and of the gravest Writers³, who have look'd upon all their Expeditions as unjust, and their Wars often carried on and supported without any reasonable Cause, has very much lessen'd their Reputation, and the Glory of their Arms. The most famous Writers in the World have tir'd themselves purely in extolling the Wisdom of their Government, and the Justice of their Laws, for which alone they have deservedly been renown'd above all other Nations. A most evident Argument of which we see, That although their Empire be long ago ruin'd and extinct, yet the Authority and Use of their Laws are continued in the new Dominions founded in *Europe*; for which, no other Reason can be given, but that the *Roman* Laws were fram'd with so much Judgment and Wisdom, as to diffuse and propagate themselves in all Parts of the World, not so much by the Power of their Empire, nor because, by the Law of Nations, the Vanquish'd were always subjected to the Laws of the Victorious, as that those who were subjected were sensible of the Advantage they receiv'd from their mild and just Government. Whence it was, that the most remote and barbarous Nations of their own Free-Will receiv'd their Laws, having the Prudence and Justice of them to comfort them in their Servitude. Thus *Cæsar* while he triumph'd over *Euphrates*, and subjected these Countries to his Empire, being victorious, gave Laws to these People, but *Populo Volenti*⁴. Neither did they stand in need of less than the Wisdom of their Government, and the Justice of their Laws, for begetting, amongst so many different and distant Nations, that Tractableness and Mildness of Manners which *Libanius*⁵ exaggerates in those who lived according to the Institutions and Laws of the *Romans*; and that Concord, and Bond of compleat Civil Society which *Prudentius* describes to us⁶ amongst those who were in Subjection to them. So there are not wanting some very grave Writers⁷, amongst whom we must not forget *Augustine*⁸, who believ'd that it was by *Divine Providence* the *Romans* conquer'd the World; that by their Government, which was the highest Pitch of Wisdom and Justice, the Manners and Savageness of so many Nations might be render'd more tractable and mild; to the end that Mankind might be the more easily dispos'd to receive that *Religion*, which was at last design'd for the Overthrow of *Paganism*; and being establish'd upon more solid Foundations, was to enlighten the Earth and bring it to a true Faith: Wherefore, as a Reward of their Justice, the Empire of the World had been bestow'd upon them. The Emperors *Dioclesian* and *Maximinian* in one of their Edicts which we read in the *Gregorian Code*, left us this very grave Encomium on the *Roman* Laws: *Nihil nisi sanctum, ac venerabile nostra jura custodiunt: Et ita ad tantam magnitudinem Romana majestas cunctorum Numinum favore pervenit: Quoniam omnes suas leges religione sapienti, pudorisque observatione devinxit*⁹. For which Cause it was, that the Nations of *Europe* esteem'd them not as the Laws of one single People, but as Universal and Common to all Nations; and that Princes and Commonwealths strove to frame their Dominions after their Model, so that it seems at this Time, as

¹ Bodin. de Repub. lib. 1. cap. 2. Scipio Ammirat. in his Opusc. disc. 8.

² Bodin. de Rep. lib. 2. cap. 2. Lyptius Admiranda Urbis Romæ, lib. 1. cap. 3. in fine.

³ Cyprian. lib. de Idolor. vanit. Minut. Felix in Dialog. Octavius. Arnobius adver. gentes, lib. 8. Hieronym. in Com. ad cap. 2. Dan. Laet. lib. Divin. Institut. cap. 13. Augustin. lib. 4. De Civitat. Dei, cap. 4 & 6.

⁴ Virgil. Georg. lib. 4. v. 561. - - - Victorq; Volentes, per Populos dat jura.

⁵ Libanius in Panegy. Julian. Cos.

⁶ Prudent. lib. 2. contra Symmach.

⁷ Zonaras ad Canon. & Constitut. Apostol. lib. 7. cap. 27.

⁸ August. lib. 5. cap. 12. & 15. de Civit. Dei.

⁹ Lib. 5. C. Greg. tit. de nupt.

if the *Christian World* was guided and govern'd by their Rule; whence it is, that in all well instituted Academies they are publickly taught for that end.

'Tis true, it will appear very surprizing to any one who considers the Success of the Arms of the People of *Rome*, that in so short a Time they should be able to extend their Empire over so many and distant Provinces. Neither can it be mention'd without Astonishment, that in the Infancy of their Government, and while they were wrestling with their Neighbours, they should so soon overcome them; that soon after having subdu'd *Italy*, even before they were fully grown up, they should be in a Condition to conquer the most remote Countries. They took *Sicily*, *Sardinia*, and *Corfica*, and afterwards advanc'd into the large Countries of *Spain*; and being now arriv'd at their Manhood, and become powerful, they subjected *Macedonia*, *Greece*, *Syria*, *Gallia*, *Asia*, *Africa*, *Britain*, *Egypt*, *Dacia*, *Armenia*, *Arabia*; and lastly, the furthest Provinces of the East: So that at last, being oppress'd with the great Weight of such an excessive Bulk, they were oblig'd to give way, and sink under the Burthen.

BUT, perhaps, the Method and Moderation which was practis'd with respect to the People they vanquish'd and overcame, ought to seem a Thing more wonderful and worthy of greater Commendation; and their not following the Example of the *Athenians* and *Lacedemonians*, by whom all were treated as Aliens, in governing them with too much Severity: Conditions were granted them severe or mild, according as either their Fidelity and Friendship, or their Obstinacy and Frowardness had deserv'd. Some People, says *Flaccus*¹, obstinately made War against the *Romans*. Others having Experience of their Fidelity and Justice, kept themselves in continual Peace. Some others knowing their Virtue, yielded to them of their own accord, and united with them, and frequently carried Arms against their Enemies; whence it was necessary, that according to the Deserts of each Nation they were to receive Laws and Conditions; because it would have been unjust to have treated the People that were faithful, upon the same Foot with those who so often had broke their Faith and Oaths, by taking up Arms against the People of *Rome*. For which cause *Italy* was govern'd with Conditions different from the other Provinces of the Empire. Whence it came to pass, that in the Cities of *Italy* themselves were introduc'd these different Orders, and these various Privileges of *Roman* Citizens, such as *Municipia*, *Latinitas*, *Præfectura*, and *Civitates Fœderatæ*; whence likewise it came to pass, that having made themselves Masters of so many and so remote Provinces, they very prudently ordain'd some to be *Vestigales*, some *Stipendiariæ* or *Tributariæ*, others *Proconsulares*, and others *Præsidiales*.



C H A P. I.

Of the STATE of the CITIES of ITALY.



THE *Romans* having driven away their Kings, resolv'd to get rid of all Sorts of Despotick Government, to enjoy a perfect Liberty, as well in their Persons as Estates: And as they would submit to no King nor Monarch, neither would they depend upon any other Magistrate, who claim'd an arbitrary Dominion over them; this they called *Jus Libertatis*, by which they reserv'd to themselves the Power of condemning a *Roman* Citizen, either to Capital or Corporal Punishment: And 'tis to be believ'd, that they likewise would have had no Magistrates, if they had been able to subsist without them;

¹ Siculus Flaccus de condit. Agror. in Princ.

so much did they abhor arbitrary Dominion, because some of their Kings had made a tyrannical Use of their Power. It was the Privilege of the *Roman* Citizens to be number'd amongst the Tribes and Centuries by the Censors; to give their Suffrages; to be rais'd to the prime Honours and supreme Magistracy; to be admitted only into the *Roman* Legions, partake of the military Offices, and the publick Treasury; to enjoy only the paternal Power with respect to their Children, the *Jus Gentilitium*, of Adoption, of the *Toga*, of Commerce, *Connubium*, and the other Privileges learnedly explain'd by *Sigonius*.²

AS to their Estates, the *Romans* likewise would have their Inheritances intirely free, exempted from Seignory, and that they should belong to the Proprietors *optimo jure*, or, as they call'd it, *jure Quiritium*; which oblig'd *Bodinus* to say³, that Seignory was the Invention of barbarous Nations, not known to the *Romans* with respect to their Persons or Estates; which is very true as to the Persons of *Roman* Citizens, and those who by Privilege had become such, and with Regard to the Estates in *Italy*: But, with respect to those who were not *Roman* Citizens, and consequently had not that Title to Liberty peculiar to them; over their Inheritances situated out of *Italy* they acknowledg'd that Tenure, as we shall shew by and by; the *jus Quiritium* not being allow'd to the Provincials for their Goods, which was known by that old Division of theirs, *Rerum mancipi*, & *nec mancipi*.

THESE were the most remarkable Privileges of *Roman* Citizens, to wit, of those who had the good Luck to be born in *Rome*, or in its Neighbourhood; and accordingly some of them were granted out of special Love and Favour to other Places of *Italy*; whence the different Conditions of *Municipia*, *Coloniæ*, *Civitates foederatæ*, and *Præfecturæ*.

THE Condition of the *Municipia* was the most desirable and honourable that any City of *Italy* could have, particularly when the Privilege of Suffrage was likewise granted with it; in which Case the *Municipes* differ'd little from the Citizens of *Rome* themselves, except only the being inrolled in the *Curia*, which was the Privilege of native *Romans*; and they were called *Municipes cum Suffragio*, to distinguish them from those to whom such a Privilege was not granted, called therefore *Municipes sine Suffragio*. They were also allow'd to chuse their own Magistrates, and to retain their own Laws, to distinguish them from the *Coloniæ*, who could have no other Laws but the *Roman*. And whence it comes, that in our Time the particular Laws of a Place or a City are called Municipal Laws; which Prerogative, either by the Permission or Connivance of the Prince, we see that many Cities of these our Provinces do still retain⁴.

The *Coloniæ* were the next honourable. The Writers of all Ages cannot enough extol the Institution of *Romulus*, afterwards so frequently practis'd by the *Romans*, in sending new Inhabitants to the conquer'd or waste Countries, whom they called *Coloni*: From which admirable Institution they drew many Advantages; the City of *Rome*, which was oppress'd with the Multitude of Citizens, for the most part useless and burthensome, thereby became eas'd; the Citizens themselves, who had Fields assign'd them in these Countries, were comforted, and had Conveniencies of Life; and even the conquer'd People had their Advantage in it, by their Country's being more frequented, their Fields better cultivated, and all put in a better Way of living, whence they became more Polite and Civil; and lastly, the *Roman* Empire itself was better'd by it; for such a Law occasion'd new Towns and new Cities to be built, and render'd the conquer'd Country more secure to the Conqueror; and filled the waste Places with Inhabitants, dispers'd more conveniently in all Parts, who by living more at Ease, multiply'd the more, and were the more ready to defend themselves, and offend their Enemies; for a Colony planted in a Country newly possess'd, is like a Citadel and a Guard to keep the Country in Awe. For these Reasons the *Coloniæ*, as deriving all they had from the City of *Rome*, differ'd from the *Municipia*, (which supported themselves, and were protected by their own Magistrates and their own Laws) had nothing of their own, but were oblig'd to observe the Laws and Institutions of the People of *Rome*. Which Condition, although it seem'd less free, nevertheless it was more desirable and excellent, by Reason of the Majesty and Grandeur of the City of *Rome*, of

² Justin. lib. 1. Instit. de Patr. pot. § jus autem.

³ Sigon. de Antiq. jure Civium Rom. cap. 6. lib. 1.

³ Bodin. de Rep. lib. 2. cap. 2.

⁴ Afflict. in Proem. Constit. Regni, Vin. lib. 1. Instit. tit. 1.

which these Colonies were small Resemblances and Images: And by their being subjected to the Laws of the People of *Rome*, because of their Excellency and Usefulness, it was rather acquiring Liberty than Servitude: Besides that, the particular and peculiar Laws of the *Municipia*, as *A. Gellius* reports ¹, were obscure and out of Date, and being so obliterated, they could not be made use of; but the Administration and Government of the Colonies were no otherwise appointed than that of the City of *Rome* itself; forasmuch as there were in *Rome* the People and the Senate, so in the Colonies there were the *Plebeians* and the *Decuriones*: These were the Resemblance of the Senate, and those of the People. From among the *Decuriones* every Year were elected two or four, according to the Bigness or Smallness of the Colony, which were called *Duumviri* or *Quatuorviri*, who resembled the *Roman* Consuls. They appointed an *Ædilis*, who had Care of the *Annona*, the publick Buildings, the Streets, and such like Things; a *Quæstor*, who had the Charge of the publick Treasury; and other lesser Magistrates, after the Manner of *Rome*. In short, they were in every Thing, as to Customs, Laws, and Institutions, the same with the *Romans* themselves; and it seem'd to the new Inhabitants as if they lived in *Rome* itself. It was *Augustus*, who seeing the Colonies in *Italy* increas'd to the Number of Twenty-eight, ordain'd, that they should not have an independent Privilege of electing their Magistrates out of their own Body, but only allowed the *Decuriones* to give their Votes for what Magistrates they would have, which Votes they were to send inclos'd and seal'd to *Rome*, where they were chosen ².

BESIDES the *Municipia* and the *Coloniæ*, there were likewise, before the *Italian* War, other Cities in *Italy* which had Conditions more honourable and free: These were the *Civitates fœderatæ*; save some Tribute which they paid to the *Romans*, by the League and Confederacy agreed upon, in all other Things they were reckon'd free. They had their own Form of a Republick, lived according to their own Laws, made their own Magistrates, and many times prided themselves in the Title of the Senate and People. So from *Livy* we learn, that *Capua* in ancient Times, when it was a confederated City, before it was reduced to a *Præfectura*, was govern'd as a Republick, having Magistrates, Senate and People, and its own Laws. We read likewise of the *Tarentini*, that altho' they were subdu'd, they were left at their Liberty by the *Romans*: The *Neapolitans*, those of *Præneste* ³ and *Tivoli*, and other People, were treated after the same manner, as *Polybius* testifies ⁴, whose Cities were so free, that it was allow'd to those who were condemn'd to Banishment, to take up their Abode in them, and so to fulfil their Sentence.

IN the last Place follow the *Præfecturæ*. Without all doubt, amongst all the Cities of *Italy*, the *Præfecturæ* were in the most wretched Condition; since those Cities which had been Ungrateful and Unthankful to the People of *Rome* by renouncing their Allegiance, and being again reduc'd under their Power, were punish'd no otherwise than by making them *Præfecturæ*; as they were wont to send from *Rome* every Year *Prætores* into the Provinces, so to those Cities were sent *Præfecti*, to whom the Administration and Government of them were committed; wherefore they were call'd *Præfecturæ*. Their Citizens could neither use their own Laws, as the *Municipia*; nor make their Magistrates out of their own Body, as the *Coloniæ*; but were govern'd by Magistrates sent them from *Rome*, and liv'd under such Laws as they were pleas'd to impose upon them. *Capua* was once in that state, to wit, after the second *Carthaginian* War, and before it was chang'd into the Form of a Colonial City. The *Præfecturæ* were likewise of two Sorts. Ten Cities, all situated in this Kingdom, were govern'd by as many *Præfecti*, who were appointed by the People of *Rome*, and sent to command them. These were *Capua*, *Cuma*, *Casilinum* ⁵, *Linternum*, *Pozzuolo*, *Acerra*, *Suessula* ⁶, *Atella*, and *Calatia* ⁷. The *Prætor Urbanus* was wont to send *Præfecti* to the rest, and these were *Fundi*, *Formia* ⁸, *Cere*, *Venafrum*, *Alisa*, *Piperno*, *Anagnia*, *Frusilone*, *Reate*, *Saturnia*, *Nursia*, and *Arpinum*.

¹ A. Gell. lib. 16. noct. att. cap. 13. in fine.

² Suet. cap. 46. in August. P. Carac. de Sacr. Eccl. Neap. monum. cap. 6. Sect. 1.

³ Palestrina.

⁴ Polyb. lib. 6. Exulibus impune degere licet Neapoli, Præneste, Tibure; item aliis in

urbibus, quibus hoc jure fœdus intercedit cum Romanis.

⁵ Castellucio.

⁶ Sessula.

⁷ Cajazzo.

⁸ Moli di Gaera.

ONCE the Number of the *Civitates Fœderatæ* in *Italy*, was greater than that of the *Coloniæ*, the *Municipiæ*, and the *Præfecturæ*: But there have been many Changes since, one City passing to the State of another, and that into the State of this. Thus *Capua*, from a *Fœderata* became a *Præfectura*; thereafter, in the Consulship of *C. Cæsar*, was a *Civitas Colonia*: *Cuma*, *Acerra*, *Suessula*, *Atella*, *Formia*, *Piperno* and *Anagnia*, were first *Municipiæ*, afterwards *Coloniæ*, and sometimes also *Præfecturæ*. *Fundi*, *Cere* and *Arpinum*, once were *Municipia*; *Casilinum*, *Vulturnum*, *Linternum*, *Pozzuolo*, *Saturnia*, were *Coloniæ*; and *Calatia*, *Venafrum*, *Alifa*, *Frusilone*, *Reate*, and *Nursia*, while the Liberty of the People of *Rome* lasted, were always *Præfecturæ*.

BUT we ought not to proceed without observing, That those various Degrees, and different Conditions of the Cities of *Italy*, had all their Stability as long as the Liberty of the People of *Rome* continu'd. For afterwards, not to mention that *Augustus* depriv'd many of the *Civitates Fœderatæ* of their Liberties which they had made a wrong Use of¹; by the *Julian* Law all Suffrages being made equal, and the Freedom of the *Roman* Citizens being granted to all *Italy*, as afterwards by *Antoninus Pius*, it was allow'd to the Provinces; the Rights of the *Municipiæ*, *Coloniæ*, and *Præfecturæ* were abolish'd, and these Titles began to be confounded, so that sometimes *Colonia* was taken for *Municipium*, and *Municipium* for *Colonia*, and also for *Præfectura*; whence, after the *Julian* Law all the Cities of *Italy*, to which the *Jus Suffragii* was allow'd, might be call'd *Municipia*; and *Antoninus Pius* made the Condition not only of the Cities of *Italy*, but of all Nations the same; and *Rome* was the common Country of all those who were subject to its Empire².

THESE were the various Conditions of the Cities of *Italy*. We shall now relate those which the People of *Rome* granted to the Provinces out of *Italy*, which were much the same.



CHAP. II.

Of the STATE of the PROVINCES of the EMPIRE.

THE Lands of the Provinces continu'd subject to the Publick Seignory of the Empire as formerly. The *Romans* having in the Space of Five hundred Years subjected *Italy*, and carrying their victorious Arms out of it, subdu'd to their Empire many vast and immense Countries, which they divided into *Regiones*, but in the Form of *Provinces*; the first were *Sicilia*, *Sardinia*, *Corfica*, the two Provinces of *Spain*, *Asia*, *Græcia*, *Gallia Narbonensis*, the *Balearian* Islands, *Thracia*, *Numidia*, *Cyrene*, *Cilicia*, *Bythinia*, *Creta*, *Pontus*, *Syria*, *Cyprus*, and *Gallia Transalpina*. To which *Cæsar* afterwards added *Mauritania*, *Pannonia*, *Mesia*, *Ægyptus*, *Cappadocia*, *Britannia*, *Dacia*, *Armenia*, *Mesopotamia*, *Assyria*, and *Arabia*.

THE chief Conditions, and which were common to all these Provinces of the *Roman* Empire, were, I. That they were to obey the *Roman* Magistrates; whence it was, that from the various Titles of Magistrates some were called *Proconsular*, others *Præsidial*. II. That they should receive Laws of the Conqueror. III. That they should be Tributary to him. But in laying on the Tribute there was great Difference amongst them; since the *Romans* dispos'd of the Lands³ possess'd by the Enemy after this manner, some they sold, some were given to the *Veteran* Soldiers, others they left to the old Possessors, either out of Favour or Friendship, or other Reasons moving the Captain so to do. Those from whom the Lands were not taken,

¹ Tranquil. in Aug. cap. 47.

² L. Roma, D. ad municipialem, L. 6. D. Exculat.

³ Flac. de condit. agr. Alteserra, Rerum Aquit. lib 3. cap. 1.

neither in Whole nor in Part, were made *Vestigales*, *Stipendiarii* or *Tributarii*; for which Cause some Provinces were called *Vestigales*, others *Stipendiariæ* and *Tributariæ*. The *Vestigales* were those, which paid certain Tolls or Customs for particular Things agreed upon, such as Carriages, Vendible Things, Metals, Salt, Pitch and Tar, and such like Things as are wont to be farm'd by Toll-gatherers. The *Stipendiariæ* or *Tributariæ* were those, which paid certain Taxes or Tribute to the People of Rome; and although these two Words *Stipendium* and *Tributum* are confounded by *Ulpianus* ¹, yet they were certainly different, since *Stipendium* was a certain and ordinary Weight; the *Tributum* was uncertain and extraordinary, which according to the Difference or Necessity of the Times and Things was impos'd ².

IN this manner then, some Provinces of the Roman Empire were *Vestigales*, such as *Asia*, *Gallia Narbonensis*, and *Aquitania*; some others were *Tributariæ*. But as the Conditions of the Cities of *Italy* were not always the same, nor fix'd, and were afterwards alter'd by *Cæsar*; so the State of the Provinces, as despotick Power began to creep in, and the Authority of the Emperors still increased, likewise chang'd their Conditions according to the Pleasure of the Princes. Thus *Asia* was *Vestigalis*, until that *Cæsar* having overthrown *Pompey*, chang'd it into *Tributaria* ³. *Gallia* from *Vestigalis* was made *Tributaria* by *Augustus*, and afterwards made free ⁴. And on the contrary, in the Times following, we see, that *Vespasian* granted the *Jus Latii* to *Spain* ⁵. *Nero* likewise made all *Greece* free; but *Vespasian* soon depriv'd it of its Liberty, making it again *Vestigalis*, and subjected it to the Roman Magistrates, as having made a bad Use of its Liberty, according to *Pausanias* ⁶.

FINALLY, the other Roman Emperors, who coveted nothing more than by Degrees to bring the Roman Empire to a Monarchy, by taking from the Romans all their Privileges (as had been practis'd with respect to the Cities of *Italy*, which by the *Julian* Law were all made equal to Rome) treated the Provinces after the same manner: Whereupon the Emperor *Antoninus* ⁷, not daring to take away these Privileges openly from the People of Rome, began to do it by a cunning Trick of State, from all the Subjects of the Empire, by giving the Freedom of Roman Citizens to all the Provinces ⁸, in making all their Inhabitants Romans, in putting them all upon a common Footing; and, as St. *Augustine* said, very much to the Purpose ⁹, *Ac si esset omnium quod erat ante paucorum*, which *Rutilius Numatianus* explains so well in these his Verses ¹⁰.

AND a long time after, *Justinian* avowedly abolish'd that Difference betwixt the Lands of *Italy* and those of the Provinces; and in order to cancel all the Vestiges and Footsteps of Popular Liberty, at last he said, that the *Jus Quiritium* was an empty Name without Foundation ¹¹. And he really took away all the Effect of it, when he abolish'd the Difference *rerum Mancipi*, & *nec Mancipi* ¹², and decreed, That every Man was Master, and had the Disposing of his own Goods. Thus on the one Hand, the Romans were divested of their Privileges; and on the other, the People of the Provinces to whom the Freedom of Rome was granted, gain'd nothing by it; forasmuch as by Degrees, the being reputed a Roman Citizen, became at last to be only a bare and vain Title of Honour; since by it they were not exempted from paying Toll and Tribute, as St. *Augustine* himself writeth ¹³: *Numquid enim illorum agri tributa non solvunt?* So at the Time when their Empire was far gone in its Decay, the Condition of the People of the Provinces was become so low and servile, that being no longer able to endure their Bondage, and the Tyranny of the Roman Officers, they went over willingly to the *Goths* and other foreign Nations. *Salvianus*, ¹⁴ a Writer of these last Times, who flourish'd in the Reign of the Emperor *Anastasius*, reports, That the People of the Provinces went over frequently to the *Goths*, neither did they repent them of it, choosing rather, under a kind of Captivity, to live Free, than under that specious Name of Liberty, to be in reality Slaves; so that he subjoins, *Nomen Civium Romanorum aliquando non*

¹ Ulpian. in L. Ager. D. de verb. oblig.

² Alteserra rer. Aquit. lib. 3. cap. 1.

³ Dio lib. 41.

⁴ Alteserra loc. cit.

⁵ Plin. lib. 3. cap. 3.

⁶ Pausanias in Achaicis.

⁷ Roma D. ad Mun.

⁸ L. in Orbe 17. D. de Statu hom.

⁹ Augustin. lib. 5. de Civitat. Dei, cap. 17.
& in Psalm 58.

¹⁰ Rutil. lib. 1. itiner.

Fecisti patriam diversis gentibus unam.

Profuit injustis te dominante, capi,

Dumq; offers victis proprii consortia juris,
Urbem fecisti, quod prius Orbis erat.

¹¹ Justinian. in L. unic. C. de jure Quirit. tol.

¹² L. unic. C. de usucap. & sublata differentia
rer. mancipi, & nec mancipi.

¹³ August. loc. cit.

¹⁴ Salvian. lib. 5. de Gubernat.

solum magno aestimatum, sed magno emptum, nunc ultro repudiatur, ac fugitur; nec vile tantum, sed etiam abominabile pene habetur. And Orosius¹ and Isidorus likewise testify, that they chose rather to live poor among the Goths, than rich among the Romans, and bear the heavy Yoke of paying Tribute: Of which we shall have occasion in another Place to discourse more at large.

SUCH, and so changeable were the Conditions of the Cities of *Italy*, and of the Provinces of the *Roman Empire*; but what Form of Polity, and what Divisions the Empire underwent until the Reign of *Constantine the Great*, for the better Understanding of what is to follow, 'tis necessary we should briefly treat of here.



C H A P. III.

Of the Disposition of the Empire under AUGUSTUS.

ALL Writers agree, That the *Roman Empire*, from its Beginning to its Decay, had four Divisions, and four Aspects and Forms of a Commonwealth, which were owing to as many Authors. We shall say nothing of the first, which had *Romulus* for its Author, as not conducing any way to the present History, and too remote from us: But of the Second establish'd by *Augustus*, and of the Third which acknowledges *Adrian* for its Author, 'tis necessary we should treat here succinctly; without the Knowledge of which the Fourth could not be well understood, which being introduc'd by *Constantine*, was afterwards re-establish'd by *Theodosius the Younger*, of which, in the Second Book, as being its Place, we shall treat.

ALL these Countries, which in the Space of 500 Years, were subjected to the People of *Rome*, pass'd under the general Name of *Italy*. But that had different Extents, and various Bounds; since formerly its Confines were the River *Eso* from the Upper Sea, and the River *Macro* from the Lower; but after the *Galli Senones* were subdu'd, it reach'd to the *Rubicon*; and at last, having all *Gallia Cisalpina* added to it, the Roots of the *Alps* became its Borders; so that its Limits towards the Upper Sea were *Istria*, the Castle of *Pola*, and the River *Arfia*: And towards the Lower, the River *Varo* which divides *Gallia Narbonensis* from the *Ligures*, and for inland Boundary it had the Roots of the *Alps*.

ITALY, according to this Extent, was divided by *Cæsar Augustus* into eleven *Regiones*², the First of which comprehended the old and new *Latium* and *Campania*, the II. the *Picentini*; the III. the *Lucani*, the *Brutii*, the *Salentini*, and the *Pugliesi*; the IV. the *Ferentani*, the *Marrucini*, the *Peligni*, the *Marsi*, the *Vestini*, the *Samnites*, and the *Sabini*; the V. *Picenum*; the VI. *Umbria*; the VII. *Hetruria*; the VIII. *Gallia Cispadana*; the IX. *Liguria*; the X. *Venetia*, *Carni*, *Japygia*, and *Istria*; and the XI. *Gallia Transpadana*. These *Regiones*, as we have said above, were govern'd by the *Romans* according to the various Conditions of their Cities, and receiv'd the *Roman Laws*, and were never divided into Provinces.

THOSE Places, and those large Countries, *Italy* being subdu'd, which, by its Assistance the People of *Rome* conquer'd afterwards, were divided into Provinces. The first were *Sicily*, *Sardinia*, and *Corfica*; whence it came, that *Sicily*, according to this Description of the Empire, was reckon'd a Province out of *Italy*; whence *Dio* wrote, that *Augustus* having made an Edict, that the Senators were not to go out of *Italy* without the Licence of *Cæsar*, excepting to *Sicily*, or the Province of *Narbonne*; therefore it was necessary to except these two Provinces in the Edict, because

¹ Orosius, lib. 7. cap. 28. Isidorus in Chronic. Æra 447.

² Plin. lib. 3. cap. 6. Camill. Pellegrin. in Campania disc. 1. num. 7.

otherwise they would have been comprehended in it. Afterwards *Spain, Asia, Etolia, Macedonia, Illyricum, Dalmatia, Africa, Achaia, Grecia, Gallia Narbonensis, the Balearian Islands, Thracia, Numidia, Cyrenaica, Cilicia, Bythinia, Creta, Pontus, Assyria, Cyprus, and Gallia Transalpina* were added.

IN the Time of the Free Republick, the Government of these Provinces was regularly given to *Præsides*, who were sent to them from Rome. There were likewise *Provinciae Consulares*, which were govern'd by Consuls or Proconsuls; these under Pompey and Cæsar, were *Spain, the Galliæ, Illyricum, and Dalmatia*; and *Cilicia and Syria*, were under Cicero and Bibulus Proconsuls. Others were *Prætoriae*, to wit, I. *Sicilia*, II. *Sardinia and Corsica*, III. *Africa and Numidia*, IV. *Macedonia, Achaia and Græcia*, V. *Asia, Lydia, Caria, Ionia and Mysia*, VI. *Pontus and Bythinia*, VII. *Creta*, and VIII. *Cyprus*.

THERE were afterwards other Provinces added to the Empire by the Cæsars, these were *Mauritania, Pannonia, Mesia, Africa, the Eastern Provinces, Cappadocia, Britannia, Armenia, Mesopotamia, Assyria, Arabia*, and others; which Provinces were by Augustus made, some *Proconsular*, others *Præsidial*. The most peaceable and quiet Provinces, which could be govern'd without Force, and only by Command, he gave the Charge and Care of them to the Senate, who sent *Proconsuls* to them. The more Barbarous and Turbulent, which could not be kept in Awe without military Force, he reserv'd to himself, and to these he sent *Præsides*. Such in short was the State of the Roman Empire under Augustus.



CHAP. IV.

Of the Disposition and Polity of the Regiones, which at present compose the Kingdom of Naples; and the Condition of their CITIES.



HIS Part of *Italy* then, which we now call the Kingdom of Naples, was not divided into Provinces, as 'twas afterwards in the Reign of *Adrian*. It was divided into *Regiones*, which took their Names from, or gave them to, the different People who inhabited them. It comprehended the *Campani*, the *Marrucini*, the *Peligni*, the *Vestini*, the *Pre-cutii*, the *Marsi*, the *Samnites*, the *Hirpini*, the *Picentini*, the *Lucani*, the *Bruttii*, the *Salentini*, the *Fapygi*, and the *Pugliesi*.

EACH of these *Regiones* had Cities beautiful and famous in themselves, which according to their various Conditions were govern'd by the Romans, and their Laws. Some of them were *Municipia*, which besides the Roman, retain'd their own and municipal Laws. Of this Condition in *Campania*, were *Fundi* and *Formia*, which afterwards by the *Triumviri*, were made *Coloniae*; *Cuma* and *Acerra* were likewise made *Coloniae* by Augustus; *Sessa* and *Atella* were also chang'd into *Coloniae* by the same Prince: And in like manner was *Bari* in *Puglia*, and many other Cities situated in the other *Regiones*.

BUT the *Coloniae* were more numerous in these our Provinces, which from time to time, both under the Free Commonwealth, and likewise under the Emperors, were successively increas'd.

THE *Coloniae* in *Campania* were *Calvi*, *Sessa*, ¹ *Sinuessa*, *Pozzuolo*, *Vulturnum*, *Linternum*, *Nola*, *Suessula*, *Pompei*, *Capua*, *Casilinum*, *Calatia*, *Aquaviva*, *Acerra*,

¹ The Castle of Montdragone.

Formia, Atella, Teanum, Abella, and afterwards our *Naples* also, which from *Fœderata* was made *Colonia*.

IN *Lucania, Pesto, Buxentum, Conza*, and others were also *Coloniae*. And in *Samnium, Saticula* ¹, *Casert*, *Isernia, Bojanum, Telese, Samnium, Venafrum, Sepino, Avellino*, and others were the same.

IN *Puglia, Sipontum, Venosa, Lucera*, from *Fœderatæ* were converted into *Coloniae* likewise; and to pass over others, *Beneventum*, which in the Reign of *Augustus*, as *Pliny* reports ², did not belong to *Campania*, as it did afterwards, but to *Puglia* ³.

BRUNDISIUM, Lupia and *Otranto* among the *Salentini* were likewise *Coloniae*. *Valentia, Tempa, Besidia, Reggium, Crotonè, Mamerto, Cassano, Locri, Petelia, Squillace, Ruscia*, and *Turio* among the *Brutii* ⁴, some of which, although formerly they enjoy'd the Benefit of *Fœderatæ* were afterwards turn'd into *Coloniae*; and in like manner, *Nocera* and other Cities among the *Picentini*; and some others situated in the other *Regiones*, which we need not mention.

IN all these Cities they liv'd according to the Customs, Laws and Institutions of *Rome* itself. In Imitation of the Senate, People and Consuls, they had their *Decuriones, Plebei*, and *Duumviri*. They had likewise their *Ediles, Quæstores*, and other lesser Magistrates every way like those of *Rome*, of which they were small Resemblances and Images: Whence they made use of the Titles of *Ordo*, or *Senatus Populusque* ⁵; therefore we see upon some Marbles dug from under Ground, and which in spite of devouring Time have remain'd intire, that they us'd these Titles indifferently. Many of which are to be seen in that admirable and laborious Work of *Gruterus* ⁶; where, among others, we read many Inscriptions of the People of *Nola* inscrib'd to some of their Benefactors, all of them ending, *S. P. Q. Nolanorum*. Likewise the *Signini* in *Latium*, inscrib'd a Marble to a certain *Volumnius*, thus ⁷,

L. VOLUMNIO
L. F. POMP.
JULIANO. SEVERO
III. VIRO. COL. SIGN.
PATRONO. COLONIÆ SUÆ
S. P. Q. SIGNINUS.

And *Minturnum* erected another to a certain *Flavius* ⁸.

M. FLAVIO POSTV.
C. V. PATR. COL.
ORDO. ET. POPV.
MINTURNEN.

THERE were likewise *Præfecturæ* in these our *Regiones*. There were in *Italy*, according to *Pompeius Festus* Twenty-two *Præfecturæ*, to ten Cities, all of them in this Kingdom, to wit, *Capua, Cuma, Casilinum, Vulturnum, Linternum, Pozzuolo, Acerra, Suessola, Atella, Calatia*, to which were sent ten *Præfecti* appointed by the People of *Rome*, to whom the Government and Administration of them were committed. To twelve others the *Præfecti* were sent by the *Prætor Urbanus*, and were appointed as he thought fit. These are *Fundi, Formia, Cere, Venafrum, Alifia, and Arpinum*, all in this Kingdom; *Anagni, Piperno, Frusilone, Rieti, Saturnia, Nucia*, in other *Regiones* of *Italy*.

THE Conditions of these *Præfecturæ*, as we have said, were the most hard; they could not have their own Laws as the *Municipia*; they could not choose their Magistrates out of their own Body, as the *Coloniae* did; but they were sent them from *Rome*. They were under the *Roman* Laws, and such Conditions as the *Roman* Magistrates were pleas'd to impose upon them.

¹ Policastro in Samnium, of which there's no Vestige remaining.

² Plin. lib. 3. cap. 5.

³ Camill. Pelleg. Camp. disc. 1. num. 7.

⁴ *Lupia*, la Rocca. *Valentia*, Bivona, *Tempa*, Malvito. *Besidia*, Bisignano. *Mamerto*, Martorano. *Locri*, Girace. *Petelia*, Policastro.

Ruscia, Rossano. *Turio*, Terranova.

⁵ Sigon. de Antiq. jur. Ital. lib. 2. cap. 4.

⁶ Gruterus Inscriptiones antiquæ totius orbi. Romani, pag. 463.

⁷ Grutter. pag. 490.

⁸ Grutter. pag. 411.

THERE were not wanting, in these *Regiones* which now make this our Kingdom, *Civitates fœderatæ*. These, excepting the Tribute, which by the League and Confederacy enter'd into with the *Romans*, they paid them, were reckon'd in all other Things intirely Free: They had their own Form of Republick; enjoy'd their own Laws; made their Magistrates; and often us'd the Title of Senate and People. In such a State was our City of *Naples* for a long time, so were the *Tarentini*, the *Locresi*, the *Rheggini*¹, and for some time the *Lucerini*², the *Capuani*, and some others of the *Greek Cities* which were in *Italy*; and such were *Naples*, *Tarentum*, *Locri* and *Rheggium*, which for a long time not only did not differ from the *Greeks* in their Laws, their Manners and Dress, but also as little in their Language. These Cities were treated by the *Romans* very favourably, and reputed rather Friendly and Confederated than Conquer'd: excepting the Tribute agreed upon which they exacted as a Token of the Confederacy, they left them at their Liberty; so much, as if these Cities had been without the Bounds of the Empire, it was allow'd to those who were banish'd from *Rome* to live in them³.

S E C T. I.

Of NAPLES, now the Head and Metropolis of the Kingdom.

NAPLES, although a small City, retain'd all these noble Prerogatives. It had its own Polity, its own Magistrates, and its own Laws. But what these were, as *Sigonius*⁴ well says of other confederated Cities, 'tis a very difficult Task to go a groping after them amongst so much Antiquity and Darknes. 'Tis but reasonable to believe, that it being a *Greek City*, was govern'd in the Beginning by the same Form of a Republick, and the same Laws with *Athens*. It had its *Archontes* and *Demarchi*, which were Magistrates in every Thing like unto those of *Athens*. At first the Authority of the *Archontes* lasted only for one Year, as that of the Consuls in *Rome*; afterwards it was prolong'd to the tenth Year. They were of the *Senatorial* and *Equestrian* Order. And as the *Roman Tribunes* belong'd to the People, so did the *Demarchi*: Whence our most accurate Writers⁵, not without Reason, carry back the Division which at this very Time we see between the Nobles and the People, to those most ancient Times. Another conjecture likewise would persuade us to believe it to be true, which is, That this being a *Greek City*, and so call'd by ancient Writers with a Speciality, as *Janus Doussa* demonstrates⁶, from that Place in *Tacitus*⁷, where writing of *Nero*, *Neapolim quasi Græcam Urbem delegit*. It likewise had its *Curia* like *Athens*, which the *Neapolitans* by a *Greek Expression* call'd *Phratria*.

IT was a solemn Institution of the *Greeks* to divide the Citizens into many Bodies, which they call'd *Philæ*; and those they divided into smaller Bodies, which were call'd *Phratria*. So in *Athens* the People was divided into *Philæ*, and these into *Phratria*; just after the same manner the *Romans* of Old were divided into *Tribus*, and these into *Curia*. But it was not so in all the *Greek Cities*; some had only *Philæ*, others *Phratria*: Whence the Grammarians take the one for the other, and give the same Power to the one Word, as to the other. The *Neapolitans* certainly were distributed into *Phratria*, and not into *Philæ*.

These *Phratria* or *Curia*, were nothing else but Brotherhoods or Bodies into which they inroll'd themselves and united, not only those who were akin, or Brethren of the same Family, but many together of the same Street or Quarter: And at most the *Phratria* was made up of thirty Families. The Place where they met was an Edifice, in which, besides the Porches and the Chambers, they erected a private Temple, which they dedicated to some of their particular Gods or Heroes; and by the Deity to whom they dedicated the Brotherhood, the *Phratria* were distinguish'd from one another. In this Place they celebrated their private Sacrifices, Feasts,

¹ Cic. pro Corn. Balbo.² Livy calls the Lucerini, Bonos, ac fideles Socios.³ Polyb. lib. 6.⁴ Sigon. de Antiq. jure Italiæ.⁵ Tutin. of the Origin of the Seggi⁶ Lib. 2. Præcican. in Petron. Arbit. cap. 2.⁷ Tacit. 15. Amal. 33.

Banquets, and other holy Things, according to the Rites and distinct Ceremonies, peculiar to, and fitting the God or Hero to whom the Temple was dedicated. They had their Priests, who were chosen by Lots out of this or that Family; and since the *Pbratriæ* consisted of thirty Families, the Priests were chosen out of each by Lot. They conven'd here with the Chief Men of the Precinct, where they not only treated of sacred Things, such as Sacrifices and Banquets, but likewise of the Publick Affairs of the City, whence they also took the Name of Colleges.

THERE were many of these Fraternities dedicated to their particular Gods. Amongst the *Neapolitan* Gods, the most renown'd and great were *Eumelus* and *Ebo*; whence that *Pbratria* that worshipp'd the God *Eumelus*, was call'd *Fratria Eumelidarum*. So that which was dedicated to *Ebo*, was nam'd *Pbratria Heboniontorum*. Amongst the Tutular Gods which *Statius* reckon'd, *Naples* had likewise *Castor* and *Pollux*; and *Ceres*; to whom many Temples were erected by the *Neapolitans*, of which there are some Vestiges remaining to this Day; whence the *Pbratria* dedicated to these Deities, was call'd *Pbratria Castorum*; meaning by that Plural Number, as well *Castor* as *Pollux*. So the *Spartans* meant when they swore *per Castores*; and that dedicated to *Ceres*, was call'd *Pbratria Cerealeusium*. They had also another dedicated to *Diana*, call'd *Pbratria Artemisiorum*, for amongst the *Greeks* *Artemisia* was call'd the Goddess *Diana*¹. Not only to the Gods, but likewise to the Heroes did the *Greeks* dedicate their *Pbratriæ*; so in like manner *Naples*, besides those which it dedicated to its Tutular Gods, also had some consecrated to the Heroes, one of which was dedicated to *Aristeus*, therefore it was *Pbratria Aristæorum*. *Aristeus* was the Son of *Apollo*, and reign'd in *Arcadia*: He was commended for having been the first Inventor of the Use of Honey, Oyl and Rennett: He was not esteem'd a God, only a Hero. *Peter Lasena* had promis'd us a complete Treatise of the *Pbratriæ* of *Naples*, but his untimely Death, as it robb'd us of a great many of his other excellent Works, which he had not brought to Perfection, so it likewise depriv'd us of this. From such *Pbratriæ*, as *Tutinus* has also told us², in which the Chief and most Noble of the Precinct join'd, not purely for sacred Functions, but likewise in order to consult about Publick Affairs, have the *Sedilia* of the Nobles had their Origin in *Naples*, which in the ancient Monuments of this City, were by our Forefathers call'd *Tocchi*, or *Tocci*, from the *Greek* Word *Σῶζας*, which the *Latins* call *Sedile*, and we now call them *Seggi*, of which in a more convenient Place we shall have occasion to speak more amply.

THESE *Greek* Institutions were long kept up in *Naples*; and *Strabo*, who flourish'd under *Augustus*, witnesseth, That in his Time there were remaining many Vestiges of the Rites, Customs and Institutions of the *Greeks* there, such as the Academy, of which *Peter Lasena*³ hath fully and most accurately written; the Assemblies of the Youth, and these Fraternities which they call'd *Pbratriæ*, and a hundred other Customs: *Plurima*, says he⁴, *Græcorum institutorum ibi supersunt Vestigia, ut Gymnasia, Epheborum Cætus, Curie (ipsi Pbratrias vocant) & Græca nomina Romanis imposita*; and *Varro*⁵ who was Contemporary with *Cicero*, likewise reports the same: *Pbratria est Græcum vocabulum partis hominum, ut Neapoli etiam nunc*.

HOWEVER, 'tis true, this City by Degrees left off these *Greek* Customs, and having been long a *Civitas fœderata* of the *Romans*, and afterwards reduc'd to a *Colonia*, becoming daily more subject to the *Romans*, began to disuse the Names of its ancient Magistrates, such as *Archontes* and *Demarchi*, which were in use till the Reign of *Adrian*; since *Spartianus*⁶ reports, speaking of that Emperor, who was *Demarchus* in *Naples*, that it was the Custom of some of the *Roman* Emperors, when they had a mind to shew Respect to any City, for which they had a Friendship, when they were in them, to accept of the Titles and Honours of the municipal Magistrates⁷. But afterwards, in process of Time, leaving off the *Greek* Institutions, and being made a *Roman* Colony, it imitated *Rome* in every Thing, by making use of the Titles of Senate, People and Commonwealth; and of lesser Magistrates, such as *Ediles*, *Quæstores*, and other Officers of that City, after the same manner as all the other *Roman* Colonies did, as we shall shew by and by.

¹ Ant. Aug. Dialog. 5. cap. 56.

² Tutin. dell'orig. de Seggi, cap. 7.

³ P. Lasena del Ginnasio Neapolitano.

⁴ Strabo Geogr. lib. 5.

⁵ Varro lib. 4. de ling. Lat. cap. 15. Jos.

Scalig. in Var. de ling. Lat. eod. Loc. num. 23.

⁶ Spartian. in vita Adriani apud Neapolim Dimarchus.

⁷ P. Lasena del Ginnasio Nap. cap. 4. pag. 74.

THERE are some¹ who believe that these Institutions, and some of the most ancient Laws, notwithstanding the Course of so many Ages, have not been quite abolish'd in *Naples*; but that part of them continue amongst us as yet, and are those which were recorded in the Book of the Customs of this City, which under *Charles II.* of *Anjou*, were committed to Writing; which Customs (without doubt very ancient) take their Origin from those, of which, altho' the Voracity of Time hath depriv'd us, yet there are left with the Citizens, by Tradition, these Institutions and Customs, that neither Length of Time, nor the so many Revolutions of worldly Things, have been able to cancel: but that Point shall be more narrowly examin'd into, when we come to discourse of the Compiling of that Book.

LOOKING upon this City then as a Confederate of the *Romans*, it cannot be deny'd, but that both before and after the Reign of *Augustus*, excepting the Tribute it paid to the *Romans*, it was treated very favourably by them, and left at its Freedom, in preserving the Form of a Republick, and esteem'd rather a friendly than a subjected City. What *Cicero*² supplieth us with, is a clear Argument of its Liberty, since he says, That by the *Julian Law*, the Franchises of the City of *Rome* being granted to *Italy*, there was a great Debate, and very different Sentiments amongst the People of *Heraclea* and our *Neapolitans*, whether they should accept or refuse that Favour so earnestly long'd for by all the other People of *Italy*; at last thinking it more for their Advantage to continue in their ancient Liberty, than, for the Honour of that Privilege, to subject themselves to the *Romans*, they prefer'd their own Liberty to the Freedom of *Roman Citizens*. In short, excepting the Tribute, which, in Token of its Dependance, was paid to the *Romans*, in all other Things it was intirely free, as also all the other *Civitates Fœderatæ* were, and they look'd upon themselves as out of the *Roman Empire*; insomuch, that we have seen, the *Roman Exiles* could fulfil the Sentence of Banishment in them³.

BUT what Tribute *Naples* was subject to, as well as *Tarentum*, *Locri*, and *Reggium*, likewise confederated Cities, two grave Authors have demonstrated, to wit, *Polybius* and *Livy*. Their Duty it was to furnish Ships in Time of War: These being Maritime Cities abounded in Shipping, and the *Neapolitans* apply'd themselves to Sea Affairs more than any Business, as *Peter La-sena* observes⁴; whence they were bound to that in which they could be serviceable; so that to the first Naval War, which the *Romans* had with the *Carthaginians*, the *Neapolitans*, the *Locrians*, and the *Tarentins*, sent fifty Ships. And *Livy*⁵ introducing *Minio* answering the *Romans*, who were dissuading him from the War, which, in the Name of *Antiochus*, he intended to make upon some Greek Cities, which were at their Devotion, makes him speak after this manner: *Spetioso titulo, uti vas Romanæ Græcarum Civitatum liberandarum, video; sed facta vestra orationi non conveniunt & aliud Antiocho juris statuistis, alio ipsi utimini. Qui enim magis Smyrnæi, Lampface-nique Græci sunt, quam Neapolitani, & Rhegini, & Tarentini, a quibus Stipendium, a quibus Naves ex fœdere exigitis?*

THE *Capuans*, as the most accurate *Pellegrinus* thinks⁶, when their City was confederated with *Rome*, were not oblig'd to furnish Ships, but Land Forces: because that they commanded a most fertile Country, their Supplies were to be Horse and Foot; and it is well known, that the *Capuans* were very numerous in the *Roman Land Armies*. But as the Infidelity of the *Capuans* to the *Romans*, brought the Ruin of their City, being reduc'd to a *Præfectura*, they were without Senate, without People, without Magistrates, and in a most pitiful Condition and Servitude⁷; so, on the contrary, *Naples* continuing stedfast, with great Constancy, in the same Friendship with the *Romans*, both in their prosperous and adverse Fortune, and particularly during the Time of the second *Carthaginian War*, when the frequent Victories which *Hannibal* obtain'd over them, had fill'd all *Italy*, and *Rome* it self, with Terror and Confusion, *Naples*, I say, remain'd constant and faithful. This City was most agreeable to the *Romans* on Account of the pleasant Manners and Exercises of its *Grecians*, and its delightful Climate; so that the *Romans*, of all Degrees and Ages, as well the robust, as those worn out with Fatigue and

¹ Summonte, lib. 1. cap. 6.² Cicer. pro Cor. Balbo.³ Polyb. lib. 6.⁴ Pietro La Sena, cap. 3. dell' ant. Gin. Nap.⁵ Liv. lib. 35. cap. 14.⁶ Camill. Pel. disc. 4. num. 15.⁷ Liv. lib. 36.

Years, used to come here to solace themselves ; for which Reason, the *Neapolitans* were exempted from a Garrison : on the contrary, the *Capuans*, by their Unfaithfulness, had always a Garrison of *Roman* Soldiers in their City, tho' the Fear of War with their Neighbours the *Samnites* was over, which their Inconstancy was the Occasion of. But there was no Garrison sent to *Naples*, not even in the dangerous Time of the aforesaid *Carthaginian* War, but at the Desire of the *Neapolitans* themselves.

So likewise by their steady Faith, they deserved so well, that none of the other Conditions of the Confederacy were diminish'd, by which it was allow'd to the *Roman* Exiles to live in *Naples* without any Fear ; whither the treacherous *Q. Pleminius* was going for that end, when, on his Way, he was made Prisoner by *Q. Metellus* ². 'Tis not a small Argument, that such a Franchise was never violated, that even *Tiberius Nero* shelter'd himself in *Naples* ⁴; when by the long Civil Wars, and the Factions in the *Roman* Empire, neither the publick Laws, nor any other thing was safe. Thus was the Fidelity of the *Neapolitans* rewarded by the *Romans*; and so long as the ancient Manners and Customs were preserv'd in this City, of all the other Cities of this Country, it almost alone underwent no Changes, having had only *Rhegium*, *Tarentum*, and *Locri*, for Fellows ⁵.

² Caml. Pell. loc. cit.

³ Liv. lib. 23. P. Carac. de Sacr. Eccl. Neap. monum. cap. 6. sect. 1.

⁴ Liv. lib. 29.

⁵ Sueton. lib. 3. cap. 4.

⁶ P. Carac. de Sacr. Eccl. Neap. monum. cap. 6. sect. 1.

S E C T. II.

N A P L E S was not altogether a Free Republick, and independent of the *Romans*.

BUT all these Prerogatives were free Gifts of the *Romans* as Rewards of Fidelity, and for the pleasant Life they used to lead in this City ⁶; not that *Naples* was altogether free from Servitude, and an independent Republick, even in despite, and against the Power of the *Romans*, as some out of too much Love to their native Country have ventur'd to say. Can any Man be persuaded, that the victorious and triumphant *Romans*, most greedy of Empire, after having conquer'd, not only all *Italy*, but almost all the then known World, having subdu'd most powerful Kings, and most warlike Nations, after long Voyages both by Land and Sea, and most difficult Enterprizes, during the Course of many Ages, should not have Force enough to conquer one single City which was just in their view? It shews that they knew very little either of the *Roman* History or Courage. Is it a new Thing to the *Romans*, to have given to many People and Cities, after divers Manners, their Liberty, and particularly to the *Grecian*, after having subdued them, and, sometimes, after having been depriv'd of it for some Fault? The Books of *Appianus Alexandrinus* ⁷, *Livy*, *Suetonius*, *Strabo*, *Tacitus*, *Dio*, *Velleius*, the two *Plinies*, *Diodorus Siculus*, *Justin*, *Plutarch*, and abundance of others, are full of Examples; and, not to collect all that so many grave Authors have said upon a Point that never was in question, we may learn from what *Strabo* alone hath collected concerning the *Roman* Monarchy, as it were in an Epilogue at the End of his Books of Geography ⁸, that is to say, That amongst the various Conditions of Kings and Provinces which have been under that Empire, there were still some Cities free, or had remain'd so, for having continued in their ancient Confederacy, or having been made Free as a Reward of their Fidelity. His Words in *Latin* are these: *Eorum, quæ Romanis obediunt, partem Reges tenent, aliam ipsi habent, provincie nomine & Præfectos, & Quæstores in eam mittunt. Sunt & nonnullæ Civitates liberæ conditionis: aliæ ab initio per amicitiam Romanis ad-*

⁶ Vitelleius, lib. 1. speaking of *Naples* and *Cuma*: Utriusque urbis exima semper in Romanos fides facit eas Nobilitate, atque amoenitate sua dignissimas.

⁷ Appian. Alex. de bello Michrid. Liv. lib. 33. cap. 45. Suet. lib. 3. c. 37. Strab.

lib. 12. Tacit. An. lib. 4. & lib. 12. Dio lib. 54. Velleius lib. 2. Plin. ep. 24. lib. 8. & ep. 93. lib. 10. Plin. hist. lib. 4. c. 6. Diod. Sicul. lib. 5. Justin. lib. 33. Plutar. in vita Flam.

⁸ Strabo in fine lib. Geogr.

junctæ, aliæ ab ipsis honoris gratia libertate donatæ. Sunt & principes quidam sub eis, & Reguli, & Sacerdotes: his permissum est patria seclari instituta.

THEREFORE these Prerogatives were their free Gifts, and as *Publius Sulpitius* the Roman says, who answers *Minio* upon the Fact above related; *Quæ ex fœdere debent exigimus* ¹? which shews, that the Tribute of Ships was due to the Romans as a certain sort of Servitude; so far were they from being oblig'd on their part to assist the *Neapolitans*, as some have dream'd, that they mutually contributed Ships. *Cicero* ² gives us an Example very much to the purpose, of *Messina*, likewise a confederated City, that was oblig'd to furnish one Ship, declaiming against *Verres* for having, by a Gift, freed it from that Tribute in the Time of his being Prætor in *Sicily*, by which he had lessen'd the Majesty of the Republick, and the Right of the Empire: *Pretio, atque mercede minuiſti Majeſtatem Reipublicæ; minuiſti auxilia. P. R. minuiſti copias, majorum virtute, ac ſapientia comparatas. Suſtulſti juſ imperii, conditionem ſociorum, memoriam fœderis*; adding afterwards, *Inerat neſcio quomodo in illo fœdere ſocietatis, quaſi quædam nota ſervitutis*. Besides, the Romans also often assumed a certain Power over the *Neapolitans*, to make up the Quarrels they had with their Neighbours, whence we read in *Valerius Maximus* ³, That the Senate sent *Q. Fabius Labeo*, as Arbiter, to settle the Limits between the People of *Nola* and the *Neapolitans*, which were disputed. In short, whatever these Cities preserv'd of their Franchises and Liberty, all was owing to the Moderation and Generosity of the Romans; and, oftentimes, many Cities that abused these Favours were depriv'd of them: On the contrary, those who made a right Use of them had greater Prerogatives and Honours bestow'd upon them. The *Marseillians* were also exempted from Tribute, and *Strabo* ⁴, besides the Example of *Marseilles*, adds that of *Neumaufum*. *Cicero* ⁵ says, That by a Decree of the Senate it was granted, that some other Cities, besides *Marseilles* and *Neumaufum*, should be free from the Roman Jurisdiction, and exempted from all Power of any of their Magistrates.

SUCH being the Manner and Generosity of the Romans, we may, on good Grounds, believe that most diligent Searcher of our Antiquities *Camillus Pellegrinus* ⁶, that the Romans, in Process of Time, not only discharged the *Neapolitans* from the Obligation they were under to furnish Ships, but also from obeying any of their Magistrates, as well because of their constant Fidelity, as in Consideration of the pleasant Life they used to lead in *Naples*; whence, he says, it is not to be wonder'd at, that this City, which was so dear to them, should be freed from the Tribute of Ships, when the World enjoy'd an universal Peace in the Reign of *Augustus*, and exempted from all Power of their Magistrates. *Cæsar* for some time hated the *Neapolitans*, as *Cicero* writes; perhaps it was, because when *Pompey* fell grievously sick in *Naples*, which happen'd in the Beginning of their Emulation, the *Neapolitans* offer'd many Sacrifices for the Recovery of his Health, and by their Example the rest of the Cities of *Italy*, both great and small, kept many Holidays ⁷. But on the contrary, *Augustus* lov'd them dearly; and 'tis a manifest Argument of his having given them some signal Privilege, that they, in Honour of him, dedicated and celebrated a noble Game of Wrestling, at which he desir'd to be present ⁸. His *Livia*, whom he convey'd thither in their greatest Danger, found shelter there, from her first Husband *Tiberius* ⁹: As also his darling *Virgil*, whom the *Neapolitans* strove so much to please ¹⁰; so that all these Things were pleasing Allurements to gain his Affection: whence it is attributed to *Augustus*, that he added to the Prerogatives of this City, and freed it from the Tribute of Ships, and the Power of any Roman Magistrate: Upon which Account ¹¹, some, upon the false Belief that *Naples* was become altogether Christian, from *St. Peter* the Apostle's first preaching there, when coming from *Antioch* to *Rome*, he ordain'd the first Bishop *Asprenus*, have stily maintain'd, that there were no Christian Martyrs in *Naples*, as not being subject to any Gentile Prince, therefore such Butchery

¹ Liv. lib. 35.

² Cic. lib. 5. in Verrem.

³ Val. Max. lib. 7. cap. 3. Cic. lib. 1.

⁴ Strabo Geogr. lib. 4.

⁵ Cic. in orat. de prov. consul.

⁶ Camil. Pel. in Camp. dif. 4. num. 15.

⁷ Plut. in vita Pomp.

⁸ Velleius, lib. 2.

⁹ Sueton. in Tiberio, cap. 4.

¹⁰ Virg. 4. Georg. in fine. Silviuſ Italicuſ, lib. 2.

¹¹ Franc. de Pietri, lib. 1. cap. 5. Hist. Napol.

wou'd not have been suffer'd: But how false that is, hath been shewn by *Peter La Sena*¹, and at length demonstrated by *P. Caracciolus*², and shall be examin'd by us when we come to treat of the Ecclesiastical Polity of these Countries.

THESE noble Prerogatives, and agreeable Conditions, continu'd in *Naples* for a long time under the Successors of *Augustus*. But as soon as the *Neapolitans*, by degrees, began to disuse their native Customs, and *Grecian* Manners, and to make Use of those of the *Romans*, and at last to imitate them in all their Proceedings; their City put on a new Countenance, and a new Form of Republick appeared. *Fulvius*³ *Ursinus* believ'd, that *Naples* was reduc'd to a Colony, with the other Cities of *Italy*, by *Augustus*; but by what hath been already said, and what *P. Caracciolus* hath written⁴ against the Opinion of that Author, it is evident, that it was not by *Augustus*, but afterwards by *Titus* or *Vespasianus*, that *Naples* was reduc'd to a Colony. However that may be, it was not by being made a Colony, that it lost that Liberty and Polity as to its Magistrates, that it had at first, not being, as *Capua* was, from a confederated City converted into a *Præfectura*. As a *Latin* Colony it kept the same Institution of making Magistrates out of its own Body⁵, and had no *Præfecti* sent from *Rome* to govern it: It had yet its Senate, and its People; had Censors, Ediles, and other Magistrates as *Rome* had; was allow'd to make Use of the Title of Senate, of People, and Republick; and we read upon many Marbles, *S. P. Q. N.* and amongst the rest, those transcrib'd by *Gruterus*⁶, which the *Neapolitans* inscribed to a certain *Galba Bebius*, Censor of the Republick:

S. P. Q. NEAPOLITANUS
D. D. L. ABRUNTIO. L. F.
GAL. BAEB. CENSORI
REIPU. NEAP.

And this other,

S. P. Q. NEAPOLITANUS
L. BÆBIO. L. F. GAL.
COMINIO PATRONO COLONIAE.

Which Title of *Senatus* they changed afterwards into *Ordo*, whence we read on many Marbles *O. P. Q. N.* changing regularly these Titles, as may be observed, indifferently on other Marbles of other Colonies.

NEITHER was it called a Colony, because then there would have been new Inhabitants sent to it from *Rome*, or some other Places; but the Old continued, and the Laws of *Latium* were in use, as in all other *Latin* Colonies, which were adorn'd with the Franchises of *Rome*, and many other Prerogatives, for which Reasons, to distinguish it from other Colonies, it kept its paternal and municipal Laws, without in the least being dependent upon, or govern'd by the *Roman* Laws alone; which municipal Laws, and many *Grecian* Rites, it never lost: the Vestiges of some of them it retains to this Day.

'TIS a great Error in those who think that *Naples* was altogether free, and independent upon the *Roman* Empire, only because they find the Title of the *Neapolitan* Republick in more than one antient Inscription, and in more than one ancient Author; not having observ'd, that in the Time of *Adrian*, much more in that of *Constantine the Great*, and other Emperors his Successors, it was a City, like many others, under the Government of the Consuls of *Campania*, as we shall presently demonstrate.

And much greater was the Error of those, who believ'd that down to the Time of *Roger*, the first *Norman* King, *Naples* was in no manner subject to the *Roman* Emperors, nor after them to the *Gothish* Kings of *Italy*, and much less to

¹ P. La Sena Gim. Nap. cap. 6. p. 104.

² Carac. de sacr. Eccles. Neapolitan. mon. cap. 10.

³ Ful. Ursin. de nummis.

⁴ Carac. de sacr. Eccl. Nep. monum. cap. 6. sect. 1.

⁵ Camil. Pereg. castig. in falc. Benevent. A. 1140.

⁶ Grut. inscript. rot. orbis, fol. 366.

⁷ Camil. Per. in Castig. ad Falc. Benév. ad Ann. 1140.

the *Eastern* Emperors, so that *Alexander* Abbot of *Telefinum* ¹, in his *Norman* History speaking of *Naples* conquer'd by *Roger*, being possess'd with this Error, could not forbear saying, that this City, which *vix unquam a quoquam subdita fuit, nunc vero Rogerio, solo verbo præmissa, submittitur*; forasmuch as it was not because *Naples* was originally a *Grecian* City, that it was so kindly us'd by the *Romans* as to have the Honour of being a confederated one; neither because after it became a *Latin* Colony, and preserv'd the same ancient Appearance of a Republick, in having Power of chusing its Magistrates out of its own Body, and retaining its own Laws, and not being oppress'd with severe Usage, as other *Præfecturæ* were; it could not be said to be exempted from the *Roman* Empire, and much less from that of the *Goths* and Emperors of *Greece*; seeing it was certainly subjected to them, not only by Force of Arms, but by ancient Subjection, it came, with the rest of *Italy*, under their Power, and obey'd them, as we shall make appear in the Prosecution of this History; and if some Writers give it the Title of Republick, it was because it kept up that Form of Government, which was neither forbidden by the *Romans* nor *Goths*.

NEITHER ought these Authorsto harp upon that word *Republica* so much; since, in the *Latin* Language, it signifies the Community, not the Dignity of publick Things; and often it is us'd to denote some Form of Administration or publick Government; even in the *Præfecturæ* also, which were deprived of all publick Council: *Erat*, as *Festus* says ², *quædam earum Resp. neque tamen Magistratus suos habebant*; at that rate, *Capua*, *Teanum*, and *Atella*, were Republicks in the Time of *Seneca* ³: The same might be also said of *Nola*, *Minturnum*, *Segna*, and many other Colonies, that were call'd Republicks, and which inscrib'd likewise upon their Marbles these Letters, *S. P. Q.* each of them a Cubit in length; and in latter Times, there are, in good Authors, a thousand such Instances, of which the *Theodosian* Code gives us a Multitude ⁴.

MUCH less ought they to fall into that Error, by taking their Argument from the Dominion which *Naples* had over the Island of *Caprea*, and afterwards over that of *Ischia*, which it chang'd for the other to please *Tiberius* ⁵; since as the most accurate *Pellegrinus* answereth them ⁶, without their going far, they might have observ'd, that *Capua* likewise, while it was a Colony, possess'd the Country of *Gnosia* in the Island of *Crete*: and if that Argument, of *Naples* having had the Dominion of that Island, was sufficient to make it a free Republick, it ought not to be doubted, but that it continued to have the same Prerogative many Ages after, under the *Goths*, the Emperors of the *East*, and other Princes; since it still kept the Dominion over its neighbouring Islands, even to the Days of *Gregory the Great* ⁷; and later also, in the Time of the Pontificate of *Benedict VIII.* and likewise in Times less remote from us, in which it would be Folly to believe, that *Naples* was a free Republick, and independent of any Government whatsoever.

¹ Alex. Telef. lib. 2. cap. 12 & 6.

² Fest. v. Præfecturæ.

³ Seneca de Benef. lib. 7. cap. 4.

⁴ Cod. Th. tit. de Reip. & de locat. fund. juris emph. & Rep.

⁵ Sueton. lib. 2. cap. 29. Strabo lib. 5: Dion. lib. 52.

⁶ Camil. Pel. in Cam. Disc. 4. Num. 15.

⁷ Gregor. lib. 3. ep. 53. indit. 3.

S E C T. III.

Of other famous Cities in these Countries.

THIS, in short, is the Aspect and Polity which the *Regiones* that compose the Kingdom of *Naples*, had, in the Ages we are treating of. It was not then divided into Provinces, as afterwards, but *Regiones*; each of which had Cities, which were govern'd according to their Conditions, either as municipal Colonies, Prefectures, or confederated Cities. They generally had the *Roman* Laws, which, for their Excellency, were, in the Esteem of all Nations, most Just, most Wise, and most Useful to human Society; only we must observe, that the municipal and confederated Cities, could use their own and the municipal Laws; but when these fail'd, they had recourse to the *Roman*, as the Fountain of all divine

and human Laws. The Government was according to the Condition of each City ; many were govern'd by Prefects sent from *Rome* ; many more by Magistrates, who were allow'd to be chosen out of their own Body ; and almost all of them studied to imitate the Government of *Rome* their Head, of which they were small Resemblances and Images.

IT was not, as now, that all the Beauty, Magnificence, and Riches, were to be found only in one City, as the Head and Chief of the rest : Every Country had many Cities magnificent and famous in themselves. *Capua* once exalted it self above all the rest ; so very renown'd and famous, that *Lucius Florus* ¹ declareth, that it vied with *Rome* and *Carthage*, the most famous and wonderful Cities in the World : A City so full of Inhabitants, and of such Traffick, that it was reckon'd the Mart of all *Italy* ; and was always equall'd with *Ephesus* by our Lawyers ², and almost all the Examples they quote, either in Matters of Contract, or Remittances of Payments, from the most remote Places, or of Traffick amongst the most famous Merchants, are all taken either from *Capua* or *Ephesus*.

THERE was in *Puglia*, *Luceria*, so famous and so much extoll'd by *Livy* and *Horace* : *Sipontum*, which, for Antiquity, yielded to none other in the World : *Venosa*, so renown'd and remarkable for the Birth of *Horace* : *Beneventum*, the most famous of all the *Roman* Colonies : *Bari*, and other illustrious Cities.

The *Salentini* had *Lupia*, *Otranto*, and the beautiful and pleasant *Brundisium*, famous for its Harbour ; and, by our Lawyers, celebrated for the many Voyages undertaken from thence to the East ³.

THE *Brutii* had *Tarentum*, *Croton*, *Rhegium*, *Locri*, *Turio*, *Squillace*, all famous Cities ; Cities fertile in producing so many bright and excellent Mathematicians and Philosophers ; from whence arose that most noble Sect called the *Italic*, and which had for its Head *Pythagoras*, who liv'd there very long, and had sometimes in *Croton*, six hundred Scholars.

THE *Lucani* had *Pesto* and *Bassento*. The *Picentini*, *Salernum* and *Nocera*. The *Samnites*, *Isernia*, *Venafrum*, *Tetese*, and *Samnium*, so very famous, that it gave the Name to the Country ; not to pass over *Sulmo* remarkable for the Birth of *Ovid* : *Nola*, *Surrentum*, *Pozzuolo*, and these other pleasant and ancient Cities, *Cuma*, *Baia*, *Misenum*, *Linternum*, *Vulturnum*, *Heraclea*, *Pompei*, and many others, of which there are scarce any Vestiges.

¹ Flor. lib. 1. cap. 16.

² Scevola & African. in lib. 3. & lib. 9. tit. 4. D. lib. 13. Ulpianus, lib. 9. tit. 2. D. lib. 45.

Julianus & Papin. in lib. 17. & lib. 50. tit. 1. D. lib. 46.

³ Scevola in l. qui Romæ, D. de verb. oblig. sect. Callimachus.

SECT. IV.

Of FAMOUS WRITERS.

WHO can number so many famous and noble Wits, as have had their Births in these illustrious Cities ; the Philosophers, Mathematicians, Orators, and above all, the so renown'd and famous Poets ? What we have now a-days of the Ancients, who were most singular and exquisite in Philosophy, Mathematicks, Rhetorick, and especially Poetry, we owe all to the Wits, who were either the Product of this Soil, or being born elsewhere, liv'd and cultivated their Studies here.

AMONG so many, I may reckon, for his Knowledge in the Laws, the incomparable *Papinianus* : As some have made him to be born in *Beneventum*, I would willingly do the same ; but the Necessity of telling Truth, and not deceiving any body, obliges me to do otherwise : Since the native Country of such an able Man is so uncertain, that only vain Conjectures, and too much Love of their own Country, could excite those who have wrote, to say, that he was of *Beneventum*. Their Ignorance was greater and not to be pardon'd, when they had their recourse to the *Pandectæ*, and that Law of *Papinianus* ⁴, which we have

⁴ L. Heredes mei D. ad. S. C. Trebel.

under the Title *Ad S. C. Treb.* forasmuch as they ascribe to this Civilian the Words of a certain Testament made by one born in *Beneventum*, in which he left a Legacy *Coloniæ Beneventanorum Patriæ meæ*; and believing that *Papinianus* spoke of himself, wrote, that *Beneventum* was his native Country. I have taken notice of this Blunder, because a grave Author among us is a Stickler for it, and that is *Marinus Freccia*¹; 'tis now to be found in many Books of our Professors, and even in a modern Author of *Samnium*², to whom, as Writers not so ignorant in these Matters, as some others, perhaps he has been easily induc'd to give Credit.

¹ Freccia de subfeud.| ² Ciarlant: de Samnio, lib. 3. cap. 3.

C H A P. V.

Of the STATE of ITALY, and of these our Provinces under Adrian, to the Time of Constantine the Great.



HIS Form and State of the *Regiones* of *Italy*, and the Provinces of the Empire, continued to the Time of *Adrian*. As this Prince gave a new Turn to the Roman Laws, so likewise he divided *Italy* after another manner; not into *Regiones*, but Provinces³; of eleven *Regiones*, of which it consisted at first, he made seventeen Provinces. The Islands of *Sicily*, *Sardinia*, and *Corfica*, which *Augustus* divided from *Italy*, and number'd amongst the Provinces of the Empire, were by *Adrian* added to the Provinces of *Italy*: He enlarg'd the Bounds of *Campania*, to which, although *Augustus* had added some Part of *Samnium*, the two *Latia*, *Campania*, and the *Picentini*, *Adrian* afterwards join'd the *Hirpini*, so that *Beneventum* was near being call'd a City of *Campania*⁴.

HE alter'd likewise the Civil Government and Magistrates, by instituting four *Consulares*⁵, to whom the Government of the greatest Provinces of *Italy* was committed; the rest were given to *Correctores*, and others to *Præsides*, which were Names of Magistrates of different Dignities.

UNDER the *Consulares* there were eight Provinces, which were, I. *Venice* and *Istria*. II. *Æmia*. III. *Genua*. IV. *Flaminia* and *Picenum*. V. *Tuscany* and *Umbria*. VI. *Picenum Suburbicarium*. VII. *Campania*. VIII. *Sicilia*.

UNDER the *Correctores* were two Provinces, I. *Puglia* and *Calabria*. II. *Lucania* and the *Brutii*.

UNDER the *Præsides* were seven, I. The *Alpes Cottia*. II. *Rhetia Prima*. III. *Rhetia Secunda*. IV. *Samnium*. V. *Valeria*. VI. *Sardinia*. VII. *Corfica*.

TO the Provinces out of *Italy* he gave another Form and Disposition. He divided *Spain* into six Provinces, some of which were Presidial, others Consular. He divided *Gallia* and *Britain* into eighteen Provinces: *Illyricum* into seventeen: *Thracia* into six: *Africa* likewise into six: And after the same Manner did he divide *Asia*, and the other Provinces, of which there's no need of making a longer Catalogue.

IN the mean time, these *Regiones*, which make up the Kingdom of *Naples*, took a new Form of Government. Now the Name of Province began to be known

³ Spartian. in vita Adrian. Appian: Alex. lib. 1. de bel. civili.⁴ Camil. Pel. in Camp. disc. 1. num. 8.⁵ Spartian. loc. cit. quatuor Consulares per omnem Italiam iudices constituit.

in *Italy*; and according to this new Scheme of *Adrian's*, that which is now a Kingdom was divided into four Provinces, I. A Part of *Campania*. II. *Puglia* and *Calabria*. III. *Lucania* and the *Brutii*. IV. *Samnium*.

THE Government appear'd new and more absolute, taking from the Cities these Prerogatives, which either the Condition of *Municipia*, *Coloniae*, or *Fœderatae*, was in use to have: *Naples* lost much of its ancient Liberty; as also the other confederated Cities and Colonies. The Authority and Jurisdiction of the *Consulares*, *Correctores*, and *Præsides* was great, and became yet greater, when *Constantine the Great* translated the Imperial Seat to the East, and left intirely to them the Government of these our Provinces, which was giving the finishing Stroke to the Ruin of *Italy*, by bringing in that new Form and Polity, which shall be treated of more at length in the second Book of this History.



CHAP. VI.

Of the LAWS.



It was not sufficient to have so well divided the Provinces and *Regiones*, if good Laws and Institutions had not been provided at the same Time; in which the *Romans* discover'd no less Knowledge than Prudence: For if we will but consider the Origin of their Laws, with how much Maturity and Wisdom they were establish'd, and with how much Prudence expounded afterwards, and to the Multitude and Variety of Affairs adapted; their Durableness will not appear strange nor wonderful.

ALTHOUGH the *Romans* were govern'd more than the Space of two Ages by the Laws of their own Kings¹; nevertheless, these being driven away, their Laws were likewise cancell'd², some few only being preserv'd, to wit, the *Tullian*, the *Valerian*, and the *Sacratæ Leges*³; for the rest, they were govern'd by their ancient Customs, and unwritten Laws, which being various and uncertain, were the Occasion of grievous Contests and Disorders: For which Cause they considering, that these were not sufficient for establishing a perfect and well order'd Republick; and that Travelling, and the Knowledge of the Laws and Institutions of different Countries, were very helpful for the better establishing of it, as *Aristotle* says⁴, they order'd, That the Laws and Customs not of one City only, but of many, should be known and examin'd, to the End, that those which should be found proper, and worthy, might be receiv'd and incorporated among their own: And likewise considering, that the best Laws were those which proceeded from true and solid Philosophy, and that, amongst all Nations, the *Greeks* appear'd to be superior in Wisdom to all others, they sent for that End to *Athens*, and other Cities of *Greece*, even to the *Greek* Cities that were in *Italy*, and also to that Part which of old was call'd *Magna Græcia*, where the *Pythagoreans* flourish'd, and those two famous Lawgivers *Seleucus* and *Caronda*, who gave the Laws of these to the *Locrians*, and they gave them to the *Turians*⁵. They sent to *Lacedæmonia*, and to *Hetruria*; by which they

¹ *Leges Regiæ in ordinem ex eorum fragmentis redactæ, notisque ex parte illustratæ sunt a Paulo Manutio, A. Aug. Francisco Modio, Fulvio Ursino, Lipsio, Rosino, Forstero, ac Balduino.*

² *L. 2. D. de orig. jur. in princ.*

³ *Dion. Halicar. lib. 5. Plutar. in Valer. Liv. lib. 3. & 10.*

⁴ *Arist. lib. 1. Rhetoric. ad Theodect. cap. 4. Legum ferendarum scientiæ, terrarum Peregrinationes sunt utiles, exinde enim gentium instituta, legesque licet cognoscere. Emund. Meril. obs. lib. 2. cap. 10.*

⁵ *Gunrad. Riterhsuf. in Com. ad XII. L. L. tab. cap. 1.*

discover'd, by a new and rare Example, that Philosophy, which the *Greeks* confin'd to their Porches and Academies, could be made useful likewise to the Civil Society of all the Citizens; and that the Principles and Axioms of it, being manag'd, not by meer Philosophers, but Civilians, could be adapted to human Commerce in such a manner, that Mankind might reap both Profit and Justice from it, as the Spring of all Tranquillity and worldly Contentment. Thus from the Laws and Institutions of so many bright and famous Cities, and from those which *Rome* it self had, as is at large reported to us by *Riterfufius* ¹, the *Roman* Civil Law, and those famous and celebrated Laws of the twelve Tables, were compil'd by the *Decemviri*, which were the first and lasting Foundations of the *Roman* Jurisprudence, and the Spring, as *Livy* says ², of all publick and private Laws; of which *Cicero* speaks thus ³, *Fremant omnes licet, dicam quod sentio, Bibliothecas, Mehercule omnium Philosophorum unus mihi videtur duodecim tabularum libellus, si quis legum fontes, & capita viderit, & authoritatis pondere, & utilitatis ubertate superare.*

NEITHER was their Wisdom less in establishing the other Laws, which were publish'd by the People of *Rome*; since that after they drove away their Kings, the Majesty of the Empire remaining in the People, it was in their Power to make the Laws ⁴. Neither was it less in the *Plebiscita*, to which, by the Law of *Hortensius*, a Power and Authority, not inferior to the Laws themselves, was given ⁵. Nor in the *Senatus Consulta*, which had no less Authority ⁶: And, lastly, in the Decrees of the Magistrates, which from being annual, were by the *Cornelian* Law, made perpetual, and, under the Emperor *Adrian*, by the Labour of *Julianus*, put in order, and by them call'd *Edita Perpetua* ⁷; whence sprung that beautiful Part of the Jurisprudence ⁸, which was afterwards so much illustrated by the *Roman* Civilians, and became, as it were, the North Star and Foundation of that which we find in the Books of *Justinian* ⁹.

¹ Riter. loco cit.

² Livius, lib. 3.

³ Cicero. lib. 1. de orat.

⁴ §. Lex instit. de jur. nat. gent. & civ. Bodin. lib. 1. de Repub. cap. 10.

⁵ §. L. 2. §. iisdem temporibus, D. orig. jur.

⁶ Senatus consultum, instit. cit. tit.

⁷ Prætorum, Instit. tit. de perpet. & tem. act. Budeus in lib. 2. D. de statu hom. Rosin. lib. 8. Antiq. cap. 5.

⁸ L. si quis 10. C. de condit. indeb.

⁹ Jac. Gotofr. in Prolog. ad Cod. Theod. cap. 1.



C H A P. VII.

Of Lawyers and their Books.



UT that which gave greatest Authority and Stability to the *Roman* Laws, was, the Study of the Jurisprudence being always had in great Esteem, and honoured by the most excellent Men of that Republick: They knew very well, what was requisite for the Occasions of the Citizens, was not their having provided them only with the bare Laws, if there were not likewise those who understood, and could explain the Force and Energy of them; and in the Multiplicity of Cases, and Variety of Business, might be assistant to the People: Therefore they were willing that the most knowing, and the brightest Men of the City might be appointed for so noble an Exercise, such as the *Claudii*, the *Sempronii*, the *Scipiones*, the *Mutii*, the *Catones*, the *Bruti*, the *Craffi*, the *Lucilii*, the

the *Galli*, the *Sulpitii* ¹, and others of the like Fame; by which it is manifest, that they had nothing more at heart, than the Study of the Jurisprudence, and Skill in the Civil Law, which was of great Advantage to the Publick, either by interpreting, disputing, teaching, or writing. What other Nation can we mention, that could contend with the *Romans* in this Point? Surely not the *Hebrews*, whose legal Discipline being very mean and vulgar, was never much esteem'd ²: Not the *Greeks* themselves, (to pass over the rest) with whom, the Office of Lawyers was confin'd to mean and low Cases, and was solely taken up with Actions, Forms, and Evasions; so that the Professors, as being of the Dregs of the People, were not honour'd with the venerable Title of Lawyers, but with that of plain Attornies; so that *Cicero* us'd to say ³, That all the Laws and Customs of other Nations, being compar'd with those of the *Romans*, appear'd ridiculous and trifling. With the *Romans*, none were the Protectors or Guardians of the Laws, but the most excellent Men, indu'd with all Learning and exquisite Knowledge, grave, uncorrupted, severe, and venerable, in whom was lodg'd the Defence of the Citizens: they had their recourse to them for their Advice, as well in publick as private Concerns: To them, either while they were walking in the Market-place, or at home in their Houses, did they apply, not only in Cases concerning the Civil Law, but in all other Matters; if a Father was to marry his Daughter, he took their Advice; or if any Man was to buy a Farm, to plough his Field, and, in short, there was nothing determin'd, neither publick, nor private, nor domestick, which did not depend upon their Advice; so much, that the same *Cicero* was wont to say ⁴, That the House of a Lawyer was the Oracle of the City. They had yet three other principal Functions; to advise Parties, which was the only Function of the old Practitioners; to consult with the Judges in Points of Right in Processes, which were to be judged; and lastly, to be Assessors to the Magistrates, to instruct them, and sometimes to judge in Processes, either with or without them ⁵. They had yet another Authority, that is to say, That when there arose any difficult Question in *Rome*, they join'd all together in order to debate and concert it, and that Conference was called *Disputatio Fori*, of which *Cicero* makes mention in his first Book, *ad Q. P.* and in the *Topici*; and what they resolv'd in such Assemblies, was call'd *Decretum*, or *Recepta Sententia*, which was a kind of unwritten Law, as it is very methodically treated of by *Revardus* ⁶.

But if the Jurisprudence was had in such honourable Esteem in the Time of the free Republick, it was no less under the Emperors, down to the Time of *Constantine the Great*. Afterwards, in the Time of the Decay of the Commonwealth, there not being so many able Lawyers, by the Vice of the Age, by degrees it came to pass, that every one trusting solely to his own Studies, interpreted publickly the Laws after his own Fancy, and according to his own Talent advis'd, and gave Answers; so that by the Multitude of Professors, or by their Ignorance and Sordidness, a Thing of so great Value, and of such Importance, came to be despis'd; or else, as *Pomponius* ⁷ says, (or whoever may be the Author of that Book) that the Laws might have the greater Authority, it was decreed by *Augustus*, that no Person whatsoever should presume to take upon himself that Power, as had been done in Times past; but that, by his Authority alone, and by his Permission, the Laws were to be expounded, and Consultations given, which they were to acknowledge as a Favour from him, or as a Reward of their eminent Virtues, or singular Knowledge and Skill in the Civil Laws: whence he ordain'd the taking of Licences from him; from whence it came, that the Civilians were reputed Officers of the Empire; at which *Adrian* was offended, not without Reason, saying, That it was not the Emperor's Business to give a Character of the Capacity that was requisite in a Civilian; whence *Pomponius* ⁸ judiciously remarks, *Hoc non peti, sed præstari solere*; so that from that Time forward, the Civilians, by giving their Advice by the Authority of the Emperor, were reckon'd publick Officers and perpetual Magistrates, at least, as *Manlius* qualifies a Civilian, *Perpetuus Populi privato in limine Prætor*.

¹ L. 2. D. de orig. jur.

² Georg. Pasq. de nov. inventis.

³ Cic. lib. 1. de orat. Vigilius in Præfat.

⁴ Cic. loc. cit.

⁵ Loyseau, des ordres, cap. 8. num. 24.

⁶ Reverd. de auth. Prud. cap. 14. & 15.

⁷ L. 2. de orig. juris.

⁸ L. 2. D. de orig. jur. in fine.

⁹ Loyseau, des ordres, cap. 8. num. 27.

IN those very Times 'tis to be observ'd, that the *Roman* Jurisprudence, by the Favour of the Princes, was at its Height of Greatness and Honour; since Princes themselves, who now a-days mostly encourage the Study of Mathematicks, had nothing more at heart than the Knowledge of the Laws: None others but Civilians were call'd to Council upon difficult and serious Matters; so we read, that *Augustus*, a most prudent Prince, when he was about to give that Force and Authority to the *Codicilli*, which he afterwards gave, our *Justinian* says ¹, That he conven'd the most wise Men, among the rest *Trebatius*, on whose Advice he depended much in his most weighty and serious Affairs. So likewise we observe from the Historians of those Times, that *Trajan* had *Neratius Priscus*, and *Celsus* the Father, in great Esteem. *Adrian* advis'd with *Celsus* the Son, *Salvius Julianus*, and other learn'd Civilians ². The Works of *Volutius Metianus*, of *Ulpianus Marcellus*, and others, pleas'd *Antoninus Pius*. *Marcus Antoninus* the Philosopher, in his Deliberations, and establishing the Laws, always had *Cerbidius Scevola*, a most grave Civilian for his Collegue, who had the Honour to have for his Scholars many famous Civilians, and among the rest, *Paulus*, *Trifonius*, and the great and incomparable *Papinianus*. *Alexander Severus* advis'd with *Ulpianus*, neither did he make one Constitution without the Advice of twenty Civilians ³; and *Maximinus the Younger* consulted *Modestinus*. Neither, at last, did these Emperors, in these very Constitutions, rob those great Men of their deserv'd Honour, since their Opinions are mention'd in them with great Encomiums, as *Carus*, *Carinus*, and *Numerianus* did by *Papinianus* ⁴; and as *Dioclesian* did, who, by publick Testimony, valu'd the Opinion of *Scevola*, as other Emperors did those of other Civilians. And truly whoever will but attentively consider, that which is extant of the Works of these Civilians, (since few of those who flourish'd under the free Republick are left us) the greatest part of which *Justinian* depriv'd us of by that Compilation of his, for which I don't know if we ought to blame or praise him; because the Vicissitude and Revolution of worldly Things are such, that perhaps without it, none of them should have reached us; it will clearly appear, not only how admirable their Knowledge and Learning has been, but likewise persuade us, that nothing escap'd their Exactness, by consulting about every thing that could fall out, either in the Courts of Justice, or other Affairs of the Commonwealth. For that Purpose, the Solicitors and Pleaders provided themselves with the Books of the *Quæstiones* and of the *Responsa*, of the *Decreta*, the *Constitutiones*, the *Epistolæ*, and of the *Digesta*: For those who were assum'd to be Magistrates and Judges, there were many Books ready prepar'd, of the Offices of the different Magistrates, their Authority, and Jurisdiction. Those who were curious to learn the legal Discipline of speculative Matters, had many Opportunities of satisfying themselves: They found Books full of Notes which expounded the Laws of the People of *Rome*, the Decrees of the Senate, the Edicts of the Magistrates, the Orations, the Constitutions of Princes, and the *Responsa* of the old Civilians: There were Treatises upon almost every Case that could ever belong to the Jurisprudence: There were not wanting Books upon the various Readings; and, last of all, there were to be found Books, teaching how to reduce Jurisprudence it self to a certain Method and Order, far exceeding that which *Cicero* left us in writing ⁵, which the Titles of their Volumes demonstrate to us, the Loss of which we, with good Reason, lament at this Time; such were the *Enchiridia*, the *Pandectæ*, the *Regulæ*, the *Sententiæ*, the *Definitiones*, the *Brevia*, and the Books of Institutions; so that tho' the Course of so many Ages, and the dismal Alterations of the World, have robb'd us of a great many other valuable Antiquities, if they had not likewise taken from us the Books of so many eminent Civilians, we should not have had Occasion now for the Works of those who in barbarous Times succeeded them; or rather, there wou'd not have been Occasion to load the Jurisprudence with so many new and insipid Volumes.

Neither was the Dignity and Elegancy of the Style of these Civilians, inferior to their Prudence and Care. It is a Thing truly worthy of Admiration, that their Elegancy of Expression should be in every thing the same, and perfect, altho'

¹ Justin. in Instit. lib. 2. tit. 25.

² Spartian. in vita Adrian.

³ Lamprid. in Alex. Sever.

⁴ L. cum virum 16. c. de fidei comm.

⁵ L. cal. majoris, C. de Testam. l. 3. cod. tit.

⁶ A. Gell. lib. 1. noct Attic. cap. 22. Bud. Annot. in Pand. lib. 1. de just.

they did not flourish at the same Time, but distant by whole Ages, that nothing can be added to it: Or if we consider their Stile and Writings, it cannot be perceiv'd who amongst them deserves the Pre-eminency; and it is yet worthy of Observation, what *Laurentius Valla*¹, and *Gulielmus Budeus*², speaking of the Uniformity of the Words and Sentences of their Books, which are collected in the *Pandects*, have written, That it is not inferior to what is observable in the Epistles of *Cicero*, as if these Books had likewise been written by one Person; since commencing from *Augustus* to the Time of *Constantine the Great*, under whom flourish'd *Hermogenianus*, *Arcadius*, *Carisius*, *Aurelius*, and *Julius Aquila*, (whose Memories we see scatter'd by *Justinian* in his fifty Books of *Digesta*) there were three Ages, during which we observe in the Historians, Orators, Poets, and other Writers, a great Difference of Stile, but in these Civilians 'tis always the same, and constant.

IT is not then to be thought strange, if in the Course of Time, (and especially under *Valentinian III.*) the Authority and Force of the Sentences and Opinions of these Civilians gain'd so much Credit, that *Justinian* says³, it was finally resolv'd, that the Judges should not depart from their Opinions.

BUT this being a Point of History not rightly understood, hath occasion'd many Mistakes in some; but give me leave to observe, that it ought not to be thought, as some have imagin'd, that this Authority was acquir'd, when *Augustus* order'd the Licences to be taken of him, as if giving Counsel by the Authority of the Emperor, had given so much Strength and Authority to their Advice, as that the Magistrates were oblig'd to follow it in giving Judgment: This is repugnant to all the History of the Law; since that Authority was given them from the Time of the free Commonwealth, but only in case, as we have said above, when there happen'd any difficult Question in *Rome*, and that they join'd together to debate and decide it, and what they concluded in such an Assembly was call'd *Decretum*, or *Recepta Sententia*, which was a kind of unwritten Law, from which the Judges could not depart in their Decisions, as having been long debated, and receiv'd in the Courts of Judicature, and had acquir'd Strength and Vigour, not inferior to the Laws themselves; which was also practis'd with regard to some of their Decrees receiv'd in Courts in the Times of *Augustus*, and the other Emperors his Successors. But it is altogether repugnant to Truth, that without this, every one of their Sentences and Opinions were no sooner pronounc'd, but they had so much Authority, as that the Magistrates were oblig'd inviolably to follow them; and much less in the Time of *Augustus*, when the Dispute amongst the Civilians broke out into open Factions; whence the Sects of the *Sabiniani* and the *Cassiani* on one side, and the *Proculejani* and the *Pegasi* on the other⁴. These Disputes were never more obstinate than under *Augustus*, when the Commonwealth began to take the Form of a Principality; since under his Reign, they were maintain'd by *Attejus Capito*, Disciple of *Ofilius*, on the one side, and by *Antistius Labeo*, Disciple of *Trebatius*, on the other: Under *Tiberius*, by *Masurius Sabinus*, who had *Nerva the Father* for Antagonist: Under *Caius*, *Claudius*, and *Nero*, by *Cassius Longinus*, from whom the *Cassiani* had their Name; and by *Proculus* from whom the *Proculejani*: Under the *Vespasians*, by *Celius Sabinus*, from whom the *Sabiniani*, and by *Nerva the Son*, and *Pegasus*, from whom the *Pegasi*: And under *Trajan*, *Adrian*, and to the Time of *Antoninus Pius*, on the Side of the *Sabiniani* and *Cassiani*, were *Priscus*, *Javolenus*, *Alburnius*, *Valens*, *Tuscianus*, and *Salvius Julianus*; and on that of the *Proculejani* and the *Pegasi*, *Celsus the Father*, *Celsus the Son*, and *Priscus Neratius*.

AND although after the Death of *Antoninus Pius*, the Heat of such sharp Disputes and Contentions was not so obstinate, whence arose the *Mediani* Civilians⁵, who not bearing the Slavery *jurare in verbo Magistrum*, took another Course; but for all that, the Controversies, and different Opinions did not cease; so that it behoved, afterwards, to end some of them by the Decision of Princes. Neither can *Justinian* much commend the Care of his *Tribonianus*, who made him believe, that by his Collections he had put an end to all these Disputes, and of

¹ Valla eleg. lib. 2.

² Bud. Annot. in P. P. L. 1. de just. & jur.

³ Justin. in Instit. lib. 1. tit. 1. §. Responsa.

⁴ Cont. 1. Succes. 12. Dovat. Hist. juris civil.

⁵ Emund. Merill. lib. 1. obs. cap. 5 & 6.

which that Prince bragg'd; nevertheless, a great many escap'd his Accuracy, and at this time the Vestiges of them are to be seen in the *Pandectæ*: so that those who were possess'd with such a Prejudice by the Boasts of *Justinian*, gave themselves up to believe, that there was no clashing Contrariety amongst the Laws which he had collected; altho' when they met with that Contrariety of two Laws, it made them sweat and toil to reconcile them, till at last they had no other Business upon their Hands, but, as the Saying is, *Peliam levare*; and 'tis Matter of Fact, that very often we see *Ulpianus* on purpose differ from *Africanus*, and so one Civilian from another.

AMONGST such a Variety of Opinions, it would be foolish to believe, that it could be impos'd upon Magistrates, of Necessity, to follow them, excepting those, which after long debating, had been receiv'd into the Courts of Justice: and much less in the Time of *Augustus*, and the other Emperors, down to *Constantine the Great*, during which time, there were Magistrates adorn'd with many rare and excellent Virtues, and they well knew, by their Learning and Prudence, what Decisions of the Civilians had been receiv'd in the Courts, and consequently what had been rejected, and what use to make of them in their Judgments; besides that, their Experience and great Knowledge, was able to prevent any Confusion from the Variety of Opinions. Their Prudence, Learning, and exact Judgment, was not inferior to that of the Civilians themselves; since the *Romans* shew'd their Wisdom, not only in establishing and interpreting the Laws, but, as *Pomponius* saith¹, they knew very well, that the Laws, with the Interpretations of them by the Civilians, would not be answerable Provision for the Necessities of the Citizens, if they did not likewise appoint Judges that were grave, severe, uncorrupted, and most wise, who should be able to do Justice to every body; great was the Care and Diligence they us'd in making good Magistrates: Whence that which *Justinian* says was determin'd, that the Judges could not depart from the Opinions and Sentences of the Civilians, ought not to be attributed to *Augustus*, as *Cujacius* and others have believ'd, from whom, nor any of the other Emperors of these Times, when the Jurisprudence was in its Perfection, can any one Constitution be deriv'd; but we must believe, that *Justinian* speaks of the latter Times of *Valentinian III.*², when the Jurisprudence was in its Decay; when there were no learn'd and grave Civilians, nor bright Magistrates, but Ignorance of the Laws, Decrees, and Decisions prevail'd, and every thing was in such Confusion and Disorder, that the Judges, by their Insufficiency, knew not how to determine Causes, and were often misled by the false Allegations of the Advocates: For remedying such Mischief, it behoved *Valentinian* to lay down a Rule to the Judges, and to point out to them what Civilians they were to consult in giving Judgment, and not to swerve from their Opinions. He refuted the Notes made by *Paulus* and *Ulpianus* on *Papinianus*, (but afterwards *Justinian* was of a different Opinion as to that Matter); moreover, he ordain'd, that in reciting the different Sentiments, the greatest Number of the Authors should carry it; and if the Numbers were equal, they were to adhere to the Side *Papinianus* was on: And lastly, that if the Opinions were altogether equal, the Discretion and Award of the Judge was to take place. Such a Remedy in the Time of *Valentinian III.* was necessary, the Discipline of the Law was so decay'd: It was not so in the Time of those bright Civilians to that of *Constantine the Great*, when, after *Modestinus*, *Hermogenianus*, and *Arcadius Carisius*, those famous Oracles of the Law, there were none to be found; since those who flourish'd under him and his Sons, of obscure Fame, publish'd nothing of Moment: The ancient and grave Institution of Interpretations and Consultations being quite left off, they were contented to teach in the Schools what these first Civilians had treated of and written, of which we shall afterwards discourse.

WE have thought fit so far to treat of these Civilians, and their Works, only because the Body of the Laws, which after *Constantine* was dispers'd over the East and West, was compos'd, for the most Part, of their Opinions; since of the Laws of the twelve Tables, after the Incurſion of the *Goths* into *Italy*, and the Devastation of *Rome*, when, as *Rittershusius*³ believes, these were lost, there were

¹ L. 2. D. de orig. jur.

² L. un. cod. Th. de Resp. Prud. Jacob. Got. loc. cit.

³ Ritterf. Comm. in XII. Tabulæ, cap. 5.

transmitted to Posterity; only a few Fragments, which *Cicero*, *Livius*, *Dionysius*, and *A. Gellius*¹, have given us of some of their Books; and what we have of them at this Day is owing to the good Fortune of our Times, and those of our Fore-fathers, and to the Industry of some able Men, who collected and interpreted them; amongst the first of which were *Rivallius*², *Olendorpius Forsterus*, *Balduinus*, *Consius*, *Hottomanus*, *Revardus*, *Crispinus*, *Rosinus*, *Pighius*, and *Fr. Piteus*; to whom succeeded, *Theodorus Marcilius*, *Adrianus Turnebus*, *Justus Lipsius*, and *Conradus Rittershusius*; and last of all, 'tis owing to the great Care and Accuracy of *Jacobus Gothofredus*, who in his Tables, hath put them in the Order and Disposition as they were compos'd by the *Decemviri*. As for the other Laws which were afterwards establish'd by the People of *Rome*, to wit, the *Plebiscita*, Decrees of the Senate, and the Edicts of the Magistrates, our Fore-fathers had no other Knowledge of them, but what they had from the Works of the above-mention'd ancient Writers, and especially from the Books of these same Civilians; in which likewise the Writers of the latter Times have been very careful, who with unwearied Pains have collected them from various Marbles and Tables, and from the Rubbish of Antiquity, in which none excell'd *Barnabas Bissinius*, *Antonius Augustus*, *Fulvius Ursinus*, *Balduinus*, *Franciscus*, *Hottomanus*, *Lipsius*, and many other Lovers of *Roman* Antiquities. The World was full of the Volumes of these Civilians only, by which the Tribunals govern'd themselves, who flourish'd after *Augustus* in the Times preceding *Constantine*; so that afterwards, in the Time of *Valentinian III.* there was a Necessity, because of their Confusion, to make Regulations concerning them; and in the Times following, their Number was so great, that it gave occasion to *Justinian* to compile his *Pandectæ*, which, in the following Ages down to our Time, have made one of the two most famous Parts of the Jurisprudence.

¹ A. Gell. lib. 20. cap. 1.

² Rivall. lib. 2. hist. juris Civ. Oldendorp. lib. var. sect. ad jur. Civi. interp. Forsterus, lib. 1. hist. J. C. Rom. cap. 22. Balduin. Comm.

ad XII. Tab. II. Cont. lib. 2. subsec. lect. Rosin. antiq. Rom. lib. 8. cap. 6. Pighius, lib. 2. Annal. S. P. Q. R. Turneb. in Adversar. lib. 13. cap. 26. & seqq.



CHAP. VIII.

Of the Constitutions of the PRINCES.



THE Number of the Books of the Civilians was great, no less afterwards did the Bulk of the Constitutions of the Princes appear to be; so that out of them there were many Compositions and Codes made: Whence all the Body of the Laws is reduc'd to these two principal Parts; to wit, the Books of the Civilians, out of which our *Justinian* compos'd his *Pandectæ*, and the Constitutions of the Princes, from which sprung the Composition of more Codes, and the many Collations by the *Novellæ*, and that besides the *Institutiones*, which were only compos'd to instruct the Youth who took Pleasure in the Study of the Law. And seeing the relating of these Facts hath detain'd me longer perhaps than a general Relation requir'd, 'tis incumbent on me now, that with the same Care I likewise relate distinctly the Constitutions of the Princes who reign'd before *Constantine*, while the *Roman* Jurisprudence was at its Height; by which the Knowledge of what I am to treat of in the Prosecution of this History will be made more clear.

AS soon as the despotick Power was approv'd of by the People of *Rome*, as being more expedient and wholsome for the Commonwealth (*neque enim, says Dio¹, fieri poterat, ut sub populi imperio ea diutius esset incolumis*) all that Power which they had of publishing the Laws, was transferr'd to the Prince, nothing material remain'd with them; therefore the Opinion of some, who believ'd that the People of *Rome* did not strip themselves of their Authority, but communicated it to the Prince, is an Error so well known, and demonstrated by most able Writers, that, besides its being foreign to our Purpose, we should be esteem'd very idle if we undertook to confute it: And it would be thought the Height of Folly to believe, that the People of *Rome* did not strip themselves, or were not altogether stripp'd of that Power, only because the *Roman* Emperor did not take the Title of King and Lord. It was a Piece of great Policy, since they knew that these Titles were abhorr'd by the People, that they appear'd likewise to detest them; and besides, that they might not, all of a sudden, introduce into the Commonwealth a Form altogether new, they kept the same Magistrates, and the same Solemnity of the *Comitia*, and Senate; but in reality, under these specious Appearances, they exercis'd the Kingly Power to the full, as *Appianus Alexandrinus*³, and *Dion*⁴, assure us, who say, *Hæc omnia eo fere tempore ita sunt instituta: at re ipsa Cæsar unus in omnibus rebus plenum erat imperium habiturus*; adding afterwards, *Hoc pacto omne populi, Senatusque imperium ad Augustum rediit*. And much less ought we to fall into that Error, because the People had a sort of imaginary and empty Privilege in giving their Suffrages, or that the Senate retain'd a precarious and sham Authority of establishing Laws, since in those Times there were yet remaining, as *Tacitus* very wisely observes, *Vestigia morientis libertatis*; whence *Juvenal*⁵, speaking of the People of *Rome*, said very truly, that they who formerly gave the Empire the *Fasces*, the Legions, and all, in his Time, coveted nothing but only *Panem & Circenses*.

HOWEVER 'tis true, that the Emperors being solicitous to keep up the same Appearance of a Commonwealth, did not usurp the Sovereignty all at once, but by little and little, and in the Course of many Years became afterwards real Monarchs; since the Senate of *Rome* after the Civil Wars, having, either out of Fear or Flattery, conferr'd the Title of Emperor on *Julius Cæsar*: that Surname, or Title of Honour was afterwards continu'd by *Augustus* and his Successors, which they found was very well adapted to their Designs, taking it in a double Sense, and jumbling the two Significations of it together, the first of which gave them the pure Command in the highest Degree; such as the Military Command of the General of an Army, and the other render'd their Charge perpetual, and continual in all Places; it was not so with regard to the other Offices of the *Roman* Commonwealth. And although in the Beginning, these Emperors appear'd to be satisfied with the absolute Military Command, and to be exempted from the Forms to which the ordinary Magistrates were confin'd, by Subjection to the Sovereignty of the Commonwealth, nevertheless they commanded absolutely, and dispos'd of the Commonwealth at their Pleasure, for which Cause *Suetonius* calls their Command *Speciem Principatus*⁶.

ALTHOUGH the first Emperors usurp'd so great Authority, there were still some Remains of ancient Liberty preserv'd, while the Commonwealth was drooping, after which, by degrees, all Remembrance of it vanish'd; 'tis not to be doubted, but that the succeeding Emperors exercis'd, independently, the Character and absolute Power of true Monarchs, and Sovereign Princes; and those who afterwards settled in the East, a conquer'd Country, carry'd it higher.

SUCH a Power then being lodg'd in the Prince, his Pleasure was a Law; but by a cunning Politick, they called these their Decrees, Edicts or Constitutions, and not Laws, seeming willing to leave to the People the Power of making Laws⁷: These Constitutions of the Princes were not of one sort, but differ'd by the End or Occasion which the Prince had when he made them. Some were call'd Edicts, and then the Prince, of himself, was mov'd to publish some general Order for the Profit and Good of his Subjects, directing them either to the People or Provincials,

¹ Dio, lib. 53.² Sner. in Tiber. cap. 30.³ Appian. Alexan. in Proem. Hist.⁴ Dio, lib. 53.⁵ Juven. Sat. 10.⁶ Loyseau des Seigneuries, cap. 2. num. 26.

See Bodin. lib. 1. de Rep. cap. 8.

⁷ Loyseau loc. cit.

or, which was more frequent, to the *Præfectus Prætorio*. Others were call'd *Rescripta*, which were issu'd by the Emperors at the Desire of the Magistrates, or at the Request of private Men. Some of these were likewise call'd *Epistolæ*, and that was when the Prince gave Answer to private Men according to their Claim; and those were also call'd *Epistolæ*, which upon the like Occasion he sometimes directed to the Senate, to the Consuls, Prætors, Tribunes, and to the *Præfecti Prætorio*. There were also some that were call'd *Orationes*, directed to the Senate, by which the Emperors confirm'd the Decrees of the Senate, and were often sent also at the Desire of the Senate, or of the Senate and People together. Constitutions were likewise nam'd *Decreta*, which were pronounc'd upon Acts made in the Prince's Council; which was, when the Prince took Cognizance of the Cause himself, heard the Parties, and pronounc'd Decree. This was a commendable Custom of the Emperors, never enough extoll'd by all the Authors of the *Augustan* History; many Examples of which we have in the *Theodosian* Code¹; there's also another very elegant one in the Pandects of *Justinian*². And these Decrees, although given in particular Cases, yet by the Dignity and eminent Station of the Person who pronounc'd them, they had, in like Cases, the Force and Vigour of Laws³.

We read likewise in the *Theodosian*⁴ Code, some Constitutions call'd *Pragmaticæ*, pronounc'd on Occasion of Demands sent from some Province, City, or College, and the Prince order'd what he thought convenient; which, when he commanded any thing to be done, were call'd *Jussiones*; when he forbid the doing any thing, they were call'd *Sanctiones*. In fine, there were others which were call'd *Mandata Principis*, and were, for the most part, Injunctions, directed to the Governors of Provinces, Tax-Masters, Inspectors, Tribunes, and some other Officers, on Account of some of their Occasions, which for the Good and Quiet of the Province, requir'd special Provision; of which Injunctions there is an entire Title in the *Theodosian* Code⁵.

All these sorts of Constitutions of which the *Justinian* and *Theodosian* Codes are full, were by *Ulpianus*⁶ confin'd to three Sorts, to wit, *Edicta*, *Decreta*, and *Epistolæ*; and also *Justinian* himself did the same⁷, by restricting them likewise to these three.

IT was a wonderful Thing, that of all these Roman Emperors, who govern'd the Empire down to *Constantine*, some of them being wicked, cruel, and rather Monsters than of human Kind; such as *Nero*, *Domitian*, *Commodus*, *Heliogabalus*, *Caracalla*, and others; their Constitutions nevertheless shone with Wisdom, Justice, and Gravity; all of them wise, prudent, elegant, short, weighty, and quite different from those prolix ones, which by *Constantine*, and his Successors, were afterwards publish'd, being fitter for Orators than Princes⁸; which was owing to nothing else, but the laudable Custom they had in making use of the Works of the famous Civilians, without whose Advice nothing was done, either in the Government of the Commonwealth, or in any other serious Matters. For which Reason the *Justinian* Code ought to be more esteem'd by us than the *Theodosian*; forasmuch as *Justinian* compil'd likewise the Constitutions of the Emperors before *Constantine*, which *Theodosius* did not, who only collected those of the Princes from *Constantine the Great*, down to his own Time: Wherefore we likewise observe, that some Constitutions, of which the Civilians make mention in the *Pandectæ*, are to be found in the *Justinian* Code, but not at all in that of *Theodosius*.

¹ L. ult. C. Th. qui bonis cedere, &c. L. ult. de off. judic. lib. 1. de his, qui admin. lib. 5. & 8. de fide test.

² L. 3. D. de his, qui in testam. del.

³ L. 1. §. 1. D. de Const. Prin. 1. ult. C. de legib.

⁴ L. 3. C. Th. de decur. & silent. 1. 36. de ann. & trib. 1. 52. de Hæreticis.

⁵ C. Th. de Mandatis Principum.

⁶ L. 1. D. de Const. Princ.

⁷ Justit. lib. 1. tit. 2. §. sed & quod princip.

⁸ Arth. Duck lib. 1. cap. 3. num. 9. & 10.



C H A P. IX.

Of the Papirian, Gregorian, and Hermogenian Codes.

THE Constitutions of those Princes who flourish'd after *Augustus*, down to *Constantine the Great*, were, for their Excellency collected into certain Codes. The first Collection, altho' not Universal of all the preceding Princes, seeing they have not been transmitted to us, was that, which *Papirius Justus* made of the Constitutions of *Verus* and *Antoninus*, which famous Civilian, whom *Justinianus* mentions in his *Pandectæ*, flourish'd in the Time of *Septimius Severus*, and compil'd the Constitutions of these two Brothers, dividing them into Twenty Books¹. *Jacobus Labittus*², in his ingenious and most useful Work *de indice Legum*, makes a Catalogue of all the Laws which *Tribonianus* collected out of these Twenty Books of *Papirius*. Neither do we find that there were any other made afterwards, except these two of *Gregorius* and *Hermogenianus* the Civilians, who flourish'd under *Constantine the Great* and his Sons, and from them the two Codes took the Names of *Gregorian* and *Hermogenian*. In these two Codes were collected the Constitutions of several Princes, beginning with the Emperor *Adrian* down to *Constantine*; since, in the *Gregorian Code*, there is related a Constitution under the Consulship of *Dioclesian* in the Year 296, ten Years before the Empire of *Constantine*³. These two Civilians propos'd the same Epocha, and both of them, in their Codes, collected the Constitutions of these Princes promiscuously, who reign'd from *Adrian* to the Time of *Constantine the Great*, which is manifest from the Laws contain'd in them; whence *Jacobus Gotifredus*⁴ deservedly blames *Cujacius* for an Error, in his affirming that *Gregorius* and *Hermogenianus* intended different Epochas, and that, in their Codes, they relate the Constitutions of several Princes, not promiscuously, as they really did, but that some were related by *Gregorius*, and some others by *Hermogenianus*.

JACOBUS GOTIFREDUS, not without Reason, believ'd, that these Civilians did begin their Collection from *Adrian*, and not from the preceding Princes, because *Adrian* was believ'd to be the Author of a certain new *Jurisprudentia*, by his famous *Edictum perpetuum*, which he establish'd; the Matter and Order of which serv'd for a Standard and Model of Jurisprudence; and it is the most excellent Body of the Roman Law, which we have at this Day: And which is a manifest Sign of it, *Hermogenianus* himself, in his epitomiz'd Books, the Remains of which we owe to *Justinian*, proposes to follow the same Order of the *Edictum perpetuum*. The Order was very singular and remarkable, into which he put the Administration of Publick and Court Offices, and also the Military Affairs, which Order was constantly observ'd to the Reign of *Constantine*, who began to change it; and afterwards, in the Time of *Theodosius the Younger*, it was totally chang'd, and the Jurisprudence had a quite different Aspect, as shall be seen in the Course of this History. Neither doth it appear unlikely, what *Gotifredus*⁶ suspects, that these Codes, in the Time of *Constantine* and his Sons, who were Christian

¹ Jacob. Got. prologom. ad C. Th. cap. 1. |
 Angel. Polit. ep. 9. lib. 5. ad Jacob. modestum.

² Jacobus Labittus in indice Legum.

³ Jacob. Got. in prologom. ad C. Th. cap. 1. |

⁴ Jacob. Gotifr. loco cit.

⁵ Hermog. lib. 2. D. de Statu hom.

⁶ Got. loc. cit.

Emperors, were made use of by these Heathen Civilians, at least to retain some Shew of ancient Jurisprudence ; since that by the new Laws, which by them, and other Christian Emperors were frequently publish'd, a remarkable Change appear'd in it ; and that there were such Heathen Civilians in the Time of *Constantine* and his Sons, the laudable *Gotifredus*, upon very strong Conjectures, assures us.

HOWEVER 'tis uncertain, whether it was by publick or private Authority that *Gregorius* and *Hermogenianus* compos'd these two Codes : A Place in *Egineta*, related by *Gotifredus*, would persuade us to believe, that they were written by private Authority : But be that as it will, 'tis certain that the Authority of these Codes was very great, and they were publickly receiv'd ; so that the Advocates and Writers of these Times, and much later, whenever they had occasion to cite any Constitution, made use of all their Books. *St. Augustine* ¹ took the Advantage of them, as is plain, in *Lib. 2. ad Pollentium*, where he cites a Constitution of *Antoninus* from the *Gregorian Code*, which had been neglected in the *Justinian*. The Author of the Comparison between the *Mosaick* and the *Roman Laws* likewise made use of them, who, according to *Freherus* ² and *Gotifredus* ³, flourish'd in the Sixth Century, sooner therefore than *Justinian*, and in the same Age with *Cassiodorus* : By him likewise is cited a Constitution of *Dioclesian's* from the *Gregorian Code*, *Lib. 5. de Nuptiis* ; part of which was inserted by *Justinian* in his Code ⁴ ; and from the same *Gregorian Code* there is another reported, marking also the Consulship of *Dioclesian* in the Year 296. The Author of that ancient Comparison likewise makes use of them, which being preserv'd from the Injury of Time, by the Industry of *Cujacius*, are to be read among his own Works, in citing the *Hermogenian Code*, *Lib. 2. de Calumniatoribus*. And lastly *Tribonianus* makes use of them, who from these two Codes, and that of *Theodosius*, compos'd his own by the Order of *Justinian*. Besides, the Author of the said old Comparison, *Papinianus* in his Book of Answers, and other Writers of latter Times, as shall be told in its Place, made use of the Compendium of them. Of these two Codes, there are scarcely any Remains left us, but some Fragments, which by the Toil of *Tribonianus* have reach'd us, and which are owing purely to the Care of *Cujacius*.

AS for the Compiling of the *Theodosian Code*, it being made many Years after the Time of *Theodosius the Younger*, we shall have Occasion to treat of it at large, when we come to speak of the famous Deeds of that Prince.

¹ S. August. lib. 2. ad Pollentium, de Adulterio, cap. 8.

² Freherus parg. 9.

³ Got. in prolog. cap. 3.

⁴ L. 7. C. de incest. nupt.





C H A P. X.

Of the ACADEMIES.

NOT only in these most flourishing Times, and especially under the Emperor *Adrian*, by so many famous Civilians, and by the Wisdom of that Prince, by his Edict, and by so many Constitutions of the other most knowing Princes, was the Jurisprudence, and the Study of it, in its greatest Splendor, and at the Height of its Greatness; but the two celebrated Academies of the World, that of *Rome* in the West call'd the *Athenæum*, and the *Schola* of *Berytis* in the East, were likewise two bright Ornaments of it.

S E C T. I.

Of the ACADEMY of ROME in the West.

BEFORE *Adrian*, there were no publick Academies in the famous City of *Rome*. The Masters taught in their private Chambers, which they call'd *Pergulæ*; there it was the Youth were train'd up¹: and the Civilians themselves, besides their commendable Employments of Interpreting, Writing, Answering, Consulting, and others above-mention'd, used to teach the Civil Law to the Youth in their Houses: And *Cicero* tells of himself, that he was employ'd in these Studies under the Discipline of *Q. Scervola*, Son of *Publius*, altho', as he says, *Nemini ad docendum se dabat*². *Labco*³ divided the Year thus; six Months were employ'd in *Rome* by the Students, in learning of him the Legal Discipline, and the other six Months he retired to his Country House to compose Books, of which he left four hundred Volumes. *Sabinus*, as *Pomponius* relates⁴, not having Means sufficient of his own, was often supply'd by his Scholars; *Huic nec amplæ Facultates fuerunt: sed plurimum a suis auditoribus sustentatus est*; and so it was practis'd in other Professions, as the Mathematicks, for which we have the Testimony of *Suetonius*⁵, and for Grammar, we have the Author of the illustrious Grammarians.

ADRIAN was the first, who in the eighth Region of the *Forum Romanum*, founded the *Athenæum*, where Discipline and Learning were publicly taught; and that Place, which is situated at the Foot of the *Aventine Hill*, retains the Memory of the *Greek Schools* to this Day⁶, forasmuch as the Profession of the *Latin Eloquence* was no less studied there than that of the *Grecian*, and the *Rhetoricians* and *Latin Poets* had their Stations there as well as the *Grecian*. *Dio*⁷, *Lampri-dius*, *Capitolinus*, *Gordianus*, and *Simmacus*⁸, make honourable mention of this *Athenæum*.

¹ Sueton. in *Craffitio Grammatico*.

² Bud. in Annot. ad Pan. L. 1. de just. & jur.

³ L. 2. D. de or. jur.

⁴ Cit. L. 2. D. de orig. jur.

⁵ Sueton. in *Augusto*.

⁶ Jacob. Got. in C. Th. lib. 1. de Medic.

⁷ Dio in *Juliano*; Lampr. in *Alex. Severo*. Capitol. in *Pertinace*.

⁸ Simmac. lib. 1. epist. 15.

ALEXANDER SEVERUS enlarg'd it, and put it in a more noble Form. He establish'd Salaries for the Rhetoricians, Physicians, Grammarians, and all the other Professors. He instituted the publick Auditoria, and allotted some Revenues to the Students, whose Parents were Poor, in order to make them ingenious¹. The Romans did not make these Men of Letters an Order by themselves; but they were reckon'd of the third Rank; and they had not so many Persons as we have, who took themselves to Learning as their Profession or special Calling². Next to the few they had of them, were those of the Military Profession, which in a manner were perpetual Employments; so that they were had in more Esteem with them, than with us, and they honour'd them with very great Privileges, as may be seen in the Theodosian Code.

SO that by the Renown of that famous Academy, the Youth from all Parts flock'd to Rome, in great Numbers, to acquire Learning, and especially the Legal Discipline. It was not our Provinces, which now make the Kingdom of Naples, only, which sent their Youth to study in Rome, but likewise those more remote and distant; they came not only from France, but also from Greece and Africa. There are yet some Vestiges remaining in our Pandects, which assure us of the Custom of sending our Youth to study in Rome: We have an Advice of Scevola's, in favour of a young Man, who *Studiorum causa Romæ agebat*, reported by Ulpianus³, who was likewise speaking of the Provision which was ordinarily given by Fathers to their Sons when they sent them to Rome to study: and this same Civilian⁴ elsewhere makes mention of that Custom of sending the Youth to study in Rome; of which also Modestinus⁵, and others of our Civilians give an Account. And the Grecian Youth came to Rome, particularly to study the Laws; whence it was, that the impudent Lust of Domitian was likewise made notorious, who caused Arca to be imprison'd, a comely Youth, who came from Arcadia to Rome to learn the Jurisprudence, only because, by a rare and memorable Example, he would not consent to his unchaste Desires⁶; for which the Youth, according as Philostratus⁷ has it, all in Tears, blam'd his Father, because he could have been taught the Grecian Learning in Arcadia, but he would send him to Rome to learn the Laws. The Greeks themselves, who are not usually satisfied but with themselves, and their own Things, were even oblig'd to confess, that from the Roman Laws only, was to be learn'd a just and upright Rule of Manners; whence Dio Chrysostomus⁸ haranguing the Corinthians, and endeavouring to persuade them, that he having been long in Rome, with the Emperor Trajan, had always liv'd vertuously, made use of this Argument; That he being in Rome, had been in the Center of the Laws, and those who convers'd in them could not go astray. They came likewise from Africa, as in the latter Times the incomparable Augustine⁹ testifies of Alipius, of whom he says, that *Romam processerat, ut jus disceret*. From France, and the other Western Provinces in Times less remote from us, the Concourse of Youth was frequent in Rome for studying the Laws. Of Germanus Bishop of Auxerre, Henry of Auxerre in his Verses¹⁰ witnesseth. And Constantius in his Life says¹¹, *Post auditoria Gallicana, intra Urbem Romam juris Scientiam plenitudini perfectionis adiecit*. Rutilius Numatianus¹², speaking of Palladius a noble French Youth, says, that he had been sent to Rome to learn the Laws;

*Facundis juvenis, Gallorum nuper abarvis
Missus Romani discere jura fori.*

AND Sidonius¹³ Apollinaris persuaded Eutropius, to go to Rome to learn the Law, for which Cause he call'd it *Domicilium Legum*: Whence not only from the

¹ Lampr. in Alex. Severo.

² Loyseau des ordres, cap. 8.

³ Ulpian. L. cum filius, D. de reb. credit.

⁴ Ulpian. L. Longius, §. ult. D. de judic.

⁵ Modestinus, L. Titto, D. ad Munic.

⁶ Alteser. rer. Aquitan. lib. 3. cap. 5.

⁷ Philost. lib. 7. de vit. Apoll. cap. 17.

⁸ Dio Chrysost. orat. 87. Altes. loc. cit.

⁹ August. lib. 6. Conf. cap. 8.

¹⁰ Erric. Altissiodor. lib. 1. de vita S. Germ. Incitus his animus, talique cupidine raptus
Qua caput est orbis terrarum maxima Roma
Tendit iter, Latii nodos addiscere juris,
Et didicit, palmamque brevi tulit ille laboris.

¹¹ Constant. in vita S. Germani, cap. 1.

¹² Rutil. Numat. lib. 1. itine.

¹³ Sidon. lib. 1. epist. 6.

Writers of those Times, but also from the succeeding, did *Rome* deserve these Encomiums, not only for Jurisprudence, but likewise for Eloquence, and all other Discipline. Thus we read in *Claudian*, that *Rome* was call'd *Armorum, Legumque Parentem, quæ prima dedit cunabula juris*¹; and elsewhere, *Legum Genetricem*: and by *Simmachus*, *Latioris facundiæ domicilium*²; and *Ennodius*, *Hieron*, *Cassiodorus*, and many other Writers gave her such like Epithets.

SO great was the Care and Study of the Emperors, to be watchful over the Decorum and Re-establishment of that Academy, that in the Time of *Valentinian the Elder*, *Rome* being now decay'd in its ancient Splendor, and the Youth being given to all sorts of Luxury and Vice, insomuch that the Academy was much fallen from its Institution, and many Abuses having crept into it, that Prince, who had the Care of the Exercises of *Rome* much at heart, thought of redressing these Disorders: He publish'd there for that end, that famous Constitution, which in the Year 370. he directed to *Olibrius*, Præfect of that City, part of which may be yet read in the *Theodosian Code*.³, where he establish'd eleven Academical Laws for redressing so many Abuses, of which in a more proper Place I shall speak: So that being restor'd by these Laws, it might, for a long time after, maintain its Splendor, and draw to it self, as before, the Youth from all Parts of the West for attaining Learning, and especially the Jurisprudence. So in the Time of *Theodorick the Ostrogoth*, we see the Custom of sending the Youth to *Rome* for Instruction continu'd; but he would not allow them to return home, until they had compleated their Studies in that City. In effect, he deny'd such a License to *Philagrius*, altho' he deserved well at his Hands, who having sent some Nephews to *Rome* to study, and being about to recal them, he order'd *Festus* to hinder them from departing, extolling mightily the Residence in *Rome* for Youth; *Nulli sit ingrata Roma, quæ dici non potest aliena: illa eloquentiæ fecunda mater: illa virtutum omnium Latissimum Templum*⁴. He deny'd it likewise to *Valerianus*, who had sent his Sons to study at *Rome*; he wrote to *Simmachus* not to let them go⁵. The same Injunction was continu'd by *Athalarick* his Nephew, who, imitating *Valentinian*, took special Care of it; and we read yet in *Cassiodorus*.⁶, a Letter he wrote for that purpose to the Senate of *Rome*, in which he enjoyn'd the Studies, and re-establish'd the usual Salaries, for those who taught in that Academy; in which, besides the Grammarians, Orators, and other Professors, there were Expositors of the Laws; by which new Restoration, *Rome* might afterwards, and also in the most barbarous Times, deserve those Honours and Encomiums, which most of the Writers of that low Age gave it, which are collected by *Savaro* on *Sidonius Apollinaris*⁷.

¹ Claudian. in Panegy. 3. Stiliconis.² Simmac. lib. 8. epist. 68.³ C. Th. L. 1. C. de studiis liberalibus urbis Romæ.⁴ Cassiodor. lib. 1. var. ep. 39.⁵ Cassiodor. lib. 4. cap. 6.⁶ Cassiodor. lib. 9. cap. 21.⁷ Savaro in Sidon. lib. 1. ep. 6.

S E C T. II.

Of the ACADEMY of BERYTIS in the East.

BERYTIS, a City in *Phœnicia* in the East, was so deserving at the Hands of *Theodosius the Younger*, that he adorn'd it with the Title of Metropolis of *Phœnicia*, as he did *Tyre*: A City no less famous for the Study of the Laws in the East, than *Rome* in the West; and as the Civil Law was taught at *Rome* in *Latin*, so it was at *Berytis* in *Greek*. On account of the famous Academy establish'd here, it was call'd the *City of Laws*, because it replenish'd the World with them. By whom this Academy was instituted is not certainly known: 'Tis beyond all Dispute, that it flourish'd a long Time before the Reign of *Dioclesian* the Emperor, as is manifest from a Decree of that Emperor, which we see in the *Justinian Code*¹,

¹ L. 1. C. qui ætat. vel profess. se excus. lib. 10.

directed to Severinus, and other Scholars in Arabia; who, for learning the legal Discipline, stay'd in Berytis:

A. L. E. the Youth of the Provinces in the East flock'd to this City, as to the Mansion-house of the Laws. A most clear Testimony of which, is that which *Gregorius Thaumaturgus*; Bishop of *Neocesarea*; gives us in the Panegyricall Oration on *Origen*¹, where he tells; that he had learn'd the Roman Jurisprudence in the Academy of *Berytis*, famous for the Study of all Professions; but particularly for that of the Law. Neither was the Fame of this Academy less under *Constantinus* and *Constantis* about the Year of Christ 330. The ancient Geographer² (which Author we owe to the Diligence of the learned Civilian *G. Gotifredus*) who flourish'd at the same time; speaking of the City of *Berytis*, and of the Academy of the Laws; says thus; according to the ancient Latin Translation; *Berytus Civitas valde delitiosa, & Auditoria legum habens, per quæ omnia judicia Romanorum. Inde enim viri docti in omnem orbem terrarum adfuerunt iudicibus, & scientes Leges custodiunt Provincias; quibus mittuntur Legum ordinationes.* For which Cause, *Nonnus*³, in his *Dionysicks*, said, That *Berytis* fill'd all the World with Laws. *Eunapius*⁴ likewise, who flourish'd under *Constantinus*, *Zacharias*, *Scholasticus*⁵, and *Libanius*⁶, who liv'd under *Valens*; upon the same Account, call'd her the Mother of the Laws. And in the Time of *Valens* the Emperor, there was such a Crowd of Youth in that City learning the Laws, that *Libanius* himself was sorry for having neglected the Study of Eloquence for that of the Laws. And *Agathias*⁷, speaking of the Ruin of *Berytis*, occasion'd by an Earthquake which destroy'd almost the whole City; affirms, that there was a great Slaughter among the Citizens, and those who were learning the Laws of Rome. Lastly, our *Justinian*⁸ calls *Berytis* the City of the Laws; and in another Place, the Nurse of them: Whence he caus'd *Dorotheus* and *Anatolius* to come, that they might, jointly with the others, have a Share in composing the Digests, and would not allow the Explaining of the Laws to any other Academy in the East, but to those of *Berytis* and *Constantinople* (because this last was founded in his Time by *Theodosius the Younger*, in the Year 425.) as in the West to that of Rome.

T H E R E were, in these Times, in some Cities of the East, other Academies, where Learning was profess'd, as in *Laodicea*, of which *Alexander Severus* makes mention in one of his Constitutions, which we read yet in the *Justinian Code*⁹. In *Alexandria*, call'd the *Musæum*, of which *Agathias* speaks¹⁰; and in *Cæsarea*. So in the West, besides that famous one at Rome, some Cities had likewise their Schools where Youth were taught. Neither did our *Naples* want; of which, when we come to treat of the Establishing of the *Neapolitan Academy*, we shall speak; *Frederick* the second, Emperor, was not the first who built it from the Foundation, but that City had always been, as the same *Frederick* calls it, *Antiqua Mater, & abinus studii*; for which Cause he was induc'd to renew its ancient Studies, and enlarge it to a more noble and magnificent Form, advancing the *Neapolitan Academy* above all others; and for that End order'd, that the Youth, as well of that Kingdom as those of *Sicily*, should go to *Naples* for learning Discipline, of which we shall discourse more at large when we come to treat of that Re-establishment. There were not wanting Schools in the other Greek Cities in these our Provinces; but those Schools, while Rome flourish'd, remain'd obscure, as soon as the *Athenæum* appear'd; and after Rome had spread its Laws over the whole Empire, the Western Provinces sent their Youth to that City, as their Mother, to be taught them; as those of the East sent theirs to *Berytis*. And these lesser Schools were entirely suppress'd, when *Justinian* gave the Privilege of Explaining the Laws to three Cities only, to wit, the two *Romes*, and *Berytis*; not to *Alexandria* nor *Cæsarea*, nor, in fine, to any other City of the two Empires.

¹ Gregor. Thaum. in Paneg. ad Origen. Socrat. lib. 4. cap. 22. Alteser. rer. Aquitan. lib. 3. cap. 5.

² Verus orbis descriptib. num. 17. §. 3.

³ Nonn. lib. 41. Dionys. v. 174.

⁴ Eunap. in vita pro. pag. 150.

⁵ Zaccar. Scholast. de Opis. Mund.

⁶ Liban. Orat. 26. Apolog. pag. 525. & ep. 329. & 450. ad Anatol.

⁷ Agat. lib. 2. Hist.

⁸ Justin. proem. Dig.

⁹ L. 2. C. de incolis.

¹⁰ Agat. lib. 2.

¹¹ Petr. de vin. lib. 3. cap. 10.

WE shall not here mention the Academy of *Constantinople*, as being a long time after the Year 425. founded by *Theodosius the Younger*, and reduc'd into a Form, of which we shall give an Essay in the following Book of this History.

S E C T. III.

BEHOLD in what flourishing Condition these our Provinces were, before the Reign of *Constantine*, when every City studied to put in order her own Polity and Government, in Imitation of *Rome*, of which they boasted of being small Resemblances and Images: When they liv'd according to their own Laws; and when the *Roman* Jurisprudence, which was their Rule and Pattern, was arriv'd to its Height, and the greatest Esteem; if we either consider the Favour of the Princes, or the Wisdom of their Decrees, the Knowledge of the Civilians, the Majesty of the Academies, and the Learning of the Professors, or the Probity of the Magistrates. 'Tis well known, that some merely out of too great a Love for Novelty, and of being made remarkable by some Extravagancy, could not contain themselves from blaming the *Roman* Laws, as being too subtle and far-fetch'd, and often repugnant to good Sense, and the common Understanding of Men. Others again, have presum'd to examine into, and reject some of them, as contrary to Reason and Equity. Others have compos'd particular Treatises, which *George Pasquius* hath related¹; and among us the Cardinal *de Luca* hath attempted it likewise, in several long Discourses². But they might easily perceive how far they were misled, who with the weak and short Sight of their Understandings, have pretended to impugn a Truth, evident for so many Ages, and profess'd by the greatest Men who flourish'd when Mankind had reach'd to such an Elevation and Eminency, that the like was never known before, and we don't know that it shall ever arrive again to that Sublimity, which was wonderful as long as the *Roman* Empire lasted. The *Romans* gave us wise and just Laws, as by Experience they are known to be most useful, conformable to natural Equity, and adapted to civil Society, and human Commerce: If it were allow'd to every one to make himself Judge of the Laws, and by his own Judgment and Caprice to give Directions about what might be needful in these Matters, we should see every Man, by trusting to his own Understanding, maintaining his own Opinion, to be equal to that of any other; whence Disorders and Confusion, and at last, a deplorable Scepticism would be introduc'd among us. *Solon* being ask'd, If he had given the most just and wise Laws to the *Athenians*? answer'd, The best, having made them most suitable to their Customs, and fitted for their Advantage; forasmuch as the Justice and the Knowledge of the Laws depend not on abstracted and metaphysical Reasons, but on their being beneficial to the People, to Commerce and Civil Life, of which the *Romans* for many Ages gave sufficient Testimony; whence it came, that altho' the Empire was ruin'd, yet the Majesty and Use of their Laws was continu'd in the new Dominions that were establish'd in *Europe*. The *Utile* and *Honestum* are the Rule of Laws, and those will always be found just which prove the *Utile* and *Honestum* of the People; which deserves a Treatise by itself, but 'tis not to our Purpose. There are others who fill the World with Complaints against the *Romans* on account of the Multiplicity of so many Laws: That Complaint is not new, but very old, even since the Time of the Free-Commonwealth; so that *Cæsar*³ and *Pompey* thought of giving some Remedy to it, by reducing the *Roman* Jurisprudence to a certain Order, which could never be put in Practice by so famous Men, much less can it be expected to be done by others, being an Undertaking altogether impracticable and impossible. But these Complaints had been better bestow'd, had they been levell'd at the Depravity of the Manners of Men, their Ambition, and Dissoluteness, than at the Laws; for 'tis very certain that the Multiplicity of Vices are the Cause of the Multiplicity of Laws, and the one always produceth the other, whence *Arcefilaus*⁴ was wont to say, That where there are many Medicines, and many

¹ Georg. Pasq. de nov. inventis.² Card. de Luca, conflict. legis, & rat.³ Sueton. in Jul. cap. 21. Cic. lib. 1. de orat.⁴ Joh. Stob. Sem. 12.

Physicians, there are always abundance of Diseases: So where the Laws abound, there is much Injustice; nevertheless there is not much Injustice, and many Vices, because there be many Laws, but there are many Laws because there are many Vices: For to rectify the corrupt Customs of Men, there was no other Remedy but that of the Laws. The Roman Empire had been ruin'd much sooner, if from Time to Time the Wisdom of some Prince had not given Remedies by means of the Laws. The Romans had always many domestick Examples before their Eyes, which taught them, that there was no Bridle so powerful against the Dissoluteness of Men, as the Laws. They well knew, that from the Beginning of their Commonwealth, nothing was more eagerly coveted by the licentious Roman Youth, than not to be govern'd by Laws, and that every Thing might be remitted to the King, and to his Determination; and that for no other Reason, but that which Livy reports with great Elegancy¹: *Regem, said they, hominem esse, a quo impetres ubi jus, ubi injuria opus sit; esse gratiæ locum, esse beneficio, & irasci, & ignoscere posse: Inter amicum, & inimicum discrimen nosse. Leges, rem surdam, inexorabilem esse, salubriorem, melioremque inopi, quam potenti; nihil laxamenti nec veniæ habere, si modum excesseris: Periculosum esse, in tot humanis erroribus, sola innocentia vivere.* Sentiments too licentious and hurtful, and directly opposite to that which Aristotle teacheth in his Politicks². Where there is a Commonwealth without Vices, 'tis certainly as wrong to load it with Laws, as it would be to apply Medicines to a sound Body. But if it be given to Riot and Luxury, and threatens Ruin, there's no other Remedy but to have recourse to the Laws. And it were much better in that Case, that the Commonwealth should abound in Laws, which foresee and oppose themselves to all Vice³, than to remit every Thing to the Determination of the Magistrates, whose Judgments are subject to Passions, and the Machinations and Snares of Pleadings.

'TIS certainly true, that the Corruption of Manners can't be sufficiently redress'd by the Laws; and in this Case, that grave Instruction of Bacon Lord Verulam⁴, can't be enough commended, which Princes ought always to have before their Eyes, who says, That their greatest Care and Thoughts ought not to be so much about redressing of Abuses and Corruptions by the Laws, as in watching over the Education of the Youth. All the Severity of the Laws should be employ'd about their Education, since by that Means the Number of Vices would be in a great measure lessen'd, and consequently the Number of the Laws. They should be chiefly intent about re-establishing and providing the Academies with good Statutes and Professors. Of late we have seen some Care taken to restore the Colleges for the Education of Youth, in which the Jesuits have been eminent. But now again they begin to fall off from their first Discipline, we see likewise the ancient Fervency abated, and all the good Institutions corrupted. These Things require a Censor rather than an Historian; therefore what we have hitherto furnished being sufficient for a Preparative to what is to follow, after having given an Account of the Ecclesiastical Polity of these Ages, we shall take a Step to the Reign of Constantine, from which this History takes its Beginning.

¹ Liv. lib. 1.

² Arist. lib. 3. Polit.

³ Georg. Pasq. cap. 5. de var. fortun. doct.

jur. §. 3. Adam. Rupert. in Com. ad Pomp. cap. 6.

⁴ Bacon. de Augum Scientia, lib. 1.





C H A P. XI.

Of the Ecclesiastical Polity in the Three first Centuries.

THE new Christian Religion, which from *Jesus Christ* our Lord, began in the Time of *Octavius Augustus* to spread itself amongst Men, made known unto us two Powers in this World, by whom it was necessary it should be govern'd, the Spiritual and the Temporal¹. The Spiritual in the Priesthood or Ecclesiastical State, which administers Divine and Sacred Things: The Temporal in the Empire or Monarchy, or the Political State, which governs Human and Prophane Things; each of them having its different Objects: The Princes because they are to take care of worldly Things; the Priests of Spiritual. Each having his own Power different and distinct; that of the Prince to punish or reward with corporal Pain; that of the Priests with Spiritual. In short, to each was given his own Power apart; hence, not without Reason, the Magistrate carries the Sword, and the Priests the Keys of the Kingdom of Heaven.

IT was not so among the Heathens, who did not acknowledge these two Powers in the World as distinct and separate; but they conjoin'd them in one single Person; whence their Kings were sole Heads and Governors: And the Reason was, because they made Religion only serve for the Preservation of the State, and did not direct it, as we do, to another more sublime End. Thus among the *Romans* the High Priesthood continu'd a long Time in the very Person of the Emperors²; and altho' they had separate Colleges of Priests, to whom the Care of their Religion was committed, nevertheless, as they us'd it only for the Preservation of the State, consequently they were obliged to report their most serious Deliberations to the Prince as their Head; an Institution which was transmitted to them by their Forefathers, with whom, as *Cicero* says³, *Qui rerum potiebantur, iidem auguria tenebant; ut enim sapere, sic divinare, regale ducebatur.* Hence *Virgil*⁴ thus sings of King *Annius*.

Rex Annus, Rex idem hominum, Phœbique Sacerdos.

WE see the same Custom among the ancient *Grecians*, whom *Homer* representeth to us, where the Heroes, that is to say the Princes, were those who offer'd Sacrifice: *Plato* gives the same Account of the *Athenians*, and many of the Cities of *Greece*: Among the *Ethiopians*, as *Diodorus* writeth⁵, the Kings were the Priests: So likewise among the *Egyptians* as *Plutarch* hath it; and among the *Spartans* according to *Herodotus*⁵.

BUT among Christians, Religion is not directed for the Preservation of the State, and the Quiet of this World, but to a more sublime End, which regardeth Eternal Life, and respecteth God, and not Man; whence among us the Priesthood is accounted so much higher and nobler than the Empire, by how much Divine Things are superior to Human; and as the Soul is more noble than the Body and Temporal Things. But on the other hand, the Sword having been given by God to

¹ Novel. 6. Can. duo sunt 96. Dist. can. Quoniam, Dist. 10. & can. principes, Caus. 23. Quæst. 5.

² Dio lib. 54. Anast. German. lib. 1. de sacr. immun. cap. 9. num. 3.

³ Cic. de Divin.

⁴ Virgil. lib. 3. ver. 80.

⁵ Grot. de imperio summ. potest. cap. 2. num. 4.

the Empire for governing Worldly Things, that Power hath become stronger in itself, that is to say in this World, than the Spiritual Power given by God to the Priesthood, to whom the Use of the material Sword is forbidden; since it hath for its Object only Spiritual and not Sensible Things, and the principal Effect of its Power is reserv'd to Heaven; as our gracious Redeemer testifieth, by saying, That his Kingdom is not of this World, and that if it were, his People would fight for him.

THESE two Powers being acknowledg'd amongst us as Proceeding from the same Principle, which is God, from whom all Power is deriv'd, and terminating in the same End, which is Beatitude, the true End of Man; 'tis necessary that they should have a Correspondence and Concord together¹, that is to say, a Harmony and Agreement compos'd of different Materials, by communicating mutually their Virtue and Energy; so as that the Empire may assist the Priesthood with its Force for maintaining the Honour of God; and the Priesthood on its side, may bind and unite the Affections of the People to the Obedience of the Prince; thus all the State will be happy and flourishing: On the contrary, if these two Powers disagree amongst themselves; and if the Priesthood by abusing the Devotion of the People, should incroach upon the Empire, or Political and Temporal Government; or if the Empire, by turning that Force against God, which he hath put into its Hands, should incroach upon the Priesthood; all will go into Disorder, Confusion, and Ruin.

IT is God, who hath put these two Powers in different Hands, and hath made them both Sovereign in their Kind, that the one might serve as a Counterpoise to the other, for fear that their unbounded Sovereignty might degenerate into Irregularity and Tyranny. As it happens when the Temporal Sovereignty infringeth the Laws of God, the Spiritual opposeth it immediately; and in like manner, the Temporal withstandeth the Spiritual², which is most acceptable to God when 'tis done in a lawful Way, and especially when 'tis done directly and purely for his Service and the Publick Good, and not for Self-interest, and the one incroaching upon the other.

AND since these two Powers of Necessity meet together in all Places, and at all Times, and ordinarily in different Persons; and besides they being Sovereign in their kind, the one quite independant of the other; Infinite Wisdom, for preventing the extreme Disorder which is occasion'd by their Disagreement, hath fix'd such firm Limits, and put such visible Partitions betwixt them, that whoever gives but the least way to his Reason, may easily perceive what belongeth to the one and the other; for what is more easily distinguish'd than Things Sacred from Prophane, and Spiritual from Temporal? There's no more requir'd, than to put in practice that beautiful Rule which our Saviour pronounc'd from his own Mouth, *Reddite quæ sunt Cæsaris Cæsari, & quæ sunt Dei Deo*. An Instruction short enough, but very elegant and clear; because, when the Care of Souls and Holy Things belongs to the Priesthood, the Monarch himself must submit in that which directly concerneth Religion, and the Worship of God, if he perceiveth that he hath a Soul, and would be number'd among the Sons of God and the Church: Manifest and famous is the Example of the Emperor *Theodosius*, who yielded to the Censure of a simple Archbishop, and perform'd the Publick Penance which was injoin'd him: The Example of *David* likewise testifieth it, *Qui & si regali unctione Sacerdotibus, & Prophetis præ erat in causis sæculi, tamen suberat eis in causis Dei*³.

AND reciprocally, since the Government of Temporal Things belongeth to Princes, and the Church being in the Commonwealth, as *Optatus Milevitanus* saith, and the Commonwealth not in the Church, it behoveth that all the Ecclesiasticks, and likewise the Prelates of the Church, obey the Secular Magistrate in Matters of Civil Polity⁴. *Si omnis anima potestatibus subdita est ergo, & vestra* (saith *S. Bernard*⁵ and *Henry Archbishop of Sens*) *quis vos exceptit ab universitate? Certè, qui tentat excipere, tentat decipere*; and *S. Jo. Chrysostom* explaining the Passage of *S. Paul*: *Omnis anima potestatibus sublimioribus subdita est*, saith he, *etiam si fueris Apostolus, Evangelista, Propheta, Sacerdos, Monachus, hoc vero pietatem non lædit*⁶.

¹ Novel. 42. Just.

² Loyseau des seign. cap. 15. num. 4.

³ Can. 41. §. Item cum David. caus. 2. qu. 7.

⁴ Du Pin. de Antiq. Eccl. disc. diff. 7.

⁵ Bern. ep. 42.

⁶ Chrysost. ad ep. Paul. ad Rom. 13.

In short, S. Gregory the Great, Pope, *Agnoſco, ſaith he, Imperatorem a Deo conſeſſum, non militibus ſolum, ſed & ſacerdotibus dominari.*

SEEING then the Diſtinction of theſe two Powers is ſo important, it is very neceſſary to give them different Names; that is to ſay, thoſe who have the Eccleſiaſtical Power, are call'd *Paſtors* and *Prelates*, and thoſe who poſſeſs the Temporal, are call'd *Lords* and *Rulers*; an Appellation forbidden to the Eccleſiaſticks from the very Mouth of our Saviour, who at two different times, that is, in the Demands of the Sons of Zebedee, and in the Diſpute which aroſe amongſt the Apoſtles about Precedency, a little before his Paſſion, repeated to them this Leſſon; *Principes gentium dominantur eorum, vos autem non ſic, &c.* A Leſſon which St. Peter hath collected in his firſt Epiſtle, ſaying to the Biſhops; *Pascite, qui in vobis eſt, gregem Dei, non ut dominantes in Cleris, ſed forma facti gregis*; that is to ſay, Eſtabliſh'd in the Form of a Flock, whoſe Shepherd is not the Lord and Proprietor, but the Miniſter and Governor only¹. So ſaith God; *Pasce oves meas, and not tuas*².

AND truly the Eccleſiaſtical Power being directed to Spiritual and Divine Things, which are not properly of this World, can't belong to Men in Property, nor direct Dominion, as worldly Things do, but only for Exerciſe and Adminiſtration; ſo that God (who is ſole Maſter and Lord of our Souls) committeth to them that ſupernatural Power, to exerciſe it viſibly in this World, in his Name and Authority, as his Deputies and Lieutenants, every one in his own Hierarchic Degree, juſt as in the Civil Polity, many Officers, being ſubordinate one to another, exerciſe the Power of their ſupreme Lord.

ALL this is ſaid only in order to explain the Propriety of the Terms of the Subject of this Work, not at all to diminish, in the leaſt, the Eccleſiaſtical Power, which, on the contrary, relating to God directly, ought to be eſteem'd much more worthy than that of the Princes of the Earth, who in the Beginning had not theirs, but by way of Office and Adminiſtration, the Sovereignty, or to ſpeak more properly, the perfect Liberty belong'd to the State as a collective Body: So in thoſe Days they were only call'd the *Paſtores* of the People, as they are termed by *Homer*; but the Object of their Power, which conſiſteth of worldly Things, being adapted to receive Dominion or Power in Property, they have, long ago, gain'd and obtain'd it in all Countries of the World; and there are a great many of them who have not only acquir'd the publick Dominion, but the private likewise, reducing their People to Slavery.

THERE can't be found more authentick Proofs of the Diſtinction betwixt theſe two Sorts of Powers, nor more remarkable Examples of changing the Power both as to Office and Exerciſe, into that of Property and direct Dominion, than that which happen'd to the People of God, when being tir'd with the Government of their Judges, who exerciſed a Sovereignty over them, by Office and Adminiſtration only, they would have a King, who from that time forth had the Sovereignty by direct Dominion; which much offended God, who ſaid to *Samuel*, the laſt of the Judges, *They have not rejected thee, but me, that I may not reign any more over them*; and a little after, *Such ſhall be the Right of the King, &c.*⁴; which ſignifies, that God himſelf was King of that People, and had over them the Property and Power, when they were govern'd by ſimple Judges and Officers⁵; but it ſhall be ſo no more, when they ſhall have a King, who ſhall change that Power into Property. An excellent Inſtruction for Eccleſiaſticks to leave the Property of the Spiritual Power to God, and to content themſelves with the Exerciſe of it, as his Vicegerents and Lieutenants, the higheſt and nobleſt Quality that can be upon Earth.

SUCH is the Diſtinction betwixt Spiritual and Temporal Power, which well demonſtrates, that the one doth not include and produce the other; neither are they ſuperior to one another, but that both are Sovereign or Subaltern, in their Right and in their Kind.

NOTWITHSTANDING, this Diſtinction hindreth not, but that the one, and the other, may reſide in the ſame Perſon, and ſometimes, which is more, on

¹ S. Greg. lib. 2. ep. 94.

² Loyſeau, loc. cit. num. 10.

³ Auguſt. ad cap. 21. Joan. Richerius pars 3. axiom. 30. in Apol. pro Joa. Gerſonio.

⁴ 1 Reg. 8. ver. 7.

⁵ Loyſeau, loc. cit. num. 13.

Account of the same Dignity. However, 'tis to be observ'd, that when it resideth in the same Dignity, it must be an Ecclesiastical Dignity, and not a Lordship or Temporal Office, seeing the Spiritual Power is more Noble than the Temporal: And as it can't depend on, nor be accessory to it, so neither can it be in the Person of a Laick, to whom ordinarily belongeth the Temporal Power; and above all, the Spiritual Power cannot be held by direct Dominion, nor convey'd by Succession, nor possess'd hereditarily as Temporal Dominions.

WHENCE it follows, by the bye, that it was repugnant to common Sense for the Kings or Queens of *England* to have assum'd to themselves the Supremacy of the Church of *England*, in the same manner as they assum'd the Secular Power of their Realm, as if the one depended on the other: This proceeded from the particular Spite which *Henry VIII.* had against the Pope, who would not approve of his Divorce; for which he was so offended, that he refus'd paying, any more, the Tribute which for a long time had been paid by *England*; and which is more, giving way to his unbridled Passion, he declar'd himself Head of the Church of *England* next to *Jesus Christ*, and oblig'd his Subjects to swear, That they acknowledg'd him to be supreme Lord, as well in Spiritual as Temporal Matters; a Solecism which appear'd plainly afterwards, when his Daughter, Queen *Elizabeth*, came to reign; forasmuch, as a Woman was then seen to be Head of the Church of *England*, and the Spiritual Sovereignty fallen to the Distaff.

NOW altho' these two Powers have been for some time in the same Persons among the People of God, yet it was in such a manner, that the Temporal was always accessory to the Priesthood; but afterwards, when the People would be govern'd by Kings, these Kings had not the Spiritual Power; and if at any Time they undertook it, they were severely punish'd by God, as is manifest by the History of *Hosea*². As for the Heathens, we have seen already, that in many Nations the Kings have been Priests, by subjecting Religion to the State; and they made use of it no otherwise, than so far as it was subservient to the State: But we being instructed in better Schools, have been taught to prefer Religion, which respecteth God and regardeth Eternal Life, to the State, which concerneth only Man and the Quiet of this World. But there's no Inconveniency nor Repugnancy in annexing the Temporal Power, and rendering it accessory and dependent on the Priesthood; as in the following Books of this History we shall observe in the Person of the Pope of *Rome*, and other Prelates of the Church; not as if it sprung from the Spiritual Sovereignty, and were one of its necessary Appurtenances, but as it hath been acquir'd, from Time to Time, by human Titles, by Concessions of Princes, and Lawful Prescriptions, not *Apostolico jure*, as *St. Bernard* saith³, *Nec enim ille tibi dare, quod non habebat, potuit.*

Behold these two Powers met in Sovereignities independent the one on the other, and acknowledging one only Source, which is God; distinct, by well fix'd Limits from the Mouth of our Saviour, in such a manner, that the one hath no occasion to interfere with the other.

¹ Loyseau, loc. cit. num. 16.

² Paralipomen. 26. Grot. cap. 2. de imp.

Sum. potest. num. 5. V. Bodvadilla Polit. lib. 2. cap. 17 & 18.

³ Bernard. lib. 2. de Confid. cap. 1.

S E C T. I.

The Ecclesiastical Polity of the first Three Ages in the East.

WE acknowledging then, by the Christian Religion, these two Powers in the World, it will be necessary, that we give an Account, how the Spiritual began to be administred among Men, and how by Degrees the Polity came to be establish'd in the Empire, and in these our Provinces, and the Ecclesiastical State; which in the succeeding Ages made one of the greatest Changes in the Political and Temporal State of this Kingdom.

IN these three first Ages of Man's Redemption, before that *Constantine* embrac'd the Christian Religion, no outward Ecclesiastical Polity could be thought on in the Empire with Stability. The Apostles and their Successors, being intent solely on preaching the Gospel, did not much mind the Establishing of it; and besides, were hindred by Persecutions, which constrain'd them privately and in Corners, to maintain the Exercise of their Religion among the Faithful.

OUR gracious Redeemer then, being to return to the Father, who sent him into this World to shew us a more secure Way of Salvation, after having given us so many good Rules, left on Earth his Lieutenants, to whom he communicated that Spiritual Power, to the End, that as his Vicegerents, they might maintain and publish every where his Religion. He did not make use of the Ministry of Angels, but was pleas'd to advance Mankind, neither did he make choice of the mighty Men of the Earth for these profound Mysteries, but the most vile and abject; being willing by that to give us another Mark of Distinction between these two Powers, that the one doth not regard Pedigree, nor other Honours, which the World puts a Value upon, but only the Spirit, not Blood, and other human Considerations. He left therefore that Power to the Apostles, his dear Disciples, who while he convers'd with us on Earth, follow'd him: He gave them in Charge to teach and preach his Law over all the World, and gave them Power to bind and to loose, as they saw meet; engaging his Word, that those whom they should loose on Earth should be loos'd in Heaven, and whom they should bind on Earth should be bound in Heaven.

THE Apostles, altho' they acknowledg'd *St. Peter* for their Head, in the Beginning, thought of nothing less than establishing an outward Ecclesiastical Polity, seeing they were intent on the Preaching of the Gospel only, and in bringing Mankind to the Belief of that Religion, which they were about to establish and propagate through all the Provinces of the World; they apply'd themselves to that only: For that end, they dispers'd themselves, and travell'd to different Places, whither Necessity or Occasion led them. The first Provinces they visited were those of the East, as being the nearest to *Jerusalem* and *Palestine*: They went to *Antioch*, *Smyrna*, *Ephesus*, *Alexandria*, and other Cities of the Eastern Provinces, in which they made wonderful Progress, bringing those People to the true Faith; in which they were but little diverted or hindred by the Imperial Officers, those Provinces being far from *Rome*, the Head and Seat of the Emperors, their Proceedings were not so narrowly look'd into; whence they were able to establish Religion in many Cities of these Provinces, and to unite the Faithful more closely in many Places, which they call'd Churches. But at first, as *St. Hieronymus* saith, they having founded Churches in the Cities, these were govern'd, with common Consent, by Presbyters, as an Aristocracy. Afterwards, the Number of the Faithful encreasing, and Confusions and Divisions arising by reason of the Multitude, to obviate Disorders, altho' the Government was continu'd with the Presbytery, they began to think of giving the Superintendency to one of the Priests, who should be their Head, whom they call'd Bishop, that is to say, Inspector, who being plac'd in a more high Degree, had the Inspection over all the Priests, and to whom belong'd the Care of the Church, governing it together with the Presbytery; so that the Government of the Church became mix'd of Monarchy and Aristocracy; whence *Peter de Marca*² took Occasion to say, That the Monarchical Government of the Church was temper'd with the Aristocratical.

SOME have endeavour'd to maintain, that in those early Times, the Government and Polity of the Church, was simply and purely Aristocratical in the Hands of the Priests only, yielding nothing more to the Bishops than to the Priests, giving them no Power nor Supremacy above the others: But the incomparable *Hugo Grotius*³, hath fully confuted that Error; and the contrary is clear from the Catalogue of so many Bishops, which we have from *Irenæus*, *Eusebius*, *Socrates*, *Theodoretus*, and others, by which it is manifest, that from the Time of the Apostles, the Bishops had the Superintendency of the Church; and being

¹ Hieronym. in epist. ad Titum.

² Petr. de Marc. de Patriarc. juxta receptum ab omnibus Theologis axioma, Monarchicum

Ecclesiæ regimen Aristocratico temperari.

³ Grot. de Imp. Summ. potest. cap. 11. num. 5.

plac'd in a more eminent Degree, were above the Priests, as their Head. Thus, not to speak of the Bishops of *Rome*, as being a Thing so well known, in *Alexandria*, upon the Death of *St. Mark the Evangelist*, who had govern'd that Church, as *St. Hieronymus* ¹ relateth, the Priests had always one whom they chose for their Head, *Et in Celsiori gradu collocatum Episcopum nominabant*. *St. Mark* died in the Sixty Second Year of the Incarnation, and in the Eighth of the Emperor *Nero* ²: And after him, *St. John the Apostle* being yet alive, *Anianus* succeeded; to *Anianus* succeeded in the Government of that Church, *Abilius*, and to him *Cerdo*, and so from one to another the rest ³. In *Antiochia*, *Evodius*, *Ignatius*, &c. In *Jerusalem*, while *St. John* was yet alive, after the Death of *St. James*, the Bishops of that City were *Simon*, *Iustus*, &c. In *Smyrna*, *Polycarpus* was put over the Priests as their Bishop, by *St. John*, who govern'd that Church Eighty Six Years. Thus likewise the Church of *Ephesus*, altho' it was govern'd by the Priests, yet there was one of them who presided; and after *Timothy*, *St. John* himself, for some time, was Head of it; for which Reason he was call'd the Prince of the Clergy, and Angel of the Church; after that *Titus* and others succeeded; so that in the Council of *Chalcedon* ⁴, from the Mouth of *Leontius Magnesians*, we read, *A Sancto Timotheo, usque nunc XXVII. Episcopi facti, omnes in Epheso ordinati sunt*.

NEITHER ought it to seem strange, to say it *en passant*, that the Evangelists, whose Business it was to be going to and fro in the Provinces of the Empire, and to preach the Gospel, could have been Bishops in any City; since, as *Hugo Grotius* well informeth us ⁵, they likewise went to settle in some Places, where they perceiv'd, that their longer Abode would be of greater Advantage; and where they staid, they perform'd all the Offices of a good Bishop, by presiding in the Presbytery: For which Reason we read, that the same Apostles were Bishops of some Cities, because having remain'd long in them, they had govern'd their Churches, as all other Bishops did who had been ordain'd by them.

THUS, in Process of Time, the Christian Religion being spread over all the Provinces of the Empire, altho' the Apostles dy'd, the Bishops succeeded in their Places, who being above the Presbyters, govern'd the Churches; therefore we see Bishops appointed in the Cities, as *St. Cyprian* witnesseth; *Jam quidem per omnes Provincias, & per urbes singulas constituti sunt Episcopi*: whence it was firmly establish'd, that in the Government of the Churches, one of the Priests was to have Rule over the Rest, to whom the Care of the Church was to belong, as *St. Hieronymus* testifieth, *In toto Orbe decretum est, ut unus de Presbyteris electis ceteris super poneretur, ad quem omnis cura Ecclesie pertineret* ⁶.

A N D altho' *St. Cyprian* saith, That Bishops were appointed in every City; yet nevertheless 'tis known, that many Cities had none, but were govern'd and rul'd by the Presbytery only; since the Apostles did not appoint Bishops in all Churches, but left many of them to be govern'd by the Presbytery, when there were none amongst them worthy of being made Bishops, as *St. Epiphanius* ⁷ declareth; *Presbyteris opus erat, & Diaconis, per hos enim duos Ecclesiastica compleri possunt; ubi vero non inventus est quis dignus Episcopatu, permansit locus sine Episcopo; ubi vero opus fuit, & erant digni Episcopatu, constituti sunt Episcopi*. And these Churches which continu'd without Bishops, saith *St. Hieronymus*, *Communi Presbyteriorum consilio gubernabantur*. Thus *Meroe*, a City in *Egypt*, as *Athanasius* ⁸ writeth, even to his Time, had not had a Bishop, and was govern'd by the Presbytery only; and many Writers of those Times declare the same of many other Cities of the Empire.

SUCH was the Polity of the Ecclesiastical State in the first Ages; neither was there any other Hierarchy known, nor any other different Degrees, but that of Bishop, Priest, and Deacon, who took Care of the Oblations, and likewise of what belong'd to the Ministry of Holy Things. These made up one Body, of whom the Bishop was the Head, and the other Ministers, whether the higher or lower, were the Members, and the Council or Senate of the Bishop, who,

¹ Hieronym. epist. 85.

² Euseb.

³ Grot. loc. cit.

⁴ Conc. Chalcedon. actio. 11.

⁵ Grot. loc. cit.

⁶ Hieronym. ep. 85.

⁷ S. Epiphani. hæres. 75.

⁸ Du Pin. de Antiq. Eccl. disc. dissert. 1. §. 3.

together with him govern'd the Church. Whence *S. Hieronymus* ¹ reasoning about the Bishops, said, that they likewise had their Senate, that is the Congregation of Priests: And as *S. Basil* likewise said ²; and *Ignatius* writing to the *Trallians* affirm'd, That the Priests were the Bishops Counsellors and Assessors, and that they ought to look upon themselves as having succeeded in the Place of the Apostolical Senate; whence it was that *S. Cyprian* never treated of any Thing of Moment, without the Assistance and Advice of his Priests and Deacons, as may be gathered from his Letters ³.

SOME have believ'd that this Polity of giving the Superintendency to the Bishops, and a Superiority over the Priests, had been introduc'd likewise from the Example of the Heathens, who had different Degrees in their Priesthood; which was practis'd not only by the *Greeks* and *Romans*, but had been a very ancient Discipline of the *Druids* in *Gallia*, as *Cæsar* expresseth in his Commentaries ⁴: *Druidibus preest unus, qui summam inter eos habet auctoritatem*. The *Burgundians* had also their High-Priest, as *Marcellinus* ⁵ relateth; and in the *Jewish* Commonwealth, God Almighty approved of the same Custom likewise, when he put one of greater Authority over all the Priests.

BUT however probable it may be, that such an Order had been instituted in imitation of them, nevertheless, according to the Opinion of *Grotius* ⁶, it is more probable that such a Polity was introduc'd in imitation of the *Jewish* Synagogues, whereof the Churches founded by the Apostles seem to be Images and Resemblances; and indeed, we observe, that in many Places the Synagogues had no coercive Power, any more than the Church itself, all its Power being Spiritual: We likewise see, that the Apostles, while they were Preaching in *Palestine* and the neighbouring Provinces, found many Synagogues which had been well regulated from the Time of the *Babylonish* Dispersion; and these receiving the Faith of Christ, by the Preaching of the Apostles, because the Gospel was first preach'd to them, there was no Reason why they should change their Polity, and forsake that which the Experience of many Ages had approv'd of, and recommended; add to this, that the Work of the Apostles was more easy, because, when they were to plant a new Religion in the Gentile World, the Novelty of the Thing made no Noise, nor was taken Notice of by the Imperial Officers, who were little concern'd in the Matter, seeing there was no Change in the outward Polity, when the Synagogues were converted into Churches; and when Churches were founded elsewhere, altogether conformable to the *Jewish* Institutions, to which the Imperial Officers were no Strangers, little or no Innovation was observ'd, at least not so much as could give any Disturbance to the Civil State of the Empire.

AS in every Synagogue there was one, who was above the rest, whom they call'd the Ruler, in his Place they appointed a Bishop; they had Pastors, to whom the Priests succeeded; there were likewise *Eleemosinaries*, who were much the same with Deacons.

¹ Hieron. in cap. 2. *Isaïæ*: Et nos habemus Senatum nostrum Cærum Presbyterorum.

² S. Basil. ep. 319.

³ Cyprian. ep. 10. lib. 1. ep. 7. lib. 2. ep. 2. lib. 4. ep. 10. lib. 3. ep. 10. lib. 4.

⁴ See Claud. Fontenius in dissert. de Antiqu. Jur. Presbyt. in reg. Eccl. cap. 7, 9.

⁵ Amm. Marcel. lib. 28. hist. cap. 5.

⁶ Grot. loc. cit. cap. 11. num. 8.

S E C T. II.

The Ecclesiastical Polity in the West, and in these our Provinces.

WHILST this new Religion was spreading in the East, and having made wonderful Progress in those Parts, it was resolv'd to establish it likewise in the West, some of the Apostles, and many of the Disciples for that end travell'd into these our Provinces. 'Tis said that *St. Peter* himself, their Head, leaving the See of *Antioch*, having appointed *Evodius* Bishop of that Church, sailed with many of his Disciples towards *Italy*, in order to go to *Rome*: That he landed first at *Brundisium*,

dustum, from thence he went to *Otranto*¹, and then to *Tarentum*, in which City he preach'd the Faith of Christ, and converted a great many of the Citizens to the Faith, leaving *Amasianus* Bishop of the Place²; some will have it³, that he likewise visited *Trani*, *Oria*, *Andria*, and sail'd by the *Adriatick* to *Sipontum*; from thence he return'd, and coasting along our Shore arriv'd at *Rbegium*, in which Cities he planted the Christian Religion: Then departing from *Rbegium* with his Followers, sailing through the *Tyrrhenian* Sea, he arriv'd in ours, and beholding the pleasant Situation of the City of *Naples*, resolv'd to land and convert it to the true Faith: And they will have it, that he met at the Gate of the City a Lady call'd *Candida*, and with her, and her Brother *Asprenus*, wrought many Miracles, at which the *Neapolitans* being moved, they received Baptism from him, and before he departed for *Rome*, he appointed *Asprenus* Bishop of that City, who was the first. 'Tis also said, That in that Journey St. Peter himself went as far as *Capua*; and after having converted that City, he left there *Priscus*, one of the ancient Disciples of Christ, for Bishop, in whose House he caus'd to prepare *Easter*, and eat with his Disciples in the Parlour. And afterwards having gone to *Atina*, a City now destroyed, appointed *Mark* Bishop of it: And lastly, taking Journey for *Rome*, pass'd by *Terracina*, of which Place he ordain'd *Epaphroditus* Bishop. The People of *Bari* likewise pretend, that St. Peter was also in their City, as well as in *Tarentum* and *Otranto*⁴. Those of *Beneventum*, that he left with them *Photinus* their first Bishop⁵. *Sessa* pretends the same, and that he gave to them *Simisus* for their Bishop. In short, if one should mind such Stories, there is not a City in our Provinces that doth not pretend to have had their Bishops either from St. Peter or St. Paul, as *Rbegium* boasteth of *Stephen* its first Bishop, or from some one or other of the Seventy-two Disciples of Christ our Lord; or lastly, from the Disciples of the Apostles. Indeed, *Pozuolo* reckoneth its first Bishop *Patrobas*, one of the Seventy-two Disciples, and Disciple of St. Paul, of whom he maketh mention in his Epistle to the *Romans*, who being ordain'd Bishop by St. Peter, and arriving at *Pozuolo*, preach'd there the Christian Faith.

'TIS reported likewise, that St. Peter was no sooner arriv'd at *Rome*, than he was oblig'd to fly for it, because of the rigorous Edicts which the Emperor *Claudius* had put forth against the *Jews*, ordering them all out of *Rome*⁶. That he having return'd to *Jerusalem*, and ordain'd many other Bishops in the Cities of the East, came back a second Time to *Italy*, in order to go to *Rome*; and that in this second Voyage arriving in the Town of *Resina*, near *Naples*, by his Preaching he converted that People, and left with them *Ampello* to instruct them better in the Faith of Christ: Thence returning to *Naples*, was receiv'd by *Asprenus* and the *Neapolitan* Christians with infinite Marks of Kindness and Rejoicing, and founded a Church there; and that in this second Passage he visited many other Cities in *Puglia*. Thence going to *Rome*, he establish'd his Chair in that City, and ordain'd *Linus* Bishop of it, who having suffer'd Martyrdom, had for his Successor *Clemens*, to whom succeeded *Cletus* and *Anacletus*, and the other Bishops according to the Catalogue which we have of the Bishops of *Rome*⁷.

ON the other hand, there are some who pretend to throw to the Ground all these Accounts, and render them Fabulous; since they have undertaken with as great Temerity as Stubbornness, to maintain, that St. Peter never was in this our Country, but impudently have been so bold as to assert likewise, that he never was at *Rome*. The greatest Stickler on that Side is *Salmasius*⁸, who, contrary to what the ancient Fathers⁹ of the Church believ'd, and what hath been handed down to us by the ancient Tradition of our Forefathers, will maintain at any rate, that St. Peter never was at *Rome*; calling in Question, that which the Church hath

¹ P. Carac. de Sacr. Neapol. Eccl. Mon. cap.

3. §. 4.

² Juven. Hist. Tar. l. 8. c. 1. & l. ult. cap. 1.

³ Summont. lib. 1. cap. 1.

⁴ Beiril. Hist. de Bari, lib. 1.

⁵ Carac. de Sacr. Eccles. Mon. cap. 3. §. 2.

⁶ Suet. in Claud. cap. 26. Judæos impulsore Christo assidue tumultuantes, Roma expulsi.

⁷ Oratus, Rufinus, S. August. Grot. de Imp. Sum. Pot. cap. 11. num. 5.

⁸ Salmas. in apparatu ad libros de primatu Papæ: De quo admiratur Grotius defendere Sententiam a toto orbe destitutam, Grot. ep. 53.

⁹ Irenæus lib. 3. cap. 1. Tertullian. de Præscript. de Unit. Eccl. Arnob. adv. gentes Lactant. lib. 4. cap. 1. Cajus, Dionysius, Corinthius, and others mentioned by Leo Allacius de Ecclesia Occidentali & Orientali, Confes. lib. 1. cap. 2. num. 7.

always with Stedfastness and Constancy believ'd: Which gave occasion to *John Owen* ¹ fallly to believe, That that Point was still undecided.

An Petrus fuerit Romæ, sub iudice lis est?

BUT whatever may be in that Dispute, which we must leave altogether to the Ecclesiastical Writers, who have at large confuted that Error, 'tis sufficient for our Purpose, that it is incontestable, that either by St. *Peter* himself, or by the other Apostles, or their Disciples, or other Successors, the Christian Religion was introduc'd into these our Provinces, and many Churches founded in many Cities of them; for which End, many Bishops were ordain'd long before *Constantine the Great* embrac'd our Religion, that is to say, in the first three Ages of Man's Redemption: All which is made very clear, not only by the frequent Martyrdoms, which happen'd in our Provinces, but by the ancient Registers we have of the Bishops of many Cities. *Naples* reckoneth a great many before *Constantine the Great*; *Asprius*, *Epatimitus*, *Maurus*, *Probus*, *Paulus*, *Agrippinus*, *Eustachius*, *Eusebius*, *Marcianus*, *Cosma*, and others. *Capua* numbers also its own, *Priscus*, *Sinotus*, *Rufus*, *Augustinus*, *Aristeus*, *Proterius*, and *Protus*. *Nola*; *Felix*, *Calionius Aurelianus*, and *Maximus*. *Pozzolo*, *Patrobas*; *Celsus*, *John*. *Cuma*, *Maxentius*. *Beneventum* likewise reckoneth its own, amongst whom the famous *Januarius*, who suffer'd Martyrdom under *Dioclesian*. *Atina* boasteth of its Bishops from the Time of the Apostles, *Mark*, *Fulgentius*, and *Hilarius*. *Sipontum*; *Bari*, *Otranto*, *Tarentum*, *Rhegium*, *Salernum*; and other Cities of these our Provinces, had theirs before *Constantine*, of whom *Ferdinandus Ugellus*, in his laborious Work *de Italia Sacra*, hath given us a long Catalogue.

BUT as 'tis beyond all Dispute, that the Christian Religion was introduc'd into many Cities of these our Provinces in the first Ages, and that there was in each of them, a great Number of the Faithful, acknowledging the Bishops for their Moderators; so it can't be doubted, but the Exercise of that Religion was perform'd with much Caution, privately and in the most hidden Corners of their Houses, and often in the most unknown Caves, and farthest from the Resort of Men. Certainly our first Bishops in these Provinces being so near *Rome*, had greater Difficulty in maintaining this Religion amongst the Faithful, than those of the Eastern Provinces, as being at a greater Distance from *Rome*. The *Roman* Emperors were altogether intent on extinguishing this new Religion: They were uneasy at the very Name of a Christian, and to render them more detestable, they were branded as guilty of many Crimes and Villainies; that they were Murderers, adding, that they kill'd Children and fed upon their Flesh: That they were Incestuous, and that in their Night Assemblies they all mingled, and polluted themselves with execrable Lusts²: And those, who by their manifest Probity, to whom they could impute none of these Wickednesses, were made detestable to the Emperors, as Despisers of the Worship of their Gods; that they did not pay the Honour due to the Emperors; that they slighted the *Roman* Laws, and their Customs, and every thing else; did not invoke their Gods, nor vouchsafe to offer them Sacrifices; for which Cause they were call'd Atheists, Sacrilegious, Disturbers of the State and Customs, and an eternal Pestilence to Mankind and Nature; since by the Contempt they had for their Gods, they said, they provok'd them to Wrath and Revenge, by which they were the Occasion of many Mischiefs among Men and Nations; so much that with the Heathens it pass'd current and as a continual Quarrel, that the Christians were the Cause of all their Misfortunes; which wicked Opinion lasted in *Rome* to the Days of *Alarick*, when he took that City, attributing that Disgrace to the Wrath of their Gods, who for the Contempt they had them in and their Religion, reveng'd themselves after that manner upon the *Romans*; which moved St. *Augustine* to write his Books of the City of God, and *Orosius* to write his *Orchestra*, or History against the *Pagans*³.

FOR which Causes the Emperors began to persecute them; and the Persecution of *Nero* was the most terrible of all, who, by severe Edicts, condemn'd

¹ Owen lib. 1. epigr. 8.

² Minutius Fel. Tert. Apol. cap. 7, 8, 9.
Orig. cont. Cell. 6. p. 293. Voss. in Com. ad

Epist. Plin. ad Trajan. de Christianorum Persecut.

³ Voss. loc. cit.

them to Death, as publick Enemies of the State and Mankind¹. *Domitian* follow'd his Footsteps. *Trajan* was not so cruel against them; for in returning Answer to *Pliny*, then Proconsul in *Pontus* and *Bythinia*, who being terrified by the great Number they grew to daily in these Provinces, wanted to know how he should punish them, he ordain'd, That they being accus'd and convicted, he should proceed against them with Severity; but if they were not accus'd, he should rather wink at them. By which, as *Vossius* observeth, the Clemency of *Trajan* the Heathen, was greater towards Christians, than that of Christians, not only towards the *Mohometans*, but even towards Christians themselves who are charg'd with Heresy, against whom the Inquisition, a Tribunal lately introduc'd, proceedeth with much Rigor, without being accus'd; of which Tribunal we shall have Occasion to treat more at large in another Place. *Adrian*, the *Antonines*, *Severus*, *Maximinus*, *Decius*, *Valerianus*, *Dioclesian*, *Maximinianus*, *Galerius*, and lastly *Maxentius*, were most cruel Enemies of the Christian Name; and if these Persecutions were cruel in the other Provinces of the Empire, they were much more so, without doubt, in our *Campania*, and the other Provinces which at present compose this Kingdom, as being nearer to *Rome*. The Officers by whom they were govern'd, in order to please the Inclinations of the Princes, and to be taken notice of as zealous for their Service, as being more narrowly observ'd, put their Edicts in Execution, with the more Rigour and Readiness: Whence it is, that with Reason, *Campania*, and these our Provinces, boast of so many Martyrs², and that all these first Bishops of their Cities, are now worshipp'd as Saints, as they, who in the Midst of such fierce Tempests, always confess'd the Faith of Christ, and being intrepid, did not value Slaughter nor Death. There are yet remaining the Vestiges of the Burying Place of *Nola*: The Memory of the Martyrdoms in *Pozuolo*, in the Time of *Dioclesian*, and many other Burying Places of Martyrs in several Parts of the other Provinces, which afterwards, when *Constantine* gave Peace to the Church, were discover'd by the Faithful, and made known; whence it was, that the neighbouring People out of Devotion, flocking to the Tombs of the Martyrs, there were so many Inhabitants near these Places, and new Towns and Castles built; And from this it was, that these new Towns in our Kingdom took their Names from these tutelar Saints³.

IN these troublesome Times, no outward Church Polity could be thought of in these our Provinces: The Faithful, for the most Part, absconded as Fugitives, and in such Confusion, that they could not but clandestinely perform the Exercise of their New Religion. The Bishops, with much Danger, attended only the Conversions, and that in Cities altogether Heathen, as need requir'd, they run sometimes to one City, sometimes to another; so that they could not apply themselves to the Political Government of their Churches.

FOR which Reasons, there could no Change or Alteration happen in the Polity of the Empire, and much less in these our Provinces, in such Times, on Account of the new Christian Religion. The Cities were all Heathen, the Religion which was publickly profess'd by the Magistrates, the Laws, Customs, and Rites, were all Heathen. The Christians were reputed as publick Enemies, Disturbers of the State, and, as such, excluded the Commonwealth: Their Meetings severely punish'd; they could not have separate Colleges; their Churches had no Revenues. All the Cities of these our Provinces, altho' there were many Christians who liv'd in them privately, and that the Number encreas'd daily, yet were Heathen, and Heathenism was publickly profess'd. Every City took Example from *Rome*, and many of the *Roman* Magistrates imitated the Religion of their Head; and it was not only the Municipal, the Colonial, and the Præfectural, but also the Confederated Cities, which had more Liberty.

¹ Sueton. in Neron. cap. 16. Tacit. an. 15.

² P. Carac. de Sacr. Neapol. Eccl. Monum. cap. 2. Sect. 2 & 5.

³ Camil. Per. in Falcon. Benev. pag. 179.

S E C T. III.

NAPLES, as also all the other Cities of this Kingdom, were universally Heathen:

NAPLES, as is believ'd, did not become entirely Christian, from the first Preaching of the Gospel, which they say was by St. Peter. 'Tis very probable, that some *Neapolitans* embrac'd immediately the Faith of Christ, and with much Caution follow'd their Bishop *Asprenus*, living hiddenly in that Belief; but all the rest were Idolaters, and that Worship publicly profess'd. So that of all the Greek Cities in these our Provinces, *Naples* was certainly the most superstitious and most addicted to the Errors of the Heathens, and its old Religion. It had its publick Temples, in honour of various Deities: of *Eumelus* its Country God, of *Ebo*¹, who had for an Adjunct that of *Clarissimus* given him, or most resplendent God; they believ'd him the same as *Apollo*, and he was also call'd the God *Mitra*: They had *Castor* and *Pollux*, *Diana*, *Ceres*, and a great many other Deities. It had its Brotherhoods (as hath been already observ'd) not only dedicated to its Country Gods, but likewise to Heroes, and in private Temples built by them, Sacrifices were offer'd by the Families that met there. Innumerable were the Games also which they had for celebrating their Feasts with the greater Pomp and Solemnity, and so famous that they drew Spectators from the remotest Parts: the most renown'd of which were the Olympick Games, which they celebrated with so much Care and Skill, that they entic'd the Emperors themselves to be Spectators of them: Neither were the Feastings at the Temple of *Ceres*, near the Sea, less admir'd, from which that Goddess is call'd by *Statius*, *Actia Ceres*.

SOME vainly believe, that these Festivals and these Temples ceas'd, as soon as St. Peter preach'd the Gospel there; whereas 'tis manifest, that they were continu'd for a long time after. *Statius*, who wrote under *Domitian*, in his *Sylvæ*, and elsewhere, makes mention frequently of these Feasts and Games. Others have been yet more foolishly persuaded, that Learning was taught in the Academy, which, in *Naples*, was dedicated to *Hercules*, and that it was honour'd with *Ulysses* for a Scholar; as if in the midst of his so long and painful Wanderings, it could have enter'd into his Head to go to *Naples* in Quest of Learning. The Academy was instituted for exercising the Body in Coursing, Fencing, Wrestling, the *Gymnici*, *Ludi*, and *Athletic* Exercises: And that Academy was famous and remarkable for the rare and extreme Valour of the Wrestlers, that it not only drew to it Strangers from the most distant Countries, but (which is more remarkable) even the Emperors themselves, who went frequently to this City, and were delighted in seeing the Exercises, and in being seen performing them. That Academy was much esteem'd by *Augustus*, *Tiberius*, *Caligula*, *Claudius*, and much more by *Nero*. *Titus* was much delighted with it, and it being thrown down by an Earthquake, he rebuilt it. *Domitian*, *Trajan*, *Adrian*, *M. Aurelius* the Philosopher, *Commodus*, *Septimius*, and *Alexander Severus*, and almost all the Emperors who preceded *Constantine*, honour'd it. *Naples* then, on Account of these Exercises, being so much frequented by these Emperors, the greatest Part of whom had been unmerciful, bitter, and cruel Persecutors of the Christian Religion; who can ever be persuaded, that this City, after St. Peter's passing through it in his going to *Rome*, had forsaken Heathenism, and publicly embrac'd the Christian Religion? Neither the Manners of the *Neapolitans*, who were most tenacious of the Worship of their Country Gods; nor the frequent Stay the Roman Emperors made in this City; nor the mortal Hatred they bore to the Christians, can make us believe it, but much rather prove the contrary, and what great Mistake it was to imagine there were never any Martyrs in

¹ Macrob. Saturnal. lib. 1. cap. 18. Tutin. dell' Origin. de Seggi, cap. 19.

Naples, when 'tis indisputable : Neither can *P. Carracciolo* himself deny it, that there have been many and frequent Martyrdoms there ; and Cardinal *Baronius* ¹ speaking of *St. Faustus* and *Fulita*, gives an Account, that they suffer'd Martyrdom in *Naples*. Forasmuch as this City, whatever they may believe, that as a Confederated City, it was not subject to the *Roman* Edicts, was of it self Idolatrous, and consequently a most bitter Enemy to the Christians, and such were they who govern'd it. But by reason of the great Superstition of the *Neapolitans*, and the great Veneration for their Paternal Gods, even after *Constantine the Great* gave Peace to the Church, it was very difficult for a long time to get the false Worship so entirely abolish'd, as it was in other Cities of the Empire, and in *Rome* it self, before the Reigns of *Arcadius* and *Honorius*, most religious Princes, and resolute in exterminating Idolatry out of the Empire. And 'tis a very ill contriv'd Story, which gives an Account of the so many Churches and Altars erected in *Naples* by *Constantine the Great*, as shall be plainly shewn in the following Books of this History ; whence, with good Reason, *Jordanus* follow'd by *Tutini* ², believed, That the Temple in *Naples*, dedicated by *Tiberius Julius Tarsus* to *Castor* and *Pollux*, had been afterwards, by the *Neapolitans*, dedicated to the true God in Honour of *St. Paul* the Apostle, not in the Time of *Constantine the Great*, but of *Theodosius* the Emperor. *Symmachus* ³, who liv'd in the fourth Century, lets us see, that *Naples* continu'd Heathen many Years after *Constantine* had embrac'd the Christian Faith ; whence, for its Constancy in not having follow'd the Example of the other Cities, but having kept the ancient Religion, he praises and adorns it with the Title of *Urbs Religiosa* ; these are his Words ; *Quamprimum Neapolim petiti Civium suorum visere studeo : Illic honori Urbis Religiosæ intervallum bidui deputabo. Dehinc si bene Dii juverint, Capuano itinere, venerabilem nobis Romam, Laremque petemus.* Every Body knows that *Symmachus* was a fierce and cruel Enemy of the Christians, and consequently would by no Means have called it *Urbs Religiosa*, on Account of the Christian Religion ; but only because Heathenism was overturn'd every where else, he reckon'd *Naples* conspicuous and religious, because of the false Religion which it constantly retain'd and profess'd.

Camillus Pellegrinus ⁴ left to the Learned of *Naples*, the Care of solving the Difficulty which that Passage of *Symmachus* left them in ; for 'tis truly incompatible with the common Belief of the *Neapolitans*, that that City should become Christian from the first Preaching of *St. Peter*. But this difficult Passage was soon unriddled by our accurate *Chioccarelli* ⁵, (whom with good Reason *P. Lafena* used to call the Beagle, on Account of his diligent Searching) and he endeavour'd to surmount it, by giving various Meanings to the Word *Religiosa*, that is, he would have *Symmachus* to mean, not the Heathen, but the Christian Religion : An Interpretation, truly far from the Circumstances of these Times, and the Religion of the Author, to which he was as much addicted, as he was an implacable Enemy of the Christian. A bare-footed *Carmelite* Fryer ⁶ in our Time, hath undertaken that Dispute ; but his Pen was not equal to the Undertaking, and he came but badly off. But if we lov'd Truth above every thing else, and were free from the Passion of an affected Love for our Native Country, and would look on it impartially, we should very easily unriddle the Matter : We should see there was no Intricacy in it, in our Opinion, if we would but consider the Circumstances of that City so near to *Rome*, and which it was vain in imitating in all its Proceedings ; we should perceive, that these our Western Provinces did not shake off Idolatry before the Reigns of *Arcadius* and *Honorius*.

In the other Provinces, and especially in the East, the Ecclesiastical Polity could be better minded, and the Christian Religion profess'd with more Freedom, the Persecution not being so furious and cruel there ; but for all that, the Civil State suffer'd no Change nor Alteration ; nevertheless, being persecuted and interdicted, it could not be publickly kept up, much less profess'd.

¹ Baron. Annot. ad Mart. 15. Maii, P. Lafena Gin. Nap. cap. 6. pag. 104.

² Tutin. dell' origin. de Seggi, cap. 4.

³ Symmach. ep. 27. lib. 3.

⁴ Cam. Pel. in Camp. in fin.

⁵ Chioccar. de Episc. Neap. in Severo.

⁶ Discorso del P. Fr. Girolamo Maria de S. Anna Carm. Scal. dell' ant. Cattol. Relig. & Nobiltà di Nap.

S E C T. IV.

Of the Ecclesiastical Hierarchy and Synods.

THE Church knew no other Hierarchy, nor Dignities in these first three Ages, but those of Bishop, Priest, and Deacon. The Bishops, who had the Superintendency, and whom all the Orders of the Church obey'd, if, peradventure, any Division arose amongst the Faithful, they by their great Zeal and Charity, immediately made it up, and quieted their disturb'd Minds. The Charity of all was equal; in the first, by using their Pre-eminency with Moderation; and in the others, by obeying with an entire Resignation. If at any time they were to deliberate about any Affairs of Moment concerning Religion, to the end that they might maintain a fix'd Concord and Unanimity amongst all the Churches, and that there might be no jarring, the Bishops were us'd to communicate to one another what had fallen out, and by the Means of Messengers or Letters, which they called *Formatae*, they maintain'd a Correspondence; and thus being all united by a strict Tye, representing the Universal Church, they fortified themselves against all Divisions and Schisms which could ever arise¹.

WHEN any Thing fell out, and if the Persecution gave them any breathing, so as they could from different Cities meet in one, they conven'd in Synods for deciding the true Faith, for regulating the Polity and Manners of Christians, or for punishing the Guilty, and deliberating about any other Matter that happen'd; following in that, the Footsteps of the Apostles, and of St. Peter their Head, who having conven'd the Faithful in *Jerusalem*, held a Council, which was the first, and on that Account called the Council of *Jerusalem*, and which is inserted in the Acts of the Apostles by St. Luke².

IN the second Age, when Religion was more diffus'd, as well in the Eastern as Western Provinces, they held other Synods: The first were in *Asia*, *Syria*, and *Palestine*. In the West likewise they began in this Age, being held in *Rome*, and in *Gallia*, against the Heresy of *Montanus* and the *Cataphrygians*; and on Account of the Paschal Controversy³.

IN the third Age, they were more frequent in *Rome* against *Novatus*, and his Followers, but more in *Asia* and *Africa*.

¹ Grot. de Imp. Summ. Pot. cap. 11. num. 8.
² Act. cap. 15.

³ Van Mastric. de Or. & Pr. Jur. Can. cap. 1.
 Doviart. Hist. Jur. Can. par. 1. cap. 1.

S E C T. V.

Of the ECCLESIASTICAL REGULATIONS.

THE Church in the first Ages had no other Regulations, but those which were in the Holy Scriptures, neither were there any other Books known: Afterwards by the Councils that were held, there were other Regulations made, by which the Churches of these Provinces were govern'd.

THESE were only Regulations concerning the Discipline of the Church, it never having been deny'd to the Priesthood to take Cognizance of the Differences in Religion, and to make Regulations concerning their Discipline. It was allow'd to the Heathen Priests likewise to do the same, and it was the common Right, as well of the *Romans* as of the *Greeks*, that all lawful Communities should take Cognizance of their own Affairs, and make Regulations about them. *Cajus* our Civilian, speaking of such a Community and College, says, *His autem potestatem facit lex, pactionem quam velint sibi ferre, dum ne quid ex publica Lege corrumpant*: There is

a Law of *Solon* mention'd, in which the same was establish'd amongst the *Greeks* ¹; *John Doviât* ², and *Du Pin* ³, a great Divine of *Paris*, taught, that the Church not only had such Authority by common Right, by which every Society ought to have some Form of Government, to keep it from Confusion and Disorders, and to establish Regulations; but that the Power of making Canons concerning Church Discipline, was also granted by Christ to the Apostles. 'Tis not to be doubted, but that our Saviour gave Authority to his Apostles, and their Successors, to govern the Faithful in all that concern'd Religion, as well to clear the Points of Faith, as concerning the Rule of Manners: And these were the first Foundations and Principles from whence the Canon Law hath its Origin, which for a long Tract of Years hath vied with the Civil Law, and, as 'tis manag'd by the Popes, dares not only compare with it, but it must entirely yield; so that in the same Dominion, against all the Laws of Government, two Bodies of different Laws are seen, encroaching upon one another; the Source, from whence flow'd so many Disputes about Jurisdiction, and so many Changes in the Political and Temporal State of the Empire, and of these our Provinces, as shall be distinctly shewn in the Course of this History.

THEREFORE in these first Ages, such Regulations had no Influence to cause any Alteration in the Polity of the Empire: They were solely confin'd to the Differences in Religious Matters, and to what concern'd the Government of the Churches, and their Discipline. As to the Civil Matters of the Empire, they did not interfere with them, leaving entirely the Government of the Commonwealth to the Prince, as formerly.

¹ L. Sodal. 4. D. de Colleg. V. Desider. Herald. Obser. & Emend. lib. cap. 42. Salm. Observ. ad jus Afric. & Rom. cap. 4.

² Doviât. Hist. du Droit Canonique, pars 1. cap. 1.

³ Du Pin. de Ant. Eccl. Disc. dissert. 1.

S E C T. VI.

Of the Cognizance of CAUSES.

THE Church had likewise in these Times, as a Thing belonging to her Discipline, the Censure and Correction of the Manners of Christians. If any of the Faithful, by going out of the right Way, stumbled upon some Heresy, or by any publick or notorious Sin scandaliz'd others, he was first privately rebuk'd that he might reform, and if he did not amend, he was denounc'd to the Church, that is to say, to the Bishop, Presbytery, and the Believers, by whom he was a second time rebuk'd; and if, after all, he continu'd obstinate in his Error and Way of Living, he was banish'd their Communion, and reputed as the other Heathens and Publicans; depriving him of all that which the Church gives to her Faithful, and leaving him in the Civil Society with the other Heathens; and it was after true Repentance and a rigorous Penance, that he was again admitted into their Communion.

THAT Correction of Manners, during the popular State of *Rome*, resided in the Censors, for which they were call'd *Magistri Morum*, who had Power to put a Mark of Ignominy on all sorts of Persons for Causes, of which the Law took no notice, as *Bodinus* wisely and at large treateth. An Institution certainly very commendable, which being laid aside under the Emperors, was taken up by the first Christians, who, by the Means of this Censure, kept themselves in a singular Purity of Manners, as *Pliny* witnesseth of the Christians in his Time; and it is what *Tertullian* saith in his Apologeticks speaking of the Assembly of the Church; *Ibidem*, says he, *exhortationes, castigationes, & Censura Divina*; whence it is, that they call'd the Head of each Church *Episcopon*, which is to say, the Inspector of the Manners of his Church: For which Cause, Excommunications and other Punishments of the Church, are call'd to this Day Ecclesiastical Censures; a Matter which

which would require much longer Reasoning, but we shall leave it to *Bodin* to make up what is wanting.

T H E R E was in those Times, a Custom introduc'd amongst Christians of submitting their Differences to the Judgment of the Church, that they might not be oblig'd to plead before the Heathen Judges, according to the Precept of *St. Paul* in the first to the *Corinthians*. So that we see in *Tertullian*, *Clemens Alexandrinus*, and other Authors of those Times, That those who would not submit, but made Christians plead before the Heathen Magistrates, were look'd upon to be almost Heathens, or at least bad Christians: But those Decrees which the Bishops gave, were only arbitral Opinions, which did not bind the Parties but upon Honour; as when Persons of Consideration interpose in making up any Difference. In a word, they were not oblig'd to submit: Neither after Sentence were they tied to observe it, leaving them at Freedom to have their recourse to the Secular Magistrate.

T H E Church, in her Infancy, took Cognizance of these three Occurrences only, to wit, of Matters of Faith and Religion, of which she judg'd by Form of Polity: Of Scandal and lesser Faults, which she took under her Cognizance by way of Censure and Correction; and of the Differences among Christians, which they brought before her, which she decided by way of Arbitration and charitable Agreement. Whence it may be seen, that the Ecclesiasticks had not that compleat Power of trying Causes, which in the Law is call'd *Jurisdiclio*; but their Justice was call'd *Notio*, *Judicium*, *Audientia*, and never *Jurisdiclio*.

S E C T. VII.

Of the Election of MINISTERS.

I T belong'd likewise to the Church Discipline to provide her with Ministers; and *Du Pin*¹ writes, That this Power was bestow'd by Christ on the Apostles, of providing Successors in their Churches, to wit, Bishops, Priests, and other Ministers. And indeed the Apostles, as may be gather'd from Sacred History², ordain'd Bishops in many Places, and left them to govern the Churches which they had founded: But afterwards, the Apostles being dead, when by the Death of any Bishop the Church became vacant, they proceeded to the Election of a Successor; and then they call'd the most neighbouring Bishops of the same Province, at least two or three, it being a difficult Matter to have numerous Councils in those Days, if it were not in the Intervals of Persecution, and sometimes the Sees remain'd a long time vacant; and these joyning with the Presbytery, and the faithful People of the City, proceeded to the Election³. The People propos'd the Persons they desir'd might be elected, and gave Testimony of the Life and Manners of each of them; and lastly, being united with the Clergy and the Bishops present, consented to the Election, and immediately the new Elect was consecrated by the Bishops. Sometimes the Clergy and the People had a greater or lesser Share in the Elections, seeing in some they only express'd their Desire, and gave Testimony of their Life and Manners; in others they join'd in the Election⁴, as happen'd in the Election of *St. Fabian* Bishop of *Rome*, who, as *Eusebius* reports, was chosen by the Voice of the People, who had seen a Dove sitting on his Head: Which when it fell out, and the Bishops thought it convenient, they approv'd of the Election, and ordain'd the Elect; and the Election and Consecration were perform'd at the same Time, and the same Bishops were Electors and Ordainers: Nothing more being requir'd; forasmuch as in those first three Ages, the Right of Metropolitans to ordain the Bishops of their Pro-

¹ Du Pin. de Antiq. Eccl. Disc. dissert. 1.

² Act. 14. ver. 23. 2 ad Corinthian. 8. ver. 19.

³ Can. Sacrorum dist. 63. Can. quanto. Can. nosce. ead. dist.

⁴ Ciron. in cap. 1. de Restitut. Spoliat. Marca de Concord. lib. 8. cap. 2. §. 2.

vinces was not yet declar'd by Canons, as it was afterwards in the fourth Age; of which we shall treat in the following Book, when we shall have Occasion to speak of the exterior Ecclesiastical Polity of the fourth and fifth Centuries.

IN short, this was the Ecclesiastical Discipline concerning the Election of Bishops in these three first Centuries, as may be learn'd from the Letters of St. *Clement* the Pope, and St. *Cyprian*, Writers in the third Century¹. The Election of Priests and Deacons belong'd to the Bishop, to whom the Ordination solely appertain'd, altho', in the Election, the Clergy and People had their Share.

¹ Cyprian. epist. 33.

S E C T. VIII.

Of TEMPORALITIES.

IN those early Times, there were not so much Wealth and Goods, as to make it worth while to seek the Administration and Distribution of them, nor yet to make Regulations about them. Neither had they fix'd Foundations, nor even the necessary Tythes settled¹. The common Goods of the Churches, consisted only of Moveables, Provisions for the Mouth, Cloathing, and ready Money, which the Faithful offer'd every Week, or Month, or when they pleas'd, there being no settled Rules nor Compulsion in these Offerings. As for Immoveables, the Persecutions did not allow them to acquire any, or at least to possess them any time. The Faithful willingly gave Oblations and First Fruits, for keeping of which there were Persons appointed, and, in our Saviour's Time, *Judas* had the Custody of them: But they had no other use for these Things, than only to supply them when they wanted Cloaths and Victuals, and all that was over and above was distributed amongst the Poor of the City.

THE Apostles, after our Saviour's Death, kept up the same Custom, and laid up in common all that they collected from the Faithful, who, in order to follow them, sold their Houses and Farms, offering to them the Price of them; and, as is said, put the Money to no other use, but for their own Necessities, and the Maintenance of those whom they appointed to preach the Gospel, and for relieving the Poor and Needy of the Places they pass'd through. And as the Number of the Faithful encreas'd, of course the Oblations were greater; and when they saw that they super-abounded, that they not only were sufficient for the Occasions of the Church of one City, but that there was still an Overplus, they were wont to distribute it amongst the other Churches of the same Provinces, and often to send it to Provinces more remote, as their Necessities requir'd: So we observe in the Scripture, that St. *Paul*, after having made many Collections in *Macedonia*, *Achaia*, *Galatia*, and *Corinth*, used to send a great Part of them to the Churches in *Jerusalem*; and after the Death of the Apostles, the same Custom was observ'd by the Bishops their Successors. Afterwards, it was thought more profitable and expedient, that the Faithful should not sell Possessions, to give the Price of them to the Churches; but that the Churches themselves should keep them, that with the Fruits of them, and the other Oblations, they might be enabled to provide for the Poor and their own Wants; and altho' the Administration belong'd solely to the Bishops, yet they being intent on more sublime Works, such as the Preaching of the Gospel, and Convulsion of the *Gentiles*, left the Care of disposing of the Money to the Deacons; but that did not alter the Method of distributing it, seeing one Portion of it went to the Priests and other Ministers of the Church, who for the most part lived together, and in common, and the Remainder was bestow'd upon the Poor of the Place.

¹ Tertullian, Nam nemo compellitur, sed sponte confert. Du Pin. ad Censor. in Bibliot. tom. 6. in fine, cap. 3. §. 13.

IN Proceſs of Time, in the Pontificate of *Simplicius*, about the Year 467. there having been ſome Frauds diſcover'd in the Miniſters in the Diſtribution of theſe Revenues, it was ordain'd, That all that was collected from the Incomes and Oblations ſhould be divided into four Parts, one of which was for the Poor, another for the Priests and other Miniſters of the Church, the third for the Biſhop himſelf and the Strangers he uſed to entertain, and the fourth was ſpent in building publick Churches, and in making more ſumptuous Edifices (which began in the Time of *Constantine the Great*) and encreasing the Number of Ornaments and Holy Veſſels, and repairing the ſame. Neither was that Diſtribution always equal, ſeeing if the Poor were numerous in any City, their Portion was the greater, and if the Churches wanted but little Reparation, their Share was the leſs.

THIS, in ſhort, was the Eccleſiaſtical Polity in theſe three firſt Centuries of the Church, which being confin'd to it ſelf, had no Influence on the Polity of the Empire, and much leſs on the State of theſe Provinces, in which, by reaſon of the cruel Perſecutions, it was ſcarcely thought on. We ſhall behold it in a different Aſpect in the ſucceeding Ages, after *Constantine* gave it Peace ; but monſtrous enough, and in more ſtrange Forms ſhall we ſee it, in the Ages leſs diſtant from us, when it was not thought enough to have transformed in ſo many Shapes both the Civil and Temporal State of Princes, but it was likewise attempted to ſubject Empire altogether to the Priethood.



R

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THE
CIVIL HISTORY
Of the KINGDOM of
N A P L E S.

B O O K II.



THE Beginning of the fourth Century of Man's Redemption, and the Course of the subsequent Years, brought about such strange Revolutions in the *Roman* Empire, that being monstrously deform'd in its Head and Members, assuming another Countenance and new Shapes, it was no more known to be the same it formerly had been. For all generous Customs being laid aside, and the *Romans* having given themselves up a Prey to Ease and Luxury; from robust and courageous, they became effeminate and feeble; from grave, severe and uncorrupted, full of Ambition and dissolute. By which means their military

Discipline became enervated and decay'd; and those Arms which formerly had carried Terror and victorious Banners to the utmost Limits of the World, so despicable and unfit for War, that they were no longer able to keep under the Power of the very Nations, over whom they had so much and so often gloriously triumph'd; but, to their eternal Ignominy, yielded, and suffer'd themselves to be shamefully subdued, and the Empire in a short Time destroyed and miserably over-run. *Pannonia*, *Rhetia*, *Mesia*, *Thracia*, and *Illyricum* were subdued by the *Huns*: The two *Gallias* lost: *Spain* under the Power of the *Vandals* and *Goths*: *Africa* already possess'd by the *Vandals*: *Britain* by the *Saxons*: And *Italy*, the Queen of the Provinces, vanquish'd and overcome likewise by the *Goths*: And *Rome* itself sack'd and destroyed. Neither had the *Romans* better Fortune in process of Time in the East.

East. Syria, Phœnicia, Palestine, Egypt, Mesopotamia, Cyprus, Rhodes, Crete and Armenia were possess'd by the Saracens. Asia Minor lost, and at last all the Provinces of the Roman Empire subdued and overcome.

AS the Empire decay'd, so did Learning and all Discipline: The Jurisprudence began to lose its Lustre, and that Dignity, in which, for a Tract of so many Years, so many Civilians, the Favour of the Princes, the Wisdom of the Magistrates, the Learning of the Professors, and the Excellency of the Academies had maintain'd it. The Names of *Papinianus*, *Paulus*, and *Africanus* were no more heard of: The Oracles ceased, we shall never have any more *Responsa* given us by their Successors; who being of obscure Fame, undertook no other Charge, but to teach in the Academies, that which those great Souls had left by their illustrious Labours. And even of these (such lamentable and calamitous Times succeeding) scarcely a Trace or obscure Knowledge hath reach'd Posterity; which likewise would have been altogether lost, if the Wisdom of *Valentinian III.* opportunely with his Constitutions, had not restor'd them. And also the Knowledge of the Laws, which was only profess'd by the brightest Genius's of the City of *Rome*, was now basely manag'd and reduced to be the Employment of the vilest Men in the World.

THOSE prudent and wise Constitutions of the Princes, fram'd with so much Elegancy and Conciseness, were no more read with Admiration and Amazement; but from that Time forward, prolix and swelling ones, more becoming a Declaimer than a Prince, and not to be compared with the first, either for Eloquence, Gravity, or Civil Prudence.

THE Magistrates having lost that Rigour and Learning, took other Names, and with new Names, likewise new Customs; of Uncorrupted became Mercenary; of Wise and Grave, Ignorant and Inconstant; of Moderate, Ambitious; and finally, full of Extortion and so Licentious, that if the Prudence of *Constantine*, *Valentinian*, and some other Princes from Time to Time, had not repress'd their Venality and Ambition, by the means of many Edicts¹, which they publish'd for that End, grievous and enormous Disorders would have ensu'd.

THE Academies, by the Ignorance of the Professors, and the depraved Manners of the Youth, were already render'd useless and full of Irregularities. The Youth given up to Riot, intemperate Feasts, Games, Shews, Whores, and a thousand other Sorts of Wickedness, seldom frequented them; so that they would have been altogether laid aside, if the Care of *Valentinian the Elder* had not been ready to restore them with his XI. Academical Laws, which he directed to *Olibrius* Præfect of *Rome*, in the Year 370.

SO many and strange Changes, ought to be attributed not only to corrupt Discipline, and depraved Manners, but likewise to that new Division and new Form, which *Constantine* was pleased to make in the Empire. He was the first that put in practise that which *Diosclesian* had attempted formerly, to divide the Roman Empire into two principal Parts, and of one to make two Empires². Forasmuch as altho' sometimes there had been more than one Emperor who reign'd at the same time; nevertheless they had never made any Division amongst them; neither had ever the Empire or the Provinces, or the Legions been allotted by way of Heritage. *Constantine* was the first, as *Eusebius* says³, who divided the Roman Empire into two Parts, *Quod quidem nunquam antea factum esse memoratur*. For which Purpose he applied himself wholly to the founding of *Constantinople* in the East, in which he employed all his Magnificence and Power, that it might vie with *Rome*; and as the one was Head in the West, so the other might be in the East⁴. Therefore he divided the Empire into the Eastern and Western, assigning to each its Provinces. All these *Ultramarine* Provinces, from the Streights of the *Hellepont*, to the Mouth of the *Nile*, *Egypt*, *Illyricum*, *Epirus*, *Achaia*, *Greece*, *Thessaly*, *Macedonia*, *Thrace*, *Crete*, *Cyprus*, all *Dacia*, *Mesia*, and the other Provinces of that Tract, he put under the Eastern Empire, and *Constantinople* as its Head, and were divided into many Jurisdictions. To the Western Empire, and the City of *Rome*, he left *Spain*, *Britain*, the *Gallia*, *Noricum*, *Pannonia*, the Provinces of *Germany*, *Dalmatia*, all *Africa* and *Italy*; disposing them in such a manner, that two Emperors might govern the Empire, the one in the West, the other in the East. He divided likewise the

¹ We read it under the Tit. de Off. Rest. Provin. in Cod. Theodof.

² Pag. diff. de Consulib. pag. 79.

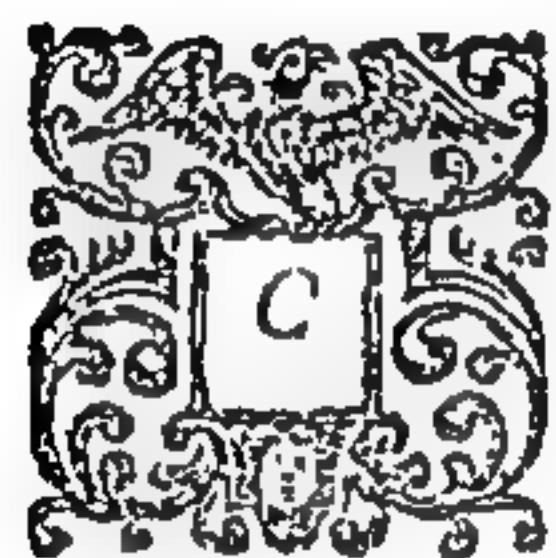
³ Euseb. lib. 8. cap. 7. Valef. ibid.

⁴ Jacob. Guthier. de Off. domus Aug. lib. 2. cap. 6.

Senate, and those Senators who were elected for the Provinces of the Western Empire, were to remain at *Rome*, and those for the Eastern at *Constantinople*; and divided the Consuls after the same manner. He gave to *Constantinople* as well as *Rome*, the Prefecture with the same Pre-eminencies and Privileges; and all the other Parts of the Empire were divided in different Manners. Which new Division we must here distinctly treat of, since it will not only serve for understanding the special Polity, and Temporal State of our Provinces, but also be of Use, for giving a more distinct Knowledge of the Ecclesiastical Polity, and how it came to be introduc'd into the Empire and our Kingdom, in the manner it now is.



C H A P. I.

Of the Disposition of the Empire under Constantine the Great.

CONSTANTINE, by the Example of his Predecessors, being jealous of the too great Power of the *Præfecti Prætorio*, who had often usurped the Empire, divided that Office into four Parts, by making four Prefectures, and dividing the *Roman World* into four Climates or Regions. These encompassed an immense Space of Heaven and Earth; and within their Limits were comprehended many Jurisdictions: These were the *Oriental*, the *Illyrick*, the *Gallican*, and the *Italian*, to which he gave four *Restores*, whom he call'd by the ancient Name, but by a new Administration, *Præfecti ad Prætorium*: We have put *Italy* in the last Place because we are to stop there.

The O R I E N T A L.

UNDER the Command of the *Præfectus Prætorio* of the *Oriental*, he put five Jurisdictions, which were, the *Oriental*, the *Egyptian*, the *Asiatick*, the *Pontick*, and the *Thracian*; which Jurisdictions, as is manifest from the *Theodosian Code*, and from the Acts of some ancient Councils, were made up of many Provinces¹ in those Days.

1. IN the *Oriental* Jurisdiction, the Head of which was the City of *Antioch*, there were XV. Provinces. I. *Palestine* the First, II. *Palestine* the Second, III. *Phœnicia* the First, IV. *Syria*, V. *Cilicia*, VI. *Cyprus*, VII. *Arabia*, VIII. *Isauria*, IX. *Palestine* the Healthy, X. *Phœnicia* of *Libanus*, XI. *Eupbratenfis*, XII. *Syria* the Healthy, XIII. *Osdroena*, XIV. *Mesopotamia*, XV. *Cilicia* the Second.

2. IN the *Egyptian* Jurisdiction, the Head of which was *Alexandria*, there were VI. Provinces. I. The Upper *Lybia*, II. The Lower *Lybia*, III. The *Thebaide*, IV. The *Egyptick*, V. The *Arcadian*, VI. The *Augustianick*.

3. IN the *Asiatick* whose Head was *Ephesus*, there were X. Provinces. I. *Pamphylia*, II. *Hellespont*, III. *Lydia*, IV. *Pisidia*, V. *Lycaonia*, VI. *Phrygia Pacasiana*, VII. *Phrygia* the Healthful, VIII. *Lycia*, IX. *Caria*, X. The Islands of *Rhodes*, *Lesbos*, and those of the *Egean Sea*.

4. THE *Pontick* had XI. Provinces, and its Head was *Cæsarea*, and these were, I. *Paphlagonia*, II. *Galatia*, III. *Bythinia*, IV. *Honorides*, V. *Cappadocia* the First, VI. *Cappadocia* the Second, VII. *Pontus Polemoniatus*, VIII. *Helenopontus*, IX. *Armenia* the First, X. *Armenia* the Second, XI. *Galatia* the Healthful.

¹ Jacob. Guther. de Off. domus Aug. lib. 2. | instit. Du Pin. de Antiq. Eccl. disc. Differ. 2. §. 9. cap. 6. | 1. 9. C. Th. de Legatis, l. 2. C. Th. de equor.

² Petr. de Marca de Patriarc. Constantin. | conlat. Balsamo in cap. 9. Conc. Chacedon.

5. THE *Thracian*, first had *Heraclea* for its Head, afterwards *Constantinople*, and was made up of six Provinces. I. *Europe*, II. *Thracia*, III. *Emimontus*, IV. *Rhodore*, V. *Mesia* the Second, VI. *Scythia*.

The ILLYRIK.

UNDER the Government of the *Præfectus Prætorio* of *Illyricum* there were two Jurisdictions, the *Macedonian* and the *Dacian*.

1. THE *Macedonian*, the Head of which was *Thessalonica*, was compos'd of six Provinces. I. *Achaia*, II. *Macedonia*, III. *Crete*, IV. *Thessaly*, V. *Epirus* the Old, and *Epirus* the New, VI. A Part of *Macedonia* the Healthy.

2. THE *Dacian* of five. I. The *Mediterranean Dacia*, II. *Dacia Ripensis*, III. *Mesia* the First, IV. *Dardania Prevalitana*, and V. Part of *Macedonia* the Healthful.

The GALLICAN.

UNDER the Administration of the *Præfectus Prætorio* of the *Galliæ*, there were three Jurisdictions, the *Gallican*, the *Spanish* and *British*.

1. THE *Gallican* was made up of seventeen Provinces, and were I. The *Vienensis*, II. The *Lugdunensis* the First, III. *Germania* the First, IV. *Germania* the Second, V. *Belgium* the First, VI. *Belgium* the Second, VII. The *Maritime Alps*, VIII. The *Appennine Alps*, IX. *Maxima Sequana*, X. *Aquitaine* the First, XI. *Aquitaine* the Second, XII. *Novem Populana*, or *Gascony*, XIII. *Narbonensis* the First, XIV. *Narbonensis* the Second, XV. *Lugdunensis* the Second, XVI. *Lugdunensis Turonia*, XVII. *Lugdunensis Senonica*.

2. THE *Spanish* was compos'd of seven Provinces. I. *Betica*, II. *Lusitania*, III. *Gallicia*, IV. *Terragonensis*, V. *Carthaginensis*, VI. *Tingitania*, VII. The *Baleares*.

3. THAT of *Britain* of five. I. *Maxima Cæsariensis*, II. *Valentia*, III. *Britannia Prima*, IV. *Britannia Secunda*, V. *Flavia Cæsariensis*.

The ITALIAN.

LASTLY, under the *Præfectus Prætorio* of *Italy*, there were three Jurisdictions; the *Italian*, the *Illyrick*, and the *African*. The Jurisdiction of *Illyricum*, of which *Sirmium* was the Head City, was compos'd of six Provinces. I. *Pannonia Secunda*, II. *Savia*, III. *Dalmatia*, IV. *Pannonia Prima*, V. *Noricum Mediterraneum*, VI. *Noricum Ripense*. The *African* of five. I. *Africa*, where *Carthage* stood, II. *Bisacena*, III. *Mauritania Sitipbensis*, IV. *Mauritania Cæsariensis*, V. *Tripolitana*.

ITALY was divided into seventeen Provinces, as they were distinguish'd under *Adrian*; and that Division continu'd as far down as *Longinus's* Time, whose Order, according to the Book of the *Notitia* of the Empire (which no-body doubts of its being very Ancient, and compos'd in the Time of *Theodosius the Younger*) is as followeth, I. *Venetia*, II. *Emilia*, III. *Liguria*, IV. *Flaminia*, and *Picenum Anonarium*, V. *Tuscia* and *Umbria*, VI. *Picenum Suburbicarium*, VII. *Campania*, VIII. *Sicilia*, IX. *Puglia* and *Calabria*, X. *Lucania* and the *Bruttii*, XI. *Alpes Cottiae*, XII. *Rhetia Prima*, XIII. *Rhetia Secunda*, XIV. *Samnium*, XV. *Valeria*, XVI. *Sardinia*, XVII. *Corfica*.

*PAUL IWARNIFRIDE*¹, Deacon in *Aquileja* ranketh them several ways; as for Example, *Liguria*, which is here in the third Place, and *Emilia* in the Second, he placeth in the Second and Tenth. But there is a greater Difference amongst them, since *Paul*, by dividing the Province of the *Alps* into two, calling the other the *Appennine Alps*, adds one more to their Number than is describ'd in the *Notitia*, where only the *Alpes Cottiae* are found. But he, as *Camillus Pellegrinus* saith², having made that for his own Pleasure, since he citeth in his own Favour, *Aurelius Victor's* way of Reasoning against those who did not count them two, and did not rather cite an Imperial Rescript, which would have been a proper

¹ Paol. Diac. Hist. Long. lib. 2. cap. 11.

² Pellegrin. nella Campania.

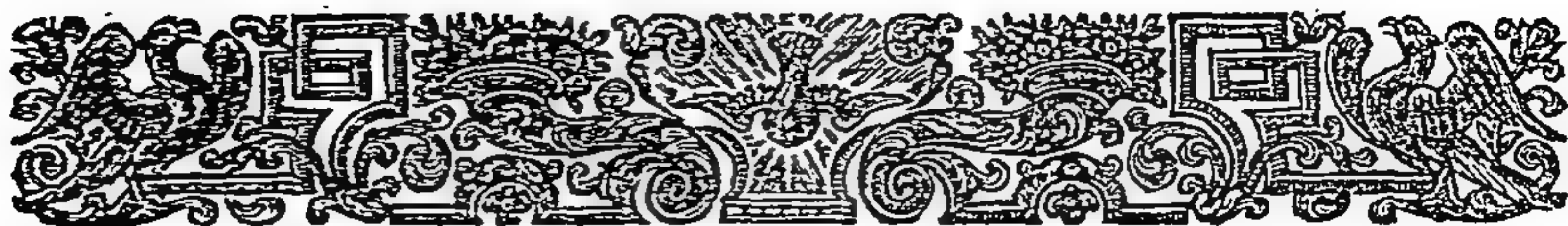
Authority for supporting his Belief; so likewise for his own Pleasure he ought to have chang'd the abovesaid Order of ranking, which is of much less Consequence.

ALL these Provinces were not on the same Footing, altho' they all obey'd, and were under the Direction of the *Præfectus Prætorio* of *Italy*, yet they had several other more immediate Administrators, to whom the Government of them was committed. They were first divided into two Lieutenancies, the one of *Rome*, and the other of *Italy*. In the Lieutenancy of *Rome* there were ten Provinces, *Campania*, *Hetruria* and *Umbria*, *Picenum Suburbicarium*, *Sicilia*, *Puglia* and *Calabria*, *Lucania* and the *Brutii*, *Samnium*, *Sardinia*, *Corfica*, and *Valeria*. In the Lieutenancy of *Italy*, the Head of which was *Milan*¹, there were seven Provinces, *Liguria*, *Emilia*, *Flaminia*, and *Picenum Annonarium*, *Venetia*, to which afterwards *Istria* was added, the *Alpes Cottiaë*, and both the *Rhetiaë*. The first were under the Government of the Lieutenant of *Rome*, whence they were call'd *Provinciae Suburbicae*. The second were under the Lieutenant of *Italy*, and therefore by some Writers simply call'd Provinces of *Italy*, distinguishing them from the others; which altho' they were inclosed between the *Alps* and the two Seas, and so a Part of *Italy*, (taking that Word in its large Signification) nevertheless, strictly speaking, the Provinces of *Italy* were those only that were under the Command of the Lieutenant of *Italy*, whose Seat was *Milan*. Thus we observe in the Acts of the Council of *Sardica*, which was celebrated in the Year 347; the Custom then being, that the Bishops who were at the Council, not only sign'd with the Name of their City, but likewise their Province, some of them sign'd after this manner: *Januarius a Campania de Benevento*. *Maximus a Tuscia de Luca*. *Lucius ab Italia de Verona*. *Fortunatus ab Italia de Aquileja*. *Stercorius ab Apulia de Canusio*. *Securius ab Italia de Ravenna*. *Ursacius ab Italia de Brixia*. *Portasius ab Italia de Mediolano*, &c. And the Reason was, because *Verona*, *Aquileja*, *Ravenna*, *Brescia* and *Milan* were of the Provinces which were under the Government of the Lieutenant of *Italy*, which could not be said of *Beneventum*, *Lucca*, and *Canusium*, which were in the Provinces of the Lieutenancy of *Rome*, and not in that of *Italy*.

THESE Provinces had likewise other more immediate Officers, to each of whom in particular, the Government of a Province was committed; but they were not all of the same Rank and Quality. Some were call'd *Consular*, because such was the Quality of their Commander: As *Venetia*, *Emilia*, *Liguria*, *Flaminia* and *Picenum Annonarium*, *Toscana* and *Umbria*, *Picenum Suburbicarium*, and our *Campania*. Others were call'd *Correetorial*, because they were govern'd by *Correetores*, and not by Consuls; such were *Sicilia*, *Puglia* and *Calabria*; *Lucania* and the *Brutii*. And lastly, some were call'd *Præsidial*, because they were under the Direction of Presidents; and these were the *Alpes Cottiaë*, the two *Rhetias*, and our *Samnium*, *Valeria*, *Sardinia* and *Corfica*. So the Chief Rulers of these Provinces were *Præfecti Prætorii*, the next *Vicarii*, and the last and more immediate were *Consulares*, *Correetores* and *Præsides*; of which Offices and Employments it will be necessary briefly to treat in this Place.

¹ P. de Marca de Concor. lib. 1. cap. 3. num. 12.





C H A P. II.

Of the Officers of the E M P I R E.

THE *Præfetti ad Prætorium* were those, on whom, next to *Cæsar*, all the chief Honours and prime Dignities of the Empire were conferr'd ¹: To them was given the Sword by the Emperor, as a Badge of their great Authority ²: Under whose Management and Government there were many Jurisdictions compos'd of many Provinces: They had under them the *Vicarii*, the *Reſtores* of the Provinces, the *Conſulares*, *Correſtores*, *Præſides*, and all the Magiſtrates of theſe Jurisdictions which were under their Care. They were to attend vigilantly, and to ſupply the Defects of theſe Magiſtrates ³, to admoniſh them, to inform them of the Laws; and, in a Word, to watch over all their Actions: Which Magiſtrates for their Part were to have recourſe unto the *Præfetti*, to report to them, and adviſe with them in dubious and difficult Matters. Moreover, it was lawful to appeal from all the foreſaid Tribunals to the *Præfetti*, who were to examine into the Cauſes of the Appeals, and to confirm or reſuſe the Sentences; and from the Decisions of the *Præſetti Prætorio* there was no room for Appealing but only by *Retraction*, which we now call *Reclamation* ⁴.

THE Emperors for the moſt part were wont to direct their Statutes to the *Præſetti*, that they might proclaim them in the Provinces under their Government: They had likewiſe under their Inſpection the Proconſuls, and they had many other Prerogatives, of which *Codinus*, *Gottifredus*, and *James Guterus* have learnedly writter ⁵. There were beſides theſe, two other *Præſetti* appointed for the Government of the two principal Cities of the World, to wit, *Rome* and *Conſtantinople*, under whoſe Power were the *Præſetti Annonæ*, who had the overſeeing of the Markets, and many other Magiſtrates, who were by various Employments appointed to take Care of, and govern theſe Cities, whom we have no occaſion to mention here.

AFTER the *Præſetti* the Proconſuls were next; an illuſtrious Dignity, and adorn'd with high Enſigns, the *Ax*, and the *Faſces*. In the Eaſt there were two of them, to wit, in *Achaia* and *Aſia*, and ſometimes there was a third in *Paleſtine*. In the Weſt there was only one, and that was in *Africa*.

THE *Vicarii* held the third Place, inferior to the Proconſuls, but much ſuperior and more eminent than the other Magiſtrates. Theſe, becauſe they repreſented the Office and Perſon of the *Præſetti*, were call'd in old Inſcriptions *Propræſetti*; and were ſet over whole Jurisdictions, and the Provinces of which they were compos'd. They were above *Reſtores*, and other inferior Magiſtrates. Their principal Care was to inſpect the Tributes and the *Annonæ*; to puniſh Deſerters and Vagabonds; and keep them till they acquainted the Prince of them ⁶. They not only judg'd *ex Ordine*, but often *ex Appellatione*, and ſometimes likewiſe *ex Delegato* ⁷. The *Vicarii* had *Aſia*, *Pontica*, *Thracia* the Eaſt, *Macedonia*, *Africa*, *Spain*, *Gallia*, and *Britain*. There was beſides, the *Vicarius* of the City of *Rome*, under whoſe Direction, as hath been ſaid, were ſome Provinces of *Italy*; on which account they were call'd

¹ Jacob. Guth. de Off. domus Aug. lib. 2. cap. 1.

² Plin. in Paneg.

³ Guth. loc. cit. cap. 2. de Off. dom. Aug.

⁴ Guth. loc. cit. cap. 3.

⁵ Codin. de Off. Aul. Conſt. Got. in Notit. P P. to 6. C. Th. Guth. de Off. dom. Aug. lib. 2. cap. 1, 2, 3, 4.

⁶ Petr. de Marca de Patriarch. Conſtit. Inſtit.

⁷ Jacob. Got. in Notitia, to 6 C. Th.

Provinciae Suburbicariae. Italy also had its *Vicarius*, under whose Government were some other Provinces, whence they were properly said to be of *Italy*. And all these, as being of a high and eminent Degree, were call'd *Judices Majores* ¹.

T H E N follow'd the Officers of lower Degree, for which they were call'd *Judices Minores*; among these the *Rectores* of Provinces were the Chief, to whom the Government and Administration of some of them was given: These were under the Direction of the *Propraefecti P.* to whom Appeals could be made. They had *Jus gladii*; and their principal Charge was to determine Pleas both Civil and Criminal, either where the Goods or the Life of Men were concern'd; and to see that no Wrong or Detriment was done by the lesser Officers to their Provincials; and for that End, they were oblig'd at certain Times of the Year to make Circuits over all the Province, not only in the Cities, but likewise in all the Villages, to hear the Complaints of the Provincials, and diligently to enquire into the Insolencies and Disorders that had happened, and to redress them. To them was directed that Golden Edict, which punish'd Bribery and Extortion so severely in Magistrates, which we read in the *Theodosian Code* ².

I N the second Place were the *Consulares*, to whom the Government of one single Province was committed. These were of greater Dignity than the *Correctores* and the *Præsides*; and they had likewise for their Badge the *Fasces*, and were distinguish'd by the Title of *Clarissimi*. The Emperors were wont also to direct their Constitutions to the *Consulares*; and on that account they were of greater Dignity than the *Correctoriales* and the *Præsidiales*. Among others, *Phœnicia* had its *Consularis*, who had his Residence sometimes in *Tyre*, sometimes in *Berytis*, and sometimes in *Damascus*, to whom many Laws were directed by the Emperors. All the most noted Provinces of *Italy* were for the most part under the Government of the *Consulares*, such as *Emilia*, *Liguria*, *Venetia*, *Picenum*, *Sicilia*, *Flaminia*, and our *Campania*.

N E X T to the *Consulares* were the *Correctores*, to whom likewise was committed the Government of Provinces, under the Direction of the P. P. and were also dignified with the Title of *Clarissimi*. These were scarcely any thing inferior to the *Consulares*, therefore much above the Dignity of the *Præsides*: And also to them the Princes directed their Constitutions. Some Provinces of *Italy* were govern'd by *Correctores*, such as *Toscany*, whose Residence was in *Florence* ³: *Puglia* and *Calabria*, *Lucania* and the *Bruttii*, of which we shall hereafter treat more distinctly.

I N the last Place come the *Præsides*, to whom likewise the Government of Provinces was committed; they were also called *Clarissimi*, and had for Ensign the Banner, and were under the Command of the P. P. The other Provinces of *Italy* were under the Administration of the *Præsides*, such as *Samnium*, *Valeria*, the *Alps*, the two *Rhetias*, *Sardinia*, and *Corfica*; and seldom did the Emperors direct their Constitutions to them. *James Guterus* ⁴ ranketh them otherwise, putting the *Præsides* first, next the *Consulares*, after them the *Correctores*, and in the last Place the *Rectores* of Provinces, following in that *Zeno* ⁵ in one of his Constitutions, which we read in the *Justinian Code*. But we rather choose with *Gotifredus* ⁶ to follow the Order held by the Emperor *Gratian* in the *Theodosian Code*, where the *Præsides* are in the last Place.

¹ L. c. 5. de Off. Rect. Provinc. Revard. Coll. 3.
² 10. Got. l. unic. C. Th. de om. act. impetr.
³ Cod. Th. tit. de Off. Rect. prov.
⁴ L. 8. C. Th. de accusat.

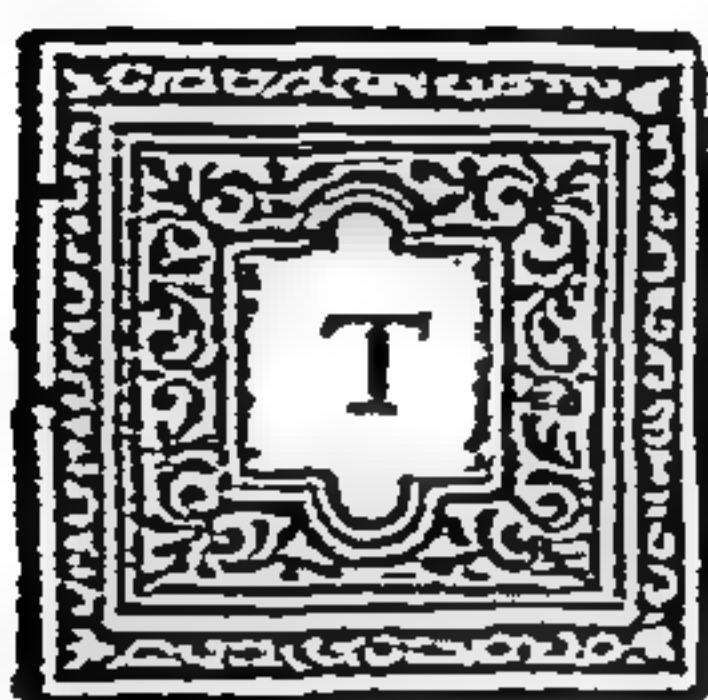
⁴ Gut. de Off. domus Aug. lib. 1. cap. 5, 6, 7, 8.
⁵ Zeno in l. 1. C. ut om. Jud. tam Civil.
⁶ L. 13. C. Th. de Accusationib.





C H A P. III.

Of the Officers to whom the Government of our Provinces was committed.



THAT which we now call the Kingdom of Naples, whether we regard the Disposition of *Adrian*, or that of *Constantine*, was divided into four Provinces only; so that *Campania* is not now altogether within its Bounds, but part of it is without them, and comprehendeth several Countries which now belong to the State of the Church of *Rome*. These Provinces were I. *Campania*, II. *Puglia* and *Calabria*, III. *Lucania* and the *Brutii*, IV. *Sannium*. Of which one was *Consular*; two *Correctorial*; and the other *Præsidial*. And all of them in the *Vicariate* of the City of *Rome*; for which reason they were all call'd *Suburbicariæ*.

IN the mean time, the Order of this Work requireth, that we should discourse severally of each of these Provinces; of the Magistrates to whom the Government of them was committed; of the Laws, and their Institution; that we may see what Form of Polity they had in the Time of *Constantine*, down to the last Emperors of the West.

S E C T. I.

Of CAMPANIA and its Consulares.

THAT Country, which, as *Paul¹ Warnisfrides* saith, for the Fertility and Pleasantness of the Fields which are about *Capua*, was call'd *Campania*, had of Old at different Times, sometimes more narrow, sometimes more spacious Bounds, than it hath at this Day. Once it was extended from the Precincts of *Rome* to the River *Silaris* in *Lucania*; it included *Beneventum*: On the other side it spread its Limits to *Equo-Tutico*, now call'd *Ariano*. It was therefore reputed one of the most famous and noted Provinces of *Italy*; and for the Largeness of its Extent, and the many and famous Cities which adorn'd it, but especially *Capua* its Head and Metropolis, it was renown'd and illustrious; therefore, for the Government and Administration of this Province there were no *Correctores* nor *Præsides* sent, but *Consulares*: A Magistrate, as is said, altho' inferior to the *P. P.* and the *Vicarius* of *Rome*, under whose Direction it was govern'd, nevertheless adorn'd with greater Prerogatives than the *Correctores* and the *Præsides*. Their Seat was at *Capua*: It was in such Esteem with the Emperors, that frequently they directed the Constitutions and Imperial Mandates to them.

CONSTANTINE the Great, after having defeated and kill'd *Maxentius* (who had caus'd himself to be proclaim'd *Augustus* in *Rome*, and had lorded it for six

¹ Paul Diac. l. 1. cap. 11.

Years over *Italy*) triumphing in *Rome* and all *Italy*, and all the other Provinces of the West submitting themselves willingly to his Government, as the *Galliæ*, *Spain*, and *Britain* had done before them, while in the Year 313. he resided in that City, he began to repair the Damages which *Italy* had sustain'd, and to provide for its Necessities. He publish'd, for that End, many profitable and wholesome Decrees, which he directed to the People of *Rome*, and which we have to this Day in the *Theodosian Code* ¹; and from thence going to *Milan*, by Means of other Edicts, which he publish'd in that City, he re-establish'd the Affairs of *Italy* the best Way he could. Afterwards he went into *Gallia* and *Pannonia*, and having made Peace with *Licinius*, from thence he return'd to *Italy*, and in the Year 315, he staid some time in *Aquileja*, and from that went to *Rome* and *Milan*: And in the succeeding Years, after he had travell'd into *Dacia* and *Gallia*, he returned to *Rome* in the Year 319, where, for the four Years following, he was busied and intent, as much as in him lay, by various Edicts in restoring the Affairs of *Rome* and *Italy* to their ancient Form.

BUT afterwards passing into the East, and in the Year 325, having vanquish'd and kill'd *Licinius*, and being now Monarch of all the Empire, he began (as *Pagi* ², contrary to the common Belief, attempteth to prove) to lay the Foundation of *New Rome*; and although in the following Year 326, returning into *Italy*, by *Aquileja*, he went to *Milan*, and thence to *Rome*; nevertheless he afterwards left that City and never return'd, but remov'd his Court into the East for ever; where, in the Year 328, being desirous to finish the huge Bulk of *Constantinople*, he apply'd himself to it with all his Care and Industry, and there he spent the Remainder of his Life, being satisfied to look on the Affairs of these our Parts at a Distance. Hence arose all the Mischiefs in the West, which in Process of Time brought on the Destruction of *Rome*, and the Dissolution of the Empire: From thence so many Complaints of the *Romans*; which gave occasion to *Porphyrius*, in his Panegyrick on *Constantine*, conjuring him, to say,

Et reparata jugans mæsti divortia Mundi
Orbes junde pares: det Leges Roma volentes
Principe te in Populos.

For which Cause some have reputed him rather the Destroyer of ancient *Rome* than the Builder of the New. Having entrusted the Government of *Italy* to his Officers, all good Discipline began to decay; and he being at a Distance, they abused the great Power that was put in their Hands, and in a short Time the Strength and Vigour of these our Provinces began to decline. He left the Administration to the *Præfectus Prætorio*, to the *Vicarii*, and lastly to the *Consulares*, the *Correctores*, and the *Præsides*, to whom the Government of each Province was committed.

THE *Præfectus Prætorio* of *Italy* under that Prince, in the Year 321, was *Menandrus*: In the following Years, 334, 335, and 336, *Felix* was; who, from being *Præses* of *Corfica* in the Year 319, was in these Years advanc'd by *Constantine* to such a high Dignity. He had for his Successor in the same Year 336, *Gregorius*, of whom *Optatus Milevitanus* in his Books frequently maketh mention. Of the *Vicarii* of *Rome* who govern'd under *Constantine*, there is no other Memory, but of a certain *Gennarus* or *Gennarinus* ³, in the Year 320.

BUT as for the *Consulares* of this our Province of *Campania*, we are necessitated, from long Oblivion, where they have been bury'd to this Day, to subtract the Records of them.

THE first, of whom we have any Account, that govern'd under *Constantine the Great* immediately in our *Campania*, was *Barbarius Pompejanus*. He, as all the other *Consulares* of this Province did, kept his Residence in *Capua*, which was the Head of it and the Metropolis. *Constantine the Great*, in the Year 333. while he staid in *Thracia*, and properly in *Apros*, a Place not far distant from *Constantinople*, directed to him, at his Request, that so renown'd and famous Constitution ⁴, by which it was enjoyn'd to all Magistrates, to enquire narrowly into the Truth of the Supplications, contain'd in the Rescripts obtained from the Prince, so as

¹ L. 1. de Cens. lib. 1. de Petit. & De'ar.

² *Pagi* in *Differ. de Consulib.* pag. 126.

³ Got. in *notitia Dign.* tom. 6. C. Th.

⁴ L. 4. C. Th. de *Divers. Rescript.*

that

that they might not be put in Execution, if the Allegation of the Party was not conformable to Truth; with which *Justinian* was so well pleased, that he would have inserted it in his Code likewise¹; which the Popes since have also imitated, by inserting it in their Decretals².

THE other *Consularis* of this Province, who govern'd under the same Prince, was *Mavortius Lollianus*, from the Testimony which *Julius Firmicius* gives us³: To him, *Firmicius*, in the Reign of *Constantine*, dedicated his Books of Astronomy, extolling, in the Preface of the Work, the great Merits of such a great Personage⁴, who after having laid down the Badge of *Consularis* of *Campania*, was, by *Constantine*, rais'd to higher Honour, by giving him the Government of all the East, and lastly the Badge of an ordinary Consul; and *Constantine* being dead, he was afterwards in the Year 342, under *Constans*, again made *Præfectus* of the City of *Rome*; and under *Constantius*, his Brother, was likewise made *Præfectus Prætorio* of *Italy*. *Ammianus Marcellinus* maketh mention of him also, in which Author, in the Transactions of the Year 356, we likewise find his Elogy⁵.

WE have no Knowledge of any other *Consulares* of this Province during the Reign of *Constantine*: Neither do we read in the *Theodosian* Code, any other Constitutions of that Prince directed to any other *Consulares* of our *Campania*; yet there are not wanting in his other Edicts directed to the *Præfectus Prætorio* of *Italy*, or to the *Vicarius* of *Rome*, to whom he not only enjoine the Care of the Jurisdictions committed to their Charge in general, but in many of his Laws, other special Provisions are made for this Province in particular.

IN the mean time, in the Month of *May* in the Year 337, this Prince died, whose magnanimous Enterprizes gave him the Surname of *Great*, and his Son *Constans* succeeded to the Empire of the West; to whom, by the Division made with his other Brothers, *Africa*, *Illyricum*, *Macedonia*, *Græcia*, and *Italy* belong'd, and consequently these our Provinces. On which Account, we read many Constitutions of this Prince in the *Theodosian* Code, concerning the Government of them, and particularly of *Campania*; and tho' we know not the particular *Consularis* who had this Province under *Constans*, yet we see his Laws, by which we perceive that he had the particular Care of it much at Heart. Of this Prince is that Law inserted in the abovesaid Code, under the Title *de Salgamo*, read and accepted in *Capua*, the Metropolis of this Province, proclaimed by him in the Year 340, for repressing the Insolency of the Soldiers, who, on Occasion of the War he had at that Time in *Italy*, with *Constantine* his Brother (who that same Year was vanquish'd and kill'd near *Aquileja*) were making Disturbance in *Campania*, and by their Misbehaviour and military Licentiousness, were robbing the People both of their Honour and Substance; and what *Athanasius* writeth in his Apology to *Constantius*⁶, is a strong Argument for making us believe, that *Constans* had made some Stay this Year in *Capua*.

BUT about the Year 350, *Constans* dying, ten Years after his Brother *Constantine*, his other Brother *Constantius* remain'd sole Emperor; by which, these our Provinces, with *Italy*, fell under his Empire. In whose Reign, in the Years 352 and 353, *Merilius Larianus* was *Præfectus Prætorio* of *Italy*; to whom succeeded *Mavortius Lollianus* in the same Year 353. In this and the following Years, *Taurus* was *Consularis* of our *Campania*, to whom *Constantius* directed many of his Constitutions. At the same Time, *Volusianus* govern'd as *Vicarius* of *Rome*, to whom likewise *Constantius* directed many of his Laws⁷. And altho' we know not who were *Consulares* of *Campania* under this Prince, neither do we read of their Names, nor any Edicts directed to them by *Constantius*, nevertheless there are many of his Constitutions directed to the *Præfectus Prætorio* of *Italy*, by which he taketh particular Care of this Province. Indeed, in the Year 355, he directed one of his Constitutions to *Mavortius Lollianus* at that time *P. P.* of *Italy*, which, because it concern'd the Affairs of this Province, was read and proclaim'd in *Capua*, as the Subscription testifieth⁸. And it was this Prince, who, to remove all Debates about Jurisdiction, which often fell out between the *Præfecti P.* of *Italy*, and the *Præfecti* of *Rome*, concerning Appeals, divided the Provinces; and while he resided

¹ L. & Si. 4. C. si contra Jus, &c.

² Cap. de cætero s. extr. de Senten.

³ Got. in Protopogr. verb. Lollianus, tom. 6. C. Th.

⁴ Firmic. in Præfat. oper. lib. 3. cap. 15.

⁵ Ammian. Marcell. lib. 16. pag. 72. in gest. Ann. 356.

⁶ Ath. in Apolog. ad Constant. p. 526.

⁷ Gotofr. in Protopogr. tom. 6. C. Th.

⁸ L. 25 C. Th. de Appellat

in *Sirmium*, an illustrious City in *Pannonia*, in the Year 357, he directed to *Taurus P. P. of Italy*, that famous Constitution¹, whereby he ordain'd, That all Appeals from *Sicily*, *Sardinia*, our *Campania*, *Puglia*, and *Calabria*, *Lucania* and the *Brutii*, *Picenum*, *Emilia*, *Venetia*, and the other Provinces of *Italy*, should be brought to *Rome*, not to be decided by the *Præfectus* of *Rome*, but by the *Præfectus* of *Italy*.

CONSTANTIUS govern'd the Empire eleven Years, having finish'd his Days in the Year 361, and *Julianus* succceeded him, to whom these our Provinces likewise fell. *Mamertinus* was *P. P. of Italy* under him, and *Imerius Vicarius* of *Rome*; to them *Julianus*, and particularly to the first, directed many Laws. *Symmachus*² sheweth plainly in the Tenth Book of his Epistles, who were the *Consulares* of *Campania* in the Reign of *Julianus*. Where he maketh appear, the Conjunction which was in those Days between the People of *Pozzuolo* and those of *Terracina*, who were both under the same *Consularis*: *Symmachus* saith, That *Lupus* being *Consularis* of *Campania*, under *Julianus*, perceiv'd well, and consider'd the distressed Circumstances of the Inhabitants of *Terracina*. They preserve the Memory of this *Lupus* to this Day in *Capua*, by an Inscription on Marble fix'd in the Wall of the Church belonging to the *Carmelite* Fryars, where we read these Words, altho' something defaced³.

- - R I U S L U P U S
- - - - V. C.
- - O N S. C A M P
- - - U R A V I T

FROM the same Epistle of *Symmachus* we likewise gather, that *Lupus* was succeeded in that Command by *Campanus*. The Memory of another *Consularis* of *Campania* is likewise preserv'd in *Naples*, call'd *Posthumius Lampadius*: The Marble may yet be seen lying on the Ground before the Church of the *Rotunda*; on which we read,

P O S T U M I U S
L A M P A D I U S
V. C. C O N S. C A M P.
C U R A V I T.

BUT in the *Theodosian* Code there is no Vestige, that either by *Julianus* or his Successor, there had been any Edict or Imperial Mandate directed to them.

JULIANUS dying in the *Persian* War in the Year 363. and likewise soon after him *Jovianus*; the Reign of that most religious Prince⁴ having been only eight Months, if we will believe *Zosimus*⁵ and *Sozomenus*, or Ten according to *Philostorgius*⁶; *Valentinian* was assum'd to the Empire, who gave his Brother *Valens* the Title of *Augustus*; by which means the Empire was divided betwixt them⁷.

VALENTINIAN kept the West intirely to himself, that is to say, all *Illyricum*, with *Macedonia*, *Africa*, the *Gallia*, *Spain*, *Britain*, and *Italy*; and left all the East to *Valens*⁸.

VALENTINIAN then, to whom *Italy* was subject, after having travell'd over the other Countries of his Empire, and having provided what was necessary for them, came into *Italy*, and first to *Aquileja*, where in the two Months of *September* and *October* only, in the Year 364. he publish'd ten Constitutions, and employ'd his Time in looking after the State and Government of *Italy*; and many Edicts were directed by that most prudent Prince⁹, as well to the *Consularis* of *Campania*, as to the *Correctores* of *Lucania*, the *Brutii* and *Tuscany*, and to *Mamertinus* at that Time *Præfectus* of *Italy*.

THERE govern'd in his Empire as *Præfecti P. of Italy*, *Mamertinus*, so much renown'd in the Works of *Ammianus Marcellinus*, *Rufinus*, *Probus*, and lastly *Maximinus*. In the Year 364, *Severus* was *Vicarius* of *Rome*, and in the Year 367.

¹ L. 7. C. Th. de Appel.

² Symmac. ep. 53. lib. 10. Div. Juliano moderante Remp. cum Lupus Consulari jure Campaniæ Præsidents, Terracinentium contemplaretur angustias.

³ Camil. Pell. in Campania.

⁴ Idatius in fastis.

⁵ Sofim. lib. 3. p. 733. Sozomon. lib. 6. c. 6.

⁶ Philostorg. lib. 8. c.

⁷ Gothofr. Prolog. C. Th. cap. 8.

⁸ Pagi Dissert. de Consulib. pag. 259.

⁹ Am. Marcel. lib. 27. p. 360.

Magnus, and in 372. *Probus*, and in 373. *Simplicius*. We read also of more *Consulares* of our *Campania*, to whom diverse Laws were directed.

IN the Year 364. *Bulephorus* was *Consularis* of *Campania*, to whom, while *Valentinian* resided in *Altinum* a *Venetian* City, there were two Constitutions directed, which we read in the *Theodosian* Code; the one under the Title *Quibus equorum usus*, the other under the Title *Usus interd.* By which the Exportation of Horses and Arms was severely prohibited, ordaining that no Person should export them without his Licence, in order to extirpate Theft and many other Disorders out of that Province. To the same *Bulephorus*, while he was *Consularis* of *Campania*, he directed in the following Year 365. that other Constitution which we read under the Title *De cursu Publico*?, while he stay'd in *Milan*. This Prince likewise made very proper Regulations, in order to exterminate the Robbers who greatly infested *Campania*, and to restore Peace and Tranquillity in this Province. The *L. 1. de Pastis*, and some other Constitutions were likewise his, by which he took Care of the Quiet of *Italy*, and particularly of the Provinces which compose the Kingdom of *Naples*. He, also in the same Year 365. while he was in *Verona*, made Provision for the common good of *Avellina*, a City within the Confines of this Province, commanding, by a particular Constitution¹, which we read in the *Theodosian* Code, the abolishing of all that had been done by the Judge Ordinary, in prejudice of that Community contrary to their ancient Custom.

FOELIX succeeded in this Year 365. as *Consularis*, to *Bulephorus*, to whom, the same Year, *Valentinian* being in *Milan*, directed that Constitution² which we read in *C. Theod.* under the Title *Ad S. C. Claudianum*; of which also, the Author of that ancient Consultation inserted by *Cujacius* amongst his own in *cap. 10.* maketh mention. And altho' that Author in place of *Campania* writeth *Macedonia*, nevertheless, as the most exact *Gotifredus*³ observeth, the Subscription which it beareth ought to convince us of the Mistake, by which it is clear, that it had been subscrib'd by *Valentinian* Emperor of the West, while he was in *Milan*, and consequently ought to belong to the West, and not to the East, where *Macedonia* is situated.

TO *Felix*, under the same *Valentinian*, *Amphilochius* succeeded in the Charge of *Campania*. To whom, in the Year 370. *Valentinian* being in *Triers*, directed that Law, which under the Title *de Decurionibus*, is yet seen in the *Theodosian* Code⁴.

VALENTINIAN govern'd the West, *Italy* and these our Provinces, with so much Prudence, that there was nothing more could be desired: He re-establish'd the Academy of *Rome*; and restored the Jurisprudence already much decay'd, and almost nothing left of its ancient Lustre and Renown: He suppress'd the Extortion and Venality of the Judges by various Edicts. A most religious Prince, to whom, next to *Constantine the Great*, the Christian Religion is much indebted; and *Italy* would have reaped much Benefit by him, if he had not been snatch'd from the World after only twelve Years Reign.

VALENTINIAN dying in the Year 374. six Days after, his Son *Valentinian* was made Emperor in *Pannonia*, who with *Gratian* his Brother divided the Empire of the West after this manner (the East being govern'd by *Valens* their Uncle) to *Gratian* belong'd the *Galliae*, *Spain* and *Britain*; and to *Valentinian*, *Illyricum*, *Africa* and *Italy*⁵.

UNDER *Valentinian II.* and *Gratian*, *Maximinus*, *Antoninus*, *Hesperius*, *Probus*, *Sigarius*, *Ipatus*, *Flavianus*, *Principius*, *Eusignius* and *Pretestatus*: Under *Valentinian* alone, *Trisolius*, *Polemius*, *Tetianus*, *Apodemius*, *Dexter* and *Eusebius* were *Præfetti P.* of *Italy*; and *Potitus*, *Antidius*, *Ellenius* and *Orientius* were *Vicarii* of *Rome*⁶.

BUT there is no Vestige remaining of those who were *Consulares* of *Campania* under this Emperor. Nevertheless there are many Constitutions of *Valentinian II.* who having reign'd eighteen Years, took great Care in providing for the Government of these Provinces, and of *Italy* in general. That Law⁷, which under the Title *de Extra ordin.* we read in *Cod. Theod.* is of this Prince, which in the Year 382. he directed to *Segarius Præfectus P.* of *Italy*, by which he taketh Care of *Campania*,

¹ Gothofr. in Prosopogr. C. Th. tom. 6.

² L. 21. C. Th. de Curs. Pub.

³ L. 63. C. Th. de Decurionib.

⁴ L. 5. C. Th. ad S. C. Claudian.

⁵ Got. ind. l. 5.

⁶ L. 71. C. Th. de Decurionib.

⁷ Got. Prologom. C. Th. cap. 8.

⁸ Got. in Prosopogr. C. Th. tom. 6.

⁹ L. 14. C. Th. de Extra ordin.

Puglia and *Calabria*, *Lucania* and the *Brutii*, which were much troubled and afflicted in these Times.

VALENTINIAN II. died in *Vienna* in the Year 392, after having reign'd eighteen Years; and after him *Theodosius the Great*, *Arcadius* and *Honorius* his Sons succeeded. The West fell to *Honorius*, by which *Italy* and these our Provinces were subject to him. And *Theodosius* dying in the Year 395. *Honorius* then govern'd all the West, while *Arcadius* his elder Brother reign'd in the East. Many were the *Præfecti P.* of *Italy* under *Honorius*, who liv'd long, and commanded the Western Empire Thirty-one Years; and these were, *Messala*, *Theodorus*, *Adrianus*, *Longinianus*, *Senator*, *Curtius*, *Theodorus II.* *Cecilianus*, *Jovius*, *Joannes*, *Palladius*, *Melittius*, *Liberius*, *Felix*, *Faustinus*, *Joannes*, *Selevius*, *Adrianus*, *Palladius*, *Joannes* and *Proculus*. The *Vicarii* of *Rome*, who govern'd in the Time of *Honorius*, were *Varus* and *Benignus*¹; and of *Consulares* of *Campania*, we read under him only *Gracchus*, to whom, while *Honorius* resided in *Milan*, he directed in the Year 397, that Constitution which we read in the *Theodosian Code* under the Title *de Collegiatis*². *Honorius* likewise provided for this Province, in granting some Privileges concerning paying of Tributes, which is evident from that Constitution³ he directed to *Dexter Præfectus P.* of *Italy*. And we have many other Laws by which he governed these our Provinces, at the same time that *Theodosius* the younger Son of *Arcadius* reign'd in the East.

AT last *Honorius* dying in *Ravenna* in the Year 423. altho' *Theodosius the Younger* reign'd over both the Empires alone for a Year, nevertheless in the following Year 424. he made *Valentinian III.* Emperor of the West, to whom *Italy* with our Provinces were subjected. Under him *Volusianus* and *Theodosius* were *Præfecti P.* of *Italy*. And altho' we read not of any Constitutions of this *Valentinianus* directed to the *Consulares* of *Campania*, nevertheless he was a Prince, to whom not only *Italy* and these our Provinces owed a great deal, for his particular Care and provident Government of them, but likewise our Jurisprudence, which was heretofore much decayed, he restored in the West, at the same time that *Theodosius* his Colleague was wholly intent upon restoring it in the East; of which in a more proper Place we shall treat at large. These then were the Officers by whom in the Reign of *Constantine the Great*, to the End of that of *Valentinian III.* our *Campania* was govern'd. Therefore we observe some Marbles of ancient Buildings in the Cities of this Province, for good Deeds done by the *Consulares* of *Campania*, inscrib'd to them by the Inhabitants of *Campania*, *Naples*, *Beneventum*, and others, which may be seen in that laborious Work of *Gruterus* of the Inscriptions of the old Roman World; and in *Capua* and *Naples*, as we have shewed, their Memory is preserv'd to this Day. *Capua* was the Place of their Residence, as being in those Times the Head and Metropolis of *Campania*, as *Athanasius* calls it⁴, who speaking in his *Epistola ad Solitarios* of the Council of *Sardica*, and of the Legates sent by him, amongst whom was *Vincentius* Bishop of *Capua*, in order to induce the Emperor *Constantius* to allow the Bishops whom he had driven away, to return, saith, *Missis a Sancto Concilio in Legationem Episcopis Vincentio Capuæ, quæ Metropolis est Campaniæ, &c.* And for that Reason we see many Constitutions in the *Theodosian Code*, read and accepted in *Capua*, because the *Consularis* who resided in that City, was to publish them, and to take care they should be dispersed thro' the other Cities of that Province, that they might be known to all the Inhabitants.

¹ Got. in Prosopogr.

² L. I. C. Th. de Colleg.

³ L. I. C. Th. de Indulg. debit.

⁴ Athan. ep. ad Solitarios.

S E C T. II.

Of Puglia and Calabria, and their Correctores.

AFTER *Campania*, *Puglia* and *Calabria* follow, in which is the Country of the *Salentini*, who being united together according to the Book of the *Notitia* of the two Empires, form the ninth Province of *Italy*, and according to the Reckoning of *Paulus Diaconus*¹, the Fifteenth. This large Province extendeth itself East-

¹ Paul. Diac. lib. 2. cap. 11.

ward to the *Adriatick* Sea which confineth it, and towards the West and South its Bounds were *Samnium*, the *Brutii* and *Lucania*. Its most famous and flourishing Cities were *Lucera*, *Sipontum*, *Canosa*, *Acerenza*, *Venosa*, *Brundisium* and *Tarentum*, and in the West Point of *Italy*, which extendeth itself for fifty Miles, is *Otranto*, a commodious City, and fitted for any Commerce, and deservedly may be call'd its common Mart.

PUGLIA and *Calabria* then were under one Government. For Largeness and Extent this Province required to be govern'd by a *Corrector*, and not by a *Præses*, who was an inferior Officer. But who were the *Correctores* of this Province, or where they had their Residence, nothing can be affirmed for certain. There is not one Imperial Edict in the *Theodosian* Code, directed to these *Correctores*: Only in *Venosa*, a City of *Puglia*, among the ancient Monuments which are preserv'd, we read an Inscription on which a certain *Emilius Restitutus* *Corrector* of *Puglia* is mentioned in these Words:

LUCULLANORUM PROLE, ROMANA
AEMILIUS. RESTITUTIANUS
V. C. CORECTOR. APULIAE. ET. CALABRIAE
IN. HONOREM
SPLENDIDAE. CIVITATIS. VENUSINORUM
CONSECRAVIT

Symmachus ² likewise maketh mention of the *Correctores* of *Puglia*, whom he also improperly calleth *Rectores*. Sometimes instead of a *Corrector*, a Magistrate of equal Power was sent into the Provinces who was call'd *Juridicus*. Of whom two Inscriptions reported by *Guterus* ³ preserve the Memory; one of them we read thus:

HERCULI. CONSERVATORI
PRO. SALUTE. L. RAGONI
JURIDIC. PER. APULIAM
PRAEF. J. D.

The other which is in *Rome*,

C. SALIO. ARISTAENETO. C. V.
JURIDICO. PER. PICENUM. ET
APULIAM

WE meet frequently with many Laws in the *Theodosian* Code, by which there was particular Provision made for the Necessities of that Province. It was under (besides the *Corrector* who had the immediate Command of it) the Direction of the *Præfectus P.* of *Italy*, to whom, by way of Appeal, they had recourse; and tho' there be no Constitutions directed to the *Correctores*, yet there are not wanting of them directed to the *Præfectus P.* of *Italy* concerning the Government of the same. In the Reign of *Valentinian the Elder*, it was infested and troubled with Robbers; so that it behoved that most prudent Prince to make severe Laws for restraining and rooting them out; and for that end, directed his Constitution to *Rufinus* at that Time *P. P.* of *Italy* in Place of *Mamertinus*, whose Business it was to take Care of that Province, as well as the others of *Italy*, by which Constitution ⁴ a timely Remedy was procur'd for so great an Evil.

THERE is likewise in the same Code another Law of the same *Valentinian*, dated in *Lucera* in the Year 365. with this Subscription: *VNI. KAL. Octobris. Dat. Luceriae ad Rufinum (in Locum Mamertim) P F. P. Italiae*. *James Gotofredus* ⁵ suspecteth, that this *Lucera* is not that of *Puglia*, but the other situated in *Gallia Circumpadana*, betwixt *Milan*, *Verona* and *Aqueleja*, now call'd *Luzara*; but by what may be gathered from the Argument of that Law, and its relating to Pasturage, we have greater Ground to believe that it was this *Lucera* in *Puglia*, because of its fruitful and plain Fields, which the other never had, for feeding Herds of Cattle, and Flocks

² We read it Apud Ugel. Italia Sacr. de Episcopis Venns.

³ Sym. lib. 10. Epist. 5 & 53.

³ Gut. de Off. dom. Aug. lib. 1. cap. 8.

⁴ L. 1. C. Th. Quibus equor. us.

⁵ Got. in Chronologia C. Th. pag. 76r

of Sheep, on which Account it was famous and remarkable among the *Romans*, and all Writers of Rural and Pastoral Matters, and also over all *Europe*. But be that as it will, it is most certain, that the other Emperors of the West, to whom the Government of *Italy* belong'd, took as great Care of this Province as of any other.

IN the Reign of *Honorius*, *Puglia* and *Calabria* were infested with *Jews*, who, by their living licentiously, were the Occasion of no small Confusion, and of great Detriment to the Christian Religion: At the same time, *Theodorus*, a most religious Man, was *Præfectus P. of Italy*, as vehement an Enemy to that Nation, as he was a Lover of the Christian Religion; insomuch, that he deserv'd that Esteem which St. *Augustine* had for his Person, by dedicating to him that Book of his, intitled, *de Vita Beata*, as he himself testifieth¹. For remedying so great an Evil, *Theodorus* order'd the Suppressing of such an insolent and licentious Life which the *Jews* led; for which End, he obtain'd from *Honorius*, that so Praiseworthy and never-enough to be extoll'd Constitution², with which he repressed their Arrogance, and subjected them to very hard Conditions.

HONORIUS likewise, in the Year 413, granted some Immunity and Indulgence in the Tribute, to this Province, as we read in one of his Constitutions³, of which we shall discourse in a more fit Place: There are not wanting other Constitutions relating to the Government and right Administration of so vast and considerable a Province by other Princes, directed to the *Præfecti P. of Italy*, of which we shall speak in a proper Place.

¹ August. lib. 18. de Civit. Dei, c. ult.

² L. 153. C. Th. de Decurionibus.

³ L. 7. C. Th. de Indulg. Debit.

S E C T. III.

Of Lucania and the Brutii, and their Correctores.

LUCANIA extended her ample Bounds much farther of old than at present; beginning at the River *Silaris*, it did not only include what is now call'd the *Basilicata*, but on the other hand stretch'd it self as far as *Salernum*, so that this very City was within its Limits; since the *Correctores* of *Lucania* likewise were wont to reside there. To it the *Brutii* were join'd, in what concern'd the Administration, who reach'd beyond *Rhegium* to the *Sicilian Streights* at the furthest Point of *Italy*.

THE *Lucanians* and the *Brutii* were under the same Government. The Corrector that was sent by the Emperors for the Government of these Provinces, had an equal Command over both. His Dignity, altho' not so great as that of the *Consulares*, was much greater than that of the *Præsides*, and was only dependent upon, and subordinate to the *Præfectus P. of Italy*, and the *Vicarius* of *Rome*, to whom they could have recourse.

THEIR Residence was in the City of *Rhegium*, Head and Metropolis of that Province, although sometimes the *Correctores* us'd to remove it to *Salernum* in *Lucania*, as the Necessity of the Publick Affairs requir'd: whence it is, that in these two Cities, to this Day, are seen some Remains of Marble Stones, which had been inscrib'd to the *Correctores*: In *Rhegium*, in the Church of the *Catholica*, is to be read, altho' something worn out by Time, this Inscription:

CORRETTORI LUCANIÆ
ET BRITTIORUM INTE-
GRITATIS. CONSTANTIÆ
MODERATIONIS. ANTI-
STI. ORDO. POPULUSQUE
RHEGINUS.

AND in the City of *Salernum*, on an Arch which was formerly, where the Seat of the *Portaretese* is now, there were to be seen some Statues of Marble upon their Bases, on one of which were these Words ¹:

ANNIO. VITTORINO. V. C.
CORRECTORI. LUCANIE
ET. BRUTIORUM. OB
INSIGNEM. BENEVOLEN-
TIAM. EJUS. ORDO. POPU-
LUSQUE. SALERNITANUS.

THE Emperors were likewise wont to direct their Constitutions to these *Correctores*, which, for the Good of the Provinces, and quieting of any Disorders that might happen in them, they were oblig'd to publish; and this Province can boast, That the first Laws which were publish'd in *Italy* after the Defeat of *Maxentius* by *Constantine the Great*, were those which were sent to the *Correctores* of *Lucania* and the *Brutii*; so that there is an earlier Account of *Correctores* in this Province, than of the *Consulares* of *Campania*.

THE first who govern'd this Province, in the Beginning of the Reign of *Constantine*, was *Claudius Plotianus*, to whom, in the Year 313, a little after the Defeat of *Maxentius*, *Constantine* being in *Triers*, directed these two Constitutions, which we read in the *Theodosian Code* ², by which he put into a new Method, the Reports which the Judges, when they were doubtful, made to the Emperor in the Cases of private Men.

CLAUDIUS was succeeded by *Mechilius Ilarianus* in the Year 316, to whom *Constantine*, the same Year, sent that Law which we see in the *Theodosian Code* ³, under the *Tit. de Decur.* and which, by our *Justinian*, bearing the same Inscription of *Ilarianus* Corrector of *Lucania*, was inserted in his Code under the same Title ⁴. And to the same Corrector was directed the other Constitution of *Constantine*, which we read under the Title *Ad L. Corn. de Faljo* in the *Theodosian Code* ⁵.

OCTAVIANUS succeeded *Ilarianus* in the Year 319, in the Dignity of Corrector of *Lucania*, to whom, while he was residing in *Rhegium*, *Constantine the Great* directed the *L. 1. de Filiis Milit. Apparit.* which was read and accepted in *Rhegium* as the Seat of the *Correctores* ⁶.

BUT there is no Record so clear and remarkable, that lets us see in how great Esteem and eminent Degree the *Correctores* of *Lucania* were, as that famous and noted Constitution of *Constantine*, which we read in the *Theodosian Code*, under the Title *de Episcopis*, which he directed to this *Octavianus* Corrector of *Lucania* in the same Year 319; by which he exempted the Clergy from Civil Functions, that they might not be diverted from the dutiful Attendance on sacred Things. *Constantine* had indited such another Law in the same Words, and had directed it to *Anulinus* Proconsul of *Africa* seven Years before; and as *Gotifredus* accurately observeth, this Constitution was like that, but however not the same, which he afterwards sent to *Octavianus*: This famous Constitution was omitted by *Justinian* in his Code, because many such Laws are inserted in it; but Cardinal *Baronius* ⁷ relateth it punctually in the same Year 319.

THE RE is not the least mention of those who were *Correctores* of *Lucania* under the Empires of *Constans*, *Constantius*, and *Julianus*; we not being able to shew any Constitution directed to them by these Princes: But there are not wanting Edicts sent to the *Præfetti P. of Italy*, which demonstrate what Care they had of the Affairs of *Italy*, and of these Provinces in particular.

BUT we can give a particular Account of the Names of those who were *Correctores* of *Lucania* under *Valentinianus*. *Artemius* was the first, who is often mention'd in the History of *Ammianus Marcellinus* ⁸: To him, when *Valentinianus* was in *Aquileja* in the Year 364, he directed that Constitution which we read under

¹ They are reported by Mazza, de Rebus Salernis.

² L. 1. C. Th. de Relat. l. 1. C. Th. de Appel.

³ L. 2 C. Th. de Decur.

⁴ L. 15. de Decur. lib. 10.

⁵ L. 1. C. Th. ad L. Corn. de Faljo.

⁶ L. 1. C. Th. de Filiis milit. apparit.

⁷ Baron. ad A. 319. num. 10.

⁸ Ammian. Marcel. lib. 27. pag. 360.

the Title *Privil. Apparit. Magistr.* And from the Inscription of that Law we learn, that this *Artemius* frequently had his Residence in *Salernum*, since it was there read and accepted. To this same *Artemius*, while *Valentinian* was yet in *Aquileja*, were directed the Edicts, *L. 6. de Privileg. eor. qui in Sacr. Palat.* and *L. 21. de Cursu Publico.*

BUT the Dignity of the *Correctores* of *Lucania*, and of this *Artemius*, and the Value the Emperors had for them, appear in nothing more than in this Constitution¹, never enough to be extoll'd, which we read under the Title *de Officio Reſtoris Provinciæ*, which was directed by *Valentinian I.* from *Aquileja* in the Year 364. to *Artemius*. The most respectful and remarkable Titles that could be expected from any Prince, were profusely bestow'd on this Corrector of *Lucania*; *Carissime nobis: Gravitas tua: Sublimitas tua*, and such like, were the most frequent. To him was directed that Constitution, in which he urgeth the Integrity of Judges, and their Diligence in dispatching of Law-Suits: That they should hear and determine Causes, whether they concern'd Mens Lives or Estates, publickly, and in the View of all the World, not privately and in a Corner, where there was Opportunity for Sollicitations and Venality; and the Sentence being once pronounc'd, ought to be publish'd and read in the Hearing of all present, that every Body might know what the Judges did, whether they judg'd conformable to Law and Justice, or perversly for gratifying one of the Parties; whence it is, that in the Tribunals of this Kingdom, it always was, and continues to be a Custom to this Day, to read and publish the Sentences, altho', at present, 'tis become a meer Ceremony and Formality. Publick Shews and merry Entertainments were forbidden to Judges, that they might not be diverted from, or turn careless of the Publick and Private Benefit, and withdrawn from serious and grave Actions.

SYMMACHIUS govern'd *Lucania* and the *Brutii*, likewise under *Valentinian I.* who succeeded *Artemius* the Year following 365. That Constitution which we read² under the Title *de Cursu Publico* in the *Theodosian Code*, while that Prince was in *Milan*, was sent to *Symmachus* then Corrector of this Province. There is no Memory of any other *Correctores* of *Lucania* in that Code before this Time, neither under this nor any other of the Emperors his Successors; altho' there is a Constitution³ of *Theodosius the Great*, which goes likewise under the Name of *Valentinian II.* under the Title *de contr. Erupt.* accepted and publish'd in *Rhegium* in the Year 384. and another⁴ also accepted in *Rhegium* under the Title *de Operibus Publicis*; yet it ought not to be understood of *Rhegium*, which is situated among the *Brutii*; but as the most exact *Gotifredus* remarketh, of another *Rhegium* in the East, twelve Miles from *Constantinople*; which is evident, not only because *Italy* was not within the Empire of *Theodosius the Great*, but was comprehended in the Western, govern'd by *Valentinian II.*; but besides, these Laws were directed by *Theodosius*, the first to *Cinegius*, the other to *Cæsarius*, both of them *Præfetti P.* of the Eastern Empire, of which *Theodosius* was Emperor. And we must not omit, in this Place, to take Notice of the Custom of the Emperors of those Times, who, altho' the *Roman Empire* was divided amongst them, and that each of them govern'd his own Share, and did not concern himself with that of the other, yet nevertheless the Laws, which were publish'd in their Dominions, bore the Names of all the Emperors who then reign'd in the Empire, altho' they were made by one only⁵. In like manner 'tis to be observ'd in publick Monuments, that albeit the Work had been erected for one only, nevertheless it bore the Names of all the reigning Emperors. The Ignorance of which Custom hath been the Occasion of many gross Mistakes in abundance of Writers, and the Laws of one Prince have been ascribed to another; of which, as Occasion offers, we shall give Examples.

WE find in the same *Theodosian Code*, many other Constitutions of Princes, which, (altho' not directed to the *Correctores* of this Province, but either to the *Præfetti* of *Italy*, or to other Magistrates) shew what Care and Concern they had for the *Lucanians* and the *Brutii*. These People, as all the other of these Provinces, were oblig'd to carry Wine to *Rome* for the Provision of that City, but

¹ L. 2. C. Th. de Officio Reſtor. Prov.

² L. 25. C. Th. de Cursu Publico.

³ L. 5. C. Th. de Contr. Erupt.

⁴ L. 35. de Operib. Publ.

⁵ Got. in Proleg. C. Th. cap. 8.

they being at such a Distance from it, were allow'd to pay Money in Place of the Wine ¹.

HONORIUS exempted them from Tribute and Customs, as may be seen in that his Constitution, which we read in the *Theodosian Code* ² under the Title *de Indulg. Debit.* So much for *Lucania* and the *Brutii*, and their *Correñores*.

¹ C. Th. tit. de Usuris.

² L. 27. C. Th. de Indul. Debit.

SECT. IV.

Of SAMNIUM, and its *Præsides*.

SAMNIUM is ranked last; altho' a Province noted and famous enough with the ancient *Romans*, for the Boldness and Valour of its Inhabitants, and the Success of their Arms, that they boasted to have frequently beat the *Romans* themselves; nevertheless, it was not honour'd, in the latter Times, with any other Magistrates but *Præsides*, who were inferior in Dignity to all the other Governors of Provinces. Therefore it being only a Presidial Province, and because the Emperors seldom directed their Constitutions to *Præsides*, we have no Memory left us of them or their Names. Its Bounds are uncertain, and varied with the Times. *Paulus Diaconus* places it betwixt *Campania*, the *Adriatick Sea*, and *Puglia*, and once it comprehended much more than the *Abbruzzi*, the County of *Molise*, and the Valley of *Beneventum*, do at present. Its most renown'd Cities were *Ijerna*, *Sepino*, *Tbeate* now *Cbieti*, *Venafrum*, *Telesia*, *Bosanum*, *Afidena*, and *Sannium*, which gives the Name to the whole Province.

THIS Province, besides the *Præsides*, was under the Direction and Government of the *Præfectus P. of Italy*, and the *Vicarius of Rome*. Neither was it neglected by *Valentinian the Elder*, who hearing that it was infested with Robbers, in order to free it of them, sent for that Purpose to the said *Præfectus of Italy* that Constitution ¹, which we read yet in the *Theodosian Code*.

NEITHER was it neglected by *Honorius*, who in the Year 413, granted to this Province, being sadly oppress'd, a Release from Taxes, as by the Constitution of this Emperor ², directed to the said *Præfectus of Italy*, we read in the *Theodosian Code*. There are other Laws, by which the other Emperors took Care of the Affairs of this Province, directed to the *Præfecti of Italy*, under whose Charge it was.

¹ L. 1. C. Th. Quibus equ. usus.

² L. 7. C. Th. de Indulg. Debit.





C H A P. IV.

Of the first Invasion of the Westrogoths, in the Reign of Honorius.

THESE Provinces, during the Reigns of *Constantine* and his Successors, until that of *Honorius*, did not feel those Mischiefs and Calamities, which the other Provinces of the Empire had already groan'd under by the Invasion of the *Goths*. This People having come out of *Scandinavia* in the Reign of *Constantine the Great*, and even sooner, lived in common, altho' they fought under one Head, till such Time as they chose *Hermanaricus* for their King; but he dying, they divided amongst themselves, and in the Reign of the Emperor *Valens*, those who call'd themselves *Westrogoths*, elected *Fridigernus* for their Captain, and afterwards *Athanasius* for their King. *Theodosius the Great*, being a Lover of Peace, knew so well how to keep them within their Limits, that altho' he had not always a settled Peace with them, yet he reduc'd them to that Condition, that their King *Athanasius* being dead, and they not mindful of chusing another, all subjected themselves to the *Roman Empire*, and became one Body of Troops, and fought under *Theodosius's* Banner, and were his Confederates and Auxiliaries. But this Prince dying in the Year 395, and being succeeded in the Empire of the East by *Arcadius* his eldest Son; his other Son *Honorius* reigning in the West, these Princes, by their luxurious Way of Living, began to disturb the Commonwealth, and to deprive the *Westrogoths*, their Auxiliaries, of those Gifts and Pensions, which *Theodosius* their Father, for securing them to the *Roman Empire* and to his Banner, had largely bestow'd upon them: Which displeas'd the *Westrogoths*, who fearing, that by so long Peace their Valour and Strength might be weaken'd, determin'd to do now, what they had neglected in the Reign of *Theodosius*: they chose *Alaricus* for their King; a Man, who for his cholerick Temper had acquir'd, amongst his own People, the Surname of *Bold*; and being descended from the illustrious Stock of the *Balti*, was esteem'd the most sufficient to support the Royal Dignity, with Decency and Magnificence. They considering, that it had been more to their own Honour, and the Glory of their Nation, to have conquer'd Kingdoms by their own Arms, than to have lived idle and lazy in those of others, resolv'd to go in quest of new Countries in order to conquer them: For which end, having made up a sufficient Army the best way they could, and having conquer'd *Pannonia*, *Noricum*, and *Rhetia*, they enter'd *Italy*, which being destitute of Troops, and having enjoy'd long Quiet, they began with great speed to subdue, and halted at *Ravenna*, then the Seat of the Western Empire¹.

HONORIUS having already left *Milan*, in the Year 402, made *Ravenna* the Place of his Residence, which he design'd to make the Seat of the Empire, that he might the more easily be able to oppose the Incursions which Foreign Nations used to make on that side. But this Insult of the *Westrogoths* was so sudden and unexpected, that finding himself surpriz'd, and not able to draw his Armies together so quickly as was necessary for suppressing them, he was oblig'd immediately to hearken to a Treaty of Peace which *Alaricus* offer'd him; and altho' it was

¹ Prudent. lib. 2. adv. Simmac. Claud. de Bello Getico.

granted, that he and his Men might remain in *Italy*, nevertheless it was at last agreed upon, that the *Goths* should leave it, and in exchange take *Aquitania* and *Spain*, Provinces in a manner lost to *Honorius*, as being for the most part possess'd by *Gisericus* King of the *Vandals*. The *Goths* consented, and having left *Italy*, were wholly Intent on the Conquest of those Provinces. *Italy* suffer'd nothing by this first Invasion; but they were provok'd afterwards by the deceitful Blow they receiv'd from *Stilico*, who, near *Polentia*, a City of *Liguria*, while they thought of nothing less, attack'd them unexpectedly; and altho' they were dispers'd and overcome¹, nevertheless soon after taking Courage, and being again got together, and spurr'd on by the Treachery and Injury, return'd with Fury, and laying aside the design'd Undertaking, they put *Stilico* and his Army to flight, and return'd into *Liguria*: They went on destroying with it *Æmia*, *Flaminia*, and *Tuscany*, and every Thing that came in their Way, till they got to *Rome*, all the Neighbourhood of which they ranack'd and ravag'd: At last, having enter'd *Rome*, they only pillag'd it, *Alaricus* not allowing it to be burnt, or any Injury done to the Temples.

IT was not only *Rome*, and the abovesaid Provinces that suffer'd these Devastations and Mischiefs more than once, but soon after the same Calamity happen'd to the Provinces, which now make the Kingdom of *Naples*. *Campania*, *Puglia*, and *Calabria*, *Lucania*, the *Brutii*, and *Samnium*, had the same Fate. The *Goths* over-run every where, carrying Ruin and Destruction along with them, never halting till they came to the utmost Point of *Italy*, where being stopp'd by the *Sicilian Straits*, they fix'd their Residence amongst the *Brutii*; and while *Alaricus* was there preparing for new Expeditions against *Sicily* and *Africa*, the Fleet which he had design'd for that Purpose was Shipwreck'd in these Straits, which dismal Disappointment struck him so to the Heart, that he ended his Days, by an untimely Death, near to *Cosenza*, and, much lamented by his Followers, was buried in the Bottom of the River *Busentum*, with many rich Spoils brought from *Rome*².

THE Death of *Alarick* gave Occasion to the Affairs of *Italy*, and these our Provinces, under the Reign of the same *Honorius*, to become more settled and quiet; altho' *Ataulfus*³, who succeeded *Alarick* his Kinsman, return'd to *Rome*, and, after the manner of Locusts, destroy'd every thing in that City, that after so much Pillaging and Sacking had been left, and had so miserably ruin'd *Italy*, when *Honorius* was unable to resist him: Nevertheless, *Ataulfus* afterwards having married *Galla Placidia*, Sister to *Honorius*, such was the Power of the Love he had for that Princess, and the Tye of this new Alliance, that he made Peace with *Honorius*; and leaving *Italy* to its Liberty, he and his People return'd into *Gallia*, and made War upon the *Franks* and *Burgundians* who were infesting it; and this was the first Foundation of their Kingdom in those Countries: Forasmuch as after the Death of *Ataulfus* and *Rigericus*, *Vallia* succeeded, to whom *Honorius* assign'd *Aquitain*, with many Cities of the Province of *Narbonne*, and fixed his Residence in *Toulouse*, and took the Title of the King of the *Westrogoths*, that is to say, of the Western *Goths*, to distinguish themselves from the *Ostrogoths*, or the Eastern *Goths*, and afterwards Lorded it over *Italy*, as we shall shew anon.

ALARICK being dead, and *Italy* freed of the *Goths*, and Peace made with *Ataulfus*, *Honorius*, willing to repair the past Damages of these Provinces, in the Year 413, publish'd that Constitution⁴ which we read in the *Theodosian Code*. *Campania*, *Tuscany*, *Picenum*, *Samnium*, *Puglia* and *Calabria*, *Lucania* and the *Brutii*, were reduc'd to such a lamentable Condition, that *Honorius*, from *Ravenna*, then the Seat of the Western Empire, directed to *John Præfetus P. of Italy*, that Law, by which he exempted their Inhabitants entirely from paying any Tribute, but the fifth part of what they were used to pay, remitting all the rest.

NEITHER did *Honorius* take less Care of these Provinces in the succeeding Years, seeing, while he was still at *Ravenna*, he publish'd many Laws for the good Government of them. That was likewise his which was dated in *Ravenna*⁵, by which no Testament was of any Force after ten Years were expir'd, which we

¹ Claud. lib. de Vi&. Stilicon.

² Jornand. cap. 30.

³ Paul. Æmil. de Reb. Franc. lib. 1.

⁴ L. 7. C. Th. de Indul. Debit.

⁵ L. 6. C. Th. de Testam.

have yet in the *Justinian Code*. And in the Year 418. he anew exempted *Campania*, *Picenum* and *Tuscany* from Tribute ; so much was he intent on the Repairing the Affairs of *Italy* quickly.

BUT in the Year 423. he ended his Days in *Ravenna* ; upon which *Theodosius the Younger*, who had succeeded to his Father *Arcadius* ¹ in the Eastern Empire, when he had reign'd but a short Time alone, proclaim'd *Valentinian III. Augustus* and Emperor of the West, who was Son of *Constantius* and *Placidia* ; which Lady, after the Death of *Ataulfus* had been sent back to *Honorius*, and married to *Constantius*. *Valentinian* having gone to *Ravenna*, and from thence soon after to *Rome*, settled the Affairs of that City, and restored the Jurisprudence, which in his Time had lost much of its ancient Splendor ; while at the same Time *Theodosius* applied himself to the Re-establishing it in the Academy of *Constantinople*, and was intent on framing the new Code, which from him hath the Name of *Theodosian*.

SUCH then was the State of the Provinces which now form our Kingdom, from the Time of *Constantine* to *Valentinian III.* during which Time they were govern'd by those Emperors, to whom by the various Divisions of the Empire *Italy* did belong ; and these were *Constantine the Great*, *Constans* and *Constantius* his Sons, *Julianus*, *Jovianus*, *Valentinian I.* *Valentinian II.* *Honorius* and *Valentinian III.* They were likewise under the Direction and Government of the *Præfecti* of *Italy*, and the *Vicarii* of *Rome*. And besides had other more immediate Rulers : One *Consularis*, two *Correctores*, and one *Præses*, who residing in the Provinces committed to their Charge, more immediately govern'd them.

THEY were govern'd by the *Roman Laws*, and the Constitutions of these Princes, neither were there any other Laws heard of. Excepting some Cities in which there remain'd some Vestige of the ancient Laws of municipal and confederated Cities, who liv'd conformable to their own particular Institutions ; no other Laws but the *Roman* were acknowledged in any of the Provinces, to which these Cities had recourse as to the Fountain of all human and divine Laws, when their own Municipal failed them. Neither did that first Irruption, which the *Westrogoths* under *Alarick*, made into these our Provinces, disturb the Polity or the *Roman Laws* ; seeing that Prince, in the midst of Arms, not minding the Laws, did nothing but over-run the Countries ; and altho' he settled for some time amongst the *Brutii*, yet he did not introduce new Laws. As a little after him did his Successor *Ataulfus*, who at last made Peace with *Honorius*, and left *Italy* free to him, which he and *Valentinian III.* afterwards govern'd as the other Emperors of the West their Predecessors had done.

¹ Pagi Dissert. de Consulib. pag. 282.

S E C T. I.

These Provinces were never yielded or given away to any Person.

IF the Writers of this Kingdom, and especially the Civilians, had but given the least Attention in treating of this Matter, surely they would not have fallen into such gross and manifest Mistakes, as they have stuffed their Works with : Neither would they have allow'd themselves so easily to believe that fabulous Donation of all *Italy*, which they suppose was made by *Constantine* in the Year 324, to *Sylvester* Pope of *Rome*, four Days after he had been baptiz'd by him. An Error so warmly espous'd by the *Italian* Authors, and especially our Professors, excepting *Bartolus* alone, that it hath been the Occasion of an infinite Number of Blunders, even in Matters of most pernicious Consequence : Some of them have gone so far as to put in Print, That after this Donation, the Emperors who succeeded *Constantine*, had no Title nor Right to these Provinces, as belonging to the Pope, and making *S. Peter's* Patrimony : From whence comes the Right of Investiture given since by the Popes to the several Princes ; adding, that ever since that Time our Kingdom has been disjoin'd from the Empire, and therefore never after subject to the Emperors of the West, and

and much less to those of the East. Our Counsellor *Mat. de Afflict.* ¹ arriv'd to such a Pitch, that he did not scruple to say, That after that Donation, all the Constitutions publish'd by the Emperors who succeeded *Constantine*, for want of Power, had not the Force or Vigour of written Laws. The Regents ² of our Collateral C. themselves were not asham'd to write, that after that Donation, the Successors of *Constantine* had no Power of giving Laws to these Provinces; and that therefore we were to have recourse to the Canon and not the Civil Law. Therefore we ought not in this Place to rob *Marinus Freccia* ³ our Civilian, of his deserv'd Praise; he, among ours, was the first, by his Knowledge of History, that reproach'd our Writers with such a gross Error, as little did he excuse the Counsellor *Afflictus*, who was his Kinsman; neither did he pretend to vindicate him any other way, than by saying, *Affinis meus Historicus non est.*

BUT altho' these Writers may deserve some Excuse, and that we ought to impute their Mistakes and Errors to the Ignorance of the Age they liv'd in; nevertheless our Modern Writers deserve no Compassion, who after so many Reproofs, take Pleasure, as if they were hired, to keep their Eyes shut, for fear they should receive a little Light, that would disperse the Darkness in which they delight to live. And now a-days it hath been sufficiently demonstrated by so many famous and able ⁴ Men, That that forged Instrument of Donation was contriv'd in the eighth or ninth Century only, and foisted into the Decrees of *Gratianus* ⁵; whereas it was not mentioned in the Ancient, as *S. Antoninus* ⁶ and Cardinal *Cusanus* testify: So that before that Time it was never heard of: The only Dispute now amongst Writers is, who should be the Author, who first gave Body and Motion to this Chimera. Some contend that it hath been the Brat of some Greek Schismatick, who, in order to expose the Grandeur of the Church of Rome to the Emperors of the East, or to have occasion to rail at and vilify the Latin Church and the Popes, according to the Custom of that Nation, which is their bitter Enemy, thought that when such a Piece of Forgery came to be discover'd, it would discredit them, and render them odious to the World; in like manner also many strange and monstrous Facts were imputed to them, which exceeded their Power: And in Conformity to this, we shall see in the Progress of this History, the Greeks accusing Pope Gregory II. of having excommunicated the Emperor *Leo*, and depos'd him from the Empire, and order'd his Subjects not to pay him Tribute; and for that end absolv'd them from their Oaths, and a thousand other extravagant Stories, for no other Purpose but to render them insupportable, and Usurpers of the Rights of other People; altho' that afterwards those who were most addicted to the Court of Rome, took Advantage of what the Greeks had wrote for their own Ends, and applied it to other Purposes.

OTHERS, among whom is *Peter de Marca* ⁷, have written, That this Instrument was forg'd, not by any Greek or Schismatick, but by a Latin, and one who was faithful to the Pope: However, all agree that it was Fabulous, and are the more persuaded of it, by the many Copies which are found that differ so much from one another. One way we read this Donation in the Decree of *Gratian* ⁸; another way in the Translation from the Greek into the Latin, reported by *Theodore Balsamo* ⁹, and which is to be found in the Vatican Library: In different manners do the Popes *Melchias*, *Nicolas II.* and *Leo IX.* ¹⁰ themselves relate it. 'Tis express'd in other Terms by *Peter Damian* ¹¹, *Mathew Balsar*, *Ivo de Chartres* and *Francis Bursattus* ¹²; and differently reported by *Albericus* ¹³: In a Word, there are more than twelve Copies, each of them differing from one another.

BUT if such Writers were ignorant of the Acts of *Constantine*, and did not heed *Eusebius*; or the other Contemporary Writers, who have not so much as mention'd such a memorable Fact, but kept a profound Silence; at least the *Theodosian Code*

¹ Afflic. in Constit. in prælad. q. 2. num. 2. & qu. 20. num. 1.

² Tappia de Jur. Regni lib. 1. de legib. lib. 1. num. 6. Ponte de potest. Proreg. tit. 11. num. 25.

³ Frec. de Subfæud. lib. 1. pag. 53.

⁴ Marca lib. 3. cap. 12. & lib. 6. cap. 6. §. 5. Schelftrat. Antiq. illust. Part. 2. Diff. 3. cap. 8.

⁵ Grat. Distinct. 96. cap. Constantinus 14.

⁶ D. Anton. Archiep. Florent. Par. 1. Hist. 8. cap. 1.

⁷ Marca lib. 3. cap. 12. num. 3. de Concor. Sacer. & Imp.

⁸ Gratian. Dist. 96. cap. Constantinus 14.

⁹ Balsam. in Photii Nomocan. tit. 9. cap. 1.

¹⁰ Cap. futuram 12. qu. 1. Cap. Fundamenta de Elect. in 5. Leo IX. Epist. 1. ad Michael.

¹¹ P. Damian. Discep. Synod. Blasat. Synop. Jur. Can. C. de Bulgar. Cypr. & Iber

¹² Bursat. in fin. 1. Volum. cons.

¹³ Alberic. in l. 1. C. de Off. Præfect. urb.

alone, and the Constitutions of the same *Constantine* which we read in it, are enough to undeceive them. They would have it, that while *Constantine* was in *Rome* in the Spring of the Year 324. he was guilty of this extraordinary Prodigality in Favour of *Silvester*, four Days after his Baptism: But most certain it is, that *Constantine* was not in *Rome* during these supposed Months of the Year 324. but was busied in the East in the War against *Licinius*; which being ended by his Defeat, and a compleat Victory obtain'd, it is likewise known, that he having gone to *Theffalonica*, he remain'd there, and in the same Months exactly of the same Year 324. he did not remove from that City¹; which is clearly prov'd by two of his Constitutions which we read yet in the same *Theodosian Code*, which are in L. 4. under the Title *de Naviculariis*, which was publish'd by *Constantine* at the same Time while he was in *Theffalonica*, and directed to *Elpidias*, under the Consulship of *Constantine III.* and *Crispus III.* which bears this Date, *Dat. VIII. Id. Mart. Theffalonicae, Crispo III. & Constantino III. Cofs.* And by his other famous Constitution² whereby he prescribes a Rule concerning the Dispensing with the Age, as well of Males as of Females, which altho' a little defac'd and mangled, was inserted by *Tribonianus* in the *Justinian Code*³. *Constantine* made this Law following the same Year 324. being still in *Theffalonica*, as *Zosimus* relates⁴, dated thus: *Dat. VI. Id. Aprilis Theffalonicae, Crispo III. & Constantine III. Cofs.* as *Gotofredus* corrects it; and was directed to *Lucer. Verinus*, who was Præfect of the City of *Rome* that Year, which is clear from the Words of the *Notitia* of the Præfects of *Rome*, where we read *Crispo III. & Constantine III. Cofs. Lucer. Verinus Præfectus Urbi*: Whence it is that we read it but incorrectly in the *Justinian Code*: *Ad Verinum P. Prætorio.*

THESE Laws convince us not only of the Forgery of this Donation, but likewise of the Mistake of *Constantine's* having been baptiz'd by the Hands of Pope *Silvester*⁵. Neither ought others to make a Bustle about the Actions of this Pope, which are not receiv'd by *Baronius* himself, but reputed Fabulous: And that is certainly a Mistake, which is told among them, that in the same Year 324, *Calpurnius* was Præfect of *Rome*, when 'tis evident from the Dates of the foresaid Laws, that *Lucer. Verinus* was Præfect of that City. They ought rather to be convinc'd by the History of *Eusebius* of *Cæsarea*⁶, a grave and ingenuous Man, who flourish'd at the same Time, and describ'd the Actions of that Prince minutely; and if such great and remarkable Facts had truly been, 'tis not credible, that they could have been omitted and passed over by such a Man, in a History which was publish'd in a few Years after the Death of *Constantine*, and was in the Hands of every body; who, to the great Shame and Reproach of *Eusebius*, would have thrown so great Ignorance in his Teeth, and given him the Lye, for telling that *Constantine* was baptiz'd in *Nicodemia* about the latter End of his Life, and not in *Rome*.

BUT what is now doubtful amongst some, was not surely so amongst the ancient Writers both Greek and Latin. *Theodoret*, *Sozomenus*, *Socrates*, *Photius*, and other Greek Authors wrote⁷, that *Constantine* receiv'd Baptism not from the Hands of Pope *Silvester* in *Rome*, but in *Nicodemia*, when he was dying: And among the Latins, *S. Ambrosius*, *S. Hieronymus*, and the Council of *Rimini* had likewise the same Belief⁸. Whence it is that our most grave and learned Divines, and the most careful Ecclesiastick Writers, such as Cardinal *de Perron*, *Spondanus*, *Petavius*, *Morinus*, and the incomparable *Arnaldus*⁹, contrary to the Opinion of *Baronius*, thought what is commonly believ'd concerning the pretended Baptism of *Constantine* in *Rome*, by the Hands of Pope *Silvester* in the Year 324. four Days before the forg'd Donation, to be fabulous. Which ought to satisfy *Emanuel Schelstrat*¹⁰, instead of having recourse to that strange and unhappy Defence, that *Constantine* being already baptized in *Rome*, was by *Eusebius* re-baptiz'd in *Nicomedia*; seeing if it were even granted that *Constantine* in his latter Days did incline to the Doctrine of *Arius* and his Followers; yet the *Arians* were not wont in the Beginning of their Error to re-baptize the Catholicks, who went over to their Belief, as *Christianus*

¹ V. Zosimum lib. 2. & Anonymum Sirmondi.

² L. un. C. Th. de his qui Vænam ætat.

³ L. 2. C. eod. tit.

⁴ Zosim. lib. 2.

⁵ Got. in chronol. C. Th. A. 324.

⁶ Euseb. lib. 4. de vita Constant. cap. 61 & 62.

⁷ Theodoret. lib. 1. hist. cap. 32. Sozom.

lib. 2. cap. 34. Socrat. lib. 1. cap. 39. Photius Cod. 127.

⁸ Ambros. Serm. de obitu Theodos. Hieron. in Cronic. Conc. Arimin. apud Sozom. lib. 4. cap. 13.

⁹ Arnald. Ars cogitand. Par. cap.

¹⁰ Eman. Schelstrat. Antiq. illustrat. Par. 2. Dissert. 3. cap. 6.

Lupus sufficiently proves: And it was long after that *St. Augustine* ¹ charg'd some *Arians* with such a Novelty, and wonder'd at it as a Thing new and extravagant, and upbraided them with it.

NEITHER ought it to seem strange (altho' it may be going a little out of our Way) that *Constantine* being so zealous a Christian as he was, in the following Year 325. would be present at the great Council of *Nice*, where he gave the last Proofs of his Piety, and perform'd so many pious and generous Actions in favour of his new Religion, being yet but a *Catechumen*. This will not appear strange if we distinguish the Time of his having embrac'd this Religion, from that of his Baptism; and do but consider the Custom that was then common amongst the Great Men, of delaying their Baptism till the Time of their Death.

CONSTANTINE not long after the Defeat of *Maxentius*, long enough before the Year 324. in which 'tis said he was baptiz'd in *Rome*, had embrac'd our Religion, giving manifest Signs of his Sincerity, and of his Love and Beneficence towards it. Before the Year 324. he had publish'd many Constitutions concerning the Immunity of the Clergy from Civil Offices, and for building of Churches, and the Destruction and throwing down of the Heathen Temples; and likewise, that his so famous Constitution ², by which he allow'd the Churches to purchase immoveable Goods, and gave Liberty to all Persons to leave to them by their Testaments whatever they pleas'd, whence sprung the Fountain of their Riches, and especially of the Church of *Rome* above all others, was not promulgated after, but three Years before his pretended Baptism in *Rome*. It ought not then to seem strange, if in the following Years, being yet a *Catechumen*, he should stedfastly continue to favour the Church, and to adorn her with so many Prerogatives and Honours.

THERE was likewise at that Time a Custom, as we have said, that the great and most illustrious Personages of the Empire, altho' they embraced this Religion; nevertheless, by a very bad Custom, were wont to delay Baptism until they were in great Danger of their Lives, and expos'd to some doubtful and dangerous Enterprize. Neither was this Custom left off during the Reigns of *Constantine* and his Sons, but lasted long after, even in the Reigns of his other Successors, altho' otherwise they were most religious Princes. So we read of *Theodosius the Great*, who tho' he embrac'd the Christian Religion, and gave evident Proofs of his Piety, yet he continu'd still a *Catechumen*, and would not be baptiz'd, until he fell grievously sick in *Thessalonica* in the Year 380. When he saw himself in Danger, he sent for the holy Bishop *Acolius*, by whom he was baptiz'd, whereby he not only got Health to his Soul, but to his Body likewise ³.

VALENTINIAN II. was a Prince, of whom it was always said, that as all the Mischief of his Reign was owing to *Justina* his Mother, so all that was Good was his, as was very evident after her Death; being yet a *Catechumen*, he would not be baptiz'd; but just as he was ready to enter into Battle with the Barbarians, he intreated *St. Ambrose* to come quickly and baptize him. But while this holy Bishop was crossing the *Alps* on his Way to *Vienna*, where this Prince then was, he heard of his dismal Death; for *Arbogastus* being discontented at his having taken the Command of the Army from him, corrupted some of his Officers, and the Eunuchs of the Palace, and caus'd him to be strangled in his Bed while he was asleep, in the Night of *Saturday* the 15th of *May* 392. being the Vigil of *Pentecost*. Which doleful Accident was bewail'd in a very learn'd and elegant Funeral Oration by the said Bishop ⁴, which he rehearsed at his magnificent and pompous Obsequies; in which he maintain'd, That Baptism having been desir'd, and with so much Fervency demanded by that Prince, had purified him from all the Stains of his Sins, and had carried him to the Enjoyment of the Pleasures of Eternal Life.

THE History of *St. Ambrose* himself is likewise very remarkable, who did not receive Baptism, until he was promoted to the Bishoprick of *Milan*. It is also said of the famous and renown'd *Benévolus* first Chancellor to the Empress *Justina*, that he might not have a Hand in that Edict, by which Liberty was given to the *Arians*, freely to profess their Error; he gave a generous and noble Denial, and retired from Court; and besides, demanded Baptism presently, which, according to the Custom of the great Men, he had delayed to the last. We could here give a great many such Examples, both from sacred and profane History. And 'tis

¹ August. lib. de Hæres. b. cap. 48.

² L. 4. C. Th. de Epif.

³ Socrates lib. 5. cap. 6. Sozomon l. 7. c. 4.

⁴ Ambr. in Orat. fun. Valent.

probable, that our *Torquatus*¹ meant this Custom, which it seems was likewise in *Ethiopia* in the Reign of *Senapus*, when, speaking of *Clarinda*, he mentions that her Baptism had been deferr'd.

I T was thought, that delaying Baptism to the last Moments of Life, was in order to shun the very rigorous publick Penance, which the Church in those Days imposed on penitent Christians; and that by putting it off to the last, they were made more sure of eternal Salvation; seeing any Person was thought fit to administer that Sacrament, even an Infidel, a *Neophyte*, or any silly Woman, and the Matter of it being always at hand, which is Water, and the Form of it soon perform'd and easy, consisting of few and simple Words, it seldom or never happen'd to the most unfortunate of Men to be so suddenly struck dead, as that they could not have Time to be sprinkled with so healthful a Water, which, in an Instant, by the infinite Merits of Jesus Christ, wash'd away all the Filthiness contracted in this mortal Life, and carried them certainly to the Felicities of another Immortal and Eternal.

BUT it was afterwards observ'd, that such a bad Custom gave occasion to Men to lead a licentious Life, and to be prone to all Irregularities and Wickedness; and Experience making it evident, that many dy'd as they had liv'd; and that Death might seize on them so suddenly, that they might want these Helps, of which the dismal Accident that befel *Valentinian* was a terrible Example; therefore the Fathers of the Church began to declaim against such a pernicious Custom: Whence *Basilus* and his Brother *Gregory* of *Nissa*² in the same Century, did all that in them lay, to abolish such a dangerous Custom; and St. *Ambrose*, who succeeded them, after having bewail'd the Misfortune of it, apply'd himself strenuously, and did all he could to eradicate it, by often inveighing most vigorously against such an Abuse³; so that at last it was banish'd out of the Church, and never more suffer'd; whence the contrary is commendably practis'd to this Day.

BUT to return to our Subject, these our Provinces were not subjected, nor given to any Person by *Constantine*; but were rul'd and govern'd by the same Prince, after the Year 324, in the same Manner as before, and to the Day of his Death he took Care of them, by committing the Government of them to the *Præfetti P. of Italy*, to the *Consulares*, *Correctores*, and the *Præsides*, and he establish'd many Laws, which he directed to them for their right Administration. As soon as *Constantine* had dispatch'd the Council of *Nice*, and the Affairs of the East, he return'd the Year following 326, by *Pannonia* into *Italy*, and settled in *Aquileja*, where, in the Month of *April* of that Year, he publish'd some Constitutions⁴; from thence he went to *Milan*, where he publish'd others⁵ in the Month of *July*; and finally, in the same Month, came for the last Time to *Rome*, where he remain'd a long Time with his Mother *Helena*, who, in the same Year 326, in the Month of *August*, dy'd in the Arms of her Son and Grand Children, and was bury'd there⁶. This very same Year, many Laws were publish'd by *Constantine*⁷ in *Rome* concerning the *Annona* of the said City; and many Things were establish'd for the Necessities of these Provinces by this Prince, until he return'd to the East, where he gave himself up entirely to the Re-establishing of the new Empire and *Constantinople*.

BUT in the mean time, the Affairs of the West, and these our Provinces, were not neglected, being committed to the Charge of the *Præfetti P. of Italy*, and more immediately to the *Consulares*, *Correctores*, and *Præsides*, so that they were govern'd by *Constantine* and his Successors down to *Valentinian III.* as we have shewn; so far was it from any other Person's having any Right or Superiority whatsoever over them.

THE REFOR E the Story of *Naples* ought to be look'd on as a Romance, which is thus related, That it being at that Time within the Limits of *Campania*, and subject to the *Consulares* of that Province, was excepted out of that Donation only, it having pleas'd *Constantine* to keep it to himself, upon this gracious Account, That he having occasion to make many and frequent Voyages to the Eastern

¹ Torq. Tasso-Canto 12. Ott. 75. G. L.

² Gregor. in Orat. in Baptif.

³ Ambros. in Serm. de Sanct. & alibi.

⁴ L. unic. C. Th. si quis eam cujus tur.

⁵ C. Th. de falsa moneta.

⁶ Aust. Vitæ Constant. lib. 3. cap. 46. c. 27.

⁷ L. 5. C. Th. de Navicul. L. 1. de Præd. Navicul. L. 4. de Insim. his, quæ sub Tyran.

Transmarine Countries, he was willing to reserve one City, in which, as he pass'd, he might stop a little to refresh himself after the Fatigue and Hurry of a Journey. The Accounts of the Journeys of this Prince, in Company with Pope *Silvester*, to *Naples*, are more ridiculous; and that which deserves yet more to be laugh'd at is, that they two having embark'd in the Port of this City, went together to *Nice*, the Metropolis of *Bythinia*, where they were present at that great Council: and *Constantine* returning to *Italy* in the Year 326, staid some time in *Naples*, where he was receiv'd a-new by the *Neapolitan* Republick, with the greatest Marks of Esteem and Gladness; and that he built so many Churches, with a hundred other trifling Stories with which they have swell'd their Volumes: So that those who consider such fabulous Stories, and that this Prince, in his returning to *Italy*, pass'd no other way but thro' *Pannonia*, and that if he intended to go from *Rome* to the Eastern Parts by Sea Voyages, he had the *Via Appia* ready and free, which was continu'd to *Brundisium*, where he could embark with the greatest Ease: In like manner, *P. Caracciolo*¹ would make us believe, that *Brundisium* was the Place where *St. Peter* landed, being moved by no other Reason to believe it, but because it was the most ready Road for those who by Sea went from *Rome* to the East, or from thence to *Rome*; for which Reasons, 'tis to be doubted whether *Constantine* ever saw *Naples*, so far from his having staid there and built so many Churches, as if he had had no other Business to do there but to build Churches²; whereas 'tis evident, that any Vestige of *Grecian* Structure that is now remaining in any Church of this City, hath no Marks of having been built in the Time of *Constantine the Great*, but of later Times, during the Reigns of the other *Constantines*, Emperors of the East, towards the very last Times of the *Grecians*, when the *Neapolitan* Dukedom was subject to the *Grecian* Emperors; of which we shall have a more proper Occasion to speak: And *P. Caracciolo* himself³ cannot deny, that many Churches which are attributed to *Constantine the Great*, were erected in *Naples* in much later Times; altho' he be persuaded, that this Emperor was in *Naples* with his Mother *Helena*, and believ'd, that that of *St. Restituta*, and the other of the Holy Apostles, were built by him; which he can't prove by any contemporary Authors, but has recourse to Tradition, *Anastasius*, and other later Writers⁴.

¹ P. Caracc. de Sacr. Neap. Eccl. Mon. cap. 3. sect. 4.

² Turin. dell' origin. de Seggi, cap. 2.

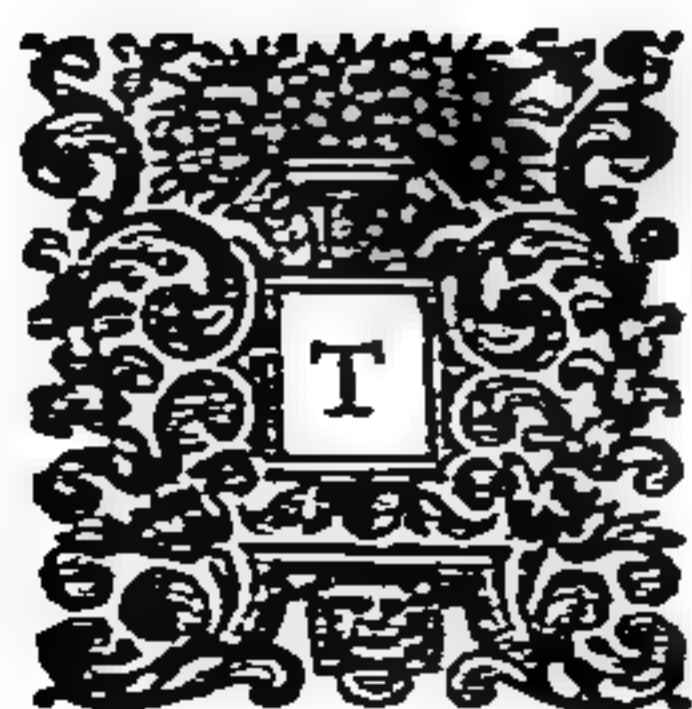
³ P. Caracc. de Sacr. Neap. Mon. cap. 21. sect. 5 & 6.

⁴ Idem Aut. loc. cit. sect. 2 & 3.



CHAP. V.

Of New Laws, and New Jurisprudence, under CONSTANTINE, and his Successors.



THE new Disposition of the Empire under *Constantine*, as it produc'd many Changes in the Civil State of its Provinces, so likewise was it the Occasion of various Alterations in the *Roman* Jurisprudence. It began to take a new Form and Appearance, after he began to make new Laws, endeavouring all he could to cancel the old, and to introduce new Customs into the Empire; whence it was, that *Julianus* used to call him *Novator*, and a Disturber of the ancient Laws and Customs¹. He alter'd the Manner of Judging,

¹ Ammian. Marcel. lib. 16. cap. 21. p. 205.

and abolish'd the ancient Forms, and introduc'd a new Way of Proceeding. The Magistrates took other Titles: and if at any time they retain'd the Old, yet their Jurisdiction was different, and their Business not the same: New Dignities were introduc'd, and those not only of the Officers of the Palace, but likewise of the Military were chang'd, and the Precedency among them alter'd; whence came the new Names and Titles belonging to their Offices and Authority, which we read in the *Theodosian Code* ¹.

BUT the most powerful Occasion which wrought so great a Change in the ancient *Roman Jurisprudence*, was the venerable Christian Religion, which *Constantine* embracing with so great Ardency, it inclined him, and made him so desirous of establishing new Laws, which, according to the Maxims of this new Religion, were to be somewhat contrary and different from those of the *Gentiles*. First of all, he was Intent on changing the *Roman Customs*, and their ancient Religion; for which End, he publish'd many Edicts directed to the *Roman People*, and to the *Præfects* of that City; and he apply'd himself to nothing else all those four Years that he staid in *Rome*, which was from the Year 319, to the Year 322: He prohibited in *Rome*, which was the City most addicted to the Superstitions of the ancient Religion, the Soothsayers from privately foretelling future Events, altho' he allow'd of it in publick. He forbid Masters to take Advantage of the Power they had over their Servants, but that they should treat them moderately, and with the utmost Discretion ²; according to the Principles of the New Religion; for which the Fathers of the Church extoll'd him, amongst whom was *Lactantius*, who taught, that Servants ought to be treated like Brothers by their Masters. He introduc'd into the Church new Methods of Enfranchising, in order to make the Acquisition of their Liberty more easy ³. He made a new System concerning Divorces, Contracts of Marriage, and Matrimony ⁴: he suppress'd the Levity of Divorces, and confirm'd, with a more firm Knot, the Sanctity of Contracts and Marriage. He abolish'd the Penalty of Celibacy ⁵, and took off other heavy Yokes which the ancient *Roman Laws* had impos'd upon the Necks of Men ⁶.

ACCORDING to the Dictates of this new Religion, he was severe against the Ravishers of Virgins, and those, who, despising the Sanctity of Marriage, were delighted in roaming after Lust ⁷. He restrain'd Concubinage, against which *Lactantius* had already so much written and declaim'd ⁸. He forbid all manner of Work on the Lord's Day, and, according to the new Rites of the Church, he made other Days holy which were not so formerly ⁹. By whatsoever Forms or Words the Enfranchisings should be made in the Churches, he would have those that were manumitted to enjoy full Liberty ¹⁰. He gave Permission to all Persons, freely to leave by their Testaments whatsoever they pleas'd to the Churches ¹¹: and besides, that he might take a commendable Care and Protection of the Church and her Canons, he concern'd himself in the Controversies which arose among the Fathers, which was more than perhaps suited with his Imperial Dignity; by which their Contentions became to be more taken notice of, and added Fuel to their Discords and Strifes, which would not have been, had their Disputes been left entirely to themselves, who were the most proper Persons for deciding them: Neither would the Church have been so set on Fire as it was soon after, by the Firebrands of the *Arians*, who so much abus'd her; but, perhaps, it would have continued in the same Purity and Simplicity, in which it had been maintain'd for the first three Centuries, and in which Christ our Redeemer left it.

HE thought, that the Government and outward Polity of the Church belong'd to him: Therefore he made many Laws concerning the same; forbidding those that were rich, and those that were fit for the Administration of publick Offices, to take Orders, allowing none but Men of small Fortunes and of mean Condition to take them ¹²; and, furthermore, he made other Provisions concerning the Ministers and Goods of the Churches: Whence it came, that the Emperors, his

¹ Got. in Prolegom. C. Th. cap. 12.

² L. 1. C. Th. de Emendat. Serv.

³ L. ult. C. Th. de his, qui a non domino.

⁴ L. 2. C. Th. de Sponsalib.

⁵ L. un. C. Th. de Infr. Pœn. Cœlib.

⁶ L. 3. ad S. C. Claudian. L. un. de Commiss. Rescin.

⁷ L. 1. C. Th. de Rapt. Virg.

⁸ Nazar. in Paneg. Porphy. Carm. 6.

⁹ L. 1. C. Th. de Feriis.

¹⁰ L. un. C. Th. de Manum. in Eccles.

¹¹ L. 4. C. Th. de Episc.

¹² L. 3. C. de Episc. & Cler.

Successors in the Empire, and of the same Religion, following his Footsteps, added divers other Constitutions concerning the outward Polity of the Church, and the Persons of Bishops and Clerks, and the Administration and Government of their Goods. And however *Sozomenus*¹ hath written of *Valentinian I.* that he meddled little in these Matters, imposing nothing upon the Priests, neither changing what was either Good or Bad in Church Affairs, nevertheless we read in the *Theodosian Code*, some of his Constitutions relating to the Polity, and particularly to the Election of Clerks, and other Ministers of the Church. But all his Successors have since added very many Constitutions, such as *Valentinian II.* *Theodosius*, *Gratianus*, *Arcadius*, *Honorius*, and the rest; so that in the Reign of *Theodosius the Younger*, an entire Book of these Laws was compos'd, which is the last of his Code: Wherefore we see the *Roman Jurisprudence*, in that Part which relates to the Divine and Pontifical Law, quite different from that of the first, and altogether new. Which Institution being continu'd afterwards by the other Emperors, and particularly by our *Justinian*, it came at last to the Emperors of the East, who abusing their Power, in the last Ages of the Empire, reduc'd the Matter to such a State, that Religion was entirely subjected to the Will of the Prince; for which Reason it was wisely adverted to by worthy Men², That it was a great Mistake in those, who, to set just Bounds betwixt the Priesthood and the Empire, and the Power of the one and the other, were guided by the new Constitutions of these last Emperors, as by a sure Rule; but we shall have Occasion to handle that Matter largely, when we come to treat of the Ecclesiastical Polity.

THIS Zeal then for our Religion, which was directly opposite to that ancient one of the *Gentiles*, being imprinted in the Heart of a Prince, whom both the Empires obey'd, was able to change the Customs, Laws, and Institutions of Men. This not only made him think of Building new Temples, and throwing down the old, but also of changing and abolishing whatever of their Laws seem'd to him either too superstitious, or exceeding subtle: of which, his many Constitutions publish'd for that purpose, and which we read in the *Theodosian Code*³, are clear Testimonies. And *Constantine* his Son, who succeeded him in the Empire, follow'd his Footsteps, and in many Things departed from the ancient Institutions, and especially in religious Matters, as is manifest by his many Constitutions which we read in the same Code⁴.

WHENCE it was, that the Character *Constantine* left behind him, was so different among the Christians, from what it was among the *Gentiles*. The Christians extoll'd him for those Facts; from which *Nazarus*⁵ took occasion to sound his Praise, in the Panegyric Oration which he made in the Year 321. thus: *Novæ leges, regendis moribus, & frangendis vitiis Constitutæ, veterum calumniosæ am- biages recisæ, captandæ Simplicitatis lequeos perdiderant.* *Isidore*⁶ in his Book *de Originibus*, says likewise, that the new Laws were begun by *Constantine*: And *Prosper Aquitanicus*⁷ calls the Authors of such Laws, lawful Princes, because they were publish'd by Christian Princes.

BUT the *Gentiles*, who very unwillingly suffered these Changes, reproach'd bitterly both him and his Son *Constantine*. Wherefore *Gregorius* and *Hermogenianus*, both Heathen Civilians, who flourish'd under *Constantine* and his Sons, fearing, lest by these new Constitutions of the Christian Princes, the Heathen Jurisprudence should be lost, applied themselves to the Compiling of their Codes, in which they united together the Laws of the Heathen Emperors, beginning from *Adrian* down to *Diocletian*, in order, as much as possible, to preserve the Ancient. From whence it came to pass, that *Julian* the Nephew of *Constantine the Great*, having assum'd the Empire, and publickly renounc'd the Christian Religion, and embrac'd the Heathen, apply'd all his Might (although he did not make use of the Weapons of Cruelty as the Heathen Emperors his Predecessors had done) to restore the Worship of the ancient Religion, and the old Laws, and to overthrow Christianity; for which End he was altogether bent on abolishing whatever *Constantine* had done,

¹ Sozomen. lib 6. cap. 7 & 21.

² Tomasin. Dissert. in Conc. Pref. 1. num. 5. Joa. Fiesiac. Tract. de Sacr. Epil. Auth. cap. 7.

³ 7. & tract. de Idolatr. Politic. cap. 9.

⁴ L. un. C. Th. de Domin. Rei, quæ poscit. L. 3. C. Th. de contr. Empt. Tōto tit. C. Th. ad S. C. Caudian. & de Longa Consuetud.

⁵ L. 10. C. Th. de Operib. Publ. L. 5. C. Th. de Sepulchr. Viol.

⁶ Nazar. in Orat. Paneg.

⁷ Isidor. lib. Origin. 5. cap. 1.

⁸ Prosper. Aquit. lib. prior. Chronic.

calling him, as *Ammianus Marcellinus* reports¹, *Novator*, and Disturber of the ancient Laws and Customs: *Julianum, memoriam Constantini ut Novatoris, turbatorisque Priscarum legum, & moris Antiquitus recepti, Vexasse*: therefore we read many of his Laws to this Day in the *Theodosian Code*; by which it is clear, that he had his Mind bent on nothing else but the abolishing *Constantine's* Laws, and restoring the Ancient. For thus he writes, *Amputata Constitutione Constantini patrum mei, &c. Antiquum jus, cum omni firmitate Servetur*², and elsewhere³: *Patrum mei Constantini Constitutionem jubemus aboleri, &c. Vetus igitur jus revocamus*. And this Prince having added many Constitutions to the Civil Law according to the ancient Discipline; and above all, having provided for the Dispatch of Law-Suits, and likewise in a great measure taken off the Taxes which his Predecessors had laid on, and given clear Proofs of his Vigilancy, his military Valour, and many other Virtues, did not only acquire the Character of a wise and prudent Prince among the *Gentiles*, as *Libanius*⁴ for that same, extols and magnifies him in a Funeral Oration which he made on him; but likewise these Encomiums are reported by *Zonera*, and, which will seem more strange, by Writers also of these our latter Times; among whom *Michael de Montaigne* is the Chief⁵, who besides his defending his Apostacy and his other Misdeeds, which are commonly imputed to him, loads him with excessive Praises, and extols him to the Heavens.

BUT the Reign of this Prince having lasted only two Years, for he was kill'd by the *Parthians*, in the 31st Year of his Age, and succeeded in the West by *Valentinian the Elder*, and by *Valens* his Brother in the East, Princes who had the Christian Religion as much at Heart, as *Constantine* ever had; therefore all that *Julian* had done against it, became of no Force, since it was likewise maintain'd by the Princes their Successors, altho' it was abused and corrupted by the Pestiferous Heresy of *Arrius*, which having seiz'd on the Heads of the Empire, spread itself over all the Christian World, and likewise got footing in barbarous Nations; and these Princes having trod in the same Footsteps with *Constantine*, and added their own to his Laws, gave that Aspect and Frame to the Jurisprudence which we now see in the *Theodosian Code*.

¹ Amm. Marcel. lib. 16. cap. 21. pag. 205.

² L. unic. C. Th. de Dominio rei quæ.

³ L. 3. C. Th. de contr. empt.

⁴ Liban. orat. 10. p. 297. in fun. Julian.

⁵ Mich. de Montaigne in his Essays, l. 2. c. 18.



C H A P. VI.

Of the Civilians, and their Books, and of the Academy of R O M E.



ALTHO' the Roman Jurisprudence, by the new Division of the Empire, by the new Disposition of the Officers, and by the new Polity and Religion introduc'd into it, had a quite different Aspect, and new Forms: Nevertheless it is not to be doubted, but that the Cause of its Change and Decay was owing in a great measure to the Loss of the ancient Discipline, and the want of good Education in the Youth: No sooner was the Discipline and Education lost, than the Youth were seen wallowing in Luxury, feasting and living delicately, gaming and whoring, exactly
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as *Ammianus Marcellinus*¹ laments that Age; therefore it was not to be expected that it could produce those uncorrupted and grave Magistrates, those wise and prudent Civilians, the *Africani*, the *Marcelli*, the *Papiniani*, the *Pauli*, and many others so excellent and renown'd, as flourish'd in the preceding Age. The Business of the Civilians, who in the Reigns of *Constantine* and his Sons, succeeded to these bright Men (amongst whom there was a certain *Innocentius* so much celebrated by *Eunapius* and one *Anatolius*, and some others of obscure Names) was nothing else but teaching and explaining in the Academies, what these shining Ornaments had written, and in Collecting, Commenting upon, and rendering their Books in a better Reading. The Use of Interpreting and Expounding being laid aside, and the Employment of the Civilians reduc'd to two Things only, to wit, teaching in the Academies, and haranguing in the Courts for their Clients, which by degrees they did for Money, contrary to the ancient Law *Cincia*, the Employment in those Times became so contemptible, that at last it was the Business of the emancipated Slaves. Wherefore *Mamertinus*² used to lament the lost Dignity of the Jurisprudence; even before *Julian*, and to grieve bitterly, by saying, *Juriscivilis Scientia, quæ Manlios, Scævolas Servios in amplissimum gradum dignitatis extulerat, libertorum artificium dicebatur*. We read in *Photius*³, that *Asterius* Bishop of *Amasca*, who liv'd about the Year 400. related, that he had been a Disciple of a certain *Scita*, a Servant bought from a Citizen of *Antioch*, who publicly profess'd the Jurisprudence; whereas the Practice of Orators, or those who had the Charge of Law-Suits, who were the Pleading Advocates, was so honourable among the ancient Romans, that the Roman Senators, and other great Men put their Sons to it: It was the first Step in the popular State to raise them to great Employments; because by pleading Gratis, as they did, they oblig'd a great many People, and consequently gain'd a number of Clients, by which means they acquir'd great Respect and Authority among the People, which was the sure way to get in to great Offices. Besides that those who were good at making Speeches had a great Advantage in the Assemblies of the People, who are willingly led by the Ears; whence it is that in popular States, the Advocates are those who generally have the greatest Power and Authority: But under the Emperors the Authority of the Advocates was much diminish'd, as the Author of the Dialogue *de Oratoribus*, which is attributed to *Tacitus*, says. For which Cause the Popular Favour was of no use in attaining great Employments; for since they could not be rewarded but by Money, it was then they became so Mercenary; but the Emperors being unwilling to debase them altogether, put them on a Level with the Military, allowing them all those fine Privileges which the Soldiery enjoy'd, and others besides, especially, that after they had follow'd their Employment for twenty Years, they became Counts⁴. If such debasing had only reach'd the Lawyers, it would have been more tolerable, but it likewise penetrated into the Academies and the Tribunals.

THE Academy of Rome by Ignorance, the Baseness of the Professors, and the Riotousness of the Scholars, was reduc'd to such a lamentable Condition, that *Valentinian the Elder*, to hinder it from being quite extinguish'd, was oblig'd in the Year 370. while he was at *Triers*, to publish a very long Constitution, which he directed to *Olibrius* Prefect of the City of Rome, in which he establish'd XI. Academical Laws, and remedied a great many Abuses which had crept into it.

FIRST of all, he oblig'd the Scholars who came from the different Provinces of the Empire to study at Rome, to bring with them Certificates from the *Rectores*, or the *Consulares*, *Correctores*, or *Præsides* of the Province from whence they came; in which Certificates they were to declare their Country, their Birth and their Merit, the Quality of their Forefathers, and their Pedigree.

SECONDLY, he order'd, That as soon as they arriv'd in Rome they should present these Certificates to the Censors.

THIRDLY, That these Officers should immediately inquire of the Scholars what Professions they were to apply themselves to, whether to the Roman or Grecian Eloquence; or if they would follow more profound Studies, such as Philosophy or the Jurisprudence.

¹ Ammian. Marcel. lib. 3.

² Mamertin. in grat. act. pro Consulatu.

³ Phot. homil. 7. in Servum Centurionis, quem dominus Sonavit.

⁴ L. 1. C. de Advocat. diver. Judic.

FOURTHLY, That the said Officers should take Care to provide Lodgings for the Students remote from Places of evil Fame.

FIFTHLY, That they should take Notice of their Conduct, and prevent their keeping bad Company, which is very dangerous for Youth.

SIXTHLY, *Valentinian* inhibited the Scholars from too often frequenting publick Shews, by which he put a Stop to that Abuse, which *Ammianus Marcellinus* complain'd of being introduc'd by the Youth, who spent their Time in continual Luxury, Amours, and publick Shews, which corrupted their Manners, and made them neglect their Studies.

SEVENTHLY, He likewise forbid their unseasonable and frequent Feastings, at which they used to spend a great Part of the Day and Night in gormandizing and luxurious Discourses.

EIGHTHLY, That those Students, who contrary to these Laws led a licentious Life, and carry'd themselves unworthily, should be severely punish'd, by being publicly beaten, and afterwards chased out of the City, and sent to their Countries.

NINTHLY, He fix'd a Time for their Studies, making the twentieth Year of their Age the Term of them, which in the Reign of *Dioclesian* was the Twenty-fifth; and that they were to employ five Years in more serious Studies: Such as the Jurisprudence in particular, which likewise our *Justinian* appointed.

TENTHLY, He ordain'd, That the Names of the Students should be written in a Book every Month, what they were, and from whence they came, that it might be known how long they had been in *Rome*, as also what Time they had studied, which we now call *Matriculation* or Enrolling.

ELEVENTHLY, He ordered, That the said College Book should be sent to him every Year, that he might know what Students were enroll'd in it; to the End, that according to the Merit and Qualifications of every one, he might reward them, and make Use of them in the Government of the Commonwealth.

SO much had that provident Prince at Heart the Education of Youth, and the Reformation of that Academy, that having restor'd it by these Laws, in the succeeding Years he order'd a great Number of Youth both from *Africa* and *France*, and other Western Provinces, to come to *Rome* to learn good Literature, and the Civil Laws of that City, which on that account was call'd the Dwelling-House of the Laws.

THUS was the Ruin of the Jurisprudence in the Academy repair'd by *Valentinian* in the best manner he could; but the Havock made in the Courts and Tribunals by the Judges and Advocates was most lamentable. The Insufficiency of the Magistrates, and their rapacious Greediness and Ambition; the Ignorance likewise of the Advocates, and, most of all, their Knavery and Tricks, had put all the Constitutions of the Princes, and the Books of the Civilians in the utmost Confusion.

WHEN there was any Imperial Constitution cited for deciding any Law-Plea, the only Recourse was to the *Gregorian* and *Hermogenian* Codes, on which they solely depended; for the rest there was nothing but Disorder and Confusion. Because *Constantine* and his Successors had publish'd many Constitutions of various Kinds, belonging to different Provinces of the two Empires, and very often contrary to one another, directed as Necessity requir'd, to various Magistrates; of which there was no distinct Knowledge, and many of them had been bury'd, until they were collected into one certain Volume by *Theodosius the Younger*, who likewise divided them; whence every-body cited that Constitution which seem'd to them most favourable for the gaining their Cause¹.

NO less was the Confusion and Disorder of the Books of the so famous and renown'd Civilians. The Knowledge of them was very confus'd and uncertain: Such Sentences as by the Pleadings in the Courts had acquir'd the Force of a Law, and which the Judges were oblig'd to follow, had escap'd their Memories, they cited indifferently, and often recited opposite *Responsa*; the Contrariety of which was then so great, that *Justinian* with all his Might could not get rid of it in his Collection. To this Confusion, we may add another considerable Disadvantage, which was, that these Codes which were then made use of, (Printing not having been found out as yet in *Europe*) by the Carelessness of the Booksellers and Antiquaries, were very Incorrect, and full of Errors.

¹ Am. Marcel. lib. 30. page 451.

FOR remedying so many Disadvantages, which for a long Time had reduc'd the Jurisprudence to that lamentable Condition, *Valentinian* III. appear'd in the West, and *Theodosius the Younger* in the East. It was these Princes, who aiming at the same End, united in their Labours and Endeavours, each of them undertaking to cure for his own Part such grievous Mischiefs: *Valentinian* employ'd all his Thoughts in remedying the Disorders which had ensu'd from the doubtful Authority of the Constitutions of the Princes, and the Variety of the Books of the Civilians; *Theodosius* employ'd his on a more noble Undertaking, in setting about the framing of a new Code, and the re-establishing of the Academy of *Constantinople*.

VALENTINIAN therefore in the Year 426. while he was in *Ravenna*, whither he had transferr'd the Seat of the Empire, sent to the Senate of *Rome* a long and prolix Oration; in which, among many other Things, he particularly recommended the rectifying of these Disorders: Part of which Oration we read in the *Theodosian* Code, under the Title *de Responsis Prudentum*, and a Part of it in the *Justinian*¹, altho' it is not to be seen there now, under the Title *de Legibus*. In that Part which was in the *Justinian* Code there was a Rule laid down, how to know what Imperial Constitutions and Rescripts should be read in Judgment, and quoted in deciding of Law-Suits, and which of them ought to have Force and Vigour with the Judges: What Laws ought equally to be observ'd by all, as general ones, excepting those Rescripts which were issu'd at the Request of private Persons on particular Occasions: That all the Rescripts of Princes, which were produc'd in Judgment, were not to have the Force of Laws; nor those, which, contrary to the Intent of the Law, had been extorted by the Pleaders; nor those others in which Subreption and Obreption were contain'd, all which he order'd the Judges to reject².

IN the other Part of his Oration which was approved of by *Theodosius*, and inserted in his Code, he takes particular Care of the Books of the ancient Civilians, which in that Age, wanting all Method and Order, occasion'd great Confusion

FIRST of all he would have intire Credit given to the Writings of these five Civilians, to wit, *Papinianus*, *Paulus*, *Cajus*, *Ulpianus*, and *Modestinus*; and that they were to be quoted and read in Judgment, and to have Force and Authority with the Judges in deciding of Causes. II. That the Opinions and Treatises of *Scævola*, *Sabinus*, *Julianus*, *Marcellus*, and of the other Civilians, who had been inserted or extoll'd in the Works of these Five, should have the same Force. The Writings of these ancient Civilians were still in being in the East, and also in the Kingdom of *Thoulouse*: In latter Times they were dispers'd amongst the *Goths*, as the Interpreter testifies in that Constitution of *Valentinian*. They were preserv'd in the East to the Reign of *Justinian*, who made use of them in the Composing his Pandects. III. He gave Caution and a Rule after what manner the Judges were securely to make Use of the Writings of these Civilians in deciding of Causes, and how the Barristers were to cite them, that is to say, that those which had not been mended, and were incorrect, would be found corrected in the Codes; for which Corrections, not only of the Books of the Jurisprudence, but of all other Professions, it was the Custom of that Age, to choose the most learned Men, and the most exact Grammarians of the Times; whose Care and Study was nothing else, but to reduce to a perfect Reading, by comparing with the exactest and most correct Texts, the Writings which were in the Hands of the Professors. As in like manner for correcting the Copies of *Livy*, and more especially the Holy Scriptures, where Errors were most pernicious, the most knowing Men were employ'd. As *Suidas* witnesseth of *Lucian*; and *Irenæus* conjures his Bookseller, *per Dominum nostrum Jesum Christum, & gloriosum ejus adventum, quo judicaturus est vivos & mortuos, ut conferat postquam transcripserit, & emendet ad exemplar unde descripsit*. *Aponius*, *Hieronymus*, and *Augustine* had the same Anxiety who did not mind rich and costly Books, but all their Care was to have them exact and correct³. So that in those Days, they were most careful of that Work, as reckoning it of the greatest Importance; since the Decision of many Controversies in the Church, and an infinite Number of Causes in the Courts, depended upon it.

¹ L. 2 & 3, C. de Legibus.

² L. 7. C. de Pracib. Imp. Offerend. L. pen. C. si contra jus.

³ Euseb. hist. Eccl. l. 5. Hieron. init. Chron.

BESIDES *Valentinian* determin'd, as we have already said, that when different and opposite Opinions, to those of these ancient and famous Civilians, were quoted in the Courts, the greatest Number of the Authors was to carry it; that is to say, their Opinions were to be number'd, and not weigh'd, by which the Judges were to be determin'd, from which *Justinian* differ'd afterwards; but if it happen'd that the Number on both Sides was equal, he ordain'd, that the Side on which *Papinian* was, should prevail: Which Pre-eminence in *Papinian* ought not to seem strange, he being reputed in all Ages the most renowned of all others; since in the Time of our Grandfathers, 'tis said, that the same Prerogative was granted by Royal Decree in *Spain* and *Portugal* to *Bartolus*, if we may trust *Jo. Baptista de Gazalupis*, who reports it ¹. That of St. *Jo. Chrysostom* in his Interpretation of the Holy Scriptures, was greater, since by an ancient Custom introduc'd into the Eastern Church, his Interpretation was to be preferr'd to that of all the other Fathers of the Church, how different soever they should be: And in the West his Interpretations were likewise of great Weight, of which *Hieronymus* and *Augustine* are famous Witnesses. Moreover *Valentinian* ordain'd, That in case, both as to Authority and Number, the Opinions quoted should be equal, then all was to be referr'd to the prudent Award of the Judge, who was to weigh the Opinions in a just Ballance by himself, and to stick to that which he should think most just and conform to Equity.

LASTLY, he refuted the Notes made by *Paulus* and *Ulpianus* on the Works of *Papinian* their Master, and they were to be of no Authority in the Courts: And in this likewise *Justinian* afterwards differ'd, who did not altogether refute them, but intermix'd many of them, and particularly those of *Paulus*, in his Digests: Nevertheless *Valentinian* ordain'd that the Opinions of *Paulus* should always be regarded, and be of Authority and Force. And it was this Constitution of *Valentinian*, and such others as were publish'd at that Time, that *Justinian* meant, when he said, that it had been ordain'd, that the Opinions of the Civilians should have such Authority, as that it should not be lawful for the Judges to depart from them, as we have already observ'd in the First Book of this History.

SO provident was *Valentinian* III. that these continual Disorders and Confusions might be remov'd from the Courts of Justice, which the little Knowledge of the Constitutions of the Princes, and the Books of the Civilians, had occasion'd in them; whence the Jurisprudence in the West was restor'd, as much as was possible, to some Dignity and Renown.

¹ Jo. Batt. de Gazalup. de S. Severino in tract. de Modo Stud. in utroque jure, qui subiectus est Vocabulario Juris, pag. 254.

S E C T. I.

Of the ACADEMY of CONSTANTINOPLE.

BUT greater were the Endeavours of *Theodosius the Younger*, for restoring the Jurisprudence in the East: He began to repair it in the Academies twelve Years before he compiled his new Code. *Constantine the Great*, from the Year 332, in order to provide the City of *Constantinople* with whatsoever was rare and excellent, and to make it rival *Rome* in every Thing, had apply'd himself with Might and Main, to invite to it many Professors of Literature. *Constantius*, his Son, about the Year 354, adorn'd it with a famous Library, for which *Themistius* runs so far out in his Praise. *Valens*, in the Year 372, increas'd it greatly, so that for keeping of it he had seven Antiquaries, four *Grecian* and three *Latin*, who were to take Care to set the Books in order, and repair those that had been worn with Age, and he appointed other Servants besides for looking after it. Nevertheless, till the Reign of *Theodosius the Younger*, none thought of establishing an Academy in that City, that could be compared to that of *Rome*. It was *Theodosius* then, who, in the Year 425, first settled an Academy there; and he appointed the Place for it, to be the Capitol in the eighth Region, at a Distance from the Sea,

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an inland Place, adorn'd with many Portico's built on Purpose, for which it was call'd *Capitolii Auditorium*. And that it might abound in Professors and Scholars, and maintain the same Dignity and Grandeur which he intended to endow it with, he order'd the Professors not to teach in their Cells, but in the *Auditorium*, as was formerly practis'd in *Rome*. He appointed many Professors for this Academy, according to the Sciences that were to be learn'd; and they all amounted to the Number of Thirty One. For the *Roman* Eloquence, three Orators and ten Grammarians: For the *Grecian* Eloquence, five *Sophistæ* and also ten Grammarians; so that there were Twenty Eight partly Grammarians and partly Orators and *Sophistæ*, for instructing the Youth in these Sciences. Besides he establish'd three, for those who would imploy themselves in more profound Studies, one for Philosophy, and two for the Jurisprudence, who were to teach the Civil Law¹. In the Reign of the same *Theodosius*, *Leontius*, a famous Civilian, explain'd the Laws there, who was the first among the Lawyers who had the Honour and Rank of Count *Palatine*; there were not wanting afterwards, other noted Professors who made it famous and renown'd. In the Time of *Justinian*, *Theophilus* and *Cratinus* profess'd the Jurisprudence there, who, being call'd by him, assisted him in the Framing the Digests². Neither was the Concourse of Youth less in this Academy for learning the Civil Law, than in that of *Rome* in the West, or *Berytis* in the East. And it was even greater, when *Justinian* forbid the Explaining of the Laws to all other Academies, such as that of *Alexandria* and *Cæsarea*, allowing it to none other, except, in the East, to those of *Berytis* and *Constantinople*, and in the West to that of *Rome*.

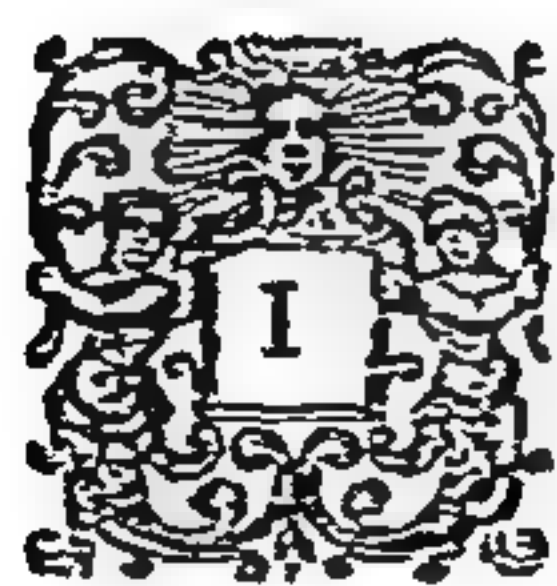
¹ L. un. C. Th. de Profess. qui in Urbe Constant.

² L. 2. §. quæ omnia, C. de Vet. Jur. Enucl. & in Proæmio.



C H A P. VII.

Of the Constitutions of the Princes, out of which the Theodosian Code was Formed.



IT did not satisfy *Theodosius* his having restor'd the decaying Jurisprudence in such a manner, and having set it to rights again, after such a Method in the Academies; There were besides very few, as *Theodosius* himself says¹, *Qui Juris civilis Scientia ditarentur, & soliditatem veræ Doctrinæ receperint*. The immense Quantity of Books², and the great Bulk of so many Imperial Constitutions, disagreeing among themselves, kept them likewise in profound Obscurity and Darkness. *Theodosius* at last was wholly intent on removing those Obscurities; for which end, he set about the Composing of a new Code, rejecting the so many time-serving Constitutions of the Princes, issu'd out according to the Occasion of the Times, the so many useless ones clashing one with another; he collected into one Volume those only, which he believ'd were sufficient for whatever could occur in the Tribunals for the deciding of Causes.

IN the Year 438, as the most prudent *Gotifredus* sufficiently proves, and not in the Year 435, as *Cironius* suppos'd, and others believ'd, being deceiv'd by the

¹ Novel. 1. Theod.]

² Eunap. in Vita *Ædissii*, pag. 72.

erroneous Subscription of the *Novella* of *Theodosius* ¹, this Code was compil'd and publish'd by this Prince : For the framing of which he chose eight notable and noble Civilians, and, as he declares, of known Fidelity and famous for Learning, and such, in fine, as were able to vie with the Ancients. The first who had the greatest Hand in it, was *Antiochus*, formerly *Præfectus P.* and *Exconsul*, of whom we often find honourable mention in *Marcellinus*, *Suidas*, and *Theodoretus*. There was *Maximinus*, *Vir illustris*, as *Theodosius* himself calls him ², *Exquestor nostri palatii*, *eminens omni genere Literarum*. There was *Martirius*, *Vir Illustris*, *Comes*, & *Quæstor nostræ Clementiæ fide interpretes*. There were *Sperantius*, *Apollodorus*, and *Theodorus*, *Viri Spectabiles*, *Comites Sacri Nostri Consistorii*. There was *Ephigenius*, *Vir Spectabilis*, *Comes*, & *Magister memoriæ*; and lastly *Procopius*, *Vir Spectabilis*, *Comes ex Magistro Libellorum*, *jure omnibus veteribus comparandi*: All of them adorn'd with the highest Dignities, and most expert in the Law Learning.

Their Employment in this Work was to collect the Constitutions of many Princes which were hidden and buried in Obscurity, and to unite them into one Body; and being collected, to correct and purge them of their Dross and Errors: and, lastly, with the greatest Brevity, to abridge them.

Without all doubt, the Number of the Constitutions of Christian Princes, which from *Constantine the Great* down to these Times, had been diffus'd and spread abroad through both the Empires, was very great; whence it was, that these Compilers, even after they had curtail'd them, could not collect and join them together in less than Sixteen Books. Forasmuch as if we consider the Number of Years, there are no less than One Hundred and Twenty Six, from the Reign of *Constantine* in 312, to the Year 438. If we consider the Number of Emperors whose Constitutions are collected in this Code, their Number is no less than Sixteen; to wit, *Constantine the Great*, his three Sons *Constantine*, *Constantius*, and *Constans*; *Julian*, *Jovian*, *Valentinian*, *Valens*, *Gratian*, *Valentinian the Younger*, *Theodosius the Great*, *Arcadius*, *Honorius*, *Theodosius the Younger*, *Constantius*, and *Valentinian III.* If we consider the various Sorts of Constitutions, we find there not only the Edicts, but likewise the various Rescripts, the many Epistles directed to Magistrates, the Orations to the Senate, the Pragmaticks, the Acts and Decrees made in the Princes Councils, and lastly the many Mandates directed to the *Rectores* of Provinces, and other Officers.

CERTAINLY there was no Part either of Publick or Private Right but what was transferred into this Code, as is manifest from the Argument of its Books, and the Number of the Titles. Of the Constitutions of the Princes concerning private Right, such as Contracts, Testaments, Stipulations, Pactions, Heritage, and all other Things belonging thereto, five Books were compos'd. As for what concern'd publick Right, nothing is wanting; here are set down the Functions of all Magistrates, the *Notitia* of Dignities, and a Rule for Military Affairs: The Employments of the Officers are appointed; Criminal Accusations are settled; the Laws of the Exchequer are declar'd; the *Annona* and Tributes are put in Order; Care is taken of the Common Good of the Cities, Professors, Publick Shews, Publick Works, Ornaments, and, in a word, nothing is omitted that could in the least contribute to the Publick Peace and Tranquillity. Neither were the Laws concerning the Church neglected, but a whole Book of the various Constitutions belonging to it was compos'd, in which divers Ecclesiastical Affairs concerning Religion are determin'd; so that there is no Part of Private, Publick, or Divine Right, but what is comprehended in this Code.

THE Names of the Princes who pronounc'd them, the Place, the Time, the Persons to whom they were directed, are carefully set down, that the Authors might not be depriv'd of the Honour, and to shun all Confusion and Disorder.

NEVERTHELESS the Work did not prove so exact and compleat, but that there are many Defects and Errors in it; of which the careful *Gotifredus* hath made a long Catalogue ³, which we need not here recount; but we ought not to pass over in Silence that grievous one, not to be pardon'd in *Theodosius* a Christian Prince, his having inserted in it many wicked Laws, quite contrary to his Religion; whose Purpose was to have collected only the Constitutions of the Christian

¹ Cit. *Novella* 1.

² Ibid.

| ³ Gotifr. in Prolegom. cap. 2.

Princes, beginning with those of *Constantine the Great*: For which Cause *Prosperus Aquitanus* calls this Code, a Book in which the Laws of lawful Princes are collected, calling the Christian Princes only lawful, of whose Constitutions it was solely compos'd. Besides, his Design and End in composing it was, That it might serve in the Courts of Justice, and be quoted in daily Conversation, and, according to its Laws, Matters might be determined, in a Time when the Christian Religion was already fix'd in its Throne. How then can he be pardon'd, for having foisted into it so many Constitutions of *Julian the Apostate*, quite contrary to many of those of the Christian Princes, and more than that, to give him the Title of *Divus*? How could he insert in it these Constitutions, which in his Time had been branded with an evident Mark of Impiety and Superstition, as the L. 1. de *Paganis* of *Constantine the Great*, in which the publick consulting the *Aruspices*, is allow'd; and another of *Valentinian the Elder*, in which, besides the Use of the *Aruspicina*, the Profession of any Religion is allow'd? Laws altho' tolerable, when by cruel Necessity they were pronounc'd by those Princes, yet he ought not to have put them in a Code, which was to be made use of in after Ages, and when the Christian Religion had taken so deep Root in the Hearts of Men. Who can endure, that the L. 4. & 6. of *Julian de Sepulchris Violatis*, should be in it, which are full of Superstition and Heathenism? Who can bear the L. ult. of *Valentinian the Younger*, plac'd under the Title de *Fide Catholica*, by which he confirms the Conventicle of the *Arminians*; he gave more Vigour and Force to the pestilent Heresy of *Arius*, than the Authors themselves and their greatest Abettors and Sticklers could have given? Surely that Offence ought to have affected his Mind, by that generous, and at the same time holy Refusal of *Benevolus*, who being first Chancellor of the Empress *Justina*, who was the only Promoter of this Law, would by no means sign it; and was contented rather to live privately at Home on his Paternal Estate, than to remain at Court in high Esteem, a Complice of so unworthy a Deed. In the last Place, who can bear his having inserted the Laws publish'd by *Arcadius*, manifestly against the Catholics, and against *Chrysostom* and his *Johannisti*?

THE Compilers of the *Justinian Code*, did not demean themselves after that manner, who rejected all these Constitutions, as we shall shew, when we come to speak of the Composing of it, which was in the Sixth Century of Man's Redemption.

¹ L. 2, 3, & 9. C. Th. de Malefic. & Math. | ² L. 1, 4, 5, 6. C. Th. de his, qui Sup. Relig.

S E C T. I.

Of the Use and Authority of this Code in the West, and in these our Provinces.

THE *Theodosian Code* being then compil'd in the Year 438, and publish'd by Authority, was quickly receiv'd, as well in the East as the West. In the East it immediately had Force, because no sooner was it publish'd by *Theodosius*, its Author, than he set forth his *Novellæ* directed to *Florentius*, *Præfectus P.* of the East, which bears the Title de *Theodosiani Codicis Autoritate*, by which he declared, from that Time forth, That it should not be Lawful for any Person to make use of the Constitutions of other Princes in the Courts of Justice, but those which were contain'd in this Code; charging them moreover, that by the Means of publick Edicts, they should make known to all the People, and all the Provinces, such his Prohibition, and to inform them of the Publication and the Authority which he gave to that Volume.

IT had the same good Luck in the West, altho' *Theodosius*, who only govern'd in the East, could not give it the same Authority in these Western Parts, as he gave it in his own Empire; nevertheless, having before communicated his Design

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to *Valentinian* his Collegue, they, by Concert, directed all their Actions to the same End; therefore it was no sooner receiv'd in the East, than *Valentinian* gave it all Authority and Force in the West. Besides, this Prince had before sent to *Theodosius*, and those who had been chosen for the framing of this Code, a Register of all the Constitutions publish'd in the West, by the Princes his Predecessors, who had reign'd there¹; and, together with it, a Collection also of his own Constitutions, which he had publish'd through all the Year 425, whilst he sometimes resided in *Aquileja*, sometimes in *Rome*, and lastly in *Ravenna*, whither he had remov'd his Seat; and among these, likewise his famous Oration, which contributed much to the Design of *Theodosius*, by which he had repair'd the Confusion occasion'd by so many Constitutions and Books of the Civilians, which Oration was inserted in this Code by *Theodosius*, that is to say, that part of it only which treats of the Books of the Civilians, thinking that the other part of it, which treats of the Constitutions of Princes, would be superfluous; forasmuch as he had been more exact and minute in this his own Code on that Subject.

FOR which Reason, *Valentinian* gave to this Code, the same Sanction in the West, as *Theodosius* had given it in the East; altho' he made no special Constitution for that Purpose, yet it is not to be doubted: Since that ten Years after, in which Time *Theodosius* had publish'd many others of his *Novellæ*, and which were publish'd in another Volume apart, *Valentinian*, by his express *Novella*², which is amongst the *Theodosian*, confirm'd likewise these, adding this Reason, *Ut sicut uterque Orbis individuis Ordinationibus regitur, iisdem quoque legibus temperetur*. Besides the Respect and Obligations which *Valentinian* ow'd to *Theodosius*, were always too great, having given him the Title of *Augustus*, and afterwards became his Son-in-law; whence it was, that *Valentinian* us'd to call him Father, and *Theodosius* him, Son: Thus, in the same *Novella*, making mention of this Code, as already receiv'd in his Empire, with these Marks of Esteem he speaks of him; *Gloriosissimus Principum Dominus Theodosius Clementiæ meæ Pater, Leges a se post Codicem Numinis sui Latas, nuper ad nos, sicut repetitis Constitutionibus carverat, prosequente Sacra Præceptione direxit*. Such was the Veneration which *Valentinian* had for this Code, that in his *Novellæ*, which from time to time, down to the Year 452, a little before his Death, he publish'd, he often, in Confirmation of his Edicts, and to give them more Authority, made use of the Laws that were inserted in the *Theodosian* Code: So in the *Novella*³ 10. of the Year 451, and in the *Novella* 12. *de Episcopali Judicio* of the Year 452, and in the other, under the *Tit. de Honoratis*, &c. 45, we see, that he made use of the Laws of *Honorius*, *Arcadius*, and *Gratianus*, which were inserted in this Code by *Theodosius*.

BUT what will seem strange, is, that this Code had much much more Success in the West than in the East; since in the East it lasted only Ninety Years, that is to say, to the Time of *Justinian*, who making himself Author of a new Code, abolish'd and cancell'd this; but in the West it had much better Fortune with those Nations, which were call'd *Barbarians*: since with the *Ostrogoths* in *Italy*, the *Westrogoths* in the *Galliæ* and *Spain*, and with the *Burgundians*, *French*, and *Longobards*, it was had in such Esteem and Honour, that conformable to the Laws contain'd in it, they were pleas'd not only to govern the People whom they subdued, but likewise their own, as in the Progress of this History in the following Books, we shall treat more particularly. And lastly in our Days, and those of our Grandfathers, for the Exposition and Clearing up of this Code, it was thought, that it deserv'd to have the most worthy and sublime Genius's who flourish'd in these two last Ages, to employ their Labours, when it rose up again from under the long Darkness in which it had lain, by the Industry of *Jo. Sicardus*, who, in *Doviat's* Opinion⁴, was the first who brought it to the Light of the World in *Basil*, altho' very much mangled and maimed: Afterwards being put into a better Form by *Johannes Tillius*⁵ at *Paris* in the Year 1540, (who from being Proto-Notary of the Parliament of *Paris*, and who had a Hand in forming the Process of the famous Case of the Prince of *Conde*, was afterwards made Bishop of *Meaux*) the

¹ Rittershut. i. Jure Justinian. in Proœm. cap. 2. num. 12. Got. in Prolegom. Novel. 13.

² Nov. 10. de Confirmand. his quæ Admin.

⁴ Doviat. Hist. Jur. Civ.

⁵ Gherard. Van Mastrich. Hist. Juris Pontif. num. 46.

Learning and Care likewise of the incomparable *Cujacius* was thought well bestow'd on so great a Work; and last of all, the most laborious *Jacobus Gotifredus* applied his whole self, and all his Knowledge and Exactness, in making Commentaries on it, which can never be sufficiently prais'd, as being the highest Pitch of the most sublime Erudition, who dying soon after his long and obstinate Toil, had not the Pleasure to survive that incomparable Work, worthy of immortal and eternal Remembrance.

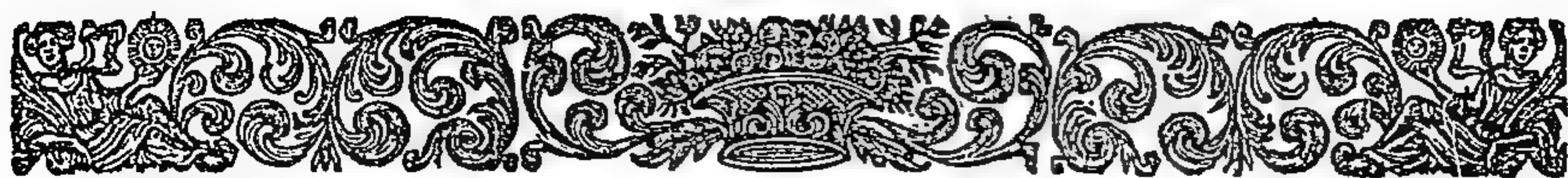
SUCH were the Vicissitudes of the *Roman* Jurisprudence from the Time of *Constantine the Great* to the Reign of *Theodosius the Younger*, and *Valentinian III.* his Collegue. These were the Laws by which both the Empires were govern'd. These were the Books which were made use of, from which the Laws were taken and cited for determining Law-Suits in the Courts of Justice, and teaching in the Academies; to wit, the Books of the Civilians *Papinianus*, *Paulus*, *Cajus*, *Ulpianus*, and *Modestinus*, which were the chief: The Treatises of *Scevola*, *Sabinus*, *Julianus*, *Marcellus*, with those of other famous Civilians taken from the Writings of the above-mention'd Five, had all Authority and Force. The Notes *Paulus* and *Ulpianus* made on the Book of *Papinianus*, were at that time rejected by *Valentinian*, altho' afterwards receiv'd and admitted by *Justinian*; but the Sense of *Paulus* of all the others, was most esteem'd, and of chief Authority and Force.

OF the Constitutions of the Princes, the two Codes, the *Gregorian* and the *Hermogenian*, in which were contain'd the Laws of the Heathen Princes from *Adrian* down to *Dioclesian*, were in full Force, altho' they had been compiled for private Study, by these two Civilians, without publick Commission: The Constitutions of the Princes collected there, were avowedly quoted in the Courts of Justice and Consultations: They were made use of, as we have shewn in the first Book, by *St. Augustine* ¹, he having cited a Constitution of *Antoninus* register'd in the *Gregorian* Code: The Author of the Collation of the *Mosaical* Laws with the *Roman*, made use of them, who, according to *Gotifredus*, flourish'd towards the End of the Sixth Century, in the Time of *Cassiodorus*; likewise the Author of that ancient Consultation, which we now read amongst those of *Cujacius*, made use of them: And afterwards also *Tribonianus* and *Papinianus*, and other Writers of lower Times, took the Advantage of the Compend of them: And lastly, the *Theodosian* Code, with the *Novellæ* newly publish'd by that Prince, and *Valentinian* his Collegue, were of more Force and Authority.

THESE then were the Books, in which in that Age was contain'd all the Civil Law of the *Romans*, by which the Tribunals, the Academies, the Professors, the Baristers, the Magistrates, and the Judges, were directed in Judging, Writing, and Teaching. Hitherto these Provinces, which now make our Kingdom, had never known any foreign Laws. Only the venerable Name of the *Roman* Laws was understood and reverenc'd, and according to the Dictates thereof, they were govern'd and manag'd, until they were a-new infested by those same Nations, which in those very Times had begun to disturb them; and altho' they durst not abuse the *Roman* Laws, but on the contrary honour'd them, yet nevertheless, amongst so many Revolutions of Affairs, they could not remain intire and firm, but were polluted, and seem'd to be on the Brink of Ruin, as shall be shewn in the following Books of this History.

¹ Aug. lib. 2. ad Pollent.





C H A P. VIII.

Of the exterior Ecclesiastical Polity, from the Reign of the Emperor Constantine the Great, to that of Valentinian III.



AFTER *Constantine the Great* had embrac'd the Christian Religion, and settled the Church at her ease, she was seen in greater outward Splendor, and in a more ample and noble Hierarchy. The Bishops, who in those first Three Ages, in the midst of Persecutions, govern'd the Churches in the Cities of the Empire; now when that Religion might be profess'd publicly by every Body, and that they began to erect Temples and Altars for keeping up the Worship of it, were seen, according to the Bigness of the Cities in which they govern'd the Churches, dispos'd in various and different Degrees, and plac'd in greater Eminency. Whereupon the Titles of Metropolitans, Primates, Exarchs or Patriarchs, answerable to those of the Secular Magistrates, and according to the Extent of the Provinces which they govern'd, came in Fashion.

PETER de Marca Archbishop of *Paris* ¹, *Christian Lupus* Doctor of *Louvain*, *Emanuel Schelstrat* a Divine of *Antwerp*, *Leo Allacius*, and others, with a great deal of Flourish, endeavour to maintain that the Dignity of Metropolitan, as also the Patriarchal, owe their Beginnings to the Apostles, and were instituted by them. But *Lewis Ellies Du Pin* ² an eminent Divine of *Paris*, disproves their Errors at large, by confuting the Arguments taken from the Archbishop of *Paris*: He demonstrates very strongly, and proves very clearly, that such Dignities were neither instituted by Christ nor his Apostles; but in those Times when *Constantine* gave Peace to the Church, they began to be instituted: According to the Disposition of the Provinces of the Empire, and the State of the Metropolitan Cities of each of them, this new Polity, and this new Hierarchy was introduc'd into the Church.

THE manner after which it was done, was so natural and peculiar, that it would have been strange if it had been done otherwise. We have already observed from the Description of the Provinces of the Empire made under *Constantine*, that the Dioceses being made up of several Provinces, had some chief City or Metropolis, on which the rest of the same Province depended; to which, for Civil Matters and other Affairs, as is usual, all the People of the Province resorted. The Church being founded in the Empire, as *Optatus Milevitanus* says, and not the Empire in the Church, so soon therefore as she was in Peace, she took the same Polity in Ecclesiastical Matters; she adapted herself to the same Disposition of the Provinces, and to the same Conditions of the Cities which she found: So when any Bishop was to be Ordain'd or Depos'd, or any Division or Disorder happen'd in the Church; when any Business was to be advis'd which concern'd the other Churches of the Province, the Apostles not being at Hand, to whom formerly they had recourse in such Cases, there was a Necessity of having recourse to the Bishop of the Metropolis, or chief City of the Province. Thus by Custom and piece-meal did this Polity begin to be introduc'd; whence the Disposition of the Churches was made after the Model of the Empire, and the Metropolitan Cities of the Empire became the Metropolitans of the Church, and the Bishops who presided in them, acquir'd a Power over the

¹ Marca. lib. 6. de Conc. cap. 1. Lup. can. 4. Nic. Par. 1. Schelstrat. Antiq. illustr. Par. 1. Differ. 1. cap. 3. art. 1. Leo. Allat.

de Eccl. Occid. & Orient. confes. lib. 1. cap. 2. ² Du Pin. de Antiq. Eccl. Discipl. Differ. 1. §. 6.

whole Provinces, as well of Ordaining or Deposing of the Bishops of the lesser Cities, and of making up of their Dissentions, as of calling of Synods, and over their other necessary Affairs; but this Power was not absolute, since without the Advice of the Bishops of the same Province they could do nothing: This Custom was confirm'd in the Fourth, and likewise in the following Centuries, by many Canons which were made in some Councils; whence all the Church was disposed and divided after the Model of the Civil Polity.

THIS Division and Hierarchy of the Church, conformable to the Polity of the Empire will appear more clear and distinct, if we consider the Division of the Dioceses and the Provinces, which we have describ'd in this Book under the Empire of *Constantine*: There we shall see the Empire divided into four Parts, to wit, the *East*, *Illyricum*, the *Gallia*, and *Italy*, to the Government of which as many Moderators were appointed.

The *E A S T*.

THE *East* was divided into five Dioceses, each of which comprehended several Provinces, the *East*, *Egypt*, *Asia*, *Pontus*, and *Thracia*.

THE Diocese of the *East* had for its chief City, Head of all the rest, *Antioch* in *Syria*; whence it was very fit, that this City in the Ecclesiastical Polity should be the Head of all the rest; and that the Bishop who govern'd this See, should be advanc'd likewise above all the other Bishops of the Churches of all those Provinces of which that Diocese was composed. There was yet another Prerogative to be added, which was, that *St. Peter*, the Chief of the Apostles, founded the Church in *Antioch*, and there first preach'd the Gospel, altho' he was pleas'd afterwards to remove his Chair to *Rome*.

THE Provinces which made up the Diocese of the *East*, were at first no more than Ten, to wit, *Palestine*, *Syria*, *Pbœnicia*, *Arabia*, *Cilicia*, *Isauria*, *Mesopotamia*, *Osdroena*, *Euphrates*, and *Cyprus*; but afterwards their Number increas'd to Fifteen; because *Palestine* was divided into three Provinces, *Syria* into two, *Cilicia* into two, and *Pbœnicia* likewise into two. Now we shall see in each of these Provinces their Metropolitans according to the Polity of the Empire.

PALESTINE, as it was at first divided, own'd no other City for its Metropolis, but *Cæsarea*; whence its Bishop acquir'd the Rights of Metropolitan over the other Bishops of the lesser Cities: And being afterwards divided into more Provinces, it had in the one for Metropolis the City of *Scythopolis*, and in the other that of *Jerusalem*; but altho' there were three Provinces made out of one, yet by this new Division, and the Addition of two other Metropolitans, it did not derogate from the Rights of Metropolitan of the Bishop of *Cæsarea*. But the Bishops of *Scythopolis* and *Jerusalem* continu'd, as they were formerly, Suffragans to the Metropolitan of *Cæsarea*: And when the great Council was held in *Nice*, altho' there were many Honours and Prerogatives allow'd to the holy City of *Jerusalem*, yet these Fathers would by no means, on that account, lessen the Prerogatives of the Metropolitan of *Cæsarea*, *Metropoli propria dignitate servata*, says the seventh Canon of that Council; and for no other Reason, but that the Province of *Palestine* being but one, and *Cæsarea* its ancient Metropolis; and that Bishop being already possessed of all the Rights of Metropolitan, it was not just, that by that new Division he should lose them, or that they should be diminish'd: Neither was it till long after that the Church of *Jerusalem* was adorn'd with the Patriarchal Dignity, as we shall see anon.

THE other Province of this Diocese was *Syria*, which had *Antioch* for its Metropolis, and likewise Head of all the Diocese; but afterwards it was divided into two, and besides *Antioch*, it acknowledg'd the other, which was *Apamea*.

CILICIA was also divided into two Provinces; it own'd likewise two Metropolis's *Tarsus* and *Anazarbus*.

PHOENICIA, as it was divided into two Provinces acknowledg'd likewise two Metropolis's, *Tyrus* and *Damascus*. There was also in *Pbœnicia* the City *Berytis*, famous all the World over, as we have shewn in the First Book, on account of the famous Academy erected there. In the Reign of *Theodosius the Younger*, *Eustatius* Bishop of that City, obtain'd a Rescript from that Prince, by which *Berytis* was advanc'd to be a Metropolis; for which Cause *Eustatius*, in a Council which was then held at *Constantinople*, asked, That his City being made a Metropolis, if in consequence

consequence of that, he ought to make a new Division of the Churches of that Province, and if some of those, which before belong'd to the Metropolitan of *Tyre*, were to be subject to his new Metropolis? *Photius*, who was at that time Bishop of *Tyre*, discovering the Inclinations of *Theodosius*, out of cruel Necessity was oblig'd to approve of the Division. But the Emperor *Theodosius* being dead, and succeeded in the Empire of the East by *Martianus*, the Bishop *Photius* complain'd of the Wrong done him to the new Emperor, desiring, that those Churches which had been taken from his City, their ancient Metropolis, might be restor'd to it again. *Martianus* caus'd the Case to be re-examin'd in the Council of *Chalcedonia*; and it appear'd to these Fathers, that such an Affair ought not to be decided according to the new Disposition of *Theodosius*, and the new Constitutions of Princes, but according to the Tenor of the ancient Canons: And having read in the Assembly the Canon of the Council of *Nice*, by which it was ordain'd, That there should be only one Metropolitan in each Province, it was decided in favour of the Bishop of *Tyre*, and all the Churches of that Province were restor'd to his See; since according to the ancient Disposition of the Provinces of the Diocess of the East, *Phœnicia* was one Province, and acknowledg'd but one Metropolitan.

THUS when Bishops intended to incroach upon the Rights of their Metropolitan, they were wont to apply to the Emperors, and to obtain a Division of the Province, that their City might be rais'd to be a Metropolis, in order to their appropriating to themselves the Rights of Metropolitan over those Churches which were taken from the more ancient. Indeed the Emperor *Valens*, out of Hatred to *Basil*, divided *Cappadocia* into two Parts, and by so doing with the other Provinces, the Division likewise of the Church follow'd, as *Nazarius* testifies; because that in the succeeding Times the Rigour of the Council of *Nice* was not observ'd, which, we may say, was only observ'd in the Case of *Photius* Bishop of *Tyre*, since afterwards as the Cities were advanc'd by the Emperors to be Metropolis's, and the Provinces divided, generally the Ecclesiastical Polity was likewise alter'd; as by the same Council of *Chalcedonia* it was allow'd in these Words of *Can. 17. Sin autem etiam aliqua Civitas ab Imperatoria auctoritate innovata fuerit Civiles, & Publicas formas, Ecclesiasticarum quoque Parochiarum ordo consequatur.* Whence it came to pass afterwards, that as the Disposition and Polity of the Empire were chang'd, in like manner so many Changes were seen in the Ecclesiastical State, as shall be clearly shewn in the Course of this History.

AFTER the same manner the other Provinces likewise of this Diocess of the East, such as *Arabia*, *Isauria*, *Mesopotamia*, *Ostroëna*, *Euphrates* and *Cyprus*, according to the Disposition and Polity of the Empire, acknowledg'd their Metropolitans, who were so call'd, because they presid'd in the Churches of the principal Cities of the Provinces, and consequently they enjoy'd some Rights and Prerogatives, which the other Bishops that were over the other Churches of the lesser Cities of the Province had not. They ordain'd the Bishops elected by the Churches of the Province; they conven'd the Provincial Councils, and had the Superintendency and Care, that the Faith and Discipline should be observ'd in the Province, which were the Rights and Privileges of the Metropolitans by which they were distinguish'd from the other Bishops: And thus, after the Council of *Nice*, the Title of Metropolitan was understood by all the other Councils that succeeded, and all the Ecclesiastical Writers of the fourth and fifth Centuries.

IT is likewise true, that there were some Bishops who had only the Title of Metropolitan, and were so call'd for Honour's sake, not because they had any of those Rights or Prerogatives: So the Bishop of *Nice* obtain'd the Title of Metropolitan out of Honour only, and took the Place of all the other Bishops of that Province, but was still under the Metropolitan of *Nicomedia*, whose Suffragan he was; so likewise were the Bishops of *Chalcedon* and *Berytis*. And according to that Institution in our Time and in our Kingdom we see many Bishops, as that of *Nazaret*, of *Lanciano* and *Rossano*, and in *Sardinia*, the Bishop of *Arborensis* or *Oristagni*, who out of Honour enjoy the Title of Metropolitan, altho' they have no Province or Suffragan Bishop.

THE Title of Archbishop is not of Power, as the Metropolitan; but only of Dignity; and at first it was only given to the most remarkable Bishops, and but very seldom. Neither was it known in the three first Ages, nor do we read of such a Title: We begin to hear of it in the fourth Century, first in *Athanasius*, and after-

ward;

wards in other Writers, and but seldom. In the fifth Century it was more used, and it began to be given to the Bishops of *Rome*, to those of *Antioch*, *Alexandria*, *Constantinople*, *Jerusalem*, *Ephesus*, and *Thessalonica*. In the Sixth it was given likewise to the Bishops of *Tyre* and *Apamea*, and some others: S. Gregory the Great afterwards gave that Title to the Bishops of *Corinth*, *Cagliari*, and *Ravenna*; and in the eighth Century it was given to these and other renown'd Metropolitans, such as *Nicopolis*, *Solona*, *Aquileja*, *Carthage* and other Cities. But in latter Times, and the Ages less distant from us, all the Metropolitans assum'd that Title promiscuously; thus it was given to simple Bishops, who were not Metropolitans: Whence it was, that among the *Greeks* in the latter Times, there were more Archbishops than Metropolitans, because it was easy for simple Bishops to assume to themselves that specious Title, but not so easy to subject other Churches to them. And for the same Reason it is that we see many Archbishops in our Kingdom without Suffragans: Of which we shall treat more fully, when we come to discourse of the Ecclesiastical Polity of these latter Times.

THUS we see the Metropolitans of the Provinces of the Diocess of the East, according to the Disposition of the Metropolitan Cities of the Empire. Thus likewise we shall see in that Diocess its *Exarch*, or rather *Patriarch*, who was the Bishop of *Antioch*, because presiding in that City which was Head of the whole Diocess, he presided likewise over all the Metropolitans of those Provinces, of which that Diocess was compos'd; and had the Patriarchal Rights and Privileges, which were, to ordain the Metropolitans, to call Diocesan Synods, and to have the Superintendency and Care that the Faith and Discipline should be kept up in the whole Diocess. At first they were properly call'd *Exarchs*, because they were set over the principal Cities of the Diocess, and had several Provinces under them: Whence, in the Canons of the Council of *Chalcedon*, on account of that Division of the Provinces and the Diocesses, the *Exarchs* are distinguish'd from the Metropolitans: Thus *Philalethes* Bishop of *Cæsarea*, and *Theodorus* Bishop of *Ephesus*, were call'd *Exarchs*, because the First had under him the Diocess of *Pontus*, and the Second that of *Asia*. 'Tis true, that this Title was sometimes given likewise to simple Metropolitans; and the *Greeks* in latter Times gave it profusely to many Metropolitans, such as to that of *Amira*, *Sardica*, *Nicomedia*, *Nicea*, *Chalcedon*, *Larissa*, and others. Nevertheless the proper Signification of the Word *Exarcha*, imports nothing else but a Bishop who presided over the whole Diocess, as the Metropolitan did over the Province. Some of these *Exarchs* were likewise call'd *Patriarchs*, which Title, in process of Time, was restricted to five only in the East, amongst which that of *Antioch* was one.

THE Bounds of the Exarchate of *Antioch* did not extend further than the Confines of the Diocess of the East; since the other neighbouring Provinces were within the Limits of the other Diocesses, and belong'd to other *Exarchs*. So the Diocess of *Egypt*, as we shall see anon, was under the *Exarch* of *Alexandria*, and the other Diocesses of the East, such as the *Asian*, the *Pontick*, and the *Thracian*; were not in that Exarchate; so that in the Council of *Constantinople*, the Care of these three Diocesses was committed to their proper Bishops. Neither do we read, that when the Bishop of *Constantinople* invaded these three Diocesses, and subjected them to his Patriarchate, as we shall shortly see, that the Bishop of *Antioch* contended for them as belonging to him.

THE second Diocess was *Egypt*, which was under the Care of the *Præfectus Prætorio* of the East; the principal City of this Diocess was the famous and renown'd *Alexandria*: Whence its Bishop so rais'd himself and his Church, that next to that of *Rome*, it had the first Place; besides another Prerogative it had, which was, that St. *Mark the Evangelist* was the first Bishop of that See.

THIS Diocess at first was divided only into three Provinces, *Egypt* strictly taken, *Lybia*, and *Pentapolis*: Whence in the sixth Canon of the Council of *Nice* we read, *Amiqua consuetudo servetur per Ægyptum, Lybiam, & Pentapolim, ita ut Alexandrinus Episcopus eorum omnium habeat potestatem*. *Lybia* was afterwards divided into two Provinces, the Upper and the Lower; the *Arcadian*, the *Theban*, and the *Augustamnican* were added: And lastly, the Diocess of *Egypt* was divided into ten Provinces, by which as many Metropolitan Cities sprung up; whence came ten Metropolitans, equal to the Number of Provinces. These were put under the Bishop of *Alexandria* as their *Exarch*, and Head of the Diocess, over which he exercised all the

Exarchal

Exarchal Rights and Privileges. The Bounds of his Exarchate did not reach further than the Diocesis of *Egypt*, which comprehended these ten Provinces. Neither did he ever concern himself with Western *Africa*, as the most accurate *Du Pin* proves¹: Whence they were in a prodigious Error, who reckon'd that all *Africa*, as a Third Part of the World, had been subjected to the Patriarchate of *Alexandria*. This Exarchate, as also that of *Alexandria*, acquir'd afterwards the Title of Patriarchate, and was one of the Five most renown'd in the fifth and sixth Centuries, as we shall shew anon.

THE third Diocesis subjected to the *Præfectus P.* of the East, was *Asia*, in which one Province, strictly call'd *Asia*, was Proconsular; and *Ephesus* was the Metropolis of this Province, as also Head of the whole Diocesis. The other Provinces, such as *Pamphilia*, *Hellepontus*, *Lydia*, *Pisidia*, *Lycaonia*, *Lycia*, *Caria*, and *Phrygia*, which was divided into two, the *Pacatiata*, and the *Salutaris*, were subject to the *Vicarius* of *Asia*, each of which had its Metropolitan; besides there was a Metropolitan in the Island of *Rhodes*, and another in that of *Lesbos*.

THE *Asian* Diocesis became one of the *Autocephalæ*, as never having been subject either to the Patriarch of *Alexandria*, or that of *Antioch*. It acknowledg'd only the Bishop of *Ephesus* as Primate, because of his being plac'd in the principal City over all the Diocesis; on which account *Theodore* Bishop of *Ephesus*, was call'd *Exarch*, as all the rest were who govern'd that Church; since their Power reach'd not only over one Province, but over all the Diocesis of *Asia*. But these Exarchs could never attain to the Title of Patriarch, because by Degrees the Patriarch of *Constantinople*, not only restricted their Power, but altogether subjected this intire Diocesis to his Patriarchate.

THE fourth was the Diocesis of *Pontus*, the principal City of which was *Cæsarea* in *Cappadocia*. At first this Diocesis was only compos'd of six Provinces, which were *Cappadocia*, *Galatia*, *Armenia*, *Pontus*, *Paphlagonia*, and *Bythinia*; each of which afterwards, except *Bythinia*, was divided into Two; and thus from Six, their Number increas'd to Eleven, which had as many Metropolitans. In this Diocesis was the City of *Nice*, which both in a Civil and Ecclesiastical Sense, was by the Emperors *Valentinian* and *Valens* rais'd to the Dignity of a Metropolis. The Bishop of *Nicomedia* oppos'd this Advancement, his being the Metropolitan City of that Province, pretending, That it ought not to prejudge him in the Rights and Privileges of his Metropolitan Church; because these Princes had granted that Prerogative to *Nice*, not with a Design to take away another Man's Rights; by which the Metropolitan of *Nicomedia* preserv'd the Privileges of his Church, and *Nice* enjoy'd only the Honour and Title, but not the Rights and Privileges of a Metropolitan. Over all which Metropolitans the Bishop of *Cæsarea*, which was the chief City of that Diocesis, presided. On which account he was likewise call'd *Exarch*, as were those of *Antioch*, *Alexandria*, and *Ephesus*; but he could not attain to the Honour of Patriarchate as the two First did, because his Diocesis, with that of *Asia*, were afterwards subjected to the Patriarchate of *Constantinople*.

THE fifth and last Diocesis, which was commanded by the *Præfectus P.* of the East, was *Thracia*, the Head of which was *Heraclea*. It was made up of six Provinces, *Europa*, *Thracia*, *Rhodope*, *Eminontus*, *Mesia*, and *Scythia*; each of which had its own Metropolitan; But many and strange were the Alterations in this Diocesis afterwards, as well in the Civil as Ecclesiastical State. At first it acknowledg'd the Bishop of *Heraclea* for Exarch, as Head of the Diocesis, and who had the Bishop of *Byzantium* for Suffragan; but after it pleas'd *Constantine* to aggrandize this City so much, having made it the Head of another Empire, he call'd it likewise after his own Name, no more *Byzantium*, but *Constantinople*; the Bishop of this City was exalted above all the rest, keeping pace with the Polity of the Empire, and not only was not content with the Privileges of Metropolitan or Exarch, in suppressing that of *Heraclea*; but being adorn'd with the Honour of Patriarch also, he pretended afterwards to extend his Authority beyond the Bounds of his Patriarchate, and likewise to incroach upon the Provinces of the Patriarchate of *Rome*, as shall be shewn afterwards.

SUCH in short, in the Times succeeding *Constantine*, was the Polity of the Ecclesiastical State in the Præfecture of the East, altogether conformable and adapted to that of the Empire.

¹ Du Pin, de Antiq. Eccl. discipl. Differ. 1.

I L L Y R I C U M.

LET us take a View of the Ecclesiastical Polity in those Diocesses which were under the Government of the *Præfektus P. of Illyricum*, that is to say, in *Macedonia* and *Dacia*. The Diocess of *Macedonia*, which consisted of six Provinces, to wit, *Achaia*, *Macedonia*, *Creta*, *Thessalia*, *Old Epirus*, and *New Epirus*, had for its chief City *Thessaly*, whose Bishop, as Head of the Diocess, govern'd the other Provinces, and exercis'd his Exarchal Authority over their Metropolitans. The Diocess of *Dacia* was made up of five Provinces, to wit, *Dacia Mediterranea* and *Ripensis*, *Mesia Prima*, *Dardania*, and Part of *Macedonia Salutaris*. We shall have a more proper Opportunity to treat of the Polity of these Diocesses, when we come to the Patriarchate of *Rome*; for what hath been related of the Polity of the Ecclesiastical State of the East, as to the Conformity it had with that of the Empire, may suffice: Let us return to the West, where we shall stop in *Italy*, and examine it more narrowly in these our Provinces, that we may know what Innovations have been, and what Changes it hath occasion'd to their Political and Temporal State.

The G A L L I Æ.

BUT first we must observe, what hath been taken Notice of by the most nice Searchers into Ecclesiastical Matters, which is, that the Polity of the Church is more exactly conformable to that of the Empire in the East, and *Illyricum*, than in the West, and in these our Provinces. There is scarcely the smallest Difference of any Moment to be observ'd in the East; but in the West there are many. In the *Gallia* there are considerable, and likewise in *Italy* there are some perceiv'd, but many more in *Western Africa*, where the Ecclesiastical Metropolis's agree in nothing with the Civil.

THE *Gallia*, according to the above mention'd Description, which were under the Command of this *Præfektus*, were divided into three Diocesses: *Gallia*, which was made up of seventeen Provinces; *Spain* of Seven, and *Britain* of Five.

THERE's no doubt but that at first *Gallia* had its Churches dispos'd according to the Disposition of the Provinces of which the Diocess was compos'd, so that every Ecclesiastical Metropolis was conformable to the Civil; and that in these early Times *Gallia* acknowledg'd no Primate or *Exarch*, as the Diocesses of the East did, but the Bishops with their Metropolitans govern'd the *Gallican* Church. And the Reason was, because in *Gallia* there was not one City so noted and eminent above all the rest, on which they were to have a Dependance, as there were in other Parts of the World: But afterwards many of those Cities contended for the Right of Primacy. In the Province of *Narbonne* there was a great Dispute between the Bishops of *Vienne* and *Arles*, of which *Du Pin*¹ treats at large. In *Aquitaine*, long after, another Dispute arose between the Bishops of *Burges* and *Bordeaux*, which may be seen in *Alteferra*². In latter Times in the West, these Bishops who were Metropolitans of any of the most noted Cities, claim'd many Prerogatives over the other Metropolitans, and call'd themselves Primates, altho' at first that Title was indifferently bestow'd on all Metropolitans: So in *France*, the Metropolitan of *Lyons* is call'd Primate, and possesses a great many more Prerogatives than the other Metropolitans.

IN those early Times *Spain* had some Ecclesiastical Polity according to that of the Empire; but afterwards the Political Government changing, all was chang'd with it; and as one City, either on account of the Residence of the Prince, or any other Cause, was rais'd above the rest of several Provinces, so the Bishop of that Church, not content with the Rights of Metropolitan, claim'd many Prerogatives over the rest, and call'd himself Primate: Thus *Spain* has now for Primate the Archbishop of *Toledo*; and *France* the Archbishop of *Lyons*.

ALTHO' *Britain* at first had some Ecclesiastical Polity conformable to the Civil of the Empire, yet being afterwards possess'd by the *Saxons*, it lost it altogether; so that there remain'd no Vestige of the ancient Polity, neither in the Civil nor Ecclesiastick State.

¹ Du Pin. loc. cit.

² Alte. rer. Aquitan. lib. 4. cap. 4:

I T A L Y.

WE have reserv'd to this last Place the Præfecture of *Italy*, since we are to stop in it according to our Intention, in order to know more minutely the Ecclesiastical Polity of these our Provinces in those Times.

UNDER the Præfect of *Italy*, as we have seen, there were three Diocesses, *Illyricum*, *Africa*, and *Italy*: It doth not belong to this Place to speak of the first Two; but of *Italy*, where we may see the most famous Patriarchate in the World instituted, it will be necessary, that we discourse at large: What ought to be esteem'd one of the greatest Honours of this Diocess, is, that when all the other Patriarchates, and that of *Constantinople* itself, which also attempted to usurp its Rights, are now demolish'd, the Patriarchate of *Rome* only stands its Ground; and has annex'd to it the Prerogatives of the Chief and Head of all the Churches of the Catholick World, and of all the Patriarchs that ever were: And our *Italy* and *Rome* can justly boast, of being the principal Seat of Religion, as it was of Empire.

UNDER the Præfect of *Italy*, as we have said, there were two *Vicariates*, the *Vicariate* of *Rome*, and that of *Italy*. In the *Vicariate* of *Rome*, there were ten Provinces. All the Four of which our Kingdom is compos'd, to wit, *Campania*, *Puglia* and *Calabria*, *Lucania*, and the *Brutii*: and *Samnium* belong'd to the *Vicariate* of that City: *Hetruria* and *Umbria* were likewise comprehended in it; as also *Picenum Suburbicarium*, *Sicilia*, *Sardinia*, *Corfica* and *Valeria*.

UNDER the *Vicariate* of *Italy*, whose Head was the City of *Milan*, there were seven Provinces, to wit, *Liguria*, *Emilia*, *Flaminia*, or *Picenum Annonarium*, *Venetia*, to which afterwards *Istria* was added, the *Alpes Cottiae*, and both the *Rhætiae*.

THE Division of *Italy* into two *Vicariates* imports, That the Ecclesiastical Polity of *Italy* did not answer to that of the East; since it was not every Province of *Italy* which had a Metropolis, that likewise had a Metropolitan, as in the East, but the Cities, as at first had their simple Bishops; and those were not Suffragans to any Metropolitan, but either to the Bishop of *Rome* or *Milan*: Those of the *Vicariate* of *Rome* to the Bishop of that City, and those of the *Vicariate* of *Italy* to the Bishop of *Milan*¹.

THE Provinces which belong'd to the *Vicariate* of the City of *Rome*, as *Sirmundus* very well proves², for that very Reason were call'd *Suburbicarian*: Whence the *Suburbicarian* Churches were those which were comprehended in the *Vicariate* of *Rome*. *Gotifredus* and *Salmasius* are of another Opinion; they confine the *Suburbicarian* Provinces and Churches to too narrow Bounds, and pretend that they extended a hundred Miles round *Rome*, and no further, and were under the Direction of the Præfect of the City of *Rome*. Others have run into another Extremes, and under the Name of *Suburbicarian* Provinces, understood the universal Empire of *Rome*, or at least all the West, as *Emanuel Schelstrat* and *Leo Allatius*, with great Flourishes, have endeavour'd to prove³.

BUT *Lewis Du Pin*⁴ could not approve of the Opinion of *Sirmundus* as right, and rejecting the contrary Opinions of the other two; upon strong and solid Grounds he affirms, the *Suburbicarian* Provinces and Churches, to have been those which were under the Command of the *Vicarius* of *Rome*, and were comprehended in that *Vicariate*.

FOR this Reason it was, that since the Polity of the Church kept pace with that of the Empire, the Bishop of *Rome* exercis'd the Prerogatives of Metropolitan over all those Provinces. He could not properly be call'd *Exarch*, because the intire Diocess of *Italy* was not under his Direction; those being call'd *Exarchs* in the East, who had the Charge of intire Diocesses: But the Diocesses of *Italy* being divided into *Vicariates*, he could not extend his Authority further than his own *Vicariate*, neither in *Italy*, nor out of it. For out of these *Suburbicarian* Provinces, the Metropolitans of each Province ordain'd all the Bishops, and they themselves were ordain'd by the Bishop of the Province⁵: And if it at any Time we read, that the *Roman* Pontiff in those Days conven'd numerous Synods from all the Provinces

¹ P. de Marca, de Conc. lib. 1. c. 3. num. 12. | Leo Allat. de Occid. & Orient. conf. l. 1. c. 5.

² Sirmond. de Suburb. Region. lib. 1. cap. 7. | ⁴ Du Pin loc. cit.

³ Schelstr. Ant. illustr. Par. 1. Diss. 2. cap. 3. | ⁵ Gotofr. Topogr. 420. Cod. Th. tom. 6.

of the West, it was not only by his Authority of Metropolitan, but by reason of the Primacy which he had over all the Churches of the Catholick World; which in process of Time (these two Authorities being jumbled together) extended the *Roman* Patriarchate to what we have seen it since, when not content with the *Suburbicarian* Provinces, he subjected *Illyricum*, whither he sent his *Vicarii*: And soon after he not only extended his Authority over all the Provinces of *Italy*, but likewise over the *Gallia* and *Spain*; so that he acquir'd the Title of Patriarch of all the West, as we shall see anon.

BUT in the Reign of *Constantine*, and down to that of *Valentinian III.* the Power which he exercis'd by usual Right, extended no further than over the *Suburbicarian* Provinces¹: And therefore it likewise fell out, that the *Roman* Pontiff exercised his Authority over these Provinces, with greater and more full Power, than the *Exarchs* of the East did over the Provinces of their Diocess; forasmuch as the Ordination of Bishops not only of the Metropolitan Cities, but likewise of all the other Bishops of these Provinces belong'd to him: Whereas in the East, the *Exarchs* left the Ordination of these Bishops to their Metropolitans.

THE Title of Patriarch was given to the *Exarchs* of the East long before it was given to the *Roman* Pontiff. If we regard the Antiquity of the Church, that Title of Patriarch was at first given in the East as an Encomium, even to simple Bishops²: Afterwards it was confin'd to the *Exarchs* who had the Charge of intire Diocesses; for which Cause, among the *Greeks* all the *Exarchs* got the Title of Patriarch. But in the West among the *Latins*, the first who was so call'd, was the *Roman* Pontiff; and it was the *Greeks* themselves who first gave him that Encomium, but not before the Reign of *Valentinian III.* At this Time *Leo R. P.* was by the *Greeks* and by *Martianus* himself Emperor of the East, call'd Patriarch; and neither the *Latins* themselves nor the *Greeks* gave him such a Title before, as the most exact *Du Pin* remarks: And *Sirmondus*³ cannot bring Authorities against *Claudius Salmasius* on that Subject, more ancient than the Emperors *Anastasius* and *Justinus*, who had call'd *Ormisda* Bishop of *Rome* Patriarch.

FOR which Reason we read not of any Metropolitan in our Provinces: And altho' after *Constantine*, the Ecclesiastical Hierarchy was in greater Splendor, yet the Cities of our Provinces had only Bishops, as at first, acknowledging none other but the Bishop of *Rome* for their Metropolitan. Which did not happen to the Provinces of the East; in which, as we have shewn, each Province had its Metropolitan, who exercis'd the Rights of Metropolitan over the Bishops of that Province: With us the Polity was different; for altho' the Province of *Campania* had its Metropolitan City, which was *Capua*, its Bishop did not on that Account pretend to any Superiority over the other Bishops of the same Province, by making them his Suffragans: And it is of much later Date, and properly in the Year 968, that the Church of *Capua* was made a Metropolis, and that its Bishop acquir'd the Rights of Metropolitan over many Bishops of that Province his Suffragans. *Puglia* likewise and *Calabria* did not acknowledge their Metropolitans for a long Time after. And if it be not valid what the Patriarch of *Constantinople* did with respect to these Churches of that Province, to wit, *Bari*, *Brundisium*, *Otranto*, *Canoza*, *Tarentum*, *S. Severina*, and other Cities of the same, their Claim will not be allow'd them until the following Centuries; and *Sipontum* was made a Metropolis later, by *Benedict IX.* in the Year 1034. The same is to be observ'd in the Provinces of *Lucania* and the *Bruttii*, where *Rhegium* and *Salernum*, according to the Polity of the Empire, were the Metropolitan Cities of the said Provinces in those Times, and had only Bishops; and *Rhegium* had its Metropolitan afterwards, by the Favour of the Patriarch of *Constantinople*, as *Salernum* had by that of *Benedict* the Vth in the Year 984; and so of the rest, which we see now in that Province. *Samnium* was much later made a Metropolis: *Beneventum* was advanc'd to that Honour in the Year 969, a Year after *Capua*; and all the Metropolitans which we see now in such great Numbers in all these our Provinces, have a later Origin, which we shall clearly make appear in the Course of this History.

IN the Reign of *Constantine*, down to that of *Valentinian III.* of which we are now treating, the Churches of these our Provinces, as *Suburbicariae*, had for Metropolitan only the Pontiff of *Rome*; to him only belong'd the Ordination of Bishops⁴: And when any City wanted a Bishop, the Clergy and People elected a

¹ Du Pin. loc. cit. pag. 39.

² Du Pin, de Antiq. Eccl. disc. Diff. 1. p. 10.

³ Sirmond. de Eccl. Suburb. lib. 2. cap. 7.

⁴ Du Pin. loc. cit.

Successor, then they sent to acquaint the *Roman Pontiff*, that he might be ordain'd¹; who frequently, either made the Elect come to *Rome*, or sent his Delagation to others for ordaining him; and it was afterwards introduc'd, that when there was any Contest about the Election, he decided it, or it was ended by Compromise: Which Custom we see continu'd in the Time of *Gregory the Great*, concerning which, there are yet remaining many Provisions in the Register of his Letters, which he sent for the Election of the Bishops of *Capua*, *Naples*, *Cuma*, and *Misenum* in *Campania*²; and in *Samnium*, of the Bishops of the *Aprutii*. And in *Sicily*, as a *Suburbicarian* Province, we likewise see the same Authority exercis'd by the *Roman Pontiffs* in the Election of Bishops, as is manifest from the Letters of *Leo* and *Gregory the Great*³.

SUCH in short, was the Ecclesiastical Polity of these our Provinces in the fourth and fifth Centuries: They had as at first, only Bishops, neither did they acknowledge any Metropolitan over their Cities; only the *Roman Pontiffs* exercis'd the Rights of Metropolitan over them, and had special Regard and Concern for them. For which Reason, neither the *Arian* nor *Pelegian* Heresies had ever any footing in them⁴. Neither had the Patriarchs of *Constantinople* commenc'd their Pretension of subjecting these Provinces to their Patriarchate, as they attempted afterwards in the Time of *Leo Isauricus*, and of Pope *Gregory II.* and which they effected some time after; of which we shall have occasion to discourse in another Place. Neither was there any other Hierarchy known in these our Provinces to that Time, but that of Deacons, Priests, Bishops, and Metropolitan, which was the Bishop of *Rome*, both Head and Chief of all the Churches of the Catholick World. Some have likewise mention'd at this Time, the Institution of Subdeacons, Acolyts, Exorcists, Readers, and Doorkeepers; as also other Ministers, which have no manner of relation to the Hierarchical Order, but only were intrusted with the Keeping and Care of the Temporalities of the Church: Of whom we shall have occasion to speak elsewhere.

¹ P. Caracc. de Sacr. Neap. Eccl. Mon. de Severo Ep.

² De Capua Epist. 13. lib. 4. & Ep. 26. lib. 8. de Neap. Epist. 40. lib. 8. & Epist. 15. lib. 2. de Cuma Epist. 9. lib. 2. de Misenum Ep. 25. lib.

7. de Aprut. Ep. 12. lib. 10.

³ Leo Ep. 16. ad Episc. Siccl. Greg. Ep. 13. lib. 5.

⁴ Caracc. de Sacr. Eccl. Neap. monum. cap. 1. Sect. 4.

S E C T. I.

Of M O N K S.

ALTHO' the *Solitarii* had already been taken Notice of in the East, in their Language call'd *Monachi*; yet these were only Secular Men, without Character or Degree, who for the most part led their Lives in the Solitudes and Desarts of *Egypt*: As soon as Peace was given to the Church by the Emperor *Constantine*, that Virtue, which in the three first preceding Ages was practis'd in the Christian Societies in the Midst of Persecutions, began to slacken; and seeing there was no more Danger in being a Christian, many made Profession of being such, without being well converted, or perswaded of the Contempt of Pleasures, of Riches, or of the Hope of Heaven. So they who were inclin'd to practise a Christian Life in a greater Purity, found it most secure in seperating themselves from the World, and living in Solitude¹.

THE first Monks that we read of, were divided and distinguish'd into two Orders, to wit, the *Solitarii*, and the *Cænobitæ*: The First were also call'd *Eremitæ*, *Monachi*, *Monazontæ*, and *Anachoretæ*. Some derive the Origin of *Monachism* from the *Therapeutæ*, who believ'd that there was a particular Society of Christians establish'd by St. Mark, in the Neighbourhood of *Alexandria*; whose Lives *Philo* describes.

¹ Fleury Costum de Crist. cap. 41.

But altho' *Eusebius* believ'd that the *Therapeutæ* were Christians, and had ascrib'd unto them the Name of *Ascetæ*, nevertheless 'tis very unlikely that they were reputed Christians, and Disciples of St. *Mark*, since altho' their Lives; as *Philo* describes them, approach'd very near to those of Christians, yet the many Things which he adds concerning their Rites and Customs, such as the Observation of the Sabbath, the Table on which they offer'd Bread, Salt, and Hyssop, in Honour of the Holy Table, which was within the Porch of the Temple, and a Thousand other Customs, which were no ways agreeable to those of the ancient Christians, convince us, and demonstrate, that they were *Jews* and not Christians. The Name of *Ascetæ*, which *Eusebius* ascribes to them, ought not to make them pass for Monks, since the Word *Ascetæ* is a general Term, which signifies those who lead a Life more Austere and Religious than others; therefore we cannot conclude, that he believ'd the *Ascetæ* were Monks.

HOWEVER that may be, 'tis certain, that in the fourth Century those Monks multiply'd in such a manner, that there was not a Province in the East that was not full of them. The Diocess of the East, of which *Antioch* was the Head, abounded with them. In *Egypt* their Number was infinite. In *Africa* and in *Syria* they had them in Plenty. And in the West they had likewise penetrated within the Limits of the Bishoprick of *Rome*, our *Campania*, and the neighbouring Provinces, as is clear from a Constitution of *Valentinian the Elder* in the Year 370. directed to *Damasus* Bishop of *Rome* ¹; *Palladius* likewise reports ², that in these our Provinces, as well in *Campania* as the neighbouring Places, towards the End of the fourth Century, many led Hermitical and Solitary Lives; and *P. Caracciolus* ³ says, that many were seen not only in *Campania*, but also in *Samnium* and *Lucania*.

THESE liv'd solitarily and in the Desarts, and there led Lives altogether devout, free from all worldly Care, and the Conversation of Men. They built poor little Cells for their Habitations, and spent the Day in Labour, in making of Mats, Baskets, and other easy Work; and their Labour serv'd not only for their Sustenance, but likewise for Alms. The Heathens reckon'd their Life idle and lazy; for which they were bitterly calumniated by their Writers ⁴, accusing them of defiling themselves with filthy Lust, and abominable Vices. They had no certain Rules, neither were they tied by any Vows: Their quiet Life drew many to the Woods, so that Abuses began soon to creep in; because many, for avoiding the Expences of the Court, and other Charges of the Commonwealth, and in order to lead a Life altogether idle, and to shun all other Obligation, under the feign'd Pretence of Religion, left the Cities, and went to associate themselves with the *Solitarii*; so that it behov'd *Valens* to forbid these Retreats, and order them to return to the Cities, to bear the Charges according to their Duty ⁵.

BUT the *Solitarii*, not long after, degenerating from their Institution, too often frequented the Cities, and meddled in Secular Affairs: There was neither Process before the Tribunals, nor Dealings, or any Business whatsoever on the Publick Market-Place, into which they did not thrust themselves; and their Boldness increasing more and more, they were the Cause of many Disorders and Tumults which often happen'd in the Cities; of which we read many Instances in *Eunapius* ⁶, *Chrysostome*, *Theodorete*, *Zosimus*, *Libanius*, *Ambrosius*, *Basilus*, *Isidorus*, *Pelusiota*, *Hieronymus*, and others: So that the Judges, and the other Magistrates, were oblig'd to have recourse to the Emperor *Theodosius the Great*, that he would be pleas'd to remedy so great Disorders which were so pernicious to the Commonwealth: Upon which that Prince put forth a Law, by which he ordain'd, That they should not leave their Solitudes, nor ever come to the Cities; but before twenty Months were ended, the same *Theodosius*, out of Favour to the same *Solitarii*, revok'd that Law ⁷.

THEY had for their chief Standard-Bearer in *Thebais*, *Paul*, on which account he was call'd chief Hermite: In *Palestine*, *Hilarion*; and in the Desarts of *Egypt*, *Hieronymus*, who by so living, design'd to imitate *Elias*, and *John* the Fore-runner of *Christ*, they render'd themselves very famous and remarkable by their Austerity.

¹ L. 20. C. Th. de Episc. & Cler. Got. in parat. in C. Th. l. 1. de Monach.

² Pall. ad Laudum. & Romæ & in Campania, & in iis, quæ sunt circa eis partibus.

³ P. Caracciol. de Sacr. Eccl. Neap. Monum. cap. 2. §. 5.

⁴ Eunap. and others, which may be seen, besides others in Amasa, l. 26. C. de Decur. l. 10.

⁵ L. 6. C. de Decurion. lib. 10. tit. 31.

⁶ Eunap. Ædes. p. 78. Chrysost. or. 17. ad Pop. Theodor. lib. 5. cap. 19. Zosim. lib. 5. p. 800. Liban. orar. Ambr. Epist. 29.

⁷ L. 12. C. Th. de Monach Got.

THE others were call'd *Cænobitæ*, or Religious, because they had prescrib'd to themselves certain Rules of Life, and liv'd in Common. These have their Origin from the *Esseni*, who were a Sect of the *Jews* distinct from the *Therapeutæ*, and their Manner of Living differ'd much from that of the others; so that these led a Life altogether Contemplative and very Devout, of which *Philo.*¹ in *Eusebins*, gives a long Account, describing it in every Thing like unto that of our Religious.

THEIR chief Leader in *Thebais* was *Anthony*. In *Greece*, *Basil*, who oblig'd them to take three Vows, which we now call essential to Religion; to wit, Obedience for subduing the Pride of the Mind; Chastity with regard to the Motions of our Bodies; and Poverty, by a total Abhorrence of the Goods of Fortune.

S. *BENEDICT* introduc'd it into *Italy*, and, properly speaking, into our *Campania*; but that fell out in the sixth Century under the Reign of *Totila*, of which in the following Books we shall have an Opportunity to discourse more at large, as of a Plant that throve too much in this our Soil, and extended its Branches, and spread its Buds into many remote Countries.

S. *PACOMIUS* compleated the Monastick Order, by gathering together many Monasteries into one; giving a Rule, and founding Monasteries for Virgins, who made a Vow of Virginity, and after a certain Time receiv'd the Veil with Solemnity. Thus a Monastick Life in both the Sexes being grown more common, Monasteries were establish'd, not only near to the great Cities, but likewise within them; in which Monasteries the Monks liv'd in Solitude, in the midst of a Multitude, according to their Rule, under the Direction of an Abbot, or *Archimandrite*: And *Monachism* made its way from the East to the West, about the End of the fourth Century.

FROM these *Cænobitæ* in the following Ages there sprouted an infinite Number of other Orders under different Rules, which may be seen in *Polydore Virgil*², of which we shall give an Account in the Progress of this History.

S. *AUGUSTINE*, besides, introduc'd another Order into *Africa*: He was Author of the Canons Regular, having put his Priests of the Church of *Hippon* into a religious Life. He neither call'd them Monks nor Religious, but Canons, that is to say, restricted to certain Rules, which made up partly a Clerical, and partly a Monastick Life; and it was call'd an Apostolick Life, with intent to renew the common Life of the Apostles: They were tied by the foresaid three Vows, and were in a Cloister³.

AFTERWARDS the *Mendicants* started up, who, to the other three Vows, added a fourth of Begging, that is to say, of living on Alms. Then follow'd the Brother Knights, such as were those of St. *John of Jerusalem*, the *Teutonicks*, the *Templars*, who were extirpated by *Clement* the Vth; the Commendators of S. *Anthony*, the Knights Sword-Bearers of *Christ*, of S. *Lazarus*, and others, all mention'd by *Polydore Virgil*; who were call'd Brethren Knights, or Religious Knights, to distinguish them from the Knights Laicks, who were Noble, of whom we shall treat in the following Books of this History.

WE shall give a short Relation of the Times when these new Orders of Religious appear'd: Whence we shall see not without Astonishment, how in these our Provinces, in the Course of Time, they have been able to produce so many and so various Orders, and to found so many and magnificent Monasteries, that now they possess the greatest Part of the Commonwealth, and our Substance, making such a considerable Body, that it has been able to change the Civil and Temporal State of our Kingdom.

IN these Ages, from *Constantine* down to *Valentinian III.* of which we are treating, they occasion'd no Alteration in the Politick State; for altho' many *Solitarii* had already fix'd themselves in the Bishoprick of *Rome*, by the Favour of the foresaid Constitution of *Valentinian the Elder*; and had likewise penetrated into these our Provinces, where, being confin'd to solitary Places, they led their Lives; yet they created no Mischief or Trouble to the State, neither were they minded, nor had in any Esteem, nor did the Ecclesiastical Hierarchy suffer any thing by them.

¹ Philo. in Euseb. de prepar. Evan. Loyseau |
des Ordres.

² Pol. Virg. lib. 6.

³ Loyseau des Ordres.

BEFORE St. *Benedict*, 'tis certain, that the *Cænobitæ* were very rare, and their Monasteries as scarce, and of no account; for what is told of the Monastery erected in *Naples* by *Severus* Bishop of that City, who flourish'd in the Year 375. under the Name of S. *Martin*, the said Saint being still alive¹; and of the other of S. *Gaudiosus*, which they pretend was founded by S. *Gaudiosus* himself, Bishop of *Bitbynia*, in the Year 438; who, to shun the Persecution of *Gizericus* King of *Africa*, fled to *Naples*²: Tho' it was built about the Year 770. by *Stephen II.* Bishop of that City³; and of some others founded in other Cities of these our Provinces carried back to these Times, is altogether fabulous and ill contriv'd, and not worth confuting⁴.

¹ Chiocar. de Epif. Neap. in Sancto Severo.

² Ugel. de Episc. Neap. tom. 6. pag. 49.

³ P. Carac. de Sacr. Eccl. Neap. Monum. de S. Gaudiofo.

⁴ Ugh. loc. cit. pag. 61 & 93.

S E C T. II.

The first Collection of C A N O N S.

THE Regulations, which, by degrees, after *Constantine* had given Peace to the Church, begun to be establish'd by the Ecclesiastical State; altho' they were always multiplying during the Space of an Age and a half, to the Reigns of *Theodosius the Younger* and *Valentinian III.* nevertheless gave no Jealousy in those Days to the Emperors; forasmuch as at that Time it was never call'd in question, and was a Thing a thousand Times confess'd, and never deny'd by the Ecclesiasticks themselves, that the Princes, by their Authority, and the Protection they vouchsafed the Church, could laudably inspect, and take care of the very Canonical Discipline, and correct what might be of Detriment, or bring Disorder to the State; of which the whole Sixteenth Book of the *Theodosian Code*, compil'd on purpose for the Benefit of the Persons and Goods of the Ecclesiasticks, gives an ample and clear Testimony.

ON the other hand, as we have said in the first Book, the Power of making Canons concerning Church Discipline, belong'd to the Church, she having, by the Piety of *Constantine*, already acquir'd greater Splendor, and a more ample and numerous Hierarchy, and consequently had the more need of new Regulations for her good Government, and preventing Disorders, which Multitude always occasions: Therefore, besides the Books of the Old and New Testaments, and some Canons establish'd in divers Synods held in the first three Centuries, there were more afterwards formed in the more general Councils, which were held for that End; for the Church being in Peace, by the Favour of *Constantine*, it was more easy, for many Churches united together, to communicate and treat on what regarded the Discipline; since, in all other external Affairs, the Ecclesiasticks obey'd the Magistrates, and observ'd the Civil Laws.

FROM this Time, and no sooner, did Canons take their rise, of which afterwards there were many Collections made; for tho' some have believ'd, that from the very Infancy of Christianity there had been some Regulations made by the Apostles, which even to this Day we see collected to the Number of Eighty-Five, under the Title of *Canones Apostolorum*: Nevertheless, neither the Opinion of *Turrianus*¹, who reckon'd them all to be the Work of the Apostles; nor that of *Baronius* and *Bellarmino*, who believ'd that only Fifty of these Canons were Apostolick, have been embrac'd by learned Criticks, who generally take them to be a Collection of ancient Canons, and properly of the Canons made in the Councils that met before that of *Nice*, and which, without entering into a Dispute, may be seen in *William Beverige*², *Gabriel d' Aubespine*, *Lewis Du Pin*, and others;

¹ Franc. Turrian. lib. singulari adver. Magdebur. Centur.

² Gulielm. Bevereg. Cod. Can. Eccl. Primit. vindicatus.

and, which is more remarkable, Pope *Gelasius* declares them Apocryphal in *Can. Sancta Romana, Dist. 15.*

THE same is said of the Book of the Apostolical Constitutions, falsely attributed to St. *Clement*, on Account of the great Authority of this holy Pope; whether it was at first forged under the Name of *Clement*, or afterwards may have been corrupted by Hereticks, 'tis certain it carries no Authority with it in Matters of Religion, there having been divers Things added to it at different Times; for altho' the intire Discipline be laid down in it, at least of the Eastern Church, yet Men of the best Judgment conclude, that it cannot be more ancient than the third Century¹: And tho' we ought to believe, that before this Time there had been divers Councils assembled by the Ecclesiasticks, according to the various Occurrences in the Purity of the Christian Doctrine, and the Soundness of Discipline, as far as the Persecution of the Heathens, which was in a manner continual, and the Unhappiness of the Times, permitted them; nevertheless, the true Canons of those are lost, and all the others so much boasted of, are Apocryphal, and especially the Acts of the Council of *Simueffa*, by the Apostacy of Pope *Marcellinus*, and the Decree, that the chief See cannot be judged by any Person, are certainly Things altogether Apocryphal, which *Baronius*², by the Authority of St. *Augustine*, demonstrates to be a Forgery of the *Donatists*; and *Cironius*³ proves, That the Accusation against *Marcellinus* was never true, whatever P. *Caracciolus*⁴ may say on the Subject.

FINALLY, as to the Epistles of the chief Pontiffs, altho' some of them be as old as the first and second Centuries; nevertheless, excepting two Letters of St. *Clement* to the *Corinthians*, which are rather Ascetick than Decretal, 'tis now the constant Opinion of the most diligent and accurate Criticks, I don't say among the Protestants, such as *Blondel* and *Salmasius*, but among the most godly Catholics, such as *Thomasin*, *Pagi*, and others, that all the Decretals, which we read as written by the Roman Pontiffs before Pope *Siriacius*, who died in the Year 398, and which we find collected by *Isidore Mercator*, who appear'd in the World towards the End of the Reign of *Charles the Great*, are truly spurious and forg'd, and contriv'd by that Impostor to please himself; *De hac Isidori Impostura*, says *Thomasinus*⁵, *inter doctos jam convenit.*

THE first Canons then, whence so many Collections began, are those which we find of the Councils of the fourth Century. The first Councils among the Oecumenical, were that of *Nice* in *Bythinia*, assembled by the Order of *Constantine* in the Year 325, and that of *Constantinople* by the Command of *Theodosius the Great*, in the Year 381. The most ancient of the Provincial Councils (altho' the Chronologers fix the Epocha of them variously, not being able to point out the Year with any Certainty) were that of *Gangra* in *Paphlagonia*, of *Neocæsarea* in *Pontus*, of *Ancyra* in *Galatia*, of *Antioch* in *Syria*, and of *Laodicea* in *Phrygia*, besides a great many others held in *Africa*, in *Spain*, and elsewhere, less famous.

AFTER this Time, to wit, towards the End of the fourth Century, about the Year 385, the first Collection of Canons was publish'd by the Labour of a certain Bishop of *Ephesus* nam'd *Stephen*, as *Peter de Marca*⁶, on the Faith of *Christophanus Justellus*, attests. In it are contain'd a Hundred and Sixty Five Canons taken from these Seven Councils, two General and five Provincial of the Eastern Church lately mention'd, to wit, twenty from the Council of *Nice*, twenty-four from that of *Ancyra*, fourteen from that of *Neocæsarea*, twenty from that of *Gangra*, twenty-five from that of *Antioch*, fifty-nine from that of *Laodicea*, and three from that of *Constantinople*⁷. And 'tis to be observ'd, that the first Canons concerning the Ecclesiastick Polity and Discipline, were establish'd in the Council of *Ancyra*, which was celebrated in the Year 314; since in the other more ancient Councils, there was nothing treated of but Matters concerning the Tenets and Doctrine of the Church. Whether that Collection had been made by *Stephen*

¹ Baron. ad A. 32. §. 17. Bellarm. de Script. Eccl. in Clemen. Perron. in Replic. ad Reg. Britan. cap. 24.

² Baron. ad An. 302. Pag. ad An. 304. Num. 12. S. August. contra Petilian. cap. 16.

³ Ciron. 4. obs. 5.

⁴ P. Carac. de Sacr. Eccl. Neap. Mon. cap. 2. sect. 3.

⁵ Thomas. de Vet. Eccl. Disc. par. 2. lib. 1. cap. 9. num. 10.

⁶ Marca, lib. 2. de Concor. cap. 3.

⁷ Doviati. Hist. du droit. Canon. par. 1. c. 6.

for his own Diversion, or by the Authority of any Council of the East, cannot be certainly determin'd: However 'tis certain, that it was so much applauded, and so universally receiv'd, that the Council of *Chalcedon* referr'd to it, and order'd, that the Canons should be read from it, approving of it in these Words; *Regulas a Sanctis Patribus in unaquaque Synodo usque nunc prolatas teneri Statuimus*¹. And because these Canons were all written in Greek, there was a *Latin* Translation of it made for the Use of the Western Churches, the Author of which is uncertain. Neither did the *Roman* Church, nor the Churches of these our Provinces make use of any other Collection, but of this so translated, till the sixth Century, that the Collection of *Dionysius Exiguus* appear'd; and the *Gallican* and *German* Churches continu'd to make use of it to the ninth Century: it had for Title, according to *Justellus*; *Codex Canonum Ecclesiæ Universæ*; and, according to *Florens*, this other, *Collectio Canonum Orientalium*.

NEVERTHELESS, in Process of Time, in a second Collection or Addition, the Author of which *Doviat*² believes to be the same Bishop *Stephen*, made after the Year 451, there were added all the Seven Canons of the first Council of *Constantinople*, of which there were only three in the first eight Canons of the Council of *Ephesus*, and twenty-nine of that of *Chalcedon*, all of them general; so that all this Collection was compos'd of two hundred and six Canons. Some time after, the Canons of the Council of *Sardica* were added, and fifty of the eighty-nine Canons which are called Apostolical, and sixty-eight Canons of *St. Basil*; and the Author of this new Addition or Collection, *Doviat*³ believes to have been *Theodoret* Bishop of *Cyrrus*. It is then manifest, that to the Reign of *Valentinian III.* neither the Eastern nor Western Church knew any other Regulations, but those which were collected into this Code.

AND 'tis worthy of Observation, that the Church, to this time, had no judicial Power and Jurisdiction, those Regulations being only obligatory by the meer Dint of Religion, not by coercive Power; neither were Transgressors punish'd with Temporal Punishments, but with Censures and other Spiritual Chastisements, which the Church could impose: Whence it was, that the Fathers of the Church, when they had finish'd a Council, wherein many Canons had been establish'd, in order to their being observ'd by every body, being doubtful, that by the Circumstances of these troublesome and seditious Times, which were full of Factions, and particularly amongst the Ecclesiasticks themselves, who often, notwithstanding the Decisions of the Council, would continue obstinate in their Errors, were used to have recourse to the Emperors, by whose Authority the general Council had been call'd, That they would be pleas'd to Ratify what had been establish'd in the Council, and to command that it should be observ'd by all. Thus, says *Eusebius*⁴, did the Fathers of the Council of *Nice*, who obtain'd the Confirmation of their Decrees from *Constantine the Great*. And the Fathers of the first Council of *Constantinople*, had recourse to the Emperor *Theodosius the Great*, for confirming the Canons of it⁵. And the Emperor *Martianus* publish'd an Edict, by which he confirm'd all that had been done in the Council of *Chalcedon*, with its Canons⁶: and, generally, all the other Emperors, when they would have them to be effectually observ'd, used, by Means of their Constitutions, to command that they should be observ'd, and gave them the Force of Laws, by inserting them in their Constitutions, and publishing them with their Laws, which is clear from the *Theodosian* Code, from the Collection of *Joannes Scholasticus*, from the *Nomocanons* of *Photius*, and from what the other Princes of the East, and *Justinian* the Emperor order'd concerning them, which will be better known when we come to treat of the Actions of this Prince.

¹ Conc. Chalced. Can. 1.
² Doviat. loc. cit. cap. 7.
³ Ibid. cap. 8.

⁴ Euseb. in Vita Constant. lib. 2. cap. 18.
⁵ Epist. Synodica. Socrat. Hist. Eccl. 8.
⁶ Justel. in Præfat. ad Cod. Can. Eccl. Afric.

S E C T. III.

Of the Cognizance of CAUSES.

THE Ecclesiastical State then, altho' it had been settled in such Splendor by *Constantine*, and had acquir'd a most excellent external Polity, and had increas'd its Regulations, yet, nevertheless, in those Days, and down to the Reign of *Justinian* the Emperor, it had not gone beyond the Bounds of its Spiritual Power, in what concern'd the Cognizance of Causes: It was yet confin'd to the Cognizance of the Affairs of Religion and Faith, wherein it judg'd by way of Polity; of the Reformation of Manners, wherein it determin'd by way of Censure; and of the Differences amongst Christians, wherein it decided in form of Arbitration and charitable Reconciliation.

THE Church had not yet acquir'd *Justitia Contentiosa*, nor Jurisdiction, neither had she a Court of Justice, nor Territories in the Manner and with the Power she possesses them at this Time over all *Christendom*; since these depend not upon the Keys, neither are they properly of Divine Right, but rather of Human and Positive, proceeding chiefly from the Concessions or Permissions of Temporal Princes, as we shall shew clearly in the Progress of this History.

THERE is a great Difference betwixt the Keys and the Sword, as also betwixt the Keys of Heaven, and Law Pleas which belong to Magistrates: And Divines are agreed, that the Delivery of the Keys, and the Power of Binding and Loosing given by Christ Jesus our Lord to his Apostles, import only the Conferring of the Sacraments, and the most important Effect of Excommunication, which is the only Penalty the Ecclesiasticks can as yet impose on themselves and the Laicks, besides injoining of Penance; but all that depends on penitential Justice, if we may so term it, and not purely on litigious¹; or rather on Censure and Correction, than on absolute Jurisdiction. The Sword implies a precise and formal Constraint, which depends properly on the Temporal Power of the Princes of the Earth, who, as *St. Paul* says, carry the Sword for Punishing the Wicked, and the Security of the Good. And really our Souls, over which the Ecclesiastical Power properly extends, are not capable of a precise Constraint, but only of being stirred up, which is properly *Persuasion*: Whence it is, that all the Fathers of the Church, *Chrysostom*², *Lactantius*, *Cassiodorus*, *Bernardus*, and others, loudly protested, That the Power had not been given to them of hindering Men from committing Faults by the Authority of Decrees; *Non est nobis data talis potestas, ut auctoritate Sententiæ cobibeamus homines a delictis*, says *St. Chrysostom*³; all their Power consisted only in exhorting, persuading, and praying, but not in commanding. For which Cause it was thought necessary, that likewise the Princes of the World should exercise their Power in the Church, that what the Priests could not perform by their Sermons and Exhortations, the Secular Power might do by Terror and Force⁴.

THIS in the Hands of the Princes of the Earth then that God has intrusted Justice; *Deus judicium suum Regi dedit*, says the Psalmist: and the People of *Israel* asking a King from God, said, *Constituere nobis Regem, qui judicet nos, sicut ceteræ Nationes habent*. And when God gave to King *Solomon* the Choice of what he would have, he ask'd, *Cor intelligens, ut Populum suum judicare posset*; a Demand which was acceptable to God: Whence *St. Hieronymus* says, that *Regum proprium Officium est facere judicium & justitiam*⁵. In short, in all the Sacred History, Justice is always attributed to Kings, and never to Priests, at least as

¹ Cap. cum non ab homine, Extr. de Judic.² Chrysost. 1. Timor. 33. tit. 17. Lactant. lib. 5. cap. 12. Cassiod. lib. 2. Epist. 27. Bernar. Ser. 66. in Cantic.³ Chrysost. de Confid. lib. 1.⁴ Can. Principes 23. qu. 5. Can. inter. 33. qu. 2.⁵ Can. Regum 23. qu. 5.

Priests: Our Saviour himself being intreated by a certain Man to make a Division of an Inheritance betwixt him and his Brother, answer'd; *Homo quis me constituit judicem, aut divisorem super vos?* And as to the Apostles, St. Bernard *Epist. ad Eugen.* says, *Stetisse Apostolos lego judicandos, judicantes sedisse non lego.* Neither had Priests, in these first three Ages, that ample litigious Jurisdiction which they have at present, excepting the three above-mention'd Cognizances, as we have shewn in the first Book.

A S little had they it in the fourth and fifth Centuries; forasmuch as altho' the Empire was govern'd by Christian Emperors, excepting only in Ecclesiastical Causes, the Priests themselves were judged by the Secular Magistrates², as well in Civil as Criminal Causes, and were look'd upon likewise as Members of the Civil Society; and no Immunity was allow'd them, or any Exemption whatsoever, neither by Divine Right, nor, to this Day, by the Laws of any Prince; consequently they ought to be judged by the Secular Magistrates in Secular Causes. And indeed the Bishops, accusing one another in the Council of Nice, carried their Accusations before *Constantine*, that he might judge them; altho' that Prince was pleas'd, for ending all Disputes, to throw them all in the Fire. *Constantine* himself judged the Cause of *Cecilian*, and *Atbanasius* being accus'd of the Crime of High Treason, was by his Sentence condemn'd to Banishment. *Constantius*, his Son, order'd, that the Cause of *Stephen* Bishop of *Antioch*, should be tried in his Palace³; and being convicted, was, by his Order, depos'd by the Bishops. *Valentinian* condemn'd *Cronopius*, a Bishop, in a Fine, and banish'd *Ursicinus* and his Associates, as Disturbers of the publick Tranquillity⁴. *Priscillianus* and *Instantius* were condemn'd for their Crimes and Obscenities by the Secular Judges, as *Severus* testifies. The Secular Magistrates likewise judg'd in the Causes of *Felix Aptungitanus*, of *Cecilianus*, and of the *Donatists*⁵: And the Bishops of *Italy* had recourse to *Gratian* and *Valentinian*, intreating they would be pleas'd to judge *Damasus* whom they accused.

NEITHER was there any Alteration in Civil Causes in these Centuries; it being evident, that when the contending Parties were not willing to acquiesce to the Judgment of the Bishops, who were wont to be requir'd as Arbitrators to make up Matters, but would, by all means, plead and have a positive Sentence, they were to have recourse to the *Rectores* of the Provinces, and other Secular Magistrates, and to inform them of the Awards, and set forth their Cases and Exceptions, as the *Theodosian* and *Justinian* Codes clearly make appear⁶; and when they were cited before any of these Tribunals, they were to give Bail *Judicio Sisti*⁷.

IN the extravagant and apocryphal Title *de Episcopali Judicio*, which was put in a suspicious Place, to wit, in the very End of the *Theodosian* Code, we read of a Constitution⁸ of *Theodosius*, *Valentinian*, and *Arcadius*, by which it seems as if the Cognizance of Causes amongst Ecclesiasticks had been given to the Bishops, and likewise that they were not oblig'd to plead any where else, but before themselves: But altho' that Law may be suspected of Forgery, as *Gotifredus* demonstrates at length, and all the Learned take for granted, yet the Priests can reap no Benefit from it, since in exprefs and precise Words, there's nothing treated of in that Law but Ecclesiastical Causes, the Cognizance of which the Church always had by way of Polity; these are the Words of it; *Quantumque ad Causas Ecclesiasticas pertinet.* *Gratian*⁹, who did not like this, left it out altogether, and by his Decree, dismember'd the Law, and chang'd its Sense; this was not a new Thing in this Compiler, as we shall find elsewhere on other Occasions. *Anselm*¹⁰, on this Law, was guilty of the like Artifice, if not greater in Matters of more Importance, which appear'd afterwards.

² Luk. 12. Apost. ad Roman. 12. Irenæus, lib. 5. cap. 20. Origen. Epist. ad Rom.

³ Chrysost. Homil. 23. in epist. ad Roman. Ambros. in Luc. lib. 4. cap. 5. August. in Joan. tract. 6. Gelas. epist. 8.

⁴ Theodoret. lib. 2. cap. 9.

⁵ L. 2. C. Th. Quorum appell.

⁶ Du Pin, diff. ult. § ult

⁶ L. 33 & 37 C. Th. de Ep. & Cler. L. si quis, C. de Episc. audient. Novel. Valent. 3. tit. 12. de Episc. Judic.

⁷ L. omnes 33. C. de Episc. & Cler.

⁸ L. 3. Extrava. de Episc. Judicio.

⁹ C. continua 5. 11. qu. 1.

¹⁰ Anselm. lib. 3. cap. 109. & Pol. 1. tit. 19.

THE Ecclesiasticks alledge some other Constitutions of the same Kind, and many Canons against a Truth so well known ; but *Du Pin* ¹, a great Divine of *Paris*, answers them at length and to the purpose, and better than any Person whatsoever, demonstrates, that the Clergy, as well in Matters Civil and Politick, as in Criminal Causes, were not, by Divine Right, exempted from the Secular Power, nor from Tribute, nor Punishment ; but in Process of Time, by the Favour of the Emperors and Princes, they did acquire Immunity in some Cases ; which shall be clearly shewn in the Course of this History.

THUS it is, that the Church, to this Time, had not acquir'd that complete Judicial Power, which the Laws call Jurisdiction, over her Priests, and much less over Laicks ; neither had she as yet what the Civilians call *Jus Terrendi* ², and consequently no complete Jurisdiction, nor a distinct coercive Power ; neither were her Judges Magistrates, who could pronounce these three essential Words, *Do, Dico, Abdic* ; for which Reason she could not, by her own Authority, imprison her Ecclesiasticks, as in *France* to this Day it cannot be done without imploring the Assistance of the Secular Power ³. And because by Custom it was at first tolerated, and afterwards introduc'd, that the Ecclesiastical Judge could imprison those who were within the Limits of his *Auditorium*, so call'd in those Days, which *Boniface VIII.* quickly raised higher by a Decretal which he publish'd, giving Power to the Bishops of placing their *Auditoria* where-ever they thought fit, and consequently to imprison every where ; which Deed, because it could not be conceal'd, was the Occasion, that the said Decretal in many Places was not observ'd ; and in *France*, as *Lemetre* testifies ⁴, the contrary is practis'd : In fine, the Ecclesiasticks had no Prison before *Eugen. I.* his Time, according to *Volateranus* ⁵.

BESIDES, 'tis certain, that in these Ages, the Church had no Power of inflicting Corporal Punishments, of Banishment, much less of Mutilation of Members, or of Death : and in the more heinous Crimes of Heresy, it belong'd to the Princes to punish the Delinquents with Temporal Punishment, and for keeping their Dominions in Peace and Tranquillity, and purging them of those seditious People, who disturb'd the Quiet of the Commonwealth, they establish'd many Edicts, wherein they set down the Penalties and Punishments due to their Crimes : of which Laws, the Books of the *Theodosian* and *Justinian* Codes are full. Neither could the Judges of the Church in those Days condemn in pecuniary Mulcts ⁶ ; and the Reason was, because she had no coercive Power ⁷, and, according to the *Roman* Laws, the Magistrates only, who had full coercive Power, could impose Fines ⁸ ; but afterwards, altho' the Church had neither coercive Power nor Exchequer, yet she took upon her to do it, and applied the Fine to some pious Use, giving it to Monks, Prisoners, or for building of Churches ; concerning which we shall have a new Motive for Reasoning.

IT cannot then be doubted, but that all that the Church has at this Time of complete Jurisdiction, depends on the Favour and Concession of Princes. Some have believ'd, that these Concessions begun from *Constantine the Great*, who gave her Peace and Increase : They believ'd, that this Prince, by one of his extravagant Constitutions, which we see inserted in the End of the *Theodosian* Code ⁹, had establish'd, that the guilty Person, or the Plaintiff, either as to the whole or any part of the Cause, could demand to have it referr'd to the Bishop ; and that it could not be deny'd him, altho' the contrary Party should thwart and contradict it : And lastly, that no Appeal should be made from the Bishop's Sentence, and that presently without delay, and notwithstanding any Impediment, the Ordinary Magistrates were to put it in Execution ; which if true, the Temporal Jurisdiction would be altogether useless, or at least would only serve for executing the Commands of the Ecclesiasticks.

¹ Du Pin. diff. ult. §. ult.

² L. Pupillus, §. territorium, D. de verbor. signif.

³ Jo. Galli, qu. 103, 245, & 276. Lemetre tract. de Appel. cap. 5. Loyf. des Sign. c. 15.

⁴ Lemetr. de Appell. cap. 5.

⁵ Volater. lib. 22.

⁶ Cap. 1. de Dolo & Contum. cap. licet de Pœnis, cap. irrefragab §. ult. de Offic. Ordin.

⁷ Loyseau, loc. cit.

⁸ L. aliud est fraus, §. inter pœnam de Verb. Signif. lib. 1. si qu. jus dicenti non obtem. & tot. tit de mod. mult.

⁹ L. 1. C. Th. de Episc. Judic.

T H E R E was a Time, when this truly extravagant Constitution was reputed genuine, by a Part of it being foisted into the *Capitularia* of *Charles the Great* ¹, and likewise into the *Breviaria* of the *Theodosian Code*; and *John Selden* ², because he found it in an ancient Manuscript of *William the Monk of Malmesbury*, believ'd it to be truly *Constantine's*.

O T H E R S did not attribute it to *Constantine*, but to *Theodosius the Younger*, such as *Innocentius* ³, *Gratianus* ⁴, *Ivo*, *Anselmus*, *Palermitanus*, and the other Compilers of Decrees, being induc'd so to do, by seeing, in the Frontispiece of some Manuscript Codes, this Inscription; *Arcad. Honor. & Theodos.*

B U T 'tis made manifest by able and grave Writers, to have been forg'd and contriv'd, just so as the Donation of the same *Constantine* had been ⁵. *Gotifredus* ⁶ has demonstrated the Falsity of it by a hundred Proofs, so that one must want Eyes to be able to doubt of it: 'Tis added to the *Theodosian Code* in a suspicious Place, to wit, in the very End of it, intitled thus, *Hic titulus deerrabat a Codice Theodosiano*; it has neither Consul nor Date, and, quite contrary to many other Constitutions, inserted in the same Code: 'Tis not put in the *Justinian Code*, neither is there any mention made of it by the Writers of the Ecclesiastical History.

T H O S E who attribute it to *Theodosius* have mistaken it very widely, whose true Law ⁷ follows this forg'd Constitution; forasmuch as that this true Law is quite in Opposition to it, in which it is determin'd, that Bishops ought not to take cognizance but of Matters of Religion; and that all other Processes of the Ecclesiasticks should be determin'd and judg'd by the ordinary Judges: And 'tis not to be thought, that *Theodosius* would have inserted in his Code a Law quite contrary to one of his own. Besides the Laws of the other Emperors reported in this Code, altho' made in Favour of the Church, yet they don't attribute such Justice to her, and especially the *Novella* ⁸ of *Valentinian III.* is directly contrary, which says, that according to the Laws of the Emperors, the Church hath no Jurisdiction, and according to the *Theodosian Code* she cannot take Cognizance but in Matters of Religion.

B U T besides the true Laws of *Theodosius* above-mention'd, we see in the Reigns of *Arcadius* and *Honorius*, that the Church only had her primitive Right of judging by way of Arbitration, and even that was disputed with her, whence they publish'd a Law for continuing that with her, of which these are the Words: *Si qui ex consensu apud sacre legis Antistitem litigare vcluerint, non vetentur, sed experientur illius, in civili dumtaxat negotio, more arbitri sponte reddentis judicium* ⁹. And the Practice of the Church in those Ages was, that the Bishops were employ'd as Arbitrators in agreeing of Law-Pleas, which were brought before them by the Consent of Parties, as *Basil* ¹⁰ witnesseth; as also *Gregorius Neocæsariensis*, *Ambrosius*, *Augustinus*, and the Writers of the Ecclesiastical History *Socrates* and *Nicephorus* ¹¹. Which continu'd a long Time even to the Reign of *Justinian*, who was the first that augmented the Power of Cognizance in the Bishops by his *Novellæ*, as we shall see in the sixth Century: Since in the End of the Reign of *Valentinian III.* where we now are, it is certain, that the Bishops had neither Court of Justice, nor coercive Power; neither could they meddle in any other Causes, but in what concern'd Religion, neither with respect to the Clergy nor Laicks, as *Valentinian* himself assures us by a most remarkable *Novella* ¹², of which these are the principal Words; *Quoniam cunctis Episcopos forum legibus non habere, nec de aliis causis, quam de Religione posse cognoscere, ut Theodosianum Corpus ostendit; aliter eos judices esse non patimur, nisi voluntas iurgantium sub vinculo compromissi procedat, quod si alteruter nolit, sive Laicus, sive Clericus sit, agent Publicis legibus, & jure communi*; adding that the Clergy could be cited before the Secular Judge; which was certainly the Law and the Practice before *Justinian*, as may be seen in many Laws of his Code ¹³: And this only Privilege was given to the Ecclesiasticks, that they were not oblig'd to go from

¹ Capitul. Car. M. lib. 6. cap. 231.

² Selden. in uxor. Hebr. lib. 3. c. 28. p. 564.
& de Synod. lib. 1. cap. 10. p. 318.

³ Inn. c. novit. 13. de Judic.

⁴ Grat. 11. qu. 1. cap. 35, 36, 37.

⁵ Loyseau de sign. cap. 15.

⁶ Got. tom. 6. in fin. C. Th. 1. 1. Episc. judic.

⁷ L. 3. de Episc. judic.

⁸ Novell. Valent. de Episc. judic.

⁹ L. 7. de Episc. audient.

¹⁰ Basil. cap. 247.

¹¹ Gregor. Niss. invita Gregor. Neocæsar. Ambros. Ep. 24. & lib. 2. Offic. c. 24. August. in Psalm. 118. & lib. de Oper. Monac. cap. 20. homil. de Pœnit. 50. cap. 12. & Ep. ad procul. Donatistam Ep. 147. Socrat. lib. 7. cap. 36. Niceph. lib. 14. cap. 35.

¹² Novel. 12. Valent.

¹³ L. cum Clericis, L. omnes 33. C. de Episc. & Cler.

Home or their Place of Abode to plead ; and in the Provinces they could not be summon'd before any other Judge but the *Rector* of the Province, as at *Constantinople* before the *Præfæctus Prætorio*.

THUS it is, that as to what belong'd to the Cognizance of Causes which the Church had, nothing was alter'd in these Times of what had been practis'd in the first Three Centuries : Neither had the Bishops of these our Provinces, a Court of Justice nor coercive Power, neither was there any Alteration made in these Matters, nor in the Political and Temporal Affairs of the Ecclesiastical State to this Time ; but were restricted to the Cognizance of Religious Causes, which were judged by way of Polity, and to the two other Occurrences above-mention'd : All the Jurisdiction and Power being in the Civil Magistrates, to whom, as well Priest as Laick had their recourse both in Civil and Criminal Causes, without any Exception.

BUT altho' the Civil State suffer'd no Alteration by these Matters ; nevertheless it was not without some Disorders in these very Times, occasion'd by the Acquisition of Temporal Possessions, which, ever and anon, by the Piety of the Faithful, or rather the too great Avarice of the Clergy, were given to the Ecclesiasticks and the Churches.

Loyseau de sign. cap. 15.

S E C T. IV.

Of T E M P O R A L I T I E S.

WHOEVER names Religion, names Riches, says our *Scipio Ammiratus* ¹, who was a Canon in *Florence* ; and the Reason is ready, which he adds, Because Religion being an Account which is kept with God Almighty alone ; and Mortals standing in need of a great many Things from Him, are either thanking Him for the good Things receiv'd, or the Evil they have escap'd, or praying that such Things may not befall them, and that other Things may prosper well ; it necessarily follows, that out of Gratitude we should be careful to bestow a Part of our Riches, not on him, who being Lord of the Universe, hath no need of any Thing from us, but on his Temples and their Priests. As soon as *Constantine* had given Peace to the Church, and our Religion could be profess'd openly every where, Temporal Riches began to increase. Before *Constantine*, our Churches being reputed a kind of unlawful Assemblies, could not acquire any thing by Legacies, no more than the Community of the *Jews* and other Societies, which had no Right so to do ².

THESE Bodies were deem'd uncertain, so of course the Legacies left to them could not take Effect. In the Time of S. *Mark* ³ there was a *Senatus Consultum* made, by which there was Liberty given of leaving to Colleges, and other Communities, whatever People pleased ⁴ : By which the former Rigour was relax'd ; and altho' our Churches, as unlawful Societies, could not be comprehended within the Meaning of the *Senatus Consultum* ; for all that, we see, that in the third Century, whether it was by Allowance or Connivance, they began to have Possessions. But no sooner had *Constantine* in the Year 312. embrac'd the Christian Religion, making it not only lawful, but our Colleges venerable and commendable, than the Churches abounded with Temporal Riches. And that there might arise no doubt about that Matter, and that he might excite the Liberality of the Faithful in leaving Legacies to them, he publish'd an Edict in the Year 321. which he directed to the People of *Rome* ; by which he gave all Persons liberty to leave by Testament whatever they pleased to the Churches, and especially to that of *Rome* ⁵. Thus *Constantine* deserv'd so well of the Christian Religion, by enriching our Churches ; and

¹ Ammirat. in his Opusc. disc. 7.

² L. 2. D. de Colleg. L. 1. C. de Judæis. L. 8. C. de Hæred. instit.

³ V. Ritter. LI. XII. tab. de Coll. Jur. cap. 8.

⁴ L. 20. D. de reb. dub.

⁵ L. 1. C. Th. de Epil. & Cler. 1. 1. C. Just. de SS. Eccl.

not only after this manner, but likewise order'd, that all the Possessions which belong'd to them, and which in the Reigns of *Dioclesian* and *Maximianus*, had been taken from them, should be restor'd to them again; for which end he publish'd another Edict mention'd by *Eusebius* ¹. Moreover he ordain'd, that the Estates of the Martyrs, if they had not left Heirs, should be given to the Churches, as the Author of his Life affirms ².

BUT as this Prince, by the new Disposition which he gave to the Empire, was reputed rather a Destroyer of the Ancient, than the Maker of a new One; So likewise he was thought by many, to have done harm rather than good to the Church, by enriching her so much; since in process of Time the Ecclesiasticks by their Covetousness of Riches, brought Matters to such a pass, that besides neglecting their own Duty, they thought of nothing else but of pilling and robbing the Inheritance of the Dead, and were the Cause of many Abuses and great Disorders, which were brought upon the Commonwealth upon that Account: So that the Princes who succeeded *Constantine* were oblig'd to put a Stop to so great Licentiousness.

S. *Jo. Chrysostom* in his Time deplor'd these Abuses, and lamented, that from the Riches of the Churches there arose two Evils; the one, that the Laicks left off giving of Alms; the other, that Ecclesiasticks neglected their own Duty, which is the Care of Souls, and became Solicitors, Stewards, Toll-Masters, exercising Things unbecoming their Vocation.

FIFTY Years were not yet expir'd, from the Time that *Constantine* publish'd these Laws, when by the Avarice of the Ecclesiasticks, always watchful to take Advantage of the Simplicity of the Women, *Valentinian the Elder* was forc'd in the Year 370. perhaps at the Request, as some have suspected, of *Damasus* Bishop of Rome, to put forth a Law ³, by which he prohibited the Priests and the Monks, under severe Penalties, to take either by Testament, or any other Deed amongst the Living, the Goods of Widows, Virgins, or any other Woman whatsoever, forbidding them to converse with them, as they were in use to do too freely; against which Custom *Ambrosius* and *Hieronymus* likewise declaim'd: And this Law, besides its being directed to *Damasus*, was also proclaim'd in all the Churches of Rome, that it might be inviolably observ'd. *Valentinian* extended this his Constitution to the Bishops and Virgins consecrated to God, whom with the other Clergy and Monks, he forbade to make such Acquisitions ⁴.

TWENTY Years after, on the same Account, *Theodosius the Great* was forc'd to publish another such Law ⁵, by which it was forbidden the *Diaconesses*, on account of their overmuch Conversation which they had with the Ecclesiasticks, to leave their Goods to the Monks or the Clergy on any pretence whatsoever; besides this Prince likewise prohibited the same *Diaconesses* to make the Churches, or even the Poor, their Heirs, which *Valentinian* durst not do: Altho' *Theodosius* two Months after revok'd in Part his Law, allowing the *Diaconesses* ⁶ the Power of leaving their Moveables to whom they pleas'd: Albeit the Emperor *Martianus* in his *Novella* ⁷ reckon'd that *Theodosius* had wholly revok'd his Law, as at last he was willing to do himself; concerning which see *Gotifredus* his excellent Commentaries ⁸.

THE Fathers of the Church in those Days did not complain of these Laws, nor of the Power which the Princes had of making them; neither did it ever enter into their Thoughts, that the Immunity or Liberty of the Church suffer'd thereby; such Language was never heard or known in those Times, but were only griev'd for the Causes which produc'd such Effects, and which mov'd these Emperors to make them, to wit themselves, and the too great Avarice of the Ecclesiasticks that had occasion'd them: Behold how S. *Ambrose* speaks of it ⁹, *Nobis etiam privatae Successionis emolumenta recentibus legibus denegantur, & nemo conqueritur. Non enim putamus injuriam, quia dispendium non dolemus, &c.* S. *Hieronymus* speaks more clearly ¹⁰ writing to *Nepotianus*: *Pudet dicere, Sacerdotes Idolorum, Alimi, & Aurigæ, & Scortæ hæreditates capiunt, solis Clericis, ac Monachis hac lege prohibetur: & non prohibetur a Persecutoribus, sed a principibus*

¹ Euseb. lib. 10. cap. 1. Socrat. lib. 1. Sozomenus, Eutrop. & alii.

² Auth. vitæ Const. lib. 2. cap. 20.

³ L. 20. C. Th. de Epif. & Cler.

⁴ L. 21. C. eod. tit.

⁵ L. 27. C. Th. de Ep. & Cl. Soz. l. 7. c. 16.

⁶ L. 28. C. Th. eod. tit.

⁷ Martian. Novel. de Testam. Cl. ult.

⁸ Got. l. 28. C. Th. eod. tit.

⁹ Ambros. libel. ad rer. relat. Symac.

¹⁰ Hier. Ep. 2. ad Nepot. de vit. Cler.

*Christianis. Nec de lege conqueror, sed doleo cur meruerimus hanc legem. Caute-
rium bonum est, sed quo mihi Vultus, ut indigeam Caute-
rio? Provida, securaque
legis cautio: Et tamen nec sic refrænatur avaritia, per fidei commissa legibus illudimus,
&c.* Thus it was, that in these Times it belong'd to the Jurisdiction and was in
the Power of Princes to remedy those Abuses, and to give Liberty to, or put a
Restraint upon the Acquisition of the Temporal Goods of the Church, as they saw
convenient for the Good of their State. Which in the Ages less distant from us all
over *Europe* by other Princes was commendably, and without any Imputation of In-
discretion, imitated. Thus *Charles the Great*, of Glorious Memory, practis'd in
Saxony; and in *England*, *Edward I.* and *III.* and *Henry the Vth*¹. The same was
observ'd in *France* by *S. Lewis*², which is a Thing very remarkable; and after-
wards successively confirm'd by *Philip III.* *Philip the Fair*, *Charles the Fair*, *Charles*
V. *Francis I.* *Henry II.* *Charles IX.* and *Henry III.* And we have a Decree in
*Papinian*³, by which the Parliament of *Paris* inhibited the *Carthusians* and the *Cele-
stins* from making any new Acquisitions. In *Spain*, *James* King of *Arragon* made
the like Laws in the Kingdoms subject to that Crown; the same was practis'd in
Castile, *Portugal*, and all the other Kingdoms of *Spain*, which *Narbona* and *Lewis*
Molina testify⁴; and in several Places of *Germany* and *Flanders*, the like Statutes
were observ'd. In *Holland*, Count *William III.* by his Edict in the Year 1328.
strictly prohibited the same⁵. And it was done in *Italy*, *Venice*, and *Milan*⁶:
Neither is there any Province in *Europe* in which the Princes did not claim it as
belonging to them, and in their Power to make such Laws within their own
Dominions.

THE Churches in the Provinces, of which our Kingdom of *Naples* is compos'd,
if we consider the Time that pass'd betwixt the Reign of *Constantine*, and that of
Valentinian III. which all that time were still building by the Bishops in *Naples* and
the other Cities, made no considerable Acquisitions: And by looking on them it
may clearly be perceiv'd, that they can alledge no other Title, but what they
owe to the Concessions made them by the *Longobard* or *Norman* Princes, who were
more profuse than the rest; or lastly, by the Princes of *Suevia* or *Anjou*. The
Monasteries began to be considerable by their Acquisitions, in the Beginning of the
Reign of the *Longobards*; and altho' *S. Benedict* in the Reign of *Totila*, was the first
who brought them into *Italy*; nevertheless that of *Monte Casino* in *Campania* was not
much enrich'd, until the Time of the *Longobard* Kings: But in Process of Time
the Number of Churches and Monasteries multiplied in such a manner in these our
Provinces, and their Acquisitions were so excessive, that there was neither City nor
Castle, small or great, that was not swallow'd up by them. Such Excess in the
Time of the Emperor *Frederick II.* was suppress'd by a Law, which at this Day is
to be seen in our Constitutions⁷; by which, imitating, as he says, the Footsteps of
his Predecessors, perhaps meaning the Emperors; or, which is more likely, the
Norman Kings his Predecessors, whose Constitution on that Head is now lost; he
prohibited immoveable Estates to be acquir'd by the Church. But in the Time
of the Princes of *Anjou*, other Maxims were introduc'd among us, which taught,
that Princes could not remedy those Abuses: For which Cause the Constitution of
Frederick, was reputed impious and injurious to the Churches, and the former Dis-
orders prevail'd; and if Things had been confin'd within these Bounds, it might
have been tolerable; but afterwards the Churches and the Monasteries were seen to
abound in so great Lordships and Riches, and in such Numbers, that it would have
cost but a very little more trouble, to have swallow'd up that small Residue, which
continues in the Possession of the Laicks: But of this we shall speak more opportunely
in the following Books; what hath been said hitherto of the Ecclesiastical Polity of
these our Provinces during the Fourth and the half of the Fifth Century, may
suffice.

¹ Pet. Greg. de Repub. lib. 13. c. 16. Polyd. Virg. lib. 13. hist. Anglic.

² Pap. l. 1. Rhapsod. ar. 7. art. 3.

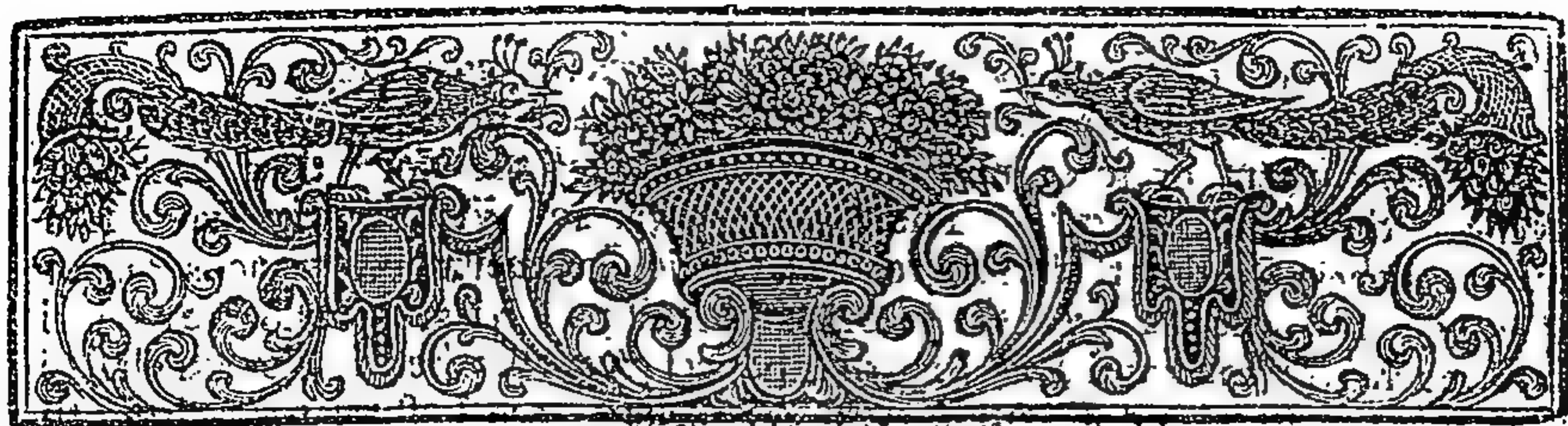
³ Narbon. lib. 35. Gl. 5. num. 30. tit. 3. lib. 1. nov. recompile. Molina de contr. tit. 2. D. 140. l. 2. l. 8.

⁴ Gail. lib. 2. observ. 32. num. 5. Chopin. de Daman. Franc. lib. 1. tit. 14. Christin. tom. 1. decis. 201.

⁵ Brant. 1. hist. de Reform. 1. p. 25. Ant. Matth. manud. ad jus Can. lib. 2. tit. 1. Bodin. de Rep. lib. 5. cap. 2.

⁶ Bossius de Pœnis num. 43. Signorol. de Homedeis conf. 21. Statut. Civit. Mediol. nov. compil. tit. de Pœn. Colleg.

⁷ Constit. Regn. de Reb. stab. Eccl. non alienaud.



T H E
CIVIL HISTORY

Of the KINGDOM of

N A P L E S

B O O K III.



THE fundry Civil Commotions, the great Changes in the State, and the Vicissitude of the *Roman* Jurisprudence, which fell out betwixt the Death of *Valentinian III*, and the Reign of the Emperor *Justin II*. shall be the Subject of this Book. We shall relate the Events of a Century, in which *Italy*, and these our Provinces, that make up at present the Kingdom of *Naples*, saw new Lords, strange People, and new Laws. Hitherto they knew no other Magistrates nor other Laws, but those of the *Romans*: henceforward they shall see themselves mixed with those of Foreign Nations, who, altho'

Barbarians, deserve nevertheless to be commended, not only on Account of their many and remarkable Vertues, but likewise because they were so obsequious to the *Roman* Laws, and honoured them so much, that they not only durst not revile them, but with extreme Moderation, contrary to the Laws of Victory, by which the Vanquish'd become subject to the Laws of the Victor, retain'd them. Therefore the Reader must not expect, that being to treat in this and the following Books, of the *Goths*, *Longobards*, and *Normans*, who have all the same Origin, I ought, as many have done, to treat them as inhuman, fierce, and cruel, and to term their Laws impious, unjust, and rude, as they are, for the most part, reputed by our Writers. In the Exploits of their Princes, Piety, Justice, and

Temperance

Temperance will shine no less than Fortitude and Magnanimity ; and their Laws and Customs, altho' they cannot be compar'd to those of the ancient *Romans*, ought not however to be thought to come short of those of later Times, while the Empire was declining, when the Condition of a *Roman* became more vile and abject, than that of those who were reputed *Barbarians* and Strangers.

BEING first of all to treat of the *Goths*, it is not to my Purpose to trace them back to their Origin, or to enquire from what part of the North they broke out, to over-run these our Countries. There are not wanting Writers, who have given Account of their Origin, their Progress, and their Conquests over various Regions of *Europe* ; and the last was the incomparable *Hugo Grotius* ¹, who treats of it with so much Exactness and Dignity, that he eclipses all others: Nevertheless, it will be very necessary to distinguish, with Perspicuity, the Eastern *Goths* from the Western ; since some of our Authors, by doing it confusedly and not distinctly, have likewise confounded their Laws and Customs, by ascribing to one, that which belonged to the other, as shall be clearly shewn in the Course of this Book.

THE Origin of their Name is not very obscure: For their Hospitality and Courtesy to Strangers, they were very famous and renown'd ; even before they had embrac'd the Christian Religion, amongst the *Germans* they acquir'd the Appellation of Good ; *Boni*, says *Grotius* ², *Germanis sunt Goten, aut Guten*: Whence it came, that afterwards they were call'd *Goti* by all the other Nations of *Europe*. They were divided according to the Situations of the Countries which they inhabited, into Eastern *Goths* or *Ostrogothi*, and into Western or *Westrogothi*, which the *Latins* corruptly call'd *Visigothi*. Those who inhabited the Countries which lay more to the East, towards the *Euxine* Sea, as far as the River *Tyras*, and who afterwards, by the Permission of the Emperors of the East, had *Pannonia*, *Thracia*, and lastly *Illyricum* for their Habitations, were call'd *Ostrogothi* ; and were govern'd by Princes of the House of *Amali* no less ancient than Illustrious, whence *Theodericus Ostrogothus*, who govern'd these our Provinces, deriv'd his Pedigree. The others, whose Countries lay towards the West, and who, in the Reign of *Honorius*, govern'd *Aquitaine* and *Narbonne*, and afterwards many Provinces of *Spain*, were called *Westrogothi* ; those were commanded by Princes of the House of the *Balti* ; a Family likewise illustrious, but inferior to that of the *Amali*, who bragg'd of its Nobility: *Toulouse* was their Seat, the Capital of the Province, which Country, on Account of their Residence, is since call'd *Gascony*, which in their Language signifies the Country of the Western *Goths* ³, altho' others say, that it had the Name of *Gascony* from a People of *Spain*, who having passed the *Pyrenean* Mountains, possessed that Province.

¹ Grot. in Prolegom. in Hist. Got.

² Grot. in Prolegom. pag. 13.

³ Paulus Æmilius, de Reb. Franc. lib. 1.





C H A P. I.

Of the Western G O T H S, and their L A W S.

TH E *Westrogoth* Princes, of the Family of the *Balti*, under the Empire of *Honorius*, having been firmly establish'd in *Aquitaine* and many other Cities of *Narbonne* by this Prince, fix'd their Residence in *Toulouse*, whence they were afterwards call'd Kings of *Toulouse*. They, with all their Might, endeavour'd to extend their Dominion over the other Provinces of *Gallia* and *Spain*, which were ill used and oppressed by the *Vandals*. *Vallia*, who succeeded *Rigericus*, Successor of *Ataulfus*, as we have said in the preceding Book, triumph'd frequently and successfully over them in *Spain*, and gave them many terrible and memorable Routs. *Vallia*, after having gain'd so many Victories over the *Vandals*, died in *Toulouse* in the Year of Christ 428, and *Theodoricus* succeeded him in the Kingdom¹. Writers differ about the Name of this Prince; *Gregory of Tours*² calls him *Teudus*; *Isidore*, *Teudoridus*; *Idacius*, *Theodorus*; but we, according to *Jornandes*³, the more ancient Writer, and the most accurate in the Affairs of the *Goths*, with *Alteserra*⁴, shall call him *Theodoricus*. This Prince reign'd in *Aquitaine* twenty three Years, a valiant and excellent Captain, who, in the Fields of *Chalon*, fighting against *Attila*, gave signal Proofs of his Valour: he was grievously wounded in this Battle, and being thrown from his Horse was sadly bruised, and died soon after. He left behind him six Sons, *Torrismond*, *Theodorick the Younger*, *Frederick*, *Evarick*, *Rotemerus*, and *Aimerick*, and one Daughter, whom he gave in Marriage to *Hunnerick* Son of *Gizerick* King of the *Vandals*.

Torrismond succeeded in the Kingdom, who, altho' he was in the Battle against *Attila* with his Father, and had been wounded in it, no sooner heard of the Death of his Father, than he immediately returned to *Toulouse*, where, with universal Acclamation, he was set on the Throne⁵. The Reign of this Prince was of short Duration, and if we may believe *Isidore*, it was only of one Year; for, by the Means of *Theodorick* and *Frederick* his Brothers, who were uneasy under his Government, he was cruelly murdered⁶.

Theodorick the Younger, his Brother, succeeded him in the Kingdom: A Prince, according to *Sidonius Apollinaris*⁷, indued with noble and excellent Virtues; and altho' the Genius of the *Westrogoths* was ill suited to the *Roman* Laws, contrary to that of the *Ostrogoths*, who had them always in great Esteem and Veneration, yet nevertheless *Theodorick* II. was a great Lover of them, and prized them exceedingly.

TH E *Westrogoths*, on Account of the continual Wars which they had with the *Romans*, were not a little averse to the *Roman* Laws; so much, that *Claudian* speaking of their Times, said⁸, *Mærent captivæ pellito iudice Leges*. *Ataulfus* their King, as we have said, succeeded to *Alarick* I. who by the Fierceness of his Temper, had already determin'd to extirpate them altogether; but being soften'd

¹ Paul. Æmil. loc. cit.² Greg. l. 2. Hist. Franc. cap. 7.³ Jornand. de Reb. Getic. cap. 24.⁴ Altes. Rer. Aquit. lib. 5. cap. 12.⁵ Jornand. de Reb. Getic. cap. 41. Paul. Æmil. loc. cit.⁶ Altes. loc. cit. cap. 13.⁷ Sidon. lib. 1. ep. 2.⁸ Claud. lib. 2. ad Rufin.

by the continual Persuasions and Exhortations of his so much beloved Wife *Placidia*, he was dissuaded from it, and changed his Mind; and tho' his *Goths* did not bear it patiently, yet he confessed, as *Orosius* testifies, That without these Laws, the Commonwealth could not be rightly maintain'd, so that he could not find in his Heart to abolish them altogether; *Neque Gothos*, says he, *ullo modo parere legibus posse, propter effrenatam Barbariem, neque Reip. interdici leges oportere, sine quibus Resp. non est Respublica*: Whence he tells us¹, that this Prince, in the Year 412, by a publick Edict, commanded his Subjects to observe the Roman Laws together with the Customs of the *Goths*. *Godastus*² relates, the Edict among the Imperial Constitutions, but we see it conceiv'd in the same Words of *Orosius*, and many Things added in it, which are not in that Author.

BUT the Study of the Roman Laws was in such Esteem with *Theodorick the Younger*, of whom we are treating, that *Sidonius Apollinaris*³, introducing him in his Verses speaking with *Avitus*, makes him say thus;

- - - - - *Mibi Romula dudum*
Per te jura Placent.

And elsewhere⁴ he call; this *Theodorick*, - - - - - *Romanæ column, salusque gentis*. And *Claudian*, speaking of this Prince, as *Grotius* observes⁵, says, *Vindicet Arctæus Violatas ad-vena leges*. The *Westrogoths*, neither in this King's Reign, nor in those of his Predecessors, had their own written Laws, neither did they take care to form them.

But *Theodorick* dying in the thirteenth Year of his Reign, *Evaricus* having serv'd him in the same manner that he had serv'd *Torismond*, succeeded him in the Kingdom. He was the first who gave written Laws to the *Goths*, as *Isidore* assures us⁶; *Sub hoc Rege Gotbi Legum instituta scriptis habere ceperunt, nam antea tantum moribus & consuetudine tenebantur*; for which, *Sidonius*⁷, in an Epistle directed to the Emperor *Leo*, extols *Evaricus* as a wise Prince, and Author of the Laws; *Modo per promotæ limitem sortis, ut populus sub armis, sic frænat arma sub legibus*.

IN the Reign of this Prince, the Roman Laws began to be under a Cloud, not in *Italy*, but in *Aquitaine*, *Narbonne*, and in some Provinces of *Spain*; for those new Laws, which were call'd *Theodoricianæ*, by the Means of the *Goths*, being propos'd to the People of the Provinces, it happen'd that the *Theodosianæ* were not so much valued; and the Knavery of the Roman Officers themselves, concurr'd not a little to make them be despis'd, and particularly of *Seronatus* at that time Præfect of the *Gallia*, who, by favouring the Party of the *Goths*, and betraying his own Prince, set himself in Opposition to the Romans; insomuch, that *Sidonius*⁸ call'd him the *Catiline* of that Age. This Man was pernicious to the Romans themselves, not only by the great Losses occasion'd by his Villainy to the Empire of the West in *Gallia*, but much more by his contemning and slighting the *Theodosian* Laws, and by extolling those of the *Goths*. We read also in *Sidonius* the Complaints of the Provincials against this Man; *Exultans Gotbis, insultans Romanis, illudens Præfektis, colludensque numerariis, Leges Theodosianas calcans, Theodoricianasque proponens, veteres culpas, nova tributa perquirir*: Whence we may see the Condition of the Romans at that time, who by the Extortion of this pestiferous Person, who loaded them with excessive and exorbitant Tributes, were reduced to that Pass, that, as was said in the first Book, the People of the Provinces chose rather the Servitude of the *Goths* than the Freedom of the Romans; whence *Salvianus*⁹, speaking of them, said; *Passim, vel ad Gothos, vel ad Bagaudas, vel ad alios ubique dominantes barbaros migrant, & commigrasse non pœnitet; malunt enim sub specie captivitatis vivere liberi, quam sub specie libertatis esse captivi. Itaque nomen Circium Romanorum aliquando non solum magno æstimatum, sed magno emptum, nunc ultro repudiatur, ac fugitur, nec vile tantum, sed etiam abominabile*

¹ Arthur. Duk. de Uñ & Authoritat. Jur. Civil. lib. 2. cap. 6. num. 14.

² Godast. Const. Imp. rom. 3.

³ Sidon. Carm. 7.

⁴ Carm. de Narbon

⁵ Grot. in Proleg. Hist. Got.

⁶ Ibid. in Chronic. Æra 504.

⁷ Sidon. lib. 3. ep. 3.

⁸ Sidon. lib. 3. cap. 1.

⁹ Salvian. lib. 5. de Guber. Dei.

penè habetur. *Paulus Orosius* likewise attests ¹, that the People of the Provinces chose to live rather amongst the Barbarians than amongst the Romans: *Qui malint inter barbaros pauperem libertatem, quam inter Romanos tributariam sollicitudinem sustinere.* From whence *Isidore* ² concludes, *Unde & hujusque Romani, qui in Regno Gothorum consistunt, adeo amplectuntur, ut melius sit illis cum Gothis Pauperes vivere, quam inter Romanos potentes esse, & grave jugum, tributi portare.* But so great Villainy in *Seronatus* did not go long unpunish'd, he being dragg'd along the Streets of Rome, was beheaded; thus did he undergo the Punishment of so great Wickedness.

THE Laws call'd *Theodorianæ* were establish'd by *Evarick*, not because he acknowledg'd the two *Theodoricks* abovemention'd for the Authors of them, as *Baronius* believ'd ³, who makes *Theodorick the Younger*, Predecessor of *Evarick*, Author of them; for in their Times this Nation had no written Laws. Much less were they so call'd, because *Theodorick the Ostrogoth*, King of Italy, had been the Author of them, as others were persuaded: Because this Prince, as we shall shew anon, had very different Sentiments concerning the Care of the Roman Laws, and reign'd a long Time in Italy, after *Sidonius Apollinaris* was dead, who could not call these Laws *Theodorianæ*, because this *Theodorick* was Author of them. *Theodorick Ostrogoth*, as shall be told, reign'd in Italy in the Reign of *Anastasius* Emperor of the East in the Years 493 and 500. when *Sidonius Apollinaris* was dead, which is clear from *Gregory of Tours* ⁴; so that *Cujacius* is accus'd deservedly of an Error by *Cironius* ⁵, for making *Theodorick* King of Italy Author of these Laws.

SIRMONDUS and *Dadinus Alteserra* ⁶ wisely said, that these Laws were call'd *Theodorianæ*, by way of Allusion or *Paranomasia*, in opposition to the *Theodosianæ*; that as the Romans valued themselves on the *Theodosianæ*, so the Goths having their own Laws, tho' different in Sense, yet the same in Sound, would have them call'd *Theodorianæ*: But as *Cironius* observes ⁷, this *Paranomasia* would be too insipid, if *Evarick* had not likewise been call'd *Theodorick*; whence the most learn'd *Savaron* ⁸ upon that Place of *Sidonius Apollinaris*, demonstrates very clearly that the true Name of this Prince had been *Theodorick*: *Grotius* afterwards in his *Nomenclature* lets us see, that this King was also call'd *Evarick*, because he was the first among the Gothic Kings who made Laws; *Evarix* says he, alias *Evaricus*. *Evarich, legibus Pollens.* In glossis *lex Evva.*

¹ Oros. lib. 7. c. 28.

² Isid. in Chron. Æra 447.

³ Baron. Ann. tom. 5. A. 463. num. 11.

⁴ Greg. Tur. hist. Franc. lib. 2. cap. 23.

⁵ Ciron. obs. Jur. can. lib. 5. cap. 1.

⁶ Altes. rer. Aquit. lib. 5. cap. 15.

⁷ Ciron. lib. 5. cap. 1.

⁸ Savar. in lib. 2. Sid. Epist. 1.

S E C T. I.

Of the ALARICK Code.

THE Roman Laws underwent these Abuses in the Reign of *Evarick*, yet many more by the Villainy of *Seronatus*; but such a Wretch being dispatch'd out of the World, and *Evarick* dying afterwards in the Year 484. they sprung up afresh, and recover'd their ancient Vigour; for the Sentiments of *Alarick* Son of *Evarick*, who succeeded him in the Kingdom, were quite different; forasmuch as the People of the Provinces, who took it ill that they were depress'd, found that Access to *Alarick*, which they never had had to the Father. This Prince gave Ear to the Grievances of the *Aquitaniens*, and his other Subjects, who, to their great Prejudice, having been depriv'd of the Roman Laws under which they had been born and brought up, could not be easily reconcil'd to the *Theodorianæ*. Besides he knew with what esteem they had been receiv'd by *Theodorick the Ostrogoth*, who reign'd in Italy now in his Time, whose Daughter *Theodelusia* he had married; for which Cause his Son was call'd after *Theodorick*, which may be seen in *Cassiodore*, in that affectionate Letter he wrote

wrote him ¹: He was therefore resolv'd in the Twenty-second Year of his Reign to comply with him; for which end having chosen the most prudent Men, and the most famous Civilians who flourish'd in his Time, over whom he set *Gojaricus* ², just so as the Emperor *Justinian* had done by *Trebonianus* in the Compiling of the *Pandects*, and his own Code; he enjoyn'd them, that from the Constitutions of the *Theodosian* Code, and the Opinions of the various Civilians dispers'd in different Books, they should form a new Code. And that he might not lessen the Majesty of his own Empire, as if he should seem to stand in need of the foreign Laws of other Princes, for governing the People subject to him, he order'd that this new Code should be publish'd in his Name, and that the Laws contain'd in it should receive from him their Force and Vigour, that his Subjects might be bound to obey them.

THE most esteem'd and famous Books, in which in these Times the Civil Law of the *Romans* was comprehended, if we regard the Constitutions of Princes, were the *Gregorian* and *Hermogenian* Codes, and that of *Theodosius* with his *Novellæ*, and among the Volumes of the Civilians, the Opinions of *Paulus*, and the Institutions of *Cajus*, were in greatest Vogue at this time; therefore by the Labour of these able Men ³, from the Constitutions of these Codes, from the Body of the *Novellæ*, and from the Opinions of these Civilians, was this new epitomiz'd Code compil'd; whence therefore it was also, by the Writers of this and the following Age, call'd the Breviary of the *Theodosian* Code, which according to the Computation of *Gotifredus* ⁴ was finish'd in the Year 506. Which Compilation is owing to *Gojaricus* and his Collegues, and not to *Anianus* Chancellor to *Alarick*, as *John Tilly* and *Cujacius* thought, who perhaps were deceiv'd by what *Sigebertus* wrote ⁵. *Anianus* had no hand in the Composing of it, but only by the Order of *Alarick* it was publish'd and subscrib'd by him, in *Ayre* in *Gascony*, in the Council of both the Orders ⁶, that is to say, of the Ecclesiasticks and the Nobility; for at this Time the third Order was of no consequence nor Authority whatsoever in *France* ⁷. Which Publication and Subscription of *Anianus* is manifest from the *Communitorium* of *Alarick* directed to Count *Timotheus*, which is plac'd before the *Theodosian* Code, in which we read these Words ⁸: *Anianus vir spectabilis, ex praecepto D. N. gloriosissimi Alarici Regis, hunc Codicem de Theodosianis legibus, atque sententiis Juris, vel diversis libris electum, Aduis Anno XXII. eo Regnante edidit, atque subscripsit.*

SOME for the same Consideration have believ'd, that at the same time *Anianus* had compos'd the Notes on the Opinions of *Paulus*, and the Institutions of *Cajus*, as *Decianus* ⁹ and *Arthur Duck* ¹⁰, by a manifest Error have written; for in that Breviary, besides the Laws pick'd out of the *Theodosian* Code, there were likewise put the Opinions of these Civilians by the abovemention'd Compilers, and not by *Anianus*. And these Interpretations, which are observ'd in the *Theodosian* Code, ought not to be ascrib'd to *Anianus* but to them, as *Gotifredus* most carefully observes in the *Prolegomena* of that Code ¹¹. And 'tis also worthy of Observation, that these Notes, and the Interpretations having been join'd to this Code, occasion'd a Mistake in the Writers of the following Ages; that when they quoted the Laws of this Code, they often quoted for Constitutions of it, one of these Interpretations, or Notes of *Paulus* the Civilian, as hath been taken Notice of by *Savaron* ¹² on *Sidonius Apollinaris*. Thus we see *Ivo* of *Chartres* ¹³, who flourish'd in the Year 1092. often quotes for Laws of this Code, the Interpretations of *Paulus* the Civilian: *Gratian* ¹⁴ afterwards in his Decree makes many such Mistakes, as hath been observ'd by *Gotifredus* ¹⁵ and others.

¹ Cassiodore lib. 3. var. c. 1.

² Got. in prolegem. C. Th. cap. 5. num. 6.

³ Got. in proleg. C. Th. cap. 5.

⁴ Ibidem.

⁵ Sigeber. de Eccl. Scrip. c. 70. *Anianus vir spectabilis, jubente Alarico R. volumen unum de legibus Theodosii Imp. edit.*

⁶ Got. in prolegem. cap. 5.

⁷ Loyseau des ordres.

⁸ Alciat. loc. cit. Ciron. lib. 5. obs. Jur. can.

cap. 2. Gotifr. in proleg. cap. 5.

⁹ Decian in Apolog. advers. Alciat. l. 2. c. 7.

¹⁰ Arth. Duck, lib. 2. cap. 6. num. 14.

¹¹ Got. in proleg. cap. 5.

¹² Savar. sup. Sidon. lib. 2. Ep. 1.

¹³ Ivo Carnut. Ep. 112. quod ex legib. Theod. laudat. id habeat ex inter. ad Paul. 5. Sent. 11.

¹⁴ Gratian. 2. qu. 6. c. id ex interpr. in 5. Pau. Sent. tit. de cau. & pœnis Appel. §. 1.

¹⁵ Got. in proleg. c. 6.

S E C T. II.

Of the Translation of the Royal Seat of the Westgoths from Thoulouse in France, to Toledo in Spain.

THIS was the alternate Fortune which the Roman Jurisprudence suffer'd by the *Westgoth* Kings of *Thoulouse*, who rul'd in *Aquitaine* and many Places of *Gallia*, besides the Provinces of *Spain*. But such is the Vicissitude of human Things, that *Alarick*, who after Three and twenty Years Reign, had so well establish'd his Kingdom in *France*, that he had no Reason to think he was to be the last King of *Thoulouse*, was depriv'd both of his Kingdom and Life, and with him the Dominion of the *Goths* in *Gallia* was extinguish'd. *Clovis* King of *France*, whether out of Zeal for Religion, or for Reasons of State, was much vex'd to have *Alarick* for a Companion in the Empire of the *Galliæ*¹. *Alarick* was truly *Arian*, as all the *Goths* were: And *Clovis* burning with Zeal for the Catholick Religion which he had lately embrac'd, resolv'd to make War against him, and to drive him out of *Gallia*: Thus did this Prince, as we read in *Gregory of Tours*², speak to his Soldiers, *Valde molestè fero, quod hi Arianæ partem teneant Galliarum, eamus cum Dei adjutorio, & superatis redigamus Terram in ditionem nostram*: And having assembled his Armies, he attack'd the Frontiers of the *Goths*, and in the Fields of *Vique* came to a fierce Engagement, where *Alarick* being thrown off his Horse, *Clovis* kill'd him with his own Hand. The *Goths* being in the utmost Consternation by the Death of their King, were dispers'd, and almost quite destroy'd. *Clovis* triumph'd, and took many Cities and Castles; *Theodorick* his Son retiring to the inner Parts of *Aquitaine*, all these Cities submitted to him: *Clovis* enter'd *Thoulouse*, which had been the Seat of the *Goths* for a long time, with triumphal Pomp, where he took all *Alarick's* Treasure. Thus ended the Dominion of the *Goths* in *Aquitaine*; and at the same Time, we may see the Hand of the Lord, how he transfers Kingdoms from one Nation to another.

CLOVIS having conquer'd all *Aquitaine* and *Thoulouse*, *Spain*, and a Part of the Province of *Narbonne* remain'd under the Empire of the *Goths*; for the latter of which there was for a long time War betwixt the *Goths* and *French*: And tho' the *French* at last became Masters of it, yet in the *French Narbonne*, as *Grotius* says³, the *Gothish* Blood is not quite extinct, neither is there wanting of the Lineage of the *Balti*, the Family of the *Baux*, being still extant there, who derive their Origin from none else, but from these *Goths*; and they possess yet in that Province, a Part of the Principality of *Orange*. Another Branch of this same Family was transplanted from *France* into our Kingdom of *Naples*, who with us are call'd *Baucio* or *Balzo*, which possess'd the Principality of *Altamura*, the Dukedom of *Andria*, and the County of *Avellino*; for which we shall seek no better Voucher, than *Grotius* himself; these are his Words, *Aliaque ejusdem familiæ propago in Regno Neapolitano Principatum Altamuræ, Ducatum Andriæ, Comitatum Avellinæ, virtutis non degenerantis monumenta tenuit*.

THE *Westgoths* being driven from *Thoulouse* and *France*, fix'd their Royal Seat in *Toledo* in *Spain*. There they possess'd the Kingdom a long Time, until the astonishing and terrible Irruption of the *Saracens*. *Gesalarick* held it, and after him *Theodorick* the *Ostrogoth* King of *Italy*, who being desirous of returning to *Italy*, left it to *Amalarick* his Nephew. *Teudius* likewise kept it under *Justinian* the Emperor, little less than 18 Years; and after him *Teudiscelus* one single Year; *Agila* five; *Atanagildus* fourteen; and after his Death, which happen'd in *Toledo*, *Liuba*⁴.

¹ Goldast. tom. 1. Const. Imp. relates the Complaint of *Theodorick* King of *Italy*, against *Clovis*, calling him an Usurper and Tyrant, because without just Cause he had made War on *Alarick*.

² Greg. Tur. lib. 2. hist. Franc. cap. 3.

³ Grot. in proleg. hist. Got.

⁴ Ibid. Æra 592. Grot. in proleg. hist. Got.

Leovigildus his Brother succeeded him in the Kingdom, a Prince of a deep Reach, and who was altogether intent on Inlarging the Bounds of his Empire. He conquer'd the *Cantabrians*, who are the People of *Biscay*, and the *Navarrians*, he subdu'd *Amaya* and many other rebel Cities; for which he was call'd the Conqueror, having conquer'd a great Part of *Spain*: *Nam antea Gens Gothorum* (as *Isidore* says ¹) *angustis finibus arctabatur*. But all his Virtues were eclips'd by his Persecution of the Catholics, and the Fierceness and Cruelty of his Temper, not pardoning even *Hermenegildus* his own Son.

¹ *Isidor. Æra 606.*

S E C T. III.

Of the new Code of the Laws of the Westrogoths.

THE Roman Laws were not in great Esteem with all these Princes, and much less with *Leovigildus*, who being of the same Sentiments with *Evarick*, would add some others to his own *Gothick* Laws; and what of these he thought were out of Order, or superfluous, he mended or left out, or put in better Method: *In legibus quoque* (says *Isidore* ¹) *ea quæ ab Evarico inconditè constituta videbantur, correxit, plurimas leges prætermittas adjiciens pluresque superfluas auferens*. This Prince likewise increased his Revenue very much; and after eighteen Years Reign, dy'd in *Toledo* his Royal Seat, in the Year 586.

HIS Successors had the same Opinion of the Roman Laws: *Reccaredus* his Son (who was the first that forsook *Arianism*, and embrac'd the Catholick Religion, for which he was call'd the *Catholick King*, a Surname afterwards taken by *Alphonfus* and *Ferdinand*, Kings of *Arragon*, and their Successors) *Liuba II. Witterick, Gundemare, Sisebutus, Reccaredus II. Suintilla, Sifinandus, Cintila, Tulca, Cbindesvindus*, all Catholick and Religious Princes, adding their own Laws to those of their Predecessors, in process of Time this new Code sprung up, and was call'd the Laws of the *Westrogoths* ². Of the Laws contain'd in it, some bear the Names of the Authors in the Front, such as King *Gundemare's*, and so of the rest who reign'd after *Evarick* and *Leovigild*: Others are under the Title of ancient Law, which may be ascrib'd to *Evarick*, or rather *Leovigild*, who corrected and increas'd his Laws. The Authority of this Code was so great, that it eclips'd the Splendor of the Roman Laws altogether in these Provinces; for *Cbindesvind* ³ King of the *Westrogoths*, who succeeded *Tulca*, publish'd an Edict by which he banish'd the Roman Laws intirely out of his Kingdom, and ordain'd, that only this Code should be observ'd, under a vain and stupid Pretext, because they requir'd a too subtile Interpretation. These are the Words of the Edict ⁴, *Alienæ gentis legibus ad exercitium utilitatis imbui, & permittimus, & optamus; ad negotiorum vero discussionem, & resultamus, & prohibemus. Quamvis enim eloquiis polleant, tamen difficultatibus hærent: adeo cum sufficiat ad justitiæ plenitudinem; & præsentatio rationum, & competentium ordo verborum, quæ Codicis hujus series agnoscitur continere, nolumus, sive Romanis legibus, sive alienis institutionibus a modo amplius convexari*. This Constitution by the Mistake of *Benedict Levita*, having been registred amongst the Capitularies of *Charles the Great*, made *Gonsalez* believe ⁵, that *Charles* had been the first who banish'd the Use of the Roman Laws from the Courts of Justice. *Reciswind* his Son, who succeeded him in the Kingdom, renew'd the Injunctions of his Father, and order'd, that no other Laws but what were contain'd in that Code should be obey'd, whether they were Roman or *Theodosian*, or of any other foreign Nations. *Nullus*, says he, *prorsus ex omnibus*

¹ *Isid. in Chron. Æra 603.*

² *Ciron. lib. 5 observ. jar. can. cap. 2.*

³ *Altes. rer. Aquit. lib. 3. cap. 11. Got. in proleg. C. Th. cap. 7.*

⁴ *Leg. Wisigoth. lib. 2. tit. 1. c. 9.*

⁵ *Gonsal. in c. super Specula, de privil. num. 2.*

Regni nostri præter hunc librum, qui nuper est editus, atque secundum seriem hujus omnimodo translatus, alium librum quocunque negotio in judicio offerre pertinet ¹. *Reciswind* reign'd thirteen Years after the Death of his Father, and died in *Toledo* in the Year 672. ², and *Vamba* was chosen his Successor.

NEVERTHELESS 'tis true, that this Code, in Emulation of that of *Justinian*, was compil'd and divided into twelve Books. The Compilers had the *Theodosian* Code likewise by them, and that of *Alarick*, as is clear from the Constitutions which we read in it ³. Besides they made use of the *Justinian* Code in computing ⁴ the Degrees of Consanguinity in the same Order, and almost in the same Words, which *Justinian* made use of in the Books of his Institutions; and which is more remarkable, it was written in pure *Latin*, and not in that insipid and barbarous Stile, which other Nations used; from which *Cujacius* ⁵ concludes, that the *Goths* were the most polish'd of all other Nations: And such was the Authority of this Code, that it not only had Force and Stability amongst the *Westrogoths*, but also among other Nations, such as the *Burgundians* and *Saxons*. In the Council of *Toledo*, its Constitutions are often quoted, and honourable mention made of them; so that the *Roman* and *Gothish* Laws were blended in such manner, that not only in this Age, but also in the following, they were observ'd, as well by the *Goths* as the *Saracens* ⁶, who after the Year 715, having over-run *Spain*, retain'd them; neither did they introduce new Laws, excepting some few concerning Criminal Matters, such as blaspheming their false Prophet *Mahomet*; and at last, these being driven out, they were retain'd by the Kings of *Spain* themselves, as *Grotius* ⁷, from the Testimony of *Roderick*, writes, till the Reign of *Alphonfus IX* or *X*, who, the *Gothish* Laws being almost wore out by disuse, introduc'd the *Roman* into *Spain*, which he caus'd to be translated into the *Spanish* Language by *Peter Lopez* and *Bartholomew* of *Arienza*, and publish'd them, which to this Day are in Force ⁸.

WE owe this Code of the Laws of the *Westrogoths*, to the Care of *Peter Pitheus*, who was the first that communicated them to *Jacobus Cujacius*, for which Favour he own'd himself much beholden: Take his own Words for it ⁹; *Gothorum sive Wisigothorum Reges, qui Hispaniam & Galiciam Toletu Sede Regia tenuerunt, ediderunt XII. Constitutionum libros, æmulatione Codicis Justiniani, quorum auctoritate utimur sepe libenter, quod sint in eis omnia fere petita ex Jure Civili, & Sermonem Latino conscripta, non illo insulso cæterarum gentium, quem nunquam legimus ingratis: ut gens illa maxime, quæ consedit in Hispania plane cultior cæteris, hoc argumento fuisse videatur. Communicavit autem mihi ultro Petrus Pitheus, quem ego hominem, & si amore, & perpetuo quodam judicio meo dilexi semper vix jam ex ephebo profatus fore, ut probitate, & eruditione æqualium suorum, nemini cederet: tamen pro singulari isto beneficio, maximam modo animi benevolentiam, & summa, ac singularem studia omnia me ei debere confiteor, idemque erit erga eum animus bonorum omnium, si, quod vehementer exopto eos libros in publicum conferre maturaverit.* What *Cujacius* wished so much for, *Pitheus* had already done; for not long after, he allow'd it to be put to the Press, as he says, writing to *Edward Moleus*; *Imo etiam, ne quid Orienti Occidens de eadem gente invideret, legis Wisigothorum libros XII. ut tandem aliquando ederentur, concessi* ¹⁰. To the same Person we are likewise indebted for the Edict of *Theodorick* the *Ostrogoth*, King of *Italy*, of which we shall speak by and by.

Altho' *Spain* was afterwards invaded by the *Saracens*, the Name and Blood of the *Goths* were not quite extinguish'd, neither were their Laws. The greatest Part of the Nobility of that Kingdom, bragg'd very justly, not only of their Blood, but also of their Names; and indeed, as *Grotius* ¹¹ observes, *Ferdinand*, *Frederick*, *Roderick*, *Herman*, and such like Names, are all *Gothish*, and the *Spaniards* still retain them.

¹ Cod. LL. Wisig. lib. 2. tit. 1. cap. 10. Got. in Proleg. C. Th. cap. 7.

² Got. loc. cit.

³ Cod. LL. Wisig. lib. 5. tit. 5. cap. 9. lib. C. Th. de Usuris. C. LL. Wisig. lib. 3. tit. 1. cap. 1. l. un. C. Th. de Nupt.

⁴ LL. Wisig. lib. 4. cap. 11.

⁵ Cujac. de Feud. lib. 2. tit. 11.

⁶ Arth. Duck, lib. 2. cap. 6. num. 15.

⁷ Grot. in Proleg. Hist. Got. postquam e Saracenorum manu recuperari partes Hispaniæ

cæpere, resuscitatæ a veremundo, Adelfunfo, Ferdinando, ut Rodericus nos docet, Gothicæ leges: quarum Corpus Forum judicum, & olim & nunc dicitur fons verus Hispanici juris.

⁸ Corvar. lib. 1. var. resol. cap. 14. num. 5. Arth. Duck, loc. cit. num. 16.

⁹ Cujac. loc. cit.

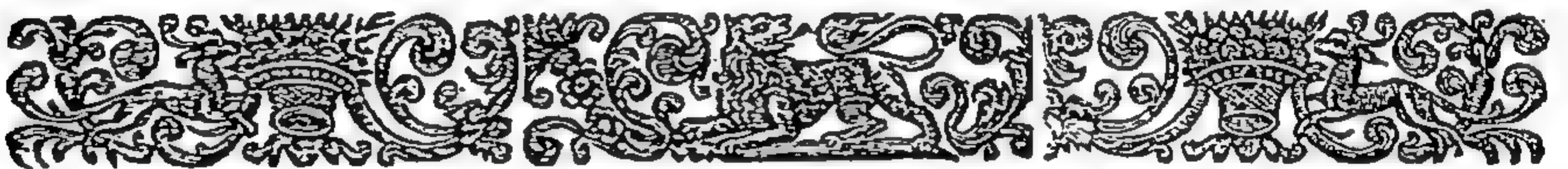
¹⁰ Pitheus ad Edvard. in ep. Præposita ad Edictum Theodorici in oper. Cassiod.

¹¹ Grot. in Proleg. Hist. Got. pag. 5.

The Kings of *Spain* themselves boast, and will have it believ'd, that they are descended of *Pelagius* Son of *Favilla*, come of Kingly Race, who upon the Invasion of the *Saracens*, gathering together the Remains of their People in *Austria*, maintain'd himself there, altho' with a slender Fortune, yet with a Royal Title, hoping, that some time his Posterity might recover the Kingdoms of their Forefathers, as it fell out afterwards; *Ad hunc*, as *Mariana* says, *Hispaniæ Reges nunquam intercisa serie, cum semper, aut parentibus filii, aut fratres fratribus successerint, clarissimum genus referunt.* *Frouliba*, Wife of *Pelagius*, was a *Goth*, and her Son-in-law *Adelphonsus* was likewise a *Goth* of the Blood of *Reccared*. They were then of the Royal Race of the *Balti*. The Kings of *Spain*, who in the Space of seven hundred Years, with unwearied and continual Fatigues, had purg'd *Spain* of the *Arabick* Inundation, at last extended their Dominion not only over a great Part of *Europe*, *Africa*, and *Asia*, but subjected a new and unknown World, and likewise for a long Series of Years govern'd these our Provinces, which at this Day compose the Kingdom of *Naples*.

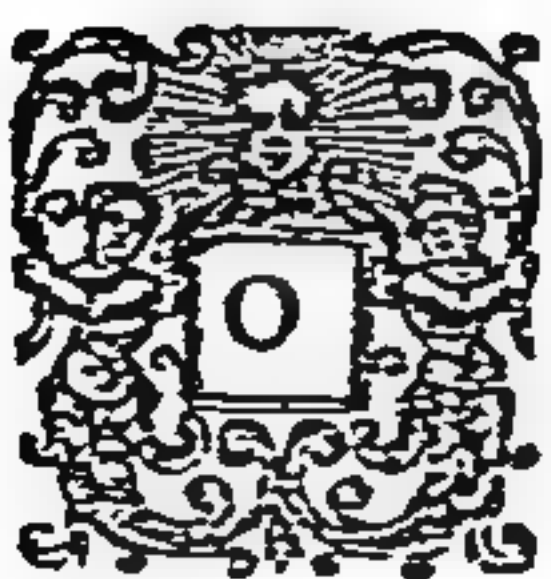
WE have thought fit to enlarge somewhat on the Race and Succession of these *Westrogoth* Princes, and the alternate Fortune the *Roman* Jurisprudence had amongst them in *France* and *Spain*, that we might speak separately of what happen'd among the *Ostrogoths* in *Italy*; not only by adding the Origin of the Kings of *Spain*, by whom, in the Ages less remote from us, our Kingdom hath been govern'd; but also by distinguishing the Vicissitudes of the *Roman* Jurisprudence amongst these two Nations, who had not the same, but altogether opposite and different Sentiments of it. And it was the more necessary, because Writers jumble the Laws of the one with the other; not minding the Series and Genealogy of these Princes, and the various Habitations they had, by which they confound the one with the other, and believe, that this Code had likewise Authority in *Italy* among the *Ostrogoths*, in ascribing to the *Ostrogoth* Princes what the *Westrogoths* did: Into which Error we are surpriz'd that the careful *Arthur Duck* should have fallen¹.

¹ Arth. Duck. de Usa & Aut. Jur. Civil. cap. 6. num. 14.



CHAP. V.

Of the Eastern GOTH S, and their E D I C T S.



OF the *Ostrogoth* Princes of the illustrious House of *Amali*, *Jornandes* hath given a long Series in his Histories¹: Before *Hermanarick* he reckons Six, *Amalus*, *Isarna*, *Ostrogota*, who flourish'd during the Empire of *Philip*, *Cniva*, *Ararick*, and *Geperick*. *Hermanarick* was he, who extended the Bounds of his Kingdom further than all the rest, and subjected many Nations. He was a Prince of very great Courage, but much more fortunate: His Death was a great Loss to the *Ostrogoths*, for it occasion'd the *Westrogoths* to separate themselves, and in the Reign of *Valens* the Emperor, to choose *Fridigern* for their Captain, and afterwards *Atanarick* for their King, and after him, in the Reign of *Honorius*, *Alarick*, the Series of whose Successors, who reign'd first in *France*, and afterwards in *Spain*, we have above

¹ Jornand. Hist. Got. cap. 43. Grot. in Proleg. Hist. Got.

related. *Winitarius*, of the same Race of the *Amali*, succeeded *Hermanarick*; but tho' he retain'd the same Princely Ensigns, nevertheless, the *Ostrogoths* continued subject to the *Huns*, because of their residing in their Country. Wherefore *Winitarius*, not patiently bearing the Government of the *Huns*, by degrees, withdrew himself from under their Yoke, until he made himself Master of the Person of *Box* their King, his Sons, and of seventy of the principal Lords of his Kingdom; and for a terrible Example to the rest, he crucified them all, and for many Days left their Bodies hanging to be gazed on; but he enjoy'd the Freedom of the Government he had purchas'd, but one Year only, for King *Balambrus* declared War against him, and was in the first and second Battels defeated with a great Slaughter of the *Huns*, but in the third, *Winitarius* was kill'd by the Stroke of a Dart that pierced his Head, and which *Balambrus* himself threw at him.

THE *Ostrogoths*, in Confusion and Consternation on the Death of their Prince, submitted to the Government of *Balambrus*; but this Prince having married *Waldamarca*, Niece of *Winitarius*, they receiv'd many honourable Conditions of Peace; so that altho' they continued subject to the *Huns*, yet by their Direction and Permission, they never failed to chuse their own King, who govern'd them. Therefore after the Death of *Winitarius*, *Unimondus*, Son of the late famous and powerful King *Hermanarick*, was chosen. To him succeeded *Torrismondus* his Son, a valiant and worthy Youth, who often gain'd great Victories over the *Gepides*; whose Memory was so dear to the *Ostrogoths*, that, after his Death, they continu'd forty Years without a King; after which time they chose *Walamirus*. *Walamirus* was the Son of *Wandalarius*, descended from a Brother of *Hermanarick*, and therefore Cousin German to *Torrismond*¹. This King had three Sons, *Walamirus*, *Theodemirus*, and *Widemirus*, in whom the illustrious Family of the *Amali* was preserv'd. *Walamirus* was assumed to the Kingdom: and such was the Love and Gratitude amongst these Brothers, that they mutually assisted one another, in order to keep Peace in the Kingdom. Nevertheless they were subject to *Attila* King of the *Huns*, whose Commands they were obliged to obey; neither durst they refuse to fight often against the *Westrogoths*, their Kinsmen, thus bearing the Necessity of Subjection, under which they were.

BUT the Dominion of the *Huns* in the Eastern Parts, on the Death of their gallant and invincible King *Attila*, fail'd in a lamentable manner; for this Prince, by his many Wives, had a prodigious Number of Sons, who all fighting and contending for the Succession, intirely lost it; for *Adarick* King of the *Gepides*, taking Advantage of their Contentions, made a miserable Slaughter of them, and dispers'd them in such a manner, that the other Nations who were subject to the *Huns*, by such prosperous Success, were able to throw off the Yoke of their Servitude, and, together with the *Gepides*, had recourse to *Martianus*, who then govern'd in the East; begging, that he would be pleased to distribute those Countries among them, which they by their own Valour had withdrawn from under the Tyranny of the *Huns*.

MARTIANUS had succeeded to *Theodosius the Younger* in the Empire of the East in the Year 450, who most willingly taking them under his Protection, made Peace with them, assigning to the *Gepides* all *Dacia*, which had been the Seat of the *Huns*, from whom they had recover'd it. The *Goths* having observ'd, that the *Gepides* were not to be easily conquer'd, in order to have no Dispute with them, chose rather to have some other Countries of the Roman Empire assigned them, which was granted; so that they settled in *Pannonia*. The Bounds of *Pannonia* at this time were, towards the East the *Upper Mesia*, towards the South *Dalmatia*, towards the West *Noricum*, and on the North the *Danube*: A Province adorned with many Cities, among which *Sirmium* was the chief, where the Emperors used frequently to reside.

THE *Ostrogoths* then having transferr'd their Seat into *Pannonia*, liv'd a long time under the Dominion of *Walamire* their King, and *Theodomire* and *Widemire* his Brothers; who, altho' they were divided as to Places, which they shared amongst themselves, yet nevertheless they were, in Councils and Deliberations strictly united; so that *Pannonia* seem'd to be ruled and governed by one

¹ Grot. in Proleg. Hist. Got.

single Person only¹. These Brothers often repell'd the Forces which the Sons of *Attila* brought against them, who accounted them Deserters from their Dominion, for which Cause they often attack'd them, until they were defeated by *Walamire*, and confin'd to *Scythia*. At that same joyful Time, when the Victory was obtain'd over the Sons of *Attila*, *Theodomire* had his Son *Theodorick* born to him, who from his very Cradle gave great Expectations. By his noble Manners and excellent Virtues, being much in favour with the Emperor *Zeno*, he had the good Luck for many Years, with Royal Title, to rule *Italy* and these our Provinces.

THE Peace, in the mean time, betwixt *Martianus* the Emperor, and *Walamire* and his Brothers, continu'd firm and secure; but they being offended, that at the Imperial Court in *Constantinople*, a certain *Theodorick*, the Son of a veteran Soldier, tho' a *Goth*, but not of the Race of *Amali*, had gain'd the Hearts of every Body, and that the Emperor had themselves in no Esteem, and with-held the Pensions which the Empire used to pay them; immediately took up Arms against the Empire, and turn'd all Things topsy-turvey in *Dalmatia* and *Illyricum*. Immediately the Emperor chang'd his Mind; and in order to make them his Friends, sent Ambassadors to settle a more firm and lasting Peace, offering them not only those Pensions, which for the Time past had been deny'd them, but likewise all they could claim to that Time, obliging himself also to keep up a Correspondence with them for the Time to come, provided they would keep themselves within their own Bounds, and not make War against the Empire. The Conditions were agreed to; but the Emperor for the greater Security, would have the Infant *Theodorick*, Son of *Theodomire*, for Hostage. The affectionate Father would not consent to it, not being able to suffer such a dear Pledge to be taken from him; but at last being perswaded by the Intreaties of his Brother *Walamire*, he agreed to it: So there was settled betwixt the *Goths* and the *Romans* a firm and stable Peace, of which *Theodorick* was the Pledge, and was carried to *Constantinople*, and put in the Hands of the Emperor *Leo*, who had succeeded to *Martian* in the East, who lov'd the Child because of his Comeliness and gentle Manners, more than he did his own Son.

THE *Goths* then having made such a firm Peace with the *Romans*, turn'd their Arms against several Nations who border'd with them; but while *Walamire* was fighting gallantly against the *Scythians*, he was thrown off his Horse and kill'd. Therefore the *Goths*, in order to revenge the Death of their King, fought so boldly, that they subdu'd them altogether. *Theodomire* made War likewise against the *Suevi* and the *Germans*, whom he cruelly butcher'd and dispers'd, and had almost extinguisht them: And whilst he was returning triumphantly to *Pannonia* his Seat, his Son *Theodorick*, who had been given in Hostage, return'd from *Constantinople* loaded with Presents, being dismiss'd by the Emperor *Leo*, that he might enjoy full Liberty in his paternal Soil.

THEODORICK being return'd into *Pannonia*, and scarcely out of his Childhood, not as yet eighteen Years old complete, began to give Signs of incredible Valour: Having, without his Father's Knowledge, gathered together many Troops of those who were most affectionate to him, being very near Six thousand, he pass'd the *Danube*, and waged War against *Babai* King of *Sarmatia*, who a little before, had triumph'd over *Camundus* a *Roman* Captain, whom he defeated and kill'd; having got a compleat Victory over him, he likewise surpriz'd the City *Semandria*, which had been possess'd by the *Sarmatians*; but did not restore it to the *Romans*, but subjected it to his own Kingdom.

WHILST the *Goths* were thus preying upon their Neighbours, and the Desire of enlarging their Bounds, and to go in quest of more commodious Habitations in other Parts grew the greater; *Widemire* was making himself ready with his People to pass into *Italy*, which he did, but he had scarcely arriv'd there, when all his Designs were blasted by unexpected Death: He was succeeded in the Kingdom by his Son, who was likewise call'd *Widemire*, and who being advis'd by *Glicerius*, who then reign'd in the West, from *Italy* directed his March into *Gallia*, and join'd himself to the *Westrogoths* his Kinsmen, with whom he was able to clear *Gallia* and *Spain*, of many Nations wherewith they were infested, and to defend those Provinces against the Invasion of the *Vandals*.

ON the other Hand, *Theodomire* his Uncle, with *Theodorick* his Son, being spurr'd on by *Gezerick* King of the *Vandals*, march'd with their Army towards

¹ Jornand. loc. cit.

Dalmatia and *Illyricum*, took *Neissa* the Capital City of that Province, and afterwards *Ulpianum*, and all the other Places, tho' reckon'd inaccessible; he subjected *Heraclea* and *Larissa*, Cities of *Thessaly*, to his Dominion: He went further, and pretended to take *Thessalonica*: *Clarianus* a Patrician and Roman Captain, was Governor of that City, who being so unexpectedly catch'd napping by *Theodomire*, and considering that his Forces were not sufficient to resist him, sent him Ambassadors with many Presents, desiring that he would give over Thoughts of besieging that City. The Conditions of Peace were soon agreed to, by leaving to the *Goths* all those Places which had surrender'd to them, to wit, *Ceropellas*, *Europus*, *Mediana*, *Petina*, *Bereus*, and the other Countries of *Illyricum*, where the *Goths* with their King, laid down their Arms, and took their Rest. Not long after *Theodomire* became grievously sick, and having conven'd the *Goths*, and appointed *Theodorick* his Son for their King, and his Successor, ended his Days lamented by all ¹.

¹ Jornand. de reb. Get.

S E C T. I.

Of Theodorick the Ostrogoth, King of Italy.

WHILST *Italy*, by the Death of *Valentinian* III. which fell out in the Year 455 ¹, and the Change of so many Princes and Emperors was all in a Convulsion, and miserably afflicted; *Maximus*, Author of the infamous Assassination, caus'd himself to be proclaim'd Emperor of the West, and marry'd *Eudoxia* Wife of *Valentinian*, and Daughter of *Theodosius*; but having discover'd that he had been the Author of the Death of her first Husband, she call'd from *Africa* *Genferick* King of the *Vandals*, who with a powerful Army came into *Italy*, and enter'd *Rome*, which he destroy'd and plunder'd; and while *Maximus* was making his Escape, he was stoned and tore to pieces by the People. After *Genferick* had over-run many Provinces, he retir'd with a Design to leave *Italy*, and return to *Africa*: He over-run our *Campania*, laying it all waste and in Confusion, took *Capua* and *Nola*, and destroy'd and pillag'd many Cities of this Province; from thence he return'd to *Carthage*. *Avitus* during these Commotions by the Favour of the *Westrogoths* caused himself to be proclaim'd Emperor in *France*, but he very soon quitted the Purple; for the Emperor *Martianus*, who, as we have said, had succeeded to *Theodosius* the Younger in the Empire of the East, hearing of the Death of *Maximus*, solicited the Senate and the Soldiers to make *Majorianus* Emperor, which was done in the Year 457. *Majorianus* not long after, was murder'd by the Means of *Severus*, who intruded himself into the Empire; but the third Year was not over, when he was put to Death by *Ricomerus*, who fix'd *Antemius* in his Place; he likewise had the Favour of *Leo*, who in the Year 457. by the Death of *Martianus*, had succeeded in the Empire of the East. But *Ricomerus* having afterwards declar'd against *Antemius*, he was likewise put to Death in the Year 472. and *Olibrius* put in his Room, who reign'd only eight Months; and *Glicerius*, more by his own Strength, and the Assistance of the *Westrogoths*, than by a free Election, was declared Emperor in *Ravenna*. But his Empire scarcely lasted one Year, when *Julius Nepos*, in the Year 474. caus'd him to be depos'd, and took the Title of Emperor himself: *Orestes* being appointed by him General of his Armies, rebell'd against him, and caus'd *Augustulus* his Son to be declar'd Emperor in *Ravenna*.

FOREIGN Princes seeing so much Confusion and Disorder among the *Romans*, thought fit to take Advantage of it, as *Evarick* the *Westrogoth*, and many more had already done; but during the Reign of *Augustulus* Disorders growing more and more, the *Heruli* and the *Thuringi*, under *Odoacre* their Captain, being likewise invited by the Friends of *Nepos*, at last made themselves Masters of *Italy*: *Orestes* was put to Death, and *Augustulus*, depriv'd of the Empire, was banish'd to *Naples*,

¹ Pagi Dissert. de Consulib. p. 288.

where

where he was confin'd in the Castle of *Lucullus*, which is now call'd *Ovo* ¹. Thus was the Empire of the *Romans* in the West, extinguish'd in *Augustulus* in the Year 476. which made *Jornandes* say, *Sic quoque Hesperium Romanæ gentis Imperium, quod Septingentesimo vigesimo tertio urbis conditæ anno, primus Augustulum Octavianus Augustus tenere cæpit, cum hoc Augustulo periit, anno decessorum, prædecessorumque Regni quingentesimo sexto; Gothorum debinc Regibus, Romam, Italiamque tenentibus.* In his Person also ended the Title of Emperor of the West, because *Odoacre* having made himself Master of *Italy*, took no other Quality upon him than that of King.

ODOACRE held the Kingdom of *Italy*, according to *Jornandes*, little less than fourteen Years ², till the Year 489, when *Theodorick* the *Ostrogoth* expell'd him, and confin'd him to *Ravenna*, where he was closely besieg'd. Neither *Italy*, nor these our Provinces, ever had more miserable Times, than those from the Death of *Valentinian III.* to the Reign of *Theodorick*; if we will but consider what Detriment the Change of Princes or Government brings upon a Commonwealth or Kingdom, we may easily imagine how much these our Provinces suffer'd in such Times by the Change of so many Princes and Emperors. All was in Disorder, all in Confusion, and every Thing turn'd topsy-turvy; the Laws were contemned, and Justice yet more. The Emperors, who were so often made and unmade, thought of nothing less: Only some *Novellæ* of *Martianus*, *Majorianus*, *Severus*, and *Antemius*, have reach'd us, which were collected by *Gotifredus*, which we see printed at the End of his *Theodosian Code*. But *Theodorick* having taken upon himself the Government of the Kingdom, deserv'd much Commendation, for he was the first who put an end to so great Calamities; so that in the Space of little less than Thirty-eight Years that he reign'd in *Italy*, he restor'd it to such Grandeur, that the late Misfortunes and Desolations were no more perceiv'd; forasmuch as he governing it according to the Institutions and Laws of the *Romans*, restor'd it to its ancient Splendor and Majesty. For which Cause it becomes us to give a particular Account of the Achievements of this mighty Prince, to whom these our Provinces which now compose the Kingdom of *Naples*, are much indebted.

THEODORICK after the Death of *Theodoric* his Father, having succeeded him in his Paternal Kingdom, reign'd in *Illyricum*, where the *Ostrogoths*, as we have said, after their Conquests, laid down their Arms and settled themselves. At this Time *Zeno* reign'd in the East, who in the Year 474. had succeeded to the Emperor *Leo*: *Zeno* understanding that *Theodorick* had been chosen King of the *Ostrogoths*, and fearing that by his too great Power he might disturb his Empire, thought it convenient to recall him to *Constantinople*; where he receiv'd him with incredible Marks of Esteem, and first of all caus'd him to be enroll'd amongst the prime Lords of his Court; not long after he adopted him for his Son, and created him *Consul Ordinarius*, the most eminent Dignity in the World at that Time: But that would not serve him, he likewise caus'd to be erected before the Porch of the Imperial Palace, an Equestrian Statue, in Honour of so worthy a Personage. But whilst this Prince was enjoying all these Advantages in *Constantinople*, and all the Honours which could be heap'd upon him by Imperial Hands; yet for all that his generous Soul could not bear to see his own People, who were trifling away their Time, abas'd with Idleness, Poverty and Straits in *Illyricum*, and himself idly enjoying these Pleasures, leading an indolent and lazy Life: Rouz'd by such powerful Motives, he resolv'd upon more generous Undertakings; and having waited on the Emperor *Zeno*, as *Jornandes* relates ³, he spake thus to him.

“ Altho' by your Generosity and Grandeur, there be nothing wanting either to me
 “ or my *Goths*, who are under your Command; nevertheless be pleas'd to hear the
 “ Wishes and Desires of my Heart, which I am going freely to unfold to you. The
 “ Empire of the East, which for many Years hath been govern'd by your Predeces-
 “ sors, is going to be involv'd in War; and there is not a barbarous Nation that
 “ does not pillage it, disorder it, and seize on it: *Rome*, which was formerly the
 “ Head and Mistress of the World, with *Italy*, is oppress'd by the Tyranny of
 “ *Odoacre*: Will you suffer us to be here idle and lazy, whilst others are committing
 “ Depredations in the most beautiful Part of your Empire? Why don't you order

¹ *Jornand. de reb. Get. Augustulum filium ejus de Regno pulsum, in Lucullano Campaniæ Castello exilii pœna damnavit.*

² *V. Pagi inproleg. de Consulib. num. 40.*

³ *Jornand. de reb. Get.*

“ me with my People to carry our Arms thither? We will revenge your Wrongs,
 “ and your Shame; and besides, you will save the great Charges which our being
 “ here costs you. If I, with the Assistance of God, shall be Victorious, the Fame of
 “ your Piety and Honour will be spread over all the World. I am your Servant,
 “ and likewise your Son, therefore it will be more fitting and reasonable, that if I
 “ should be Victorious, I should possess that Kingdom by your Gift, which is now
 “ oppress’d by the Tyranny of strange Nations, who keep your Senate, and a great
 “ Part of your Commonwealth in base Servitude and Captivity: If I shall triumph
 “ over them, by your Bounty I shall possess the West; if I be vanquish’d, your
 “ Empire and your Piety will suffer nothing by it, but will be eas’d of these heavy
 “ and considerable Expences.”

THIS so magnanimous a Resolution of *Theodorick’s*, altho’ it much displeas’d the Emperor *Zeno*, who could not easily bear his Absence, nevertheless being unwilling to ruffle him, by opposing it, and considering with himself, that it were better, that his *Goths*, who were impatient of Rest, should employ their Arms elsewhere, and not disturb the Eastern Parts, he approv’d of it, and granted him all that he demanded; and loading him with most rich Presents, dismiss’d him, recommending to him above all Things, the Senate and People of *Rome*, for whom he was to have all the Esteem and Regard that was possible. *Theodorick* leaving *Constantinople* full of the greatest Hopes, return’d to his *Goths*, and order’d Matters so, that many follow’d him; and by the straight Way, passing through *Pannonia*, he led his Army towards *Italy*. From thence entering the Confines of *Venice*, he pitch’d his Camp at the Bridge of *Lisonzo*, not far from *Aquileja*.

IN the mean Time Messengers had gone before to acquaint *Odoacre* of his March, who hearing that *Theodorick* was encamp’d at this Bridge, march’d his Army against him. But *Theodorick* getting to the Fields of *Verona* before him, offer’d him Battle, where they had a very sharp Engagement, in which *Theodorick* made a cruel Slaughter of the Enemy; whereupon entring boldly into *Italy*, and crossing the *Po*, he encamp’d his Army near to *Ravenna*; and during the Siege of this Imperial City, there happen’d a general Revolt. *Odoacre* who was within, did all he could to defend it, and frequently by Sallies in the Night-time, disturb’d the *Gothish* Army; and by fighting in this manner, sometimes with Loss, sometimes with Advantage, the third Year of the Siege drew on: But *Odoacre* strove in vain, for *Theodorick* was proclaim’d King and Lord over all *Italy*, and all Things both Publick and Private succeeded according to his Wishes. In this Condition *Odoacre* perceiving that all was lost, and seeing himself only possess’d of *Ravenna*, and that already Provisions were wanting, resolv’d to surrender; therefore he sent Ambassadors to *Theodorick* desiring Peace: Which was granted him; but afterwards fearing lest *Odoacre* by Treachery should endeavour to regain the Kingdom, he caus’d him to be put to Death.

DURING these fortunate Successes, *Theodorick* gave a distinct Information of all that pass’d to the Emperor *Zeno*, advising him that he only wanted *Ravenna* to be intire Master of *Italy*; at which *Zeno* was mightily pleas’d, so that by his Imperial Decree he confirm’d him Emperor of *Italy*; and by his Advice, *Theodorick* laying aside the *Gothish* Habit, put on, not the Imperial Diadem, but the Kingly Ensigns and Mantle, and was proclaim’d King of the *Goths* and *Romans*¹. Afterwards in the second Year of the Empire of *Anastasius*, who succeeded *Zeno*, he took *Ravenna*, and in the Year 493. he fix’d his Royal Seat in this City, as his Predecessors had done.

IF there ever was a Prince in the World, in whose Favour, in the Acquiring of his Kingdoms, so many just Titles concurr’d, certainly *Theodorick* deserves to be reckon’d such with respect to the Kingdom of *Italy*. In his Time the Empire of the West, by the Death of *Augustulus*, was altogether at an End and extinct: *Spain* was in Possession of the *Vandals*, the *Westrogoths*, and the *Suevi*; *Gallia* was in the Hands of the *French*, and the *Burgundians*; *Germany* under the Dominion of the *Alamanni*, and other more unciviliz’d and barbarous Nations. The Emperors of the East not able to defend *Italy*, it was left a Prey to the most barbarous Nations:

¹ Jornand. de reb. Get. Zenonisq; Imperatoris | tum deponens, insignis regii amictus, quasi jam
 consulto privatum habitum, suæq; gentis vesti- | Gothorum Romanorumq; Regnator, adsumpsit.

Giseric King of the *Vandals* destroy'd and plunder'd it: *Odoacre* invaded it, and made it groan under his Tyranny; *Theodorick* came to set it at Liberty, and at his own Charges, in the Midst of infinite Dangers, by the Valour of his Arms, and with the Troops of his own Nation, subdu'd the Tyrant, drove him out, and kill'd him. All the People receiv'd him for their King and Lord with loud Acclamations, and long'd for his Government. If there was any who had any Claim of Right to *Italy*, it was the Emperor of the East, but *Theodorick* having been sent by him, acquir'd it, and drove out the Invader. Having conquer'd it with his own Troops, the Empire was confirm'd to him by *Zeno*, by whose Counsel and Authority he cloath'd himself with the Royal Ensigns, and was declar'd King of *Italy*, *Zeno* transferring to his Person the most supreme Rights, reserving nothing to himself. For which we shall seek no other Vouchers but the *Greeks* themselves; we shall say nothing of *Jornandes*, who being a *Goth*, may be suspected by some; neither shall we mention *Ennodius* that holy Bishop of *Pavia*, who for the Justice of his Reign, made a panegyric Oration¹ on him; I will make use of *Procopius*² a *Greek* by Nation, who in his History, as he is very complaisant to his own *Greeks*, so he is no great Flatterer of the *Goths*: Thus he writes of the Facts according to the Translation of *Grotius*, *At Zeno Imperator, gnarus rebus uti, ut dabant tempora, Theodorico bertator est, ut in Italiam iret, Odoacroque devicto, sibi ipse ac Gothis pararet Occidentis regnum. Quippe satius homini in Senatum allesto, Romæ, atque Italis imperare, invasore pulso, quam arma in Imperatorem cum periculo experiri.* For which reason the unfortunate *Goths*, when, in the Reign of *Teja* their last King, they were oblig'd by *Justinian* to abandon *Italy*, having recourse to the *French* for Assistance; among other Things which they insisted on to move them to come to their Relief, told them, that what the *Romans* did to them now, would be what they would meet with in their turn; for now that their Power was at a very low Ebb, under specious Pretexts they made War upon them, by alledging, that *Theodorick* invaded *Italy*, which belong'd to the *Romans*: *Cum tamen*, said they, as *Agathias*³ has it, *Theodoricus non ipsis nolentibus, sed Zenonis quondam Imperatoris concessu venisset in Italiam, neque eam Romanis abstulisset, qui pridem eam amiserant, sed depulso Odoacro invasore peregrino, belli jure quævisset quæcunque ille possederat.*

AND the Emperor *Zeno* being dead, *Anastasius*, who succeeded him in the Empire of the East, was of the same Opinion with his Predecessor, owning him for a just and lawful Prince; for tho' in the *Anonymus Valesianus* we read, as 'tis related by *Pagi* in his *Dissertatione bypatica de Consulibus*, that the *Goths*, *Odoacre* being dead in the Year 493. *Sibi confirmaverunt Theodoricum Regem, non expectantes jussionem novi Principis* (meaning *Anastasius*, who had then succeeded *Zeno*) which, as *Pagi*⁴ observes, was unknown before that Time: Nevertheless we see in the Letters of *Cassiodorus*, that *Anastasius* approved of that which the *Goths* had done by their own Authority; so that while he lived he maintain'd a firm and lasting Friendship with *Theodorick*, exhorting him always to love the Senate, to use the Laws of the *Roman* Princes his Predecessors, and endeavour to maintain a settled and secure Peace in *Italy* during his Reign; of which *Theodorick* assur'd him: as may be seen in his Letters, which we read in *Cassiodore*, directed to *Anastasius*⁵.

JUSTINIAN himself, who drove the *Goths* out of *Italy*, could not but acknowledge the Reign of *Theodorick*, and the other Kings of *Italy*, his Successors, both just and lawful; for after he had conquer'd it, by means of the two illustrious Captains *Belisarius* and *Narſes*, he abolish'd all the Acts, Concessions, and Privileges of *Totila*, whom he reputed an Invader and Tyrant, but did not so by those of this Prince and his Successors⁶.

INDEED tho' *Theodorick* was not pleas'd to assume the Title of Emperor, yet he was held for such by all his People; and *Procopius* himself says, that he wanted nothing of that Decorum which belong'd to an Emperor; on the contrary, *Cassiodore* thinks, that this Title was as due to him as to any of the most shining Emperors of *Rome*; and really this Prince, whether it was out of Respect to the Emperors of the East, or whether it was because *Odoacre* took no other Quality but that of King, or whether it was that this strange Nation, reckon'd the Title of King

¹ Ennodii panegyricus, apud Cassiodor.

² Procop. lib. hist. Got.

³ Agathia lib. 1.

⁴ Pagi Dissert. de Consulib. pag. 300.

⁵ Cassiod. lib. 1. Ep. 1.

⁶ Pragm. Sanctio Justin post nov. c. 1. & 2.

more advantageous and strong, as denoting a Sovereignty altogether independent and free, than that of Emperor; he never took upon him the Title of Emperor of the West, as *Charles the Great* did afterwards. And even, whether we regard the Extent of his Dominions, or the eminent Virtues with which he was adorn'd, he would no less have deserv'd that Honour than *Charles the Great*. He possess'd *Italy*, with all its Provinces, and likewise *Sicily*. Neither was it this Part of *Europe* only that was under his Government; he held *Rhetia*, *Noricum*, *Dalmatia*, with *Liburnia*, *Istria*, and Part of *Suevia*; that Part of *Pannonia*, where *Sigetinez*, and *Sirmium* are situated, some Part of *Gallia*, for which he was often at War with the *French*; and lastly, as Tutor to *Amalarick* his Nephew he govern'd *Spain*; so that *Jornandes* said¹: *Nec fuit in parte Occidua gens, quæ Theodorico, dum viveret, aut amicitia, ut subjectione non deservivit.*

THE Custom of Anointing, and being crown'd by the Hands of the Bishops of the Metropolitan Cities, was not as yet introduc'd into the West. They had begun already in the East to practise this Ceremony; and in these very Times we read, that *Leo the Thracian*, after having been chosen Emperor by the Senate of *Constantinople*, was crown'd by *Anatolius* Patriarch of that City. If this Custom had been found introduc'd into *Italy*, and if it had pleas'd *Theodorick* to have gone to *Rome*, and caus'd himself to be crown'd Emperor by Pope *Gelasius*, as *Charles the Great* did by Pope *Leo III.* it would certainly have been said now, that the Empire of the West had been transferr'd from the *Romans* to the *Goths*, by the Authority of the *Roman* Apostolick See.

¹ Jornand. de Reb. Get.

S E C T. II.

The Roman Laws retained by Theodorick in Italy, and his Edicts conformable to the same.

BUT altho' this Prince was not pleas'd to assume the Title of Emperor of the West, nevertheless he govern'd *Italy* and these our Provinces, not as a Foreign Prince, but in the same manner as all the other Emperors had done. He retain'd the same Laws, the same Magistrates, the same Polity, and the same Distribution of the Provinces. First he divided the *Ostrogoths* amongst the fortified Places, with their Captains, that in Time of War they might command them, and in Time of Peace govern them, and, except as to Military Discipline, he gave to the *Romans* all Honours. In the first Place he commanded, That the *Roman* Laws should be retain'd, inviolably observ'd, and have the same Force which they had under the other Emperors of the West; so much did he reverence and respect them, that he often speaks of them in *Cassiodore* thus; *Jura veterum ad nostram cupimus reverentiam custodiri*; and elsewhere, *Delectamur Jure Romano vivere*; and in other Places, *Reverenda Legum antiquitas, &c.*¹ So that the *Roman* Pontiffs were exceedingly pleas'd with *Theodorick*, because, like a wise and prudent Prince, he had retain'd the *Roman* Law in *Italy*. Thus *Gelasius*, as *Gotifredus* relates it², or according to *Alteserra*³, *Symmachus* his Successor, congratulated *Theodorick*; *Certe est magnificentiæ vestræ, leges Romanorum Principum, quas in negotiis hominum custodiendas esse præcepit, multo magis circa beati Petri Apostoli sedem pro suæ felicitatis augmento, velle servari.* For which Cause, in the first five Books of *Cassiodore*, which are compos'd of the Letters and Edicts of *Theodorick*, we see nothing so much recommended to the Judges and Magistrates, as the due Observance of, and Respect for the *Roman* Laws: and very many Consti-

¹ Cassiod. lib. 3. cap. 43. & lib. 1. cap. 27.

² Got. in Prolog. ex Gelasii PP. Ep. in Decreto Ivonis, par. 1. cap. 18. ad Theodor.

³ Altes. rer. Aquit. lib. 3. cap. 14. ex Decreto Gratiani Can. certum 12. dist. 10.

tutions

tutions of the *Theodosian Code*, and many *Novellæ* of *Theodosius*, *Valentinian*, and *Majorianus*, are quoted in these Books; of which the most exact *Gotifredus* in his *Prolegomena* to that Code, hath compos'd a long Catalogue ¹.

NEITHER had this Prince any other Notion, but of supporting the Kingdom of *Italy* with these same Laws, and the same Spirit and Union with which *Honorius*, *Valentinian III.* and the other Emperors of the West had govern'd it. Thus he explains himself to *Anastasius* Emperor of the East, on that Head; *Quia peti vos credimus inter utrasque Respublicas, quarum semper unum Corpus sub antiquis Principibus fuisse declaratur, aliquid discordiæ permanere; quas non solum oportet inter se otiosa dilectione conjungi, verum etiam decet mutuis viribus adjuvari. Romani Regni unum velle, una semper opinio sit* ²: For which Cause, no new Laws were introduced into *Italy* by *Theodorick*, because he believ'd the Roman were sufficient, by which it had been long govern'd. And altho' we have at this Day one of his Edicts ³, consisting of One Hundred and Fifty-four Heads (which we owe to the Care of *Peter Pitheus*, who caus'd it to be printed) however, excepting some Heads, which are branded for *Gotbish* Rigor, such as LVI, LXI, and some others, all the rest are taken out of the Roman Laws, as *Theodorick* himself confesses in the End of it; *Nec cujuslibet dignitatis, aut substantiæ, aut potentiæ, aut cinguli, vel honoris persona, contra hæc, quæ salubriter Statuta sunt, quolibet modo credat esse veniendum, quæ ex Novellis legibus, ac veteris juris Sanctionibus pro aliqua parte collegimus*. There is scarcely any Head of the foresaid Edict, which appoints any thing that is not to be found in the Roman Laws; so that *Theodorick*, for corroborating his Orders or Prohibitions, often refers to them. Thus in the XXIVth Head, *Secundum legum veterum constituta*; and in the XXVIth, *Secundum leges*; and in the XXXVIth, *Legum censuram*, and elsewhere.

BUT what was commendable in this Prince was, that he would likewise have these Laws common not only to the *Romans*, but also to the *Goths* themselves who lived amongst the *Romans*, as is manifest by this his Edict, leaving to the *Goths* few of their own Laws, which were rather their own Customs, as being more used to them, than written Laws: But in Matters of Moment, such as Succession, Testaments, Adoptions, Contracts, Penalties, Crimes, and, in short, in all that concern'd Publick or Private Right, the Roman Laws were common to all. Neither when a *Goth* had any Dispute with a *Roman*, or a *Roman* with a *Goth*, would he allow the Judges to have regard to any other Laws for deciding their Controversies, as *Theodorick*, in his Rescript to a certain *Januarius* President of our *Samnium*, expressly order'd; *Intra itaque Provinciam Samni, si quod Negotium Romano cum Gotbis est, aut Gotbo emerferit aliquod cum Romanis, Legum consideratione definias; nec permittimus discreto Jure vivere, quos uno voto volumus vindicare* ⁴. Only when the Dispute was betwixt *Goth* and *Goth*, he would have it decided by their own Judge, whom he appointed in each City, according to his own Edicts, which altho', as is said, they contain'd something of *Gotbish* Discipline, however they did not differ much from the Roman Laws; but from that the *Romans* were exempted, since their Judges could only determine betwixt *Goth* and *Goth*: But it fell out, that a *Roman* had likewise any Concern, either as Plaintiff or Defendant, be that as it wou'd, they were to have recourse to the Roman Magistrate: And in this Manner was the *Formula* of the *Comitia* conceiv'd by *Theodorick*, which he gave to those whom he chose as Judges of the *Goths* in each Province, related by *Cassiodore* in his Seventh Book, amongst his many other *Formule* ⁵.

¹ Got. in Proleg. cap. 3.

² Cassiod. lib. 1. ep. 1.

³ Edict. Theod. in Operib. Cassiod.

⁴ Cassiod. lib. 2. var. ep. 13.

⁵ Ibid. lib. 7. cap. 3.

S E C T. III.

The same Polity, and Magistrates retain'd by Theodorick in Italy.

AS *Theodorick* took great Care to retain the *Roman* Laws in *Italy*, so his Study for preserving the same Form of Government, was certainly no less, as well in what concern'd the Distribution of the Provinces, as of the Magistrates and Dignities. He having found the Imperial Seat translated to *Ravenna*, by *Honorius* and *Valentinian* his Predecessors, who had not fix'd it there by Chance, and to be far from *Rome*, but to be near at hand, and ready to put a Stop to the Irruptions of the *Barbarians*, who in that Part broke in upon the Borders of *Italy*; he likewise resided there. Therefore the Complaints of the *Romans* were unjust and unreasonable, when they complain'd of him for having fix'd his Residence in *Ravenna* and not in *Rome*: For he left Tokens of his Love to that famous City, by adorning it with publick and fair Monuments of his Grandeur and Royal Spirit, and, out of his Magnificence, surrounding it with strong and secure Walls. His Love and Respect for the *Roman* Senate was no less, as the so many affectionate Letters directed by him to that Body, full of Esteem and Respect, which we read in *Cassiodore*, do testify. In *Ravenna* then, did he fix his Royal Residence, as his Predecessors had done; from whence he ruled *Italy* and these our Provinces, which now make the Kingdom of *Naples*, by the same Magistrates by whom they had been govern'd, during the Time of the *Roman* Emperors.

ALTHO' under his Government a few Alterations were made of some of the Magistrates and Officers of the Palace and Kingdom, without any Change of Titles or Dignities; nevertheless, he retain'd very many of them, tho' not altogether with Power and Jurisdiction, like those of the *Romans*, yet they were much the same in effect. He retain'd the Senators, Consuls, Patricians, *Præfectus Prætorio*, *Præfects* of the City, and *Quæstors*. He retain'd the *Consulares*, *Correctores*, *Præsides*, and many others. Some little Difference there was in the lesser Officers, it being the Custom of the *Goths* to send to every little City, *Comites*, and particular Judges, for the Administration of the Government and Justice, and to create some other Officers, whose Titles are not known in the *Notitia* of the Dignities of the Empire.

BUT if we will follow the Opinion of the most accurate *Hugo Grotius* in this Variety of Magistrates introduc'd by the *Goths*, we must say, they were much more to be commended in that, than the *Romans* themselves, because says he, the *Romans* had many Titles of Dignity altogether vain and groundless: *Multa apud Romanos ejusmodi inani sono Constantia, Vacantium, Honorariorum, &c.*¹ On the contrary, the *Goths* had quite different Sentiments, as we read in *Cassiodore*²: *Grata sunt omnino nomina, quæ designant protinus actiones, quando tota ambiguitas audiendi tollitur ubi in Vocabulo concluditur, quid geratur.* Besides *Grotius* consider'd, that the *Romans* sent a *Consularis*, or a *Præses* to every Province, who was to have the Government and Care of all the Cities and Castles of that Province, many of which were at a great Distance from his Place of Residence; whence it fell out, that it not being in the Power of the *Præses* to be present in every Place, the People were put to immense Charges, being oblig'd to have recourse to him from the most remote Parts. The *Goths* went another way to work; tho' every Province had its *Consularis*, *Corrector*, and *Præses*: Nevertheless not only to the more principal Cities, but likewise to every little Castle, *Comites*, or other inferior Magistrates were sent, who were faithful, uncorrupted, and approved of by the Consent of the People, in order to distribute Justice, and take Care of the Tributes and other Affairs of those Places.

¹ Grot. in Proleg. ad Hist. Gothor.| ² Cassiod. lib. 6. cap. 7.

SO that this Disposition of Magistrates, which to this Day is observ'd in our Kingdom, of sending Governors and Judges to every City, is not owing to the *Romans*, but to the *Goths*.

AND if the like Strictness and Care were practis'd in our Time, which in that of *Theodorick* was used in the choice of such Magistrates, that is to say, in sending Men of known Integrity and Learning, and acceptable to the People, and allowing no Appeals to other distant Tribunals, but when the Weightiness of the Matters, and the manifest Injustice requir'd it, certainly these our Provinces would be freed of an infinite Number of Law-Suits, and heavy Expences which now they labour under. On which account many Writers extol the Government of the Eastern People, and those of *Africa*; and with respect to our common Law-Suits we used to envy them, because that not only in the Cities, but in every little Castle, they have their Judges always ready and prepar'd, and Law Pleas are no sooner begun, but they are immediately determin'd, and seldom, or never, admit of Appeals; because the People, having their Magistrates in due Veneration, soon rest satisfied with their Decrees, and suffer more willingly, that the Goods in Dispute be taken from them, than to go to distant Courts of Justice to complain, with greater Charges, and Uncertainty of gaining the Cause, and often in fear of losing it; and they reckon it to be more for their Advantage to have ready and quick Injustice, than languishing and slow Justice. Wherefore *Clenardus*¹ having left *Europe*, and taken up his Residence in *Africa*, in the Kingdom of *Fez*, used to write to many of his Friends in *Europe*, that he did not envy them the Magnificence and Grandeur of so many fine Cities, because he was no more obliged to go to Courts of Justice to be toss'd up and down amongst so many wicked People, full of Cavils; for where he was, there was no occasion for prattling Lawyers: But if there happen'd any Dispute among those *Africans*, the Judge was always ready to decide it, and they never went home before it was determin'd. But that, as Matters stand, is rather to be wish'd for than expected; for the Disease is in the Root: Besides, that in the Election of Magistrates, these Qualifications are no more to be expected, which perhaps in those Times, which we now call Barbarous, were punctually requir'd: And what was then a Remedy, would now become deadly Poison; seeing from the Time of *Alphonfus* I. King of *Arragon*, the Disease was spread, by granting to the Barons of the Kingdom all Jurisdiction and Command. And at present there are more Governments depend on them, than on the King, and the greatest Part of the Kingdom is govern'd by them *prima instantia*; wherefore it were expedient to lay aside the Custom of having recourse to superior Tribunals, which we observe at present: Seeing the Design of *Charles* VIII. King of *France*, while he govern'd this Kingdom, of taking from the Barons all Jurisdiction and Command, and rendring them like those of *France* and other Countries of *Europe*², could not be put in Practice.

BUT to return to where we left off: The *Goths*, as they are represented to us in the Books of *Cassiodore*, were very wary in the Choice of their Magistrates, and no less in the Election of the greater Officers, than in that of the lesser, which they sent to each City, in which they were very careful; whence we read in *Cassiodore* of so many new Officers, such as Chancellors, *Canonicarii*, *Comites*, and *Referendarii*; and the so many set Forms, by which so many and different Dignities were conferr'd on Subjects of known Goodness and Learning. *Petrus Pantinus*³ wrote a Book, not despicable, of the Dignities of the *Gothish* Court: But as *Grotius*⁴ has observ'd, he might have saved himself that Labour, because they are all to be found in the sixth and seventh Book of *Cassiodore*, where they are all represented and describ'd.

¹ *Clenardi Epistolæ ad Arnoldum Streuterium, & ad Jacobum Latonum* A. 1541. *Geo. Pasquius de Nov. inv. de varia fortun. Doct. Juris.*

² *V. Afflict. in prælud. ad Constit. Reg. Phil. Comin. Koppin. de Demanic Franciæ.*

³ *Pet. Pantinus de Dignit. Goth. Aulæ.*

⁴ *Grot. in Proleg. ad hist. Gothor.*

S E C T. IV.

The same Disposition of the Provinces retain'd by King Theodorick.

THIS Prince retain'd the same Division of the Provinces of which *Italy* was made up under the Empire of *Constantine*, and his Successors: They were in Number the same as in *Adrian's* Time; to wit, Seventeen: Neither was that which we now call the Kingdom of *Naples*, divided into more Provinces than four; they were the same under the Dominion of *Theodorick*, I. *Campania*, II. *Calabria* with *Puglia*, III. *Lucania* and the *Brutii*, IV. *Samnium*. For the Government of *Campania*, *Consulares* were sent as formerly; to the other two *Calabria* and *Lucania*, *Correctores*; and to *Samnium*, *Præsides*.

Of CAMPANIA and its Consulares.

THE first *Consularis* of *Campania*, which we find in the five Books of *Cassiodore*¹, was a certain *John*, to whom *Theodorick* sent a Letter, in which he so much recommends Justice, and the Care of the Publick Welfare, honouring him with this Title *Viro Senatori*, and the Inscription is thus: *Joanni V. S. Consulari Campaniæ, Theod. Rex.* To the same *John*, *Theodorick* directed that his Edict, which we read also in *Cassiodore*², by which he most severely prohibited that most wicked Custom, which had been introduc'd into *Campania* and *Samnium*, that the Creditor, without publick Authority, but at his own Hand, seiz'd on the Goods of the Debtor for a Pledge, neither did he restore them till he was paid the Debt; and very frequently the Goods, not of his Debtor, but of his Friend, Neighbour, or Relation, were seiz'd, which in *Italy* are call'd Reprisals: Which Custom was severely forbidden, and the Penalty of losing the Debt was imposed, and restoring the double, in case the Reprisal had been made, not on a Debtor, but on a Friend or Relation. The Emperor *Zeno* had done the same in the East, by such another Constitution of his³: Therefore *Theodorick*, who design'd to govern *Italy* by the same Maxims, would imitate him: *Justinian* afterwards renew'd it in his *Novellæ*⁴. Neither would *Theodorick* ever allow such Violence to be practis'd in his Kingdom; but that Creditors, as the *Roman* Laws likewise prescrib'd, should try their Rights by the legal Way of publick Judgment.

THIS Prince finding himself exhausted by the Wars which he had had for some Time with the *French*, had occasion to provide his Armies with all Sorts of Victuals out of this Province; on which Occasion we see another of his Edicts⁵, ordering the Masters of Ships in *Campania*, to carry those Provisions into *Gallia*. He design'd to have impos'd other Burthens on it, but *Boetius Severinus* begging an Ease for that Province⁶, and laying before him the many Miseries, Afflictions and Desolations, which it had suffer'd by the Invasion of the *Vandals*; *Theodorick* most graciously granted it Indulgence, neither would he lay any more new Burthens on it; on the contrary, the Inhabitants of *Campania*, and particularly the *Neapolitans* and *Nolans*, having suffer'd great Damage, at that Time by the Irruption of *Vesuvius*, he likewise freed them of their ordinary Tributes, which we see in *Cassiodore* by another of his Edicts⁷; in which the roaring Noise, the terrible Clouds, and the Torrents of Fire which this Mountain uses to vomit forth, are ingeniously and lively describ'd. *Cassiodore* is admirable at such Descriptions; but what is unpardonable in him, is, that besides his making use of some bold *Hyperboles*, and some *Metaphors* immoderately licentious, he brings in *Theodorick* speaking after such a

¹ Cassiod. lib. 3. cap. 27.

² Cassiod. lib. 4. cap. 10.

³ L. un. Nullus ex vicanis pro alien. vican. deb. ten. lib. 11.

⁴ Novel. 52. & 134.

⁵ Cassiod. lib. 4. cap. 5.

⁶ Petrus Bertius in vita Boetii.

⁷ Cassiod. lib. 4. cap. 50.

manner, that 'tis not possible to know, whether he intended to make Laws, and provide for the Necessities of his Provinces, which was his Scope, or act the Part of a Declaimer, for he often introduces him speaking at such a strange rate, that it would not be sufferable, even in the most high-foaring Panegyrist of our Times.

CAMPANIA had truly suffer'd insupportable Damages, when *Genferick*, with a powerful Army from *Africa*, invaded *Italy*. It was cruelly used at that Time by the *Vandals*; the Country was laid waste, and *Capua*, the Metropolis, barbarously pillaged, and almost quite destroy'd. *Nola* underwent the same Calamities, and many other Cities. *Naples*, by reason of its Situation, was safe from the Fury of those Barbarians. A City at that Time, tho' little, yet well defended by the Valour of its Citizens, its Situation, and more by the strong Walls which surrounded it. And by this alternate Fortune which happen'd to them, it fell out afterwards that many Cities of these our Provinces, from Great became Small, and from Small Great; whence it likewise came to pass, that *Capua*, and many Cities of this Province, being ruin'd, *Naples* by Degrees began to raise itself above all the rest; and in the Time of the *Greeks* and *Longobards*, became the Head of a great Dukedom.

IN the Reign of *Theodorick*, we do not read of any other City of this Province, that was so well pleased with the Government of this Prince as *Naples*; nor any that by their Devotion and obliging Behaviour towards him, gave so many and conspicuous Marks of their Fidelity and Respect. No sooner had he mounted the Throne, than the *Neapolitans* erected his Statue in their largest Market-Place; the same, which afterwards was the ominous Prefage of the unfortunate End of the Government of the *Goths* in *Italy*; for, as *Procopius*¹ relates, the *Neapolitans* having rais'd this Statue, made with wonderful Art of small Pebbles of various Colours, and so well join'd together, that they represented the Image of this Prince to the Life, while he was yet alive the Head of this Statue fell of itself, and the joining of the Pebbles giving way, it broke to pieces; and not long after, the Death of this Prince was heard of in *Naples*, and that *Athalarick* his Nephew had succeeded him. In the eighth Year of this Prince's Reign, on a sudden that which compos'd the Belly likewise gave way, and fell to pieces, and at the same Time the News of the Death of *Athalarick* was brought. Not long after, that of which the Genitals were made dropp'd off, when the Account of the Death of *Amalasunta*, the Daughter of *Theodorick* came. But when at last the *Goths* besieg'd *Rome*, in order to retake it, all the Materials of which the Thighs and Feet were form'd, fell to the Ground, nothing remaining where the Statue had been plac'd: From which Event the *Romans* conjectur'd, that the Army of the Emperor of the East would be Victorious; interpreting the Feet of *Theodorick* to denote the *Goths* whom he had govern'd: And this vain and ridiculous Prefage, was of such Weight among the Vulgar, who are generally more moved by such Things, than by any fine Speech of a Captain, and animated them so, that it gave them no small Hopes of Victory. And what contributed likewise to it, was, some *Sibylline* Verses, put forth by some *Roman* Senators, very well adapted for imposing upon the People; the Sense of which, as *Procopius* well consider'd, before the Event of the Things, was not to be conceiv'd in the least by human Understanding; because they were so disorder'd and confus'd, and truly Enthusiastical, that skipping from the Misfortunes that were to befall *Africa*, to those of *Persia*; from thence, after mentioning the *Romans*, they immediately speak of the *Affyrians*; and returning to the *Romans* again, they lastly sing of the Calamities of *Britain*: And afterwards when they had seen the Event, they publish'd a thousand favourable Interpretations, fancying they had discover'd the Sense of the obscure and fantastical Verses.

BUT let us return to our Subject; *Naples* was very faithful and devoted to *Theodorick*; and on the other hand, that Prince treated the *Neapolitans* with no less Marks of Love and Gratitude; and it was no small Mark of Respect, that amongst the Forms of the *Comitivæ* of the first Order, which *Theodorick* used to give to those to whom he committed the Government of some famous City, we read yet in *Cassiodore*² that which was appointed for *Naples*; for this Author relates only the Forms which were given to Persons appointed to govern the greater, but not the lesser Cities. We only read those of *Syracuse*, *Ravenna*, *Rome* and other conspicuous Places:

¹ Procop. lib. 1. hist. Got

² Cassiod. lib. 6. cap. 24.

As for the other smaller Cities, there's a general one only, which we read serves for them all; and the *Comitiva*, which were given for the Government of these, were not of the first, but of the second Order, as is clear from the Form itself in *Cassiodore* ¹. Neither are the Prerogatives of this City forgot in the *Comitiva* (or if we may name it in the Language of the present Times, the *Schedule* or *Patent*) nor its Pleasures, its Excellency, its extensive Commerce, its large Authority and Jurisdiction which he grants it; nor the Majesty of its Tribunal, it is call'd ², *Urbs ornata multitudine Civium, abundans marinis, terrenisque deliciis: Ut dulcissimam vitam te ibidem invenisse dijudices, si nullis amaritudinibus miscearis: Prætoria tua Officia replent, militum turba custodit. Conscondis gemmatum Tribunal, sed tot testes pateris, quot te agmina circumdare cognoscis. Præterea littora, usque ad præfinitum locum data jussione custodis. Tuæ voluntati parent præregrina commercia. Præstas ementibus de pretio suo, & gratiæ tuæ proficis, quod avidus mercator acquirit. Sed inter hæc præclara fastigia, Optimum esse judicem decet, &c.* Neither are the Expressions of this Prince less affectionate, in the Letter which he usually sent by the Person he had appointed to be Governor, recommending him to the City of *Naples*; for the Form of which we are indebted to *Cassiodore* ³; neither must it be forgotten, that *Theodorick* allow'd the *Neapolitans* the same Form of Government they had in the Time of the *Romans*, that is to say, a Court or Senate, as formerly, wherein the Affairs of that City, with respect to the *Annonæ*, the Repairing of the Streets, and other Matters concerning the Government of it, was taken Care of; he only took from the *Decuriones*, the Power of electing Magistrates, and gave it to the Governor, or *Comes* whom he sent thither. This City had likewise its Chancellor, whose Charge or Function is describ'd by *Cassiodore* in the eleventh and twelfth Books of his Works ⁴.

Of Puglia, and Calabria, and their Correctores.

AS *Theodorick* did not make any Alteration in *Campania* among the chief Magistrates, leaving the *Consulares* in it, as it had under the *Romans*; so he was pleas'd not to change them in the Provinces of *Puglia* and *Calabria*: Neither did he divide *Puglia* from *Calabria*, as to the Government, nor did these Provinces change their Names, as they did in after-times: They were govern'd by one *Moderator*, altho' he sent particular *Comites*, or Governors to each City, according to the commendable Custom of the *Goths*.

THE first *Moderator* of *Puglia* and *Calabria*, which we meet with in the first five Books of *Cassiodore*, was a certain *Festus* or *Faustus*, as others read; we see a Letter directed by *Theodorick* to him ⁵, by which he grants to the publick Dealers, an Exemption from Toll and Customs; and 'tis worthy of Observation, with what graceful and comely Titles he treats this Minister.

Theodorick took particular Care of this Province and its Fields, and made many wholesom Regulations concerning it, as may be observ'd in many Places of *Cassiodore* ⁶. Amongst the most conspicuous Cities of *Puglia*, *Sipontum* was once one, of which there's scarcely any Vestige to be seen at this Day: a City so ancient, so noble, and powerful, that the *Sipontines*, in after-times, were able to make War with the *Neapolitans* and the *Greeks*, of which we shall speak in its Place. This City was not exempted from the common Calamities, which *Italy* suffer'd from the Irruption of the *Vandals*, and the Tyranny of *Odoacre*; its Citizens, in the three last Years of the War, which *Odoacre* maintain'd with *Theodorick*, because they had submitted to this Prince, were cruelly treated by *Odoacre*, and their Fields destroy'd, insomuch that the Merchants being reduc'd to great Extremities, had recourse to the Clemency of *Theodorick*, desiring to be free of Tribute, and to have some Indulgence from their Creditors; it was compassionately granted by this Prince, that for two Years they should be exempted from Tribute, and not molested by their Creditors, as appears by another Letter directed to the foresaid *Faustus*

¹ Cass. lib. 2. cap. 26.

² Cass. lib. 6. cap. 23.

³ Cass. lib. 6. cap. 24.

⁴ Cass. Var. 1. 11. c. 37: & lib. 12. c. 1. & 3.

⁵ Cassiod. lib. 2. cap. 26.

⁶ Cass. lib. 5. cap. 7. & 31.

Moderator of this Province, or as others will have it to *Atemidorus*, which we see in *Senator* ¹.

Of *Lucania* and the *Brutii*, and their *Correctores*.

THE Provinces of *Lucania* and the *Brutii* are next, in the Government of which *Theodorick* likewise alter'd nothing. They kept their *Correctores*, neither were the *Brutii* divided from *Lucania*, but continued under one *Moderator* as formerly. *Rbegium* was their Seat; whence it is, that in *Cassiodore* ², the Citizens of this City are recommended to *Anastafius*, Chancellor of *Lucania* and the *Brutii*, and the Origin of the Name of *Rbegium* is describ'd; *Rbegienses Cives, ultimi Brutiorum, quos a Sicilia Corpore violens quondam maris impetus segregavit, unde Civitas eorum nomen accepit; divisio enim prius Græca lingua vocitatur, &c.*

IT ought not to be look'd upon as a small Honour to this Province in the Reign of *Theodorick*, that it had *Cassiodore* himself for *Corrector*, who was the chief Personage of this Age, on whom *Theodorick* profusely heap'd all sort of Honours, which with his Royal Hands he could dispense. In the Beginning of his Reign, the Affairs of *Sicily*, by reason of the new Government, being yet doubtful, *Cassiodore* was pitch'd upon for the Government of that Island; where having given sufficient Proofs of his excellent Talents, he was sent to *Lucania* and the *Brutii* to be *Corrector* of this Province; not long after, he was made *Præfectus Prætorio*; and lastly was advanc'd to the supreme Honour of *Patriciate* by *Theodorick* ³, which is clear from the Form which *Cassiodore* has inserted in his Book ⁴; from which without doubt may be gather'd, as *Barrius*, *Fornerius*, *Romeus*, and many other Authors have written ⁵, that *Brutium*, and properly *Squillace*, was the native Country of such a noble Genius; and we ought to give the due Praise to his Soil for having produc'd such a noble Plant, and it may be likewise concluded from the Words of *Theodorick*; *Sed non eo præconiorum sine contenti, Brutiorum, & Lucaniæ tibi dedimus mores regendos: nè bonum, quod peregrina Provincia* (meaning *Sicily*) *meruisset, genitalis soli fortuna nesciret.*

AFTER *Cassiodore*, under the same Prince, *Venantius* was *Corrector* of *Lucania* and the *Brutii*, to whom *Theodorick* wrote that Letter, in which he charges him with the Collection of the Tributes of this Province; thus we read it in *Cassiodore* ⁶, *Venantio viro Senatori Correctori Lucaniæ, & Brutiorum, Theod. Rex.* There's honourable mention made of this same *Venantius* by *Theodorick* in this his Edict ⁷ directed to *Adeodatus*, where we read; *Viri Spectabilis Venantii Lucaniæ & Brutiorum Præfulis* ⁸; and of the *Corrector* of this Province we likewise read, in *Cassiodore*, these Words, *Corrector Lucaniæ, Brutiorumque.* *Lucania* and *Brutium* had their Chancellor likewise, as may be seen in *Cassiodore* ⁹.

THE Masters of Ships of *Lucania*, as well as those of *Campania*, were, by *Theodorick*, likewise order'd to transport Provisions to *France*, as we read in *Senator* ¹⁰. Neither was this Province neglected by *Athalarick* his Nephew. He took special Care, that a Fair which was held in these Times, and to which a great Number of the People of the other Provinces went, and a great Festival, which was celebrated on St. *Cyprian's* Day, should not be disturb'd; which gave Occasion to *Cassiodore* ¹¹, as elsewhere ¹² he did the Fountain of *Aretbusa* in the Territory of *Squillace*, to describe the wonderful Fountain *Marcilianus* which was in *Lucania*, and in the Description of it, according to his wonted Stile, he makes use of all his bold Strokes and Hyperboles; and, which is more, puts them in the Mouth of a Prince who had no other Scope, but by severe Edicts to forbid the disturbing of such a Solemnity by perverse and wicked Men.

¹ *Cas. lib. 2. c. 37.*

² *Ibid. lib. 12. c. 14.*

³ *Ibid. lib. 1. c. 3.*

⁴ *Ibid. lib. 12. c. 15.*

⁵ *P. Garetus in Vita Cassiod.*

⁶ *Cas. lib. 3. c. 8.*

⁷ *Ibid. lib. 3. c. 26.*

⁸ *Iuret. id est, Correctoris.*

⁹ *Cas. lib. 2. cap. 39. & lib. 12. cap. 12, 14, & 15.*

¹⁰ *Ibid. lib. 4. cap. 5.*

¹¹ *Ibid. lib. 8. cap. 33.*

¹² *Ibid. lib. 12. cap. 15.*

Of Samnium, and its Præfides.

IN the last Place is *Samnium*, a Province ; as by the *Romans*, so by *Theodorick* honour'd with no other but a *Præfes*. We read in *Cassiodore* ¹, that *Theodorick*, at the Desire of the *Samnites*, sent a certain *Januarius*, or as others read it ² *Sunbivadus*, to be *Moderator* or Judge of this Province ; enjoyning him, that if any Controversy should fall out in it betwixt the *Romans* and the *Goths*, or betwixt the *Goths* and the *Romans*, to decide it by the *Roman* Laws ; being unwilling to allow, that the *Romans* should live with the *Goths* under various and different Laws, whose Words we have quoted already upon another Occasion. This Province had likewise its Chancellor, as is clear from *Cassiodore* ³ ; and *Theodorick* makes mention of *Samnium* elsewhere ⁴ ; so that there is not a Province of those which now make the Kingdom of *Naples*, which *Theodorick* did not carefully provide for, giving them just and necessary Means for their good Government, which we see in the Records that are now remaining of this Prince ; for all which, among other Writers, we are indebted to *Cassiodore*.

¹ Cas. lib. 3. cap. 13.² P. Garet.³ Cas. lib. 11. cap. 36.⁴ Ibid. lib. 5. cap. 27.

S E C T. V.

The same Codes retain'd, and the same Conditions of Persons and Inheritances.

FROM whence we may clearly perceive, that our Provinces, when the *Roman* Empire of the West was extinct, altho' they came under the Dominion of the *Goths*, yet did not suffer those Changes which usually happen under the new Government of Foreign Nations. There were no new Laws introduced into them, but they retain'd the *Roman* ; and the Common Law of our Inhabitants was that of the *Romans*, which is now contain'd in the *Gregorian* and *Hermogenian* Codes, and above all in the *Theodosian* ; and in the Body of the *Novellæ* of this Emperor, *Valentinian*, *Martian*, *Majoran*, *Severus*, and *Antemius*, his Successors : And full Authority and Force was given to the Books of those Civilians whom *Valentinian* made Choice of.

T H E R E was no new Form of Government introduced, and the same Officers were continu'd ; neither was the Variation of Magistrates so great, but the most conspicuous and sublime Dignities were preserv'd : For it was the Notion of *Theodorick*, and afterwards of his Successor *Atbalarick*, to govern *Italy*, and these our Provinces with the same Spirit and Form by which the Empire was govern'd under the Emperors ; and it is the firm Opinion of our Writers, that the Affairs of *Italy*, under his Reign, were more quiet and peaceable than in the Reigns of the last Emperors of the West, and that he was the first who banish'd so many Mischiefs and Disorders.

W H E N C E it came to pass, that altho' these our Provinces passed from the *Romans* under the Dominion of the *Goths*, nevertheless the People did not become liable to the same Servitude that those of other Provinces of the *Roman* Empire, conquer'd by other Nations, underwent. Thus *Gallia*, when it was vanquish'd by the *French*, was treated as a conquer'd Country ; it being certain, that they made themselves Masters both of the People and Lands of it, that is to say, they made themselves perfect Lords, as well of the publick Dominion, as of the Property and private Inheritance¹ ; and, as to the Persons, they made the

¹ Loyseau, de Sign. cap.

Natives of the Country Slaves, not by intire Slavery, but such as the *Romans* call'd *Censiti*, or *Ascriptitii*, or Colonies condemn'd to the Plough¹. The *Goths* did not treat *Italy*, *Sicily*, and these our Provinces after that manner, but left the Condition of the Persons untouch'd; for they were not govern'd by a Foreign Prince, but by a King who valued himself upon living after the *Roman* manner, and keeping the same Laws and Institutions which the *Romans* had: Altho' there were in many Villages of our Provinces some of those *Ascriptitii* and *Censiti* (as there were likewise Slaves, because in the Time of the *Goths* the Use of them had not been abolish'd²) or their Off-spring, in the same manner as they were under the *Romans*, of whom there are many Vestiges in the *Theodosian* and *Justinian* Codes, whom the succeeding Ages call'd *Angari* and *Paraganri*³; which is confirm'd by an Event, related by *Hugo Falcandus*, in *Sicily*, in the Time of *William II.* which was this; The Citizens of *Caccamus* having complain'd to the King against *John Lavardin* a *Frenchman*, who had oppress'd them by exacting the Half of their Income, according to the Custom of *France*, as he said; and these Complaints being reported to the Chancellor *Stephen Partius*, likewise a *Frenchman*, who gave no Redress; his Enemies incensed all the *Sicilians* against him, who cried out, That they were free, and were not to be treated after the Custom of *France*; *Ut universi populi Siciliae redditus annuos, & exactiones, solvere cogereantur juxta Galliae consuetudinem, quæ Cives liberos non habet.*

A N D as for the Inheritance, and the Lands of *Gallia*, the victorious *French* confiscated them all, the State assuming to itself both the one and the other Dominion of them⁴. And excepting those Lands which were reserv'd for the King's Demains, they distributed all the rest to the principal Chiefs and Captains of their own Nation; giving to one a Province, with the Title of a Dukedom; to another a Frontier Country, with the Title of Marquisate; to some a City with its adjoining Territories, with the Title of County; others got Castles and Villages with some Lands about them, with the Title of Barony, or Lordship of the Manor, according to every one's Merit, and the Number of Soldiers which they had under their Command; for they were given both to themselves and their Soldiers. The *Goths* did not so in *Italy*, and in these our Provinces; for they left the Lands to the Possessors, neither did they disturb any Persons in their private Estates and Heritages; and the Provinces and Cities were govern'd by the same Officers, as formerly they had been under the Empire of *Valentinian*, and the other Emperors of the West his Predecessors. Neither in *Italy*, nor in these our Provinces was the Custom of Feodal Tenures, Dukedoms, or Counties introduc'd, except in the Kingdom of the *Longobards*, of which we shall treat in the fourth Book of this History.

¹ Cod. de Agric. & Cens. lib. 2. Connan. in Com. Jur. Civ. lib. 2. tit. C.

² Leo Ostiens. in Chronic. Cassin. Glossator. in Notis, cap. 6. num. 532.

³ Got. in Cod. Theod. lib. 8. tit. de Curs. Pub. & Angar. lib. 4.

⁴ Loyseau, loc. cit.

S E C T. VI.

Of the eminent Virtues of Theodorick, and his Death.

THEODORICK was truly endow'd with all those rare and noble Virtues that ever adorn'd a most excellent Prince. For his Piety and Worship of the true God, he was extoll'd, with immense Praise, by *Ennodius* the Catholick Bishop of *Pavia*: And altho' he was well instructed in the Christian Religion, yet his Doctors had confounded and stain'd it with the pestilent Heresy of *Arius*, wherewith he and all the *Goths* were infected. This Fault is not to be laid to the Charge of the *Goths*, but of the *Romans* themselves, and especially of the Emperor *Valens*, who sent *Arian*

Arian Doctors to instruct this Nation in the Christian Religion ; so that *Salvianus* ¹, that holy Bishop of *Marseilles*, call'd this Misfortune of theirs, not a Fault of the *Goths*, but of the *Roman* Magistracy ; and this holy Bishop testifies, That they reckon'd this Error of theirs but as a greater Honour done to God ; and for this their pious Belief and Motive, the *Goths* ought not to be reputed unworthy of the Catholick Faith ; and if we compare their Works with those of the Catholics, they will be found to exceed them very far in Goodness and Justice, in Veneration of Churches, in Faith, Hope, and Charity : Whence it is, that *Socrates* ², the Writer of the Ecclesiastical History, gives the Title of Martyrs to many *Goths*, who were kill'd by the *Pagans* for their Religion, as those, who with a single and devout Heart were dedicated to Christ their Redeemer. And if the *Goths* fell into this Error by the Fault of another, that Blot was wash'd away and recompens'd by the Merit of *Riccardus*, who purg'd all *Spain* from *Arianism* with their Blood.

AND it was a singular Piety of the *Goths*, and especially of *Theodorick*, his forbearing all Violence against his Subjects with respect to Religion ; and altho' they were tainted with the *Arian* Tenets, yet for all that, he did not hinder his People to profess the Faith of the great Council of *Nice* ³ ; for all the Time that *Theodorick* reign'd over *Italy* and these our Provinces, he not only allow'd his Subjects to profess the Catholick Religion, without any Molestation, but likewise permitted the *Goths* themselves, if they had a mind to quit *Arianism* and embrace the Faith of *Nice*, freely to do it.

THE Piety of this Prince will be the more resplendent, if we consider, that altho' he did not profess the Catholick Faith, yet he had so much Care and Concern for it, that he would not allow any to be chosen for the Government of the Church, but Bishops of known Probity and Learning, and such he lov'd and respected ; of which *Athalarick* his Nephew gives full Testimony, as we have it in *Cassiodore* ⁴ ; *Oportebat enim arbitrio boni Principis obediri, qui sapienti deliberatione pertractans, quamvis in aliena Religione, talem visus est Pontificem elegisse, ut agnoscatis illum hoc optasse, præcipuè, quatenus bonis Sacerdotibus Ecclesiarum omnium Religio pullularet.*

WHENCE it was, as *Paul Warnefrid* and *Zonara* relate ⁵, that this great Schism having arose in the *Roman* Church in his Time, it was soon extinguish'd by his calling a Council, and Things restor'd to a firm and quiet Peace. We read likewise most severe Edicts of this Prince, and also of *Athalarick* his Nephew, by which all those Ordinations of Bishops were severely prohibited, which, out of Ambition or by the Power of Money, were made, annulling them altogether, and reckoning them of no Force or Effect ⁶ ; of which we shall discourse more at large when we come to treat of the Ecclesiastical Polity of this Century. And besides we read of *Theodorick*, that altho' he profess'd another Religion, he would have the Catholick Bishops offer up Prayers for him to God, which he often thought availed him : For which Cause it ought not to seem strange, as *Grotius* says, that *Silverius*, a *Roman* Catholick Bishop, had been suspected by the *Greeks*, as if he had been more willing and desirous of the Dominion of the *Goths* in *Italy*, than of the *Greeks* themselves.

AND 'tis to the Piety of this Prince we are indebted, that these our Provinces, which now make up the Kingdom of *Naples*, altho' they were under the Dominion of the *Arian* *Goths* little less than Seventy Years, yet were never molested with that pestilent Heresy, but retain'd the Catholick Faith as pure and untainted as their Fore-fathers had embraced it, and that afterwards they were able to stand their Ground against the frequent Incurfions of the *Saracens*, who in the following Time invaded them, and made War with them : Forasmuch as *Theodorick* was pleas'd not only to leave it as he had found it, but to favour it, and to be its Keeper and Defender ; by whose Example *Athalarick*, and the other *Goths* his Successors were moved to act so, that during their Dominion it was neither molested, nor in the least polluted.

¹ Salvian. lib. 5. de Gubern. Dei.

² Socr. lib. 4. cap. 53.

³ Grot. in Proleg. ad Hist. Goth.

⁴ Cas. lib. 8. cap. 14.

⁵ Grot. loc. cit.

⁶ Cas. lib. 9. cap. 15.

WE have no occasion to enlarge on the Justice, Humanity, Faith, and all the other most valuable and noble Virtues of this Prince, seeing *Cassiodore* in his Books has given us such a lively Idea of so polite, just, and clement a Reign, that *Grotius* upon good Grounds says ¹: *Planèque si quis cultissimi, clementissimique Imperii formam conspiciere voluerit, ei ego legendus censeam Regum Ostrogothorum Epistolas, quas Cassiodorus collectas edidit*; so that the *Goths* with good Reason could boast of this Praise to *Belisarius* ²: Neither was it without Reason, that *Theodorick* himself said; *Æquitati fave: eminentiam animi virtute defende, ut inter Nationum consuetudinem perversam, Gothorum possis demonstrare justitiam*: And elsewhere; *Imitami certe Gothos nostros, qui foris prælia, intus norunt exercere justitiam*. And the Study and Care of this Prince was so great in governing his Subjects with exact and perfect Justice, that he said to them, He would demean himself so towards them, that they should be sorry they were not sooner under the Empire of the *Goths*. *Procopius*, tho' a *Greek*, could not forbear extolling these his Royal and Super-excellent Virtues: He was the Preserver of the Laws; just in appointing the Prices of the *Annæ*; exact in settling the Weights and Measures; and in imposing of Tributes his Equity was wonderful, and often on just Occasions was ready to remit them: If his Soldiers on a March at any time wrong'd the Country People, *Theodorick* used to send Money to the Bishops to reimburse them of their Damages: If there was occasion for Materials for Building of Ships, or Fortifying his Camps, he immediately paid the Value of them: He was most liberal to the Poor; and the greatest Part of his Royal Employment was in relieving and taking Care of the Orphans and Widows, of which *Cassiodore* hath given us clear Evidence.

THE Moderation of this Prince, from the above-related Facts, is sufficiently evident; and it being in his Power to subject the Vanquish'd to the Laws of the Conqueror, yet he allow'd them to enjoy the Laws under which they were born and brought up. He allow'd, that under his Reign *Rome* should be govern'd by the same *Roman* Senate: That the *Romans* should be judg'd by *Romans*; the *Goths* and *Romans*, by *Goth* and *Roman*: That they should retain that Religion which they had suck'd in with their Milk ³, he was most averse from introducing Novelties, they being always pernicious to the Commonwealth, and the Occasion of great Disorders.

HIS Temperance was call'd by *Ennodius* a Sacerdotal Modesty; and, according to the Custom of his Nation, he was most sparing of his Food, and much more sober in his Cloathing. In his Reign, the *Goths* were most continent and chaste, neither were there Snares laid for Womens Virtue; *Quæ Romani polluerant fornicatione, says Salvianus* ⁴, *mundant Barbari castitate*: And elsewhere; *Impudicitiam nos diligimus, Gotbi execrantur, puritatem nos fugimus, illi amant*. They liv'd on very simple Food, such as Bread, Milk, Cheese, Butter, Flesh, and frequently raw, only a little macerated with Salt. For Brevity's sake, I pass over his Royal Virtues. To this Day in *Rome* and *Ravenna*, the Monuments of his Magnificence in Buildings, Aqueducts, and other splendid Works are admir'd. His Valour, Fortitude, great Spirit, and Genius, always ready for noble and hard Enterprizes, are sufficiently known by the Course of his gallant Atchievements from his Childhood upwards. A Prince most expert both in War and Peace; for in the one he was always Victorious, and in the other doing Good to the Cities and his People: and his Power arriv'd to that Pitch, that he could keep within their Bounds, without the Tumult of War, but only with his own Authority, all the barbarous Kings who had any Footing in the Empire; and for restoring *Italy* to its ancient Peace and Tranquillity, he built many Cities and Fortresses along the Point of the *Adriatick* Sea and the *Alps*, as Barriers against the Incursions of new Barbarians: So that 'tis the constant Opinion of all Writers, that by his Power and Goodness, he not only freed *Rome* and *Italy*, but all the other Parts of the Western Empire, from the continual Skirmishes which for so many Years, by so many Inundations of *Barbarians* they had endur'd, and reduc'd them to good Order and a happy State.

¹ Grot. in Proleg. ad Hist. Got.

² Procop. Hist. Goth.

³ P. Garet. in Vita Cas. par. 1. §. 12.

⁴ Salvian. loc. cit.

I KNOW there are some who believe, that all these Virtues of *Theodorick* were sullied by his Treachery towards *Odoacre*, and at last putting him to Death; and in the latter End of his Days, by some Cruelties occasion'd by suspected Persons in his Kingdom, and for having put to Death *Symmachus* and *Boetius* his Son-in-law, who were Senators and rais'd to the Consulship: Men of most noble Blood, most accomplish'd in the Study of Philosophy, most Religious, and for Piety and Learning most remarkable.

BUT if these Facts were attentively consider'd, Reasons of State will excuse the first; and as for his Cruelty to *Symmachus* and *Boetius*, we ought to blame *Theodorick* for the self same thing, for which his own Domesticks blamed him; *Id illi injuriæ*, as *Procopius* says, *in subditos primum, ac postremum fuit, quod non adhibita, ut solebat, inquisitione de viris tantis Statuerat.* *Theodorick* only failed in this, that *Symmachus* and *Boetius* out of Envy, having been charg'd with plotting against his Life and Kingdom, without making great Inquiry in so serious a Matter, which requir'd the utmost Circumspection, he condemn'd them to Death; as for the rest, as *Grotius* well observes ¹, *Actum ibi, non de Religione, quæ Boethio satis Platonica fuit, sed de Imperii Statu.* Certainly *Theodorick* was not induced by slight Motives, but for Reasons of State, not Religion, as some believe. We have seen very well, what the Sentiments of this Prince were, concerning Liberty of Conscience as to Religious Matters, and sticking to what Religion each one best pleas'd. It could not be *Boetius* his Case, whose Religion was more Platonick than Christian: And if we may believe *Procopius*, *Theodorick*, a little before he died, was heartily sorry for his Fault with the most intense Grief of Mind; for whilst he was at Supper one Night, a Fish with a prodigious big Head being put on the Table, the Image of *Symmachus* came so lively in his Mind, that he fancy'd the Head of the Fish was that of *Symmachus*, and that with a cruel and horrible Countenance, it threaten'd to be reveng'd of him for his Death; so that being frighted by such an ominous Sight, there run a Coldness through his Veins which oblig'd him to lie down, and to be cover'd with Heaps of Bed-cloaths; and having told *Elpidius* his Physician what had happen'd to him; *In Symmachum, ac Boethium quod peccaverat, deflevit: pœnitentiæque, ac doloris magnitudine, non multo post obiit,* as *Procopius* relates.

Jornandes says nothing of this strange Adventure, but makes him die of old Age, by telling, that *Theodorick* postquam ad senium pervenisset, & se in brevi ab hac luce egressurum cognosceret, caus'd the *Goths* to be conven'd before him, with the principal Lords of the Kingdom, and in their Presence appointed *Athalarick*, Son of *Amalasuntha* his own Daughter, his Successor, his Father *Eutarick* being dead, who was likewise of the illustrious Race of the *Amali*; and being but ten Years old, he was educated under the Care of his Mother. He did not neglect to recommend to them the Fidelity which they ow'd to the King his Nephew: He recommended to them likewise Love and Respect to the Senate and People of *Rome*; and above all he charg'd them to cultivate the Friendship and Favour of the Emperor of the East, with whom they were to maintain a firm and settled Peace and Confederacy: Which Advice *Amalasuntha* having religiously observ'd, the Affairs of the *Goths* went on prosperously enough, while her Son *Athalarick* liv'd; for, during the Space of eight Years that they reign'd, they maintain'd the Kingdom in a firm and settled Peace. Such was the Death of this illustrious Prince, which fell out in the Year 526, after having reign'd little less than Thirty-eight Years, and restor'd to *Italy* and these our Provinces, their ancient Peace and Tranquillity.

¹ Grot. loc. cit.

S E C T. VII.

Of ATHALARICK, King of ITALY.

DURING the Minority of *Athalarick*, *Amalasuntha* his Mother took upon her the Government of the Kingdom: A Princess adorn'd with many Virtues, who was equal in Wisdom to the wisest Kings of the Earth: She govern'd the Kingdom, and the Nonage of her Son with so much Prudence, that it seem'd little inferior to that of *Theodorick* her Father. He was no sooner dead, than being mindful of his Advice, she caus'd *Athalarick* to write to the Emperor *Justinus* I. (who having succeeded to *Anastasius*, govern'd at that Time in the East) affectionate and respectful Letters, for preserving Concord, which *Theodorick* had enjoin'd to be done. She caus'd other Letters to be written to the Senate and People of *Rome*, most affectionate and full of Esteem, which we yet read in *Cassiodore*¹.

SHE kept up the same Form, and Institution of Government which *Theodorick* had done; neither did she allow any Thing to be alter'd during the Reign of her Son; retaining the same Laws², the same Magistrates, the same Disposition of the Provinces, and the same Administration. All her Study was to have the young Prince brought up after the Manner of the *Romans*, and instructed in good Literature and Virtue; for which purpose he had many Masters for teaching him. But the *Goths*, and the great Men of the Court, having soon forgotten the Counsels of *Theodorick*, took it ill, that *Amalasuntha* should cause the Prince to be brought up after that manner, crying out, That they would have a King that should be bred amongst Arms as his Predecessors had been. At last she was oblig'd to leave him to their Management, which was so fatal to this poor Prince; that falling into all sorts of Lewdness, he languish'd in such a manner, that it soon brought him to his Grave; for having scarcely reign'd eight Years, he ended his Days in the Year 534, which was the Beginning of the Misfortunes and Ruin of the *Goths* in *Italy*, and of the Confusions and so many Revolutions which afterwards fell out: In the mean time, *Justinus* had rais'd his Nephew *Justinianus* to the Empire of the East, who, for his so many famous Atchievements shall be the Subject of the following Chapter.

¹ Cas. lib. 8. cap. 1, 2, 3.² Cas. lib. 8. cap. 3.



C H A P. III.

Of the Emperor JUSTINIAN, and his LAWS.

WHILE *Amalasuntha*, by her Prudence, was maintaining the same Peace and Tranquillity in *Italy*, in which *Theodorick* had left it; and the Reign of *Athalarick*, as being uniform with that of his Grandfather, prov'd most gracious to the People, at the Request of the *Constantinopolitans*, *Justin* made his Nephew *Justinian* his Collegue and Emperor, on the first Day of *April* in the Year of our Salvation 527.

And *Justin* dying four Months after, he begun to rule the Empire of the East alone¹. This was that *Justinian*, who for his notable Atchievements, acquir'd the Surname of *Great*; under whom the Empire recover'd Vigour and Strength, not only in Time of Peace, but of War, by reason of the famous Civilians who flourish'd in his Days; and by the Valour of *Belisarius* and *Narses*, his illustrious Captains. His first great Enterprizes were those which he undertook in Time of Peace. In the first Year of his Reign he employ'd himself in giving a more noble Form to the *Roman Jurisprudence*; and envying no less the Glory of *Theodosius the Younger*, than of *Valentinian III.* which they had acquir'd, the one by composing the famous *Theodosian Code*, and the other by the Care he took of the Books of the Civilians; he would not only imitate them, but excel them in such manner, that being compar'd together, his should eclipse and smother their Fame; and that neither in the East, nor in the West, their notable Deeds should be any more remember'd.

¹ Pagi Differ. hyp. de Consulib. p. 300.

S E C T. I.

Of the first JUSTINIAN Code.

IN the first Year of his Empire, in the Month of *February* in the Year 528. he put forth an Edict, directed to the Senate of *Constantinople*, for the Compiling of a new Code. He chose for this Work the most famous Men in his Time of three Orders, of Magistrates, Professors, and Advocates: Of the Order of Magistrates, *Joannes*, *Leontius*, *Phocas*, *Basilides*, *Tomasus*, *Tribonianus*, and *Constantine*: Of Professors *Theophilus* was chosen; and of the Lawyers *Dioscorius* and *Presentinus*, and over them all *Tribonianus* was put as their Head.

THE Form which he prescrib'd to them, was to collect from the three Codes, the *Gregorian*, *Hermogenian*, and *Theodosian*, the Constitutions of the Princes contain'd in them; and besides these, to add the others, which *Theodosius the Younger*, and the other Emperors his Successors, down to himself, had from time to time publish'd, and likewise those which he himself had put forth; all which they were to join together in one Volume. He moreover prescrib'd to them the Order and Method, that is to say, to retrench what they found Useless and Superfluous in

them, to leave out the Prefaces, to expunge altogether those that clash'd with one another, to curtail, change, and correct them, and to render their Meaning more clear; and to place them according to the Order of the Time, and the Matter of which they treated. They were not to neglect to put to each Constitution the Names of the Emperors who publish'd them, the Place, the Time, and the Persons to whom they were directed: All this was in Emulation of *Theodosius*, as is manifest from the Edict of *Justinian*, which we read under the *Tit. de novo Cod. faciendo*.

THESE famous Civilians employ'd their Labours little more than a Year in the Compiling of this new Code; so that in the Beginning of the third Year of his Reign, and properly in *April* in the Year following 529. it was compleated, and publish'd: And by another Edict under the *Tit. de Justiniano Cod. confirmando*, he ordain'd that this Code should solely have Authority in the Courts of Justice; that the Judges should make use of it, and the Advocates, in their Pleadings at the Bar, should quote no other Laws but what were contain'd in it: He entirely prohibited the first three Codes, which he stripp'd of all Authority, and they were never any more to be quoted in the Courts; so that the *Theodosian* Code was eclips'd in the East. However it was not so in the West, and particularly in *Italy*, where, during the Dominion of the *Gotbs*, that of *Justinian* was not receiv'd; therefore the *Theodosian* Code had better Success in the West, than in the East, by the Means of *Justinian*.

THE Constitutions which were collected together into this new Code, and divided into twelve Books, being taken out of the three first Codes, began from *Adrian* down to *Justinian*, and contain'd the Laws of 54 Emperors. Whence it is, that some Constitutions quoted by the Civilians in the *Pandects*, are to be found in this new Code, that are not in the *Theodosian*, which begun from *Constantine the Great*, but are to be found in the *Gregorian* and *Hermogenian* Codes, from which this last was taken.

S E C T. II.

Of the Pandects and Institutions.

JUSTINIAN in order to excel *Theodosius* in Fame, was not contented with the Code alone; but took in hand a more noble Undertaking: that is to say, of collecting and joining together the Memorials of all the ancient Jurisprudence, and of disposing them in order; and as he had done with the Constitution of the Princes which reign'd from *Adrian* down to himself, so he intended to do with the *Responsa* of the ancient Civilians; the Notes which they had made on the *Roman* Laws, and especially on the *Edictum perpetuum*; their Treatises; their methodical Books; and, in a Word, with all their Commentaries; the Works of which were so ample and numerous, that they were reckon'd to be 2000 Volumes. *Justinian* in the fourth Year of his Reign, put forth another Edict¹, directed to *Tribonianus*, wherein he gave Orders to him, and sixteen others his Collegues, to set about such a hard and difficult Task. The greatest Wits of the Age were chosen, which truly such a crabbed Work requir'd. Besides *Tribonianus*, *Theophilus*, and *Cratinus*, famous Professors of the Law in the Academy of *Constantinople*, were elected; *Dorotheus*, and *Anatolius*, likewise Professors in the Academy of *Berytis*: Of the Order of Magistrates *Constantine*; and of the Order of Advocates, eleven were chosen, to wit, *Stephanus*, *Menna*, *Prosdocius*, *Eutolmius*, *Timotheus*, *Leonides*, *Leontius*, *Plato*, *Jacobus*, *Constantius*, and *Joannes*².

WHILE they were all intent upon this great Work, which in the Space of three Years they finish'd, *Justinian* was pleas'd to order *Tribonianus*, *Theophilus*, and *Dorotheus*, to compile for the Benefit of the Youth, the *Institutions* or *Elements*, and Principles of the Law, because the Youth, setting out at first in this plain and simple Path, might afterwards advance to the Study of the *Pandects*, that were

¹ L. 1. C. de vet. Jur. enucl.

² L. 2. C. de vet. Jur. enucl.

already preparing : Which was soon perform'd by these three excellent Civilians; after the Example of the Ancients, to wit, *Cajus*, *Ulpianus*, and *Florentinus*; and altho' the Composition of the Digests had been first order'd : Nevertheless the Institutions were publish'd a Month before the Pandects, for the foresaid Purpose, to wit, in *November* 533. in the seventh Year of his Empire. They divided these Elements into four Books, Ninety-nine Titles, and if we should also number the Principles of them, into Eight hundred and sixteen Paragraphs. A Work, in the Opinion of the incomparable *Cujacius*, most perfect and most elegant, which ought not to be loaded with so large Commentaries, as is practis'd in our Days; but it should be always at hand, and with the help of small Notes, in the simplest manner explain'd to the Youth, which was the Opinion of those who compos'd it, and of *Justinian* who order'd it.

THESE Elements being publish'd, the great Work of the Pandects was quickly finish'd, which a Month after, in the Month of *December* in the same Year 533. were publish'd over all the East and *Illyricum*. They no sooner appear'd than they got two Names, the one *Latin Digesta*, the other *Greek Pandectæ*, both of them taken from the ancient Civilians: They were call'd *Digesta*, because in the Books which they contain, the Opinions of the ancient Civilians were plac'd in a certain Order, and dispos'd of, as much as was possible, under each Title, according to the Method and Series of the perpetual Edict: They were likewise call'd *Pandectæ*, as comprehending all the ancient Jurisprudence¹.

WHENCE, from what Civilians, and what Books of theirs the *Digesta* were compos'd, is a Thing easily to be gathered from the Catalogue of the ancient Civilians, and from their Works, which we see at this Time prefix'd to the *Florentine* Pandects. There we see 37 Authors, most famous Civilians, often commended by us; for in the first Book, we made mention of the Civilians, who liv'd from the Reign of *Augustus* to that of *Constantine the Great*: Besides these, there's honourable mention made of many others, who deserve to be named and praised for their Works; and they ought to be explain'd and illustrated with just Commentaries, and lasting Notes. In which we ought not to rob *Jacobus Labittus* of his deserv'd Praise, who with great Care and Accuracy compos'd an *Index* of the Laws, which are in the Pandects; in each of which, besides designing the Author, he goes on distinctly to mark, from what Book, or Treatise of these ancient Civilians, it had been taken, picking out the Laws which are scatter'd here and there through the whole Body of the Digests, and then placing each of them under that Treatise, or Book of the Civilian from which it had been taken. A Labour as ingenious as useful for the right Understanding of the true Sense of them; it being a wonderful Thing to see, how the one is cleared up by the other, when they are dispos'd under the Books from which they were taken; which Light could never have been expected if they were read so dispers'd. And this Author fully demonstrates by many Examples, how much the use of this Index conduces to the true Interpretation of the Laws; and how much he was commended by *Cujacius* his Master, who encourag'd him to prosecute this excellent Work, and cause it to be printed: *Cujacius* confirm'd by his own Example, what had been demonstrated by *Labittus*, by putting in Practice, and bringing to bear, what he had taught; whence we see that this incomparable Civilian, in Commenting upon the Laws of the Pandects, takes another Method, and goes not the same way to work, as had been practis'd by the other Commentators; that is to say, by separating the Laws, those which were *Africanus's*, and taken from his Books, he puts together, and disposes them under proper Titles; then in this order comments on them, as he did likewise on *Papinianus*, *Paulus*, *Scevola*, and some other Civilians; the admirable Use of which, and of what great Advantage it is, *Antonius Augustinus* very well knew, who compil'd such another Index, and likewise all those who understand our Jurisprudence fully know the Benefit of it.

IN the mean time *Tribonianus* and his Collegues, were pleas'd to divide this great Work of the Digests into seven principal Parts, to distinguish it into fifty Books, and to distribute it into 430 Titles. If we will look on the *Florentine* Pandects, which are preserv'd with great Care in *Florence*, in the Library of the *Medici*, we shall see them divided into two large Volumes: Altho' *Crispin*² reports, that anciently

¹ V. Ant. August. in libel. de nominib. propriis Pandect. Florent. c. de Pand. nom. & gen. |

² Crispinus in serie PP. in Princ.

all the 50 Books made but one Volume; but those which are now in the Hands of every Body, have been variously divided according to the different Editions. Of the many which we observe at this Time, and particularly those of our latest Times, which are infinite, there are three that are most esteem'd, and receiv'd into the Academies and Tribunals of *Europe*. The first Edition, that is to say, the Vulgar and less correct, is that which *Accursius* and the other ancient *Glossators* made use of. The second is call'd the *Norican*, or the *Nuremberg*, and is that which *Gregorius Aloandrus* caus'd to be printed in the Year 1531. The Third is call'd the *Florentine* or *Pisan*, which we owe to *Franciscus Taurellus*, who in the Year 1553. caused it to be printed from the Library of the *Medici*.

THE common Division of this Work into three Volumes, is much more ancient than some believe; since from the Time of *Pilcus*, *Bulgarus*, and *Azo*, it was divided in such manner for the greater Conveniency¹, it being so bulky, when comprehended in one Volume, it could not be read or manag'd but with great Difficulty. How afterwards the Name was given to each Volume, to the first the ancient Digest, the second *Infortiatum*, and to the third the New, they all three coming forth at the same Time, is very hard to account for. For the First's being call'd the Old, and the Last the New, it would not seem strange; but that the Middlemost should, by a foreign Vocabule, be call'd *Infortiatum*, is what hath employ'd the Pens of many Writers, who have stoop'd too low by meddling with such a poor Subject.

SOME have believ'd that it was call'd *Infortiatum*, from the Greek Word *φορτίον*, which in *Latin* signifies *Onus*, because this Volume contains the most obligatory Laws, such as the Restitution of Portions, of Guardianships, Heritages, Aliments, the performing of Deeds of Trust, and others². The Conjecture of *Bernardus Walterus*³ is more tolerable, who says, it's call'd so corruptly, by the Fault of the Writers, who, instead of *Infarcitum*, as being plac'd in the Middle betwixt the Old and New, have call'd it *Infortiatum*. But above all the rest, that of *Alciatus* seems to be the best, who reckon'd it a barbarous and insipid Word⁴; or the other which lastly was communicated to *John Doviatus*⁵ by *Claud Chappellaine*, Doctor of the *Sorbonne*, and King's Professor of the *Hebrew* Language in *Paris*: He supposes it to be deriv'd from the *Chaldean Fortbiata*, which Word is taken by the Rabbins to signify Testament; or a Man's last Will; whence it may have happen'd, that some Body either jestingly, or for Novelty's sake, who instead of Testament, had call'd it *Infortiatum*, and from thence transferr'd the Word to this Volume of Digests, wherein Testaments are treated of, gave it that Name: But, be that as it will, for surely the Riches of *Greece* are not hidden under it, let us return to our Subject: 'Tis most certain, that the Digests of *Justinian*, tho' publish'd and dispers'd over all the East, and committed to the Prefects of the East, of *Illyricum* and *Lybia*, in order to make them known to all the People subject to their Jurisdictions, as is clear from the Preface which *Justinian* prefix'd to the Digests, and from other Laws⁶; yet they could not at that Time penetrate into *Italy*, and these our Provinces, as being under a foreign Prince, and subject as yet to the Dominion of the *Goths*; so that they could not be planted in our Soil, and acquire that Authority and that Force, which afterwards in the Course of many Ages they happily obtain'd, and grew into so great Esteem and Reputation, as we see them in at this Day.

¹ Barbof. ad rubr. D. Solut. matr. num. 2.

² Rainald. Cursus. indagar. Jur. 1.

³ Ber. Walter. in Mascell. obs. lib. 2. c. 5.

⁴ Alciat. lib. 1. dispunct.

⁵ Doviatus. in hist. Jur. Civ. in fin.

⁶ L. tanta, C. de vet. Jur. enucl.

S E C T. III.

Of Justinian's Second Code de Repetita Prælectione.

THIS truly Royal Work being finish'd, this excellent Prince for all that did not stop there; he having been told, that in the Compiling of the Digests it was observ'd, that many Controversies remain'd yet undecided, and that it was necessary they should be determin'd by his Imperial Authority; and moreover he having in
the

the mean Time, after the first Code was publish'd, proclaim'd his other Constitutions, which were scatter'd up and down, and not confin'd to any Volume; and it having been likewise observ'd, that many Things were wanting in the Code already made, he order'd that in the following Year, which was the eighth of his Reign, and properly the Year 534. this Code should be mended and revised, and another made out of it, more compleat and perfect¹. In the mean Time he thought on five of those, who had been employ'd in the making of the Digests, to wit, *Tribonianus*, *Dorotheus*, and three other Advocates, *Menna*, *Constantius*, and *Joannes*: These according to the Order prescrib'd to them by *Justinian*, which we read in his Code², took away from the first these Constitutions, which they thought useleſs and superfluous, and also those which had been corrected or annull'd by later Constitutions.

T H E R E was the Space of five Years betwixt the first Code and the Second, and in that Time many Constitutions had been establish'd by *Justinian*. In the Consulship of *Decius*, after the Publication of the first Code, some were publish'd by *Justinian*, amongst which that was famous enough which we read under the *Tit. de bon. quæ lib.*³, wherein it was generally establish'd, that what the Son acquir'd, and not *ex paterna substantia*, was his own Property, and the Father had only the Use of it, contrary to what was appointed by the ancient and middle Jurisprudence. Afterwards in the Consulship of *Lampadius* and *Orestes*, almost all the fifty Decisions which it pleas'd *Justinian* to establish, for removing all the Controversies and Doubts of the ancient Civilians, were publish'd⁴; many of which we have under the *Tit. de usufr.* as the *l. 12, 13, 14, 15, and 16*; since the 17th, altho' it be one of the 50 Decisions, was made in the following Year, after the Consulship of *Lampadius*. In this Consulship, not only almost all these Decisions were publish'd, but also some other Constitutions were made, such as the *l. 7.* which we read under the *Tit. de bon. quæ lib.* whereby it was ordain'd, that the Father should not have the Use of Goods given to the Son by the Prince, or the Emperors; and that excellent one, to wit, *L. un. C. de rei ux. act.* It was in this Year 530. which was the fourth of the Empire of *Justinian*, that this other Constitution was publish'd, which we read under the *Tit. de vet. Jur. enucl.*; where, as is said, *Justinian* commanded *Tribonianus*, and the sixteen other Civilians, to compose the Digests.

I N the following Year, after the Consulship of *Lampadius*, and the fifth of the Empire of *Justinian*, many were proclaim'd, such as the *L. 2. de Constit. pecun.* whereby the *Actio receptitia* was repeal'd; the *L. 2. C. Com. de Legat.* whereby the Difference betwixt Legatees, and particular Trustees was taken away; the *L. 2. C. de indic. viduit.* by which the Law *Julia Miscella* was abolish'd; the *L. 3. C. de Edict. D. Hadrian. toll.* by which the Edict of *Adrian*, for the twentieth Part of the Heritage was struck out and cancell'd; and the *L. 4. C. de liber. præd.* by which the Difference of Sex in Disinheriting was abolish'd. In this same Year were likewise put forth these noble Constitutions, to wit, *L. si quis argentum 35 C. de donat.* the *L. ult. C. de Jur. delib.* the *L. ult. C. qui pot. in pign.* and some others.

I N the second Year after the Consulship of *Lampadius* and *Orestes*, was publish'd the *L. 2. Cod. de vet. Jur. enucl.* and in the following 533. the seventh of his Empire, were publish'd the Institutions, as is said, and the Pandects a Month after. These two Years are remarkable because there were no Consuls.

W H E R E U P O N the Compilers of this new Code added all these Constitutions, which, according to *Balduinus*⁵ and *Ritterfusus*⁶, exceeded 200 in Number, and were publish'd after the first Code, in the Space of five Years, which likewise may be seen in *Aloandrus* in the Catalogue of Consuls join'd to his Code, on which *Franciscus Raguellius*⁷ made particular Commentaries; as did also *Edmundus Merilius*, upon the 50 Decisions⁸. By which the System of divers Matters relating to our Jurisprudence was alter'd, and particularly the Doctrine of *Peculium*, *Legatees*, and many others were varied: Whence it follows, as *Balduinus*⁹ and *Ritterfusus*¹⁰

¹ Auctor Cronici Alex. apud Pagi in Dissert. Hypatica de Consulib. pag. 301. His Coss. Justinianus Codex renovatus est, adjunctis novis, post priorem Codicem, Constitutionibus, Jus-
fulque est, antiquato priore, suam obtinere vim, sive auctoritatem IV. Kal. Jun. indict. XII.

² Cod. de emendat. C. Justin. & secunda Edit.

³ L. 6. C. de bon. quæ lib.

⁴ V. Edmund. Meril. in decis. Justin.

⁵ Balduin. in Justiniano p. 497.

⁶ Ritterf. in Jure Justin. in præm. cap. 1. num. 4.

⁷ Fr. Raguell. 1. Comment. ad Constitut. & decis. Justin.

⁸ Edmund. Meril. ad 50 Decis. Justin.

⁹ Balduin. in Justin. p. 497.

¹⁰ Ritterf. loc. cit.

have likewise observ'd, that 'tis a great Mistake to believe, that only the 50 Decisions were added to this new Code; and that excepting these Decisions, the Pandects differ'd in nothing else from this Code *de Repetita Prælectione*.

THESE Constitutions then of the Princes being put into this better Form, in this new Code, in which also were inserted some Constitutions of the Successors of *Theodosius, Valentinian, Martin, Leo, Antemius, Zeno, Anastasius*, and *Justin*, *Justinian* ordered, that the first Code should be no more of any Authority or Force; but that this Second, which, after the Example of the Ancients, he call'd *de Repetita Prælectione*, should solely be of Force and Vigour in the Tribunal and Judgments; neither from any others but from it, could the Constitutions be quoted in the Courts of Justice, annulling all the others which were scatter'd up and down: Whence it is, that some very pertinently have observ'd, that those Constitutions of *Zeno*, or other Emperors, which we don't find inserted in this Code, were of no Force, and which we only owe to the Care and Learning of some Writer, who had dug them out of the Darkness in which they had been buried, and restored them to the Light of the World; for many of which we are indebted to *Contius, Jacobus, Cujacius, Dionysius*, and *Jacobus Gotifredus*, and other learned Men; the Use of which will be, not to use them, as the Constitutions of Princes, which have lawful Authority, but only to draw from them some Light for the better Understanding those that were received, and those which by ancient Custom have acquired with us the Force of Laws in our Courts of Justice; altho' the Constitution of *Zeno* which he made concerning Buildings, and the Prospect of the Sea, is defended by many as lawful and of Authority, that is to say, because we see it confirmed by *Justinian* in his *Novellæ*; and in the Code is declared not to be local in *Constantinople* only, but to comprehend all the other Provinces of the Empire¹.

JUSTINIAN was so strict in not admitting any other Constitutions, but those which were gathered together, and united in this Code, that he would have all the others, which upon any emergent Occasion, should come forth for the future, to be collected into a distinct Volume, to which he gave the Name not of Code, but of *Novellæ Constitutiones*, and that they should form another Body distinct from his Code: Whence, altho' the Name of *Codex*, generally speaking, may be given to every Book, *A caudicibus arborum deducto Vocabulo*; nevertheless our Civilians call'd only that Book a Code by *Antonomasia*, wherein the Constitutions of the Princes were collected after a certain Order, because, as *Gotifredus*² observes from *Cujacius*, the Constitutions and Rescripts of the Princes used to be written in *Codices* and *Pugillares*, which were Tables of Wood, and also of Copper and Ebony, which were kept in the Cabinet, or Chancery of the Prince for Preservation; whence we read, that *Theodosius the Younger*, when he caused his Code to be compiled, sent to ask of *Valentinian III.* the Constitutions made by him for the West, which were kept in his Cabinets, in order to join them to his own, and those of his Predecessors for composing this Code. On the contrary, the *Responsa* of the Learned, from which the Digests were compiled, used to be written on Parchment, and not on Wood or Copper.

THE first Code then being abolish'd, and the Memory of it altogether extinguish'd, all Authority was given to the Second, which is that we now have, and which all the Tribunals, and Academies of *Europe* make use of, as every body sees it, divided into twelve Books, and distinguish'd into 776 Titles. Its Constitutions were all dictated in the *Latin* Tongue, and contain the Constitutions of 54 Emperors, beginning at *Adrian* down to *Justinian*, as is manifest from the Catalogues which *Aloandrus* and *Dionysius* prefixed to their Codes. We are indebted to the Industry and Care of *Jacobus Labittus*, and *Antonius Augustinus*, for the Index of the Laws publish'd by each Emperor, which is no less useful to those who study our Jurisprudence, than that which they composed of the *Responsa* of the Civilians in the Pandects.

SOME have blam'd *Justinian*, who was so Catholick a Prince, for having caus'd to be inserted in this Code, many Constitutions not becoming his Piety and Religion. Our *Matthew de Afflictis*, by falling into this Error, wrote, that he had caus'd to be inserted many impious Laws in the three last Books; but he was handsomely rebuk'd for it by *Valenzuola*. Others said, that *Justinian* did ill in putting the Laws of *Valens* against the *Solitarii* into his Code, and *Amaja* durst not defend him: But 'tis

¹ V. Card. de Luca de Servit. Disc. 1.

² Goth. ad Tit. de nov. Cod. faciendo in princ. clearly

clearly seen that that Law was not made against the true *Solitarii*, but against those, who under pretence of Religion affected to be such, by joining with them in order to shun the Charges of the Court. Some others blame him, because he made many Laws concerning Usury and Divorces, and yet allowed of them; but *Godelinus*¹, *Leotardus*², and others vindicate him. Others because he inserted many Laws concerning the outward Ecclesiastical Polity; but they are to be excused, because they did not advert to the Circumstances of the Times in which they were publish'd, but according to the Maxims of the Ages in which they wrote, thought it did not suit with the Authority of the Prince to establish them; which will be better seen, when we come to treat of the Ecclesiastical Polity of that Century.

¹ Godelino de Jur. novis. cap. 10. in fin. 1 ² Leotar. de Usur. qu. 6. num. 28.

S E C T. IV.

Of the NOVELLÆ of JUSTINIAN.

ALTHO' *Justinian* had made sufficient Provision for the Study of the Jurisprudence, by these three commendable Works, to wit, the Institutions, the Digests, and the Code; nevertheless, as in the Course of Years, according to the various Affairs and new Emergencies, it was necessary to provide a-new, and put forth new Constitutions: These not long after grew to that Bulk, that it behoved him to join them together in another Volume, which was call'd the *Novellæ Constitutiones*. These were put forth from time to time by *Justinian*, not in the Latin Language, as the others contain'd in the Code, but almost all in the Greek¹, excepting the Nov. 9, 11, 23, 62, 143, 150, which were written in Latin²; in which truly there are many Things amiss as to the Elegancy, Brevity, Gravity, and Doctrine; and forasmuch as the Constitutions of the Princes, from *Constantine the Great* down to him, yield to the Constitutions of the more ancient Emperors, from *Adrian* to *Constantine*, so much these *Novellæ* of *Justinian* come short of the Brevity and Elegancy of the latter; so that 'tis always going retrograde, from worse to worse, the Reading of which gives much Disgust, they being Loquacious, Bombast, void of the Brevity, Gravity, and Elegancy of the first: But what is of the greatest Import, is to observe in them a certain Inconstancy and Fickleness that's inexcusable, changing and varying that which a little before was establish'd, and what just now pleas'd, soon after is chang'd and cancell'd; which has induced many to believe, that so much Inconstancy proceeded from the Womanish Levity of *Theodora* the Wife of *Justinian*, who was often meddling with such Matters; and the Avarice of *Tribonianus*, who for Money often chang'd and varied the Laws at his Pleasure³.

OF these *Novellæ* only Ninety-six were known by our ancient Glossators, altho' *Julian*, Professor of Law in the Academy of *Constantinople* a little after *Justinian*, compendiz'd and translated them from the Greek into the Latin Tongue, to the Number of One Hundred and Twenty-five. In later Times, *Aloandrus* found some others, and increas'd their Number to One Hundred and Sixty-five: *Jacobus Cujacius* added other three, so that their Number at present amounts to One Hundred and Sixty-eight⁴.

BUT we must observe, that in joining these *Novellæ* together, the Order of Time has not been exactly observ'd; for we perceive a great many of these which were publish'd towards the End of the Empire of *Justinian*, put before those which were publish'd sooner, and on the contrary, those which were first publish'd placed last. Thus in the Ninth Year of the Empire of *Justinian*, in the Consulship

¹ Ant. Augustin. in Parat. ad Nov.

² Ritterf. in Proœm. cap. 4. num. 1.

³ Procop. lib. 1. de Bello Persico. Suidas in Dictione Tribonianus.

⁴ Doyiat. Hist. Jur. Civ. Ritterf. in Jur. Justin.

of *Belisarius*, when they began to be establish'd, the following *Novellæ* were publish'd ; 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18 ; and also in the same Year, the 24, 25, 26, 27, 28, 29, 32, 42, 51, 102, 103, 107, 110, 116, 118, and 157. In the following Year, after the Consulship of *Belisarius*, the 19, 20, 21, 22, 31, 38, 39, 40, 43, 45, 122 : And the next Year, the Eleventh of his Empire, were made the *Novellæ* 41, 52, 53, 54, 55, 56, 58, 59, 60, 61, and many others.

IN the Consulship of *Joannes*, and Twelfth Year of the Empire of *Justinian*, were publish'd the *Novellæ* 63, 64, 66, 67, 68, 69, 70, 71, 72, 73, 74, 76 ; as in the Year after 78, 79, 80, 81, 83, 97, 99, 101, 133, 162 ; and in the following, in the Consulship of *Justinus*, the 98th.

IN the Consulship of *Basilus*, and the Fifteenth Year of the Empire of *Justinian*, were proclaim'd the *Novellæ* 108, 109, 111, 113, 115, 117, 119, 120, 121, 123, 124, 125, 128, 129, 130, 131, 132, 134, 135, 136, 137, 145, 146, 147, 153. In the following Years nothing was publish'd by *Justinian* ; but in the Thirty-second Year, the last of his Empire, was put forth the *Novella* 141, whence it ought to be reputed the last of all, as being made in the Year 558.

THESE *Novellæ*, together with thirteen Edicts publish'd from Time to Time by *Justinian*, were collect'd and joyn'd together in one Volume, not by *Justinian's* Order¹, but after his Death, by private Industry and Care, as *Cujacius* and *Antonius Augustinus* shew us, without observing any other Order than as above set down. All the Business then of the Interpreters was to divide them into nine *Collationes*, which after the Manner of Books, each contains many Titles ; and was call'd afterwards, in the Days of *Bulgarus*, *Authenticum*, either because these Constitutions, as being publish'd after the Laws of the Code, were of more Authority and Weight ; or, which is more probable, like to the *Latin* Epitome made by *Julian*, this Work, as containing the intire *Novellæ*, as they were publish'd by *Justinian*, ought to be reputed the Original and Authentick².

WE have three *Latin* Versions of these *Novellæ* : The first ancient, of which *Bulgarus* is said to be the Author ; but *Cujacius*³ and others don't allow of it ; The second was made by *Aloandrus* ; and the third by *Henricus Agileus*. Authors don't agree neither in the Name, nor in the Age of this ancient Interpreter ; some have believ'd him either more Ancient or Contemporary with *St. Gregory the Great*, because this Pope quoted and transcrib'd many Passages of these *Novellæ* into his Books, of which Opinion *Balduinus* was also⁴ : But *Antonius Augustinus*⁵, follow'd by *Rittershusius*, reports, That in the Days of *Irnerius* and *Bulgarus*, the *Greek* Volume of these *Novellæ* was found by the Labour of a certain Monk, who translated it into *Latin* : He was call'd *Bergonto Pisanus*, of whom 'tis likewise said, that he translated into *Latin* these *Greek* Clauses, which we find in the Books of the Digests.

THE Translation made by *Aloandrus* happen'd thus : There was kept in *Florence* a Manuscript Volume of the *Greek Novellæ*, from which that of *Bologna* had been copied. *Aloandrus* made use of this last, and he was the first who caus'd the *Greek Novellæ* to be printed, after he had translated them into *Latin*. The first Edition came forth in the Year 1531, to the Honour of the Senate of *Nuremberg*, who was at the Charges of it. *Henricus Scrimgerus*, many Years after, having found in *Venice* another Manuscript Copy more exact, which belong'd to *Cardinal Bessarion*, from this new Copy he made up a great deal of what was wanting in the Edition of *Nuremberg*, and caus'd it to be printed in *Greek* ; from which *Henricus Agileus* made a third Translation, who also translated the *Novellæ* of *Leo* ; and *Contius* likewise translated some others into the *Latin* Tongue.

WERNEUS, or, as we call him, *Irnerius*, to the great Advantage of the Studious, abridg'd them, and to each of the Laws of the Code, which had been corrected from the *Novellæ*, or that treated on the same Subject, join'd the Epitome of them ; by which it might be known, what had been alter'd on that Subject by these latest Constitutions of *Justinian*, therefore they got the Name of

¹ Ritterf. in Jure Justin. cap. 1. num. 18. in Proœmio.

² Ritterf. in Jure Justinian. in Proœm. cap. 1. num. 10, 11, 12.

³ Cujac. lib. 8. Obs. cap. ult. Coviât. Hist. Jur. Civil.

⁴ Balduini Justin. pag. 573.

⁵ Ant. August. in Parat. Nov. 50. Ritterf. in Proœm. cap. 4. num. 9.

Authenticæ, which ought to be carefully compar'd with the Originals from whence they were taken, because sometimes they differ widely from them; and *Georgius Ritterfufius*¹, the Son of *Conradus*, reckons Seventy Places which don't agree with the Originals.

AND 'tis likewise to be observ'd, that this Volume of the *Novellæ* differs chiefly in three Things from the Code. The first, that the Code comprehends the Constitutions of many Princes, beginning with *Adrian* down to *Justinian*; and the *Novellæ* are only Constitutions of *Justinian* alone. The second, that the Laws of the Code were almost all dictated in the *Latin* Language, and the *Novellæ* in the *Greek*. The third, that in the Code, the Constitutions are subdivided into certain Classes, and placed under various Titles, according to the Variety of the Subject they treat of, and many times there are many of them dispos'd of under one Title; whereas in the Volume of the *Novellæ* each Constitution has its own Title, and are put together without Order, only observing the Order of Time; neither was that Order observ'd altogether, as we have shewn above.

¹ Georg. Ritterf. in Appendice ad Jus Justin. Patris.

S E C T. V.

Of the Use and Authority of these Books in Italy, and in these our Provinces.

ALTHO' *Justinian*, by these his celebrated Works, had eclips'd the Fame of *Theodosius* in the East so much that the Name of his Code was intirely extinguish'd; neither were the Academies nor the Courts of Justice to have recourse to any other Books but these; and tho' in the Empire of the East, they alone were receiv'd, and all others rejected; nevertheless in the West, and particularly in *Italy*, their Fortune was different, being publish'd by *Justinian* in the last Years of the Reign of *Athalarick*, while the Dominion of the *Goths* yet continued, they were not receiv'd in *Italy*, nor in these our Provinces, where, as being a Foreign Soil, they could not take deep Root; but the ancient Codes, and the old Books of the Civilians were retain'd, and the *Theodosian* Code lost nothing of its Esteem or Authority; on the contrary, by the Authority of *Alarick*, they were in great Reputation amongst the *Westrogoths*, insomuch that the Compend of the *Theodosian* Code, which they called a Breviary, was not only of great Value and Authority amongst them, but also amongst the *Ostrogoths*, and many other Nations, such as the *Burgundians*, *French*, and *Longobards*, and what was *Roman Law*, was contain'd in these Books.

AND altho' after the Death of *Athalarick*, and that of *Amalasuntha* soon after, the Affairs of the *Goths* in *Italy*, were reduced to a very low Ebb; and *Justinian*, by the Valour of *Belisarius*, had gain'd many Victories over them, and by a particular Edict¹, had order'd the *Roman Laws* contain'd in his Books, to be observ'd over all the Provinces of *Italy*; and *Belisarius* afterwards, in the Tenth Year of this Emperor's Reign, had conquer'd *Naples*, *Puglia*, *Calabria*, *Samnium*, and *Campania*, and taken these Provinces from the *Goths*; nevertheless, they having afterwards recover'd their ancient Spirit and Valour, under the most gallant and wise Prince *Totila*, made so great a Revolution in the Affairs of *Italy*, that in the Heat of so cruel a War, when no regard was had to Laws, those of the *Romans* contain'd in the Books of *Justinian* again lost their Vigour and Authority: And tho' at last, in the latter End of his Reign, he had gain'd an intire Victory over them, and under *Teja* their last King, by the Means of *Narses*, had wholly subdued and defeated them, yet, notwithstanding all that, he dying soon after, and being succeeded by *Justin the Younger*, a most foolish Prince, it was not long

¹ Pragm. Justin. Post. Novel.

before *Italy* came under the Dominion of the *Longobards*, who, following the Example of the *Goths*, acknowledg'd no other Laws but their own, and those of the *Romans* which were contain'd in the *Theodosian Code*, and what by Tradition had been remember'd by the People; so that the Books of *Justinian* were not minded, of which the *Longobards* had little or no Knowledge, as we shall shew anon.

A D D to this, that not many Years after they began to have the same Fate in the East, where, as we shall shew in the following Books, partly by Ignorance and the Folly of his Successors, and partly by Envy, they came to be so forgotten, by reason of the numerous Collections which were made of them in Emulation of *Justinian*, that the Credit of them was quite eclips'd and extinguish'd; by which we see the strange Vicissitudes of human Things: This great Work of *Justinian*, compil'd with so much Care and Study, that it ought to have been famous and immortal for ever, yet scarcely was its Author dead, when it was likewise buried in the thickest Darkness and profoundest Oblivion for the Space of Five Centuries; but rising again in the West in the Reign of *Lotharius*, it spread its Fame over all the Provinces of the World; so that there was no Nation, neither civiliz'd or barbarous, which had it not in high Esteem and Veneration, and which did not prefer it to their own Laws and Customs.



C H A P. IV.

The Expedition of Justinian against Theodatus King of Italy, the Successor of Athalarick.



AFTER *Justinian* had put the last Hand to a certain and fixed Form of the *Roman Jurisprudence*, with the same good Fortune he betook himself to Arms. A Prince most fortunate as well in Time of Peace as War; for as in his own Time, for the accomplishing the Undertaking of the Laws, which was as bold and noble, as hard and difficult, he had those famous Civilians *Tribonianus*, *Theophilus*, *Dorodens*, and all the others, of whom we have made honourable mention, who were able to bring it to Perfection; so in War he had most gallant and famous Captains, such as *Belisarius*, *Narses*, *Mondus*, and some others, who by their incomparable Virtue, and glorious Achievements, added no less to his Glory than to the Increase of the Empire by their many Conquests; whence his Name was transmitted to Posterity, adorn'd with so many Titles of *Alemanicus*, *Gothicus*, *Francicus*, *Germanicus*, *Anticus*, *Alanicus*, *Vandalicus*, and *Africanus*, for his having conquer'd and subdued so many Nations. He was as fortunate in the Opportunities which offer'd to make the Conquests easie, as he was in so illustrious and gallant Captains who flourish'd in his Time; and particularly in the War which he made upon the *Goths* in the Expedition of *Italy*, the Success of which we are briefly to relate.

AFTER that *Belisarius* had conquer'd the *Vandals* in *Africa* and taken *Carthage*, having made *Gilimere* their King Prisoner, and carried him in triumph to *Constantinople*; *Justinian* seeing that vast Kingdom subjected to his Empire, turn'd all his Thoughts on the Expedition of *Italy*, in order to drive the *Goths* out of it; and a very lucky Opportunity, which presented it self, hasten'd the Undertaking, and push'd on the Execution.

Amala-

Amalasuntha, a most prudent Princess, seeing her Son, by a riotous Life, had contracted a lingering Disease, so that there were no more Hopes of his Life, was afraid, that after his Death she should not be able to live amongst the *Goths* in Safety, who, because she could not bear with their Disorders and Debaucheries, hated her mortally, and because she was much respected by the Emperor *Justinian*, who honoured and regarded her so much, that at last *Theodora* his Wife became jealous of her; began secretly to treat with *Justinian*, how she might be able to put him in Possession of the Kingdom of *Italy*, thinking by that means she might live in Peace and Quiet; but the untimely Death of her Son gave her not Time enough to accomplish her Design: For which Cause, being suspicious that the *Goths*, who would not suffer her to continue in the Government, might chuse a King according to their own Mind, she cunningly prevented them, by placing upon the Throne *Theodatus* her Cousin, Son of *Amalasfrida* Sister to the great *Theodorick*, who was likewise of the illustrious House of *Amala*¹. This was a Prince who had led his Life in the Desarts of *Tuscany*, and was much addicted to the Platonick Philosophy²; a Man of great Learning, and a perfect Master of the *Latin* Tongue, which in his Time had so far decay'd in its Purity, that he who understood it to Perfection was in great Esteem; and, if we may believe *Cassiodore*³, since *Procopius* says nothing of it, *Theodatus* was also expert in Divinity, and the Ecclesiastical Learning: Forasmuch as in the Letter which *Amalasuntha* wrote to the Senate of *Rome*, wherein she gives them an Account of his Advancement to the Throne, amongst the other Commendations and Honours which she bestows on *Theodatus*, she tells them, That he was a Prince very knowing in Ecclesiastical Learning. But all this Learning was not able to change his Nature, and the Meanness of his Spirit; and besides he was most unexpert in Military Matters, Fearful, Lazy, and above all most Covetous, without Honour or Probity, and so full of Treachery and Mischief, that he was capable of committing the most vile Actions in the World, when he was push'd on by his own or the Passions of other People.

THE unhappy Princess *Amalasuntha* soon after was sensible of his treacherous Nature to her utter Ruin; for he no sooner mounted the Throne, than, forgetting all the Promises he had made to his Benefactress, he suffer'd himself to be govern'd by the Relations of those whom this Princess had put to Death for their Crimes; and following the Advice of these People, caused her to be carried from the Palace of *Ravenna*⁴ to Prison, in an Island in the Middle of the Lake of *Bolsena*, and some Days after order'd her to be barbarously strangled in the Bath, at the same time that he was begging Peace of the Emperor *Justinian*, having first compell'd that unhappy Princess to write to the Emperor for obtaining it. There are not wanting Writers who say, that *Theodatus* was induc'd to commit such a Piece of Villainy, not only thro' the Perverseness of his Nature, and the Advice of those of his Court, but likewise by the Means and Persuasion of *Theodora* the Wife of *Justinian*, who being jealous of the Love that her Husband had for this Princess, was afraid, that one Day he would forsake her for *Amalasuntha*.

IN the mean time, *Justinian* being furiously inrag'd at the horrible Brutality of *Theodatus* and the *Ostrogoths*, resolved to revenge the Death of *Amalasuntha*; and, on the other hand, being eagerly desirous of uniting *Italy* to the Empire, he thought this was the best Opportunity that could ever offer to make War upon the *Goths*, in order to drive them out of *Italy*: Therefore, in the Year of our Lord 535, having pitch'd upon *Belisarius* for that Undertaking, and made great Preparations both by Sea and Land, he sent him with a powerful Fleet to *Sicily*, judging it to be the fittest Place to begin the War in, it being in a manner the Nursery of these Provinces, which now form our Kingdom, which being taken would render the Conquest of them the more easy.

JUSTINIAN likewise tried all Means for facilitating this Enterprize, and used all his Endeavours to bring the *French* to his Assistance, informing them of all his Grievances against the *Goths*, and laying before them the Reasons which he thought most just for undertaking this War. The *Goths*, says he, as *Procopius*⁵

¹ Procop. de Bello Got. Cassiod. lib. 10. cap. 1. 2, 3.

² Jornand. de Reb. Gest.

³ Cass. lib. 10. cap. 3. Princeps yester etiam Ecclesiasticis est Literis Eruditus.

⁴ Jornand. de Reb. Gest.

⁵ Procop. lib. 1. de Bello Got.

has it, *raptâ Italia, quæ nostri baud dubiè est juris*, they not only don't like to restore it to the Empire, but besides, in Contempt of me, they have cruelly murdered *Amalasuntha* whom I so much esteem'd, and had so great a Value for, at the same time when they were begging Peace of me. But the *French* made no Motion towards his Assistance. On the contrary, *Theodebert* their Prince, Nephew of the great *Clovis*, whom *Justinian* in his Edicts had so much extoll'd, and also given him the Surname of *Franciscus*, as if he had subdued his renowned People, made War against him in Favour of *Theodatus*, and afterwards of *Vitiges*.

IN the mean time, *Belisarius* arriving in *Sicily* made an easy Conquest of it, by reason of the Confusion that was there. Having taken it, he immediately passed over from *Messina* to *Rbegium*, where the Gates were open'd to him; from thence by Land he march'd directly to *Rome*. All the Places on his March surrender'd willingly; therefore without much Resistance he took *Aprutium*, *Lucania*, *Puglia*, *Calabria*, and *Sannium*: *Beneventum*, and almost all the principal Cities of these Provinces yielded by the Terror of his Arms, and much more by the Astonishment the *Goths* were in, and the Stupidity and Fright of *Theodatus*. Only *Campania* resisted as much as the Forces in it were able. In this Province, the Cities that were able to defend themselves were *Naples* and *Cuma*: *Naples* stood out with great Valour and Intrepidity, and endured a Siege of many Days without surrendering; but a Soldier luckily having discover'd an Aqueduct which reach'd into the City, by which, with great Constancy, altho' sometimes dishearten'd, the *Greeks* enter'd it at last, and to the great Astonishment of the Besieged, turned every thing in the City topsy-turvy; and the Pillage had been more lamentable and dismal, if *Belisarius* had not put a Stop to the Insatiableness of the Soldiers. After the Conquest of these our Provinces, *Belisarius* pursued his way to *Rome*, and at last took it in the Eleventh Year of the Empire of *Justinian*, after it had been Sixty Years in the Possession of foreign Nations.

WHEN by the Terror of these Arms, and the so many Victories of *Belisarius*, *Theodatus* was quite discourag'd, he tried all ways possible for obtaining Peace from *Justinian*: He sent many Ambassadors to *Constantinople*, amongst whom Pope *Agapitus* offer'd Terms and Conditions of Surrendring¹. *Justinian* had likewise sent into *Italy* one *Peter* to treat of this Peace; he was a venerable Person, and most expert in managing State Matters. *Theodatus* propos'd many Projects to him, which, without the express Orders of the Emperor, he could not accept of, so that they were sent directly to *Constantinople*. *Theodatus* offer'd *Sicily* to *Justinian*: That the People of *Rome*, on Solemn and Festival Days, or upon any other Publick Occasion, either on the Theatre or the publick Market-place, should celebrate the Name of the Emperor before that of *Theodatus*: That there should be no Statue erected, either of Marble, of Brass, or any other Matter whatsoever, nor any Medal struck with the Image of *Theodatus* alone, but should be inscrib'd and stamp'd with that of the Emperor likewise, and that the Effigies of the Emperor should possess the most honourable Place on the Right Hand of *Theodatus*.

DURING the Time that they were expecting *Justinian's* Answer, *Theodatus* never ceas'd asking of the Ambassador, for whom he had a great Regard and Veneration, as may be seen by his Letters in *Cassiodore*, if he thought the Emperor would accept of the Conditions offer'd: He complain'd grievously of *Justinian* to *Peter*, that upon so slight an Occasion he had made so cruel a War against him, and, under various Pretexes, sought unjustly to take *Italy* from the *Goths*, after they had recover'd it out of the Hands of *Odoacre* with their own Forces, and with the Consent of the Emperor *Zeno* himself. *Peter*, as also the *Greek* Captains, gave no other Answer to these Complaints, than this; That it was a Duty incumbent upon the Emperor to recover these Provinces, which were known to every Body to have been lopp'd off the Empire; and that it became him, to whose Care it was committed, to use all Means to restore them to it again². In the mean time, the Proposals which had been sent by *Theodatus* to *Justinian* were laugh'd at, as *Alexander the Great* laugh'd at those offer'd to him by *Darius*, who propos'd to give him, as a Portion with his Daughter, all those Places betwixt the *Hellepont* and the River

¹ P. Garet. in Vita Cassiod. p. 1.

² Procop. de Bello Got. at illum non dedecet | repetere terram, quam constat fuisse ejus, quod ipsi commissum est Imperii.

Hali, which he had already conquer'd¹; and as the *Romans* did by *Volgesus* King of the *Parthians*²; and as afterwards *Charles the Great* did by *Nicephorus*, who offered him *Saxony* which he had already subdu'd³; forasmuch as *Theodatus* offer'd *Sicily*, which had been already possess'd by *Belisarius* together with the Provinces of our Kingdom: So that these Conditions being rejected, *Theodatus's* Fear, and the Terror of the *Goths* increased.

THE miserable *Goths*, seeing themselves in such a Consternation, and perceiving the Fright of *Theodatus*, and that by his Cowardliness they had been reduc'd to such a lamentable Condition, had a Mind to try if at least they could bring about the Treaty of Peace with *Belisarius*; wherefore they sent Ambassadors to lay before him their just Grievances, and to stop him from pursuing his Design. Being admitted to *Belisarius*, they began to lay forth to him the Wrong which was done the *Goths* by this unjust War. The *Romans* are much in the Wrong, said they⁴, who without any Cause have taken up Arms against us; their Confederates and Friends. The *Goths* have not taken *Italy* from the *Romans* by Force; it was *Odoacre*, who by much Slaughter and superior Strength robb'd them of it, while *Zeno* reign'd in the East, who not being able to revenge himself, by retaking the unjust Prey, nor having sufficient Force to oppose the Tyranny of the *Heruli*, called our Prince *Theodorick*, who was then threatening, on account of some Difference which had fallen out betwixt them, to besiege him in *Constantinople* itself, and intreated him to forgive his new Enemy, for the Sake of the Dignity of Patriciate, and *Roman* Consulship, which he had conferr'd upon him, and for the Regard he had always had for his Person, to turn his own Courage, and the Ferity of his People elsewhere; and to turn his Arms against *Odoacre*, and revenge the Death of *Augustulus*, dishonourably killed by him, and recover *Italy* from him, which he freely resign'd to him, and his *Goths*, that for ever after they might govern it, and hold it with a just Title, and good Right. *Theodorick* came to *Italy*, and by his own Valour, and the Strength of his *Goths*, drove out the Tyrant, and with the Consent of, and in Confederacy with all the Princes of the East govern'd it so many Years, as it is to this Time govern'd by his *Goths*: With what Justice then could they pretend to make War against them, who possess it by so just Titles, after having possess'd and govern'd it so many Years with so much Justice?

BUT *Belisarius*, who flush'd with his late Successes, was not to be moved by such Stories, which signify nothing, if they are not back'd by Force, answer'd them to their Face severely and gravely; That they had said more than they could make good: That *Theodorick* was indeed sent by *Zeno* to fight *Odoacre*, but not to make himself Master of *Italy*; since it signified nothing to the Emperor, as long as it was not restored to the Empire, whether it was under the Slavery of the one or the other Tyrant; that *Italy* was to be set at Liberty, and put under the Imperial Laws: But that *Theodorick* having behaved himself gallantly against *Odoacre*, set up for himself, and refused to deliver *Italy* to its Right Owner. To me, said he, he seems to be as bad, who keeps Goods that are not his own, against the Will of the Owner, as he that takes them by Force; therefore I will never yield to any Man in the World that Country which belongs to the Empire.

¹ Curtius lib. 4.² Tac. Annal. lib. 15.³ Avent. lib. 4. Ann. Bojor.⁴ Procop. lib. 2. de Bello Got.

S E C T. I.

Of Vitiges, Ildibaldus, and Eraricus, Kings of Italy:

BY such a surly Answer, the *Goths* gave themselves up to Despair: they made use of all their Power and Art to find a Remedy for so imminent a Danger. They reveng'd themselves upon *Theodatus*, whose Stupidity had been the Cause of their impending Ruin, and whose Folly had made him unfit to govern: They first dethron'd

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him;

him, and then put him to Death, and in his stead, in the midst of the Army, chose *Vitiges*, and proclaim'd him their King. *Goldastus* ¹ gives us another Reason for his Death; to wit, that the *Goths* had discovered, that *Theodatus* being wearied with so long and toilsome Wars, had agreed with *Justinian* at last to surrender the Kingdom to him, for a large yearly Pension, that he might retire to some solitary Place, and give himself up to the Study of Philosophy; and both the Letters which *Theodatus* wrote to *Justinian*, and his Answers to them, are related by the same *Goldastus*. *Vitiges* had for Wife *Matafuenda*, Daughter of the Princess *Amalasuntha*: He was a Prince of great Courage and Prudence, of which his notable Deeds bear Testimony, as do also his Speeches, and Letters which we read likewise in *Cassiodore* ² and *Goldastus* ³.

NO sooner had *Vitiges* mounted the Throne, after having in vain attempted to make Peace with *Justinian*, than he laid close Siege to *Rome*, which he kept block'd up for a Year and nine Days, till *Belisarius* reliev'd it in the Year 538. Whereupon seeing himself disappointed of his Hopes, he retired with his Wife to *Ravenna*: Not long after, *Belisarius* being Victorious every where, made them both Prisoners, and it luckily fell out (for at that Time he was recall'd by *Justinian*) that he triumph'd over *Vitiges* King of the *Goths*, in *Constantinople*, as he had done over *Gillimere* King of the *Vandals*.

THE Emperor *Justinian* recall'd *Belisarius* to *Constantinople*, being jealous of his Conduct, and sent *John* and *Vitalis* to *Italy* in his Room, altogether unlike him in Valour and Manners, which had this Effect, that the *Goths* taking new Courage, chose *Ildibaldus*, who was Governour of *Verona*, for their King ⁴; but he, on account of his Cruelty, was soon after kill'd by the *Goths*, and *Eraricus* chosen in his Place, who likewise in a short time was put to Death, being suspected to have enter'd into a Confederacy with the *Greeks*, and *Totila* advanced to the Throne.

¹ Goldast. tom. Const. Imp.

² Cas. lib. 10. c. 31, 32, 33, 34, 35.

³ Goldast. Const. Imp. tom. 1.

⁴ We read some Edicts of *Ildibaldus* in Goldast. tom. 1. Const. Imp.

S E C T. II.

Of T O T I L A, King of Italy.

UNDER this Prince, by his singular Virtue, and extreme Bravery, the *Goths* recover'd Vigour, and retook many Provinces which *Belisarius* had taken; they defeated the Emperor's Army, and regain'd *Tuscany*. Not long after they recover'd these our Provinces, which form the Kingdom. They having regain'd *Samnium*, and destroyed *Beneventum*, which they took by Force, threw down their Walls. From thence they went to *Campania*, and besieg'd *Naples*; and in the mean time took *Cuma*, and all the other Places along the Sea-Coast; and during the Siege of *Naples*, their Fleet being made very strong by the infinite Number of *Goths* that flock'd to it from all Parts, they made themselves Masters of *Puglia*, *Calabria*, and all the other Provinces, by their Lieutenants, without Resistance; from which they drew immense Sums, which had been gathered by *Justinian*. The *Neapolitans* at last surrendered; and altho' they were afraid, that by such Resistance, they should be severely treated by *Totila*, nevertheless they had a Proof of the Mildness of this Prince, who not only was a Defender and Preserver of the Chastity of the *Neapolitan* Women ¹, but treated them kindly, and with the greatest Humanity. And thus by the Valour of *Totila*, these our Provinces, which by the Folly of *Theodatus* had been lost, return'd anew to the *Goths*.

HITHERTO the Popes had not meddled in the Affairs of State nor of Princes; but were indifferent whether *Italy* were under the Dominion of the *Romans*, *Goths*, or *Greeks*. All their Care was employ'd in reuniting the Church of the East with

¹ Grot. in Prolegom. ad Hist. Got.

that of the West, and in taking Order in various Councils about several Controversies which had arisen amongst the Bishops of the East, both in Doctrine and Discipline. The Popes *Silverius* and *Vigilius* were the first: *Silverius* being suspected by the *Greeks*, as more desirous of the Government of the *Goths*, than that of the *Greeks*, was accused by *Belisarius* of keeping a Correspondence with the *Goths*. *Silverius* on the Death of Pope *Agapitus* had been elected in *Rome* in his Place, and acknowledged by the Clergy and People of *Rome*, as lawful Bishop of that City. On the other hand, *Vigilius* a Deacon of the Church of *Rome*, who having been sent to *Constantinople* about the Affairs of Religion, had remain'd in that City, aspired likewise to the Papacy, and seeing himself prevented by *Silverius*, who was supported by the *Romans* and the *Goths*, left no Stone unturn'd to induce *Justinian* to send *Belisarius* again into *Italy* with a powerful Army, and retake from the *Goths* all they had recovered under *Totila*; and had now prevail'd with him to do it. He likewise us'd all his Art and Cunning with the Empress his Wife, promising that if she would get him to be elected Pope, he would receive *Theodosius*, *Antimus*, and *Severus* into his Communion, and approve of their Doctrine.

THEREFORE *Belisarius* return'd to *Italy* in order to drive the *Goths* out of it; but having carried so few Troops with him, he rather lost the Reputation which he had gain'd by his first Expedition, than acquir'd a greater; forasmuch as *Totila*, while *Belisarius* with his Forces was at *Ostia*, took *Rome* in his Sight; and seeing that he could neither conveniently leave it nor keep it, he laid it waste for the most Part, and drove the People out of it, carrying the Senators along with him; and undervaluing *Belisarius*, he went with his Army to *Calabria*, to encounter the Forces that were coming from *Greece* to his Assistance. *Rome* being deserted, was immediately retaken by *Belisarius*, who in all haste rebuilt the Walls, and recall'd the Inhabitants. *Vigilius*, hearing that *Belisarius* had retaken *Rome*, left *Constantinople* with a secret Order from the Empress, directed to *Belisarius* to put her Design in Execution. When he came to *Rome* he deliver'd it to *Belisarius*, promising to give him Money if he would put him in Possession of that See: *Belisarius* sent for *Silverius*, and accus'd him of keeping a Correspondence with the *Goths*, and urg'd him to acknowledge *Antimus*; which *Silverius* refusing to do, was stript of his Pontifical Garments, and banish'd to *Patara*, and *Vigilius* elected in his room. But Fortune soon put a Stop to the Proceedings of *Belisarius*, because at that Time *Justinian* being attack'd by the *Parthians*, recall'd him. He to obey his Master, abandon'd *Italy*, and this Province was left to the Discretion of *Totila*, who retook *Rome*; but it was not so cruelly treated as formerly, because being besought by *S. Benedict*, who in these Times had a great Reputation of Sanctity, he rather began to repair it. In the mean time *Justinian* having made up Matters with the *Parthians*, and designing to send new Succours to *Italy*, was diverted from it by the *Sclavonians*, a new Northern People, who had pass'd the *Danube*, and assaulted *Illyricum*, and *Thracia*; so that *Totila* reduc'd almost all *Italy* under his Obedience.

BUT the *Goths* did not long enjoy the Fruit of so many Victories, for *Justinian* had no sooner vanquish'd the *Sclavonians*, than he sent *Narses* the Eunuch, a Man of great Experience in War, who increas'd his Armies even with Foreigners, such as the *Heruli*, the *Hunni*, and the *Gepidæ*; he likewise employ'd the *Longobards*, whom he brought out of *Pannonia*, who afterwards knew so well how to improve the Knowledge they had of such a fine Country, and the Occasion which offer'd to them, that from Auxiliaries they became Conquerors, as shall be related by and by. *Narses* had not as yet disengaged himself from the Expedition of *Thracia* in order to go into *Italy*, when the Governor of *Tarentum* quitting the Party and Service of *Totila*, delivered up the Place to some Imperialists, who had landed at *Cortona*; *Totila* being surpriz'd at so many Losses, and amazed at the Greatness of the Preparations for War, which were nois'd Abroad, and magnified every where, that *Narses* was making against him, sent *Teja* a most valiant Captain to stop *Narses* at a Pass; but *Teja* not being able to hinder his Progress, *Narses* removed all Obstacles, and over-run the Country with a powerful Army, so that a Field Battle could not be avoided, in which *Totila* gave the utmost Proofs of his Valour, and not being able to withstand the Forces of his Enemy, far superior to his own, was defeated, and killed, and his *Goths* put to the Rout, and subdu'd; whereupon the unlucky *Goths* retired to *Pavia* the best Way they could after such a cruel Battle, where they made *Teja* their King, in whose Valour and Boldness they had plac'd all their Hopes of restoring

restoring *Italy* to their Dominion. On the other hand, *Narses* after this Victory took *Rome*, and the other Cities surrendered to him.

THIS Defeat so dishearten'd the *Gothish* Troops in *Italy*, that they were never after able to re-establish themselves there: but the Loss of their gallant King *Totila*, was a much greater Detriment to them: A Prince, who by his Valour, and much more by his Prudence and Goodness, had been able to repair in such a manner the Condition of his *Goths*, that he had almost brought them to the same State in which *Theodorick* had left them. He in little less than ten Years that he reign'd, left so many Monuments of his Valour, his Goodness, and his other great Virtues with which he was adorn'd, that there's not a Writer who does not commend, and for his so many good Qualities extol him to the Skies: He, altho' a *Goth*, says *Paul Warnefride*, lived with the *Romans*, like a Father with his Children, changing nothing of their Laws and Institutions. He continued the same Administration, the same Form in the Provinces, and the same Government: A great Lover of Justice and Equity; and the Speech is truly wonderful, which this Prince made to his Soldiers, in Praise of Justice, and the other Virtues, which we likewise read in *Procopius* after he took *Naples*. His Goodness and Mildness towards the Vanquish'd is often celebrated by the same Historian, tho' a *Greek*. He preserv'd *Rusticana* untouch'd and secure from all Contempt, Wife as she was of *Boetius*, a Woman odious to the *Goths*, with whom they had no reason to be satisfied.

NEITHER have the Historians pass'd over in Silence his Temperance: It was he, who often sav'd the Chastity, and the Liberty of the *Roman* Matrons, and having taken *Naples*, he was most zealous in preserving the Honour of the Women, and punish'd severely the Transgressors that way: He was contented with the most simple Food with his *Goths*, such as Bread, Milk, Cheese, Butter, the Flesh of wild Beasts, Venison, often raw, and sometimes salted: So that from the Example of this Prince the *Goths* could boast of being reputed Temperate, Just, and Mild; whereas the *Romans* themselves, as *Salvianus*² says, came short of the Virtue, the Justice, and the Temperance of the very *Goths*.

¹ In Goldast. tom. 1. Const. Imp. where we find many Speeches of *Totila*.

² *Salvian. lib. 7. de Guber. Dei.*

S E C T. III.

Of *TEJA* the last King of the *Goths* in *Italy*.

THE unhappy *Goths*, after the dismal Defeat which *Narses* gave them, made use of all their Might and Industry to find out ready Expedients for repairing their past Losses; besides their having chosen for their King, *Teja*, a most gallant Prince, they tried to get the Assistance of the neighbouring Princes. They had recourse to the *French*, and sent Ambassadors to move them to come to their Assistance. The Oration of these Ambassadors deserves to be read and admired by every Body, it being full of so moving and most excellent Reasons, which they set forth to the *French*, and may be read as yet in *Agathias*¹. If the *Goths* are destroyed, said they, then the *Romans* will be ready and prepared to renew their old Wars against you. Neither will their Covetousness fail to furnish them with specious Pretexts, and far-fetch'd Excuses. They will put you in mind of the *Marii*, the *Camilli*, and the many Emperors who made War with the *Germans*, and who extended the Bounds of their Empire beyond the *Rhine*. And by making use of these Pretexts, they will not have themselves to be reputed Robbers of other Peoples Dominions, but that they only have a Property in every Thing, and no Body else: They brag that what they do, is only recovering with their just and lawful Arms, what had been possessed by their Forefathers: Upon no other account have they made War so unjustly upon us; as if our

¹ *Agath. lib. 1. Histor.*

ever-glorious Prince, and Author of this Expedition, *Theodorick*, had wrongfully and unjustly taken *Italy* from them: therefore they have believ'd it lawful to take from us our Goods, to destroy the greatest Part of our People, and the most renown'd and eminent of our Captains, and cruelly to use our Wives and Children in carrying them into miserable Slavery; altho' *Theodorick* came not into *Italy* as an Enemy to them, but by the special Concession and Permission of their own Emperor *Zeno*, not to take it from the *Romans* who had lost it, but with his own Troops and his own Valour, having driven out *Odoacre* the foreign Invader, *Jure Belli* acquir'd what he had possess'd. But after the *Romans* found themselves re-instated, they regarded neither Justice nor Reason; at first they pretended to be offended at *Theodatus* on Account of the Death of *Amalasuntha*, and afterwards did not fail to make War against us unjustly and by Force to rob us of every Thing: And yet these are the People who boast of being the only Wise, the only Fears of God, and who alone direct every Thing according to the Rules of Justice. To the End then, that what is our Fate now, may not be yours some time or other, and that ye may not repent too late when ye cannot help your selves, ye ought now to prevent the Enemy, and not to slip the present Opportunity in sending a competent Army, under the Command of one of your brave Captains, who by acting prudently and courageously against the *Romans*, may put a Stop to their Undertaking against *Italy*, and restore us to the Possession of it.

BUT this Embassy was unsuccessful, for the *French* would give no Ear to it, because *Theodibert*, after the War which he had made upon *Justinian*, a little before he died, in the Year 548, had made a firm and stable Peace with him, which was afterwards confirm'd by *Theodobald* his Son, who, mindful of the Conditions, could on no Account be induced to break the Peace; till at last they undertook not only to make War upon the *Goths* at the Instigation of *Justinian*, but likewise against the *Romans*, as the *Goths* had so earnestly desir'd it: And altho' after the Dominion of the *Goths* had been already extinct in *Italy*, in the Year 555, after the Death of King *Theobald*, *Leotarus*, and his Brother *Bucellinus* General of the Forces of *Austrasia*, with the *French* and *Germans*, had attempted the Conquest of *Italy*, the first having advanc'd into *Puglia* and *Calabria*, and the latter, besides his having laid waste *Samnium*, had gone over to *Sicily*; nevertheless, their Armies were soon after defeated; that of *Leotarus* by a cruel Sickneſs which in one Summer swept them all away, and the other of *Bucellinus* by *Narses* near *Casilinum*. And this was the first time that the *French* endeavour'd to subject these our Provinces to their Dominion; which was an unlucky Omen, and portended that their Arms were to be always unfortunate in their Undertakings against *Italy*, which Experience has demonstrated to us in the Ages less remote from us, and that their Lillies, tho' many times planted in our Soil, could never take deep Root.

THE *Goths* therefore being deny'd Assistance from the *French*, plac'd all their Hopes in the Valour of *Teja*, who made the most surprizing Attempts that could be desir'd in such a desperate Condition, for repairing the Fortune of the *Goths*. *Narses* and he met at the Foot of our *Vesuvius*, and *Teja* incamp'd his Army so, that the two Camps were only separated by the River *Sarno*; nevertheless, they continued Skirmishing for two Months, *Narses* not daring to pass the River before *Teja's* Army, which was Master of the Bridge, neither durst he retire, for fear that the *Goths* should have reinforc'd the Garrison of *Cuma*; but at last *Narses*, who was much superior in Forces, order'd Matters so, that he forc'd him to a Battle, who shewing the utmost Proofs of his Valour and Boldness, was unhappily kill'd; which put the *Goths* into such a Consternation, that seeing themselves depriv'd of so gallant a Captain, they resolv'd to surrender to *Narses*, who allow'd them to depart out of the Territories of the Empire with all the Money they had, and to live according to their own Laws. Thus the Conditions were faithfully perform'd on both Sides after Eighteen Years War, so that all the Towns were put into the Hands of the Commissaries of *Narses*, and the *Goths* marched out of *Italy* in the Year of our Lord 553, where they had reign'd Sixty-four Years, from *Theodorick* down to *Teja*.

THUS ended the Dominion of the *Goths* in *Italy*, and these our Provinces: A Nation most Illustrious and Warlike; which in the Heat of War never left off the Exercise of Justice, Temperance, Faith, and the other excellent Virtues with which they were adorn'd, not so barbarous and inhuman as some have reputed

them. They allow'd the conquer'd People to live after the *Roman* Laws, under which they had been born and bred up; for which Laws they had a very great Regard: neither did they alter the Disposition and Order of these our Provinces; did not change the Magistracy; retain'd the *Consulares*, the *Correctores*, and the *Præsides*, and kept up many other Customs and Institutions, after the same manner they had been in the Times of the *Roman* Emperors; though, that these our Provinces underwent another Form, and a new Administration, not while they were under the Dominion of the *Goths*, but when they passed under that of the Emperors of the East, who sent their Exarchs into *Italy*, and divided the Provinces into many Dukedoms, which so alter'd their Disposition, that it was quite different from what it formerly had been, as we shall see anon.

NEVERTHELESS those Disorders and Confusions, which so cruel and bloody Wars usually create in Discipline and Learning, could not be avoided. As for the Jurisprudence in these Times, it could not be expected that there should be so many famous Civilians in *Italy*, nor so eminent Professors and Advocates as could be able to restore it to its ancient Splendor in the Courts of Justice and the Academies: Therefore we ought not to look upon it as a trifling Affair, that in the Midst of so many and cruel Wars, the *Gothish* Kings could apply themselves, as *Athalarick* and *Theodatus* did, to maintain as much as possible the ancient Lustre of the *Roman* Senate, and the Academy of *Rome*, and to furnish it, as *Athalarick*¹ did, with Professors expert in the Laws, and with famous Grammarians, to prevent the *Latin* Tongue's being altogether lost amongst so many foreign and barbarous Languages; and certainly in these Times it would have been entirely lost, if it had not been re-establish'd in that Academy, and if *Theodatus*, who was a great Lover of it, had not given his Assistance. From these Times, *Rome* was commended for the Purity of the *Latin* Tongue, because in all the other Provinces, the barbarous Languages were at their height; and the Instruments, that passed the Hands of the *Tabelliones*, whom we now call Publick Notaries, were drawn up in no better Language than what is now spoke in *Italy*. *Fornerius*², in *Cassiodore*, relates, that there is preserv'd in the King's Library in *Paris*, an ancient Instrument of a Transaction, conceived in no better Stile than what we use at this Time; in which one *Stephen*, Guardian to *Gratian* a Minor, transacted a certain Law-Plea with him, which was sign'd in *Ravenna* in the last Year of the Empire of *Justinian*, to wit, in the 38th, in the 12th Indiction, which fell out in the 564th Year of Christ: And therefore it was reckon'd in those Times a very great Qualification to be Master of the *Latin* Tongue, for which *Theodatus*, besides his other Learning, is particularly commended: And even in this Age, *Italy* could boast of some great Men, such as *Ennodius*, *Jornandes*, *Boetius Severinus*, *Symmachus*, *Cassiodore*, *Arator*, and some others, who were all Men of great Knowledge and Erudition.

JUSTINIAN, by the Means of *Narses*, having thus routed the *Goths* and retaken *Italy* from them, at the Request, as he says, of Pope *Vigilius*, publish'd in the last Year save one of his Empire, a Pragmatical Act³ consisting of many Heads, by which he design'd to remedy the Disorders which *Italy* and the other Western Parts had lain under. It was directed to *Antiochus* Præfect of *Italy*, and dated in *Constantinople* in the 37th Year of his Empire: In which, as all the Acts and Donations made by *Athalarick* and *Amalasuntha* his Mother, and even those of *Theodatus*, are confirm'd; so on the other Hand, looking upon *Totila* as a Tyrant, he abolish'd, detested, and render'd null, all the Acts and Donations made by him during the Time of his Tyranny; and he order'd, that in the Prescriptions of 30 and 40 Years, the Time should not be computed, whilst *Italy* was under the Tyranny of *Totila*: That in Law-Suits amongst the *Romans*, the Military Judges should not concern themselves, but that the Civil were to decide them: He took Care of the *Superindictiones* laid on the Merchants of the Provinces of *Calabria* and *Puglia*; and put forth many other Laws concerning the State of *Italy*, and these our Provinces, which may be seen in that Pragmatical Act distinguish'd into many Heads, which is placed after the *Novellæ*. But we may observe a Thing very remarkable in it: Some by Conjectures and Arguments have written, that because the Publication of the Pandects and the Code was committed by *Justinian* to the Præfect of *Illyricum*,

¹ Cass. lib. 9. cap. 21.

² Forner. in Cass. lib. 10. var. c. 7.

³ Pragm. Justin. Post. Nov.

therefore we ought to believe that they were likewise publish'd in *Italy*. There's no need of Arguments in a Thing so manifest: We read, in that Pragmatical Act, that *Justinian* by his particular Edict order'd, the Laws inserted in his Books to be observ'd over all *Italy*; but because afterwards in the Reign of *Totila* the Affairs of the *Greeks* went all to wreck, and the *Goths* return'd to their former Dominion, in the midst of so many Revolutions, his Laws surely could not take Place. The Affairs of the *Greeks* being afterwards restor'd by *Narses*, and the *Goths* intirely subdued, by this Pragmatical Act he would not only have these Laws to be observ'd over all *Italy*, but also that his other Constitutions in the *Novellæ*, which he had publish'd afterwards, should be likewise obey'd; so that by God's Permission having formed one Commonwealth, the Authority of the Laws should be one and the same in every Part of it, as the Words of the Pragmatical Act import; and as they are remarkable for our Purpose, and, for what I know, have never been hitherto taken notice of by any other, it will not be improper to transcribe them; *Jura insuper, vel Leges Codicibus nostris insertas, quas jam sub Edictali Programme in Italiam dudum misimus, obtinere sancimus; sed & eas quas postea promulgavimus Constitutiones, jubemus sub Edictali propositione vulgari ex eo tempore, quo sub Edictali programme evulgatæ fuerint etiam per partes Italiæ obtinente, ut una Deo volente facta Republica, Legum etiam nostrarum ubique prolatetur auctoritas.*

BUT altho' the Name of *Goth* was extinct in *Italy*, yet these Provinces did not continue long under the Dominion of the Emperors of the East, neither were the Books of *Justinian* of long Duration: After the Death of *Justinian* we return'd afresh, tho' not under the Dominion of the *Goths*, yet under that of the *Longobards*, who derive their Origin from the same *Goths*, and of whom they are Branches and Sprouts, as we shall see when we come to treat of them.

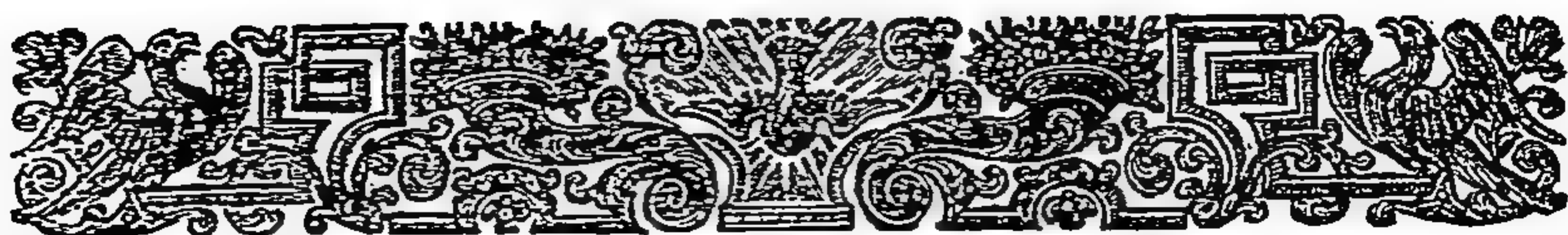
ALTHO' these Provinces came under the Empire of *Justinian*, yet he had not Time sufficient for establishing his Laws in them, or for his excellent Compilations getting Footing or Stability in them: If they reach'd us, their Memory and all Vestige of them was soon extinct; for *Justinian* had scarcely acquir'd the Glory of having freed *Italy* from the *Goths*, when he was diverted by the second *Persian* War, and the Invasion of the *Huns*, even to his Death, which fell out in the Year 565, in an advanced Age of Eighty-two Years, after having reign'd Thirty-eight Years and Nine Months. A Prince, who if he had not in the End of his Days obscured his Fame by the *Eutychæan* Heresy¹, which he would embrace, and never adjured, might have exceeded the Glory of many Emperors for Piety, Magnificence, many notable Exploits, and signal Victories, which both in Peace and War made him immortal, as all the most famous Historians of his Time represent him to us, and those likewise who flourish'd after him, such as *Theophilus* the Abbot his Master², *Procopius*, *Agathias*, *Theophanes*, *Zonara*, *Marcellinus*, *Evagrius*, and *Nicephorus* among the *Greeks*; and amongst the *Latins*, *Cassiodore*, *Warnifred*, and many others³; so that the Mistake of those is now inexcusable, who believed, from the Testimony of *Suidas*, that this Prince was so illiterate and unpolish'd, that he did not so much as know the A, B, C, when he himself testifies, that he had read and survey'd the Books of his Institutions. The Mistake proceeds from the Incorrectness of the Text of *Suidas*, which *Demetrius Calcondila* caus'd to be printed in *Milan*, where, instead of *Justin*, as we read in all the Copies of *Suidas* which are in the *Vatican*, we read *Justinian*⁴; whence that, which out of a Mistake is ascrib'd to *Justinian*, ought to be attributed to *Justin*, Uncle and adoptive Father of *Justinian*, as *Procopius* an Eye-witness declares, who affirms, That *Justin* from a Shepherd became a Soldier, afterwards a *Comes*, and lastly, by a wonderful Turn of Fortune, was rais'd to the Imperial Throne; and because he could not write, seal'd his Publick Acts with a certain Instrument or Signet made on purpose, as *Theodorick* likewise used to do; who, tho' he was so great a Prince as we have related, nevertheless was ignorant of Learning; and as in latter Times we read of *Witbred* King of *Kent*, and of *Thassilo* Duke of *Bavaria*: And it was also said of *Charles the Great* by some, that he could not write, tho' he could read and was very learned.

¹ Anast. Bibliot. Paul. Diacon.

² Theophilus Abbas Justiniani Præceptor
extat apud Photium.

³ Giphanius, Contius, Alemannus in Notis
ad Procopium.

⁴ Nicol. Aleman. ad Procop. p. 28.



C H A P. V.

Of the Emperor Justin II. and of the new Polity introduced into Italy, and these our Provinces by Longinus his first Exarch.



AFTER *Justinian* died, all his Designs were broken, and the Fortune of the Emperors of the East began to decline as formerly; for he was succeeded in the Empire by *Justin the Younger*, Son of *Vigilantius* the Brother of *Justinian*, very unlike him; who, by his Stupidity, suffer'd himself to be intirely ruled by his Wife *Sophia*, by whose Advice he recall'd *Narses* out of *Italy*, and in the Year 568¹, sent *Longinus* to succeed him.

LONGINUS being arriv'd in *Italy* with an absolute Power and Command, given him by *Justin* himself, attempted Innovations, and altered the State of it. He was the first who gave a new Form to *Italy*, and who introduc'd a new Disposition and a new Government into it, which facilitated its Ruin; altho' he had fixed his Residence in *Ravenna*, as the Western Emperors, and *Theodorick* with his *Goths* had done, nevertheless he would put *Italy* in another Shape². He took away from the Provinces the *Consulares*, the *Correctores*, and the *Præsides*, contrary to what the *Romans* and the *Goths* had done, and in all the Cities and Towns of any Moment made Heads, whom he call'd Dukes, and appointed Judges in each of them for the Administration of Justice. In which Distribution he honoured *Rome* no more than any of the other Cities³, because having taken away the Consuls and the Senate, which Names hitherto had been kept up, he put it under a Duke, whom he sent every Year thither from *Ravenna*; whence arose the Name of the *Roman Dukedom*: And to him who resided in *Ravenna*, and govern'd *Italy* for the Emperor, he gave the Title not of Duke, but Exarch, in Imitation of the Exarchs of *Africa*. With the *Greeks*, he was called Exarch who presided over a Diocess, that is to say, many Provinces of which the Diocess was compos'd: So we see in the Hierarchy of the Church, that the Bishop who was put over a Diocess, and consequently many Provinces, of which it was compos'd, was not called Metropolitan, who had only one single Province, but Exarch. Thus *Italy* suffer'd greater Changes under the Empire of *Justin* Emperor of the East, than under the *Goths*, who had maintain'd it in the same Form and Appearance, in which it had been govern'd and manag'd.

THE Provinces, with respect to Government, were chang'd and divided; and as formerly every one had its *Consularis*, or *Corrector*, or *Præsides*, to whom the Management and Government of them was intrusted; so by this new Division, every City or Castle had its Duke and Judge, each of whom intermeddled with the Government of them separately, and were only subject to the Exarch, who, in *Ravenna* govern'd all *Italy*, at whose Disposition they were, and to whom the People had recourse in Matters of Moment. Whence it was, that in these our Provinces the so many Dukedoms, which we shall see in the Reign of the *Lombards*, took their Rise; some of them under the Dominion of the *Greeks*, such as

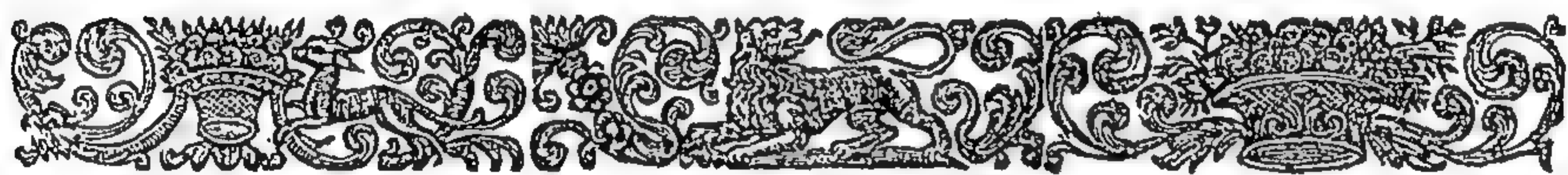
¹ Marquard. Freher. in Chronologia Exarc. Raven. apud Leunclavium.

² Sigon. de Reb. Ital. lib. 1.

³ Biond. Hist. lib. 8. decad. ult. Jo. Sleidan. de Quatuor Sum. Imp. lib. 2.

the Dukedom of *Naples*, *Surrentum*, *Amalphis*, *Gaeta*, and *Bari*; and some under the *Longobard* Dukes, who having retaken from the *Greeks* almost all *Italy*, and a great Part of these our Provinces, retain'd the same Titles of Dukedoms; whence, above all the rest, the Dukedom of *Beneventum*, those of *Spoletum*, and *Friuli* rais'd themselves, as we shall shew more fully in the following Book of this History.

BUT the Empire of the *Greeks* was of no long Duration in *Italy*, neither could *Longinus* boast much of this new Form which he gave it; since this minute Division of the Provinces into so many Parts, and more Dukedoms, made the Ruin of *Italy* the more easy, and gave occasion to the *Longobards* to make themselves Masters of it the sooner; forasmuch as *Narses* being highly offended at the Emperor, for having taken from him the Government of that Province which he had acquir'd by his Virtue and Bravery, and *Sophia* not content with having got him to be recall'd, but she must needs likewise give him injurious and disdainful Language, telling him, that she would cause him to be put to Spin with the other Eunuchs and Women of her Palace, carried his Wrath so far, that, not able to smother his bitter Displeasure, he answer'd, That he would warp her such a Web that neither she nor her Husband should ever be able to unravel it; and having disbanded his Army, he went from *Rome* to *Naples*, from whence he began to treat with *Alboinus*, King of the *Longobards*, his great Friend, who at that Time reign'd in *Pannonia*; upon whom he wrought so much, that at last he persuaded him to come and take Possession of *Italy* with his *Longobards*. But seeing that by the coming of the *Longobards* into *Italy*, the Affairs of *Italy* took another Turn; and as there were new Laws and a new Polity introduc'd into it, so likewise these our Provinces were divided after another manner, and by taking new Names, were dispos'd of and govern'd under other *Dynastæ*; and at the same time subjected to the Dominion not of one single Prince, but of divers Nations, such as *Greeks*, *Longobards*, and sometimes even *Saracens*; it will be necessary on Account of the Novelty of the Subject, and the Importance and Variety of the Events, that after we have related the Ecclesiastical Polity of this Century, in the following Book we treat of it particularly.



C H A P. VI.

Of the Exterior Ecclesiastical Polity.



LET H O' the Church, in the Reigns of *Arcadius* and *Honorius*, most religious Princes, who in a manner destroy'd Idolatry in the *Roman* Empire, was, on that Score, in a flourishing and peaceable State, nevertheless she was invaded with so many and so various Heresies, that neither the numerous and frequent Councils, nor the many Constitutions of the Emperors publish'd against Hereticks, were sufficient to keep her in Peace. Tho' the Heathen Religion, under the Christian Emperors, by the Subjects imitating their Sovereigns, was very much decay'd, nevertheless it was not thought proper to extinguish it altogether by Force: On the contrary, the aforesaid Emperors for a long time tolerated the Heathen Temples, and many *Pagan* Superstitions; and the Worship of the Gods¹ was profess'd by many, tho' the Number of the Christians was much

¹ L. 10. C. Th. de Pagan. lib. 1. & 2. C. Th. de Malefic.

greater than that of the Heathens. But under the Emperors *Arcadius* and *Honorius*, the Heathen Worship was almost quite wore out in all the Cities of the Empire; it was only in the Castles, the *Pagi*, and in *Campania*, that the Exercise of that Religion was kept up; whence comes the Word *Pagani*, which we so often meet with in the *Theodosian Code* ¹, to signify Idolaters; a Name which at this time is commonly given them by Christians, instead of that of *Gentiles*. The Emperors *Theodosius the Younger* and *Valentinian III.* depressed the *Pagans* in such sort, that, by discharging them from being admitted into Military or other Offices, he brought them to that pass, that the Emperor *Theodosius* himself question'd, if in his Time there was so much as one remaining; *Paganos qui supersunt, quamquam jam nullos esse credamus* ². At last he condemn'd and proscrib'd them, and ordain'd, That if there were still any of their Temples or Chapels remaining, they should be destroy'd and converted into Churches ³.

BUT notwithstanding all the Power of these Emperors, there remain'd in *Campania*, in *Pagis*, many ancient Temples, in which the Worship of the Gods was kept up; and it continued much longer there, because the Inhabitants were the last in parting with their ancient Ways and Customs; insomuch, that in our *Campania* 'tis said, *St. Benedict*, in the Time of King *Totila*, threw down the Remains of *Paganism*, which had also remain'd amongst the *Goths*, and in the Place thereof erected a Church. There was a vast Number of barbarous Nations that continued as yet in the Darkness of Idolatry; but above all, what disturb'd the Church most in these times, was the Irruption of the *Barbarians*, and the new Dominions of Foreign Princes establish'd in the Empire: These, if not altogether *Pagans*, were for the most part *Arians*, and confounded and abused her; and if *Italy* and these our Provinces did not undergo such strange Revolutions, all is owing to the Picty and Moderation of King *Theodorick*, who, tho' an *Arian*, suffer'd our Churches to continue in Peace; and as he did not alter the Polity of the Civil and Temporal State, so likewise he maintain'd in *Italy* the same Form and Polity in the Ecclesiastical and Spiritual State.

THE same Thing happen'd, but upon another Account, to *Gallia*, which was owing to the Conversion of the famous *Clovis* King of the *French*, who, in the Year 496, receiv'd the Christian Religion intirely pure and bright, no ways stain'd with the pestilent Heresy of *Arius*. *Spain*, before *Reccarede*, had not the same good Fortune; nor *Africa* after it was set at Liberty from the *Vandals*; nor *Germany* after it was subdued by the *Alemanni*, and other more rude and barbarous Nations; nor *Britain* after the Invasion of the *Saxons*; and finally, not all the other Provinces of the Western Empire. There were greater Revolutions and Confusions in the Eastern Provinces: The *Huns*, under their famous King *Attila*; the *Alani*, the *Gepidæ*, the *Ostrogoths*, and lastly the *Saracens* not only, overturn'd the State of the Empire, but also that of the Church.

TO all these Misfortunes, the Ambition of the Bishops of the greater Sees was added, and the bad Use the Emperors of the East made of their Power, who reduced the Priesthood to such a State, that at last they subjected Religion intirely to the Will of the Prince. These were the Occasions of that Change, which we shall take Notice of from the Death of *Valentinian III.* to the Empire of *Justinian*. We shall see three Patriarchates in a manner sunk and extinct, to wit, that of *Alexandria*, of *Antioch*, and of *Jerusalem*; and that of *Rome* in the West, and the other of *Constantinople* in the East sprung up, whose Churches jarring among themselves, occasion'd an implacable and obstinate Division betwixt the *Greeks* and the *Latins*; and how that of *Constantinople*, whose Ambition had no Bounds, endeavour'd to invade the Patriarchate of *Rome*, and these our Provinces, tho' as being *Suburbicariæ* they belong'd to that of *Rome*.

¹ L. 18. C. Th. de Episc. L. 46. C. Th. de Hæret. Gentiles, quos vulgo Paganos appellant. S. August. lib. 2. Retract. 43. Deorum falforum, mutorumque cultores, quos usitato

nomine Paganos appellamus. V. Goth. in Notis ad Tit. C. Th. de Paganis.

² L. 22. C. Th. de Paganis.

³ L. 21, 23, 25. C. Th. de Pagan.

S E C T. I.

Of the Patriarch of the W E S T.

THE Pope, who at this Time began to be call'd Patriarch, as well by the *Greeks* as the *Latins*, very justly obtain'd the first Place among all the Patriarchs, as well because his Chair was fixed in *Rome*, a City once the Head of the World; as for his being the Successor of *St. Peter*, who was Head of the Apostles. Therefore the Prerogatives of Primate over all the Churches of the Catholick World were united in his Person, it belonging to him, as Head of all the Churches, to have the Care and Inspection of them, and to watch that the Faith might be preserved pure and unspotted, and the Discipline conformable to the Canons, and that these should be exactly observed¹. His usual Power, as we have seen in the preceding Book, did not extend further than the *Suburbicarian* Provinces, that is to say, those that obey'd the Vicar of *Rome*, among which were all our four Provinces, of which our Kingdom is now made up; and to which Limits it was confin'd till the Reign of *Valentinian*.

IN process of Time, because the Prerogatives of Primate were also lodged in his Person, it was very easy to extend them over the other Provinces. By reason of his Primacy it likewise belong'd to him to have a Care and Inspection over them; whence he began to send his Vicars into some Provinces, where he thought there was occasion. The first that were appointed, were those, that were sent to *Illyricum*: After *Thessaly*, the Head of the Diocess of *Macedonia*, in which the Bishop exercis'd Exarchal Power, acknowledg'd the Vicars sent by the Pope, it became subject to the Patriarch of *Rome*, who by his Vicars, exercised not only the Power of Primate, but likewise that of Patriarch; and thus besides *Macedonia*, it also fared with the rest of the Provinces of *Illyricum*. In progress of Time he not only subjected all *Italy* to his Patriarchal Authority, but likewise the *Galliae* and *Spain*; whence it was, that not only the *Latins*, but the *Greeks* themselves in later Times look'd upon the Pope to be Patriarch of all the West, as on the other hand, they would have the Patriarch of *Constantinople* to be of all the East. Besides the Popes were always ready, and made haste to send Prelates to govern the many Provinces and Nations that embrac'd the Faith of the Catholick Religion; and by that means subjected them to their Patriarchate; as it happened to *Bulgaria*, which being brought to embrace the Faith of Christ, immediately got an Archbishop sent to it; whence arose the so many Disputes about this Province with the Patriarch of *Constantinople*, who pretended to it as his Right. Thus by Degrees did the Popes extend the Bounds of their Patriarchate over all the West; whence it came to pass (not without great wrangling) that they arrogated to themselves a Power to ordain the Bishops over all the West, and consequently to suppress and overthrow the Rights of all the Metropolitans; besides, they assum'd to themselves the Ordination of the very Metropolitans. Thus, tho' formerly the Archbishops of *Milan*, who were Exarchs of all the *Vicariate* of *Italy*, were ordain'd by the Bishops of *Italy* only; as we read in *Theodoritus*² of the Ordination of *S. Ambrose*; yet in process of Time the Popes would have them to come and ask their Consent to their Ordination, as *S. Gregory* relates in his Letters³. They likewise took upon themselves all the Privileges of the Metropolitans with respect to Ordinations, by granting the Pall, which they sent them; for by that the Popes gave full Power to the Metropolitans of ordaining Bishops in their Province; so that consequently the Power was given them jointly with the Pall: Whence by a new Law, the Metropolitans were forbid the Exercise of all Episcopal Functions, till they had first receiv'd the Pall; and it was also ordain'd that they were to take the Oath of Fidelity to the Pope. And in process of Time, it was determin'd likewise, that Appeals from the

¹ Du Pin, de vet. Eccl. Discip. Dissert. 1.² Theod. lib. 4. Hist. c. 7.³ Greg. lib. 2. Ep. 31.

Sentences pronounc'd by Metropolitans concerning Disputes about Elections, should devolve to the Pope, in case the Electors were negligent, or if the Elected was not a fit Person; that it should be in his Power alone to admit of Resignations of Bishopricks, and to determine the Translations, the Coadjutorship, and the Succession: And finally, that the Confirmation of the Elections of all the Bishops of the Provinces should belong to him.

BUT all these Incroachments, which were made upon the other Provinces of the West, made no Alteration in these of which the Kingdom is now made up; for they being *Suburbicarian*, and over which the Pope from the Beginning always exercis'd his Patriarchal Authority, were as formerly subject to him; he took no Power from the Metropolitans, because there were none; neither as to the Ordination of Bishops, was the Discipline of the preceding Ages chang'd. Our Churches were not as yet rais'd to be Metropolitan; neither were the Privileges of Metropolitans granted to their Bishops, by the sending them the Pall, as was afterwards done: Neither hitherto had they been usurped by the Patriarch of *Constantinople*; for what is related of *Peter* Bishop of *Bari*¹, who in the Year 530, under the Pontificate of *Felix IV.* had got the Title of Archbishop, and the Authority of Metropolitan from the Patriarch of *Constantinople*, with Power to consecrate twelve Bishops in his Province of *Puglia*, ought not to be carried back to that Year, when these Provinces had not as yet been invaded by the *Greeks*, and were under the Dominion of *Atbalarick* King of the *Goths*, but to the following Times, when Part of *Puglia*, and *Calabria*, of *Lucania*, and the *Brutii*, and many other maritime Cities of the other Provinces, remain'd in the Hands of the Emperors of the East, 'twas then that the Patriarchs of *Constantinople*, by the Favour of the Emperors, usurped the Patriarchal Authority over them, as we shall relate in the following Books.

¹ Ughel. de Ep. Bar. Beatillo Hist. di Bari, pag. 9.

S E C T. II.

Of the Patriarch of the E A S T.

IF the Usurpations of the Patriarchs of *Rome* were great over the Western Provinces, greater and more bold, without doubt, were those of the Patriarch of *Constantinople*, over those of the East: He not only subjected to his Patriarchate the three *Autocephalæ* Diocesses, to wit, that of *Asia*, of *Pontus*, and of *Thrace*; but in process of Time, he in a manner extinguish'd the three famous Patriarchates of the East, the *Alexandrine*, the *Antiochian*; and lastly, that of *Jerusalem*. These Bounds not having satisfied his Ambition, he also invaded many of the Western Provinces; neither did he spare those of our Country, which in Justice belong'd to the Patriarchate of *Rome*.

FROM what mean and slender Beginnings the Patriarchate of *Constantinople* had its Rise, may be seen in the preceding Book. The Bishop of *Byzantium*, at first, was only a simple Suffragan of the Bishop of *Heraclea*, who presided as Exarch in *Thrace*¹. Of all the Patriarchates of the East, those of *Alexandria* and *Antioch* were the most famous and eminent. That of *Alexandria* was in the second Place next to the Patriarch of *Rome*, perhaps, because *Alexandria* was reputed, after *Rome*, the second City in the World: The other of *Antioch* had the third Place, also venerable on account of St. *Peter's* having had his Chair first there. Thus the three Parts of the World owned three Churches superior to all the rest: The West that of *Rome*; the East that of *Antioch*; and the South that of *Alexandria*. However, the Church of *Rome* did not exercise her Patriarchal Authority over all *Europe*, nor that of *Antioch* over all *Asia*, nor that of *Alexandria* over all *Africa*; each of

¹ Gelas. Epist. 1.

them, as we have seen in the Second Book, did not extend their Authority further than their own Diocess: The others obey'd their own Exarchs; and many other Places had their own *Autocephali* Bishops, that is to say, were subject to no other. Such were the Bishops of *Carthage* and *Cyprus* in the East. Such were once the Bishops of *Gallia*, *Spain*, and *Germany*, and other more remote Countries in the West. The Churches of *Barbary* were certainly not subject to any Patriarch, but were govern'd by their own Bishops. — Thus the Churches of *Ethiopia*, *Persia*, and the *Indies*, and other Countries not subject to the *Roman* Empire, were govern'd by their own Priests.

THERE was yet another Patriarch in the East; to wit, that of *Jerusalem*. If we consider the Disposition of the Empire, the Bishop of *Jerusalem* deserv'd that Prerogative no less than the Bishop of *Byzantium*; and as the one was a Suffragan to the Metropolitan of *Heraclea* in *Thrace*, so the other was a Suffragan to the Bishop of *Cæsarea*, Metropolis of *Palestine*: But even with great Reason the Honour of Patriarch was given to the Bishop of *Jerusalem*: From the Times of the Apostles it being esteem'd a great Honour to sit in the Chair placed in the holy City, where our Saviour instituted his Church, and from which the Gospel was spread over all the World: and where the Author of Life conversed amongst us, and where he left the Land sprinkled with his Blood:

*Where his Life he spent, his Life he sacrific'd,
His Body here entomb'd, to Life he rais'd.*

But tho' we may see in a thousand Examples, that the Polity of the Church kept pace with that of the Empire; and as the one chang'd its Form and Disposition, so likewise did the other, yet surely nothing can convince us more of the Truth of this, than the raising of *Constantinople* to a Patriarchate. After that *Constantine the Great* had made that City so illustrious and magnificent, by making it the Seat of the Empire of the East, with a Design to render it equal to *Rome*, and next to which it might be reputed the second City of the World; its Bishop began likewise to exalt himself, and shake off the Yoke of his Metropolitan. Because *Constantinople* was esteem'd another *Rome*, we see that in the Council of *Constantinople*¹, the first Honours were allow'd to its Bishop next to that of *Rome*, *eo quod sit Nova Roma*. Thus tho' formerly next to the *Roman*, the first Honours were due to the Patriarchate of *Alexandria*, yet now that of *Constantinople* came into its Place. 'Tis true, as *Du Pin* well proves², that the Honours only were granted its Bishop by the Council, and not any Patriarchal Jurisdiction over the three *Autocephalæ* Diocesses: But it was enough, that by the specious Pretexts of these Honours, he might begin his Incroachments; it was not long before he invaded *Thrace*, and exercising there his Exarchal Power, made himself Exarch of that Diocess, and eclips'd the Rights of the Bishop of *Heraclea*.

AFTER having establish'd himself in *Thrace*, his Ambition push'd him to extend his Bounds further; he invaded the neighbouring Diocesses, to wit, of *Asia* and *Pontus*, and at last subjected them to his Patriarchate. He did not snatch them at once, but from time to time by the Favour of Councils, and more by that of the Emperors. *S. John Chrysostome* pav'd the Way more than all the other Bishops of *Constantinople*, for getting full Possession of them: at last he came to usurp not only the Power of Ordaining the Metropolitans of *Asia* and *Pontus*, but he obtain'd a Law from the Emperor, that none could be ordain'd Bishops without the Authority of the Patriarch of *Constantinople*; so that, being supported by this Law, he took upon him afterwards to ordain simple Bishops. Thus did the Patriarchs of *Constantinople* possess themselves of *Asia* and *Pontus*; which afterwards, in order to render their Conquest the more sure, they got confirm'd by the Council of *Chalcedon*, and by the Edicts of the Emperors³. The Popes oppos'd their aggrandizing themselves so much: *S. Leo* disputed it with them, as did also his Successors, but especially *Gelasius*⁴, who held the See of *Rome* from the Year 492. to 496. But all their Endeavours were in vain, because the Patriarchs of *Constantinople* were all favour'd by the Emperors, so that not only the second Rank of Honour, next to the Patriarch

¹ Conc. Constantin. c. 3.

² Du Pin, loc. cit. Dissert. 1.

³ Liberat. in. Breviar. c. 13.

⁴ Gelas. Epist. 4. & Ep. 13. ad Episcopos.

of *Rome*, was confirm'd, but also the Jurisdiction of *Pontus*, of *Asia*, and of *Thrace*. The Emperor *Basilius* in one of his Edicts quoted by *Evagrius* ¹, ratified it to them: The Emperor *Zeno* by one of his Constitutions, which we yet read in our Code, did the same ²; and lastly, our *Justinian* by his *Novellæ* ³, to back what had been ordain'd by the Canons of the Council of *Chalcedon*, ordered the same, which afterwards was approved of by the Consent of the Universal Church; for the Canons of the Councils of *Constantinople* and *Chalcedon*, having been inserted in the Codes of the Canons of the Church, in the following Centuries it was taken for granted, that the Patriarchate of *Constantinople* held the second Rank of Honour and Jurisdiction over all those three Diocesses.

THUS did this Patriarch out-strip the three others which were in the East: These three Sees lost their ancient Lustre and Splendor, not only by the aggrandizing of the other, and by the frequent Incurfions of the Barbarians, who invaded their Diocesses, but much more by the Factions and Disputes which often arose amongst them, about Elections, and concerning Doctrine and Discipline; and from that Time forward, the Patriarchal Sees were rank'd after this manner; the *Roman*, the *Constantinopolitan*, the *Alexandrine*, the *Antiochian*, and that of *Jerusalem*. The Council of *Constantinople* which was celebrated in the Year 536, observ'd this Order. And *Justinian*, both in his Code ⁴, and in his *Novellæ* ⁵ did the same, as also all the other Writers, as well *Greek* as *Latin*. However, the Title of Patriarch was not restricted to these five only, sometimes it was given to eminent Metropolitans; so in the above cited Council of *Constantinople*, it was given to *Epiphanus* Bishop of *Tyre*; and *Justinian* both in his Code, and his *Novellæ*, generally gives this Title to Exarchs, who had the Government of some Diocesses: But not long after this Title was restricted to the above five only.

BUT in the West it continued, as formerly, to be given to other Bishops and Metropolitans. In *Italy* our King *Athalarick*, as we read in *Cassiodore* ⁶, called the Bishops of *Italy* Patriarchs, and the Pope their Head, as such, Bishop of the Patriarchs. The Bishops of *Aquileja* and *Grado*, are likewise call'd Patriarchs by *Paul Warnefride* ⁷. In *France* this Title was also given to the most eminent Metropolitans and Primates. *Gregory* of *Tours* ⁸ calls *Nicetius*, Patriarch of *Lyons*. The Council of *Mascon*, which was held in the Year 585, likewise calls *Priscus* Bishop of that City Patriarch ⁹. *Desiderius* of *Cabors* call'd *Sulpitius* Bishop of *Bourges* also Patriarch; and *Hincmarus* of *Rheims* does not distinguish betwixt the Patriarchs, and the Primates ¹⁰. So likewise in *Africa* the first Bishop of the *Vandals* assum'd the Title of Patriarch, at which the Catholick Bishops laugh'd; and in process of Time, the first Bishop of those Nations that embrac'd the Faith of Christ, was call'd Patriarch. *Bulgaria* being converted to the Faith, the first Archbishop and his Successors took the Name of Patriarch. At this Time the Christians of the East have such Patriarchs, where, excepting those, which are properly call'd *Greeks*, who still retain the four Patriarchs, of *Constantinople*, of *Alexandria*, of *Antioch*, and of *Jerusalem*, tho' the Popes use likewise to create Titulars: There are as many Patriarchs as Sects; the *Jacobites* have their Patriarch; the *Maronites* theirs; and both take the Title of Patriarch of *Antioch*. The *Copti* have likewise theirs, who calls himself Patriarch of *Alexandria*, and keeps his See there. The *Abyssins* have theirs, who governs all *Ethiopia*, tho' it be in a manner subject to the Patriarch of the *Copti*. The *Georgians* have an *Autosephale* Archbishop subject to none. The *Armenians* have two general Patriarchs: The first resides in *Arad* a City of *Armenia*; the other in *Cis* a City of *Caramania*.

WE have seen how much the Patriarch of *Constantinople* raised himself above the other Patriarchs of the East, and how much he enlarg'd the Bounds of his Patriarchate in this Century, to the Empire of *Justin*. In the two following Centuries we shall see him, being grown much greater, incroach upon other Provinces and Nations; for those Limits being too narrow for his Ambition, in the Time of *Leo*

¹ Evagr. lib. 3. cap. 3.

² L. Decernimus 16. C. de Sacros. Eccl.

³ Nov. 131. cap. 1.

⁴ Cod. lib. 1. tit. 3. c. 47. & tit. 46. c. 34.

⁵ Nov. 3. c. 2. Nov. 6. c. 3. Epilog. Nov. 7. & 123. c. 22, 23.

⁶ Cas. lib. 9. c. 15.

⁷ Paul Wornefr. lib. 3. c. 7. & lib. 6. c. 11. & lib. 4. c. 10.

⁸ Greg. Turon. lib. 3. Hist. c. 20.

⁹ Tom. 5. Concil. col. 680.

¹⁰ Hincmar. in lib. Capit. 55. c. 17.

¹¹ Du Pin, loc. cit. Differ. 1.

Isauricus, we shall see him take Possession of *Illyricum*, *Epirus*, *Achaia*, and *Macedonia*: We shall likewise see him subject *Sicily*, and many Churches of these our Provinces to his Patriarchate, and in the end dispute with the Pope for *Bulgaria*, and other Countries.

S E C T. III.

The Ecclesiastical Polity of these our Provinces under the Goths, and under the Greeks, to the Reign of Justin II.

TH E O D O R I C K, and the other Kings of the *Ostrogoths* his Successors, tho' *Arians*, suffer'd, as is said, our Churches to continue in Peace; and the same Polity that they found, was by them maintain'd inviolate and untouch'd. The Pope was supported in them, and, as formerly, exercised his Patriarchal Authority over these our Provinces as Suburbicarian, so that he was acknowledg'd both as Patriarch and Metropolitan; for hitherto our Metropolis's, in what concern'd Ecclesiastical Polity, had neither Archbishop nor Metropolitan: In the Cities as formerly, there were simple Bishops, who own'd the Pope for their Metropolitan; whence *Athalariek*¹, who used to give the Title of Patriarch likewise to the Bishops, call'd him the Bishop of the Patriarchs. And in some Cities of *Italy*, in the Reign of the *Goths*, as also of the *Longobards*, who were likewise *Arians*, there were seen in the same City two Chairs, possessed by two Bishops, the one Catholick, and the other Arian; in these our Provinces, which were always stedfast, and never polluted with the Errors of *Arius*, all the Bishops profess'd the Faith of *Nice*, and kept their Churches pure and unspotted, and maintain'd the ancient Doctrine, and the same Discipline, which the Church of *Rome* their Mistress and Guide observ'd. The Bishops govern'd their Churches by the common Advice of the Presbytery. There was no other Hierarchy observ'd in them, than of Priests, Deacons, Sub-Deacons, Acolyts, Exorcists, Readers, and Door-Keepers.

T H E Bishops were likewise elected by the Clergy and People, and ordain'd by the Pope, as formerly, altho' the Favour of the Princes began to have Weight: *Grotius*² is of Opinion, that the *Gothish* Kings, whether Arian or Catholick, *semper Episcoporum Electiones in sua potestate habuere*, and says, that the same was also observ'd by *Joannes Garta*; but it will not hold true of our *Gothish* Kings, who made use of no other Power but what had been exercised by the Emperors, both of the West and the East. They, as Guardians and Protectors of the Church, and who look'd upon her Government and outward Polity also to belong to them, believ'd it was in their Power, and incumbent upon them to regulate the Elections by their Laws, to crush Ambition, and to remedy Disorders and seditious Tumults, and often to prevent them; to make up Discords, which often happen'd by the Factions of Parties, and to decide Controversies which arose about these Elections; but they left the Election to the Clergy and the People, as they did the Ordination to the Provincial Bishops, or the Metropolitans. *Odoacre* King of the *Heruli*, the more immediate Successor in *Italy*, to the Rights of the Emperors of the West, than *Theodorick*; in the Election of the Bishop of *Rome*, and the other Bishop of *Italy*, would exercise the same Power: *Basilus* his *Præfectus Prætorio*, always had a watchful Eye upon that, and even, as he said, by the Advice of Pope *Simplicius*, who on his Death-bed gave it him in Charge, to see that no Election was made without his Advice and Direction³.

I T was observ'd, that *Theodorick* made use of the same Authority in putting an end to the Schism which arose in the Church of *Rome* in his Time, betwixt *Laurentius* and *Symmachus*, as the Emperor *Honorius* had done, in that betwixt *Boniface* and *Eulalius*; by the Death of Pope *Anastasius*, which fell out in the End of the

¹ Cas. lib. 9. c. 15.² Grot. in Prolegom. ad hist. Got.³ Conc. Roman. sub Symmac. cap. bene 1. Dist. 96.

Year 493, they both pretended to be advanc'd to that See: *Symmachus* Deacon of that Church was chosen by the greatest Number, and Ordain'd; but *Festus* a Senator of *Rome*, who had promised the Emperor *Anastasius* to get a Pope chosen, who should be obsequious to his Will, caused *Laurentius* to be elected and ordain'd. The two Parties went to *Ravenna* to be judg'd by King *Theodorick*, who determin'd, that he who had been first elected, and had had the greatest Number of Votes, should be Bishop of *Rome*: *Symmachus* had both these Advantages over *Laurentius*; whereupon he was confirm'd in that See, and in the first Year of his Pontificate held a Council, wherein there were some new Canons made in order to prevent Competitions in such Elections for the future. Those, who had oppos'd the Ordination of *Symmachus*, seeing him in Possession in spite of them, did all they could to get him turn'd out; therefore they accus'd him of many Crimes, stirr'd up a great Part of the People and Senate against him, and demanded a Visitor of King *Theodorick*, who might take Cognizance of these Accusations: *Theodorick* nam'd *Peter* Bishop of *Altino*, who rashly, and contrary to Justice, immediately depriv'd the Pope of the Administration of his Diocess, and of all Power over the Church: This precipitate Action rais'd great Disorders, and pernicious Tumults in *Rome*; for quieting of which, *Theodorick* in the Year 501, caused a Council to be call'd in *Rome*, to which he invited all the Bishops of *Italy*. Almost all the Bishops of our *Campania* went to it, as also the Bishops of *Capua*, *Naples*, *Nola*, *Cuma*, *Misenum*, *Pozzuolo*, *Surrentum*, *Stabia*, *Venafro*, *Sessa*, *Alife*, *Avellino*, and some others of the other Cities of this Province. From *Samnium*, the Bishops of *Beneventum*, *Isernia*, *Bojanum*, *Altina*, *Ciети*, *Amiternum*, and others went.

FROM these two Provinces, as being nearest to *Rome*, there went a great many: From the other two of *Puglia* and *Calabria*, of *Lucania* and *Brutium*, as being more remote from *Rome*, and nearer the Greeks, very few went. The Bishops of *Emilia*, of *Liguria*, and of *Venice*, likewise went; who in passing thro' *Ravenna*, spoke to *Theodorick* in favour of *Symmachus*; and being arriv'd at *Rome*, without so much as examining the Accusations laid against *Symmachus*, they declar'd him Innocent to the People, and absolv'd him; and they managed it so with King *Theodorick*, that he was satisfied with the Sentence; and the People and Senate, who had been much incens'd against the Pope, were pleas'd, and acknowledg'd him for true Pontiff. Nevertheless there were still some Malecontents, which occasion'd some Writings against that Synod; but the Bishop of *Pavia* answer'd them, which was approved of in another Council held in *Rome* in the Year 503, in which the Sentence of the first Synod was confirm'd. The Calumnies invented against *Symmachus* were carried to the East, and the Emperor *Anastasius*, who had left the Communion of the *Roman* Church, upbraided him with them; *Symmachus* in an *Apologetick* Writing justify'd himself sufficiently, and in spite of his Enemies continu'd peaceable Possessor of that See to the Year 514, in which he died.

IN those Times it was reckon'd the peculiar Right of Princes to regulate these Elections, in order to prevent Caballing and Seditions. And *Athalarick* being mov'd by the preceding Schisms which fell out in *Rome* about the Election of their Bishop, and desirous to make a Rule for the Time to come, to prevent the like Disorders, in imitation of the Emperors *Leo* and *Antemius*, made a rigorous Edict, which he directed to Pope *John II.* who, in the Year 532, had succeeded to *Boniface* in the See of *Rome*, by which he regulated the Elections not only of the *Roman* Pontiffs, but likewise of all the Metropolitans and Bishops, by imposing severe Penalties on those, who out of Ambition, or by Money, should aspire to possess the Sees, declaring them Sacrilegious and Infamous; and that besides the Restitution of the Money, and other heavy Fines, which were to be employ'd in the Reparation of the Fabricks of the Churches, and in maintaining the Ministers of them, they were to be severely punish'd by their Judges, and their Elections as *Simoniackal* made void and invalid: By this Edict he provided against Contentions and Debates about Elections, which when complain'd of to him by the People, he immediately caus'd them to be examin'd and decided; declaring, That what he had establish'd by this his Edict, did not only concern the Election of the Bishop of *Rome*, *Sed etiam ad universos Patriarchas, atque Metropolitanas Ecclesias.* This Edict was drawn up by *Cassiodore*², who, though he was a Catholick, and most

¹ Paul Warnifrid. Zonaras Grot. in Proleg. ad Hist. Got.

² Cas. lib. 9. c. 15.

conversant in Ecclesiastical Matters, so much that at present he is esteem'd none of the meanest Writers of the Church, and by some reputed a Saint, perhaps because he died a Monk of *Casino* ¹, not only made no Difficulty in drawing it up, but even advis'd it, as a Thing very convenient for his Prince; neither was it thought, according to the Maxims of this Age, strange or foreign to his Royal Authority. It was directed to Pope *John II.* who receiv'd it with a great deal of Respect and Esteem, neither did he ever complain of it; on the contrary, if 'tis true, that that Letter was his, which we read among the Laws of the Code ² written to the Emperor *Justinian*, wherein he so much commends his Care about the Ecclesiastical Discipline (for *Hottomanus* ³ and others ⁴ doubt of it, tho' it be asserted by *Fachineus* ⁵) we see that this Pope never disputed that Power which the Princes claim'd in the Discipline of the Church. And besides *Athalarick* ordered *Salvanti* ⁶, who was at this Time Præfect of *Rome*, that without delay he should publish it to the Senate and People of *Rome*; and in order to perpetuate the Memory of it to future Ages, ordain'd him to cause it to be engraven on Tables of Marble, which he was to place before the Porch of *St. Peter* the Apostle for a publick Testimony ⁷.

THE *Gothish* Kings, as Successors of the Emperors of the West, would keep up all these Prerogatives, which these had exercised in the exterior Ecclesiastical Polity, to which their so many Constitutions which are registred in the last Book of the *Theodosian* Code, bear Witness. Thus it belonging to them to settle the Degrees, within which Marriages could be contracted ⁸, and to forbid Marriages within the nearest Degrees, and to dispense with them by their Rescripts ⁹, and their taking Cognizance in matrimonial Cases, it ought not to seem strange, that amongst the Formularies related by *Cassiodore* ¹⁰, we likewise read that of our *Gothish* Kings made about Dispensations, which were wont to be granted in Degrees prohibited by the Laws. So likewise that the *Goths* imitated what the Emperors of the West and East did, in not allowing their Subjects without their Consent, to dedicate themselves to the Church, or Monasteries, of which we have many Evidences remaining in the *Theodosian* Code: *Grotius* writes ¹¹, *Non minus laudanda cautio, quod subditorum suorum neminem permisisse se Ecclesiis, aut Monasteriis mancipare, suo impermissu.*

THE same Polity concerning this Matter was kept up in these our Provinces, when they passed from the *Goths* to the Emperors of the East, and much more under the Emperor *Justinian*. The Emperors of the East follow'd the same Footsteps; and we read many Edicts concerning the outward Polity of the Church, of the Emperor *Martianus*, who was the most moderate of them all, as *Facundus* ¹² Bishop of *Hermania* in *Africa* wrote. The Emperor *Leo*, follow'd afterwards by *Athalarick*, likewise discharg'd the Election of Bishops by Ambition, or Simony; and besides the Penalty of Degradation imposed by the Council of *Chalcedon*, he added that of Infamy; and *Antemius* did the same ¹³. But above all the other Emperors of the East, *Justinian* was he, who took the greatest Care, and concern'd himself the most about Ecclesiastical Discipline; whence it came to pass, that the last Emperors of the East, not knowing how to keep themselves within Bounds, went so far, that at last they intirely subjected the Priesthood to the Authority of the Prince. His *Novellæ* for the most part are stuffed with so many Edicts about the Discipline of the Church, that on that account he is reckon'd amongst the Number of the Ecclesiastical Authors: He made many Laws concerning the Ordination of Bishops, their Age, what was requir'd of them in order to qualify them for being elected and promoted to a Bishoprick, their Residence, their Learning, and Privileges, and a Multitude of other Things belonging thereto. He regulated the Convocation of Synods and Councils, and prescrib'd their Time. He made various Rules about the

¹ P. Garet. in vita Cassiod.

² L. inter. claras, Cod. de summa Trinit. & Fid. Cath.

³ Hot. 1. obs. 7. c. 2.

⁴ V. Alciat. lib. 5. par. cap. 23. Cujac. obs. 32. c. 26.

⁵ Fachin. Controv. lib. 8. cap. 1.

⁶ Cas. lib. 9. c. 15.

⁷ Leges olim in atriis Ecclesiæ locabantur, Cujac. lib. 1. Feud. tit. 17. Juret. ad Cassiod. lib. 9. c. 16.

⁸ L. 3. l. 16. C. Th. de incest. nupt. Ambr. Epist. 66. ad Patern. lib. 8. l. Si quis C. de incestis nupt. l. in celebrandis, C. de nupt.

⁹ L. 1. C. si nuptiæ ex rescripto petantur. V. Launojo in Tract. Regia in Matrimon. potestas par. 3. art. 1.

¹⁰ Cassiod. lib. 7. c. 46.

¹¹ Grot. in Proleg. ad Hist. Got.

¹² Facund. lib. 12. c. 3.

¹³ Jacob. Got. in Cod. Th. tom. 6. Anthem. l. si quemquam, C. de Episc. & Clericis.

Manners and Conduct of Priests, Deacons, Sub-Deacons, their Immunities and Personal Functions. He made many Edicts touching the Degrading of the Clergy, and the Regularity and Profession of Monks. By his Laws he gave more Strength and Vigour to the Canons, which had been establish'd in divers Councils, injoyning the Observance of them by the Metropolitans, Bishops, and all the other Ecclesiasticks; adding severe Penalties on those who should transgress them, by being deposed and degraded from their Orders; and he put forth many other Edicts concerning Ecclesiastical Matters, which may be seen in his *Novellæ*, and his Code.

IT belong'd likewise to the Oeconomy of the Prince to prevent the Abuse of the Keys in Bishops: So that when they excommunicated any Person wrongfully, he immediately opposed them; and *Justinian* himself, by a Law¹, discharg'd the Bishops from Excommunicating, until the Reason should be first verified: And in the *Basilici* we see yet a particular Law², inhibiting Bishops from Excommunicating without a just Cause, and when what is required by the Canons did not concur; whence it came to pass, that the Princes in their Kingdoms, which they establish'd in *Europe* after the Decay of the *Roman* Empire, would maintain this Right, as the *Spaniards* and *French* practise, and as we likewise see every Day in our Kingdom; of which we shall have occasion elsewhere to discourse at large. Neither were those Laws in these Times thought to exceed the Imperial Authority, but were commonly receiv'd by *Justinian*, as well in the East as the West, as *Joannes Scholasticus* Patriarch of *Constantinople*, *S. Gregory the Great*³, *Hincmarus*⁴, and others testify: And if the Epistle be not Apocryphal, which we read in our Code⁵, the same Pope *John II.* commends him and is his Panegyrist, for the Care and Concern which he shew'd for the Ecclesiastical Discipline.

JUSTIN his Successor follow'd his Footsteps, under whose Empire we now see these our Provinces; so that hitherto the Ecclesiastical Polity of them has not been alter'd, but the same retain'd both by the *Goths* and the *Greeks*, which had been observ'd in the preceding Centuries under the Successors of *Constantine* down to *Valentinian III.* Emperor of the East.

¹ Novel. 123.

² Basil. l. 30. C. de Episcopis & Clericis.

³ Greg. lib. 2. epist. 54.

⁴ Hincmar. Opusc. cap. 17.

⁵ L. inter claras, C. de Summa Trinit. & Fid. Cath.

S E C T. III.

Of M O N K S.

HOWEVER these our Provinces in this Century began to be sensible of some Change with respect to Monachism, which was now in its Perfection, and establish'd in them. Neither the *Solitarii* nor *Canobitæ* were establish'd in our Parts, before the Reign of *Valentinian*, as we have seen in the preceding Book; but no sooner was the Monastick Order compleated in the East, as well by the Laws of the Emperors, as the various Ascetick Treatises, than the Order of *St. Basil* became, above all the rest, so famous and numerous, that in our two most Neighbouring Provinces to the *Greeks*, to wit, *Puglia* and *Calabria*, *Lucania* and *Brutium*, they began to found Monasteries of that Order in some Cities of them, which they call'd *Basilians*.

IN the two other, which, as they were more distant from the *Greeks*, so were nearer to *Rome*, to wit, *Campania* and *Samnium*, Monachism was establish'd under many Rules, but especially that of *St. Benedict*, which Order was so successful, that being establish'd in our *Campania*, it spread it self in a short time, not only over all *Italy*, but likewise over *France* and *England*.

St. Benedict was born in *Norcia*, a City in the Diocess of *Spoletum*, about the Year 480. He was sent to *Rome* when he was young to Study¹, but being wearied

¹ S. Greg. in Vita S. Benedict.

of the World, he retir'd to *Subiaco* Forty Miles distant from *Rome*, and shut himself up in a Grotto, where he remain'd for the Space of three Years, without being known to any body, except to *Romanus* a Monk, who supplied him with Food from his Neighbouring Monastery. Being afterwards known, the Monks of a Monastery in the Neighbourhood, by the Death of their Superior, elected him for their Abbot; but their Ways not suiting with those of *Benedict*, he retir'd again to his Solitude, where being visited by many People, he built twelve Monasteries, of which the Abbot of *Nuce* gives us the Names, and the Places where they were founded¹. From thence, in the Year 529, he came to our *Campania*², and settled himself on the Hill which takes its Name from *Cassinum*, an ancient *Roman* Colony, situated on the Side of it, about Fifty Miles distant from *Subiaco*, and Seventy from *Rome*. Hard by, he threw down a Relick of *Gentilism*, which had continued in that Corner in the Time of the *Goths*, and in its Place erected a Church, which he dedicated to SS. *Martin* and *John*. The prodigious Things he did there, and the Sanctity of his Life, drew People to that Place, and many remain'd with him under his Rules. He became much more famous, by the Opinion and Esteem which *Totila* King of *Italy*, and a great many noble *Romans* had of him: On which Account, the Number of his Monks encreas'd, and Personages of the greatest Note enroll'd themselves there; whence he extended his Rule, and laid the Foundation of a great Order.

THE Devotion of the People, and the Fame of his Sanctity, drew likewise the Piety of many Nobles to enrich him with Lands and Goods. *Tertullus* a *Roman* Patrician, while St. *Benedict* was still alive, gave him all that Tract of Land which lies round the Monastery³; whence *Zacharias* in his *Diploma*, said, that this Monastery was built *in solo Tertulli*⁴: He likewise gave him many other Possessions which he had in *Sicily*; and *Gordonius*, Father of St. *Gregory the Great*, gave him a Village which he possessed in the Neighbourhood of *Aquinum*. Thus, by degrees, *Benedict* being still alive, this Monastery began to grow very numerous and famous for the Quality of its Monks, and rich by the many Donations which were daily made. Its Fame could not be confin'd to *Campania* only; Monks of known Probity and Learning were sent to found other Monasteries in the other Provinces. *Cassiodore*, one of the most famous Men of this Age, when he was Seventy Years old, retired from the Court and turn'd Monk; and being entic'd by the Fame of St. *Benedict*, who was yet alive, he would build a Monastery in *Brutium*, particularly in *Squillace* the Place of his Birth, and according to *P. Garetius*⁵ and *Du Pin*⁶, he put it under the Rule of St. *Benedict*, under which he liv'd; and afterwards govern'd it himself, and spent the remaining Twenty-five Years of his Life there: He died very old, at the Age of more than Ninety-five Years, about the Year 565 of our Salvation, whence *Bacon* of *Verulam* makes him about an Hundred⁷.

THIS is the *Vivariefian* or *Castellefian* Monastery of which *P. Garetius*, a *Benedictine* Monk of the Congregation of St. *Maur*, treats at large⁸; founded by *Cassiodore* its Abbot, not far from *Squillace*, at the Foot of the Mountain commonly call'd *Moscio* or *Castellese*, from a Village of that Name in the Neighbourhood, the Foot of which is wash'd by the River *Pelena* now call'd *Squillace*. It was named *Vivariefis*, because *Cassiodore*, while he enjoy'd the highest Honours at the Court of the *Gothish* Kings, used to go often for his Recreation to *Squillace*, the Place of his Nativity, and on account of the Conveniency, and the Abundance of the Water of that River which wash'd the Foot of the Hill, he caus'd many Ponds to be made⁹. Having afterwards, by reason of the declining State of the *Goths*, abandon'd the Court, and become Monk, he retir'd to this Place where he had made his Ponds, and where likewise his Estate was, and built this Monastery, where he compos'd the greatest Part of his Works, and in which he had for a Companion *Dionysius Exiguus*¹⁰. He enrich'd it with his Estate and a Library, and made it famous and numerous in Monks; causing many Cells to be

¹ Ab. de Nuce in Not. ad Vit. S. Bened.

² V. Camil. Peregrin. in serie Ab. Cas. in princ.

³ Leo Ost. in Chron. lib. 1. c. 1.

⁴ Ab. de Nuc. ad Chr. Cass. loco cit.

⁵ P. Garet. in Dissert. de Vita Monast. Cass.

⁶ Du Pin,

⁷ Bacon. Hist. Vitæ & Mortis, pag. 534.

⁸ P. Garer. in Vita Cassiod. par. 2. §. 6, 7, 8, 9, 10, 11, 12.

⁹ Cass. lib. 12. var. ep. 15.

¹⁰ Cass. lib. Divin. Lect. cap. 29. S. Greg. ad Jo. Episc. Scyllaceum, ep. 33. lib. 7. Regist. Indict. 11.

built on the Top of the Hill, for those who were willing to leave the Monastick Life and become Hermits, and from *Cœnobitæ*, to become *Anchoritæ* and *Solitarii*¹. Before he died, he left *Calcedonius* and *Gerontius* Abbots, the one to govern the Hermits, who were retir'd to the Top of the Hill *Castellese*, the other the *Cœnobitæ* of the *Vivariefian* Monastery. *P. Garetius*² also relates, that after he died, the *Benedictine* Monks kept it many Years; but afterwards the *Basilians* intruded themselves into their Place, who possessed it a long time, until it was entirely destroy'd and ruin'd by the subsequent Irruptions of the *Saracens*. Thus not only in the neighbouring *Samnium* and in *Puglia*, were Monasteries of this Order begun to be built in these Days, but likewise in the Provinces more remote and distant.

St. *B E N E D I C T* in the last Year of his Life, sent *Placidus* his Disciple to found Monasteries of his Order in *Sicily*, where, by the Donations of *Tertullus*, and the Devotion of these People, it was propagated over the whole Island. At the same time he sent other Missions into *France*, where St. *Maurus*, *Faustus*, and their Companions made wonderful Progress. According to *Leo* of *Ostia*, and others, St. *Benedict* died in the Year 543, or according to some others, in the Year 547, the precise Day and Year in which he died not being in any of the Writers made clear, about which the Abbot of *Nuce*³ has toiled and fatigued himself so much, as if it was a very important Point of History; but the Prosperity of his Order was rather greater after his Death: Forasmuch as the Monasteries multiplied much more, and spread themselves not only in *Italy*, *Sicily*, and *France*, but likewise in *England*, and other more remote Provinces of *Europe*.

T H U S these our two Provinces of *Campania* and *Samnium* had a much greater Number of Monasteries of this Order, than the other two, because of their greater Distance; but on the contrary, those founded under the Rule of St. *Basil* were more numerous in *Puglia* and *Calabria*. In *Brutium* and *Lucania*, and the Maritime Cities of *Campania*, such as *Naples*, *Gaeta*, *Amalphis*, and some others, which for the most part continued a long time under the Emperors of the East, as being near to the *Greeks*, and with whom they had much more frequent Commerce, those Institutions were embraced more readily, and the Rule of St. *Basil* was so very famous and renown'd in the East, that all, or the most Part of the Monasteries which were founded there, were establish'd under that Order. In *Naples*, St. *Agnellus* was the first, for what we know, who establish'd a Monastery there, first begun by St. *Gaudiosus*, who was Abbot of it. Some believ'd⁴ that St. *Agnellus* follow'd the Rule of St. *Benedict*; but *P. Caracciolus*⁵ proves very clearly, that he was a *Basilian* Monk, who, finding that St. *Gaudiosus*, when he retir'd to *Naples*, where he died in the Year 452, before St. *Benedict* was born, had erected a Monastery there, establish'd the Rule of St. *Basil*; an Order which in those Times was become very famous and renown'd. Neither was it subject to the Rule of St. *Benedict*, till after the Year 590, when *Agnellus* was dead; then the *Benedictines* began to be in greater Esteem, and made themselves more renown'd. A long time after, in an Age less distant from us, about the Year 1517, it was possess'd by the Canons Regular of the Congregation of our Saviour⁶, who remain in it to this Day. And so in the Sixth Century, as also in the following, many of these Monasteries were seen in *Naples* under the Rule of St. *Basil*; such as the Monastery of *Gazares* on the Sea-shore; of SS. *Nicander* and *Martian*; of St. *Sebastian*, of SS. *Basil* and *Anastasius* in the Ward of *Amelia*; of St. *Demetrius* in the Ward of *Albina*; of St. *Spirito*, or *Spirido*; of St. *Gregory Armenus* in the Ward of *Nostriana*; of St. *Mary* of *Agno*; of St. *Samona*; of SS. *Quiricus* and *Julitta*, and others, both in *Naples* and elsewhere⁷.

T H U S were Monasteries introduc'd into these our Provinces. The first that appear'd were under the Rules of St. *Basil* and St. *Benedict*, whence it was (the Societies of Women being already begun, who made a Vow of Virginity, and after a certain time receiv'd the Veil with Solemnity) that there were likewise seen Monasteries of Women under the Rule of St. *Benedict*, who had for their Head

¹ Cass. lib. Divin. Lect. cap. 32.

² Garet. loc. cit. l. 12.

³ Ab. de Nuce pag. 92.

⁴ Eroz. in Hist. Trithem.

⁵ Carac. Monum. Sacr. Neap. de S. Agnello Abbate. Ughel. de Episcop. Neap. tom. 6. pag. 75.

⁶ Ugh. loc. cit. pag. 80.

⁷ P. Carac. loc. cit. Ughel. loc. cit.

Scolastica his Sister ; and also under that of *Basil*, which are the most ancient that are found in these our Provinces. Thus was the Monastick Order establish'd with us, which however had not made that wonderful Progress which it did afterwards. Neither had the Abbots and Monks as yet been withdrawn from the Jurisdiction of the Bishops, nor had the Popes granted them so many Privileges, which they afterwards did, in order to have them at their Devotion, and to be their Vassals. Nevertheless *Monte Casino* became one of the two most famous Sanctuaries, which our Provinces had in this Age, whither Pilgrims flock'd from all Parts of the World. At the same time another was sprung up in *Puglia* in *Monte Gargano*, on Account of St. *Michael's* having appear'd, as 'tis said, in that Grotto in the Time of Pope *Gelasius*, while *Laurentius* was Bishop of *Sipontum*. Sanctuaries, which in the Reign of the *Longobards* and *Normans*, became so conspicuous and renown'd, that by their wonderful Fame they drew to them not only Pilgrims from the remotest Parts of the World, but likewise the greatest Kings and Monarchs of *Europe*, and the most mighty Princes of the Earth.

S E C T. V.

Ecclesiastical Statutes and new Collections.

THE Ecclesiastical Statutes in these Times, as well concerning Doctrine as Discipline, were very ample and numerous. As there were many Occasions for calling many Synods and Councils, so consequently very many Canons were establish'd. They began likewise to establish some of those which belong'd to the Authority of Princes. The Degrees of Kindred, which were formerly regulated according to the Civil Law, were now regulated by the Canons; and the Prohibition of Marriage was extended to Cousins, and the Children of Cousins. *Theodosius the Great* had formerly forbidden Marriage betwixt Cousins, which *Arcadius* and *Honorius* his Sons confirm'd, as St. *Ambrose* declares¹: *Justinian* afterwards allow'd it²; whence *Tribonianus* being to insert this Law of *Theodosius*³ in his Code, mangled it indiscreetly, that it might not clash with what *Justinian* had alter'd in it⁴. The Canons now forbid it, not only betwixt Cousins, as *Theodosius* had done, but likewise betwixt their Children; and introduced a new Method of reckoning the Degrees, which *Cujacius*⁵ thinks not to be older than St. *Gregory the Great* and Pope *Zachary*. There were as yet no Regulations made about the Goods of the Church, but they being at this Time increas'd, and squander'd away by the Ecclesiasticks, they began to make Canons to prevent the Wasting and Alienation of them. It belong'd to the Prince to forbid servile Works on the Lord's-day, and the Emperors practis'd it, as may be seen by the Laws of *Leo* and *Antemius*⁶; but now we see Canons made likewise concerning that. It belong'd to the Emperors to declare Churches to be Sanctuaries⁷, concerning which we read many Constitutions in the *Theodosian Code*; but now this Right is also determin'd by the Canons. There were moreover many Constitutions made concerning Usury and Divorces, and other Matters, the Care and Regulating of which belong'd to, and was in the Power of the Princes: Whence it is, that their Number has grown immense; which occasion'd other Codes, and new Compilations.

We have seen in the foregoing Book, that before the Reign of *Valentinian III.* neither the Western nor the Eastern Churches knew any other Statutes, but those which were collected in *the Code of the Canons of the Universal Church*, compiled by *Stephen* Bishop of *Ephesus*. But afterwards, in the first Year of the Empire of *Justinian* 527, the *Collection of Dionysius Exiguus* appear'd. This was a *Scythian* Monk who lived in *Rome*, and was the first that introduc'd the Custom

¹ S. Ambr. ep. 66. ad Paternum.² 6. duorum Instit. de Nuptiis.³ L. si quis, c. 5. C. de Incest. Nupr.⁴ L. in Celebrandis C. de Nuptiis.⁵ Cujac. tit. Decretal. de Consang. & Affin.⁶ L. ult. C. de Feriis.⁷ V. P. Sarp. de Jur. Asylor.

of numbering the Years from the Birth of Christ our Lord, as we continue to do¹; for formerly they computed, either after the ancient manner of *Rome* by the Consuls; or from the first Establishment of the *Greek* Princes, Successors of *Alexander*; or from the Times of the Martyrs, who suffered Martyrdom under *Dioclesian*; and in *Spain*, from the *Æra* of the Emperor *Augustus*, which was Thirty-eight Years before the Birth of Christ. He was in great Esteem with *Cassiodore*, who courted him, for instructing his Monks of the *Vivariensis* Monastery in Learning, and particularly Philosophy²: He read Logick there with *Cassiodore*, and remain'd many Years his Companion in that Magistery. The Encomiums which *Cassiodore* gave him are to be read in his Works³. He enrich'd the *Latin* Church with many faithful Translations of the Works of the *Greeks*; and at the Request of *Stephen* Bishop of *Salona*⁴ in *Dalmatia*, he translated the Collection of the *Greek* Canons very faithfully into *Latin*, which was more than could be said of the ancient *Latin* Translation made use of in the West: To this he added all that was in the *Greek* Code, to wit, Fifty Apostolical Canons, those of the Council of *Chalcedon*, *Sardica*, *Carthage*, and other *African* Councils.

H E likewise added the Decretal Epistles of Pope *Syricius*, who died in the Year 398, (an Argument, that the Epistles formerly related of *Syricius* are Apocryphal). Those are called Decretal Letters, which the Popes wrote upon their being consulted by the Bishops for deciding Points of Discipline, and which were put amongst the Canons. So the *Greeks* put the three Letters of St. *Basil* to *Amphilochus*, and some others of the most famous Bishops of the greater Sees⁵, amongst the Canons. To these afterwards, after the Death of *Dionysius*, were added the Decrees of *Gregory II.* contain'd in Seventeen Chapters, as has been observ'd by *Peter de Marca* Archbishop of *Paris*⁶: What is surprizing is, that tho' the *Greek* Code, which *Dionysius* made use of, ends with the first *Constantinopolitan* Council, to which he annex'd the Canons of the Council of *Chalcedon*, (as *Dionysius* himself affirms in the Preface to *Stephen* Bishop of *Salona*) as he did the *African* Canons; and those of *Sardica*; yet, tho' his Subject seem'd to require it, he makes not the least mention of the *Ephesian* Council, or of its Canons made in the Year 431, tho' these Canons are in the *Greek* Code publish'd by *Justellus* in the Year 1610; so that their Opinion is confuted, who believ'd, that *Justinian* in his 131st *Novella* made in the Year 541, did confirm and give the Force of Laws to the Code of the Canons compil'd by *Dionysius*; for *Justinian* in that *Novella* likewise confirms the Canons made in the *Ephesian* Council, where he says; *Sancimus vicem legum obtinere Sanctas Ecclesiasticas Regulas, &c. in Ephesina prima, in qua Nestorius est damnatus, &c.* *Doviat*⁷ therefore says, That *Dionysius* makes no mention of it, because that Council made no Canons concerning Discipline, but only concerning the Execution of the Condemnation of *Nestorius*, and his Adherents.

T H I S Collection of *Dionysius* had all Authority and Force in the West and in these our Provinces⁸; and by Pope *Nicholas I.*⁹ it is call'd, by way of Pre-eminency, *Codex Canonum*, and by the Canon Law *Corpus Canonum*¹⁰: And in subsequent Times it had so much Force, that in the Year 787, it being sent in a Present by *Adrian I.* to *Charles the Great*¹¹, this Prince order'd the Bishops of *France* to take care to see the Canons contain'd in it observ'd; and caus'd these Decrees to be inserted in his *Capitularia* of *Aix la Chapelle*, which he order'd to be compos'd in the Year 789, as *Justellus* says¹².

A B O U T the same time, in the Year 547, *Fulgentius Ferrandus* Dean of *Carthage* made another Collection of Canons¹³, but after a different manner, rather quoting than relating them, and under each Head he recapitulates the Canons of different Councils, of which *Gratian* in his Decree makes mention¹⁴.

¹ *Doviat. Hist. du Droit Can. par. 1. c. 17.*

² *P. Garet. in Vita Cas. par. 2. §. 20 & 21.*

³ *Cass. lib. Divin. Lect. cap. 22.*

⁴ *Cass. loc. cit. Doviat. Hist. Droit Can. par. 1. cap. 17.*

⁵ *Fleury in Just. Jur. Can. in Princ.*

⁶ *P. de Marca de Concord. lib. 3. cap. 3.*

⁷ *Dov. loc. cit. n. 2. & par. 1. c. 7. n. 4.*

⁸ *Cass. lib. Div. Lect. cap. 22.*

⁹ *Can. 1. digest. 19.*

¹⁰ *In inscript. cap. 3. de Præbend.*

¹¹ *Sirmond. tom. 2. Conc. Gall. ad An. 787.*

¹² *V. Justel. in Præf. ad Cod. Eccles. Univ.*

¹³ *Doviat. Hist. Droit Can. par. 1. cap. 22.*

¹⁴ *Grat. Can. Sacrorum 34. dist. 63.*

CARDINAL BARONIUS¹ reckons, that about the same time the Collections of *Martin* of *Braga* and of *Cresconius* were made. Others believe², that that of *Martin's* was made about the Year 572, and that of *Cresconius's* about the Year 670. *Martin*, a *Hungarian* by Nation, and a *Benedictine* Monk, was Bishop of *Braga* in *Portugal*. He made his Collection for the Use of the Churches of *Spain*, by translating the *Greek Synods*, and adding other Canons of the *Latin Councils*, and especially those of the Council of *Toledo*; therefore that Collection was not made use of but in *Spain*, excepting for Illustration³.

CRESCONIUS a Bishop of *Africa* composed his Collection of Canons, of which we have a Compendium; the Title of which, according to a Manuscript which *Baronius* relates, was this; *Concordia Canonum a Cresconio Africano Episcopo digesta sub capitibus trecentis*: And because he likewise makes mention there of a Poem in Hexameter Verse, composed by *Cresconius* himself for celebrating the Wars, and the Victories gain'd by *Joannes Patricius* over the *Saracens* of *Africa*, *Baronius* concludes, that he liv'd about the Time of *Justinian* the Emperor.

JOANNES SCHOLASTICUS, after *Eutichius* had been banish'd, was advanced to the Patriarchate of *Constantinople* by the Emperor *Justinian*⁴, and surviv'd him, and was the first who made a Collection in the East, wherein he join'd the Canons with the Laws, especially the *Novellæ* of *Justinian*, which kind of Book was afterwards, by the subsequent Writers, call'd *Nomocanon*; and tho' this Collection divided into fifty Titles, was of some use at first, nevertheless *Theodore Balsamon* in his Supplement observes, that in his time, to wit, about the End of the twelfth Century, it was in no Esteem, as having been eclips'd by the *Nomocanon* of *Photius*, which was more useful, and more full⁵.

THESE were the Collections of Canons, which, after the Code of the Canons of the Universal Church, appear'd in the subsequent Times, down to the Empire of *Justin*, Successor of *Justinian*⁶; they had not the Force of Laws, but when it was given them by the Emperors and Princes. The Church had not as yet acquir'd compleat Jurisdiction, so as to make her Statutes have the Authority of Laws, and thereby oblige the Faithful to observe them by Secular Force, or to punish the Transgressors with Temporal Penalties; their Souls were only bound by the meer Dint of Religion, and the Pains and Punishments only Spiritual by Censures, Penitence, and Deposition. The Princes, by the Means of their Constitutions, gave them the Force of Laws, by obliging their Subjects to the Observance of them by Temporal Force, as the *Novellæ* of *Justinian* in the East, the Collection of *Joannes Scholasticus*, the *Nomocanones* of *Photius*, and *Balsamo* testify; in *France* the *Capitularia* of *Charles the Great*; in *Spain* the Laws of those Kings, by which, the Canons establish'd in the Councils held in *Toledo*, or elsewhere, gave them all Force and Authority; and in *Italy*, the so many Edicts of *Theodorick* and *Athalarick*, which we read in *Cassiodore*.

¹ Baron. ad Ann. 527. num. 76.

² Doviat. loc. cit. num. 2 & 3.

³ V. Ant. Augustin. par. 2. epitom. Juris Pontific. cap. 25. & in Graf. Dialog. 10, 11, & 12.

⁴ V. Nic. Aleman. ad Hist. Arcan. Procop. Justel. loc. cit.

⁵ V. Franc. Florent. de Orig. Jur. Can. par. 3. §. 3. Justel. loc. cit. P. de Marca de Conc. lib. 2. cap. 3. §. 8.

⁶ V. Fleury in Instit. Jur. Can.

SECT. VI.

Of the Cognizance of CAUSES.

THE Ecclesiastical State, during the Dominion of the *Goths* in these our Provinces, acquired no greater Power of Cognizance, or of trying of Causes in Judgment, than what it had in the preceding Centuries under the Successors of *Constantine* down to the Empire of *Valentinian III*. It was still confin'd to the Cognizance of Matters of Faith and Religion, of which it judg'd in Form of Polity;

Polity ; to the Correction of Manners, of which it cognosced by way of Censure ; and to Differences that arose amongst Christians, which it decided by way of Arbitration and friendly Composition : It had not as yet acquir'd compleat Jurisdiction ; neither had it a Court of Justice, nor Territory ; neither were its Judges become Magistrates. *Theodorick*, and the other Kings his Successors, kept it within its Bounds, nor did its Cognizance exceed the Limits of its Spiritual Power, excepting in those three Emergencies already related ; in all other Things, the Ecclesiastics observ'd the Civil Laws, and, as Members of the Civil Society, obey'd the Secular Magistrate, as all others did, as well in Criminal as Civil Cases, by whom they were judg'd and punish'd. The Accusations were reported to the Prince, that he might either judge them, or appoint others to hear the Cause, and they were often banish'd for their Faults, or depos'd from their Charges. We have seen how the People of *Rome* carried the Accusations which they had invented against *Symmachus* to *Ravenna* to King *Theodorick*, that he might take Cognizance of them, demanding a Visitor from him, which he gave them, in order to try him ; the Bishops of *Italy* did the same against *Damasus*, having had their recourse unto the Emperors *Gratian* and *Valentinian*, intreating them to judge that Pope whom they had accus'd. 'Twas no strange thing in these Times, for Kings to send the Bishops, as their Subjects, and the Pope himself, to sundry Parts, as Business requir'd, and to call them at their Pleasure, and they were always ready and most obedient. Pope *John I.* was sent by King *Theodorick* to *Constantinople*, for obtaining from the Emperor *Justin I.* the Revocation of one of his Edicts, whereby he had ordain'd, That the Churches of the *Arians* should be given to the Catholics : And this Embassy not having had that Success which *Theodorick* expected, he imputed it to the Want of Fidelity in Pope *John*, and his Ill-conduct ; so that as he was returning through *Italy*, he caus'd him to be arrested in *Ravenna*, where he died the 27th Day of *March* in the Year 526 : And *Theodatus* sent Pope *Agapitus* to *Constantinople* for treating with *Justinian* about the Peace which he so much long'd for.

KING *ATHALARICK* ordain'd by his Edict drawn up by *Cassiodore*¹, that those, who by Simony and Ambition had been elected, should be accus'd before his Judges, and severely punish'd, and appointed Rewards for the Accusers, by giving them the third Part of what they should be condemned in, and the rest to be employ'd upon the Fabricks of the Churches, and the Maintenance of their Ministers.

AS for their Civil Causes, the same Jurisdiction was continued to the Secular Magistrates as they had formerly ; they behov'd to lay their Case before them, propose their Actions, and, being summoned, give Bail *Judicio Sisti*. Only King *Athalarick* favour'd the Church of *Rome* in that, by approving of a Custom which had been introduc'd among her Clergy, of her Priests being first to be brought or accus'd before their Bishop. The Secular Magistrates, which had been appointed in *Rome* by that Prince for the Administration of Justice, and which was practis'd in all the other Provinces, forced a Deacon of that Church, at the Suit of his Creditor, to satisfy a Debt ; and were so hard upon him, that they deliver'd him up to the Creditor himself to keep him in Custody. Another Priest of that same Church being accused on a slight Occasion, they us'd him very severely, and handled him very roughly. The Clergy of *Rome*, with mournful Lamentations and Prayers, had recourse to *Athalarick*, setting forth to him, that in their Church, by a long Custom, to the end their Priests by being involv'd in Law-Suits, and the Affairs of the World, might not be diverted from Divine Worship, it had been usual to cite them before their Bishop ; notwithstanding which, one of their Priests and a Deacon had been roughly and reproachfully used ; therefore they intreated the Clemency of that Prince to put a Stop to such Proceedings for the future. The King, at their Entreaty, answer'd, That out of the Reverence and Honour which was due to that Apostolical See², from that time forward he ordain'd, That if any Person had occasion to summon any Priest of the Clergy of *Rome*, on whatsoever Account it might be, he was first to have recourse to the Judgment of the Bishop of that See, who, either himself was to enquire more *Suæ*

¹ Cass. lib. 9. cap. 15.

² Cass. lib. 8. cap. 24. Considerantes Apostolicę sedis honorem.

Sanctitatis into the Merits of the Cause, or to delegate it, *æquitatis Studio terminandum*; but if the Plaintiff or Accuser, after using that Respect, should find himself amused and delay'd, *tunc ad Sæcularia fora iurgaturus occurrat*: If contrary to this his Ordinance, he first had recourse to the Secular Tribunals, he should be oblig'd to pay a Fine of Ten Pounds of Gold, which was to be immediately receiv'd by his Treasurers, and by the Hands of the Bishop distributed amongst the Poor, and besides to lose his Cause, and thus be doubly punish'd. But at the same time, *Athalarick* did not neglect to admonish them to live suitably to their State, telling them; *Magnum scelus est crimen admittere, quos nec conversationem decet habere sæcularem; professio vestra vita cælestis est. Nolite ad mortaliū vota humilia, & errores descendere. Mundani coarceantur humano jure, vos sanctis moribus obedite.*

WE see then that in these Times, in all the other Churches, the Secular Magistrates had the Cognizance and Jurisdiction of the Causes of Ecclesiasticks as well Civil as Criminal, and that they were subject to their Judgment and Fines; and tho' *Athalarick* gave this Indulgence to the Clergy of Rome only, out of respect to that See, yet nevertheless he gave no manner of Jurisdiction to the Bishop or his Delegates; but only, that they were to determine them *more suæ Sanctitatis, & æquitatis Studio*, by way of Arbitration and charitable Composition, not by way of Judgment and litigious Justice.

JUSTINIAN then was the first who began to enlarge the Cognizance of the Bishops in Ecclesiastical Causes, and granted them the Privilege of not pleading before Laick Judges. As this Prince was both Pious and Religious, so he enlarg'd the Cognizance of the Bishops, ordaining, by his *Novellæ* ¹, That in Civil Actions the Monks and Clerks should be first conven'd before the Bishop who was to decide their Differences immediately without Process, without any Noise, or judicial Dispute; upon condition however, that if one of the Parties should declare within ten Days that he would not acquiesce to his Sentence, the ordinary Magistrate should take Cognizance of the Cause, not by Way of Appeal, as some have believ'd, and as superior to the Bishop in that, but begin anew; and if he gave the same Judgment with the Bishop, there was no Appeal from him; but if otherwise, there was room for Appealing. And as for Criminal Causes, it was allow'd to pursue the Clergy either before the Bishop or the ordinary Judge, except in Ecclesiastical Crimes, such as Heresy, Simony, Disobedience to the Bishop, and all other Things concerning their Quality, the Cognizance of which belong'd to the Bishop only; as did also the Differences concerning Religion and Ecclesiastical Polity even against Laicks. Moreover he ordain'd, That if in Criminal Causes any of the Clergy should be condemn'd by the Laick Judge, his Sentence could not be put in Execution, nor a Priest degraded, without the Approbation of the Bishop; and if he refus'd, Application was made to the Emperor. And as for the Bishops, he granted them this Privilege, of not being oblig'd to plead before the Laick Magistrates, which Privilege he likewise allow'd the Nuns by his *Novella* 79, which Interpreters have wrongfully extended to the Monks. And that Regulation of *Justinian* contain'd in his 123d *Novellæ* is almost intirely repeated in the Constitutions of the Emperor *Constantine III.* Son of *Heraclius*, and of *Alexius Comnenus*, related by *Balsamon* in the Sixth Title of his *Nomocanon*. Thus, by the Privilege of the Prince, the Cognizance of the Bishops began to be enlarg'd; nevertheless, they did not at this Time acquire compleat Justice, which the Law calls Jurisdiction, over the Priests, they not having in those Days *Jus Terrendi*, nor any coercive Power; therefore they could not, by their own Authority, imprison Ecclesiastical Persons, neither had they any Prisons: They could not inflict Corporal Punishments, Banishment, and much less Mutilation of Members or Death, even for the greatest Crimes; nor condemn in Pecuniary Mulcts.

THE Punishments which they inflicted were Depositions, Suspension of Orders, Fastings, and Penance; which Form of Discipline continu'd throughout all the Eighth Century; which *Gregory II.* excellently well observes in that fine Epistle which he directed to *Leo Isauricus* ², wherein he shews the great Difference there was betwixt the Imperial Punishments and those of the Church: The Emperors

¹ Novel. 83 & 123.

² Greg. II. epist. 13. ad Leon. Isaur. Richer. in Apol. Jo. Gerſon. par. 3. ax. 36.

condemn'd to Death, Imprison'd, and Banish'd the Guilty, and confin'd them to a certain Place ; none of which the Popes could do : *Sed ubi*, as his Words are, *peccavit quis, & confessus fuerit, suspendii, vel amputationis capitis loco, Evangelium, & Crucem ejus cervicibus circumponunt, eumque tanquam in carcerem, in Secretaria, Sacrorumque vasorum æraria conjiciunt, in Ecclesiæ Diaconia, & in Catecumena obligant, ac visceribus eorum jejunium, oculisque vigilias, & laudationem ori ejus inducunt. Cumque probe castigarint, præbeque fame afflixerint, tum pretiosum illi Domini Corpus impartiunt, & Sancto illum sanguine potant : & cum illum vas Electionis restituerint, ac immunem peccati, sic ad Deum, purum insontemque transmittunt. Vides, Imperator, Ecclesiarum, Imperiorumque discrimen, &c.*

HOWEVER the Ecclesiasticks had begun in these Times, to usurp the Power of burning the Books of Hereticks, because in the Year 443. St. Leo the Pope burnt many Books of the *Manichei* in Rome, whereas at first Censure belong'd only to the Church, but Prohibition and Burning to the Prince¹, concerning which we shall have occasion to discourse more at large.

¹ Feuret. lib. 1. cap. 2. num. 7.

S E C T. VII.

Of TEMPORALITIES.

THE Cognizance of Causes did not keep pace with the Increase of the Temporalities in our Churches ; the last out-stripp'd the first very much. The Princes did not much mind the Acquisitions which were daily made ; they not only neglected to put a Stop to their excessive Growth, as *Theodosius the Great* and his Successors did, but they even contributed to them by Donations and Privileges¹ ; whereas formerly, Purchases were made by the Churches only : but now that the Monasteries began to be founded in these our Provinces, they had likewise their Share, and the Monasteries of St. *Benedict*, from their first Institution, gave many good Presages of their future Riches.

BESIDES new Sources were discover'd, from whence sprung greater Riches. In these Times Sanctuaries had their Beginning ; and the Veneration for the Relicks of the Saints began to be much greater than it had formerly been. The many Miracles which were publish'd ; the Apparitions of Angels ; the particular Devotions to Saints ; and the Exhortations of Monks, drew the People, out of Devotion, to offer abundance of Riches to their Monasteries. The giving or leaving by Will to the Churches, was, in these Times, look'd upon as a most powerful Means for obtaining the Remission of Sins. *Salvianus*², who flourish'd in the Reign of *Anastasius*, exhorted many godly People to relieve their Souls, *ultima rerum suarum oblatione* : Whence it is that we often read in the Donations made to Churches this Clause ; *Pro Redemptione animarum, &c.*

THERE was likewise a new Fund much more stable than the former, from which they drew good Profits. Tythes, which in the three first Centuries were free and voluntary : In the fourth and fifth, by reason of the Lukewarmness of the Faithful in giving them, were recommended by the Preachings and Exhortations of the Priests, to the end that they might not be left off : In this sixth Century they became due and necessary. Seeing at this time Preachings and Exhortations did not avail, it was necessary to have recourse to more powerful and vigorous Assistance ; so they began to think of establishing them by the Way of Precepts and Canons. Thus by many Councils of the West, and many Decretals of the Popes, the Use of paying them became a Law. By these and other Means, the Riches of the Churches began to increase and be very considerable, and they were in Possession of particular Inheritances. The Church of Rome, above all the rest, became the

¹ Cas. lib. 12. cap. 13.

² Salvian. lib. 2. & seq. adver. avarit. Ant.

Matth. manud. ad Jus Can. lib. 2. tit. 1.

richest, and in such a degree, that *Paulus Warnefridus* ¹ relates, when *Trafimondus* King of the *Vandals* in *Africa* had banish'd 220 Bishops, *Symmachus*, who was then Bishop of *Rome*, caus'd them all to be furnish'd with every Thing necessary for their Sustenance. They not only contriv'd ways for acquiring of Riches, but likewise means by which to preserve them; for with Riches were join'd Looseness of Discipline and Manners: The Ecclesiasticks appropriated them to themselves as their own Goods, whereas formerly they were look'd upon only as the Patrimony of the Poor, consequently they were ill employ'd and worse distributed; whence it was that many Councils (although before this Time there had not any Regulation been made concerning this Matter) were mov'd to establish a great many Canons, discharging Alienations, regulating the Method of distributing them, and especially for taking care to preserve and secure them. However 'tis likewise true, that the Princes notwithstanding that, did not fail to make Laws concerning the Goods of the Church, by regulating the Acquisitions, and sometimes also the Manner of distributing them, and by discharging their being put to wrong Uses; and *Justinian* assures us, that by his own Prerogative he establish'd many Laws concerning them ².

THE Division of the Fruits of these Goods into four Parts; one to the Administrator or Incumbent, the second to the Church, the third to the Poor, and the fourth to the Clergy; which is attributed to Pope *Simplicius*, who was chosen in the Year 468, was not always fix'd, nor the same over all the Provinces of the West. In *France*, in the first Council of *Orleans* ³ assembled in the Year 511, the one half was assign'd to the Bishop, and the other to the Clergy. In *Spain*, from the first Council of *Braga* ⁴ held in the Year 563, the Division of the Oblations was reserv'd for the Clergy all in common. But afterwards in the fourth Council of *Toledo* conven'd under King *Sisenandus* in the Year 633, it was ordain'd, that the Bishops should have the third Part of the Rents ⁵. Thus, as *Gratian* ⁶ very much to the purpose observes, according to the Diversity of Places, and the Customs of Countries, in some a third, and in others a fourth Part was reserv'd for the Bishop; such Divisions were not always unalterable and perpetual.

HOW great soever the Increase of the Temporalities of our Churches and Monasteries were in this sixth Century, nevertheless, in respect of the immense and excessive Acquisitions, which were afterwards in the Times of the *Longobards* and *Normans*, it was tolerable; no great Alteration happen'd to the Civil State on account of it: We shall see it greater under the *Longobards*, of whose Kingdom we are now going to treat.

¹ Fr. de Roye Instit. Canon. lib. 2. de decim.
² P. de Marca de Concor. Sacr. & Imp. lib. 2.
 cap. 11. num. 3.
³ Ibid. cap. 16.

⁴ Ibid. cap. 21.

⁵ Can. Constitutum 62. caus. 16. qu. 1.

⁶ Grat. post Can. possessiones ead. caus. & qu.





THE
CIVIL HISTORY
Of the KINGDOM of
NAPLES.

BOOK IV.



THE *Longobards* acknowledge their Origin from none other but the *Goths*, and the *Peninsula* of *Scandinavia* was the common Mother of both: A Country, which by *Jornandes* was rightly call'd *Vagina gentium*, and which justly may boast of having produc'd all those Princes, who for a long time were Lords and Masters of *Spain*, of a good part of the *Gallia*, and especially of *Italy*, which, tho' recover'd from the *Goths*, yet soon fell under the Dominion of the *Longobards*; and these having afterwards fail'd, under that of the *Normans*, who likewise boast of the same Origin¹. The *Gepidæ* descended of the Stock of the

Goths, and who came out of the same *Peninsula*, together with the *Goths*, stopp'd at the *Vistula*²: From thence, after having overcome the *Burgundians*, they advanc'd, as *Procopius* relates, to both the Banks of the *Danube*; from whence, as *Vopiscus* writes, they infested the *Romans* by the many Incursions and Robberies which they committed in that Country. Lastly, while the Emperor *Martian* reign'd in the East, having driven the *Huns* out of *Pannonia*, they fix'd their Residence

¹ *Jornandes Hist. Got.*

² *Grot. in Proleg. ad Hist. Got.*
D d d

there.

there. Moreover, grave Writers affirm it for certain, that the *Gepidæ* having fallen out amongst themselves, the *Longobards* sprung from this Division; whence *Salmafius*¹ declares, that he had read in some ancient Greek Books, not as yet printed, that the *Gepidæ* were call'd *Longobards*: *Gepidæ qui dicuntur Longobardi*; and *Constantinus Porphyrogenitus*, Emperor of *Constantinople*, from the History of *Theophanes* (who is honoured by the Greeks as a Saint) likewise writes that the *Longobards* sprung from the Division of the *Gepidæ*².

PROSPER AQUITANIUS Bishop of *Rhegium*, who wrote before *Paul Warnefride* Deacon of *Aquileja*, is the first that mentions the *Longobards*, whom he brings from *Scandinavia* to the Banks of the Ocean, in quest of new Habitations, first under *Ibo* and *Ajo* their Captains, they overcame the *Vandals*, and were call'd *Winili*, that is to say, Wanderers, because at this Time they had no fix'd Residence; but afterwards having elected *Agilmundus* for their King, and over-run diverse Countries, at last they settled themselves in *Pannonia*. After *Agilmundus* they had for their Kings successively, *Lamiscus*, *Leta*, *Ildeock*, *Gudeock*, *Claffus*, *Tatus*³, and after these *Waltau*; of which Prince none other make mention, as having reign'd but a short time, and in continual Wars. Afterwards *Wacus* and *Andoinus* succeeded, and lastly *Alboinus*; who having made a settled and strict Peace and Friendship with *Narses*, was reserv'd for the future Conquest of *Italy*.

HOW this People took the Name of *Longobards*, we need no other Voucher than *Paul Warnefride*⁴, who writes, that these *Winili* were call'd *Longobards* from the Length of their Beards, which they kept very carefully from being touch'd with Iron; because in their Language, *Lang* signifies Long, and *Baert*, Beard: In which *Constantinus Porphyrogenitus*⁵, *Otbo Frisingensis*⁶, *Gunterus*⁷, and *Grotius* agree.

I KNOW that some modern Writers, not contented with what so ancient and grave Authors have reported, have gone to other Countries to find out the Origin of this People, and have derived the Name of *Longobards*, not from the Length of their Beards, but as the Abbot *de Nuce*⁸ believ'd, from that of their Halbards, and others from something else.

SOME have deny'd that they came out of *Scandinavia*, but from the inner Parts of *Germany*; they say, that long before the Time mention'd of their coming out of that *Peninsula*, *Strabo*, *Tacitus*, *Ptolemeus*, and *Paterculus*⁹, make mention of the *Longobards*, as a People who liv'd in the Heart of *Germany*; therefore their Name being more ancient, we must not take it from their Beards, as *Paul Warnefride* has asserted, but it must be deriv'd from something else. The Difficulty was easily solv'd by the incomparable *Hugo Grotius*¹⁰; for this Name signifies nothing else but Men with long Beards, as all the *Germans*, and *Warnefride* himself acknowledge: Now Names of this Kind which are deriv'd from different Habits and Aspects, arise and spread themselves, sometimes among one People, sometimes among another, in different Places, and likewise in most distant Times, according as the Novelty and Odness appear. Among the *Germans*, as *Tacitus* relates, it was a most common Custom to let their Hair and Beards grow, and they never used to cut their Hair, but when they had overcome their Enemies; but when it happen'd, that a great Knot of Men appear'd in another Country, with a very new and strange Aspect, certainly the People of that Country gave them their Name from that new and strange Aspect which had astonish'd them; therefore 'tis no wonder, if that Novelty, sometimes in one Place, sometimes in another, was the Occasion of new Names: Whence had *Domitius Enobarbus*, *Fredericus Barbarossa*, and some other famous Pyrates of that Name their Denominations? The Name was common to them only, from the Similitude of their Aspects. 'Tis reasonable then, that in such Matters we should give Credit to ancient Writers, and especially to *Paul Warnefride* in what concerns the *Longobards*, who though he was born in *Italy*, was originally a *Longobard*, and

¹ Salmaf. apud Grot. loc. cit.

² Constant. Porphy. de Admin. Imperio cap. 25. ex Historia S. Theophan. Et Gepides quidem, ex quibus postea Longobardi, atque Avarres per Successionem oriundi sunt.

³ Grot. in Proleg. ad Hist. Got.

⁴ Paul Warn. lib. 1. cap. 9.

⁵ Const. Porph. de Them. XI. Longobardi a promissa barba incolarum dicta est.

⁶ Otbo Frising. lib. 2. c. 13. de gest. Frid. Imp.

⁷ Gunther. lib. 2. Grot. loc. cit.

⁸ Ab. de Nuce in notis ad Chronicon. Leon. Ostiens, pag. 95.

⁹ Tacit. l. 2. Annal. Vel. Paterc. l. 2. Hist.

¹⁰ Grot. in Proleg. ad Hist. Got. p. 28.

he is the only and proper Writer of their Actions. Wherein this Writer fails, we may have recourse to *Erchempertus*, and after him to other contemporary Writers, of which there are many¹; so that *Grotius* advises us to believe the Ancients, when these new Writers produce nothing that's more credible or certain; and to hold with the first, that the *Vandals*, the *Ostrogoths* and *Westrogoths*, the *Gepidæ* and *Longobards*, all of them owe their Origin to *Scandinavia*.

BUT be that as it will, 'tis manifest to every Body, that the *Longobards* after having roam'd about in many Countries of *Europe*, at last fix'd themselves in *Pannonia*, in which Province they rul'd Forty-two Years, and they reckon from *Agil-moldus* to *Alboinus*, ten Kings under whom they liv'd. In the Reign of *Alboinus*, *Narses* having been sent into *Italy* by *Justinian*, in order to drive out the *Goths*, who under *Totila* had regain'd that Province, and being long before in Confederacy with the *Longobards*, sent Ambassadors to *Alboinus* to demand Assistance against the *Goths*. 'Twas then that *Alboinus* sent a choice Band of Warriors, who assisted the *Romans* against the *Goths*². They went into *Italy* by the Gulf of the *Adriatick* Sea; and it was the first Time that this People had seen this beautiful Country, and in one Day they landed in these our Provinces, to wit, at *Samnium*, as we shall relate. In the mean time, having join'd the *Romans*, they engag'd with the *Goths*, and having successfully beaten them in that Battle wherein *Totila* was kill'd, loaded with many Presents, and Victorious, they return'd to their own Habitations; and all the Time that the *Longobards* possessed *Pannonia*, they assisted the *Romans* against their Enemies, and *Narses* maintain'd and kept up a strict and faithful Friendship with *Alboinus*; whence 'twas no difficult Matter to allure him (in order to revenge himself of the Affront done him by *Sophia* Wife of the Emperor *Justin*) to come to the Conquest of *Italy*; besides he well knew the Riches of this Province, and the many other Advantages which it yielded. In the mean time this Prince resolv'd, at the Invitation of *Narses*, to go in Person at the Head of his Army, and having likewise solicited the Assistance of the *Saxons* for this Undertaking, he left *Pannonia* to the *Huns* (from whom this Province afterwards took the Name of *Hungary*) on Condition, that if by some cross Accident, the Undertaking which he was going about should not succeed, and that he should be oblig'd to return, they were to restore him what he left them: He began his march with his *Longobards* and their Families, the *Saxons* and other People, and in the Month of *April* in the Year 568, while *Justin* the Emperor reign'd in the East, they enter'd *Italy*³. At this Time this Province was so destitute of all Assistance, and divided into so many Parties by the new Form which *Longinus* the Exarch of *Ravenna* had given it; that *Alboinus* was enabled at once to possess himself of *Aquileja*, and many of the Towns of the *Venetian* Province; and this same Year 568, he likewise took *Friuli* the chief City of this Province, where he remain'd during the Winter, and having reduc'd it to the Form of a Dukedom, he created *Gisulphus* his Nephew, Duke of it. Such was the Origin of the Title of the *Ducatus Forojuliensis*, which was the first that was made by the *Longobards* in the Province of *Venice*.

ALBOINUS having taken this Province from the *Greeks*, the next Year 569, he took Possession of *Trivigi* and *Oderzo*; from thence, leaving *Padua* behind him, he took *Monte Selice*, *Mantua*, and *Cremona*; he surpriz'd *Vicenza*, *Verona*, and *Trent*, and other Towns of that Province; and as these Cities fell under his Power, besides leaving a strong Garrison of *Longobards* in them, he created a Duke to govern each of them. These Dukes at their Beginning, after the Manner of the Dukes of *France*, which *Paulus Emilius*⁴ describes to us, were nothing but simple Officers or Governors of Cities, and their Duration depended on the Pleasure of the Prince who created them.

¹ These are the *Anonymus Salernitanus*, and other Collections by *Camillus Pellegrinus*, in *Hist. Princ. Longob.*

² *Paul Warnefr. lib. 2. cap. 1.*

³ *Historiola ignoti Monaci Cassinen. apud Camil. Pel. Historia Princ. Longob. Paul Warn. lib. 2. cap. 12. Certum est autem, tunc Alboin.*

multos secum ex diversis, quas vel alii Reges, vel ipse ceperat gentibus ad Italiam adduxisse; unde usque hodie eorum, in quibus habitant vicos Gepidos, Bulgaros, Sarmatas, Pannonios, Suevos, Noricos, sive aliis hujusmodi nominibus appellamus.

⁴ *Paul. Emil. de reb. Francorum.*



C H A P. I.

*Of Alboinus I. King of Italy, who fix'd his Royal Seat in Pavia;
and of the other Kings his Successors.*



ALBOINUS was no less successful in his Conquests the following Year 570. in *Liguria*, having pass'd the River *Adda*, he immediately took *Brescia*, *Bergamo*, *Lodi*, *Como*, and all the other Castles of *Liguria*, as far as the *Alps*; from thence he prepared to take *Milan* the Head City of the Province, which after a short Siege surrender'd to his Arms. As soon as he had subjected this City to his Dominion, the *Longobards* proclaim'd him King of *Italy*, and with joyful Acclamations saluted him as such, by giving him a Launce, which at this Time was the Ensign of Royalty. The Rites and Ceremonies which were practis'd by this Nation in creating their Kings, were only the raising up the Elected upon a Shield in the Midst of the Army¹, and with Acclamations, proclaiming and saluting him King, by giving him a Launce in his Hand, as a Token of the Royal Dignity. This was the Beginning of the Kingdom of the *Longobards* in *Italy*, under *Alboinus* I. King of *Italy*; but if we also reckon *Waltau*, who reign'd but a short time, and whose Empire was much contraverted, among the Series of their Princes who reign'd in *Pannonia*, there were Eleven Kings of the *Longobards*. As 'tis of no Service to us to keep account of the Kings of *Pannonia*, we shall reckon *Alboinus* the first King of *Italy* in this History, and according to this Order we shall name his other Successors; and from the Month of *January* of this Year 570, we shall reckon the Beginning of his Reign, and of the *Longobards* in *Italy*, not from their coming in the Year 568, as others have done. The Abbot *Bachini* in his Dissertations upon the Pontifical Book of *Agnellus Ravennate*, observes, that in order to shun all Confusion, there ought to be two *Epochas* settled; the one taken from the Entry of the *Longobards* into *Italy*, in the Year 568. on the second Day of *April*; the other from the Beginning of the Reign of *Alboinus* in *Italy*, which answers to the 29th of *December* in the Year 568: By these two *Epochas*, he shews us how *Baronius* was mistaken, who makes *Alboinus* die in the Year 571, after having reign'd three Years and a half according to *Paulus Diaconus*, and defends the bright *Sigonius*, who was censured by *Camillus Pellegrinus* concerning this Particular, by exactly comparing the Computations of the one with the other, from the said first Year of the Reign of the *Longobards*, to the Death of *Rotaris*, which fell out in 671, according to *Paulus Diaconus* and *Sigonius*, who agree wonderfully.

BUT be that as it will, it not being to our Purpose to enter into so nice an Examination of Time, *Alboinus* having subdued *Liguria* to his Dominion, with the same Success extended his Power over the neighbouring Provinces. He besieg'd *Pavia*, but by reason of the Difficulty of its Situation, could not take it, therefore he left a Part of his Army to continue the Siege, and with the rest invaded *Emilia*, *Tuscany*, and *Umbria*. He took many Citties of *Emilia*, *Tortona*, *Placentia*, *Parma*, *Brissello*, *Reggio*, and *Modena*. *Tuscany* being almost all in his Possession, he march'd into *Umbria*, and took *Spoletto*, a City once as noble as ancient; which, tho' ruin'd by the *Goths*, nevertheless had been restor'd to its former State by *Narses*, and not

¹ V. Patric. in Marte Gallico, cap.

only preserv'd by *Alboinus*, but likewise adorn'd with new Privileges, and made the Metropolis of *Umbria*, which he turn'd into the Form of a Dukedom, and subjected to *Spoletum*, of which he constituted *Faroaldus* first Duke¹, and from this Time forward the *Ducatus Spoletanus* began to be famous, and was conspicuous above the rest, therefore it was reckon'd amongst the three famous Dukedoms of the *Longobards*; and thus *Alboinus* likewise appointed Dukes for governing the other Cities, as he had done in the Provinces of *Venice* and *Liguria*. But this Prince being disingag'd from the Conquest of these Cities immediately return'd to the Siege of *Pavia*, and at last, after the third Year, reduc'd it to his Obedience; and though he was highly incens'd against the Citizens, because of their obstinate Resistance, and design'd to have put them all to the Sword, nevertheless, being persuaded to the contrary by the very *Longobards*, he spared them, and enter'd the City, and was proclaimed and saluted King by all. And there, as in a strong and convenient City, did he fix his Royal Seat; whence afterwards it came to pass, that during the Dominion of the *Longobards* in *Italy*, *Pavia* was exalted above all the other Cities, as the Head and Metropolis of all the Kingdom of *Italy*.

ALBOINUS by these so many and sudden Conquests, believing that he had already reduc'd *Italy* under his Power, went to *Verona*, where he made a solemn Feast. This Prince had married *Rosmunda* Daughter of *Comundus* King of the *Gepidæ*; from whom in a Battle, together with his Life, he had taken *Pannonia*, and being spurr'd on by his cruel Nature, had order'd a drinking Cup to be made of *Comundus*'s Scull, out of which, in Memory of that Victory, he was wont to drink²: *Alboinus* being grown a little merry at this Feast, and having *Comundus*'s Scull full of Wine, caused it to be presented to his Queen *Rosmunda*, who was sitting over-against him, saying with a loud Voice, that he would have her drink with her Father at so great a Merry-making: Which Words struck the Lady to the very Heart; whereupon she resolv'd to be reveng'd, and knowing that *Almachildes*, a noble *Longobard*, and a bold Youth, lov'd one of her Maids, she manag'd Matters so with her, that *Almachildes* was to be convey'd privately to lie with herself in Place of the Maid; and *Almachildes*, according to the Appointment of the Maid, being come to the dark Place agreed on, lay unknowingly with *Rosmunda*, who after it was over, discover'd herself to him, and said, that he had it in his Power to chuse whether he would murder *Alboinus*, and always enjoy her and the Kingdom, or be put to Death by the King as a Ravisher of his Wife. *Almachildes* consented to kill *Alboinus*; but after he had kill'd him, there was no appearance of their getting Possession of the Kingdom; on the contrary, they were afraid of being murder'd by the *Longobards*, who lov'd *Alboinus*, therefore they fled to *Longinus* in *Ravenna*, with all the Royal Treasure, who receiv'd them honourably. But *Longinus* judging it was now a proper Time, by the Means of *Rosmunda* and her Treasure, to make himself King of the *Longobards*, and of all *Italy*, imparted his Design to her, and persuaded her to murder *Almachildes*, and then to take himself for her Husband; which she agreed to, and prepar'd a Cup of poison'd Wine, which she gave with her own Hand to *Almachildes* as he was coming thirsty out of the Bath, who after he had drunk the half of it, finding a Commotion in his Bowels, and remembering who he had to do with, oblig'd *Rosmunda* to drink the rest: And thus in a few Hours they both died, and *Longinus* was disappointed of being King.

¹ Paul Warnefr. lib. 3. cap. 7.² Ibid. lib. 2. cap. 14.

S E C T. I.

Of CLEPHIS II. King of ITALY.

I N the mean time the *Longobards*, on the Death of *Alboinus*, who had reign'd three Years and six Months, after having bitterly lamented the Loss of him, assembled in *Pavia* the principal Seat of their Kingdom, and made *Clephis* their
E e e King;

King¹; a Man as noble as he was high and cruel minded, who rebuilt *Imola* near *Ravenna*, which had been ruined by *Narses*, took Possession of *Rimini*, and all other Places almost as far as *Rome*; but in the Career of his Victories died by the Hands of one of his own Creatures, after he had reign'd only eighteen Months. *Clepbis* was very cruel, not only to Strangers, but likewise to his own *Longobards*, who were so terrified at Royal Power, that they did not incline to chuse another King in haste, but rather chose to be subject to Dukes; each of which kept the Government of his own City and his Dukedom, with full Power and Dominion, and did not, as formerly, acknowledge Royal Authority, or any other Supreme Dominion. This Resolution was the Cause that hindred the *Longobards* from taking Possession at that Time of all *Italy*; and that some of the following Cities made a Defence for some Time, and others were never conquer'd by them; to wit, *Rome*, *Ravenna*, *Cremona*, *Mantua*, *Padua*, *Monfelicie*, *Parma*, *Bologna*, *Faenza*, *Forli*, and *Cesena*: Forasmuch as their want of a King made them less capable of carrying on their Conquests; and afterwards when they did create one, they became (by their having been free for some time) less obedient, and more liable to quarrel amongst themselves; which put a Stop to their Conquests, and at last was the Occasion of their being driven out of *Italy*.

WE ought not to pass over this Place, without observing with *Camillus Pellegrinus*², the Errors long since common amongst modern Writers, who by following *Sigonius*, or some other Writer more ancient than he, believ'd that the *Longobards*, abominating Royal Power, chang'd the Form of Government, and at *Clepbis*'s Death created thirty Dukes, among whom they divided their Kingdom; because whoever will but attentively consider the Words of *Paul Warnefride*³, who speaks of that Change, will perceive, that the *Longobards* after the Death of *Clepbis* neglected to chuse a King, terrified, perhaps, at the Cruelty of that Prince, and frighted at the unhappy Deaths of *Alboinus* and *Clepbis*, but chose to live under their Dukes; who were not then first instituted for giving a new Form to their Kingdom, and changing the Ancient, but had been chosen from the Times of the Kings *Alboinus* and *Clepbis*, according to the Custom of the *Longobards* taken from the *Greeks*, who after the Conquest of Cities, appointed a Duke to govern them, as indeed the same *Warnefride* assures us, that at the Death of *Clepbis*, the Dukes who were Governors of the following Towns were, *Zaban* of *Pavia*, *Alboinus* of *Milan*, *Walaris* of *Bergamo*, *Alachis* of *Brescia*, *Evin* of *Trent*, *Gisulphus* of *Friuli*; and besides these, in the other Cities subject to the *Longobards* there were thirty Dukes, to whom the Government of them was committed. Notwithstanding their delaying to chuse a King, no other Innovation happen'd; but this, that as formerly, the Dukes were in every Thing subordinate to the Kings, and as their Ministers depended on their Becks; now every one of them govern'd his Dukedom with absolute Power for the Space of ten Years, during which Time there was no King, which was the Occasion of many Disorders, and at last made them think of chusing, with common Consent, *Autaris* Son of *Clepbis*, that he might shelter them from the constant Dangers they were in, and give them Relief. Besides we ought not to forget, that, as the same *Warnefride* assures us, the Number of Dukes was not thirty, as is commonly believ'd, but they amounted to 36; and that 30 were appointed for the Government of the other Cities, besides the six he had mention'd, to wit, the Dukes of *Pavia*, *Milan*, *Bergamo*, *Brescia*, *Trent*, and *Friuli*. There is no mention of the Dukedom of *Beneventum*, as not being yet instituted, for our Provinces were still subject to the *Greeks* under *Tiberius* who succeeded *Justin*, who after a Reign of twelve Years, died with excessive Torment, and in his Place *Tiberius* being chosen, was so engag'd in the War against the *Parthians*, that he could not relieve *Italy*, nor hinder the Progress of the *Longobards*.

ALTHO' their Affairs, during this Inter-reign, were somewhat prosperous with respect to the Wars they had with the *Greeks*, for in the Year 579, by the Conquest of *Sutri*, *Bomarzo*, *Orta*, *Todi*, *Amelia*, *Peruggia*, *Luceoli*, and other Cities, they had enlarged their State; nevertheless they soon perceiv'd, that their Realm thus divided could not last long; forasmuch as by some Disagreement amongst themselves, they had afforded an easy and ready Opportunity of being attack'd by foreign

¹ Paul. Warnefr. lib. 1. cap. 14.

² Cam. Pelleg. in Diff. de Duc. Bene. dif. 1.

³ Paul. Warnefr. lib. 2. cap. ult.

Nations, and knew by their manifest Danger, what Mischiefs their Divisions would involve them in; for in their Conflicts with the *French*, they had come off with Loss; and besides, at the Instigation of the King of *France*, three Dukes had rebell'd. Moreover in the Year 584. *Tiberius* died, who had govern'd the Empire seven Years, more commendable for his Christian Piety, than his Skill in Military Affairs; and was succeeded by *Mauritius* of *Cappadocia*, one of his Captains, to whom he had given one of his Daughters in Marriage; a Prince for Valour and Prudence much superior to his Predecessors *Justin* and *Tiberius*; he considering seriously the great Damage he had suffer'd by the *Longobards* in *Italy*, thought of using all possible Means for driving them out of it; but finding that it was an Undertaking that requir'd a better Head than that of *Longinus* (whose Fidelity was also suspected) he recall'd him, and in his Place sent *Smaragdo* a most prudent Man, and well experienc'd in warlike Affairs, with a new Army the same Year 584, to be Exarch of *Ravenna*², and made a certain *Gregory* Duke of *Rome*, to whom that Dukedom was committed, and at the same time made *Castorius* Commander of the Soldiers in *Rome*, because the *Greeks* were wont likewise to have such an Officer to oversee the Soldiers, besides the Duke; whence it is, that in *Naples*, which was a long time under the Empire of the *Greeks*, besides the Duke, we read also of this other Officer.

SMARAGDO being arriv'd in *Ravenna*, was not long before he put his Designs in Execution; he made *Doctrulfus* a skilful Warrior to rebel against the *Longobards*, and come over to his Side; and not long after he took *Brissello*, and subjected it to the *Grecian* Empire. And while *Smaragdo* was so successful in *Italy*, *Mauritius* did not fail to take other Measures in order to drive the *Longobards* from this Province; he used all his Industry to draw the *French* to his Side, and at last, by Money, prevail'd with *Childebert* King of *France*, to make War against the *Longobards*, who justly fearing the great Damage such a Confederacy and Preparation from the other Side of the *Alps* would bring upon them, and considering that they had no other way to ward off so great a Mischief, and to resist the Power of the *French* and *Romans*, but by submitting again to the Authority of one single Person, assembled themselves, and with unanimous Consent created *Autaris* Son of *Clephis*, their King, in the Year 585.

¹ Paul. Æmil. de Reb. Franc.

² Marquar. Frether. in Chronolog. Exarc.
| Raven. apud Leunclavium.

S E C T. II.

Of AUTARIS III. King of ITALY.

AUTARIS was a Prince of so great Valour and Prudence, that he much exceeded *Alboinus*, and his Progress in *Italy* was so great, that the Duration of the Kingdom of the *Longobards* for the Space of Two hundred Years was owing to him; for he had no sooner mounted the Throne, than he closely besieg'd *Brissello*, and in order to inflict a signal Punishment upon *Doctrulfus* for his Felony, he used all Methods possible to get hold of him; forasmuch as that Treachery had made him so suspicious, that during all his Reign he was afraid the other Dukes would imitate him, so that he was more perplex'd how to reduce them to their Obedience, than to resist the Power of his Enemies. He was so wise and prudent a Prince, that above all Things he studied Means for giving his Kingdom a more lovely Aspect, and a more settled Form of Government. In the first Place he ordain'd, that the Kings of the *Longobards*, in Imitation of the *Roman* Emperors, should be called *Flavii*, and he would be so nam'd himself, that his Successors, after his Example might retain that Surname, which afterwards all the succeeding Kings of the *Longobards* happily made use of¹. And considering that the Dukes

¹ Paul. Warnefrid. lib. 3. cap. 8.

being

being accustom'd for the Space of ten Years to rule with an absolute Command and Power over their Dukedoms, would bear it impatiently to have all Authority and Dominion taken from them, and be reduc'd to their former Condition; in order to shun greater Disorders, and to prevent an Insurrection, with much Prudence he compounded Matters thus¹; that each of them should give to the King and his Successors, the Half of the Tax and Subsidies for maintaining the Royal Grandeur and Kingly Majesty, and come to Court; the other half they were to keep to be employ'd in the Government of their Dukedoms, and the Administration of their Cities, of which they had been appointed Dukes, reserving to himself the Dominion and Supreme Right and Royal Authority; and that in case of Necessity, they should be immediately ready to assist him with their Might and Arms against his Enemies; and albeit he could deprive them of their Dukedoms at his Pleasure, nevertheless *Autaris* never put others in their Places, except either when their Male-Issue fail'd, or when they became unworthy by some great Felony committed by them².

¹ Regin. lib. 1. A. 517. Paul. Warnefr. lib.

3. c. 8. Sigon. de Reg. Italiæ, lib. 1.

² Sigon. de R. Ital. lib. 1. Guido Pancirol. Thesaur. var. lect. lib. 1. c. 90. is Ducibus

urbes, Dominio Supremo sibi reservato, concessit, quas ad stirpem virilem tantum transmitti voluit.

S E C T. III.

The Origin of Fiefs or Feodal Holdings in ITALY.

WE come now to the Origin of Fiefs in *Italy*, which like the *Nile*, had their Head so hidden, and their Origin so concealed, that among the Writers of the Ages by past, it was reputed so difficult and desperate a Task to find it out, and their Accounts were so different and inconsistent, that the Thing in question was render'd more obscure and dark, than clear and evident. However, we must not take upon us to say that the *Longobards* were the first who introduc'd them, and that in Imitation of them, other Nations afterwards receiv'd them into their Dominions; for in the History of *France*, as *Charles Molineus*, the *French Papinian* relates¹, there is mention of Fiefs since the Reign of *Childebert I.*; and in their Annals, and in *Aimoinus*², and *Gregory of Tours*³, we likewise read the same. We read also, that about the same time of King *Autaris*, but eleven Years sooner, in the Reign of *Chilperick I.* and properly in the Year 574, King *Guntrannus* depriv'd *Erpon* of his Dukedom, and created one in his Place⁴; and *Paulus Emilius*⁵, and *Jacobus Cujacius*⁶ assure us, that the Kings of *France* had likewise the same Custom of creating Dukes and Counts in the Cities; and as at the Beginning when it was introduc'd, it was in the King's Power to turn them out at his Pleasure; so afterwards there was a Custom brought in, that they could not be depriv'd of their Estate unless it could be proved that they had committed some great Felony. And at last the same Kings with an Oath confirm'd them in these Estates, of which by their Courtesy they had made them Lords. 'Tis true, at first, as is said, these Dukes and Counts were only Governors of Cities, but afterwards they held these Cities as Lordships⁷.

AND indeed, neither the *Romans* nor the *Grecians*, nor any other ancient People ever acknowledg'd any other Dignity but that of Orders and Offices: 'Twas the ancient *French*, and these Northern People, who settling themselves in other Peoples Countries, invented Fiefs, and consequently the third Order of Dignity, which is the Lordship. Not but that in some sort this Invention owes its Beginning

¹ Molin. in Consuet. Paris tit. 1. de Fiefs, num. 13.

² Aimoin. lib. 1. c. 11.

³ Greg. Turon. Hist. Franc. lib. 4. cap. 45
V. Altefer. Orig. Feud. cap. 1.

⁴ Greg. Turon. lib. 7. c. 22. & lib. 10. §. 19.

⁵ P. Emil. de Reb. Franc. lib. 1.

⁶ Cujac. de Feud. in Princ.

⁷ Loyseau des Offices, lib. 1. cap. 3.

to the *Roman* Emperors¹, who for the greater Security of the Frontiers of the Empire, were wont to grant to the Captains and Soldiers, who had signaliz'd themselves in the Conquests, some Lands situated on these Frontiers, as a Reward for their Bravery, of which they had all the Profits, so that this Grant was called *Beneficium*; which was in order to oblige them to continue in the Military Profession with the greater Courage, by defending their own Lands; *ut attentius militarent, propria rura defendentes*, as *Lampridius* says².

BUT this is certain, that much about the same time, the Northern People, *viz.* the *French* in *Gallia*, and the *Longobards* in *Italy*, introduc'd the Fiefs³, both of them perhaps in Imitation of the *Goths*, who according to *Horatius Montanus*⁴; were the first who laid the Foundations of them. *Charles Molineus*⁵ asserts, That the *French* were the first who introduced them into *Gallia*, from whom the *Longobards* took them, who brought them into *Italy* afterwards, and properly into *Lombardy*, from whence they spread into *Sicily* and our *Puglia*; and, 'tis believ'd, that the first who brought them into these our Provinces, were the *Normans* who came hither from *Neustria*, which is now call'd *Normandy*; but our Predecessors were acquainted with Fiefs long before the Coming of the *Normans*; and the first who introduc'd them into the Provinces of *Samnium* and *Campania* were the *Longobards*, who conquer'd these Provinces first; and *Puglia* and *Calabria* receiv'd them later from the *Normans*, who entirely drove out the *Greeks*, amongst whom the Use of Fiefs was not known, as shall be shewn in the Progress of this present History.

HOWEVER 'tis likewise true, that all their Growth, and all the Customs and Laws which afterwards were introduc'd and publish'd concerning them, are owing to the *Longobards*, who gave them a certain and regular Form⁶; and they so gain'd Ground, that amongst all other Nations Successions, Acquisitions, Investitures, and all other Matters relating to Fiefs, were regulated by no other Laws and Customs but those of the *Longobards*; whereupon, a new Body of Laws sprung up, which we call Feudal: But we shall discourse of that in a more proper Place, when we shall have occasion to reason more at large about their Books, which make up one of the principal Parts of the Jurisprudence of our Kingdom.

AFTER that *Autaris* had in this manner pleas'd his Dukes, he did not neglect to provide what his Kingdom stood in need of, and, above all, he had a special Regard for Justice and Religion⁷. He order'd that Theft, Robbery, Homicide, Adultery, and all other Crimes should be severely punish'd. He demolish'd Paganism, and embrac'd Christianity, which had not been receiv'd before by the *Longobards*, who for the most part, after the Example of their King, embrac'd his Religion. But the Circumstances of these Times, and the fresh Example of the *Goths*, occasion'd their not receiving it pure and uncorrupted, but polluted with *Arianism*; which was the Occasion (their Bishops being *Arians*) of many Disorders and Strifes which arose betwixt them and the Catholick Bishops that were in the Cities subject to them.

THE Progress of *Autaris* was no less in Military Valour, than his Prudence in Civil Matters: He soon regain'd *Brissello*; and that it might not, in time to come, be a Receptacle for his Enemies, demolish'd the strong Walls which furrounded it. But especially his Wisdom and Bravery appear'd, when *Childebert* King of *France* pass'd the *Alps* with a powerful Army, for knowing himself to be inferior in Forces, and not able to withstand him in the Field, he order'd his Dukes to provide their Cities with strong Garrisons, and not to go out of their Fortifications, but expect the Enemy upon the Walls; which Conduct had such prosperous Success, that *Childebert* considering it would be a very tedious and difficult Undertaking to lay Siege to so many Cities, immediately yielded to the Allurements of *Autaris*, who had sent Ambassadors to him with rich Presents, in order to divert him from his Enterprize, and to desire Peace of him, which succeeded to his Wish; so that the Emperor *Mauritius* made heavy Complaints, and was so much displeas'd at *Childebert's*

¹ Molin. in Consuet. Paris. tit. 1. de Fiefs, num. 11.

² Lamprid. apud Loyseau, des Off. lib. 1. cap. 1. num. 104. in fin.

³ Th. Cragius, lib. 1. dieg. 5. Jo. Schilterus Com. ad Rubr. Jur. Feud. Alem. §. 8.

⁴ Montan. in Præl. Feud.

⁵ Molin. in Consuet. Paris. tit. de Fiefs, num. 13.

⁶ Hornius in Jurispr. Feudal. cap. 1. §. 8.

⁷ Sigon. de R. Ital. lib. 1.

Breach of Faith, that he demanded either to have the vast Sum of Money which he had taken for making War upon the *Longobards* return'd, or that he should perform his Promise in returning to *Italy* to fight them; and these Complaints and Reproaches were so continual and frequent, that at last *Childebert*, spurr'd on by the Punctilio of Honour, resolv'd to return into *Italy* with a more powerful Army than the first. 'Twas then that *Autaris* gave the utmost Proofs of his Valour; for he consider'd seriously that he ought to employ all his Might and utmost Efforts, in order to crush this powerful Enemy; that for the future the *French* might never more come to disturb his Kingdom, and that by their Example other Nations might likewise be deterr'd, he resolv'd to dispose his Army after another Manner than at first he had done; for he design'd to prevent the Enemy, and meet them in the open Field. And having conven'd his Armies from all Parts of the Kingdom, he encourag'd them to the Undertaking, which was as hard and difficult as glorious, and, if successful, would procure a perpetual Peace and Tranquility to his Kingdom; he stirr'd up his *Longobards* to give the utmost Proof of their Bravery; he put them in Mind of the many Victories they had obtain'd over the *Gepidæ* in *Pannonia*; that by their Prowess they had subjected *Italy*; and lastly, that their Business was not now, as formerly, to fight for Empire, or the enlarging it, but for their Liberty and Safety. These Words were such a Spur to the *Longobards*, that it touch'd their very Hearts, so that the Signal for Battle was given. At the first Attack, they behav'd with so much Valour and Intrepidity, that immediately the Enemies Wing began to give way; and taking more Courage from so prosperous a Beginning, they pursued them so briskly, that the *French* were oblig'd to abandon the Field, and save themselves by Flight. The Enemy thus fled and dispers'd, many were taken, and as many kill'd, and Multitudes, in order to be shelter'd from the Fury of the *Longobards*, hid themselves, where they died of Hunger and Cold. By so famous and notable a Victory, the Name of *Autaris* became illustrious and bright over all *Europe*: And now seeing himself freed from the Incursions of Foreign Nations, he thought of subjecting the rest of *Italy*, which was yet in the Possession of the *Greeks*.



C H A P. II.

Of the Dukedom of Beneventum; and of Zoro its first Duke.



UTARIS had done what his Predecessors had not, to wit, subjected almost all the hither *Italy*, excepting the *Roman* Dukedom, and the Exarchate of *Ravenna*, which was at this time govern'd by *Romanus*¹; for the Emperor *Mauritius* a little before had recall'd *Smaragdus*, but he had not as yet conquer'd the most beautiful and famous Part of *Italy*, viz. that Part and these Provinces which now make up this Kingdom of *Naples*. Hitherto these Provinces had been maintain'd under the Empire of the Emperors of the East, who had govern'd them according to the Form that had been introduc'd by *Longinus*; almost all the principal Cities had their Dukes: *Naples*, *Surrentum*, *Amalphis*, *Taranto*, *Gaeta*, and almost all the rest which now belong to this Kingdom, were governed by their Dukes; however they

¹ Marq. Frether. in Chronologia, *Smaragdus*, A. 584. *Romanus*, A. 587.

were all immediately under the Exarch of *Ravenna*, and consequently subject to the Emperors of the East: And tho' their Form of Government appeared to be Republican, nevertheless 'tis the Height of Folly to believe they were so free, that they did not acknowledge the Emperor of the East, under whose Dominion they liv'd, for their Sovereign; yet by the Weakness of the Exarchs of *Ravenna*, and the Distance of the Imperial Seat, the Government of the Dukes became a little more absolute, insomuch that they often proceeded to open Rebellion against their Prince, which the Dukes of *Naples* frequently attempted to do, as we shall relate in its own Place.

THESE Provinces, as being the most distant from *Pavia*, the Seat of the *Longobards*, and which could have been soon assisted by Sea, with which they are all very near surrounded, in case they had been attack'd, were maintain'd with very small Garrisons by the *Greeks*; so that *Autaris*, a most experienc'd Prince, design'd to begin his Conquests by the inland Provinces: He left *Rome* and *Ravenna* behind him, which he could not have easily subdu'd; and in the Spring of the Year 589. join'd his Army in the Dukedom of *Spoletium*, and pretending to direct his March to other Places, turn'd upon a sudden, and threw himself into *Samnium*. The *Greeks* being thus surpriz'd, were so stunn'd and astonish'd, that without much Dispute, *Autaris* in an instant conquer'd all this Province, and at last *Beneventum*, a City, which, as *Sigonius* believ'd, has ever since been Metropolis of *Samnium*. From whence 'tis said, that this Prince, flush'd with the Success of so remarkable a Conquest, push'd forward, and over-run all *Calabria*, as far as *Rhegium*, a City situated upon the furthest Point of *Italy*, on the Sea-shore; where, being still on Horse-back, he struck a Pillar that was posted on the Shore, and said: *Thus far shall the Bounds of the Longobards reach*¹; whence *Ariosto*, singing of the Actions of this glorious Prince, said, That

————— his Standard he bore,
From the Foot of the Alps, to th' Aprutian Shore.

'Tis also said, that when he return'd to *Beneventum*, he reduced that Province into a Dukedom, and made *Zotto* Duke of it; and so to the two famous Dukedoms of *Friuli* and *Spoletium*, he added a Third, which in process of Time, became as much superior to the other two, as they exceeded the lesser Dukedoms of *Italy*.

BUT seeing about the Beginning and Institution of the Dukedom of *Beneventum*, Opinions are different; and that this Dukedom is to take up a great Part of our History, for the Space of more than 500 Years; which was not only of great Duration, but so large, that it extended itself so far, as to comprehend almost all that which is now the Kingdom of *Naples*; therefore it ought not to be reputed beside the Purpose, if we shall reason more particularly about it. 'Tis commonly believ'd, that the Dukedom of *Beneventum* was first instituted by *Autaris* in the Year 589, and that *Zoto* was created first Duke of it by the same Prince. It passes for an undoubted Truth amongst all Historians, that this *Zoto* was the first Duke of *Beneventum*; but who made him such, and at what Time, Sentiments are various. *Carolus Sigonius*², and *Wolfgangus Latius*³, not having well examined the Words and Phrases used by *Paul Warnefride*⁴, when he speaks of this Institution, contend, that he was instituted by *Autaris* the same Year in which he conquered *Samnium* and *Beneventum*, which at this Time they took to be the Head of this Province; but the very manner in which *Warnefride* mentions it, solves the Difficulty; he does not affirm it for certain, but with a *putatur, refertur, fama est*; and also what he subjoins, that *Zoto* held the Dukedom of *Beneventum* twenty Years, would not agree with the Series of Things that happened since, nor the Chronology of the Times of the other Dukes who succeeded him; if from this Year 589. they will begin to reckon the twenty Years of the Dukedom of *Zoto*: Wherefore some others, amongst whom *Scipio Ammiratus*, in his Dissertations on the Dukes and Princes of *Beneventum*; and *Ant. Caracciolus*⁵ doubted if the *Epocha* of this Dukedom ought not to be fixed in more ancient Times. But what made them afterwards reject the

¹ P. Warnefr. lib. 3. cap. 16.

² Sigon. de R. Ital. lib. 1.

³ Wolf. Lat. lib. 12. de Migrat. gent.

⁴ P. Warnefr. lib. 3. c. 16.

⁵ Ant. Carac. n. Propylea ad quatuor Chron.

Opinions of *Sigonius* and *Latius*, was the Authority of *Leo Ostiensis* ¹, who tho' he flourish'd Three hundred Years after *Warnefride*, writes not doubtfully, but with great Assurance, in his Chronicle of the *Neapolitan* Edition, that the *Greeks* retook *Beneventum* from the *Longobards*, in the Year 891, Three hundred and twenty Years after *Zoto* had been Duke of it; whence, according to *Ostiensis*, the Beginning of the Government of *Zoto* should be carry'd back to the Year 571; or, as *Ammiratus* will have it, to the Year 573; who in order to make it agree with the Things fallen out since, and with the Chronology of the other Dukes, own'd by the same *Warnefride*, corrects the Place of *Ostiensis*, and will have it read, not Three hundred and twenty, but Three hundred and eighteen: So that according to their Opinions, the Dukedom of *Beneventum* had its Beginning before *Autaris* conquer'd *Samnium*, and some Years after the coming of *Alboinus* into *Italy*. Others have found out the Origin of this Dukedom to be of an older Date, to wit, in the same Year 568, when *Alboinus* left *Pannonia*, in order to come and conquer *Italy*; and that besides the Province of *Venice*, a Band of *Longobards* went as far as *Beneventum*, and having fix'd themselves there, elected *Zoto* for their Duke; which they prove from an ancient Register of the Dukes and Princes of *Beneventum*, made by an unknown Monk of the Monastery of *S. Sophia* in *Beneventum*, which goes further back than the History of the *Anonymus Salernitanus*, who says ²: *Anno ab incarnatione Domini Quingentesimo Sexagesimo Octavo, Principes ceperunt principari in Principatu Beneventano, quorum primus vocabatur Zoto*, to whom he assigns Twenty-two Years Government, and not twenty, according to *Warnefride*.

BUT the Difference in Opinions does not end here, neither are the most careful Inquirers satisfied with this Beginning, but they search for one further back in more distant Times; which *Leo Ostiensis* shews us in his Chronicle, in which, tho' we read in the *Neapolitan* Edition, that there were Three hundred and twenty Years from the Creation of Duke *Zoto*, to the Year 891, in which *Beneventum* was retaken by the *Greeks*; nevertheless the Original, which is preserv'd in the Archives of *Casino*, differs very much from the *Neapolitan* Edition; since we read there, that from *Zoto* to the Year 891, not 320, or 318, but 330 Years interven'd: According to this Reading are the Editions of *Venice* and *Paris*, and the last publish'd by the Abbot *de Nuce*; both the one and the other are more correct than that of *Naples* as to the Number of Years, so that according to this Reckoning it must be acknowledg'd, that the Dukedom of *Beneventum* had its Beginning from *Zoto* in the Year 561. But certainly it will seem a very strange and new Thing, to alledge that this Dukedom had been instituted this Year, which would make it commence seven Years before the *Longobards* came out of *Pannonia* in order to conquer *Italy*; and when the *Greeks* bore absolute Sway over all the Provinces of it.

IN so great Variety, we chuse to follow the Opinion of the most exact *Camillus Pellegrinus* ³, who treats of this Subject with more Care, and to better Purpose than all the rest; whose Opinion is supported by what *Constantinus Porphyrogenitus* has left us in Writing concerning the coming of the *Longobards* to *Beneventum*: Though he be an Author somewhat Fabulous in what he writes about the coming of the *Longobards* into *Italy*, nevertheless in the midst of his Fables some Glimpses of Truth likewise appear, which in so difficult and doubtful a Matter, may point out the Way by which we may find out the Beginning and Institution of this Dukedom. This Writer relates ⁴, that the *Longobards* being invited into *Italy* by *Narses*, came with their Families to *Beneventum*, but not being admitted within the City by the *Beneventans*, they built their Habitations without the Walls, which became a small City, and which even to his Time retain'd the Name of *Citta Nova*; and having settled themselves there, some time after by Fraud they enter'd arm'd into *Beneventum*; and having turn'd every Thing topsy-turvy, kill'd all the Citizens, and afterwards over-run the whole Province, and subjected it to the Dominion of the *Longobards*, and extended their Empire from *Calabria* to *Pavia*, excepting the Cities of *Otranto*, *Gallipoli*, *Rossano*, *Naples*, *Gaeta*, *Surrentum*, and *Amalphis*.

ALTHO' what this Author relates of the *Longobards* having come out of *Beneventum*, and extended their Empire over all *Italy*, be Fabulous, and contrary to all

¹ Leo Ostien. Chron. lib. 1. cap. 48.

² We have it in Camil. Pelleg. in Hist. Princ. Long.

³ Cam. Pel. in Dis. de Duc. Ben. Dis. 1.

⁴ Constant. Porphy. de Admin. Imp. c. 27.

History, which says, that after their marching out of *Pannonia* under *Alboinus*, their first Conquests were in the Province of *Venice*, and afterwards by degrees in *Liguria*, *Emilia*, *Tuscany*, and the other Provinces: And what he says also of the *Citta Nova*, which near Two hundred Years after the coming of *Alboinus* into *Italy*, was built by *Arechis* for fear of the *French*, be likewise a Fable, as we shall shew in its Place. Yet what he says of the *Longobards* having retired to *Beneventum* under *Narfes*, certainly is not fabulous; for, from what is above related, 'tis most certain, that *Narfes*, before he invited *Alboinus*, and before their general Transmigration, almost in all his Wars, was wont to make use of the *Longobards* in *Italy*; neither was this the first time they had been call'd by him; he had them in the War against *Totila*, and, as *Warnefride* says, tho' that after having gain'd that Victory, being loaded with many Presents, they had been ordered back to their own Habitations, nevertheless all the Time that they possess'd *Pannonia*, they were Auxiliaries to the *Romans*; whence 'tis very probable, that altho' *Narfes* had dismissed them, yet they did not all return Home: But that about the Year 552, or 553, many of them being taken with the Pleasantry of the Country, remain'd in *Italy*, and after the manner of Robbers, wander'd sometimes in one Place, sometimes in another, of which *Procopius* also gives Testimony; and that at last, either of their own Choice, or perhaps by the Command of *Narfes*, in order to keep them under, and to prevent Disorders which their going so dispersed occasion'd, they had *Beneventum* assign'd them for a Place of Residence; and that afterwards in the Year 561, they had made themselves Masters of it, in which Action *Zoto* had had the principal Share as their Captain: So that from this Year, we may say with *Ostiensis*, the *Longobards* began to rule in *Beneventum* under *Zoto*; therefore to the Year 891. in which they were driven out by the *Greeks*, there were exactly Three hundred and thirty Years: But the Dukedom was not instituted in those Times; nor when the Dominion of the *Greeks* was powerful in that Province, could a Handful of *Longobards* reduce *Samnium* to the Form of a Dukedom, and establish *Zoto* Duke of it. In order then to make the Years of the Government, which *Warnefride* gives to *Zoto*, agree with the Facts and the Chronology of the other Dukes his Successors, own'd by the same Writer; we must reckon the Beginning of it from the Year 571, that is to say, when *Alboinus* had already enter'd *Italy*, and conquer'd many Provinces: Then those *Longobards* that were in *Beneventum* being become more bold, openly threw off the Yoke of the *Greeks*, and rebelling against them, possess'd themselves of the neighbouring Country; and afterwards, in the same Year 571, created *Zoto* Duke of their own People, who from such an obscure Beginning commenced his Government. Thereafter *Autaris* having come to invade our *Cistiberina Italia*, and having subdu'd the intire Province of *Samnium*, finding *Beneventum* possess'd by the *Longobards*, who were under this Government of *Zoto* their Duke, confirm'd him in it, and having made him Tributary, as all the succeeding Dukes of *Beneventum* were, to the Kings of *Lombardy*, he left that Dukedom under his Administration; whence it came, that by some Writers the Beginning of the Government of *Zoto* is taken, not from the Time that *Autaris* possess'd *Samnium*, and reduc'd it to the Form of a Dukedom, and put it under his Command, but from the Time that *Zoto* commenced from these obscure Beginnings, and that Order of Things, to have the Government of *Beneventum*, and of those *Longobards* who had possess'd themselves at first of it, as *Porphyrogenitus* relates.

THE Dukedom of *Beneventum* then, from so mean and slender Beginnings, had its Rise: Such 'tis said, has been the Rise of the most famous Commonwealths, and the most renown'd Principalities in the World; thereafter in the Course of Years it not only equal'd those of *Spoletium* and *Friuli*, but by much overtopp'd them; and we shall see it at once possess'd almost of all the *Cistiberinan Italy*, but towards the North its Limits were further extended than at present those of our Kingdom are on that Side. It began from that Handful of *Longobards* who settled themselves in *Beneventum* under *Narfes*; and upon so slender a Foundation, by degrees, was built that Polity, and that Form of Government which was kept up for many Ages under the Dukes who succeeded *Zoto*. *Autaris* was the first who gave it the most stable and certain Form, and began to enlarge its Limits; forasmuch as he subjected the whole Province of *Samnium* to this Dukedom; and as we shall see, the Kings of the *Longobards*, his Successors, by the Means of the Dukes, augmented it wonderfully. *Beneventum* had the good Luck to be the Head and Metropolis of so great a Duke-

dom, not by Choice, perhaps neither because in the Reign of *Autaris* this City was eminent above all the other Cities of these Provinces which he then commanded: For there were other Cities in *Samnium* no less famous and ancient, such as *Ifernica*, *Bojanum*; and others; and there were much more noted Cities in *Campania*: On the contrary, *Beneventum*, tho' in the Time of the *Romans* it had been one of the most famous Colonies of that Commonwealth; nevertheless by the Invasion of the *Goths* often suffered those Calamities which such strange Revolutions carry along with them; neither in their Time did it retain its ancient Dignity, but in the Reign of *Totila* who caus'd its Walls to be demolish'd, it was reduc'd to a very lamentable Condition. *Beneventum* then by a certain Fate, and its own good Luck, was made the Seat of this Dukedom, and thereafter became the Head and Metropolis of its neighbouring Provinces; but it acquir'd this Honour a long time after. At the Time that *Warnesfride* wrote, this City had rais'd itself above all the rest; but that was two Centuries after the Reign of *Autaris*. For which Cause, when this Author describing the seventeen Provinces of *Italy*, and placing *Beneventum* in *Samnium*, names this City as Head of the neighbouring Provinces, he did so with regard to the Time in which he wrote, when the Seat of this Dukedom was become very great and rich, and was advanc'd to be Head, not only of one, but of many Provinces, such as *Samnium*, *Campania*, *Puglia*, *Lucania*, and the *Bruttii*, either in whole or in part, as we shall shew hereafter. But elsewhere, when he places *Beneventum* in *Samnium*, he did it not with regard to the Times in which the *Longobards* govern'd, but had an Eye to the old Description of *Italy* in the Days of the ancient *Samnites*; for according to the later of *Augustus*, as *Pliny* assures us², *Beneventum* was plac'd in *Puglia*, and not in *Samnium*; and in the other following Descriptions, we see this City posted on the Confines of *Campania*; whence it is, that in the Acts of *Januarius*, that holy Bishop of *Beneventum*, now the first Tutelar of *Naples*, we observe when he suffer'd Martyrdom under *Dioclesian*, such Affairs were committed to the *Præses* of *Campania*, whose Business it was. And we likewise find, that *Ausonius* speaking of those who have chang'd Sexes, and telling that in *Beneventum*, not long ago a pretty Youth became a Woman, calls *Beneventum* a City of *Campania*.

*Nec satis antiquum, quod Campania in Benevento,
Unus epheborum virgo repente fuit.*

AND in the Itinerary which is attributed to *Antoninus*, the Bounds of *Campania* are fix'd at *Equo Tutico*, and according to the Observation of *Philippus Cluverius*³, that City which we now commonly call *Ariano*, is situated further in than *Beneventum*; the Words of the Itinerary are these: *A Capua Equo Tutico M.P. LIII. ubi Campania limitem habet. Caudis M.P. XXI. Benevento M.P. XI. Equo Tutico M.P. XXI.*

AND it was for no other Reason that the Inhabitants of *Beneventum*, as we have said, set up many Marbles with Encomiums on the *Consulares* of *Campania*, as did also the *Campanians*, the *Neapolitans*, and the other Cities that were govern'd by the *Consulares* of *Campania*. By which Documents it manifestly appears, why the other *Januarius*, likewise Bishop of *Beneventum*, when he was at the Council of *Sardica*, which was held in the Year 347, the Custom being then, that the Bishops subscrib'd with the Name of their own City, and the Province in which it was situated, subscrib'd in this manner: *Januarius a Campania de Benevento*.

WARNEFRIDE did the same when he described the seventeen Provinces of *Italy*, by representing them as he found them in the *Notitia* of the two Empires, made under *Theodosius the Younger*, about the Year of our Lord 440; for in his Time the Provinces of *Italy*, tho' they had the same Names given them by Writers, as we at this Time, in order to shew our Erudition when we write, not only have recourse to the Days of *Theodosius*, but go much higher, and name each of the twelve Provinces of which our Kingdom is compos'd at present, as they were under the Free-Commonwealth, by calling their People *Samnites*, *Lucani*, *Harpini*, *Salentini*, and the like; nevertheless there was a Difference in all their Administration

² Procop. lib. ult.
³ Plin. lib. 3. cap. 11.

³ Cluver: in antiq. Ital. lib. 4. cap. 8.

and *Italy* was divided into many Dukedoms, which were not formerly Provinces; whence it came, that what is now our Kingdom, and which formerly was only divided into four Provinces, was afterwards form'd into twelve, which got other Names, and other Bounds, as in the Sequel of this History we shall see.

TO return then to our Purpose, the Institution of this Dukedom, if we consider its mean Beginning, owes its being establish'd in *Beneventum* to Chance, and not Design, as not only the other lesser Dukedoms of the *Longobards* were instituted in diverse Cities, but also those of *Friuli* and *Spoletto*; and as it fares with all other Things of this World, that if we will look back to their Origin, being sprung from very small Beginnings, they rise to their Height, whither they are no sooner arriv'd, than they must return to their former State, according to the Rule of worldly Things; unavoidable Laws, which human Wisdom cannot withstand nor remedy. However, in Process of Time, the *Longobards* having fixed themselves in *Italy*, and their Kings having perceiv'd, that the perpetuating a long Series of so many Dukedoms, would be a Means to keep their Kingdom too much divided, had a mind to extinguish a great many of them, and to keep up only those that could best help to preserve the State. In effect, *Warnefride* himself assures us, that in his Time many of them were extinct, and in the Sequel of his History, he makes mention of no other Dukedoms but those of *Trent*, *Turin*, *Bergamo*, *Brescia*, and these other three which were exalted above all the rest, to wit, of *Spoletto*, *Friuli*, and this of *Beneventum*.

NEITHER is it unreasonable to believe, that these three last were exalted above all the rest on Account of their Situation, by which the Kingdom was enabled to keep it self more secure, and extend its Limits farther: Forasmuch as the Dukedom of *Friuli* being situated at the Entrance of *Italy*, from whence they could the more readily resist the Incursions of Foreign Nations that might endeavour to invade it; and *Spoletto* being placed in the Middle of *Italy*, they could easily suppress the Motions of the *Romans* and the *Greeks*, who being fortified in *Ravenna* and *Rome*, gave frequent Disturbance by their Excursions; and as for *Beneventum*, its Situation was such as to command the lower Part of *Italy*, from whence they could make a Stand both against the *Greeks* and the *Romans*, by whom they were often assaulted from the Maritime Places, and kept in continual War. Therefore *Mattheus Palmerius* gives an exact Description of the Polity and Form of Government of the *Longobards*, when he says, That having fix'd their Seat in *Pavia*, they divided *Italy* into several Principalities, over which they set Dukes, amongst which the most conspicuous, and, in Process of Time, remarkable, were that of *Friuli* at the Entrance of *Italy*, that of *Spoletto* situate as it were in the Centre of it, and the third of *Beneventum* for commanding the lower Part thereof; seeing these three Dukedoms were always subject to the Kings, and govern'd with the same Spirit and by the same Laws, making but one Commonwealth; and being establish'd after this manner they became more famous, and by degrees extended their Limits (in which *Beneventum* made the greatest Progress of all the rest) and the *Longobards* were enabled to preserve their Dominion long in *Italy*.

IN recording the Exploits of the Dukes of *Beneventum*, we shall follow the Order of Time and Years observ'd by the most exact *Pellegrinus*, as the most accurate of all the rest, and even of more Credit than *Warnefride* himself; and by reckoning the Beginning of the Government of *Zotto* in the Year of God 571, and not in the Year 585, as *Warnefride* did, who nevertheless confesses that his Government lasted Twenty Years, which is certainly the most sure time, shall put an end to it in the Year 591, and not in 605 or 598, as *Sigonius* does; So that what this Writer relates of the Pillaging and Sacking of *Croton*, which happen'd certainly in the Year 596, not under *Zoto*, but *Arechis* his Successor; whence we clearly see the Mistakes that arise, and of which *Sigonius* himself was not aware, who fix'd the Beginning of the Government of *Zoto* in the Year 589, for he ought to have placed the End of his Government and his Death in the Year 609, after the Expiring of the twenty Years, and not as he did in 598, in which Year there would only have been nine Years of his Government past.

THE Deeds of *Zoto*, first Duke of *Beneventum*, deserve no Praise; for *Autaris* was no sooner return'd to *Verona*, after having subdued *Samnium* to his

Dukedom, and left the Government of it to *Zoto*, than he gave evident Signs of his Rapacity, and likewise of his no regard to Religion, which may be understood by the following Fact. The Monastery of *Casino*, built Sixty Years before by St. *Benedict*, famous all the World over, as well on Account of its Founder, as for the Sanctity and Quality of its Monks, had been wonderfully enrich'd by the Donations of divers Princes; *Zoto*, a most avaricious Man, being covetous of these Riches, attack'd it unawares in the Night-time, and, not satisfied with the Booty and all that was valuable in it, destroyed and threw down the Edifice; and while the *Longobards* were all intent upon the Pillage, *Bonitus*, who was then Abbot, made his Escape with his Monks, and fled to *Rome*, where they were kindly receiv'd by Pope *Pelagius*, and had Lodgings appointed them near to the *Lateran*, where they built a Monastery, in which they remain'd a Hundred and thirty Years; during which Time the Monastery of *Casino* was forsaken, until *Petronax*, being exhorted by *Gregory II.* took Care of it; who having led back again many Monks and Nobles who chose him for their Abbot, rebuilt the Edifice, and restor'd it to its former Greatness.

THE Pillage of this Monastery was certainly committed by *Zoto* not long before his Death, towards the End of the Year 589, under Pope *Pelagius*, who died in the Year 590, not long before St. *Gregory the Great* wrote his Dialogues, who making mention of this Pillage, speaks of it as a Thing lately done¹; and 'tis most certain, as *Baronius* carefully observes, that St. *Gregory* wrote his Dialogues in the Year 593, whence we clearly see the Error of *Warnefride*, who places this Fact in the Year 605, and that of *Sigebertus*, who will have it to have been in the Year 596, not adverting to the undoubted Testimony of St. *Gregory*, and what is gathered from the Chronicle of *Leo Ostiensis*. This deserves to be treated of more at large, but the Abbot *de Nuce*² supplies that Defect, who has examin'd this Point very carefully.

¹ S. Greg. M. lib. 2. Dialog. cap. 17. Nec turno tempore nuper illic Longobardi ingressi sunt.

² Abb. de Nuce Chron. Cas. lib. 1. cap. 2. in Excur. Chronolog.



C H A P. III.

Of Agilulfus IV. King of the Longobards; and of Arechis II. Duke of Beneventum.



WHILE these Things happen'd in our Provinces, *Autaris*, not able to obtain the Sister of *Childebert* King of *France* in Marriage, for she was given to *Recaredus* King of *Spain*, after he had embrac'd the Catholick Faith, and by a memorable Example driven *Arianism* out of his Kingdoms, demanded *Theodolinda*, Daughter of *Gari-baldus* King of the *Bojoari*; a most prudent Woman, whose transcendent Virtues deserve often to be remember'd in this History; and having married her in *Verona* in the Year 590, he was intangled in a new War with the *French*: For *Childebert* being desirous to recover the Honour he had lost by the Defeats of the preceding Years, return'd with a powerful Army into *Italy*, and the Terror of his Arms and his Promises were so great, that many of the *Longobard* Dukes rebell'd: *Minolphus* Duke of *Novara*, *Gandolphus* Duke of *Bergamo*, and *Valfaris*

Valfaris Duke of *Triviggi* went over to his Side. 'Tis said¹, that in those Days *Pavia* being possessed by *Papius* Duke of the *Franconians*, this City took its Name from him, which it retains to this Day, and the ancient Name *Ticinum* was forgot. But this Expedition of the *French* was as unfortunate as the rest, their Army being afflicted with the Bloody Flux, while *Autaris* and his Dukes were well provided within their fortified Places. The *French*, tho' they roam'd up and down in *Italy* for the Space of three Months, yet at last the Disease growing more insupportable, were forced to return home; so that *Autaris* took this fit Opportunity of asking Peace of *Childebert*, by the Means of *Guntrandus* Uncle to *Childebert*, who mediated a Treaty; but *Autaris* died soon after, for having gone from *Verona* to *Pavia*, he got a poisonous Drink², by which he ended his Days in *September*, the same Year 590, after having reign'd in *Italy* a little less than six Years. The *Longobards* hearing of the Death of their Prince, immediately conven'd in *Pavia* to elect a Successor, and in the mean time sent Ambassadors to *Guntrandus*, to notify to him what had happen'd, at the same time beseeching him to interpose his good Offices for procuring Peace with *Childebert* his Nephew; but when they were about electing a new Prince, finding they had none who was fit to support the Dignity, they resolv'd that *Theodolinda* should govern them, and that the Person she should chuse amongst the Dukes for a Husband, should be invested with the Regal Dignity. Amongst the *Longobard* Dukes at this Time, *Agilulfus* was Duke of *Turin*, a Prince near of Kin to *Autaris*, who, besides the Comeliness of his Person, had a Mind truly Royal and fitted for any Government. *Theodolinda*, out of so many, preferr'd him, who, to the general Satisfaction, was proclaimed King.

AMONGST the many and valuable Endowments of *Theodolinda*, her being most zealous for the Catholick Religion, in which she had been brought up and instructed, was not the least in those Times, on which Account she was much beloved by *St. Gregory the Great*, who sent her the four Books of the Lives of the Saints which he had compos'd, as knowing her to be most affectionate to the Faith of Christ, and well instructed and excelling in all human Knowledge; and tho' all her Endeavours for inducing *Autaris* her first Husband to renounce *Arianism* had been to no purpose, nevertheless she believ'd that she should not find the same Inflexibility in *Agilulfus*, not only on Account of his pliable and sweet Temper, but much more out of Gratitude for her having advanc'd him to the Throne: Therefore *Agilulfus* embrac'd the Catholick Religion, and the *Longobards*, following the Example of their Prince, many of them left Heathenism, others *Arianism*, with which they were infected, and turn'd Catholicks; and the Zeal of *Agilulfus* for this Religion prevail'd so far, that, by the Advice of *Theodolinda*, he repair'd many Monasteries, and rebuilt many Churches, which in the by-past Wars had been almost ruin'd; to which he gave many Possessions, and re-instated the Bishops in their Honour and Credit, who while the *Longobards* were in the Error of *Paganism*, had been slighted and despis'd³.

¹ Sigon. de Reb. Ital. lib.

² P. Warnefr. lib. 3. cap. 18.

³ Paul Warnefr. lib. 6. cap. 2.

S E C T. I.

Of ARECHIS II. Duke of Beneventum.

IN the Reign of *Agilulphus*, according to the Computation of *Pellegrinus*, the Death of *Zoto* Duke of *Beneventum* happen'd in the Year 591; he was more famous for his Rapacity, and the remarkable Pillage of the Monastery of *Casino*, than any Thing else; so that by his Death *Arechis*, Cousin to *Gilulphus* Duke of *Friuli*

Friuli ¹ was chosen Duke of *Beneventum* by King *Agilulfus*. According to the Polity introduc'd by *Autaris* into the Kingdom of the *Longobards* in *Italy*, these Dukes never lost their Dukedoms, but for Rebellion, or at their Death; and after their Death, it likewise became a Custom to prefer the Sons of the Deceased to any other, if the King thought them capable: So we see that after the long Government of this *Arechis*, which lasted 50 Years, *Ajo* his Son succeeded him; and if the Duke died without Sons, the King either chose another in his Place, or extinguish'd the Dukedom without appointing a Successor. Which is observ'd to have begun to be practis'd in the last Years of the Reign of this Prince; which he did for Reasons of State, push'd on by the Ambition of the Dukes, who often endeavour'd to shake off the Yoke of Dependancy, in order to make themselves Absolute; for which Cause they were oblig'd to suppress many of these Dukedoms when they could, so that by Degrees they reduc'd them to a small Number, reserving only those, as has been said, that could be helpful in the Security and Preservation of the Kingdom. So much the more, because the Kings of the *Longobards* were in continual Vexation and Trouble, not only by the Wars with foreign Nations, but likewise by those of their own Dukes, as we have seen in the Reign of *Autaris*, and which may be observ'd in that of *Agilulfus*, who in the Year 600, having made Peace with the *Romans*, and renew'd the Alliance with *Theodibert* the new King of *France*, had a War upon his Hands against his Dukes who had rebell'd, and having given them a notable Defeat, he put three of them to Death without Mercy, to wit, *Zangrulphus* in *Verona*, *Gandulphus* in *Bergamo*, and *Varecausius* in *Pavia*.

THEREFORE when any of them failed, either by Death or Rebellion, there were others appointed in their Place, of whose Fidelity and Affection they were very sure, as *Agilulfus*, who, when *Eoinus* Duke of *Trent* died, appointed Duke *Gondaldus* in his Room, who was a Catholick, and remarkable for his Piety ²: Or if they were not willing to continue the Succession; as in the Case of the Duke of *Crema*, who died without Sons, there was no Successor appointed ³.

THE Dukedom of *Beneventum* under the Government of *Arechis*, which was the longest of any that had ever been, having lasted fifty Years, from the Year 591. to 641, extended its Bounds very much; so that according to *Paulus Emilius* ⁴, and other Writers, its Limits on one side reach'd to *Naples*, and on the other to *Sipontum*, which City after the Pontificate of *Gregory the Great*, surrendered likewise to the *Longobards*, and was join'd to the Dukedom of *Beneventum*. Neither hitherto had it so far enlarged its Confines, as it afterwards luckily did in the subsequent Years, when it comprehended almost all that which is at present the Kingdom of *Naples*. Neither can it be said that from this Time its Bounds were extended to *Croton*, because the *Longobards* under the Duke of *Beneventum*, which according to the *Epocha* of *Pellegrinus* could not surely be *Zoto*, but *Arechis*, had taken and pillaged the City of *Croton*, and made many Prisoners there; for the Custom of the *Longobards* was, that when they did not succeed in conquering a Place, in which they could maintain themselves, and leave a Garrison, they over-run the Country after the Manner of Robbers, pillaging and carrying the People along with them Prisoners, from whom they exacted large Sums for their Ransom; as it happen'd to those of *Croton*, who were obliged to pay a great Sum of Money for their Redemption: And by a Letter of *S. Gregory the Great's*, wherein he laments their Captivity, we read of the Efforts he made to get them set at Liberty; we see clearly, that having taken the City, and pillag'd it, loaded with Booty, they carry'd off with them many of the Nobility, and not sparing either Age or Sex, left it, without putting a Garrison into it, as being at a great Distance from the Borders of their Dukedom, and surrounded with many Cities of the *Greeks* their Enemies. This was a Custom likewise practis'd by the Catholicks, who altho' they did not make Slaves of the Prisoners, nevertheless they kept them until they were ransom'd with Money; of which we have the Testimony of grave Authors ⁵. Therefore it ought not to be reputed Cruelty or Fury in the *Longobards* only, some of which were Heathens, others Arians, that they practic'd the same on their Enemies. Neither

¹ Sigon. de reb. Ital. An. 593.

² P. Warnefr. lib. 4. cap. 14.

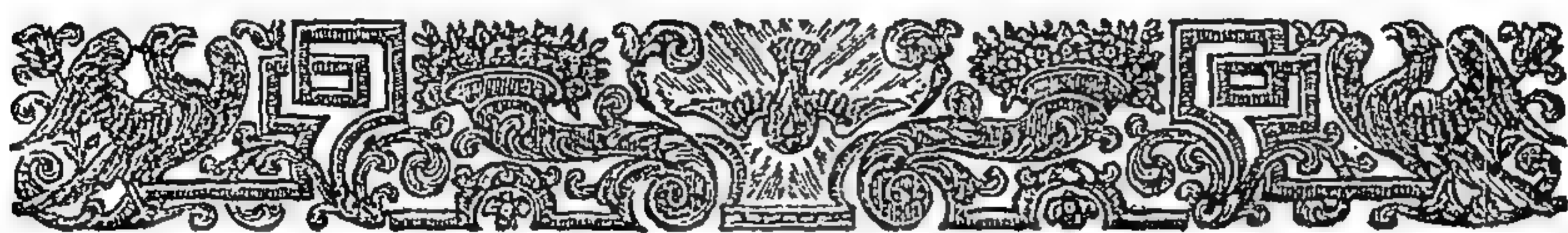
³ Sigon. de reb. Ital. An. 602.

⁴ Paul. Emil. de reb. Franc. lib.

⁵ Grot. de jure Belli & Pacis, lib. 3. cap. 7. num. 9. Vinn. Instit. lib. 1. tit. 3. §. Servi num. 4.

can it be said, that this Dukedom comprehended the Monastery of *M. Casinò*, in the Time of *Zoto*, because it was then that they pillag'd it; and for the same reason it would be more ridiculous to alledge, that in the Reign of King *Autaris*, the Dukedom of *Beneventum* reach'd as far as *Rbegium*, because *Autaris* carried his Standard to this furthest Part; for 'tis manifestly known, that when this Prince struck the Pillar that stood there with his Spear, and said, So far would he extend the Limits of his Kingdom; then, and for a long time after, all these Parts were under the Dominion of the Emperors of the East.

THUS, what is now the Kingdom of *Naples*, was not at this Time under the Government of one single Lord or Prince, but of two. The Dukedom of *Beneventum* was immediately subject to its own Duke, and he to the King of the *Longobards*. *Puglia* and *Calabria*, *Lucania* and the *Brutii*; the Dukedom of *Naples*; those of *Gaeta*, *Surrentum*, *Amalphis*, and the other lesser Dukedoms, were immediately under their Dukes, and they held of the Exarch of *Ravenna*, who was under the Emperors of the East.



C H A P. IV.

Of the Dukedom of Naples, and its Dukes.



BEING in the Dukedom of *Naples*, we find Dukes who govern'd it for a continu'd Tract of Time, and that it was the only one which was not under the Dominion of the *Longobards*, and which after the other lesser Dukedoms were extinct, comprehended many Cities which had been comprized in them, on which account it became the more conspicuous; It will not be amiss, that in treating of the Dukes of *Beneventum*, we at the same time discourse of those of *Naples*; because by so doing, we may perceive the Vicissitude of worldly Things, as by the continual Wars which the People of *Beneventum* had with the *Neapolitans*, the Dukedom of *Beneventum* always increased, so on the contrary that of *Naples*, and the Dominion of the *Greeks* over the other Provinces diminished; and as we now see, that there is scarcely any Vestige of the Dukedom of *Beneventum* remaining, so on the contrary *Naples* is rais'd to that Height, not only to be the Head of a small Dukedom, as it was, but Head and Metropolis of a great and most flourishing Kingdom.

THE Dukedom of *Naples*, which in its Infancy had very narrow Bounds, comprehending only the City of *Naples*, with its Dependencies, in the Time of *Mauritius* Emperor of the East made notable Acquisitions; for this Prince added to its Dominions the neighbouring Islands of *Ischia*, *Nisida*, and *Procida*, in the Possession of which he confirm'd the *Neapolitans*, as *S. Gregory the Great*¹ writes. He likewise added afterwards *Cuma*, *Stabia*, *Surrentum*, and *Amalphis*, which till the Times of Pope *Adrian*, and *Charles the Great*, belong'd to the Dukedom of *Naples*, as is evident from a Letter of that Pope's mention'd by *Pellegrinus*; so that this Dukedom being reduced in a manner into the Form of a Province, it came likewise to be call'd *Campania*; whence very often the Duke of *Naples* took the Title of *Dux Campaniæ*, as *S. Gregory*² call'd *Scholasticus*, *Dux Campaniæ*; and elsewhere³ he gave *Gudiscalcus* the same Title. This comprehending many Cities of that Coast, they were subject to the *Neapolitans* and their Duke; for which Cause the Bishops of the

¹ S. Greg. M. lib. 9. ind. 4. ep. 53. Cam. Pel. dis. de finib. Duc. Ben. ad merid. p. 32.

² Ibid. lib. 2. ind. 11. ep. 1, 2, & 15.

³ Epist. 12. lib. 8. ind. 3.

Cities were wont to call themselves *Neapolitan* Bishops; whence it is, that very often we read in the Letters of that Pope: *Episcopis Neapolitanis*.

IT could not stretch its Borders further towards the West, North, or East; for the Dukedom of *Beneventum* being become powerful, extended its Authority over all these Parts: *Capua*, with its Territory, as far as *Cuma*, and the Coast which has no Harbour from *Minturno*, *Uturno*, and *Patria*, of old called *Linterno*, was already under the Dominion of the *Longobards*. Not long after the *Longobards* extended the Borders of the Dukedom of *Beneventum* as far as *Salernum*; and many other Cities towards the East, as far as *Cosenza*, with all the inland Towns were taken from the *Greeks*; and this Dukedom of *Naples* had likewise fallen under the Dominion of the *Longobards*, as in process of Time all the inland Cities of the Kingdom did, and afterwards the Maritime, excepting *Gaeta*, *Amalphis*, *Surrentum*, *Otranto*, *Gallipoli*, and *Rossano*, if two Causes had not hinder'd it; which were, that the *Longobards* had no naval Forces, neither were they expert in besieging Sea-Port Towns; and also, because the *Neapolitans*, by reason of their Situation, had well fortified *Naples*, and all the other Maritime Towns subject to them. So that *Naples* with its small Dukedom may justly boast, that tho' almost all the Cities of the Kingdom had been subdu'd by the *Longobards*, excepting those few abovemention'd, yet they never could wholly subdue the *Neapolitans*, tho' afterwards in latter times they were made tributary to the Princes of *Beneventum*, as in the Course of this History we shall relate: So that 'tis an unpardonable Error in *Blondus*¹, who writes, that the *Longobards*, not long after the Government of 36 Dukes, subdued *Naples*.

IT was the Custom to send Dukes to govern the Dukedom of *Naples*, either directly from *Constantinople* by the Emperors of the East, or, when Necessity would not permit to wait their coming from so distant a Place, the Exarch of *Ravenna*, who was at this Time the first Magistrate of the Emperors of the East in *Italy*, was wont to send them.

DURING the Government of *Arechis*, of which we are now treating, while *Mauritius* reign'd in the East, *Naples* being without a Duke, and *Arechis*, together with *Arnulphus* Duke of *Spoletto* designing to attack it, S. Gregory the Great, who had the Defence of it much at Heart, and who took Care of the Interest of the Emperor against the *Longobards*, thinking that if they should conquer the rest of *Italy*, which was under the Dominion of the *Greeks*, they might at last subject *Rome* likewise, wrote² in the Year 592, very earnestly to *John* Bishop of *Ravenna*, to hasten the Exarch to send the Duke immediately to *Naples*, in order to defend it against the Treachery of *Arechis*, otherwise it would certainly be lost.

AND from another Letter³ of the same Pope, dated in the Year 599, we observe, that not long after *Maurentius* was sent to be Duke of *Naples*, who was so careful of the Preservation of that City, that besides his having provided it with a strong Garrison, he oblig'd even the Monks to stand Centinels on the Walls, without so much as exempting *Theodosius* the Abbot, at which Gregory was much griev'd⁴; and the sending Soldiers to lodge in a Nunnery, and constraining the Abbess to receive them, afflicted him exceedingly.

BUT the Emperor *Mauritius* being driven from the Empire in the Year 602, by *Phocas*, who caus'd himself to be proclaim'd Emperor by the Army in *Pannonia*, and being arrived at *Constantinople*, was acknowledg'd there, and put *Mauritius* and his Sons to Death; and having sent his Picture to *Rome*, was there likewise proclaim'd Emperor, with the Consent also of S. Gregory, who acknowledg'd him in *Rome*, as the Patriarch *Ciriacus* had done in *Constantinople*. *Phocas* then having mounted the Throne, in the Room of *Callinicus*, who had been put in Place of *Romanus* by *Mauritius*, sent *Smaragdus* anew to be Exarch in *Ravenna*⁵, and *Gondoinus* to be Duke of *Naples*.

ON the Death of *Gondoinus*, *Phocas* sent *Joannes Compositus*, a *Constantinopolitan*, to be Duke of *Naples*, who, breaking his Faith to his Prince, endeavoured to make himself absolute Lord of the City committed to his Charge; *Phocas* was put to

¹ Blond. Decad. 1. hist. lib. 8.

² S. Greg. M. lib. 2. Ind. 10. epist. 32. Cam. Pel. in Dissert. de Duc. Ben. pag. 32.

³ Ep. 74. lib. 7. Ind. 2.

⁴ Ep. 107. lib. 1. Ind. 2.

⁵ Marq. Freher. in Cron. Exarch. Rav.

Death in the Year 610¹; and *Heraclius* his Competitor succeeded in the Empire; and the People of *Ravenna*, not being able to bear the Pride and Oppression of *Joannes Lemigius*² the new Exarch, who had been sent to *Ravenna* by *Heraclius*, in the Year 612, took Arms, and tumultuously went to the Palace, where they kill'd him, together with his Judges. This Fact coming to the Knowledge of *Joannes Compositus*, Duke of *Naples*, he thought he could not have a more fit Opportunity for making himself Master of the City; whereupon he immediately possess'd himself of it, and provided it with a strong Garrison against the Forces which he was afraid the Emperor *Heraclius* would send against him, who in Effect, being appriz'd of the Mutiny in *Ravenna*, and of the Rebellion of *Compositus*, immediately sent *Eleutherius*³, a Patrician, and Gentleman of his Bedchamber, a gallant and wise Man, to be Exarch in *Italy*. He having quell'd the Mutiny in *Ravenna*, went with a sufficient Army to *Naples*, into which he fought his way, and kill'd the Tyrant, and reducing it as it was formerly under the Dominion of *Heraclius*, and appointing a new Duke, return'd to *Ravenna* Victorious⁴.

THE Opinion of *Summontes*, or what he supposes, is not probable; that the new Duke left by *Eleutherius* in *Naples*, was that *Theodore* who is said to be the Founder of the Church of S.S. *Peter and Paul*, now situated in the Quarter of *Nido*; for the Greek Inscription which was upon a Marble Stone, and in which *Theodore* Consul and Duke, was named as Founder of that Church, bearing Date of the fourth Indiction, falls much lower, to wit, in the Year 717, in which Time this Duke govern'd, as has been observ'd by Men of Worth; on the contrary, 'tis true, that *Eleutherius* was sent to *Ravenna* by *Heraclius*, in the Year 616, where he held the Exarchate little more than two Years; for in the Year 619, *Isaicus* a Patrician was sent to be his Successor⁵.

THE Fables which our Modern Writers have invented concerning this Rebellion of *Compositus* are surprizing; they say, that this Duke, after he had possess'd himself of *Naples*, made himself Master also of *Puglia* and *Calabria*, and of other Places of our Kingdom: That moreover he caus'd himself to be crown'd King of them; and that he went first to *Bari* to be crown'd with the Iron Crown, and afterwards to *Naples* to receive the Golden one; and that therefore he was the first who had usurp'd the Title of King of *Naples*; adding, that the *Normans*, after the Example of this first King of *Naples*, would likewise be crown'd at *Bari* with the Iron Crown, and in *Palermo* with the Golden one⁶. All which are Dreams of weak Men; for *Compositus* was never Master of *Puglia* and *Calabria*, nor other Provinces, which for the most Part at this Time were under the Dominion of the *Longobards*. He invaded *Naples* only with its Dependencies; *Paul Warnefride*⁷ relates, that a few Days after he was driven out of it by *Eleutherius* a Patrician. 'Tis not likely he could do great Feats, while not only the *Greeks*, but likewise the *Longobards* were very powerful: Neither do we ever read in Authors of any Account, that he made himself to be crown'd King; and 'tis yet more ridiculous to say that he went to *Bari* to take the Iron Crown, and afterwards to *Naples*, that of Gold; what is related of that Coronation at *Bari* with Iron being altogether fabulous, and never practis'd by any of our Kings, as shall be clearly seen in the following Books of this History.

¹ P. Pagi de Consulib. pag. 342.

² Marq. Freher. loc. cit.

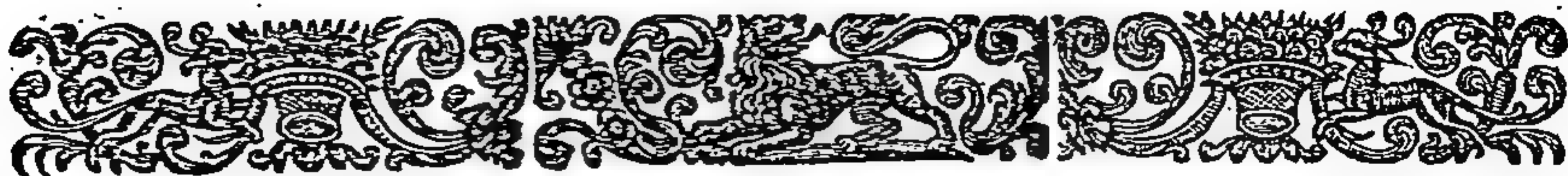
³ Ibidem.

⁴ Anastas. Bibliothec. in Deusdedit. Cam. Pel. in Dissert. de Duc. Ben. pag. 33.

⁵ Marq. Freher. loc. cit.

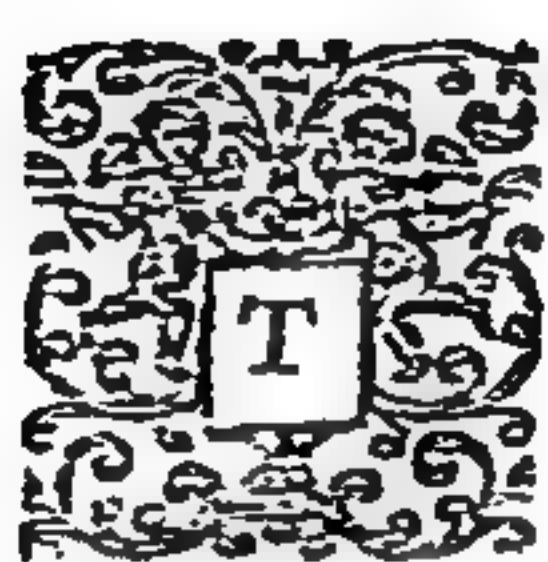
⁶ Beatil. hist. Bar. p. 12. hist. S. Nic. lib. 11.

⁷ War. lib. 4. cap. 10.



C H A P. V.

Of Adalualdus and Ariovaldus V. and VI. Kings of the Longobards.



THE Dominion of the *Greeks* in *Italy* being already reduc'd to a very low Ebb, the *Longobards* under their King *Agilulfus*, attempted to make an end of driving them intirely out of the Countries they were in Possession of; and what contributed very much to it was, the *Longobards* for the most Part (after the Example of *Agilulfus*) having forsaken, some of them *Gentilism*, and very many *Arianism*, had embrac'd the Catholick Religion, which made them less odious to the People, and their Government more tolerable. In effect, the Peace which the Kingdom enjoy'd for so long a Time, was owing to *Agilulfus*, who was the first King of the *Longobards* that embrac'd this Religion, and during all the Course of his Life, left Monuments of much Piety and Munificence towards the Churches and Monasteries: He being dead, *Adalualdus* his Son succeeded him, who had been his Collegue on the Throne while alive; and following the Footsteps of his Father, and much more those of his Mother *Theodolinda*, whom he would have to be his Copartner in the Government, brought the Affairs of the *Longobards* to such a peaceable and quiet State, that no Noise of War disturb'd their Repose; and under them the Churches were repair'd, and many Donations given to holy Places¹.

BUT *Adalualdus* did not long enjoy so great Prosperity, for in the eighth Year of his Reign, the Emperor *Heraclius* having sent to him a certain *Eusebius*, his Ambassador, for treating of Peace and other Matters of Importance; this Man, either of his own Head, or by Order of his Master, while the King was coming out of the Bath, presented to him a Drink as wholesome for him; which he had no sooner drank, than he lost his Senses, and became foolish²; which the cunning *Eusebius* perceiving, gave him to understand, that for his greater Security he ought to cause the most powerful of the *Longobards* to be put to Death; which Advice, being young, and a Fool, he embrac'd, and immediately caused to be put to Death twelve of the Chief Nobility; which the rest of the *Longobards* perceiving, and seeing themselves in the same Danger from his Folly, made an Insurrection, and proclaim'd him Impious and a Tyrant, and dethroning both him and the Queen *Theodolinda*, his Mother, put *Ariovaldus*, Duke of *Turin* in his Room, who had for Wife *Gundeberga*, Sister of *Adalualdus*.

THIS Adventure divided the *Longobards* into two Factions; *Ariovaldus* was supported by those Nobles who had made the Insurrection, to whom all the Bishops on the other Side of the *Po* join'd, who with all their Might endeavour'd to increase their Party; *Adalualdus* on the other hand was assisted by *Honorius* Pope of *Rome*, who had strong Reasons for supporting him, as well on account of *Theodolinda*, to whose Piety the Catholick Religion was much indebted, as because *Ariovaldus* was abhorr'd by the Catholicks for being an Arian, in which Heresy he was born and brought up; and so great were the Pains which *Honorius* took, that he likewise brought over *Isaicus*, at this Time Exarch in *Italy*, to his Party, and with a powerful Army oblig'd him to restore *Adalualdus* to the Throne. He also got the Bishops

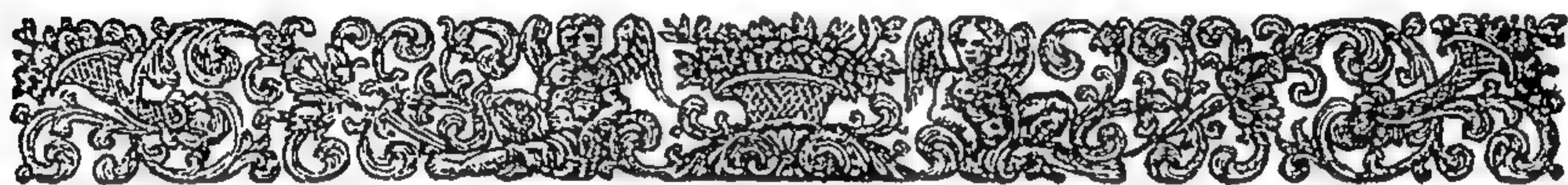
¹ Warnef. lib. 4. cap. 15.² Sigon. ad An. 623.

who favour'd *Ariovaldus* to desert him, by threatening that he would not let such Treachery pass unpunish'd; but *Isaicus* not having accomplish'd his Undertaking, and *Adalualdus* dying opportunely of Poison, *Ariovaldus* at last obtain'd the Kingdom, who being odious to the Catholics, occasion'd no small Disturbance in *Italy*.

NOT many Years of this Reign had pass'd, when *Theodolinda* seeing herself so despicable, and without all hopes of recovering her former Royal Dignity, full of Anguish and extreme Grief, died in the Year 627. A Princess, both for the excellent Endowments of her Mind, and her singular Piety, most worthy of Praise, and to be number'd amongst the most illustrious Women in the World, and who did not deserve to be put in the Novels of the *Decameron* of *John Boccacio* ¹.

ARIOVALDUS reign'd other nine Years after the Death of *Theodolinda*, and died without leaving Male Children, in the Year 636; for which Cause the *Lombards* having call'd together the Dukes, thought of chusing a new King, and not knowing whom they could raise to that Dignity, gave to *Gundeberga*, as they had formerly given to *Theodolinda*, the Power of making him King whom she should choose to be her Husband. *Gundeberga*, like a most prudent and wise Lady, chose *Rotaris* Duke of *Brescia* for her Husband and King, in the same Year 636, according to the Computation of *Pellegrinus*.

¹ Boccacio Gior. 3. Nov. 2.



CHAP. VI.

Of King ROTARIS VII. by whom the Laws of the Lombards in Italy were put in Writing.



ROTARIS was a Prince most valiant, and of consummate Prudence, but especially a great Lover of Justice; and if any Blemish obscur'd his Worth, 'twas his being stain'd with the Arian Heresy; whence in his Time, in many Cities of *Italy* there were two Bishops, the one Catholick, and the other Arian ¹.

THIS was the first Prince who gave written Laws to his *Lombards* ², by whose Example the other Kings his Successors being mov'd, in length of Time there appear'd a new Volume of Laws, call'd the *Lombard Laws*, which had once such an Ascendant in our Kingdom, that the *Roman Laws* were forced to give way to them. But before we mention the *Lombard Laws*, it will be requisite to look into the Condition the *Roman Jurisprudence* was reduc'd to in *Italy*, and these our Provinces, during the Reign of this Prince, and those of the Kings his Successors, and in what Books it was comprehended.

THE Emperor *Justinian*, tho' he had taken Care to have his Volumes spread over all *Italy*, and had strictly commanded, that, all others being abolish'd, these only, with his *Novellæ Constitutiones*, should take Place; nevertheless their Authority expired almost with himself; for he was no sooner dead, and succeeded by *Justin*, a most foolish Prince, than *Italy* fell anew into the Hands of Strangers; and, excepting the Exarchate of *Ravenna*, the Dukedom of *Rome*, and those small ones of *Naples*, *Gaeta*, *Amalphis*, and other Maritime Cities of *Puglia*, *Calabria*, and *Lucania*, the

¹ Warnefr. lib. 4. cap. 15.

² Ibid. hist. Long. lib. 4. cap. 15.

Lombards

Longobards were Masters of all its other Provinces: The other Emperors who succeeded *Justin*, being at very little Pains to recover them, and at much less to restore the Laws of *Justinian*; also there were not wanting some of them, as shall be told in its Place, who either out of Envy, or Emulation, endeavour'd even to extinguish them in the East altogether. Besides it may be added, that among the *Longobards*, by reason of the continual Wars kindled betwixt them, the Name of a *Greek* was most abominable, and all that proceeded from them, was with the greatest Aversion rejected and abolished; whence, altho' it was allow'd to the Inhabitants to make use of the *Roman* Laws, and to the *Romans* to live under them, nevertheless they were to stick to the *Theodosian* Code, which was in greater Esteem amongst the *Longobards* than the *Justinian* ¹.

TO which was added the Example of the *Westrogoths*, who at this Time reign'd in *Spain*; who being satisfied with the Code made by the Order of *Alarick*, and the new Compilation of the Laws of the *Westrogoths*, in imitation of that of *Justinian*, did not acknowledge his Books.

WE may likewise add the Example of the *French*, who until the Reign of *Charles the Bald*, did not acknowledge other *Roman* Laws, but those which were contain'd in the *Theodosian* Code, or its Compendium made by Order of *Alarick* ². So *Charles the Great* himself, desirous to restore the *Roman* Jurisprudence, which in his Time was reduc'd to a very lamentable Condition, neglected the Books of *Justinian*, and set about restoring and amending the *Theodosian* Code, as these Words join'd to the Commentary of *Alarick*, which is put at the Beginning of the *Theodosian* Code, demonstrate: *Et iterum Anno XX. Regnante Carolo Rege Franc. & Longobard. & Patritio Romano*. And so great was the Care of this glorious Prince, and the Regard he had for this Code, that he caus'd many of its Laws to be inserted into his *Capitularia* ³.

IN the Reign of *Charles the Bald*, 'tis evident, that *France* began first to approve of the Laws of *Justinian*, as the Authors of that Age testify, who often quote his Laws, but never mention the *Theodosian*; thus *Hincmar* of *Rheims*: *Et Sacri Africæ Provinciæ Canones; & lex Justiniana decernunt* ⁴, and elsewhere ⁵, *Leges Justiniani dicunt*. Which may be gathered from what *Joannes Italus* ⁶ wrote concerning *Abbo*, Father of *Odo* of *Cluny*, who, *Justiniani Novellam memoriter tenebat*. Altho' there are not wanting Authors in the Times following, who likewise made use no less of the Books of *Justinian* than of the *Theodosian* Laws, as *Ivo* of *Chartres* ⁷, *Gratian*, and others did.

IN *Italy* the Popes studied solely to maintain the Authority of the *Justinian* Laws, and those of the other Emperors of the East, for which they had a great Regard and Veneration. Their Design was to support with all their Might the Authority of the *Grecian* Emperors, by acknowledging them for Sovereigns, that so they might counterballance the Power of the *Longobards*, and by that Means keep *Italy* divided betwixt two equal Powers, to the end, that when the one incroach'd upon the other, *Rome* might not fall under the Servitude of either of them. The Popes lov'd the Empire of the *Greeks* best, because they being at a Distance were not in a Condition to bestow much Time in hindering the Progress and Designs they had of making themselves Masters of *Rome*; and therefore when the *Longobards* grew so powerful, as to make them afraid lest they should possess themselves of that City, the Loss of which would have been their Ruin, they immediately had recourse to the *Greeks* for their Assistance to oppose them. In effect, *S. Gregory the Great*, as is said, was very much against the *Greeks* being totally driven out of *Italy*: He had the Laws of the Emperors of the East in great Veneration, and especially those of *Justinian*, which he often made use of, and most frequently of the *Novellæ*, as is manifest from *Gratian*, and the *Decretals* ⁸. Which Custom his Successors retain'd afterwards, and amongst the rest *Gregory III.* ⁹, *Nicolas I.* *Lucius III.* *John VIII.* ¹⁰, and others related by *Dadinus Alteserra* ¹¹. For which Cause *Leo IV.*

¹ Gotofr. in Proleg. ad Cod. Th.

² Altes. rer. Aquitan. lib. 3. cap. 13.

³ Capitular. Caroli M. cap. 18. 4. Addit. & cap. 281. lib. 6.

⁴ Hincmar. Rem. ep. 7.

⁵ Ibid. in Opusc. adv. Hinc. Laudonensem.

⁶ Jo. Ital. in vita S. Odon. Abb. Cluniac. Altes. loc. cit. pag. 199.

⁷ Ivo Epist. 212, 243, 280.

⁸ Gregor. lib. 12. Epist. 51, 53. l. 11. Novel. 123. Grat. c. 38. c. 11. q. 1. & c. 2. de Testib. c. ult. Nov. 90. V. Altes. rer. Aquit. c. 16. pag. 219, 220, & 228.

⁹ Greg. III. cap. Lator. de Pignorib.

¹⁰ Jo. VIII. Can. fin. 16. q. 3. sed venerandæ Rom. leges, &c.

¹¹ Altes. loc. cit. pag. 219.

following the Footsteps of his Predecessors, wrote that Letter which we read in *Gratian*¹, to the Emperor *Lothaire I.* in which he intreats him to preserve the Roman Laws: *Vestram flagitamus Clementiam, ut sicut hactenus Romana lex viguit absque universis procellis, & pro nullius persona hominis reminiscitur esse corrupta; ita nunc suum robur, propriumque vigorem obtineat*: whence *Ivo of Chartres*² said, *Dicunt enim instituta legum Novellarum, quas commendat, & servat Romana Ecclesia*: And the Ecclesiasticks, both in computing the Years that made them capable of Orders, and in many others Things, have follow'd the Roman Laws; whence the Books of *Justinian* in these Times had more Force and Authority in the Roman Dukedom, than in any other Part of *Italy*, and the same as in *Ravenna*³ the Seat of the Exarchate of the *Greeks*; whence 'tis related⁴, that that Volume of the Digests which is now call'd *Infortiatum*, to which the People of *Ravenna* had recourse for deciding their Causes, was long preserv'd in this City: So that with good reason *Hermendus Conringius* concluded⁵, that in *Italy*, before *Lothaire II.* *Juris Romani & quidem maxime Justiniani, usus aliquis arbitrarius superfuit exiguus ubivis; frequentior tamen Romæ, inque aliis Exarchatus locis, quam in Regno Longobardico, Novellarum præcipua fuit auctoritas in rebus Ecclesiasticis nonnullis.*

BUT the *Longobards* by reason of the obstinate and cruel Wars which they had with the *Greeks*, altho' they allow'd the People to retain the Roman Laws, as the *Goths* had done, yet would not suffer any other Books but the *Theodosian Code*, and the Compendium of *Alarick* to be learned, or to have the Force and Authority of Laws, imitating also in that the Practice of the *Goths*; neither hitherto for the Space of sixty Years that they had been in *Italy*, had they any written Laws of their own⁶, but govern'd themselves only according to their Customs, and the Institutions handed down to them by the Tradition of their Forefathers, which they observed very religiously.

ROTARIS then was the first, who having mounted the Throne, and enlarged his Kingdom by the Conquest of the *Alpes Cottia*, and *Oderzo*, thought of giving written Laws to his *Longobards*.

THE Method which the *Longobard Kings* took for establishing their Laws, is so much commended by *Hugo Grotius*⁷, that he prefers the *Longobards* in that to the *Romans* themselves: These often receiv'd Laws from the Will of one single Person, which he alter'd and chang'd at his own Pleasure; so that whatever pleas'd the Prince had the Force of Laws. On the contrary, the *Longobard Kings* did not assume that Power to themselves alone, but took the Opinions and Advice of the principal Lords and Barons of the Kingdom in establishing Laws, and the Order of Magistrates had likewise their Share in them; neither were they establish'd but in publick Assemblies conven'd for that end, into which after the manner of the *French* they did not admit the Ecclesiastical Order, but that of the Lords and Magistrates only; neither did the Commons with them make an Order apart, but as *Cæsar* wrote of Old *Gallia*, *Plebs plane servorum habebatur loco, quæ per se nil audet, nullique adhibetur concilio.*

ROTARIS having then, according to the *Epocha* of *Camillus Pellegrinus*, in the Year 644, summon'd a Diet in *Pavia*, in which the Lords and Magistrates assisted, enacted many Laws which he had caus'd to be committed to Writing, and inserted in an Edict which he publish'd over all his Kingdom, after the same manner that *Theodorick the Ostrogoth* had done, when he publish'd his over all *Italy*, of which we have made mention in the preceding Book. Amongst the other Monuments of Antiquity, which are preserv'd in the Archives of the Monastery of the Trinity of the Cave of the Order of *S. Benedict*, which next to that of *Monte Casino* is the most ancient we have in the Kingdom; there is a Parchment Code, which with our own Eyes we have carefully observ'd, written in *Longobard Letters*, wherein not only the Edicts of the *Longobard Kings* (beginning from this *Rotaris*) but likewise of the *French* and *German Emperors*, who were Kings of *Italy*, are inserted. In this Edict of *Rotaris*, after the Preamble, which is also transcrib'd by *Sigonius*⁸ in his History of *Italy*, we read the Titles of each Chapter, and the first

¹ In Decret. Grat. dist. 13. c. 13. Altes. rer. Aquit. lib. 3. c. 14.

² Ivo, ep. 280.

³ Baldum. in Proleg. Comment. in Institut.

⁴ Arth. Duck de usu Jur. Civ. l. 1. c. 5. n. 12.

⁵ Conring. de orig. Jur. Ger. cap. 20.

⁶ P. Warnefr. lib. 4. cap. 44.

⁷ Grot. in Proleg. ad hist. Goth.

⁸ Sigon. de R. Italiae, lib. 2. ad A. 643.

begins: *Si quis hominum contra animam Regis cogitaverit*; which being ended, the Conclusion of the Edict follows thus, *Præsentis vero Dispositionis nostræ Edictum*, &c.¹ After follow the Laws or Chapters, according to the Number of the preceding Titles, and this Edict contains Three hundred and Eighty-six Chapters or Laws. The Compiler of the three Books of the *Longobard* Laws, which are now printed in the Volume of *Justinian's Novellæ*, took the Laws, of which he compos'd almost intirely the first and second Books, from the Edict of *Rotaris*; and we read two or three of them in the Third, of which we shall discourse more at length, when we come to treat of the Compilation of that Volume of the Laws of the *Longobards*.

THE Example of *Rotaris* was afterwards follow'd by the other *Longobard* Kings his Successors, such as *Grimoaldus*, *Luitprandus*, *Rachis*, and *Astolphus*; but of all these Kings none left so many Laws as *Rotaris*, the Number of them, as we have said, amounting to 386. He caus'd his Edict to be publish'd this Year 644, which was the eighth of his Reign, over all the Provinces which were under his Dominion, and especially in the Dukedom of *Beneventum*, which having very much extended its Bounds, was reputed the largest and most noble Part of the Kingdom of *Italy*.

¹ The Conclusion of this Edict we likewise read in Sigonius loc. cit.



C H A P. VII.

Of AJO and RADOALDUS III. and IV. Dukes of Beneventum.



THE Dukedom of *Beneventum* was govern'd by *Ajo* the Son of *Arechis*, who died in the Year 641, and had associated him in the Government five Months before he died¹; but the Father being sensible of his weak Understanding and Incapacity for such a Charge, recommended him on his Death-bed to *Radoaldus* and *Grimoaldus*, both of them Sons of *Gisulphus*, formerly Duke of *Friuli*, and who had been brought up and kept at his Court. These were lov'd by *Arechis* as his own Sons, and whom he had appointed to succeed in the Dukedom upon the Failure of *Ajo*. While the Dukedom of *Beneventum* was govern'd by *Ajo*, under the Direction of these two Brothers, the *Sclavonians* made their first Appearance in these our Provinces.

THE *Sclavonians* were originally of the *European Sarmatia*, on both sides of the *Borysthenes*; who after the Example and Manner of the other barbarous People, advanced to the Banks of the *Danube*, and pass'd it under the Empire of *Justinian*². Afterwards having fallen upon *Illyricum*, at last they possess'd themselves of a great Part of it, particularly that which lies betwixt the *Drave* and the *Sarve* towards the West, call'd to this Day by their Name *Sclavonia*.

THESE falling down from *Dalmatia*, which they had already possess'd themselves of, and landing at *Sipontum*, began to ravage our *Puglia*. *Ajo* hearing of the Irruption of the *Sclavonians* into *Puglia*, which had been for the most Part join'd to the Dukedom of *Beneventum*, gathered together the best way he could, some Troops, while *Radoaldus* was absent, and went immediately to fight them; but having engag'd them near the River *Ofanto*, fell into a Ditch, where the *Sclavonians* kill'd him³.

¹ Warnefr. lib. 4. cap. 15.

² Procop. de Bell. Got.

³ Cam. Pel. in Dissert. Duc. Ben. p. 54.

Ajo held the Dukedom of *Beneventum* one Year only, besides the five Months he reign'd with his Father; but after his Death the *Sclavonians* triumphing on account of the Victory they had gain'd, *Radoaldus* coming opportunely upon them with a strong Army, and incredible Valour, overthrew and dispersed them; and after having so gallantly reveng'd the Death of *Ajo*, he with his Brother *Grimoaldus*, took Possession of the Dukedom of *Beneventum*, according to the Appointment of *Arechis*, who had left them to succeed himself and Son.

THESE two Princes govern'd the Dukedom of *Beneventum* five Years. *Radoaldus* invaded other Provinces belonging to the *Greeks*, and carried his Arms to *Surrentum*, which City he besieg'd, and endeavour'd to take it by Assault; but the *Surrentins*, encourag'd by their Bishop *Agapitus*, repulsed him; whereupon he rais'd the Siege, and *Surrentum* was freed¹.

WHILE these Princes govern'd the Dukedom of *Beneventum*, the new written Laws of the *Longobards* publish'd by *Rotaris*, with his abovementioned Edict were known for the first Time in these Provinces, which now make up our Kingdom: So that the Cities of our Kingdom which were comprehended in that Dukedom, and our People, altho' they had been made solely by the *Longobards*, began by Degrees to learn them, and to accustom themselves so much to them, that in the succeeding Times the *Roman* Laws were forc'd to give way to them, and were only observ'd as ancient Customs by the Commonalty, who are the last in leaving off the Laws and Customs of their Forefathers; as we shall see anon.

RADOALDUS having died in *Beneventum*, in the Year 647, *Grimoaldus* his Brother continued to govern alone; he held the Dukedom sixteen Years, without including the five he had reign'd with his Brother.

¹ Acta SS. Agapit. & aliorum Surrent. apud Ughel. de Archiep. Surrent.



C H A P. VIII.

Of *Grimoaldus V. Duke of Beneventum*; of the Wars which he had with the *Neapolitans*; and the Death of King *Rotaris*.



GRIMOALDUS V. Duke of *Beneventum*, was a Prince so daring, and of so great a Spirit, that not content with having extended the Bounds of his Dukedom, and obtain'd many Victories over the *Neapolitans* and *Greeks*; he aspir'd still at more glorious and noble Enterprizes, till at last it was his Fate to be exalted to the Throne, and after he had govern'd his Dukedom sixteen Years, he reign'd other nine over the Kingdom of *Italy*.

WHILE he was Duke of *Beneventum*, he was often at War with the *Neapolitans*; and 'tis said to have fallen out at this Time, what *Paul Warnefride*¹ relates, that he hindred the *Greeks* from pillaging the Cathedral Church of *St. Michael*, situated in Mount *Garganus*, by intirely defeating them. 'Tis likewise said, that fifteen Years after, when he had already mounted the Royal Throne in *Pavia*, he had another Victory over the *Neapolitans*; and that they being touch'd at the Heart, on account of such a Calamity, chang'd their Religion, and of Heathens became

¹ Paul. Warn. lib. 4. cap. 16.

begins: *Si quis boninum contra animam Regis cogitaverit*; which being ended, the Conclusion of the Edict follows thus, *Præsentis vero Dispositionis nostræ Edictum*, &c.¹ After follow the Laws or Chapters, according to the Number of the preceding Titles, and this Edict contains Three hundred and Eighty-six Chapters or Laws. The Compiler of the three Books of the *Longobard* Laws, which are now printed in the Volume of *Justinian's Novellæ*, took the Laws, of which he compos'd almost intirely the first and second Books, from the Edict of *Rotaris*; and we read two or three of them in the Third, of which we shall discourse more at length, when we come to treat of the Compilation of that Volume of the Laws of the *Longobards*.

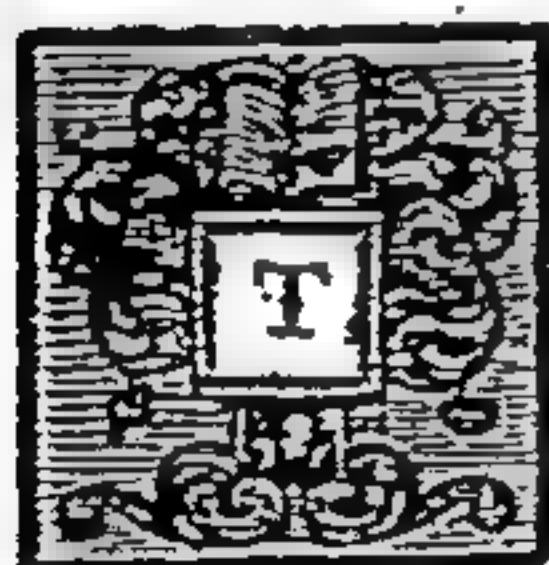
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¹ Paul. Warn. lib. 4. cap. 16.

Christians, as the Author of the Angelical Apparitions ¹, and the unknown Monk of *Casino* relate ².

BUT seeing these Adventures are variously reported by Writers, some ascribing to the *Saracens*, what *Paul* imputes to the *Greeks*; while others, by a manifest *Anachronism*, carry back these Events to the Times of *Theodorick* and *Odoacre*, when the *Longobards* were not as yet known in *Italy*; and others with more Truth attribute them to the *Longobards*; therefore it will be necessary to shew more at large, that it was neither the *Greeks*, *Neapolitans*, nor the *Saracens* who pillag'd that Church, but the *Longobards*; and that the Conversion from *Gentilism* to *Catholicism* which is attributed to the *Neapolitans*, ought to be ascrib'd to the *Longobards* of *Beneventum*, and not to those.

MOUNT *Garganus*, situated in *Puglia*, above *Sipontum*, over-against the *Diomedean* Islands, in the Upper Sea, now call'd *Tremiti*, a Name likewise very ancient, and made use of by *Tacitus* ³, was first made famous by *Virgil* and *Horace*; but afterwards, in the Time of Pope *Galesius* I. was much more renown'd by the miraculous Apparition of *Michael the Archangel* in this Place; and after the *Goths* were driven out of *Italy* in the Reign of the Emperor *Justinian*, by Means of *Belisarius* and *Narses*, when it was restor'd to the Empire of the East, the Veneration of the *Greeks* for this Saint was incredible. There was not a City either in *Greece* or *Italy*, that did not build Temples, and dedicate Altars to him. *Procopius* ⁴ relates, that *Justinian* in the City of *Constantinople* alone, erected many Temples to him, and rebuilt others that were old; whose Example the *Greek* Cities in *Italy* follow'd. In *Naples* especially, they had a wonderful Veneration for him; they erected a Temple, which afterwards in the Time of *Gregory the Great*, they dedicated to him after the Rites of the Church of *Rome*; and the same Pope makes mention of this Dedication in one of his Epistles ⁵. The same is said of many other *Greek* Emperors, particularly *Heraclius*, who enrich'd that Sanctuary with many valuable and precious Donations: So that 'tis not to be doubted, but the *Neapolitans* being a long time in Conjunction with the *Greeks*, had an equal Veneration for this Archangel; and to impute Infidelity and Idolatry to the *Neapolitans* of these Times, is so gross an Error, that the Chronology of the Catholick-Bishops of this City alone, and what is related in the preceding Book, are sufficient to make it manifest, and put it out of all doubt.

ON the contrary, 'tis most certain, that when the *Longobards* retook *Italy* from the *Greeks*, they profess'd no other Religion but Paganism and Arianism; and altho' in the Reign of *Agilulfus*, many of the *Longobards*, after the Example of their Prince, had forsaken Arianism and Idolatry; yet nevertheless the other Kings his Successors persevering in Arianism, was the Occasion that the *Longobards*, and particularly those of *Beneventum*, return'd anew to their first Errors, which they did not altogether abandon until the Year 663, when the Emperor *Constans*, by the Means of *S. Barbatus*, Bishop of *Beneventum*, was defeated; and then it was that they embrac'd the Catholick Religion, as we shall shew by and by.

AND besides 'tis most evident, that all who consider attentively the History of the *Longobards*, written by *Paul Warnefride*, who was a *Longobard*, will see, that he has endeavour'd all he could, as well as all the other Writers of his Nation, to excuse his Countrymen from the Blemish of Infidelity, and the Errors of *Arius*; and rather chuses, in all the Course of his History, not so much as to speak of the Religion of this People, nor their Conversion to the Catholick Faith by means of *S. Barbatus*, on purpose that he might not be oblig'd to mention their old Errors, which *Pellegrinus* very carefully has observ'd ⁶.

SO that there are many Things in his History laid to the Charge of the *Greeks*, which were committed by the *Longobards*, which Cardinal *Baronius* likewise rightly observ'd ⁷: And this very Fact is a most clear Document; seeing 'tis altogether incredible, that the *Greeks*, who had so great a Veneration for that Sanctuary, could

¹ *Acta Angelicæ Apparit. apud Surium, tom. 5. pag. 322.*

² *Historia ignoti Monaci Cassin. in Cam. Pel. hist. Princ. Long. par. 1. pag. 97.*

³ *Tacit. --- Juliam Augusti neptem adulterii convictam, projectam ab eo fuisse insulam Tre-*

metum haud procul Apulis littoribus, ibique 20 Annis exilium tolerasse.

⁴ *Procop. lib. 1. de Ædific. Just. Imp.*

⁵ *Epist. 15. lib. 7. ind. 2.*

⁶ *Cam. Pel. in dissert. fines Duc. Benev. ad Septentrionem.*

⁷ *Baron. ad Ann. 535. num. 2.*

ever have had so wicked Inclinations, as to think of pillaging it, as he says, and thereupon come to Blows with the *Longobards*, who drove them away from committing so execrable and sacrilegious a Crime. We are to believe the Fact was quite otherwise, and just as *Pellegrinus* ¹ describes it, to wit, that the *Longobards* contending with the *Greeks* for the Possession of that Place, after a long and obstinate Battel, at last overcame the *Greeks*; and as they had been accusom'd to perpetrate such Wickedness already, in *Monte Casino*, under *Zoto*, so they design'd to commit the same in Mount *Garganus*, under *Grimoaldus*, by pillaging that Sanctuary, which being enrich'd by sundry Donations of the *Greeks*, had allured their Rapacity to commit that Sacrilege. And in effect, from the Acts of *S. Barbatus*, Bishop of *Beneventum*, which before they were printed, were preserv'd in the Monastery of the Monks of *S. John the Baptist*, in the City of *Campania*, and which were afterwards publish'd by *Joannes Bollandus* ², with his Notes, part of which is likewise now to be seen printed in Octavo, by *Ferdinandus Ugbellus* ³, we clearly perceive, that that Cathedral was actually pillag'd at that Time: So far was it from being prevented by the *Longobards* of *Beneventum*, that it remain'd abandon'd and desolate, *ut nec sedulum illic Officium persolvi possit*, as *S. Barbatus* says. It was not restored to its ancient Lustre till fifteen Years after, when *Constans* was driven out by the *Longobards*, who by the Assistance of *Barbatus* embrac'd the Catholick Religion, and relinquish'd their Infidelity; which Conversion the Author of the Acts of the Angelical Apparition, likewise a *Longobard*, was also pleas'd to apply to the *Neapolitan Greeks*, as we shall see anon; which will the more confirm what we have now said.

AND for the same Reason, they are likewise in an Error ⁴, who would impute to the *Saracens*, that which *Paul Warnefride* relates of the *Greeks*, to wit, that *Grimoaldus* in the same Years of his Government had fought on Mount *Garganus* with the *Saracens*, who designing to have pillag'd that Sanctuary, were by him defeated, and put to the Rout; for this War was betwixt the *Longobards* and the *Greeks*, as *Warnefride* writes, and not with the *Saracens*, who at that Time had not as yet come to ravage these our Provinces; and when they did come, it was not to *Garganus*, where they never fix'd themselves till the latter Times, but to *Garigliano*, where, *sua aliquando domicilia habuerunt*, as *Pellegrinus* writes. Neither is it true that the Pillage was prevented, so that the Defeat said to be given the *Saracens* by *Grimoaldus*, is equally fabulous with that other, which *Summontes* and others relate they receiv'd in *Naples* by *S. Agnellus* the Abbot, at a time when these People were not as yet known in *Italy*; neither had their Name been so much as heard of in these our Parts.

BUT while the *Longobards* of *Beneventum* are employ'd in these Wars with the *Greek Neapolitans*, the fatal Death of King *Rotaris* happen'd in *Pavia*, in the Year 652, who left *Rodoaldus* his only Son his Heir and Successor in the Kingdom, none other of his Male-Line remaining. *Rotaris* govern'd the Kingdom sixteen Years, with so much Prudence and Justice, that he was deservedly esteem'd one of the most illustrious Princes in the World; his having left his Subjects at liberty to live in whatever Religion they pleas'd, and his having allow'd in almost all the Cities of his Kingdom two Bishops, the one Catholick, and the other Arian, gave fresh Encouragement to the pernicious Maxim of wicked Politicians, that a Prince ought not to trouble himself about the Religion of his Subjects, nor force them to believe and profess what he might think the best: So that *Bodinus* ⁵, the Defender of this perverse Doctrine, to the Example of *Theodosius the Great*, who he believ'd likewise allow'd the same Liberty of Conscience to his Subjects, without minding whether they were Arians or Catholicks, did not forget to add this other of *Rotaris*, who allow'd the same. However, we ought not to pass over this Place without observing by the bye, the Error of this Author, who reckon'd *Theodosius the Great* to have been the Author of that Law ⁶; to which, altho' the Name of *Theodosius the Great*, as well as that of *Valentinian II.* be prefix'd in the *Theodosian Code*; nevertheless all Writers firmly agree, that *Valentinian* was the sole Author of it, who by the Instigation of the Empress *Justina* his Mother, and the Importunities of the Arian *Goths*, caus'd it to be publish'd that Year while he resided in *Milan*, against which *S. Ambrose* Bishop of that City so much declaim'd; and besides 'tis known, that

¹ Camil. Pel. loc. cit.

² Bolland. tom. 3. Act. Santor. 3. Febr.

³ Ughel. Ital. Sac. tom. 8. de Archiep. Benev.

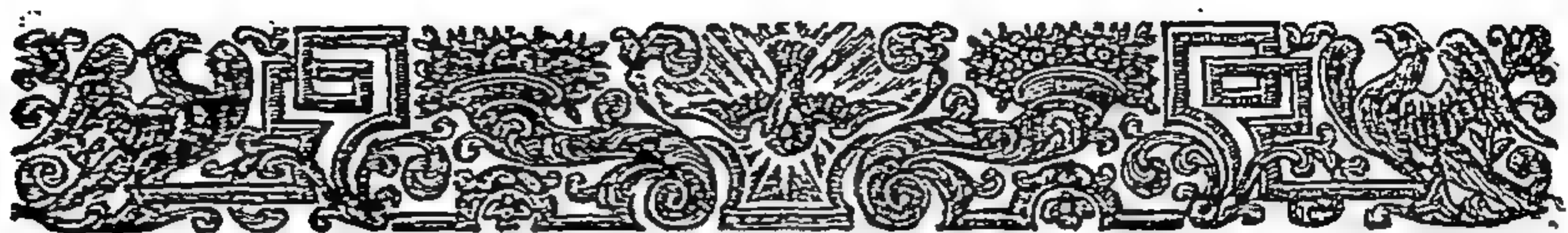
⁴ Ciarlan. of Samnium, lib.

⁵ Bodin. de Repub. lib. 4. cap 7.

⁶ L. ult. C. Th. de Fid. Cath

altho' at this Time two Emperors govern'd the Empire divided into the Western and Eastern; nevertheless the Custom was, that the Laws which were publish'd by either of them, bore in the Front the Names of all those who then govern'd the Empire; which we yet see on the Marbles: And the *Theodosian* Code itself furnishes us with abundance of other Examples, as was likewise observ'd by the careful *Jacobus Gotifredus*¹, who challeng'd *Franciscus Baldovinus* as guilty of the same Mistake, who by reason of that Inscription, likewise believ'd that *Theodosius* was the Author of that Law.

¹ Jac. Gothefr. in d. l. ult. & in Prolegom. c. 8.



CHAP. IX.

Of Rodoaldus, Aripertus, Partarites, Gundebertus, VIII. IX. X. and XI. Kings of the Longobards.



AS the long and prudent Reign of *Rotaris*, render'd the Affairs of the *Longobards* very prosperous in *Italy*, so the very short and imprudent Reign of his Son *Rodoaldus*, and especially the Discord among his Successors, brought them to a very dangerous Condition. Although *Warnefride* relates, that *Rodoaldus* reign'd five Years, yet he scarcely govern'd one alone; for having ravish'd the Wife of a certain *Longobard*, he was murder'd by the Husband; and amongst the five Years of his Reign *Paul* reckons up those when he reign'd together with his Father, who had made him his Colleague.

THE Male-Issue of *Rotaris* being extinct, the *Longobards* assembled in order to chuse a new King, and elected *Aripertus*, Son of *Gundoaldus*, Brother of *Theodolinda*. He, according to *Warnefride*, reign'd nine Years¹: In all the Course of his Government, History makes mention of nothing he did worthy of being recorded, if it was not that he deserv'd to be prais'd for his being much inclin'd to the Catholick Religion, as was thought, contrary to the Example of *Rotaris* and his Son *Rodoaldus*.

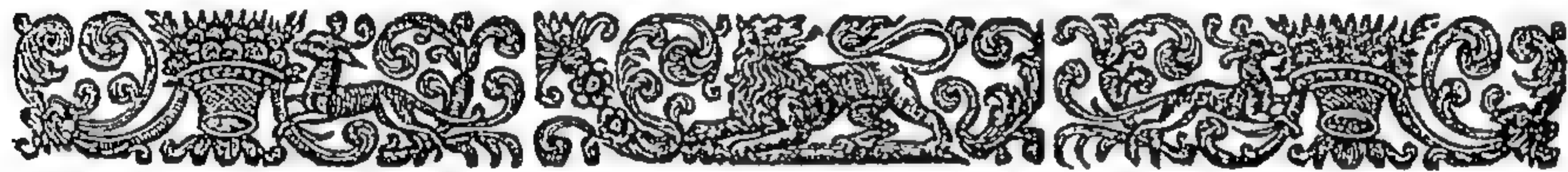
ARIPERTUS died in the Year 661, and left two Sons, *Partarites* and *Gundebertus*, who by bad Advice divided the Kingdom betwixt them. So *Gundebert* fix'd the Seat of his Kingdom in *Pavia*; and *Partarites* his in *Milan*; which furnish'd *Grimoaldus* our Duke of *Beneventum* with an Opportunity of driving them, both from their Seats, and of making himself Master of all the Kingdom; for Dissention and great Hatred having arisen betwixt the two Brothers, each of them seeking to possess the other's Kingdom, *Gundebert*, not satisfied with his own Lot, had a mind to have the intire Kingdom, and to drive his Brother from it; but not trusting to his own Strength, he sent *Garibaldus* Duke of *Turin*, to *Grimoaldus* Duke of *Beneventum*, to invite him to come and assist him in the Undertaking, promising for a Reward to give him his Sister in Marriage.

BUT the Duke of *Turin* address'd *Grimoaldus* in a quite different Manner, and betraying his Master, persuaded him that he ought not to neglect to take the

¹ Warnefr lib. 4. cap. 13.

Advantage of this Discord, which was able to put him in Possession of the Kingdom : It was no hard Matter to persuade him ; so that being spurr'd on by a covetous Desire to reign, he assembled some Troops the best way he could, and leaving *Romualdus* his Son Duke of *Beneventum*, march'd towards *Pavia*. Being arriv'd at *Piacenza*, he dispatch'd *Garibaldus* to *Gundebert* with Advice of his coming, *Garibaldus* after he had deliver'd his Message, told him besides, that it was proper he should go and meet the Duke ; and if he was suspicious of any Thing, he might put on Armour under the Royal Robes : On the other hand, with unheard-of Treachery, he advertis'd *Grimoaldus* to be aware of *Gundebert*, for he was coming to meet him in Armour. *Grimoaldus* believ'd the Traytor ; and what made him give the more Credit to him, was, that after they had met, while they were saluting and embracing one another, he felt that *Gundebert* had really Armour on him ; so that he did not in the least doubt but that all was prepared for murdering him, and in a violent Fury he drew his Sword, run him through, and kill'd him on the Spot, and immediately made himself Master of the Kingdom. *Gundebert* had at this Time a little Son call'd *Rambertus*, whom his trusty Friends carried off privately, and brought up carefully : *Grimoaldus* was not very solicitous about having him in his Custody, because he was yet but a Child.

AS soon as *Partarites* heard of this Adventure, in a panick Fear he deserted his Kingdom, and left his Wife *Rodolinda*, and *Cunipert* his little Son, to shift for themselves ; and in great haste fled to *Cacanus* King of the *Avari* for shelter. *Grimoaldus*, having taken *Milan*, confin'd *Rodolinda* and *Cunipert* in *Beneventum* ; afterwards he went to *Pavia*, where in the End of the Year 662, he was proclaim'd King by the *Longobards* themselves ; and having married the Sister of *Gundebert*, to the great Joy of every Body, he sent back the Army to *Beneventum*, loaded with Presents, and kept with himself only some of his most trusty Friends, whom he rais'd afterwards to the first Honours of the Kingdom.



C H A P. X.

Of Grimoaldus XII. King of the Longobards ; of Romualdus VI. Duke of Beneventum ; and of the Italian Expedition of Constantine Emperor of the East.



WHILE *Grimoaldus* reign'd in *Pavia*, and *Romualdus* his Son in *Beneventum*, with so great Contentment, a most dangerous and cruel War was hatching against them, which put them in danger of being driven from their Dominions. Hitherto the *Greek* Emperors, little mindful of the Affairs of *Italy*, and contenting themselves with having in it the Exarchate of *Ravenna*, the Dukedom of *Rome*, and those of *Naples*, *Gaeta*, and *Amalphis*, with some Cities in *Calabria* and the *Brutii*, had no Thoughts of restoring it to their Empire. The Emperor *Heraclius* could scarcely keep the *Longobards* within their Bounds, and from intirely driving the *Greeks* out of *Italy* ; but he dying in the Month of *May*, in the Year 641, left his Son *Constantine* his Successor : *Constantinople*, the Seat of the Empire, was at this Time so plagu'd with Revolutions, that the Affairs of *Italy* were quite neglected ; forasmuch as *Constantine* had been upon the Throne but four, or according to others ' six

¹ Freher. in Chronol.

Months, when *Martina* his Mother-in-Law caus'd him to be put to Death, to make room for her Son *Heracleon*. But he was turn'd out at the End of six Months, and banish'd, together with his Mother. *Constans* Son of *Constantine* succeeded him in the Year 642, at which time the Empire of the East began in some measure to breathe. This Prince was so intent upon reuniting *Italy* to the Empire of the East, that he reckon'd himself unworthy of swaying the Scepter of that Empire, if he did not altogether drive the *Longobards* out of *Italy*; and he was so bent on putting this Design in Execution, that not content with sending thither his Captains for that Undertaking, he would needs come in Person to these our Provinces, and put himself at the Head of his Army, leaving his Seat of *Constantinople* to shift for itself: A new Thing truly, which had never happen'd before, this being the first time that an Emperor of the East had been seen to go to *Italy* and to *Rome*. The Oddness and Novelty of which Fact gave occasion for much Speculation, in order to discover the Intent and Reasons of such a Movement.

SOME believ'd, that he having most treacherously murder'd *Theodore* his own Brother, who had often terrified him in hideous and frightful Shapes, and being tortur'd with such ugly Visions, had contriv'd Means for leaving that City, and those Places which had become so odious and fatal to him¹. Others attributed this Departure to the Hatred which the *Constantinopolitans* bore him, for his having embrac'd the Heresy of the *Monothelites*; and that therefore he intended to remove the Seat of the Empire to *Rome*. But the most judicious Authors, among which are, *Anastasius Bibliothecarius* and *Warnefride*², say, that he was moved on no other Account, but out of a Desire to recover *Italy*, and the Hopes of being able to drive the *Longobards* out of that Country with his own Forces; therefore in the Spring of the Year 663, he prepared a great Fleet, and departed from *Constantinople*, directing his Course for *Tarentum*. Many Cities of these our Provinces, which at present make our Kingdom, in the Reign of *Constans* were still under the Dominion of the *Greeks*; who besides the Dukedom of *Naples*, and other lesser Dukedoms, had likewise many other Maritime Cities in *Calabria*, such as *Tarentum*, that had not as yet been possess'd by the *Longobards* of *Beneventum*. *Constans* being arriv'd in this City, and having landed his Troops, whom the *Neapolitans* afterwards join'd, directed his March towards *Beneventum*. This unexpected Appearance of the *Greeks*, at first put the *Beneventans* into such a Consternation and Fright, that they deserted many Cities of *Puglia*; so that with small Resistance *Constans* took and destroy'd *Lucera*, a City not far from *Sipontum*; but he could not take *Acerenza* by reason of its strong Situation; and not willing to consume much Time, went immediately and pitch'd his Camp under *Beneventum*, and laid close Siege to it.

¹ Sigon. de R. Ital. ad A

² Warn. lib. 5. cap. 4.

S E C T. I.

Of Romualdus VI. Duke of Beneventum.

ROMUALDUS Duke of *Beneventum* seeing himself in this Condition, immediately dispatch'd *Gesualdus* his Ambassador, to King *Grimoaldus* his Father in *Pavia*, to beg of him to send him powerful Assistance; and in the mean time, tho' the City was often assaulted by the *Greeks*, yet the *Beneventan Longobards* still repuls'd them, and sometimes they likewise attack'd the *Greeks* in their Lodgments by frequent Sallies, and routed and did them considerable Damage every where; the Labours of *Barbatus*, now a Priest, and afterwards their Bishop, contributed not a little to the Defence of this City; who often inveighing against them, and declaring, that they were punish'd with the Calamities of so cruel a War, because that some of them had not as yet forsaken the Superstition of the *Gentiles*, and others of them *Arianism*; wrought so far upon them, that he brought them to renounce their Idolatry, and to implore the Divine Assistance, and the Protection of the Saints, in order to be
freed

freed from the Calamities that were hanging over them. But while *Constans* was at this Siege, behold, King *Grimoaldus* comes in Person with a powerful Army for the Relief of his Son; and in the mean time sends *Gesualdus* to advise him of it, and bid him take Courage, for that he would very soon relieve him. But this unlucky Man being arriv'd at the Enemies Camp, while he was endeavouring to throw himself into the besieged City, was taken, and carried before the Emperor *Constans*; who understanding that *Grimoaldus* was on his March with a strong Army in order to relieve his Son, and that he was already very near, was greatly perplex'd; and being resolv'd to raise the Siege, he try'd, because he could do it safely, and by that means reap some honourable Conditions of Peace, to get *Gesualdus* to declare the Success of his Embassy to *Romualdus* quite contrary to what it was; therefore having caus'd him to be brought under the Walls, he compell'd him to call to *Romualdus*, and tell him, that it was not possible his Father could come to his Relief; but *Gesualdus*, with undaunted Courage, seeing *Romualdus* upon the Wall, with a loud Voice, that all the *Greeks* that were present might likewise hear, said to him: *Continue stedfast, and be of good Courage, my Lord; know, that your Father is near at hand with a powerful Army in order to relieve you, and this Night he will reach the River Sangro. I earnestly recommend to you my dear Wife and Children, because I am certain that these rascally Greeks will put me to Death immediately*. *Constans* being highly incensed at this generous and bold Action, instantly caus'd his Head to be cut off, and with the Machine for throwing Stones, threw it within the Walls. Duke *Romualdus* took it up, and most affectionately kissing it, bathed it with Tears; thus did he honour the singular Vertue and Love of his faithful Friend, and besides gave him a sumptuous and noble Burial.

THE Emperor therefore afraid of the coming of *Grimoaldus*, rais'd the Siege; and while he was marching in a great hurry towards his City of *Naples*, Count *Mitula* of *Capua*, gave his Army a great Overthrow on his way at the River *Calore*, which much afflicted him; and after his Arrival at *Naples*, with a Design to go from thence to *Rome*, *Saburrus* having represented to him, which encourag'd him in the Undertaking, that if he would leave with him Twenty thousand Soldiers under his Command, he would engage to subdue all the *Longobards*, and gain a compleat Victory; *Constans* granted his Request, and left him at the Pass of *Formia*, which is now said to be *Castellone*, or *Mola di Gacta*, where he could at least keep the Enemy in Awe, while the Emperor should go to *Rome*. The Army of *Saburrus* was made up of *Greeks* and *Neapolitans*, People who had always been Rivals, and implacable Enemies of the *Beneventans*, and with whom they always had had cruel and obstinate Wars. *Grimoaldus* being arrived at *Beneventum*, when he heard of the Braggings of *Saburrus*, and the Designs of the *Greeks*, was for going himself in Person to fight him; but being intreated by *Romualdus* his Son, to commit that Undertaking to him, for that he had Courage enough to engage him; he consented, and gave him a Part of his Army. *Romualdus* encountred the Enemies Army with wonderful Intrepidity; and while they were fighting boldly, and the Victory as yet very doubtful, a *Longobard* named *Amelongus*, who was wont to carry the Launce before the King, boldly struck with the same Launce a *Greek* Horseman, with so much Strength and Fury, that lifting him from the Saddle, he rais'd him up high in the Air, and threw him Headlong on the Ground. Such a valorous Action struck so much Terror and Astonishment into the *Greeks*, that they basely abandon'd the Field, and fled, and the *Longobards* pursuing them, made a most cruel Slaughter; and obtain'd a compleat Victory. *Romualdus* full of Joy return'd triumphantly to *Beneventum*, where he was receiv'd by his Father and the *Beneventans* with great Applause, as the Deliverer of his native Country, and was honour'd and prais'd by the State. In the mean time *Constans*, when he saw all his Labour lost, and himself left without any hopes of defeating the *Longobards*, that his coming to *Italy* might not seem altogether in vain, full of Rage, design'd to go to *Rome*, where altho' he was receiv'd with many Marks of Respect and Veneration by *Vitalianus* the *Roman* Pontiff, yet all the twelve Days he remain'd there, he minded nothing else but plundering it of the richest Ornaments he could find, taking what was most valuable of Gold, Silver, Brass and Marble, which he caus'd to be put on board his Ships, in order to carry them to *Constantinople*; he himself return'd by Land to *Naples*, and from thence to *Rhegium*, where his Army was for the third Time defeated by the *Beneventans*: From thence he went to *Sicily*; where having continued some time,

¹ Warnefr. lib. 5. cap. 4.

in the Year 668. he was miserably kill'd in the Bath by his own Men ¹ in *Syracuse*; and the inestimable Plunder and Riches which he had gathered together in *Rome*, and other Places, fell into the Hands of the *Saracens*, and were carried to *Alexandria*, and not to *Constantinople*.

SUCH was the fatal Issue of this Expedition of *Constans*, both with respect to the *Greeks* and himself, who by undertaking to restore *Italy* to his Empire, render'd the Affairs of the *Longobards* more prosperous: An Expedition as unfortunate to the *Greeks*, who were very near quite driven out of *Italy*, as it was fortunate and prosperous to the *Longobards*, who being more firmly establish'd in their Dominion, were intent on nothing afterwards but expelling the *Greeks* from those Cities which as yet they had Possession of. By these famous Victories, *Romualdus* so much enlarg'd the Dukedom of *Beneventum*, that having driven the *Greeks* from *Bari*, *Tarentum*, *Brundysium*, and all the other Places of *Calabria*, which at present go by the Name of *Terra d'Otranto*, he confin'd them to the small Dukedom of *Naples*, and *Amalphis*, and to *Otranto*, *Gallipoli*, *Gaeta*, and some other Maritime Cities of the *Bruttii*, which we now call the *Further Calabria*.

THESE were the remarkable Defeats, which, as the Historians of those Times relate, were given the *Neapolitans* by the *Beneventans*; about the same Time it was, that by the Labour of *S. Barbatus* the *Longobards* of *Beneventum* renounc'd Idolatry and Superstition, and heartily embrac'd the Catholick Religion. Which Conversion *Warnefride*, and the Writer of the Acts of the Angelical Apparition in Mount *Garganus*, both of them *Longobards*, most industriously conceal; that by so doing they may not discover, that hitherto the *Longobards* had continu'd Heathen, and that they had charg'd the *Neapolitans* with what the *Longobards* did, tho' the *Neapolitans*, as we have seen, had a great Regard both for the Catholick Faith, and the Sanctuary of Mount *Garganus*, of which there can be no better Proof than the Acts of *S. Barbatus* himself, now publish'd by *Bolandus* and *Ughellus* ², for after *Barbatus* had persuad'd the Duke of *Beneventum*, and the *Longobards*, that their having escap'd so many Calamities, was the Work of God and *S. Michael the Archangel*, they forsook all Heathenish Rites, and embracing the Catholick Religion, chose him Bishop of that City; and the Duke having offered him many and rich Donations, the holy Bishop refused them, and at the same Time persuad'd *Romualdus* that these Donations would be better bestow'd on the Cathedral of Mount *Garganus*, which by its being lately pillaged, had been neglected, and less frequented; and that his Example would instill into his *Longobards* a Veneration for the Place, and make it to be more frequented; and he likewise desired that the Duke would annex to his See of *Beneventum*, all that depended on the Bishoprick of *Sipontum*, because these Places at present uncultivated, being put under his Care, could be better kept and look'd after, to which *Grimoaldus* consented; whence it is, that from the Time of Pope *Vitalianus*, the Bishoprick of *Sipontum*, and the Care of the Cathedral of Mount *Garganus* did belong to the See of *Beneventum*, as is manifest from some Letters of Pope *Vitalianus* directed to the same *Barbatus*, related by *Marius Vipper*, in the first Book of his Chronology of the Bishops and Archbishops of *Beneventum*: So that afterwards in the succeeding Times, the Churches of *Sipontum* and Mount *Garganus* were long subject to the Bishops of *Beneventum*, until the Principality of *Beneventum* being in a declining Condition, *Sipontum* got its Archbishop restored; under whose Care these Churches absolutely return'd, as we shall shew more at length, when we come to treat of the Ecclesiastical Polity of these Times.

ON this Account, the Veneration which the *Longobards* had for this Sanctuary grew greater, insomuch that they acknowledg'd the Saint for their Protector; and as the *Subalpine Longobards* had for their Protector the Forerunner of Christ, so those of *Spoletium* had *S. Sabinus* Bishop and Martyr; and our *Longobards* on this Side of the *Tyber*, had *Michael the Archangel* ³: So that all the Victories which the *Longobards* gain'd after this Time over the *Neapolitans*, which were many, as well as this which happen'd on the eighth of *May*, the Day of the Angelical Apparition, were attributed to the Intercession of this their Protector ⁴: Whence likewise the

¹ P. Pagi de Consulib. pag. 348.

² Boland. loc. cit. Ughel. tom. 9. Ital. Sacr. loc. cit.

³ P. Warnefr. lib. 4. c. 5. Cam. Pel. Diss. de Duc. Ben.

⁴ Hist. Ignoti Monaci Cassin. apud Cam. Pel. par. 1. hist. Princ. Longobard.

Error of those is manifest, who being ignorant of these Facts, carry back these Events to the Time of *Theodorick the Ostrogoth*; and being now convinced that before these Times the *Neapolitans* were Catholick, would have what is said of the Heathen *Neapolitans* to be understood of the *Vandals*, who were then join'd with the *Neapolitans* against the *Goths*.

S E C T. II.

The coming of the Bulgarians; and the Origin of the Italian Language.

BUT to return to King *Grimoaldus*, whom we left in *Beneventum*; this Prince seeing the Affairs of the *Greeks* at such a low Ebb, after having rewarded *Mitola* by making him Count of *Capua*, and given him his Daughter to Wife besides; on the Death of *Zoto* likewise made him Duke of *Spoletium*, and kept his Court at *Pavia*. While he was there intent on punishing the Rebellion of *Lupus* Duke of *Friuli*, *Alczetus* Duke of the *Bulgarians* came to him¹, who having forsaken his own Country, for what Reason is not known, enter'd peaceably into *Italy* with his *Bulgarians*, and offered his Service to *Grimoaldus*, intimating at the same time, that he was willing to live with his People in any Place of his Dominions he should be pleas'd to appoint. The *Bulgarians* had come from that Part of the *Asiatick Sarmatia* which is wash'd with the River *Volga*; and after having travers'd all those vast Countries which reach from that River to the Mouths of the *Danube*, they pass'd it for the first time in the Reign of the Emperor *Anastasius*, and made great Havock in *Thrace* and *Illyricum*, and settled themselves at last along the *Danube*, in that Tract of Country which comprehends the two *Mysias*, with the lesser *Scythia*, which is now called *Bulgaria* from the Name of these People.

THE King receiv'd him very graciously, thinking he would be of great Use and Assistance to his Son against the *Greeks*, and sent him to *Romualdus* in *Beneventum*, whom he order'd to give him some Places in the Dukedom of *Beneventum*, for himself and People to live in. Duke *Romualdus* gave him a kind Reception, and allotted to him and his People many fine Cities in that Dukedom, to wit, *Sepinum*, *Bajanum*, and *Ifernina*, with other Cities and Territories in the Neighbourhood; but he would have him to lay aside the Title of Duke (for he had not given him those Places in Seignory and Property) and for the future call himself *Gastaldus*, perhaps he thought it was not fit, seeing he had no other Title himself but that of Duke, that one of his Subjects should have the same Title; whence it came to pass, that the Dukedom of *Beneventum* being divided into many Counties, all subject to the Duke of *Beneventum*, they who were appointed to govern them, had no other Title but that of *Comites* or *Gastaldi*, and they held these Places, as *Cujacius* says, *Jure Gastaldie, non perpetuo, proprioque Feudi jure*².

THUS in the Year 667, a new Nation of *Bulgarians* was brought into our Kingdom; a People who for many Ages inhabited that Country which we now call *Contado di Molise*; and altho', more than a Hundred and fifty Years after, when *Warnefride* wrote his History, they had learned our common *Italian* Language, nevertheless, they had not then lost the Use of their own, as he relates in the fifth Book of the Actions of the *Longobards*, Article 11.; in which Place what he writes is worthy of Observation, that in his time the *Bulgarians* retain'd their own Language, tho' they likewise spoke a sort of *Latin*, *Quamvis etiam Latine loquantur*, which we are not to understand, as some have done³, that they spoke *Roman Latin*, which about the End of the ninth Century, when *Warnefride* wrote, was generally forgotten and diffus'd, and was only made use of in Writings, but very much corrupted, and the Variety, Mixture, and Confusion of so many foreign Languages with the *Latin*, had given Rise to another new and vulgar Language which was then current in *Italy*, and call'd the *Italian*.

¹ P. Warnefr. lib. 5. cap. 11.

² Cujac. lib. 1. de Feud. tit. 1. §. 3.

³ Ciarlant. of Samnium and others.

THIS not to be doubted in the least; but that at this Time the *Italian* Language had got footing, and was much in use, it being more ancient than some believe. *Fornerius* attests ¹, that in the Time of the Emperor *Justinian* there had been an Instrument drawn up in *Ravenna*, *Conceptum eo fere Sermone, quo nunc vulgus Italiae utitur*. *Constantinus Porphyrogenitus* also in his Time, about the Year 910, calls *Beneventum* and *Venice, Citta Nova* ². The Author of the Acts of *Alexander III.* as Cardinal *Baronius* has it ³, relating the reproachful Language given by the *Roman* Women to *Octavianus* the Antipope, says, that they called him *Lingua Vulgari: Santa Campagno*. Afterwards in the Time of *Frederick II.* it was most common, and become already old: Not to mention *Ramitus* of *Calabria*, who, as *Richard* of *S. Germano* relates ⁴, went about crying, *Benedittu, laudatu e santificatu lu Patre: Benedittu laudatu e santificatu lu fillu: Benedittu laudatu e santificatu lu Spiritu santu*; nor the same *Frederick*, nor *Eutius* his Bastard Son, nor *Pietro delle Vigne*, nor many others of that Age, we read of many Compositions written in the *Italian* Language.

THIS Language, by the Writers of this, and likewise of the following Centuries, was also call'd *Latin*, for it was commonly spoke even by the ancient Provincials (whose Language before the Corruption was the ancient *Latin*) who were call'd *Latins*, or *Romans*, in order to distinguish them, either from the *Greeks*, or *Longobards*, or other Nations that came into *Italy*; whence not only *Paul Warnefride*, but Writers much later than he, by the vulgar or common *Latin*, understand the vulgar or common *Italian*. So *Otho Frisingensis* ⁵ commends the *Longobards* of his Time, who were then become *Italians*, for the Elegancy of the *Latin* Language, that is to say, the *Italian*, which they spoke not only well, but also readily. At this Time our *Italian* Idiom pass'd under no other Name but that of the vulgar *Latin*; it was call'd so in the End of the first Chapter of *Ser Brunettus*: So likewise those who spoke not the ancient *Latin*, but our *Italian* Dialect, by *Dante Alighieri*, *Petrarcha* ⁶, and *Boccaccio* ⁷ are said, *Latine loqui*, as the most exact *Pellegrinus* nicely observes ⁸.

AND from this Residence, which various Nations had in many Parts of this our Kingdom, has risen the so great Diversity of Language which we observe in these our Provinces, altho' they all spoke a sort of *Italian*; for tho' the *Bulgarians* had liv'd many Ages in these Cities, and in process of Time had become *Italians*, and left off their own Language, and learn'd the Vulgar; nevertheless the Mixture of two Nations in the same Place, occasion'd that the *Italian*, tho' superior, became somewhat corrupted; and besides the new Words of that strange Nation, retain'd likewise a foreign Twang or Accent. So likewise in other Parts of our Kingdom, such as *Samnium* and *Apurium*, where the *Longobards* continued longest, besides Words, they left an Impression different from the common *Italian* Language: And in those Countries where the *Greeks* were long settled, as in some Cities of *Calabria*, and particularly in *Naples*, they retain to this Day a great deal of the Tone of their Language, as also many of their Words; and there are some who have been at the Pains to collect a long Catalogue of them, as *Capaccius* ⁹ did of the *Greek* Words which the *Neapolitans* make use of in their common Discourse at this Day. The Novelty and Variety of foreign Nations who invaded the Kingdom, did not end here, but one Nation succeeded another at different Times, and in different Countries of it; from whence sprung the so many various and strange Mixtures which we see at this Time.

EVEN the *Arabians* or *Saracens* left us their Share; these fixed themselves first in *Garigliano*; from thence dispersing themselves over *Calabria*, *Puglia*, and *Pozzuolo*, left several Words among us; for Example, *Meschino*, *Magazzino*, *Maschera*, *Gibel*, which signifies a Hill; whence *Aetna*, by way of Excellency, is called *Gibel*, and corruptly *Mongibello*, repeating the same Thing twice, not to mention other Examples. And some have written, that it was the *Arabians* who first taught the *Sicilians*, and afterwards the other *Italians*, as also the *Spaniards*, to rhyme; and *Thomas Campanella*, in order to confirm that, brings a *Sclavonian* Song for a Testi-

¹ For. in Notis. ad Cass. lib. 10. cap. 7.

² Constant. de Admin. Imp. cap. 27, & 28.

³ Baron. An. lib. 12. an. 1154.

⁴ Ric. in Chron. an. 1222.

⁵ Otho Frising. de Gest. Fred. lib. 2. c. 13.

⁶ Petrar. in Trionfo d'Amore, cap. 2. and elsewhere.

⁷ Boccac. Novel. 2. Giorn. 5.

⁸ Camill. Pell. in Diss. de Duc. Ben.

⁹ Capac. in Forastier. cap. 1. num. 10.

mony, wherein the same is affirm'd, and which he was wont to repeat by Heart; from whom afterwards the other Provinces of *Europe* learn'd it, and at last it reach'd *Germany*, as may be seen in that Poem, or rhiming Verses of *Otphridus*, who liv'd in the Time of *Lewis the Pious*, whom *Antonius Matthæus*¹ believes to be the most ancient Writer the *Germans* now pretend to: Besides, as we shall see in the following Books of this History, it was from the *Arabians*, and none else, that we had Philosophy, Physick, Mathematicks, and other Learning, which for many Ages have been taught in our Schools.

BUT the *Normans*, the *Suevi*, the *French*, the *Spaniards*, the *Albani* (and who not?) succeeding the *Longobards*, *Greeks*, and *Saracens*, tho' all our Provinces retain'd the same *Italian* Language, occasion'd that Diversity and Mixture which we at present see, and is the more surprizing, that there is not the least Part whatsoever in the Kingdom, that either in the Terms, the Accent, and often in the Words, does not differ, and is distinguish'd from the rest; but enough of this, and perhaps we shall have occasion to touch on it elsewhere.

¹ Anton. Mathæus de Criminibus ad L. Juliam Majest.

S E C T. III.

The Laws of Grimoaldus, and his Death.

MEAN while *Grimoaldus* freed from all Suspicion and warlike Cares, in the sixth Year of his Reign, was altogether intent on the Arts of Peace, and to secure the Quiet of his Dominions by new Laws. The Laws of *Rotaris* during the Space of Twenty-four Years that they had been publish'd, had taken deep Root in *Italy*; not only the *Longobards*, for whom they had been made, began to conform themselves to them, but likewise the Natives, tho' the Use of the *Roman* Laws had never been forbid them: But in process of Time, as commonly happens, it was observ'd, that these were not sufficient for every Thing that was necessary, and many of them when they came to be made use of, and put in Practice, seem'd something harsh and grievous¹; whence *Grimoaldus*, a most prudent Prince, desirous to reform in Part the Edict of *Rotaris*, and to add to it other Laws, which seem'd to him more useful: Having assembled his *Longobards* and their Judges, according to their Custom, in the Year 668, which was the sixth of his Reign, added other Laws to the Edict of *Rotaris*, and reform'd those already made, and publish'd a new Edict with this Preamble; *Superiore pagina hujus Edicti legitur, quod adhuc annuente Domino memorare poterimus, de singulis Causis, quæ præsentibus non essent adscriptæ in hoc Edicto adjungere debeamus, ita ut causæ, quæ judicatæ & finitæ sunt, non revolvantur. Ideo ego Grimoaldus vir excellentissimus, Rex Gentis Longobardorum, Anno Deo propitio, sexto Regni mei, mense Julio, Indictione undecima, per suggestionem Judicum, omniumque consensum, quæ illis dura, & impia in hoc Edicto visa sunt, ad meliorem sensum revocare prævidimus*².

THIS Edict of *Grimoaldus* is to be found in the abovementioned Code of the Monastery of the Cave, after that of *Rotaris*, and is contain'd in eleven Chapters, the Titles of which are these, I. *Si quis hominum nolendo occiderit.* II. *Ut causæ finitæ non revolvantur.* III. *De servo, qui 30 annos servivit.* IV. *De 30 annorum libertate.* V. *De culpa servorum.* VI. *De 30 annorum possessione.* VII. *De successione Nepotum.* VIII. *De Uxoribus dimittendis.* IX. *De Crimine uxoris.* X. *Si mulier, aut Puella super alia ad maritum intraverit.* XI. *Si ancilla furtum fecerit.*

THE Compiler of the three Books of the Laws of the *Longobards*, inserted likewise some of these Laws of *Grimoaldus* in the first and second Book, to the Number of Seven. We read the first in the first Book, under the Title *de Furtis, & servis*

¹ P. Warnefr. lib. 5. cap. 12.

² We read in Codice Cavense; and in the Body of the Laws of the Longobards, Salick

and German, &c. of the Basil Edition in the Year 1557. and in Sigonius de Reg. Ital. lib. 2. ad Anno 668.

Fugacibus; the second under the Title *de culpis Servorum*; the third in the second Book under the Title *de Eo, qui uxorem suam dimiserit*; three others in the same Book under the Title *de Præscription.*; and the seventh in the same second Book under the Title *Qualiter quisque se defendere debeat.*

AFTER *Grimoaldus* had so well perform'd the Part of an excellent Prince, by a most surprizing Accident he was snatch'd away by Death; for having been blooded in one of his Arms, nine Days after, when with all his Strength he was bending a Bow, the Vein opened again, and all Means possible were used for closing it, but to no purpose; being drain'd of Blood, he died in the ninth Year of his Reign, which fell out in the Year 672. of Man's Redemption. *Grimoaldus* was endued with all singular Vertues, and by his Prudence and courteous Deportment was exalted to the Throne: A Prince, who by his Piety left a commendable and worthy Example for his People to follow; for tho' he had been born and brought up in the Arian Heresy, by the Assistance of *John* Bishop of *Bergamo*, a Man of singular Goodness and Learning, he forsook it, and embrac'd the Catholick Religion; not content with that, he repaired many Churches, and rebuilt others, amongst which that dedicated to *Alexander*, in the Island of *Dulcheria* was famous, and the other in *Pavia* to the holy Bishop *Ambrose*¹. And his Example was so prevalent, that the Kings his Successors were all Catholicks, and Arianism was forsaken by all the *Longobards* in *Italy*.

¹ Sigon. de R. Ital. ad A. 672.



C H A P. XI.

Of Garibaldus, Pertarites, Cunipertes, and other Kings and Dukes of Beneventum, down to Luitprandus.



RIMOALDUS left, besides *Romualdus* who reign'd in *Beneventum*, another little Son nam'd *Garibaldus*, to whom on his Death-bed he left the Kingdom. *Romualdus* Duke of *Beneventum* was not advanc'd to the Royal Throne, tho' the Eldest, because he was reputed a Bastard. But *Garibaldus* did not long enjoy it, for he had scarcely mounted the Throne, when *Pertarites*, who had been banish'd into *France*, hearing of the Death of *Grimoaldus*, came immediately into *Italy*, where being receiv'd with incredible Joy by a great Multitude of *Longobards*, he presently went to *Pavia*; from whence *Garibaldus*, after a Reign of three Months from the Death of his Father, was expell'd, and *Pertarites* plac'd on the Throne by the *Longobards*; and having recall'd his Wife *Rodolinda*, and *Cunipertus* his Son, who had been long in Exile in *Beneventum*, he govern'd the Kingdom afterwards with so much Peace and Justice, that no Violence, Robbery, or Treason was heard of during his Reign.

THIS Prince in the Year 680, associated *Cunipertus* his Son with himself in the Kingdom, and *Pertarites* at last dying in the Year 690, he continued to govern alone: However his Peace and Quiet was somewhat interrupted by *Alabis* Duke of *Trent*, who invaded the Kingdom; but he was soon expell'd, and *Cunipertus* continu'd to govern the Realm with the former wonted Quiet. *Cunipertus* died in the Year 703, leaving for Successor in the Kingdom *Luitpertus* his only Son, yet an Infant, therefore he left him under the Care of *Asprandus*, a Man of noble Birth.

Birth. *Cunipertus*, as *Warnefride* says, was a Prince of singular and wonderful Beauty, of most sweet Manners, and uncommon Courage, and a Catholick of rare Piety, so that the Kingdom of the *Longobards* had never been seen hitherto in so much Peace and Tranquillity as in his Reign, and that of *Pertarites* his Father.

S E C T. I.

Of Grimoaldus II. Gisulphus I. Romualdus II. Adelai; Gregorius, Godescalcus, Gisulphus II. and Luitprandus, Dukes of Beneventum.

IN the mean time, *Romualdus* dying in the Year 677, was succeeded by *Grimoaldus II.* his Son, to whom he left the Dukedom much greater, having enlarged it with the Conquest of *Taranto*, *Brundisium*, *Bari*, and all the Country round about, which he had taken from the Emperor of the East. But *Grimoaldus* enjoy'd the Dukedom not quite three Years; during which Time, together with his Brother *Gisulphus*, he had govern'd it, and dying, left him alone in the Dukedom.

GISULPHUS held the Dukedom of *Beneventum*, reckoning the three Years which he reign'd with his Brother *Grimoaldus*, seventeen Years; and he began to govern it alone about the End of the Year 680, according to the Computation of *Pellegrinus*, and laid waste the *Campania Romana*.

BUT *Gisulphus* dying in the Year 694, was succeeded in the Dukedom by *Romualdus II.* his Son, and while he govern'd *Beneventum* the Monastery of *Casino* was restor'd to its ancient Lustre by *Pertinax*. The Government of *Romualdus* was of a pretty long duration, having lasted twenty-six Years, during which Time he much vexed the *Neapolitans*, from whom he took *Cuma*; but they, at the Instigation of Pope *Gregory II.* making War under their Duke *John*, very soon retook it, and made great Havock of the *Longobards* ¹.

TO *Romualdus*, in the Year 720, *Adelai* succeeded, who govern'd only two Years. To him succeeded *Gregory*, who held the Dukedom seven Years, and dying in the Year 729, was succeeded in the Dukedom by *Godescalcus*, who rul'd it somewhat less than four Years.

GISULPHUS II. of that Name succeeded in the Year 732, who to make amends for the Pillage of *Zoto*, enrich'd the Monastery of *Monte Casino* with many Possessions and large Donations; such Places and Lands of the Estate of *S. Germano* were given to it at this Time; and that at length being increas'd with other Donations, it became so rich, that the Abbots being Lords of many Vassals, rose to such a Height, that they kept Troops in their own Pay.

GISULPHUS govern'd the Dukedom of *Beneventum* seventeen Years; a Prince of great Piety, and most munificent to the Churches, to which he was profuse in his Gifts, and built many, amongst which that of *S. Sophia* was famous, which he rais'd in *Beneventum* from the Foundation. He died in the Year 744, and his Successor was *Luitprandus* the last Duke of *Beneventum*. He held the Dukedom eight Years and three Months; and after his Death, in the Year 758, *Arechis* his Son-in-Law was substituted in his Room by the Barons of *Beneventum*, and King *Desiderius*; Who, when the Kingdom of the *Longobards* was extinguish'd by *Charles the Great*, first chang'd the Dukedom of *Beneventum* into a Principality, and introducing a new Polity, filled his Dominion with many Counts, and *Castellains* or *Gastaldi*; and laying aside the Title of Duke, took that of Prince, and causing himself to be anointed by his Bishops, assumed the Crown, Scepter, the Purple Garment, and all the other Ensigns of Royalty; whose notable Exploits will furnish us with abundance of Matter in the sixth Book of this History.

¹ Jo. Diacon. apud Ughell. de Episc. Neap. pag. 86.

S E C T. II.

Of Luitpertus, Ragumbertus, Aripertus II. and Asprandus Kings of the Longobards.

IN the mean time *Ragumbertus* had succeeded *Luitpertus*, who had reign'd only eight Months in the Kingdom of *Italy*. He was Duke of *Turin*, and Son of *Gudebertus*, who left him very young when he was kill'd by King *Grimoaldus*. He invaded the Kingdom in the Minority of *Luitpertus*, and at last drove him from the Throne.

TO *Ragumbertus*, who died the same Year, *Aripertus* II. of that Name, his Son, succeeded, of whom 'tis said, that he confirm'd the Patrimony of the *Alpes Cottiae* to the Church of *Rome*; but he was afterwards chased away and kill'd by *Asprandus*, who took Possession of the Kingdom; and he likewise dying after three Months, left it to *Luitprandus* his Son, in whose Time were hatch'd those Mischiefs, which not long after were the Occasion of the transferring the Kingdom of *Italy* from the *Longobards* to the *French*; whence sprung the Beginning of the Temporal Dominion of the Popes in *Italy*, and so many and strange Changes happen'd in these our Provinces, that for the Novelty and Importance of the Events, after we shall have related the Ecclesiastical Polity of these Times, deserve to be reported in the following Book of this History.



C H A P. XII.

Of the Exterior Ecclesiastical Polity in the Kingdom of the Longobards, from Autaris down to King Luitprandus; and in the Empire of the Greeks, from Justin II. down to Leo Isauricus.



HOW great soever the Progress of the Patriarchs of *Constantinople* had been in these Times in the East, nevertheless they had not as yet extended their Patriarchal Authority over these our Provinces; although by Degrees, being upheld by the Favour of the Emperors, they began to lay Claim to some Churches of those Cities which were yet under the *Greek* Empire. The first Step they took was, by giving the Bishops the Title of Archbishops, which not being a Title of Power, such as Metropolitan, but only of Dignity, it was very easy for a simple Bishop to obtain it, and for the Patriarchs of the East to give it: So we read, that from the Reign of the Emperor *Phocas*, who govern'd the Empire from the Year 602. to 610, the Patriarchs of *Constantinople* began, according to the wonted Pride of the *Greeks*, to give many of the Bishops of our Cities which were under their Subjection, that specious Title of Archbishop, such as those of *Otranto*, *Bari*, and afterwards also to the Bishop

Bishop of *Naples*¹, to the great Indignation of the Popes. These were the first Steps they took in these our Parts; but in the East, by reason that the other Patriarchal Cities were possessed by the Barbarians, and the three Patriarchs laid aside, so that there could not be a continued Succession preserv'd, the Patriarch of *Constantinople* became more haughty and arrogant: Whence *Joannes Jejunator*, who was elected Patriarch of *Constantinople* in the Year 585, during the Empire of *Mauritius*, took the vain-glorious Title of *Oecumenical Patriarch*.

BUT on the other hand, the Progress of the Patriarch of *Rome* was no less in the West, that he might withstand so much Pride, and counterballance so great Power. And the Chair of *Rome* was at this Time much exalted above all others, on account of the Sanctity and Doctrine of *Gregory the Great*, who sat in it in the Year 590. This Pope maintain'd the Prerogatives and Rights of his See, and made his Authority to be respected over all the West; he oppos'd the Patriarch *John*, and did not approve of the pompous Title of *Oecumenical Patriarch* of *Constantinople*, as being Ambitious, and which tended to the Diminution of the Power and Jurisdiction of other Bishops; so that he was the first who call'd and subscrib'd himself *Servus Servorum Dei*, in Opposition to the vain-glorious Title of *Oecumenical Patriarch* of *Constantinople*.²

FOR which purpose he endeavour'd to keep in Favour with the Emperors of the East, whose Subject he profess'd himself to be³, *Rome* being under those Princes; and that he might deserve well of them, he always oppos'd the Power of the *Longobards*, by not only taking Care for the Defence of that City, but of all the rest; and particularly of *Naples*, in order to maintain the Dominion of the Emperors of the East in *Italy*, and to counterballance the Power of the *Longobards*, who aim'd at the universal Monarchy of all *Italy*, and driving the *Greeks* intirely out of it: Therefore he reliev'd the People by his great Liberality; and when the *Longobards* pillag'd *Croton*, and carried the Citizens into Captivity, he apply'd himself so strenuously, that by his good Offices he got them ransom'd. And he took a special Care of the Churches of *Italy*, *Sicily*, and of these our Provinces, which as formerly acknowledged no other Patriarch but him, and the other Popes his Successors. So we see, that in the Ordination of Bishops in *Sicily*, *Naples*, *Capua*, *Misenum*, *Beneventum*, *Puglia*, *Calabria*, *Lucania*, and *Aprutium*, recourse was had to him, and any Disputes that arose about Elections were decided by him. He likewise applied himself wholly to the Affairs of the Universal Church, and he not only took Pains to extinguish the Division which was in the Church, betwixt the *Latins* and the *Greeks*, but also to extirpate the Schism of the *Donatists* out of *Africa*; and he sent *Augustin* the Monk into *England*, in order to convert those People. He left no Stone unturn'd, that by the Means of *Theodolinda*, the *Longobards*, by forsaking their Idolatry and Arianism, might embrace the Catholick Faith: Nevertheless he forbid the using of Violence to oblige the *Jews* to turn Christians. And above all, he was intent on keeping up the Church Discipline, and the absolute Observation of the Canons in all the Churches, holding it for certain, that the Power and Authority which the Primacy of his See gave him, made the most shining Figure by these Means.

THE Successors of *Gregory* took the same Measures; for although he died in the Year 604, and was succeeded by *Sabinian*, who held the See only five Months, and twenty-one Days; yet *Boniface III.* his Successor, who had been a long time Nuncio with the Emperor *Phocas*, Successor of *Mauritius*, by his Prudence had found Means so to insinuate himself into his Favour, that if we may give Credit to *Anastasius*, *Bede*, *Warnefride*, and many other Authors, when the Patriarchs of *Constantinople* claim'd the Primacy over all the Churches, he obtain'd a Rescript from *Phocas*, in which it was declar'd, That the Church of *Rome* ought to have the Primacy over all the Churches, and that the Bishop of *Rome* alone ought to have the Title of *Oecumenical Patriarch*; which 'tis said the Emperor *Phocas* did in Odium of *Chriacus* Patriarch of *Constantinople*, who had succeeded *Joannes Jejunator* in the Year 596, and died soon after.

BONIFACE IV. who succeeded the Third, found Means likewise to keep in Favour with the Emperor, and oppos'd the *Longobards*, so that he got the Temple

¹ Paul. Warnefr. Ughel. de Epif. Hydruntin. |
Beatil. hist. de Bari.

² Epist. Greg. M. lib. 4. ep. 80.
³ Lib. 2. ep. 62.

of *Phaeton* in *Rome*, from *Phocas*, in order to make a Church of it, which he did, and which, from its Figure is now call'd the *Rotunda*. All his Successors took the same Measures, and Pope *Vitalian*, when the Emperor *Constantine* came to *Rome* in the Year 663, receiv'd him with great Marks of Esteem and Respect: All the other Popes did the same, who continued firm in their Obedience to the Emperors of the East, against the *Longobards*, until *Leo Isauricus*, who, by defending the Error of the *Iconoclasts*, against the Authority of *Gregory II.* and *III.* put all in Confusion, as we shall see in the following Book of this History.

ON the other hand the *Longobards*, tho' for the most part Idolaters, and some of them Arians, did not disturb the Peace of our Churches; and as they found them at first under the Care of the Popes, so they suffered them to continue. King *Autaris* about the Year 587, forsook Paganism, and embrac'd the Christian Religion; but after the Example of the *Gotbick* Kings, he receiv'd it polluted with the *Arian* Heresy. The *Longobards* following the Example of their King did, the same, and made no Alteration in the Religion of the Provincials; whence there were seen in some Cities of *Italy* two Bishops, the one Arian, who had the Inspection of the converted *Longobards*; the other Catholick, who govern'd the Catholick Churches of the Provincials: However our Provinces were free of that Deformity; for those which continued subject to the Emperors of the East were all Catholick; the rest which were brought under the Dominion of the *Longobards*, kept the same Religion intire, which the *Goths*, and especially the great King *Theodorick*, had left them; in which King *Autaris*, and the other Kings his Successors persever'd. To all this was afterwards added the Piety of Queen *Theodolinda*, a most Religious and Catholick Lady, who, tho' she had not the desir'd Success in getting her first Husband *Autaris* perswaded to relinquish Arianism, yet such was the Influence she had upon her second *Agilulfus*, on account of the great Obligations he ow'd her, that she perswaded him to embrace the Catholick Religion; whence it was that *S. Gregory the Great* acknowledg'd himself so much oblig'd to that Princess, to whom he dedicated his four Books of the Lives of the Saints¹; and we read many affectionate Letters of his, full of Encomiums and Praises, directed to this Queen²: Whence many *Longobards*, following the Example of their Prince, became likewise Catholicks; whereupon many Churches and Monasteries were built in the Reign of *Agilulfus*³, to which many Lands were given, and the Bishops, who formerly had been despis'd in the Cities of the *Longobards*, were now comforted and much respected. And tho' in the Reign of *Ariovaldus*, a perfidious Arian, who succeeded *Agilulfus*, that Peace was disturb'd which *Agilulfus* had settled, nevertheless, *Rotaris* afterwards ascending the Throne, a Prince tho' an Arian, of a peaceable Disposition, and who allow'd the Provincials, as well as the *Longobards*, to enjoy what Religion they pleased best, Things return'd to the former Peace and Tranquillity, which was still more confirm'd in the Reign of *Aripertus*, who was very favourably inclin'd to the Catholick Religion.

BUT afterwards our *Longobards* on this Side of the *Tyber* were the first that relinquish'd Arianism altogether, the Praise of which was owing to two illustrious Bishops, *Barbatus* of *Beneventum*, and *Decorosus* of *Capua*. *Barbatus*, after the Defeat which the *Beneventan Longobards*, under their Duke *Romualdus*, gave the *Greeks*, purg'd that Nation not only of Idolatry, but likewise of Arianism; and they became all Catholicks; the same happen'd to the *Capuan Longobards* by *Decorosus* their Bishop: So that in all these Provinces which had been subjected to their Dominion, Arianism was quite abolish'd by the *Longobards* themselves. Altho' the East frequently produc'd Heresies and Errors concerning Doctrine, whence these Churches had no good Agreement with our Western, and especially at this Time on account of the Heresy of the *Monothelites*; nevertheless the Vigilance of the Popes, under whose Care and Government the Churches of the Provinces yet subject to the *Greeks* still continued, was such, that they were not polluted with these Errors.

BUT not long after, what happily fell out to our *Longobards* on this Side of the *Tyber*, under *Romualdus* Duke of *Beneventum*, happen'd to the *Subalpine Longobards*, under *Grimoaldus* King of *Italy*: This Prince becoming Catholick, so much favour'd the Churches, and had so great an Aversion to the Doctrine of the Arians,

¹ P. Warnefr. lib.

² Greg. M. lib. 3. ep. 4. & 33. lib. 7. ep. 42.

³ P. Warnefr. lib.

that he intirely abolish'd Arianism over all *Italy*. This gave Rise to the Riches of the Churches; whence likewise proceeded the Depravation of Manners of the greatest Part of Christians, and the Decay of Ecclesiastical Discipline.

THESE *Longobard* Princes, after the Example of all the other Princes of the West, and of the Emperors of the East, altho' they had become Christians, nevertheless with regard to the exterior Ecclesiastical Polity, kept up the same Prerogatives and Pre-eminence in their Dominions, that the *Gothish* Kings had done; and though the Popes made their own Authority to be regarded in the West, yet the Princes, and especially those of *France* and *Spain*, had a mind, amongst other Things, by their Laws and Edicts to give Force to the Provincial Synods, which were very frequent in this Century, and conven'd by their Order, for redressing of Grievances, and the corrupt Discipline and Irregularities of Ecclesiasticks. Likewise the Emperors of the East, not only follow'd the Footsteps of their Predecessors, but concern'd themselves much in the Affairs of Religion, the Popes not being able to make that Resistance they would willingly have done. The Emperor *Mauritius* treading in the same Footsteps of the other Emperors his Predecessors, publish'd Laws forbidding Soldiers to be receiv'd into Monasteries: *S. Gregory* ¹ complain'd of the Law, but did not impugn the Power of the Lawgiver; and with much Caution represented, that it was unjust, and against the Service of God, to hinder Men from chusing the Way to greater Perfection. *Mauritius* our Duke of *Naples*, oblig'd the Monks to stand Centinel for guarding the City, and quarter'd the Troops every where, not even sparing the Nunneries, of which this Pope likewise complain'd ².

MOREOVER the Emperors of the East appointed the Diocesses, and the Metropolis's, regulated the Sees and Precedencies, and augmented and diminish'd the Prerogatives of the Metropolitans at their Pleasure. And our Dukes of *Beneventum* did the same in their large Dukedom: At the Request of *Barbatus* Bishop of that City, Duke *Romualdus* united the Bishoprick of *Sipontum* to that of *Beneventum*; see the Request of *Barbatus* to *Romualdus*, as we read it in his Acts: *Simunus*, says he, *tuæ salutis offerre Studes, unum impende beneficium, ut B. Michaelis Archangeli domus, quæ in Gargano sita est, & omnia, quæ sub ditione Sipontini Episcopatus sunt, ad sedem Beatissimæ Genitricis Dei, tibi nunc indigne præsum, in omnibus subdas; & quoniam absque cultoribus omnia depravantur, unde nec sedulum Officium persolveri potest melius a nobis disposita tibi præstent in Salutem.* *Romualdus* granted his Request, and gave him a Diploma for it: *Illico Princeps viri Dei consentit petitionibus, eo ordine, ut fati sumus, & sicut mos est, per Præceptum Genetrici Dei universa concessit, & ut resonet in futurum, Anathematizaverat, qui contra hæc agens irritam hanc facere voluerit Concessionem.* *Barbatus* wanted likewise to have the Pope *Vitalianus* to consent to it, because it was the Business of the Roman Pontiffs (to whom *Samnium* and *Puglia*, as *Suburbicarian* Provinces, belong'd) to unite and separate their Churches, as had been often practis'd by Pope *Gregory*, who in the Year 592, join'd the Church of *Cuma* to that of *Misenus* ³, which Union was of short Duration; and the same was practis'd in other *Suburbicarian* Provinces. For we read in *Vipera* and *Ughellus* ⁴, the Brief of *Vitalianus* directed to Bishop *Barbatus*, wherein amongst other Things we find this; *Concedentes tibi, tuæque præfatæ Reverendissimæ Beneventanensi Ecclesiæ, Bibinum, Asculum, Larinum, & Ecclesiam Sancti Michaelis Archangeli in Gargano, pariterque Sipontinam Ecclesiam, quæ in magna inopia, & paupertate esse videtur, & absque cultoribus, & Ecclesiasticis Officiis nunc cernitur esse depravata, cum omnibus quidem eorum pertinentiis, & omnibus prædiis cum Ecclesiis, &c.* Therefore since this Time of Pope *Vitalianus*, the Church of *Sipontum* has been united to that of *Beneventum*, and the Bishops of *Beneventum* call'd themselves likewise Bishops of *Sipontum*, until these Churches were again separated.

THEREFORE, the Ecclesiastical Polity was not alter'd, either in the Provinces which were brought under the Dominion of the *Longobards*, or those which remain'd under the *Greeks*; but every Thing with respect to that was preserv'd in the same Form in which it had been under the *Gothish* Kings of *Italy*, and under *Justinian* and *Justin* Emperors of the East.

¹ S. Greg. epist. 62. lib. 11.

² Greg. lib. 7. ep. 74. & 107. Camil. Pel. |
fines Duc. Ben. ad Merid.

³ Ughel. de Episc. Camanis.

⁴ Ibid. de Episc. Benev.

S E C T. I.

The Election of Bishops, and their Disposition in the Cities of these our Provinces.

THE Bishops were still elected by the Clergy and People, and ordain'd by the Popes as formerly; but the Princes, as if such Power had been devolved upon them by the People, would have the greatest Share in the Elections, whence it came, that by their Means some being elected, who had neither Merit, Learning, nor Capacity, the Churches were ill govern'd. In the Register of the Letters of S. Gregory we read, that this Pope exercising both his Metropolitan and Patriarchal Authority in these our Provinces, not only ordain'd those elected by the Clergy and People, but also regulated the Elections, decided the Controversies which arose, and often depriv'd the Bishops of their Sees, when he found them unworthy. Thus we read of the Bishops of *Naples*, that in the Year 590, while *Demetrius* fill'd that Chair, he, for his many and heinous Crimes was deposed by Gregory the following Year; who after he had deposed him, wrote to the Clergy and the Orders of that City, to wit, to the Nobles and People, that in the Room of *Demetrius* they should chuse another; and in the mean Time he sent Bishop *Paul* to govern that Church, until they should chuse a Successor. The *Neapolitans* were so well pleas'd with *Paul*, that they wrote to the Pope, intreating him that he would give them him for their Bishop: Gregory took Time to consider; and in the mean while, *Paul* being in the Castle of *Lucullus*, which is now call'd *Uovo*, and having receiv'd an Affront from some Servants belonging to a *Neapolitan* Lady, named *Clementia*, intreated Gregory that he would allow him to return to his Church; whereupon the *Neapolitans* not agreeing amongst themselves in the Election of one of their Citizens, and perceiving that *Paul* would not accept, elected *Florentius* the Pope's Subdeacon, who was then in *Naples*; but he refusing the Charge, soon made his Escape, and fled to *Rome*; so that Gregory wrote to *Scholasticus* Duke of *Naples*, exhorting him to assemble the Nobles and the People of the City, in order to elect another Person; and after the Election to send the Decree to *Rome*, that he might ordain the Person elected: Adding besides, that seeing they had twice elected Strangers, if they could not find amongst the Citizens a Person fit for such a Charge, at least they should chuse three prudent and virtuous Men, to whom all the Orders were to give their Power, and send them to *Rome* as Representatives of the City, that together with the Pope, they might consult and order Matters so, as at last to find a Person of unspotted Life, and approve of him, that the Pope might ordain and send him to the vacant Church.

GREGORY wrote such another Letter¹ to *Peter* Subdeacon of *Campania*, who had the Charge of St. Peter's Patrimony in that Province, whom he injoin'd to cause the Clergy of the Church of *Naples* to be assembled, and to order them to chuse two or three of their Number, to whom they should give full Power, and send them to *Rome*; where being join'd to the other Representatives of the Nobility and People, they might treat about the Election and Ordination of the new Bishop.

THIS Election was call'd *per Compromissum*, which was wont to be practis'd in Cases of Division and Disagreement, that so by uniting their Minds and Suffrages in two or three prudent Persons, in order to shun Confusion and Disputes, these might elect him whom they thought the most deserving and capable². In this manner *Fortunatus* was elected at last by the Arbitrators in *Rome*, in the Month of *June*, in the Year 593; and being ordain'd by the Pope, came to *Naples*, where he was most lovingly receiv'd by the *Neapolitans* his Children, and he govern'd that Church for many Years with so much Prudence and Care, that he was highly commended by Gregory; whence we read many of his Letters directed to this Bishop⁴.

¹ Ep. Greg. apud Chioc. de Episc. Neap.

² Ep. apud Chioc. loc. cit.

³ Fr. Florens ad tit. de Elect. & El. pot. tit.

4. p. 175. & seq. Jo. a Costa in Sum. add. tit. Ant. Martheus man. ad jus Can. lib. 1. tit. 12.

⁴ Ep. Greg. apud Chioc. loc. cit.

FORTUNATUS dying, there arose new Disputes about a Successor; and the Suffrages being divided, the Clergy and People elected two Bishops; one Party elected *John* the Deacon; the other *Peter*, likewise a Deacon. Immediately they had their recourse to Pope *Gregory*, that of the two he might chuse him whom he should esteem the most worthy, and confirm and ordain him. But none of them pleas'd him: *John* was remarkable for Incontinency, having a Daughter who was a Testimony of his Weakness; *Peter* as an Usurer, and of a weak Understanding, was reckon'd unworthy, and not fit; whereupon he wrote back to the *Neapolitans* to chuse others, which they afterwards did¹.

WE see the same Method practis'd in the Elections of the Bishops of *Capua*, *Cuma*, *Misenus*, *Beneventum*, *Salernum*, *Aprutium*, and of all the other Churches in these our Provinces, which as *Suburbicarian* belong'd to the Pope: *Palermo*, likewise *Messina*, and all the other Churches of that Island, *Sicily* being also a *Suburbicarian* Province, observ'd the same Rule.

THE Election, according to the Direction of the Canons, ought to fall upon one who was of the same Church, or who (according to the Language of this Time) was incardinated into it, and not of other Churches; but when the Citizens could not find a fit Person amongst themselves, which seldom happen'd, then in that case they had recourse to Strangers, who were eminent either for their Piet^y, Prudence, or Learning: So we read, that *Gregory*, when a Bishop of *Capua* was to be elected, the *Capuans* disagreeing in the Election, and some of them naming Strangers, protesting, that there were none of the Natives worthy, answer'd, that it appear'd very strange to him, and that in the mean Time they ought to make a more narrow Scrutiny among their Citizens, and if truly there was not one fit Person found among them, then he would furnish them with one.

BY the Death of *Liberius* Bishop of *Cuma*, which fell out in the Year 592, this same Pope sent *Benenatus* Bishop of *Misenus* to govern it until a Successor should be elected. The People of *Cuma* disagreed in the Election, some designing to elect a Person of another Church; but *Gregory* made *Benenatus* to understand, that he should not allow a Stranger to be elected, unless it appeared that there was not a Person amongst the Inhabitants of *Cuma* fit to be rais'd to that Dignity.

THE same was practis'd in the Election of the Bishop of *Palermo*. By the Death of *Victor* that Church had remain'd vacant: S. *Gregory* immediately sent thither *Barbatus* Bishop of *Beneventum* to govern it until there should be a Successor elected². The *Palermitans* disagreeing in the Election of a Native, thought of electing a Stranger; *Gregory* oppos'd them, and would not allow a Person of another Church to be elected, *Nisi fortè inter Clericos ipsius Civitatis nullus ad Episcopatum dignus, quod evenire non credimus, poterit inveniri*.

IN such manner were the Elections of Bishops, when the ancient Discipline of the Church, and what the holy Canons prescribe, were regarded. Thus likewise by the Clergy and People, ought the Election of the Bishop of *Rome* to have been: They had not the Emperors of the East to obstruct them in it. But already in these Times the Princes had begun to usurp the Rights of the People and Clergy in these Elections; whether out of Fear or Complaisance, the Person who pleased the Prince was often elected. The Emperors of the East, as Masters of *Rome*, had a great Hand in the Election of the Popes, who were their Subjects, and there was a Custom introduc'd, that without their Mandate none could be ordain'd; whence the Elected was oblig'd to send to *Constantinople* to ask the Consent and Permission of the Emperor³. *Paul Warnefride* writes⁴, that after the Death of *Benedictus Bonosus*, *Pelagius* II. was exalted to that Chair in the Year 577, when *Rome* was so closely besieg'd by the *Longobards*, that none could go out of it, and *Pelagius* could not send to the Emperor in *Constantinople* to obtain his Consent, whereupon he was ordain'd Pope without the Mandate of the Prince; afterwards when the Obstacles were remov'd, the Popes were wont to send Letters to the Emperors, in which they gave Account of the Impediments they had had, and begg'd to be excus'd, and to have their Ordination confirm'd. S. *Gregory the Great* being elected Pope, and refusing to accept of it, wrote to the Emperor *Mauritius*, earnestly intreating

¹ Epist. Gregor. apud Chio. loc. cit.
² Ibidem.

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³ Anast. Biblioth. in Vigilio. Id. in Pelag. II.
⁴ Warnefr. lib. 3. cap. 10.

him that he would not give his Consent to the Election; but the Emperor was so well pleas'd with it, that he deny'd his Request¹.

IN our Provinces the Princes likewise would have their Share in the Election of the Bishops of their Cities: So it happen'd in the Year 663, when, by the Means of Duke *Romualdus*, *Barbatus* was elected Bishop of *Beneventum*.

WE also read the same of the *Neapolitan* Bishops, and particularly of Bishop *Sergius*, who by the Death of *Laurentius*, was exalted to that See by *John* Duke of *Naples*; but these Cases happen'd to be out of the Rule. The Discipline was, that as the Election belong'd to the Clergy and People, so the Ordination to the Pope.

THE Disposition of Bishops in these our Provinces was the same as in the preceding Centuries: And with regard to their Authority and Jurisdiction, their Power of taking Cognizance was restricted as formerly to Ecclesiastical Causes, wherein they proceeded by way of Censure; they had no compleat Justice, nor Tribunals, nor Magistrates, and their Cognizance extended no further than what *Justinian* had given them in his *Novellæ*². As to Honour and Power, it was the same, and confin'd to the same Bounds. In the Cities they were only Bishops, none of them having as yet acquir'd the Authority of Metropolitans; neither had they Suffragan Bishops under, and depending upon them, but every Bishop govern'd his own Church, and the People committed to his Charge. The Patriarchs of *Constantinople* had not as yet invaded our Churches, so as to be able to make any of them a Metropolis, and advance their Bishops to be Metropolitans, and subject them to the See of *Constantinople*, as they did in the Empire of *Leo Isauricus*, and of the other Emperors of the East his Successors; only, as we have said, some Bishops of the Cities subject to the Greek Empire, began, according to the Vanity of the Greeks, to be honour'd with the Title of Archbishop, which highly offended the Popes, who rebuk'd those Bishops severely that accepted of it³.

SOME have believ'd, that the Bishop of *Naples* before *S. Gregory the Great*, or at least by this Pope, was rais'd to the Honours of Metropolitan and Archbishop. They prove it from this Inscription which we read in the Decretal⁴, under the Title *de Statu Monac.* where, *Gregorius Archiepiscopo Neapolis*; and under the other *de Religiosis Domibus*, where, *Gregorius Victori Archiep. Neap.* But who does not see the manifest Incorrectness of the vulgar Code⁵ for in the correct Copies the first is read thus, *Gregorius Fortunato Episcopo Neapolitano*, as *Gonsales* likewise read it⁶; and the second, *Gregorius Victori Neapolis Episcopo*: Besides, that in the Register of the Letters of *S. Gregory*, acknowledged and corrected in *Rome*, from which this Text is said to be transcrib'd, this Title is not to be found; neither is this Decretal to be seen amongst the Letters of *S. Gregory*, which is said to be directed to *Victor*. Whence our most accurate Writers, such as *Caracciolus*⁷, and *Chioccarelli*⁸, with good Reason blam'd this their Belief, and they bring back the raising of this See to be a Metropolis to later Times.

OTHERS have grounded their Opinions upon the Disposition of these our Provinces under the Pontificate of *Gregory*, that in these Times *Naples* was made a Metropolis. *Naples*, say they, had in those Times its own Duke; the other Cities had their Counts and Governors. A Duke, according to the Polity of the Empire, presided over many Cities in the Province of which the Dukedom was compos'd. A Count presided over one City only; whence in the Laws of the *Westrogoths*, 'tis said Duke of a Province, and Count of a City; and *Fortunatus* says to Count *Sigoaldus*,

Qui modo dat Comitibus, det tibi Jura Ducis.

REGULARLY the Dukes had twelve Cities under them, and those Cities were call'd Counties; whence a Duke govern'd twelve Counts, as *Petrus Pictus* observ'd from that Place of *Aimoinus*: *Pipinus domum reversus, Grisonem more Ducum duodecim Comitibus donavit*, as does also *Camillus Pellegrinus*⁸, from the many Examples which we read in *Gregory of Tours* in his Appendix: Whence *Durandus* observ'd; that by adapting the Polity of the Church to that of the

¹ Jo. Diac. vita S. Greg. lib. 1. cap. 39, 40.

² Novell. 83, & 127.

³ Chioc. de Episc. Neap. Anno 730.

⁴ Cap. 1. de Statu Monac.

⁵ Gonsales d. cap. 1. & de Relig. domib.

⁶ Carac. de Sacr. Eccl. Neap. Monum.

⁷ Chioc. de Episc. Neap.

⁸ Pellegr. in Dissert. de Duc. Benev.

Empire, the Ducal Cities had Archbishops, and those of Counts had Bishops, the Archbishops answering to Dukes, as the Bishops to Counts. Thus *Naples* being made a Ducal City at this Time, tho' its Dukedom was not of such Extent as afterwards, as comprehending only the neighbouring Cities about *Cratere*, such as *Pompei*, *Herculaneum*, *Acerra*, *Nola*, *Pozzuolo*, *Cuma*, *Misenus*, *Baja*, and *Iscbia*, might have been a Metropolis, and its Bishop a Metropolitan.

BUT as 'tis true, that in process of Time, the Polity of these our Churches, was by degrees adapted to the Disposition or Polity of the Empire, as we shall see in the following Centuries; nevertheless, in the Times we are now treating of, the Ecclesiastical Polity was not adapted to the Disposition of the Dukedoms, either of the *Longobards* or *Greeks*; and the Disposition of our Churches, and of those of *Italy* was quite different: So that 'tis a fallacious Argument to give Archbishops to the Ducal Cities. Could there be seen in those Times a more conspicuous and eminent City in these our Provinces than *Beneventum*, the Head of so large a Dukedom, that it comprehended many Provinces, and was the Seat of the Dukes of *Beneventum*? and yet its Bishop was neither Metropolitan nor Archbishop, but acquir'd that Prerogative long after, to wit, in the Year 969, in the Pontificate of *John XIII.* as we shall shew. *Spoletium*, the Head of another famous Dukedom, had no Archbishop. *Brescia*, *Trent*, and other Cities of *Lombardy*, honour'd by the *Longobard* Princes with the Titles of Dukedoms, had not their Archbishops in this Century, but long after; and *Brescia* and *Spoletium* never had any. *Gaeta* likewise had its Duke, but never an Archbishop. *Capua*, *Bari*, *Rbegium*, *Salernum* conspicuous Cities, and many other of these Provinces which were subject to the *Greeks*, had not their Metropolitans from the Popes before the tenth Century, and others much later; altho' the Patriarchs of *Constantinople* dispos'd of them otherwise, as we shall relate in the following Books. *Naples* then, as the same *P. Caracciolus*, and others of our Writers confess, was not made a Metropolis in these Times. It was honour'd with this Dignity in the tenth Century, in the Pontificate of *John XIII.* after *Capua* and *Beneventum*, as shall be told in its Place: All the other Churches of these our Provinces had not as yet obtain'd that Prerogative; they were only Bishops who presided over Cities, how great and famous soever they might be, and Seats of Dukes. However, 'tis true, that in process of Time some Cities rising to be Heads and Metropolis's of Dukedoms, or Principalities, and the Popes beginning in the tenth Century to exercise new Patriarchal Privileges in these our Provinces, by raising Bishops to be Metropolitans, and sending them the *Pallium*; the Polity and Ecclesiastical Disposition began to be adapted and answerable to the Polity of the Empire.

'TIS likewise true, that from these Times the Foundations of a new Polity, as well of the Empire as of the Priesthood, began to be laid. Thus we see in these Times the Churches of *Sipontum*, *Bovinum*, *Ascoli*, and *Latinum* annexed to the Bishoprick of *Beneventum*: Those of *Cuma*, *Misenus*, and *Baja*, join'd to the Bishop of *Naples*; not that the Bishops of these Cities acknowledg'd him for their Metropolitan; but in Honour of the Ducal City, as their Metropolis, in what concern'd the Polity of the Empire, they allow'd him the chief Honours, for he was look'd upon to be the first Bishop of that Dukedom. In process of Time, besides the Dukedoms of *Beneventum* and *Naples*, the Dukedoms of *Capua* and *Salernum* sprung up; which with that of *Beneventum* were exalted afterwards to be Principalities. *Amalphis* and *Surrentum* had likewise their Dukes, and were erected into Dukedoms. *Bari* had likewise its Duke. Some Cities of *Puglia* and *Calabria*, of the *Brutii*, and *Lucania*, being also made Heads and Metropolis's of these Provinces, became more famous than the rest; whence, conformable to the Polity of the Empire, they receiv'd Metropolitans, and the Bishops of the lesser Cities of these Provinces became their Suffragans: Whence it came to pass, that the more their Dukedom or Province was extended, the more Suffragans they had; for which Reason, seeing the Dukedom of *Beneventum* extended its Bounds more than all the rest, its Archbishop had so many Suffragan Bishops, that to this Day he has a much a greater Number than any of the other Metropolitans; whence also it has happen'd, that the Principality of *Salernum*, having likewise enlarged its Bounds, tho' not so much as *Beneventum*, its Archbishop retain'd many Suffragans; and that of *Capua* for the same Reason likewise had very many. And on the contrary, the Dukedoms of *Naples*, *Surrentum*, and *Amalphis*, as being but very small, had not so great a Number of Suffragan Bishops,

Bishops, as the Metropolitans of the other Cities of these our Provinces ; as we shall observe when we come to treat of their Ecclesiastical Polity in the latter Times.

SUCH then was the Disposition and Ecclesiastical Hierarchy of these our Provinces in this Age, to wit, the Pope, as both Metropolitan and Patriarch : Bishops, Priests, Deacons, Subdeacons, who were already at this Time tied down to Celibacy, and their Order put in the Rank of superior Orders, Acolytes, Exorcists, Lectors, and Door-keepers.

WE read also in the Writers of these Times, and especially in S. Gregory's Letters, of Cardinal Priests, Cardinal Deacons, and Cardinal Subdeacons ; and that many Churches besides the Roman had of these Cardinals, such as those of *Aquileja*, *Ravenna*, *Milan*, *Pisa*, *Terracina*, and *Syracuse* ; and likewise in our Provinces, such as the Churches of *Naples*, *Capua*, *Beneventum*, *Venafrum*, and perhaps all the rest. But in these Times, as *Florens* and *Balutius* sufficiently prove ¹, and as is evident from the very Letters of S. Gregory ; these Cardinals were nothing else but stranger Priests, Deacons, and Subdeacons, who were join'd and added, or, as you may say, thrust in like a Wedge into a certain Church, whence they were call'd *Incardinati*, and depended, and turn'd on that Body as a Door on its Hinges ; so that they were no more look'd upon as Strangers, but as belonging to that Church, therefore they were call'd *Incardinati*, or *Cardinales*, a Title which tho' at its Rise did not denote any Dignity nor Superiority whatsoever, yet in the following Centuries made such a tearing and dazzling Figure, that of late it hath found Means to vie with the Royal Title ; and those who are honour'd with it, to put themselves on a Level with the most potent Kings of the Earth.

'TIS true there likewise arose at the same Time in the West, diverse Officers, and other Titles were heard of, such as *Cimeliarcha*, *Rector*, *Chartularius*, and others ; and in the Eastern Church a great many more, of which there is a long Catalogue in *Bodinus* ², and *Leunclavius* ³. But these Officers were appointed in order to take care of the Temporalities of the Churches, and their Riches. The Bishops by the Piety of the Princes and the Faithful, who were profuse in making Donations to their Churches, applied themselves to build other new and more magnificent ones ; and especially our *Neapolitan* Bishops ⁴ beautified the Churches of their own Cities above all the others of these Provinces, and built many of them anew : And whereas before this Time the Vessels had been made of Wood, Glass and Earthen-Ware ; the Vestments, and all the other Ornaments had been simple and plain ; so now they were made of Gold and Silver ; the Vestments came to be rich and pompous ; the Ornaments all precious and magnificent ; wherefore it behoved them to appoint one of the Clergy to keep them, and take care of them ; whence the Keeper of them with us ⁵ was call'd *Cimeliarcha*, and with the *Greeks* ⁶ *Magnus Vasorum Custos*. The Church of *Naples* had her *Cimeliarcha*, which she continues to have to this Day, but with a different Employment : All the other Churches of these our Provinces had likewise such an Officer, as also those of *Rome*, *Ravenna*, and in fine all the rest. The Possessions, Farms, and the large Revenues situated in remote and distant Countries, had a Person appointed to take care of, and look after them ; whence came the Rectors, of whom S. Gregory often makes mention, who had the Charge of the Patrimony of the Churches, and consequently the *Chartularii*, the Oeconomists and other Officers. But all these Offices were ordain'd for the Temporalities of the Churches, and were not Hierarchical Degrees, nor were they concern'd in the least with Spiritual Matters.

¹ Balut. in annot. ad Anton. August. in Decreto Grat.

² Codin. de Offic. Eccl. Constant.

³ Leuncl. tom. 2. Jur. Græco-Rom.

⁴ Jo. Diacon. de Episc. Neap. Chioc. de Episc. Neap.

⁵ Chioc. de Episc. Neap.

⁶ Codin. Leuncl. loc. cit.

S E C T. II.

M O N K S.

CHURCHES as well as Monasteries became more frequent and magnificent in these Times, and their Monks more numerous. The *Longobards*, as it commonly happens in the first Ardour of new Religions, having embrac'd that of the *Roman* Catholicks, were much more profuse in their Donations to Churches and Monasteries, than the Old *Greek* Christians. King *Agilulfus* having become Catholick, repaired many Monasteries in *Italy*, and built others new. King *Aripertus* was as profuse in giving to the Monasteries and Churches, and particularly to the *Roman*, as he was in restoring the great Possessions in the *Alpes Cottiae*; whence the Patrimony of *St. Peter* grew so great in that Province, that it made some believe, that *Aripertus* had given all the Province of the *Alps* to the Church of *Rome*.

OUR Dukes of *Beneventum*, altho' the Monastery of *Casino* had suffer'd so terrible a Pillage under Duke *Zoto* I. a Pagan and Idolater; nevertheless having afterwards, by the Labour of *Barbatus*, embrac'd the Catholick Faith, were bountiful to the Churches and Monasteries; insomuch that *Pertinax* having repair'd that Monastery in the Year 690, the Dukes of *Beneventum* enrich'd it hugely, and among others *Gilulphus* II. increas'd it with immense Donations, and great Possessions. Those Places and Lands belonging to the State of *S. Germano* were mostly given to that Monastery; so that afterwards in process of Time, being enrich'd with other large Donations, it became so great and powerful, that the Abbots, as Lords of many Lands and Vassals, kept Armies in their own Pay, as we shall see in the following Century.

BY this the Monasteries of the Order of *S. Benedict* became more numerous in the Dukedom of *Beneventum*, which in these Times comprehended what we now call the two *Aprutii*, the County of *Molise*, and the *Capitanata*; almost all *Campania*, a good Part of *Lucania*, of *Puglia*, and of the ancient *Calabria*, *Tarentum*, *Brundisium*, and all the large Country about it¹. Many such, both of Men and Women were newly erected in these our Provinces under the Reign of the *Longobards*; we read of very many in *Beneventum* in the Time of *S. Gregory*², of the Monastery of the Monks of *S. Nazarius the Martyr*; of another near to that of the Friars of *S. Mary ad Olivulam*: And in the Time of *Grimoaldus* V. Duke of *Beneventum*, we read of that of *S. Modestus* enrich'd by *Grimoaldus* with great Possessions³; and *Theodorata* Wife of Duke *Romualdus* his Son, founded a Monastery of Women without the Walls of *Beneventum*, in Honour of *St. Peter* the Apostle. The Example of the Princes was afterwards follow'd by their rich Subjects, as well *Longobard* as Provincial; so that in the Dukedom of *Beneventum*, over all the Provinces which it comprehended, the Monasteries of *S. Benedict* were in those Days more numerous than in the preceding Century.

IN the Dukedom of *Naples*, and in all those Cities which were subject to the *Greeks*, altho' many others of this Order were newly built, nevertheless the Number of Monasteries, as well of Men as of Women, under the Rule of *S. Basil* was greater: *Naples* had a great many of them, as we have seen in the foregoing Book; they were no less frequent in *Otranto*, *Brundisium*, *Rhegium*, and almost in all the other Cities of *Calabria* and *Brutium*.

THUS the Monasteries were no less numerous and rich in these our Provinces, than in *France* and *Germany*, and other Parts of the West; so that they began to pretend to shake off the Yoke of the Bishops, and to ask Privileges and Immunities in order to be at Liberty. If the Acts of the Council be true, which *S. Gregory* is said to have held in *Rome* in the Year 601, in favour of the Monks, it was there ordain'd, that the Monks should have the Liberty to elect their own Abbot, and to

¹ P. Warnefr. lib. 6. cap. 1.² Ughel. de Episc. Benev. p. 19.³ P. Warnefr. lib. 6. cap. 1.

chuse a Monk of their own Community, or of another Monastery; that Bishops could not take a Monk out of a Monastery in order to make him a Clerk, or to employ him in reforming another Monastery, without Consent of the Abbot; that the Bishops were not to meddle with the Temporalities of Monasteries, neither to celebrate solemn Offices in the Church of the Monks, nor exercise therein any Jurisdiction. By reason of all which, the Monastick State from that Time became considerable, and soon after began to inroach upon the Civil and Temporal State of Princes, who instead of setting Bounds to so great Acquisitions, rather increas'd them with their immense Donations.

S E C T. III.

ECCLESIASTICAL Regulations.

THE Canons which had been establish'd in different Councils in the West during this seventh Century, and particularly in *Toledo* and in *France*, redress'd in a great measure the Irregularity of the most Part of Christians, and the Discipline of the Ecclesiasticks, that had been much decay'd. They were invigorated likewise by the Edicts of the Sovereigns; and *S. Gregory the Great* restor'd in *Italy* the declining Discipline of our Churches; he took much Pains to preserve it, and apply'd himself wholly in causing the Canons to be inviolably observ'd in all the Churches. For which Purpose he wrote a great Number of Letters during the fourteen Years of his Pontificate, which contain a great many Decisions concerning the Government and Discipline of the Church.

IF that which *Baronius* wrote of *Cresconius* Bishop of *Africa* be true, and what the most grave Authors say of the Collection of *Isidore Mercator*, there was not one Collection of Canons made in this seventh Century. *Baronius* believ'd that the Bishop *Cresconius* flourish'd about the Time of *Justinian* the Emperor, therefore his great Collection of Canons was spoke of in the foregoing Book. If then we would follow the Opinion of *Doviat*¹, reckon'd true by *Pagi*², and embrac'd by *Burcardus Gebelf Struvius*³, the Collection of *Cresconius* would belong to this seventh Century, according to the Opinion of those who reckon it was made about the Year 670. That of *Isidore Mercator* must certainly be referr'd to the next Book, seeing this Writer flourish'd in the eighth Century, in the Year 719.

IF *Isidore* of *Spain*, Bishop of *Seville*, be reckon'd Author of it, this should certainly be its Place; he sat in that Chair after the Death of his Brother *Leander*, to whom he succeeded about the Year 595, and govern'd it for almost the Space of forty Years; but 'tis certain he was not the Compiler of it, as well because that Collection contains many Canons establish'd in diverse Councils held in *Toledo* a long Time after his Death, which fell out in the Year 636, and some Letters of *Gregory II.* and *III.* and of *Zacharias*⁴, who sat in the Chair of *Rome* in the eighth Century; as also, because amongst the many Works of this eminent Writer, this Collection has never been mention'd by any⁵.

¹ *Doviat*. hist. Droit Can. par. 1. ch. 22.

² *Pagi* in *Critica* in *An. Bar.* ad A. 827. n. 14.

³ *Struvius* hist. Jur. Can. cap. 7. §. 11.

⁴ *Pet. de Marc.* de Conc. Sac. & Imp. lib. 3. cap. 5. n. 2.

⁵ *V. Gonzales* in *Apparatu* de Orig. & Progr. Jur. Can. num. 46. *V. Hunoidum*. *Plettenbergium* *Introduct.* ad jus Can. cap. 11. §. 7.

S E C T. IV.

T E M P O R A L I T I E S.

THE so many profuse Donations, which from Time to Time were made, as well by private Men as by Princes, to the Churches in the Course of little less than two Centuries, were the Cause that the Churches, as well as the Prince and Private Men, had their particular Patrimonies. The most ample Possessions which they acquir'd, not only within the District of their Cities, but also in distant Countries, from whence they drew so great Revenues and Fruits, were call'd *Patrimonies*, according to the Custom of that Time, in which the Possessions of any Family, and the Heritages descended to them from their Forefathers, were call'd its Patrimony. So likewise an Estate which a Prince possess'd in Property, was call'd Patrimony; and in order to distinguish it, not only from the Patrimonies of Private Men, but also from his own Revenue, was call'd *Sacrum Patrimonium*, as we read in many Constitutions of the *Justinian Code*¹; which afterwards, in the new Kingdoms of *Europe*, was call'd the *Royal Demaine*. For the same Reasons the Name of Patrimony was given to the Possessions of each Church: So in the Letters of *S. Gregory*, we see not only the Patrimony of the Church of *Rome* mention'd, but also the Patrimony of the Church of *Ravenna*; the Patrimony of the Church of *Milan*; the Patrimony of the Church of *Rimini*; and of many others. The Churches of great Cities, such as *Rome*, *Ravenna*, and *Milan*, as Imperial Cities, and where the Senators, great Officers, and other illustrious Persons liv'd, acquir'd Patrimonies, not only within their own Bounds, but also in different Parts of the World. The other Churches of lesser Cities, such as *Naples*, *Beneventum*, *Capua*, *Salernum*, *Bari*, *Rhegium*, and many others, whose Inhabitants had but moderate Fortunes, and all within their own Limits, had no Patrimonies without their own Districts.

AMONGST all the Churches of the Imperial Cities, the Church of *Rome* was that, which in those Days had acquir'd the most ample and vast Patrimonies, not only in *Italy*, but also in the most distant Provinces of *Europe*². In the Pontificate of *Gregory the Great*, as may be gathered from his Letters, the Church of *Rome* had ample Patrimonies in *Sicily*; this Pope writing to *Justin*, Prætor of that Island, which was govern'd by him for the Eastern Empire, desir'd that he would take care, without delay, to cause some Grain gathered in the Patrimony of *S. Peter*, to be transported to *Rome* were there was a Scarcity. And seeing these Possessions were many, and some of them divided into small Portions, according to the Donations which from Time to Time had been made by the Faithful; therefore he wrote again to *Peter* the Subdeacon, Rector of that Patrimony, that being solicited to farm out some of them, he had not as yet resolv'd what to do in that Matter: The Church of *Rome* had likewise a Patrimony in *Africa*, whence *Gregory* gave infinite Thanks to *Gennadius* a Patrician, and Exarch of that Province, which he held for the Emperor of the East; that seeing many Places of that Patrimony had been abandon'd by the Labourers, he had been so good as to send many of those People who depended on him to it, whereby it had been much improv'd. She had also a Patrimony in *France*, the Care of which was committed to a Priest, whose Name was *Candidus*, whom he earnestly recommended, not only to the Queen *Brunichilda*, but also to King *Childebert* her Son, in the Year 596, shewing, That that Charge had formerly been recommended to *Dinanius* a Patrician, and wrote to *Candidus* giving him an Account how he should dispose of those Revenues; and about the End of his Pontificate, in the Year 604, he recommended that Patrimony to *Asclepiodatus* a French Patrician. She likewise had a Patrimony in *Dalmatia*, which was put under the Care of *Antonius*, or *Antoninus* a Subdeacon.

¹ Cod. Justin. lib. 12.² V. Ammirat. in his Opusc. disc. 7.

IN *Italy* and in these our Provinces, the Church of *Rome* had likewise many Patrimonies. In the Province of the *Alpes Cottiae* she had a large Patrimony, which being possess'd for a long Time by the *Longobards*, was afterwards restor'd to her by King *Aripertus* in the Pontificate of *John VII.* *Paul Warnefride* writes, *That Aripertus King of the Longobards restor'd the Donation of the Patrimony of the Alpes Cottiae, belonging to the Apostolical See, but for a long Time possess'd by the Longobards; and sent this Donation to Rome written in Letters of Gold.* Which Donation, as the same Author affirms, was confirm'd by King *Luitprandus*: his Words are; *At which Time King Luitprandus confirm'd to the Church of Rome the Donation of the Patrimony of the Alpes Cottiae.* In the Exarchate of *Ravenna* *S. Peter* had also his Patrimony; for in the Pontificate of *S. Gregory*, there was a Law-Suit betwixt him and the Bishop of *Ravenna* for the Patrimony of both the Churches, which they agreed by Transaction. Likewise in our Dukedom of *Beneventum* the Church of *Rome* had her Patrimony, as she had in *Salernum* and *Nola*; the Revenues of which *S. Gregory*¹ allotted for the Relief of certain poor Nuns. She also had a Patrimony in *Naples*, whither, as we see in some of this Pope's Letters, he sent Rectors from *Rome* to oversee it, whom he injoin'd to lay out a good Part of the Revenues of it on the Poor. The Rectors of which Patrimony in *Naples*, were successively *Petrus*, *Theodinus*, *Antemius*, and others, all Subdeacons of the Church of *Rome*. These in *Naples* had their certain *Diaconiae*, or Places and Stations appointed, in which the Subdeacon Rector supply'd the Poor of the City, and dispers'd the Alms, after the manner of *Rome*, which had many of these *Diaconiae*²: In fine, she had Patrimonies in some other Cities of this Province of *Campania*, as she had in *Aprutium*, in *Lucania*, and likewise in *Calabria*.

THE Bishops of these greater, as well as of the lesser Sees, in order to make the Possessions of their Churches the more respected, were wont to give them the Name of the Saint which that Church had in special Veneration; thus the Church of *Ravenna* gave her Possessions, the Name of *S. Apollinarius*; and that of *Milan*, of *S. Ambrosius*; and the *Roman* her's the Patrimony of *S. Peter* in *Sicily*, *Africa*, *Dalmatia*, *Calabria*, *Aprutium*, *Beneventum*, *Naples*, and elsewhere; just so as in *Venice*, the Publick Revenues were call'd *S. Mark's*. Thus likewise the Churches of the lesser Cities, for the more Respect, nam'd their Patrimonies by the Name of the Saint for whom they had the greatest Devotion, as in *Naples* the Patrimony of *S. Aspremus*; in *Beneventum*, of *S. Barbatus*; in *Brundisium*, of *S. Leocus*; and in *Amalphis*, of *S. Andrew*; in *Salernum*, of *S. Matthew*; and so of all the rest.

BUT 'tis well worthy of Observation, that this Name of Patrimony, which the Church of *Rome* had in these Provinces, did not import any supreme Dominion, or any Jurisdiction which the Pope, or the Church of *Rome* had over such Patrimony; they held of the Prince in whose Provinces the Patrimony was situated, as all other private Patrimonies did, and were subject to the Jurisdiction and immediate Dominion of that Prince in whose State they were. 'Tis true, some Ecclesiasticks of the Church of *Rome* attempted to make Incroachments, but all in vain; for in the Patrimonies of Princes, when they were not allotted to Soldiers, there was a Governor appointed with Jurisdiction over all Causes which could happen concerning these Possessions, for the more easy bringing in of their Revenues, and for compelling Debtors; which very Prerogatives some Ecclesiasticks attempted to usurp in the Patrimonies of that Church, by taking the Administration of Justice into their own Hands, without having recourse to the Judgment of Magistrates: But *S. Gregory*, that most prudent and wary Pope, check'd that Incroachment, and forbid it under the Pain of Excommunication; neither would the Princes on any account suffer it within their Dominions.

THEREFORE the Ecclesiastical Possessions paid Tribute to the Prince as all other private Patrimonies did, which appears plainly from *Can. si tributum*, of *S. Ambrose*³; and 'tis clear, that the Emperor *Constantinus Pogonatus*, in the Year 681, granted Exemption from the Tribute which the Church of *Rome* paid for her Patrimony in *Sicily* and *Calabria*. And the Emperor *Justinianus Ritmenus*, Successor of *Constantine*, in the Year 687, remitted the Tribute which the Patrimonies of *Aprutium* and *Lucania* paid. This Indulgence of Tribute occasion'd a Friendship

¹ Lib. I. ep. 22.

² V. Ant. Matt. man. ad jus Can. l. I. tit. 17. |

³ Can. si tributum XI. q. 1.

and good Correspondence betwixt the Popes and the Emperors of the East; but when afterwards by the Innovations which arose in the Empire of *Leo Isauricus*, there grew those bitter Contentions betwixt the Popes and the Emperors of the East, which shall be the Subject of the following Book, and which at last broke out into open Sedition and Enmity; *Leo Isauricus* in the Year 732, not only did not exempt, but took away altogether from the Church of *Rome* the Patrimonies of *Sicily* and *Calabria*, and apply'd them to his own Exchequer. And the Writers, who relate these Events, report, that these confiscated Patrimonies yielded in all a Revenue of three Talents and a half of Gold Yearly ¹, which make in our Money; (not to be precise as to the different Opinions about how much answers exactly to a Talent) the Sum of 2500 Crowns; and the Patrimony of *Sicily*, tho' very large, yielded no more than 2100 Yearly.

THOSE Patrimonies which the Church of *Rome* had in different Provinces, where the Ecclesiasticks, when they found their Account in it, likewise frequently usurp'd some Jurisdiction in Causes belonging to them, gave rise amongst the Writers of latter Times, to a Blunder, which was swallow'd as a Truth by those that came after them, who from this invented other Stories, to wit, that the Province of the *Alpes Cottiae*, *Sicily*, the Dukedom of *Beneventum*, the Dukedom of *Spoletium*, Part of *Tuscany* and *Campania*, and many other Provinces belong'd to the Church of *Rome*, because she had Patrimonies in them, by confounding the Patrimony which she had in the *Alpes Cottiae*, with the Province itself, and so of the other Provinces. Into which Blunder, we cannot but admire, that amongst others our *Scipio Ammiratus* ², otherwise a most careful Historian, should have fallen; who, as *Paul Warnefride* himself declares, would likewise give us to understand, that the Donation of King *Aripertus* contain'd the Restitution and Confirmation of the *Alpes Cottiae* to Pope *John VII.*; whereas from the Words of this Writer above related, 'tis evident, that the Patrimony of the *Alpes Cottiae* is meant, and not that Province, which comprehended a great Tract of Country, and reach'd as far as *Genoa*, beautified with so many Cities and Towns, that it would be Folly to believe, that that Prince, in so gloomy and suspicious Times, would have given it to the Pope, then a Confederate of the Emperors of the East, who were implacable Enemies of the *Longobards*.

WE shall sift this Mistake when we come to treat of the many famous Donations of *Charles the Great*, and *Lewis the Pious*; where we shall see, that what we read in them of *Naples*, *Salernum*, and especially *Beneventum*, is to be understood only of the Patrimonies which the Church of *Rome* had in these Provinces, and not at all of the Dukedoms and Principalities; which Patrimonies, according to the Custom of these Times, were confirm'd and granted to the Church of *Rome* by Virtue of the *Præcepta* of the Emperors, who successively reign'd in *Italy*, as was the Patrimony of *Beneventum* by *Lewis the Pious*, in the Year 817, to Pope *Paschale I.* which was afterwards confirm'd and granted anew by *Otho III.* and *Otho* King of *Germany*, his Son, to *John XXII.* in the Year 962, and not the Dukedom or City of *Beneventum*, which certainly came under the Dominion of the Church in the Year 1052, by way of Exchange, made betwixt *Henry II.* the Son of *Conrade*, and Pope *Leo IX.* for the Church of *Bamberg*; as shall be shewn in its proper Place.

SO great in these Times was the increase of the Temporal Riches of our Churches, and especially of the Church of *Rome* their Mistress and Leader, and according to the Circumstances of the Times we shall see them make greater Acquisitions in the Ages following.

THE Number of Churches and Monasteries increasing, the Worship of Saints, their Reliques and Images grew much more. The Sanctuaries, and above all, that of Mount *Garganus*, were more frequented, and enrich'd with valuable Gifts, not only by the *Greeks*, but *Longobards*. Miracles were multiplied; and besides Preachings and Sermons, innumerable Stories began to be forg'd concerning them, and to be collected into Volumes; and *S. Gregory* publish'd a great many of them in his four Books of Dialogues, which he dedicated to Queen *Theodolinda*. Holy-Days were multiplied in the Churches; the Octave of *Christmas*; that of the *Epiphany*;

¹ Theophanes appellata Patrimonia Sanctorum Principum Apostolorum, qui apud veterem Romam in Veneratione sunt, illorum Ecclesiis jam olim persolvi solita, auri Talenta tria & semis, ærario Publico solvi jussit. V. De Marca de Concord. Sacerd. & Imp. lib. 3. c. 11. n. 4.
² Ammir. opusc. disc. 7.

those of the Purification and Annunciation of the Virgin; her Death and Nativity; and in fine, that of all Saints. Riches increas'd proportionably to Worship and Devotion, the Faithful promising themselves to obtain of the Saints, not only Spiritual, but also Temporal Riches, Health, Abundance, and good Success in their Traffick and Affairs, Navigation, and Land Journies.

FROM so many and different Springs which began to discover themselves, the Possessions and Inheritances of the Churches multiply'd much more; and the Reason was, because, as our *Ammiratus* writes, Religion being an Account which is kept with God, and Mortals standing in need of him in many Things, either by thanking him for the Good receiv'd, or the Evil escap'd, or by intreating him that such a Thing may not happen, or that another Thing may succeed well; it necessarily follows, that out of Gratitude we should give a Share of our Goods, not to Him, who stands not in need of them, but to his Temples, and his Priests: How much more then must the Donations and the Offerings increase, when there was not only an Account to be kept with God, but likewise with so many Saints, by whose Intercession the Faithful expected the same Things? and their Worship and Veneration having increas'd so much, and thereby many Monasteries and Temples being erected in their Names, and their Sanctuaries being multiply'd, it was easy to draw the People in to make Offerings of their Goods and Riches in greater Plenty, both to their Temples and Priests. The Custom began likewise of giving, not only to the Churches, but also to the Parishes and Priests, and other Ministers, for their Masses for liberating the Souls of their deceas'd Friends out of Purgatory¹; whence proceeded, as *Mornacius*² believes, the Authority which they assum'd of making Wills to those who died Intestate; of which we shall have occasion to treat in another Place.

OUR Churches kept up the same Rule in the Distribution of the Revenues and Temporal Riches into four Parts, one to the Bishop, another to the Clergy, a third to the Poor, and the fourth to the Material Church. The Church of *Naples* in the Time of *S. Gregory*, under Bishop *Pascasius*, had a numerous Clergy, amounting to a hundred and twenty-six, besides Stranger Priests, Deacons, and Clerks: And we read in the Letters of this Pope³, that *Pascasius* neglecting to distribute the Revenues to the Poor and the Clergy, as was requisite, he, the Pope, was oblig'd to distribute them, and reserving the Bishop's Portion, he appointed what was to be given to the Clergy and the Poor, injoyning likewise *Antemius* his Subdeacon, who was Rector of *S. Peter's* Patrimony in *Naples*, that jointly with the Bishop, he should oversee the Division according to the Necessities of the Poor, and the Quantity of the Money; and order it so, as to distribute it at a proper Time, according to his own Discretion.

THE Church of *Beneventum* likewise observ'd the same Custom of dividing the Revenues into four Parts: *S. Barbatas* her Bishop would not in that depart from the Direction of the Canons; and we read in his Acts, that after Duke *Romualdus* had enrich'd his Church with so many Donations, and added that of *Sipontum* to her, by a particular Direction he resolv'd to settle this Distribution for ever, which was always to be observ'd in his Church; thus we read in these Acts⁴, *Impetratis omnibus ut poposcerat vir Sanctus, non est oblitus mandatorum Dei: In quatuor partes cunctum Ecclesiæ redditum omni tempore sanxit fideliter dispartiri, unam egentibus, secundam his, qui Domino sedulas in Ecclesiis exhibent Laudes, tertiam pro Ecclesiarum restauratione distribui juxta quartam suis peragendis utilitatibus Episcopus habeat; Et hætenus sicut ab eo disposita sunt, in præsentia cuncta videntur.*

ALL the other Churches of these our Provinces observ'd the same Rule, which besides other Things was commendable for this, that the Poor were not cheated of their Portion, and the Bishops practis'd that Hospitality to Strangers, to which they are oblig'd by the Canons.

¹ V. Bodin. lib. 5. de Rep. c. 2. p. 530.

² Mornac. ad l. 1. C. de Sacrosanct. Eccl. Ant. Matth. manud. ad jus Can. lib. 2. tit. 1.

³ Lib. 9. ep. 29. v. Chioc. de Episc. Neap. in Pascasio.

⁴ We read them in Ughel. de Episc. Benev. in S. Barbato.



THE
CIVIL HISTORY
Of the KINGDOM of
NAPLES.

BOOK V.



LUITPRANDUS King of the *Longobards*, having in the Year 711, fix'd the Throne of his Kingdom in *Pavia*, as his Predecessors had done, began to give very great Marks of his Goodness and Prudence. And like his Father and other Kings his Predecessors, was most stedfast in the Catholick Religion, to whose Piety *Pavia* owes the glorious Bones of *Augustine*, which he recover'd from the *Saracens*, after he had driven them out of *Sardinia*, where he found the precious Shrine. He, imitating *Rotaris* and *Grimoaldus*, would likewise have his Share of the Glory of a wise Law-

maker; for which end, in the first Year of his Reign, according to Custom, having conven'd the States of the Kingdom in *Pavia*, he ordain'd other Laws, and added them to the Edicts of *Rotaris* and *Grimoaldus*¹; not satisfy'd with that, in the following Years, as Occasion requir'd, he establish'd others: So that amongst the Kings of the *Longobards*, next to *Rotaris*, *Luitprandus* was he, that more than any other provided his Kingdom with Laws.

¹ P. Warnefr. lib. 6. c. 58. Bernard. Saccus hist. Ticin. lib. 5. c. 5. Sigon. ad A. 712.

S E C T. I.

The Laws of LUITPRANDUS.

MANY Laws of this Prince, full of the greatest Wisdom, have been handed down to us in the Volumes of the *Longobard* Laws; but in the Parchment Code of the Monastery of the Cave we read his intire Edicts, whence the Compiler of that Volume took them. There we read his first Edict, which was publish'd in the First Year of his Reign, containing six Chapters, amongst which the first has this Title, *de Successione filiarum*. We likewise read the other Edicts which he made in the following Years; for in the Fifth Year of his Reign he publish'd another, which contains other seven Chapters; in the Eighth, ten; in the Tenth Year five; in the Eleventh, thirty-three; in the Thirteenth Year five; in the Fourteenth, fourteen; in the Fifteenth, twelve; in the Sixteenth, eight; in the Seventeenth, thirteen, in the Nineteenth, thirteen; in the Twenty-first, nine; in the Twenty-second, four; in the Twenty-third, five; and some others he publish'd in the following Years: So that the Laws of this Prince, as they are registred in the same Code, which is preserv'd in the Archives of the Cave, amount to the Number of a hundred and fifty-two; to which in the foresaid Code we see seven other Chapters added, whose Titles or Summaries are, I. *De Mercede Magistri*. II. *De Muro*. III. *De Annona*. IV. *De Opera*. V. *De Caminata*. VI. *De Furno*. VII. *De Puteo*.

OF these Laws, only 137 were inserted in the Volumes of the *Longobard* Laws by their Compiler. In the first Book we read 48; and in the Second 89; for in the Third there are none. The first which we read in the first Book is under the Title *de Illicito Consilio*; the other under Title 8, we read nine others under the Title *de Homicidiis*; another under that *de Parricidiis*; one other under the fourteenth Title of the same Book; four under the Title *de Injuriis Mulierum*; three in the seventeenth Title; one under the Title *de Seditione contra Judicem*; another in the nineteenth Title; one under that *de Paupere*; four in the twenty-third Title; twelve under that *de Furtis, & servis Fugacibus*; one under the Title *de Invasionibus*; another under the twenty-ninth; another under the Title *de Raptu Mulierum*; another under that *de Fornicatione*; three under the Title *de Adulterio*; one in the thirty-fourth Title; and another under that *de Culpis servorum*, which is the last of the first Book.

IN the Second we read many more to the Number of 89; two under the second Title; one under the third; three in the fourth; one in the fifth; another in the sixth; another in the seventh; eight under the Title *de Prohibitis Nuptiis*; one in the ninth; another in the tenth; another in the eleventh; three under that *de Conjugiis servorum*; another under the thirteenth Title; another under that *de Donationibus*; another under the Title *de ultimis Voluntatibus*; three under the thirteenth; sixteen in the Title *de Debitis, & Guadimoniis*; one under that *de Treugis*; two under the twenty-fifth; another under the twenty-sixth; another under that *de Depositis*; another under the Title *de Rebus interdictatis*; seven in the Title *de Prohibita Alienatione*; two under the thirtieth; one under that *de Prohibita Alienatione servorum*; four under the Title *de Præscriptionibus*; two under that *de Evictionibus*; four under that *de Santimonialibus*; two in the Title *de Ariolis*; four under the Title *de Reverentia Ecclesiæ, seu immunitatibus debita*; five under that *Qualiter Judices judicare debeant*; one under the Title *de Consuetudine*; another under that *de Testibus*; four under the Title *Qualiter quis se defend. Deb.*; and one in that *de Perjuriis*, which is the last Title of the Book.

IN the third, we have no Laws of *Luitprandus*, it being compos'd for the most Part of the Laws of those Emperors who reign'd in *Italy*, as Successors to the Kings of the *Longobards*, after having driven them out of this Province; all that the Compilers inserted in it were a few of the Laws of *Rotaris*, of *Rathis*, and *Astolphus*. We may see some other Laws of this King in *Marcolphus* ¹ and *Goldastus*.

¹ Marcol. tit. 55. §. 4 Goldast. tom.

BUT the Wisdom which this Prince shew'd in settling his Kingdom with such provident Laws, and all his other Talents, were not a little eclips'd by his too great Ambition of Dominion, and his extreme Desire to enlarge the Bounds of his Kingdom beyond what his Predecessors had left him, which he push'd so far, that at last it occasion'd the Ruin of the Empire of the *Longobards* in *Italy* to his Successors; for not satisfy'd with having retaken the Patrimony of the *Alpes Cottiae* from the Pope, which a little before King *Aripertus* had confirm'd to the Church of *Rome*; he likewise invaded the *Sabinian* Patrimony; and being altogether intent upon taking Advantage, and seeking any Opportunity of enlarging his Dominions, spurr'd on by a covetous Desire to a quick and dexterous Execution, he much enlarg'd his Kingdom upon the Ruins of the *Greeks*: So that his Power made the Popes jealous of him ever afterwards, and at last they seeing the *Greeks* depress'd, and the Authority of the Emperors of the East almost quite abolish'd in *Italy*, and not trusting any more to the *Greeks*, who had become their greatest Enemies, resolv'd to have recourse to foreign Assistance, in order to bring down so great an Empire, in the Manner we shall shew anon.

S E C T. II.

Innovations in Italy, occasion'd by the Edicts of Leo Isauricus.

AT this Time *Leo Isauricus* reign'd in the East, who following the Footsteps of *Bardanus*, Surnamed *Philippicus* (who was the first Emperor of the East that began to make War upon Images) was called *Iconomachus*, because he had Images in the greatest Abomination; for he was persuad'd, that by throwing them down, he should drive out Idolatry, which, he believ'd, by the Adoration and Worship of them, had intruded upon Christianity, by which he promis'd himself Prosperity to his Empire; and for a Reward of so bold and pious an Undertaking, as he thought, flatter'd himself, that if he succeeded he should be able to enlarge his Empire, to recover *Italy* from the *Longobards*, and to restore it to its antient Dignity and Grandeur. There were not wanting some who, in order to improve his Error and fond Conceit, by Presages and Omens, confirm'd by Chance, promis'd him an easy and safe Accomplishment of his Design; and the Policy of this Prince, which cannot be deny'd, was very great, was deluded and impos'd upon by such idle Prophecies; forasmuch as he did not consider that so strange and unheard of an Undertaking could not but excite Disturbance and Tumults amongst a People, and especially *Italians*, who now for a long time, had been accusom'd to worship those Images in the Churches, and elsewhere, and to promise themselves not only spiritual, but also temporal Happiness by the Intercession of their Prototypes; being struck with such a strange Novelty, their Minds could not but be filled with great Horror, by seeing those Statues which by their Forefathers, with equal Piety and Magnificence, had been placed in their Temples, and over the Gates of the Cities, for publick Adoration, burnt by the Hands of vile Men, and, with the utmost Contempt, thrown down, and broke in a thousand Pieces.

IT certainly could never have entered into the Mind of Man, to contrive a more flagrant or shocking Innovation than this, for putting all the Provinces of *Italy* into Disorder; for the other Heresies, which had nothing popular or tragical in them, tho' they had diffus'd themselves in the Minds of Men, and especially the *Arian*, yet they could not raise so many Tumults, and such Confusion, as this was able to do, which could not be put in Execution but by such tragical Means as burning, throwing down, demolishing, and the like. *Leo*, as a prudent and judicious Prince, in the Beginning took soft and peaceable Methods; he first endeavour'd by Reasoning, and earnest Entreaties, to persuade others to believe as he did; but seeing that did not avail, he put forth an Edict, by which he commanded only, that the Images should be remov'd from the usual Places where they were set in order to be worshipp'd, and placed on the Tops of the Temples, where they could neither be worshipp'd nor adored: But when he afterwards perceiv'd

S f f

that

that the People entertain'd a Horror and Aversion for such Edicts, he was seiz'd with sudden Indignation and Rage, and laying aside all Patience and Moderation, became so furious in the Undertaking, that convening the Senate, by publick Declaration he ordain'd, That all the Images should be thrown down, and not so much as one should be suffered within the Churches of *Constantinople*, being persuaded, that the longer he delay'd the bringing this heroick and glorious Work to a Conclusion, the longer it would be before he receiv'd his Reward, according to his conceiv'd Notions.

IN the East, *Germanus*, Patriarch of *Constantinople*, and *S. John Damascene*, oppos'd this Design of the Emperor; but *Leo* caus'd *Germanus* to be depos'd, and, in the Year 730, ordered *Anastasius* to be put in his Place. There are some who have wrote, That he likewise caus'd his Edict to be put in Execution in *Constantinople* by Force, by burning, and turning topsy-turvy all the Images, and all that was rare or foreign in that City; and likewise, in the Sight of all the World, caus'd the Statue of our Saviour, which was rais'd above the great Gate of the Imperial Palace, and had been plac'd there by *Constantine the Great*, to be pull'd down: Others reckon the pulling down of the Statue of our Saviour as fabulous, and will have it, that in these Beginnings *Leo* did not proceed to that Heighth of Madness. However that may be, he would have his Edict observed, and put in Execution, not only in *Constantinople*, and in the East, but also in all the Provinces of the West which had remained under his Dominion. Therefore he strongly enjoyn'd his Officers who had the Government of these Provinces, that they should see the Edict put in Execution in the Cities under their Command; and, especially, he commanded *Scholasticus*, a Patrician, who was at that Time Exarch of *Ravenna*, that he should see his Orders punctually obey'd, by throwing down all the Images in that City, without suffering one to remain.

BUT in the West, and particularly in *Italy*, the Edict was not only not obey'd, but the People had it in such Abhorrence, that they broke out into open Rebellion. The Princes of the West that were not subject to his Empire, the *Longobard* Kings of *Italy*, and our Dukes of *Beneventum*, detested it, and would not allow it to be receiv'd into their Dominions. The People of the *Greek* Empire had the same Aversion for it; neither was all the Power of the Officers, who us'd all Means possible for having it observed, ever able to surmount the obstinate and universal Repugnancy. It was of no Force in *Rome*, nor all the *Roman* Dukedom: It had no better Success in the Dukedom of *Naples*, and the other Dukedoms and Cities subject to the Emperors of the East. *Scholasticus*, Exarch of *Ravenna*, by endeavouring to oblige that People to observe the Edict by Force, occasion'd greater and more dangerous Disorders; for having commanded that all the Images of that City should be pull'd down by main Force, he rais'd such Tumults, that the People being driven on to an open Revolt against the Emperor, brought Matters to that Extremity, that at last they subjected themselves to the Dominion of *Luitprandus*: For this most cunning Prince, who was always upon the Catch for aggrandizing his own Kingdom at the Expences of the Emperor, having heard of this Revolt in *Ravenna*, immediately laid Siege to that City, and invested it both by Sea and Land; and, after having defeated the *Grecian* Fleet, made himself Master of it in a few Days: Many other Cities of the Exarchate surrendered to him; and at last he reduced the Exarchate into a Dukedom, and added it to the other Dukedoms of the *Longobards*, giving it a new Form, and created *Ildeprandus*, his Nephew, Duke of it (the same who was afterward rais'd to the Royal Throne) to whom, being yet an Infant, he gave *Peredeus* Duke of *Vicenza*, for Guardian.

AT the same Time *Gregory II.* of that Name govern'd the *Roman* See, who had succeeded to *Constantine* in the Year 714. Altho' he in Conjunction with the *Romans* had greatly oppos'd the Designs of *Leo*; nevertheless being jealous of the Power of the *Longobards*, as all his Predecessors had been, he could not endure their Kingdom under *Luitprandus* an ambitious Prince, to become so powerful as to enable him to ruin his See and the Pontificate. On this Account, as the other *Gregory* had done, he was always careful of the Interest which the Emperors of the *Greeks* had in *Italy*, and took care that their Power might not decline in order to

* Anast. in Greg. II. P. Warnefr. lib. 6.

oppose the Designs of the *Longobards*, to hem in their Authority, and to curb their Power; therefore he oppos'd the Duke of *Beneventum*, and assisted the *Greek Neapolitans* in keeping *Cuma* from being subjected by the *Beneventan Longobards*. And tho' he was bound in Duty to oppose the Designs of *Leo* in this Innovation of throwing down the Images, and had been most unworthily treated by the Emperor, even by threatening to drive him out of his Sec, and send him into Exile¹; for all that, preferring the Publick Cause to Private Injury, he did his utmost to prevent the Revolt of the People of *Italy* who were under his Command, and defend the Lands of the Empire against the Invasion of the *Longobards*.

HE had not a neighbouring Prince in *Italy* to whom he could have recourse for Assistance to stop the Career of the *Longobards*. The single Power of the *Greeks* was not sufficient; the Republick of *Venice* was the only one remaining, which tho' risen from a slender Beginning, was at this Time come to be of some Consideration in *Italy*, insomuch that the Exarch had fled thither for Shelter; in the mean Time *Gregory* recommended himself and apply'd to the *Venetians* for Assistance, and having wrote a very pithy Letter to *Ursus* their Duke, it had so good Effect, and so far influenc'd his Officers, that at last the *Venetians* were induc'd to reinstate the Exarch in *Ravenna*, which they retook so suddenly from the *Longobards*, that *Luitprandus* could not succour it from *Pavia*; the *Longobards* being driven out, *Ildeprandus* remain'd Prisoner in the Hands of the *Venetians*, and while *Peredeus* was making his Escape, he was miserably kill'd.

THE Pope thought that *Leo* would have been grateful for so considerable a Service; whereupon he began to solicit him by Letters more pressingly than ever², to give over his Undertaking. But *Gregory* was much deceiv'd in his Expectation, for this Prince, who knew very well that *Gregory* had bestir'd in getting him Assistance, more for his own Interest, than that of the Empire, was much more exasperated seeing he continu'd still to oppose his Design, and that by an open Revolt he had endeavour'd to shake off his Dominion; and knowing the Steadiness of the Pope, that he would always be an Enemy to his Enterprize, he resolv'd in earnest to remove all Obstacles; and because it would be a very difficult Matter to compass his Ends by Force, he resolv'd to have recourse to Art and Treachery. The *Roman* Dukedom, as we have often said, continu'd under his Dominion, and the Dukes were sent by him to *Rome* to govern it. *Mauritius* was at this Time Duke of *Rome*, to whom he gave most secret Orders to befriend three of his Officers, who were at *Rome*; who lying in wait for the Pope's Life, had given their Parole to *Leo* to carry him to *Constantinople* dead or alive; but their Design did not succeed, and the Emperor thinking that it had miscarried by the Negligence of some of his principal Officers, in the Year 725. sent *Paul* a Patrician to *Italy* to command as Exarch³, whom he injoin'd to see this Design put in Execution, upon which the three Conspirators being assur'd of such powerful Protection, made haste to give the design'd Blow; but before they could put it in Execution the Conspiracy was discover'd by the *Romans*, who were most vigilant for the Preservation of a Pope for whom they had so great a Value; for they apprehended two of them, who were immediately put to Death; and the other escaping into a Monastery, turn'd Monk, and there ended his Days.

IN the mean Time the new Exarch, who was spurr'd on with most pressing Orders from *Leo*, to leave no Stone unturn'd for getting the Pope into his Clutches, seeing all his Art and secret Ambushes came to nothing, the Pope being too well guarded by the *Romans*, at last, impatient of any longer Delay, in order to keep his Parole which he had given to *Leo* of putting *Gregory* into his Hands⁴, resolv'd to make use of open Force. Therefore as soon as possibly he could, he assembled some Troops, partly from *Ravenna*, and partly from the Army, which he had always ready for defending himself against the Insults of the neighbouring *Longobards*, which he order'd to join the Imperial Forces which were too weak in *Rome*, and to carry off the Pope and conduct him to *Ravenna*.

BUT *Luitprandus*, a crafty and subtle Prince, tho' offended at *Gregory*, who had stirr'd up the *Venetians* to take *Ravenna* from him, as they had done, yet in this Pinch, resolv'd to assist the Pope and the *Romans* against the *Greeks*, in order to keep the Ballance

¹ Sigon. ad A. 725.

² Ep. 1. & 2. Greg. ad Lion.

³ Marq. Freher. in Chronol. Esar. Rav.

⁴ Anast. in Greg. II.

even betwixt them, that by assisting each Party, as he saw occasion, he might divide, and by degrees weaken both the one and the other, and afterwards take Advantage of their Weakness. In the mean Time he gave Orders to the Governors of the Towns which he had in the neighbourhood of *Ravenna* and *Rome*, to join the *Romans*, who by so strong Succours, being superior in Strength to the Exarch, oblig'd him to stop near *Spoletium*, and at last give over his Undertaking, and return to *Ravenna*.

IN the mean Time *Leo*, otherwise not so unexpert in the Art of Government and Dissimulation, altho' he had seen that his Force and Treachery had succeeded so ill, yet suffer'd himself to be so much led by his Passion, that not minding the great Detriment that so extravagant a Resolution, which he had taken when he had least Reason, would bring upon him, he believ'd that his Authority alone, without Force, would easily do what with Arms and Treachery could not be put in Practice; therefore, laying aside all other Considerations, and consulting only his Passion, at a very unseasonable Time, he strictly repeated his Orders to the Exarch, to publish and put in Execution in *Rome*, and in all the Cities of *Italy* which were under his Empire, the Edict, which a little before he had fram'd in *Constantinople*. The Edict contain'd, as was said, that all the Images, as so many Idols, should be remov'd out of the Churches; moreover he promis'd the Pope his Favour, provided he obey'd; if not, he declar'd him Contumacious, and no longer vested with the Papal Dignity.

THERE never was seen a more ready, or a more general or better concerted Resolution than that which was taken over all *Italy*, and especially at *Rome*, immediately upon the Publication of this Edict.

GREGORY being now secure of a hearty Assistance both from the *Italians* and *Longobards*, and seeing that *Leo* had broke all Squares, and now openly attack'd not only his Person, but Religion likewise; resolv'd at first to employ all his Pontifical Authority, and the Spiritual Arms of his Office, in order to hinder so detestable an Edict from being received in *Italy*. He began with solemnly Excommunicating the Exarch and all his Accomplices. Afterwards he sent Apostolical Letters to the *Venetians*, to King *Luitprandus*, and to the *Longobard* Dukes, and to all the Cities of the Empire, by which he exhorted them to continue stedfast and immoveable in the Catholick Faith, and to oppose the Execution of that Edict with all their Might.

These Letters made such an Impression upon the Minds of the People, that all those of *Italy*, tho' of different Interests, and often at War with one another; to wit, the *Venetians*, *Romans*, and *Longobards*, united in one Body, animated with the same Spirit, to act in concert for defending the Catholick Faith, and the Life of the Pope, protesting that they would preserve it with the Hazard of their own in so glorious a Cause. But as 'tis difficult in the Heat of a new Commotion, even when the Design of it is for doing good, to keep within just Bounds, so they exceeded those of a lawful Defence; for not only the *Romans*, and those of *Pentapolis*, which is now *la Marca d'Ancona*, took up Arms, and join'd the *Venetians*, who were the first that arm'd; but by carrying their Zeal further, openly shook off the Yoke. Not contenting themselves with having thrown down the Statues of *Leo*, they would no longer acknowledge him for their Emperor, and elected new Magistrates for governing them during the Interreign, which they pretended to do by their own Authority. They even went further, and at last carried the Matter almost to the utmost Extremity; being resolv'd to elect another Emperor, and conduct him to *Constantinople* with a strong Army, to place him in the Room of *Leo*; but the Pope not thinking this Resolution seasonable, nor proper at that Time, oppos'd it, so that it did not take Effect.

BUT this did not prevent the Fate of *Leo*, which terminated in his Loss of the Exarchate of *Ravenna*, the Dukedom of *Rome*, and had very near lost that of *Naples*, and with it all his Authority in *Italy*: The People being now in a Commotion, immediately turn'd into Factions and Parties. *Paul* the Exarch had gain'd a great many of them in *Ravenna*, who basely comply'd for Interest, or hopes to advance themselves to better Posts. But the opposite Party, which the Pope supported, being the strongest and most numerous, could not endure the Exarch, therefore they mutinied, and a violent Sedition arising, or rather a kind of a Civil War betwixt the two

* P. Warnefr. lib. 6. Regin. lib. 1. Chron. Sigon. ad annum 726.

Parties, they took themselves to Arms, in order to destroy one another. The Catholick Party, as the stronger, after coming to Blows, remain'd victorious, having made a terrible Slaughter of all the *Iconoclasts*, without so much as sparing the Exarch, who was kill'd in the Tumult. These were the Causes of the Emperors of the East's losing many Cities in *Romagna*, which belong'd to the Exarchate, and all the other Cities of *la Marca*, which surrender'd to *Luitprandus* King of the *Longobards*. For this cunning Prince, who had enter'd into this War on no other account but to take an Opportunity of aggrandizing himself at other Peoples Cost, did not fail to improve this Revolt, and to cloak it with the Pretence of Religion for compassing his Ends, according to the Maxims of human Policy. He suggested to these People on the one hand, that they could never preserve their Religion under an Emperor, who was not only a Heretick, but likewise a Persecutor of the Orthodox; and on the other hand, that they were too weak to resist the Power of any potent Prince who might attack them at a Time, when perhaps other Interests might hinder their Friends from assisting them: Thus those Cities, in this Commotion, following such Advices only as were instill'd into them, either out of Hatred or Fear mix'd with Zeal, and the Love of Religion, after having shook off the Yoke of the Empire, put themselves under the Dominion of the *Longobards*. An Instance which may let Princes see what mighty Influence Religion has on the Minds of People; whence they may learn, that it cannot be alter'd without the Danger of giving a violent Shock to the chief Hinges of their States.

S E C T. III.

The Dukedom of Naples keeps its Allegiance to Leo Isauricus.

WHAT the Predecessors of *Luitprandus*, in a long Tract of Time and Wars, could not compass, he at once was near accomplishing, by making himself Master of the Dukedom of *Naples*, as he had done of many Cities of the Exarchate of *Ravenna*. The Dukedom of *Naples*, as we have said, was govern'd by a Duke whom the Emperors of the East were wont to send from *Constantinople*. In the Time of *Leo*, this City was govern'd for him by *Exbilaratus* Successor of *John*, who being spurred on by the precise Orders of *Leo*, urged the People of *Campania* to receive the Edict, and to comply with the Religion of their Prince. He had likewise suborn'd some Men to murder the Pope, by promising them great Rewards if they should strike that Blow, which he said was absolutely necessary for the Quiet of *Italy*. This execrable Villainy being discover'd by the *Neapolitans*, who were always most devoted to the Popes, and most tenacious of the Doctrine of the Church of *Rome*; it appeared to them so horrid and monstrous, that laying aside all other Considerations, except that which kindled their Indignation, in order to revenge this outrageous Attempt, they took Arms, and amidst these Commotions and Tumults, revolted from the Duke *Exbilaratus*, who not having wherewithal to make Resistance, was murder'd, together with his Son *Adrian*; and one of his chief Officers, who was accus'd of having compos'd a seditious Libel against the Pope, likewise lost his Life.

BUT the *Neapolitans* carried their Resentment no further, neither did they fail in their Duty to their Prince, as the other Cities had done; neither would they have any recourse to the *Longobards*, who had a watchful Eye on so fair an Opportunity; nor basely subject themselves to them, for fear of disobliging the Emperor, or, what is more likely, because they mortally hated one another on Account of the continual Wars which had always been betwixt them; so that neither *Luitprandus* nor the *Beneventan Longobards* succeeded in making Advantage of so fine an Occasion. By which means this Dukedom continued firm and constant in their Obedience to their Prince, when all the other Dominions which the Emperors of the East had in *Italy* began to fail; whereupon *Peter* was appointed Duke of *Naples* in

† Sigon. ad ann. 726. Maimb. hist. Iconocl.

the Room of *Exbilaratus* : And the *Neapolitans* continu'd to live under the Empire of the *Greeks* until, after a very long Tract of Time, their Dukedom was at last conquered by the *Normans*, as we shall relate in the following Books.

LEO, upon the Advice of so general a Revolt, was much amaz'd ; but, instead of removing the Cause of so great an Evil, he rather added to it, till he made it incurable ; which at last caus'd him likewise to lose the Dukedom of *Rome*, without hopes of ever recovering it ; and would have also lost him that of *Naples*, and all his Authority in *Italy*, if the Steadiness of the *Neapolitans*, and the Aversion which they had to the *Longobards*, had not put a Stop to it. He still persevering in his wicked Design against the Life of the Pope, believing him to be the Author of all these Mischiefs, as soon as he had heard of the Death of *Paul* the Exarch, and the Revolt of *Campania* against the Duke of *Naples*, in the Year 727, sent the Eunuch *Eutychius* to *Ravenna* in the Quality of Exarch¹, who was one of the most wicked Men upon the Earth, and the most fit for putting in Execution the most impious and difficult Undertaking. He set about corrupting the Governors of the Towns, which were subject to the *Longobards* in the Neighbourhood of *Naples* and *Rome*, in order only to get them to dissemble, and not to do all that they could for defending the Pope : But that base Artifice had not all the Success which he expected ; for a Messenger that was privately sent to *Rome* by this Eunuch, was taken by the *Romans*, and express Orders from the Emperor being found about him to all his Officers to risque every thing in order to murder the Pope ; they were for cutting him in Pieces, if *Gregory* had not hindered it, contenting himself only with Excommunicating *Eutychius*².

¹ Freher. in Chron. Efar. Raven.

S E C T. IV.

The Origin of the Temporal Dominion of the Popes in Italy.

GREGORY was truly very much perplexed ; for though *Luitprandus* and his *Longobards* pretended to defend him against the Power of *Leo*, yet he knew very well, that this Zeal was design'd not so much for his Service and Preservation, as for taking Advantage of other Peoples Quarrels ; for which Cause he had no great Reason to put much Trust in them, as the Event demonstrated. Whereupon the *Romans*, abominating the Impiety of *Leo*, into which he strove to involve them by his Edict on the one hand, and on the other, being jealous of the Ambition of *Luitprandus*, who thirsted after nothing so much as to be Master of the *Roman* Dukedom ; at last resolved to shake off the Yoke of *Leo*, and to keep themselves united under the Government of the Pope, to whom they took an Oath to defend him against the Power of *Leo* and *Luitprandus*. This was the Origin, and these were the first Foundations that were laid, upon which, in Process of Time, the Temporal Dominion of the Popes came to be established in *Italy*. From this Inter-reign which the *Romans* made, began their Dominion, who having shaken off *Leo*, were all united under the Pope as their Head, but not yet as their Prince.

BUT though *Eutychius* found his Design thwarted, yet he had Courage to go on in it ; for having recruited his Army the best Way he could, he went to *Ravenna*, and the Factions continuing yet in that City, it was easy for him, seeing his Party was succoured with such powerful Assistance, to recover it, and reduce the People of *Ravenna* to the Obedience of their Prince. He considering that all *Italy* was lost as to him, and that he could never suppress the Pope and the Obstinacy of the *Romans*, as long as *Luitprandus* was ready to support them ; employed all his Cunning and Policy to take off that Prince from the Pope's Interest and that of the *Romans*, and to bring him over to his own. At this very Time, *Trasimund* Duke of *Spoletium* had rebelled against *Luitprandus*, who finding it very hard to suppress him, resolved to bring him to condign Punishment. The King was likewise ap-
priz'd

priz'd of the firm Resolution the *Romans* had taken to subject themselves to the Pope, that all his Art and Flattery would not avail for bringing them under his Obedience, and that there was nothing to be done but by meer Force. For these Reasons, the Exarch offered him his Army for suppressing first the Rebellion of *Trafimund*, as having concerned himself in that War for no other End, but in order to take hold of all the Opportunities, with which it might furnish him of making great Advantage by the one or other Party. *Eutychius* had no great Difficulty to draw him into his Measures: The King then forgetting the Obligations he lay under to the *Romans*, and his Promise to defend the Pope and Religion against the Insults of the Emperor, accepted these Offers, and concluded a Treaty with *Eutychius*, who immediately join'd his Army to that of the King, and went along with him to the War which he was entering upon against the Duke of *Spoletium* his Rebel, which did not last long; for *Trafimund* was so much surpriz'd with that Confederacy, which he did not in the least dream of, that no sooner was *Luitprandus* come before *Spoletium*, than he cast himself at his Feet, begging Forgiveness, which he obtain'd: He was likewise re-establish'd in his Dukedom, and took a new Oath to the King, and gave Hostages for his Fidelity.

THE Opportunity of employing their Arms against the Rebels being so soon over, in pursuance of the Treaty with *Eutychius*, they were turn'd against the *Romans*, and *Luitprandus* came with the two Armies and sat down before *Rome*, incamping in the Meadows of *Nero*, which are betwixt the *Tyber* and *St. Peter's* Church, over-against *Castle St. Angelo*. *Gregory* being appriz'd of the Preparations of *Luitprandus*, had caused the City of *Rome* to be fortified the best way he could; but perceiving that he could ill resist such warlike Preparations with Force, and having before his Eyes the Example of the Duke of *Spoletium*, who, by request, had obtain'd, from the Piety of *Luitprandus*, what he could not have expected by Arms, resolv'd to imitate him, and, without consulting human Prudence, which would never have persuaded him to go and deliver himself up into the Hands of his Enemies till he had cautiously guarded against the worst that could befall him, accompanied with the Clergy and some *Roman* Barons, went to the King. *Luitprandus*, surpriz'd at such an unexpected Action, could not resist the Impulses of Courtesy, which were very natural to him, and receiv'd him with all the Respect due to the Sanctity of his Life, and the august Character of *Roman* Pontiff. Then it was, that *Gregory* taking upon him that Air of Majesty, which Vertue alone, accompanied with so high a Dignity, inspires, began with all Force imaginable, temper'd with tender Affection, to display the Power of his Eloquence, taxing him with the Breach of Faith; the Harm he did to Religion, for which he had been so zealous; and laying before him the great Prejudice he would do to his Kingdom, if he fail'd to protect the Church, he conjur'd him to leave off his Undertaking, and turn his Arms another way. *Luitprandus* either inwardly touch'd with Remorse, or that at this instant he saw many Things, which he had not thought of in the Heat of his Passion, or because Men, as they cannot be altogether good, so neither can they be altogether bad; was so struck with these Remonstrances of *Gregory*, that, without insisting on the Justification of his Conduct, or seeking Excuses, in some measure to vindicate his Honour, he cast himself at his Feet in the Presence of all, confessing his Fault, protesting that he would repair it immediately; and for the Time to come never suffer any Injury to be done the *Romans*, nor the Majesty of the Church to be violated in the Person of him who was the Father and Head of it. When the Exarch insisted that the Emperor's Orders might be obeyed, he not only did not give Ear to him, but in order to give the Pope a more secure Pledge of his Word, he intreated him to go along with himself to the Cathedral Church of *S. Peter*, which at this Time was without the Walls of the City, and there, in Presence of all the Chief Men of his Army, who had follow'd him, he caus'd himself to be disarm'd, and laid his Girdle, his Sword, his Gauntlet, his Royal Mantle, his Crown of Gold, and Cross of Silver, upon the Apostle's Sepulchre; afterwards he begg'd of the Pope, that he would receive *Eutychius* into his Favour, of whom he needed be no longer in fear, seeing he was not now supported by the *Lombards*. *Gregory* still hoping that *Leo* some time or other would acknowledge his Errors, consented to this Demand: So that *Luitprandus* retiring with his Army to his own Dominions,

the Exarch was receiv'd in *Rome*, and continu'd for some Time very peaceable, and in a good Understanding with the Pope. At this very Time it happen'd that an Impostor, who call'd himself *Tiberius*, and bragg'd of his being descended of the Emperors, had seduc'd some People in *Tuscany*, who had proclaim'd him Emperor : *Gregory*; who slipp'd no Opportunity of obliging *Leo*, perceiving that the Exarch had not Forces sufficient to crush him, manag'd Matters so with the *Romans*, that they accompanied him in this War against the Tyrant, who was besieg'd and taken in a Castle, and his Head sent to the Emperor.

BUT *Leo* being still more obdurate, carried his Passion to the utmost Extremity ; for in the East where he govern'd more absolutely, and had no-body to controul him, he fill'd every Place with Slaughter, Tears, and Blood ; he caus'd the Pictures in all the Churches to be defac'd ; he publish'd an Order whereby he commanded all the Inhabitants, especially those who had Care of Churches, to put in the Hands of his Officers all the Images, that by burning them all at once, he might purge the City. But the Execution prov'd so odious, not sparing Age or Sex, that at last it occasion'd the Loss of what was yet remaining in the West, to *Leo* and his Successors for ever ; for the Pope finding that it was not in his Power to reclaim this Prince, and being afraid lest sometime or other, he might do in the Western Provinces, what he heard with extreme Grief, he had done in those of the East ; he slacken'd the Reins by which hitherto he had kept the *Romans* in the Obedience to their Prince, and leaving them to their Choice, and to do what they thought fit ; at last he approv'd of that which hitherto he had endeavour'd to hinder, and what the People had already begun to do of themselves ; whereupon the *Romans* renouncing their Allegiance to *Leo*, withdrew themselves altogether from under his Dominion, paid him no more Tribute, and united themselves together under the Direction of *Gregory* as their Head, but not as their Prince.

SOME of our Writers, from the Authority of *Theophanes*, *Cedrenus*, *Zonara*, and *Nicephorus*, Greek Authors, who flourish'd long after *Gregory* and *Paul Warnefride*, and *Anastafius Bibliothecarius*, relate, that the *Romans* having shaken off the Yoke, elected *Gregory* for their Prince, by taking an Oath of Fidelity to him ; and that the Pope accepted the Principality of *Rome*, and order'd the *Romans*, and all the rest of *Italy*, to pay no more Tribute to the Emperor, and besides absolv'd the Vassals from the Oath to the Empire ; publicly and solemnly excommunicated the Emperor *Leo*, depriv'd him not only of his Dominions in *Italy*, but also of all the Empire : Whence the independent Dominion of the Pope over *Rome* and its Dukedom, had its rise ; which afterwards by the Bounty of *Pepin* and *Charles the Great*, extended itself to the Exarchate of *Ravenna*, *Pentapolis*, and many other Cities of *Italy*.

THE *French* Writers, and amongst the rest the Archbishop of *Paris*, *P. de Marca*², and those two famous Divines *Natalis* and *Du Pin*³, deny, that *Gregory*, a wise and prudent Pope, had given way to such an Excess ; the Letters of the same Pope⁴, *Warnefride*, *Anastafius*, *Bibliothecarius*, *Damascenus* ; the Letters likewise of *Gregory III.* and *Charles the Great* to *Constantine* and *Irenæus*, are convincing Proofs that these Stories are fabulous ; to wit, that *Gregory* excommunicated *Leo*, accepted of the Principality of *Rome*, absolv'd the Vassals from their Oath to the Empire, and from paying Tribute, and depos'd the Emperor ; and assure us, that *Gregory*, tho' in a thousand ways offended, was always very serviceable and faithful to *Leo*, and had on many Occasions hinder'd the People from revolting, and endeavour'd to keep them from rising against their Prince. 'Tis true he oppos'd the Edicts of *Leo* for abolishing the Images, commanding them not to be obey'd, and exhorting that Prince to give over the Design he had undertaken ; but we read not in so grave Authors that he excommunicated him. The first Pope who boasted of his having darted his Thunder-bolts at Imperial Heads, was the famous *Hildebrand Gregory VII.* which we shall observe in its Place, and not *Gregory II.* What *Anastafius* writes, is most clear⁵ ; he tells us, that after *Leo* had depos'd *Germanus* Patriarch of *Constantinople*, for his not consenting to the Edict, and appointed *Anastafius* the *Iconoclaste* in his Room, *Gregory* excommunicated *Anastafius* for persevering in his Error ; but only rebuk'd, admonish'd, and exhorted the Emperor by Letters to desist from his

² Anast. Biblioth. in Greg. II.

³ P. de Marca de Concord. Sac. & Imp. lib. 3. cap. 11. num. 2.

⁴ Du Pin, de Antiq. Eccl. disc. diff. 7.

⁵ Greg. II. in Ep. 1. ad Leonem.

⁶ Anast. ad A. 658.

Enterprize, but did not excommunicate him, as *Anastafius* writes. And what is said of *Gregory's* having depos'd *Leo*, is yet more fabulous; for this Pope acknowledg'd *Leo* as Emperor as long as he liv'd; and *Gregory III.* his Successor, did the same, who had a Correspondence with him; and we read many of his Letters directed to the Emperor, full of great Humanity and Respect. 'Tis the more certain that he acknowledged him as such, because the Dates of his Letters bear the Years of his Empire, as that of *Gregory* directed to *Boniface*, *Imperante Domino piissimo Augusto Leone, Imperii ejus XXIII.* ¹

OUR Modern *Latin* Writers, misled by the Authority of these *Greek*, have taken their Fables for Truths; but they did not advert, that the Authority of our ancient *Latin* Writers, who flourish'd first, and related Things which fell out in Times and Places not so remote and distant from them, ought to have weigh'd more with them. They likewise did not advert, that the *Greeks* of these latter Times, besides the Character of their Nation, which has always obtruded Lyes and Fables upon the World, had all an Aversion for the Church of *Rome*; and in order to stir up the Minds of Men to a Hatred of, and to draw Envy on, the *Roman* Pontiffs, they represented them to the World as Authors of Innovations and Revolutions, by imputing to them the Ruin of the Empire of the East, calling them Innovators, Ambitious and Usurpers of the Temporal Authority of Princes; and that they, ill imitating our Head and Master Jesus Christ, from Priests, were become Princes.

THE Fables of these *Greek* Schismatics were afterwards greedily, and with pleasure swallow'd by our modern Innovators, and the most furious Hereticks of these our latter Times: Who likewise from the Authority of those, by all means will have it, that *Gregory* truly excommunicated *Leo*; that he absolv'd the Vassals of the Empire from their Oaths; that he depos'd the Emperor, order'd that no more Tribute should be paid him; and that being offer'd the Sovereignty of *Rome* by the rebellious *Romans*, he accepted, and became Prince thereof. *Spanhemius* ², amongst others, cries out mightily against the *French* Writers, who take these Accounts concerning *Gregory* to be fabulous; he says, that they writing in the Reign of *Lewis the Great*, were fain to deny these Facts, *Ne sub Ludovico magno, Romano in Pontifice hujusmodi potestatem agnoscere viderentur*: But they themselves by all means will have them to be true, in order to make a Comparison betwixt our Saviour Jesus Christ and the Pope. When the Multitude taken with his Miracles, offer'd to make our Saviour King, he immediately left them, and answer'd, *That his Kingdom was not of this World*; the Pope, when the rebellious *Romans* had shaken off the Yoke of *Leo*, and offer'd the Principality to *Gregory*, he immediately consented, and became their Prince. Christ expressly commanded Tribute to be paid to *Cæsar*; the Pope ordain'd, that no more Tribute should be paid to *Leo*: By these and the like *Antitheses*, and by such Methods, without either Rhime or Reason, they afterwards broke into that Blasphemy of making the Pope to be Anti-Christ.

WHO would believe, that the greatest Sticklers for the *Greek* Schismatics, and the greatest Abettors of these furious Hereticks, are now the modern *Romans*, and the Writers most addicted to that Court? These, tho' for another end, will likewise have it, that *Gregory* excommunicated *Leo*, depos'd him, order'd that Tribute should not be paid him, and, which is more, that being offer'd the Principality by the rebellious *Romans*, he accepted of it; whence sprung the Temporal Dominion of the Popes in *Italy*. Thus, not to mention others, our Jesuit Historian, Author of the new History of *Naples*, writes ³: *Tum tandem Romani Orientalis Imperii jugum excusserunt, Gregorium Dominum salutarunt, eique Sacramentum dixerunt, &c. Gregorius oblatum ultro Principatum suscepit: Quem non arma, non humanæ vires, artesque, sed populorum studia, Anno 727. auspiciato contulerunt.* Such a Beginning the Hereticks exactly give to the Temporal Dominion of the Popes, founding it upon the Rebellion of the *Romans*; and that *Gregory*, ill imitating our Saviour, did accept of the Principality, and the *Servant of Servants* became Lord and Master. But by what we shall relate hereafter, it will clearly appear, that altho' it did take its Rise from these slender Beginnings, nevertheless it was not then that the Pope acquir'd the Sovereignty of *Rome*, but many Years after; neither during all the Interreign

¹ Greg. III. ep. 3. ad Bonifac. P. de Marca de Conc. Sac. & Imp. lib. 3. cap. 11. num. 5.

² Spanheim. contra Maimburg. in Histor. Imag. pag. 52.

³ Giannettas. hist. Neap. lib. 5. pag. 94.

which the *Romans* of their own Authority pretended to make, were there Officers of the *Greek* Emperor wanting in *Rome*; and we can demonstrate, that the first Acquisitions were in the Exarchate of *Ravenna*, in *Pentapolis*, and afterwards in the *Roman* Dukedom, and not in the City of *Rome*, on the Occasions which we shall presently relate.

S E C T. V.

Pope Gregory II. and his Successor Gregory III. were the first that had recourse to France for Succour.

THE Emperor *Leo* being advis'd of these most important Events, and more furiously inrag'd against the Pope, immediately confiscated all the Patrimonies which the Church of *Rome* had in *Sicily*, *Calabria*, and in all his other Dominions; and was preparing a powerful Army in order to chastise the *Romans* for their Rebellion; to recover the other Towns to his Obedience; and to revenge himself fully upon the Pope, whom he took to be the Author of all these Revolts: Wherefore *Gregory* dreading lest so considerable warlike Preparations might be design'd for crushing him, if he was not supported by a Power able to cope with *Leo*, resolv'd to pitch upon a Protector in whom he might find all the Support and Assistance necessary. He could not trust the *Longobards*, whose Designs and Treachery he knew from long Experience. The *Venetians*, tho' most zealous in the Defence of the Church, were not as yet so strong in *Italy*, as to be able alone to withstand all the Power of the *Greek* Emperor, especially when they were jealous of the *Longobards*, who were more troublesome Neighbours. And as for *Spain*, it was in a most lamentable Condition at that Time, being almost wholly ruin'd by the *Saracens*. Therefore he resolv'd to have recourse to the Power of the *French*, whose Constancy in the Catholick Faith had always been most firm. They had been now above fifteen Years govern'd by *Charles Martel*, who, on account of the Insufficiency and Pusillanimity of the King, being rais'd to be the Steward of the Household, the first Honour of the Kingdom, rul'd that Realm with an absolute Sway, and was become famous for a thousand glorious warlike Expeditions in *France* and *Germany*, and especially for the remarkable Overthrow given the *Saracens* in the Field of *Tours*; he was generally reputed the greatest Captain, and the true Hero of his Time.

GREGORY sent to this great Prince, which no other Pope had ever done before, a magnificent Embassy with many Relicks, to beg Assistance against the Attempts of *Leo*, and that he would take the *Romans* and the Church under his Protection¹. The Ambassadors were receiv'd by *Charles* with extraordinary Honours, and a Magnificency becoming the most august Prince of his Age; and in a short Time the Treaty was concluded, by which *Charles* oblig'd himself to go to *Italy* in order to defend the Church and the *Romans*, if they should be attack'd by the *Greeks* or *Longobards*; and the *Romans* on the other hand were to acknowledge him for their Protector, and to confer the Honour of Consulship, as had been done formerly by the Emperor *Anastasius*, to the great *Clovis*, after he had defeated the *Astrogoths*. And when the Ambassadors return'd, loaded with rich Presents, and pleas'd with so successful a Negotiation; *Gregory* having nothing more to fear concerning the Church, to which he left so powerful a Protector, ended his Days in the Year 731, with the Fame of singular and eminent Virtues, which made him deserve upon Earth, the Honours which are only ascrib'd to the Saints in Heaven.

GREGORY III. succeeded, and some have written², that it was he who sent this Embassy to *Charles Martel*, because *Luitprand*, after having defeated *Trasimund* Duke of *Spolegium*, who had rebell'd a second Time, taking Advantage of his Victories, had anew invaded the *Roman* Dukedom, and laid close Siege to *Rome*, being offended at *Gregory* for having entertain'd the Rebel; and when the Prayers

¹ Zonar. Append. ad Greg. Touron.

² Sigon ad A. 739.

and Eloquence of the Pope had not the same Effect as those of his Predecessor, at last he had recourse to the Assistance of *Charles*, by whose Mediation he obtain'd, that *Luitprand* being satisfied with four Cities only, should raise the Siege, and leave *Rome*, and the rest of the Dukedom, to the *Romans* and the Pope. But be this as it will, 'tis certain, that from the Pope's having recourse to *France*, the *French* began to concern themselves in the Affairs of *Italy*; the Consequence of which was, that by this mutual Assistance, each of the Parties plotting to advance their own Interest; at last the *Longobards* being driven out, the *French* came to rule in *Italy*: The Kingdom of *France*, from the *Merovingian*, was translated to the *Carlovingian* Race; and on the other hand, the Popes were establish'd in *Rome* and the *Roman* Dukedom, with a great Part of the Exarchate of *Ravenna* and *Pentapolis*, as we shall relate by-and-by.

S E C T. VI.

Constantinus Copronimus, succeeds to his Father Leo. The Death of Luitprandus King of the Longobards.

THE Affairs of *Italy* being in so great Confusion, and by various Accidents the Power of the Emperor *Leo* always more and more declining, nothing but the Shadow of Authority remain'd there. The Exarchate of *Ravenna* being much curtail'd by the Conquest of the *Longobards*, was now ready to go to ruin, without Hopes of Recovery; the Dukedom of *Rome* was in the Hands of the *Romans*, and the Pope their Head, whom they obey'd; and tho' there were as yet some Vestiges of Sovereignty remaining in *Rome*, *Leo* having still his Officers there; nevertheless his Authority was so very weak, that it was evident it would in a very short Time be altogether abolish'd in that City; he had no full Power and Dominion but only in the Dukedom of *Naples*, in *Calabria*, the *Bruttii*, and in some other maritime Cities of the Kingdom, which had not as yet fallen into the Hands of the *Beneventan Longobards*. But *Leo Isauricus* dying in the Year 741, and his Son *Constantinus Copronimus* succeeding to him in the East, its Ruin was compleated; *Constantine* having none of the good Qualities of the Father, exceeded him infinitely in the Bad; and, if Credit may be given to the *Greek Writers*, he was the most wicked and ugly Monster that ever the Earth produc'd. He was no sooner sole Emperor, than he shew'd himself more furious against Images than his Father had been, and publish'd an Edict, by which he not only condemn'd the Images of the Saints, but likewise forbid the Invocation of them, and the very Title of Saints; and carrying his Fury further, he was also outrageous against their Relicks, by ordering the greatest Violence and Disrespect in the World should be offer'd them: Therefore he persecuted the Defenders of the Images, and on that account banish'd many Bishops. But he render'd himself much more impious, and abhor'd by all for the Hatred he had conceiv'd against the Mother of God, in prohibiting any Holy-Day whatsoever to be observ'd in Honour of her, and that none should implore the Assistance of God by her Intercession, asserting, that she had no Power either in Heaven or on Earth.

THIS execrable Impiety, together with many more wicked Instances of the same nature, and his abominable Vices, render'd him so odious to his Subjects, that he not only lost that Shadow of Dominion which he had in *Rome* and *Ravenna*, but was like to have lost the whole Empire.

IN the same Year that *Leo* died, *Gregory III.* likewise departed this Life, and was succeeded in the Pontificate by *Zacharias*; to him the Church of *Rome* ow'd her Temporal Dominion, much more than to the two *Gregory's*, for he knew how to raise it upon the Ruins of the *Greek Empire*, and to make greater Acquisitions; forasmuch as he no sooner had mounted the Chair, than he sent Ambassadors to *Luitprandus*, to

¹ Sigon. ad A. 741.

demand the four Cities, which by the Mediation of *Charles Martel* had been given him when he rais'd the Siege of *Rome* for the second Time. And altho' the Ambassadors were honourably receiv'd by *Luitprand*, and got some Hopes of the Restitution, nevertheless *Zachary* observing that the Affair was protracted, and intending to imitate *Gregory*, went with all the Clergy of *Rome* to find the King, and being receiv'd with extraordinary Marks of Respect; his Motives were so strong and effectual, that he not only obtain'd from the Piety of this Prince, the Restitution requir'd, but likewise establish'd a Peace betwixt them for twenty Years: He also got the *Sabinian* Patrimony to be restor'd, and made many other Acquisitions beyond his Expectation. And this Pope was so successful with *Luitprand*, and so much in his Favour, that when in the latter end of his Reign, impatient of Repose, according to his wonted Custom, he design'd to attack *Ravenna* anew, *Eutychius* the Exarch had recourse to the Mediation of the Pope, who wrought so upon *Luitprand*, as to make him lay aside that Expedition, and even to restore some Places which he possess'd, especially *Cesena*.

BUT while these Things were transacting in *Italy*, *Luitprand*, after having reign'd 32 Years, ended his Days in *Pavia*, in the Month of *July* in the Year 743¹. A Death as sudden as doleful to the *Longobards*, and never enough to be lamented by them; he was bury'd in solemn Pomp in the Church of *S. Adrian the Martyr*, in *Pavia*, with the highest Commendation, and lofty Encomiums². A Prince, laying aside his excessive Ambition of Empire, indued with all the Perfections desirable in a King, either for Peace or War; he enlarg'd the Bounds of his Dominion³, and tho' brought up from a Child amongst Arms, had nothing of Pride or Cruelty in him, but was rather most courteous, and always inclin'd to use Clemency, even towards those who had offended him; he was more knowing and sufficient than all those of his Council. All his Laws were wise and prudent; and tho' he had not cultivated his Mind with Learning, yet by the Strength of his own natural Parts he had attain'd all the Force and Subtlety of a Philosopher.

THERE are remarkable Monuments of his Piety towards God still remaining; he was magnificent in founding of Churches and fine Monasteries, of which *Warnefride* gives us the Number⁴, and to this Day the Vestiges of them are admir'd; he was chaste, and compassionate to the Poor, and of so good natural Parts, that of all the *Longobard* Princes that reign'd in *Italy*, all Writers deservedly give him the greatest Commendation. He left the Kingdom to *Hildebrand* his Nephew, whom in the last Years of his Life he made his Partner; but his Government lasted but a short while, seven Months having scarcely pass'd⁵, when the *Longobards* finding that because of his Insufficiency they could not expect a happy and good Government, they turn'd him out of the Throne, and set up *Rachis* Duke of *Friuli*, a Prince adorn'd with excellent Qualities and uncommon Piety.

¹ Erchemp. pag. 5. apud Camil. Pel. hist. Princ. Longob.

² P. Warn. de gest. Long. l. 6. c. 58. seu 19.

³ Erch. apud Pellegr. p. 5. loc. cit. P. Warn. lib. 6. c. 18.

⁴ P. Warn. lib. 6. c. 18.

⁵ Erch. apud Pellegr. p. 5. loc. cit.





C H A P. I.

Of RACHIS King of the Longobards, and his Laws.

RACHIS, to the unspeakable Satisfaction of all, mounted the Royal Throne in the Year 744. In the Beginning of his Reign, he gave very evident Tokens of a quiet Disposition, and was inclinable by all means to live in Peace; he confirm'd the Peace with *Zachary* which had been made with *Luitprandus* some Years before; and following the Example of the other *Longobard* Kings, would likewise add new Laws to those of his Predecessors, and soften the Rigour of some of them. He having conven'd the States of the Kingdom in *Pavia*, in the Year 745, publish'd them by his Edict, which, after the manner of his Forefathers, he caus'd to be establish'd over all the Kingdom. We read this Edict as yet intire in the often mention'd Code of the Monastery of the Cave, which contains eleven Chapters. The first begins, *Ut unus quisquis Judex in sua Civitate debeat quotidie in judicio residere*; and the last has this Title, *De Arimanno quomodo cum judice suo caballicare debeat*. From this Edict the Compiler took only nine Laws, which we have in the Volume of the *Longobard* Laws. We have three in the first Book, one under the Title *De Seditione contra judicem*; and two under the other *De Invasionibus*. In the second Book we have four of them; one under the Title *Debitis & Guadimoniis*; another under the Title *De Præscriptionibus*; another under the Title *De Officio Judicis*; another under that *Qualiter quis se defendere debeat*; and two other in the third Book, one under the Title *De his quæ secreta Regis inquirunt*; and the other under this *Ubi interdictum sit Legatum alicui mittere*, wherein it is strictly forbidden, without the King's Licence, to send Ambassadors to *Rome*, *Ravenna*, *Spoletium*, *Beneventum*, to *France*, *Bavaria*, *Germany*, *Greece* and *Navarre*.

BUT after *Rachis* had so well improved the Arts of Peace, and so well settled his Kingdom with wise and provident Laws, there did not pass many Years, when he laid them aside; and being seiz'd with an Ambition of enlarging the Bounds of his Kingdom, as his Predecessor had done, whom he had a Mind to imitate, he rais'd an Army, and made War on *Pentapolis*, and having taken some Places in that Country, he advanc'd into the *Roman* Dukedom, and at last laid close Siege to *Perugia*¹.

IT was at this Time, that Pope *Zachary* had so many lucky Opportunities, which led him to so many renown'd and noble Undertakings, that his Name deserves gloriously to be extoll'd above all the other *Roman* Pontiffs; for he had the Art to lay such, and so deep Designs, in order to extend the Authority and Dominion of his See, that nothing like them had ever been so cunningly contriv'd.

¹ Erchemp. apud Camil. Pelleg. pag. 5. loc. cit.

S E C T. I.

The Translation of the Kingdom of France from the Merovingian to the Carolingian Line.

AFTER the Death of *Charles Martel*, *Pepin* and *Carlomannus* his Sons took upon them the Government of the Kingdom of *France*. *Childerick* the last King of the first Race, because of his Insufficiency, retain'd nothing but the Royal Title; but after seven Years had pass'd, *Carlomannus* renounc'd the Government to his Brother, and, accompanied with many *French*, came to *Rome*, and being inflam'd with a fervent Zeal for Religion, would have *Zachary* to inroll him amongst the Clergy; from thence he retir'd to *Monte Soratte*, and there founded a Monastery, which he dedicated to *S. Sylvester* the Pope; where 'tis reported this Pope had hid himself in the Time of the Persecution, before *Constantine* had embrac'd the Christian Religion. But this Place being continually frequented by the *French*, who came either of Purpose, or *en passant* to visit him, in order altogether to withdraw himself from worldly Affairs, he retir'd to *Monte Cassino*, where having dedicated himself to God, he turn'd Monk¹.

IN the mean Time *Pepin* continu'd to govern the *French* Monarchy alone, with the same Power and Authority, and rather more, than his Father *Charles Martel* had done; for *Childerick* III. the last of the *Merovingian* Race, by reason of his Folly and Unfitness, was less esteem'd than the Kings his Predecessors, who for about a hundred Years had enjoy'd nothing but the Royal Title, by basely allowing themselves to be govern'd by the Mayors of the Palace, who had all the Authority. On the contrary, *Pepin* by his noble Manners, and his glorious Actions, had gain'd the Hearts of all the *French*, who willingly would have acknowledged him for their King, rather than *Childerick*, a stupid and unfit Prince. *Pepin* did not let so fine an Opportunity slip, of transferring the Realm of *France* from the Race of the great *Clovis* to his own House, but made use of all the Art imaginable. But tho' the *French* seconded his Design, nevertheless they were not willing to do it of themselves, being perswaded that they had not sufficient Authority to transfer the Kingdom from the lawful Heir to another House, nor to absolve themselves from the Oath of Fidelity which they had taken to their Prince. *Pepin* weighing the Difficulty of the Matter, and that *Charles Martel* his Father, tho' formidable and renown'd for so many Victories, had not had the Boldness to undertake it; and besides, thinking that so great and so strange an Enterprize, could by no other Means be brought about, not to be thought odious, but rather commendable, than by having recourse to the Authority of the Apostolical See, which at this Time was reputed the Seminary of all Virtue and Sanctity; and if that See should not approve of the Fact, it was able to stir up so many Enemies against him, that he would not be in a Condition to withstand them with his own Forces; he therefore very prudently resolv'd, under the Cloak of the Papal Authority, to cover the Deformity of the Fact, and sent the Bishop of *Vuitzburg* to *Rome* to Pope *Zachary*, and caus'd him to lay before him his own Desire, and that of all the *French*, requesting his Opinion, whether it would not be for the common Benefit of the Kingdom, to transfer the Scepter from a stupid King, to *Pepin* a valiant and wise Prince². And after the Bishop had demonstrated, that by his approving of this Translation, he should acquire more Glory than *Charles Martel* had done by his Victory over the *Saracens*, he requested him to interpose his Authority, and to absolve the *French* from their Oaths, that they might be able to place *Pepin* on the Throne. This was the publick Commission of the Ambassador, but the private Instructions were, to promise if the Pope consented, to defend him against all his Enemies, and especially against the *Longobards*; and that he might rest secure, that *Pepin* would not only protect him, but also grant him greater Advantages to his See.

¹ Erchemp. apud Camil. Pellegr. p. 5. loc. cit.

² Paul. Æmil. de reb. Franc.

ZACHARY did not let slip so fit and seasonable an Opportunity, which afforded him an Occasion to shew at the same Time, both the Greatness of his Authority, and not only to establish the Temporal Dominion which he began to have in *Italy*, but likewise to extend it beyond the *Roman* Dukedom, and the Exarchate of *Ravenna*. Whereupon he not only gave his Advice to do it, but that there might remain to Posterity, a solemn Document of his Authority, of himself, he likewise added a Decree, by which he made void the Right of *Childerick*, as an insufficient King, and absolv'd the *French* from the Religion of their Oath, and ordain'd that *Pepin* should be put in his Place. As soon as the *French* had obtain'd this, they met at *Soissons*, turn'd out *Childerick*, who shutting himself up in a Monastery, turn'd Monk, and they elected *Pepin*, who was solemnly crown'd by *Boniface* Archbishop of *Mentz*, from whom he also receiv'd the Holy Unction, that thereby he might be more respected by his Subjects; and he was the first King of *France* that made use of it.

SOME *French* Writers, and particularly *Du Pin*¹, clearly demonstrate, that the *French* sent this Embassy to *Zachary*, in order to consult him only as a Doctor and Father of the Christians, and that they requir'd nothing from him, except his Advice and Approbation, to make their Election the more plausible to all Christendom; so that *Zachary* had no other hand in it than by giving his Opinion and Advice. Others, from the Authority of *Eginardus*², *Reginon*, and from the Annals of *France*, relate, that this Pope did not only approve of the Election, but, as 'tis easy to do more than is requir'd, especially when it makes for the Inlargement of one's own Authority, even went further, and made a Decree for it; which however they say, was of no Consequence or Prejudice to them for the Time to come, as was made clear, when Two hundred and thirty-seven Years after, the *French* with common Consent elected and crown'd *Hugh Capet*, by turning out *Charles* of *Lorraine*, who was the lawful Heir of the *Carlovingian* Race, without being oblig'd to consult the Pope, as had been done by *Pepin*. Whatever be in this, 'tis certain, that these Matters and Treaties were transacted at this Time betwixt *Zachary* and *Pepin*; on the one hand *Zachary* consented to the Translation of the Kingdom, which *Pepin* wanted to be settled on his House, and gave him all Assistance; on the other hand, *Pepin* promis'd to protect the Apostolical See, and to defend it against its Enemies, and particularly the *Longobards*, and procure it greater Advantages³. It remains a Question, whether the Apostolical See reap'd more Benefit from *Pepin* and his Arms, which he employ'd in defending it against the Power of the *Longobards*, and establishing the Temporal Dominion in *Italy*; or *Pepin*, from the Authority of that See, which was so propitious to the *French*, that it made his Descendants Masters of *Italy*, and facilitated the driving the *Longobards* out of it.

¹ Du Pin, de Antiq. Eccl. disc. Dissert. 7. | Romani Pontificis Sanctionem, &c.

² Eginard. ad A. 750. hoc anno secundum | ³ Paul. Æmil. de reb. Franc.

S E C T. II.

Rachis abandons his Kingdom, and turns a Monk of *Cassino*.

I N the mean Time, before *Zachary* had concluded these Treaties with *Pepin*, he had not neglected the Interest of his See with *Rachis*, who having march'd thorough the Dukedom of *Rome*, and its Territories, had, as is said, laid close Siege to *Perugia*, and threatned to proceed further. The Emperor was at a Distance, and did not mind the Affairs of *Italy*; the Exarch was not in a Condition to defend himself in *Ravenna*, much less to oppose *Rachis*; so that *Zachary*, in order to ward off this Blow, was necessitated to have recourse to his own Authority and Courage: Therefore taking Heart, and well accompanied, he went in Person to the Camp, where *Rachis* was, under the Walls of *Perugia*; and being honourably receiv'd by this Prince, he spoke with such Force and Energy, as to instill so tender a Regard for Piety and Religion into him, that immediately he not only rais'd the Siege of *Perugia*,

Perugia, but also yielded to *Zachary* some Castles of *Pentapolis* which he had possess'd. And this Speech made so deep Impression upon him, that being over-aw'd with the Majesty of the Pope, and overcome with the secret Force of Religion, a Year after he went to *Rome*, with *Tasia* his Wife, and *Ratruda* his Daughter, to visit him; and there prostrating himself at his Feet, and renouncing his Kingdom, he would turn a Monk of *Cassino*, together with his Wife and Daughter; and having taken the Habit from the Hands of the Pope, he retir'd to *Monte Cassino*, there to end his Days in that Monastery under the Rule of *S. Benedict*: *Tasia* and *Ratruda* follow'd his Example, who at their own Charges erected from the Foundation a magnificent Monastery of Virgins, not far from *Cassino*, where having put on the Monastick Habit, they led a holy Life¹.

RACHIS spent the rest of his Days in the Monastery of *Cassino*. A Prince remarkable for having govern'd the Kingdom with so much Prudence and Moderation, and made so many provident Laws; but what made him much more immortal and commendable in the Memories of Men, was his laying it down with so many Tokens of Piety and Religion; wherefore the Monks of that Monastery, worship him at this Day as a Saint. At the Time that *Leo Ostiensis* compos'd his Chronicle, there was seen near to that Monastery, a Vineyard, as *Leo* reports², which was commonly call'd the *Vineyard of Rachis*; the Monks of that Monastery affirming, that he planted and cultivated it. The Abbot of *Noce*³, afterward Archbishop of *Rossano*, while he was Abbot there, caus'd search to be made for that Spot, which he found altogether barren; he caus'd the Vineyard to be repair'd, of which there was not the least Vestige remaining, and caus'd likewise a Chapel to be built in Honour of him.

JOHN VILLANI, a *Fiorentine*⁴, was of Opinion, that the Statue of Metal, which is now to be seen in the Market Place of *Barletta*, and which is call'd *Eracco*, had been erected by the *Beneventan Longobards* to this Prince. The Authority of this Historian made *Beatillus*⁵ also, and, which is more, the Abbot of *Noce*⁶, and some others believe, that it really was the Statue of *Rachis*; which, if we consider the Extension of the Dukedom of *Beneventum* at this Time, would not seem impossible; seeing it extended its Bounds on this Side beyond *Sipontum*, to *Bari*; which Town was comprehended in the Dukedom of *Beneventum*; and tho' it had its own particular Dukes, who immediately govern'd it, nevertheless the Kingdom of the *Longobards* in *Italy* was made up, not only of that Tract of Country which we now call *Lombardy*, and of the other lesser Dukedoms, but especially of these three famous Dukedoms of *Spoletium*, *Friuli*, and this of *Beneventum*, greater than all the rest, which were subject to the *Longobard* Kings, who had their Seat in *Pavia*; it would not seem a strange Thing, that the *Beneventan Longobards* had erected that Statue to *Rachis* their King.

BUT two strong Reasons convince us of the fabulous and erroneous Opinion of *Villani*. The first is, that it appears altogether unlikely, that the *Beneventan Longobards*, would have plac'd a Statue so large and magnificent in *Barletta*, a Town at this Time so small and of no Account, and situated as it were on the Borders of their Dukedom, and not in *Beneventum* the Metropolis City; or in some other magnificent City of that Dukedom, of which they had many; such as *Capua*, *Salernum*, *Bari*, and so many others. *Barletta* at first was nothing else but a Tower plac'd in the Middle of the Way betwixt *Trani*, and the City of *Cannæ*, so famous for the signal Overthrow given the *Romans* there by *Hannibal*; it serv'd only for a lodging Place for Passengers; and, as is usual, had for a Sign a small Barrel. The Conveniency of the Situation, being seven Miles distant from each of these two Cities, drew some of their Citizens to live there, whence the Place afterwards took the Name of *Barletta*; and the Inhabitants always increasing under the Empire of *Zeno*, and the Pontificate of *Galesius*, *S. Sabinus* Bishop of *Canosa* thought it a fit Place to build a Church in for the Devotion of the Inhabitants, which was erected in Honour of *St. Andrew* the Apostle. 'Tis likewise said, that Pope *Galesius* being in Mount *Garganus*, on account of the miraculous Apparition of *St. Michael*, at the Request of Bishop *Sabinus*, about the Year 493, went down

¹ Erchemp. apud Pel. hist. Princ. Long. p. 6.
Leo Ostien. Chron. lib. 1. c. 8.

² Leo Ostien. Chr. lib. 1. c. 8.

³ Ab. de Noce ad Ostien. loc. cit.

⁴ Villan. lib. 2. cap. 9.

⁵ V. Beat. hist. di S. Sabino vescovo di Canosa.

⁶ Ab. de Noce loc. cit.

with *Laurence* Bishop of *Sipontum*, *Palladius* of *Salpi*, *Eutychius* of *Trani*, *John* of *Ruvo*, *Eustorius* of *Venosa*, and *Roger* Bishop of *Canna*, and consecrated it; after which Consecration, the Inhabitants increasing from Time to Time, it came to be a good Town, many Citizens of *Canna* going thither to live for greater Conveniency. Such was the State of *Barletta* in the Reign of *Rachis*; it increas'd, and many Ages after began to take the Form of a City, and under the Reign of the *Suevi*, *Manfredus* who lov'd that Part of *Puglia* very much, and where he liv'd for the most part, honour'd it sometimes with his Residence while he was employ'd in building of *New Sipontum*, which from him took the Name of *Manfredonia*. *Barletta* thus honour'd by this Prince, began to vie with its Mother *Canna*, and to dispute the Boundaries and Territories, which for many Years had been common to both; whereupon *Charles I.* of *Anjou*, to remove all Disputes which usually arise betwixt Neighbours, made a Division¹: It was then surrounded with Walls, and this King caus'd the Streets to be pav'd, and the Gates to be built. It was afterwards made the See of the Archbishop of *Nazareth*, and brought to that Magnificency in which we now see it. *John Villani*, who flourish'd in the Reign of *Charles II.* of *Anjou*, and *Joan I.* his Niece, when *Barletta* was become one of the considerable Cities of *Puglia*, believing it had been such in the Reign of *Rachis*, and seeing this Statue lying in the Port of this City, which the Inhabitants call'd corruptly, as they do to this Day, the Statue of *Arachio*, took it to be the Statue of this *Longobard* King. Whence also we see the Mistake of *Scipio Ammiratus*², who writes, that this Statue had been dedicated by the *Barlettans* to the Emperor *Heraclius*, as a Mark of Gratitude, for that Emperor's having made a Mole to their City, for the Conveniency of Merchants; whereas in the Time of *Heraclius*, *Barletta* was a small Village, and the Mole was made many Ages after *Heraclius*, by its own Citizens; who no sooner than the Year 1491, transported that Statue, which lay half broke to pieces in the Harbour, to the Market-Place within the City, where it stands at this Day, after they had new vamp'd it as we now see it.

THE other Reason, which proves that it is not the Statue of *Rachis*, is its being represented Beardless, and dress'd after the *Greek* Fashion, having in one Hand a Cross, in the other an Apple, a Symbol of the World. These Marks, as they prove it to be the Statue of some Emperor of the East, so they prove it not to be of *Rachis*, or any other *Longobard* King. In the so often mentioned Code of the Monastery of the Cave, where the Edicts of the *Longobard* Kings of *Italy* are, we see some Pictures in Miniature of some of these Kings, Authors of these Edicts, tho' somewhat spoil'd, and after the manner of Painting in those Times, coarse and simple; nevertheless they are represented with long Beards, military Garments, the Scepter in their Right Hand, and the Crown on their Head, but neither Cross nor Apple to be seen: Whence 'tis probable, that, according to the ancient Tradition of the People of *Barletta*, it may be the Statue of *Heraclius* Emperor of the East.

HE, say they, on account of the great Veneration, which not only he, but all the other Emperors of the East his Predecessors, paid to *Michael the Archangel*, to whom there were so many Churches and Altars erected in *Constantinople*; when the Sanctuary of Mount *Garganus* was become so famous in his Time, that it drew the Bounty of the most potent Kings of the Earth to it, likewise would send and offer to that Church many rich Presents, and among the rest his Statue, to the end that he might eternize the Remembrance of the Worship which he paid to that Saint. They add, that the Ship which carry'd these Presents, being toss'd in the *Adriatick* Sea with Winds and Storms, was wreck'd in that Sea near the Shore of *Barletta*, where the Statue lay for a long Time in the Water; and that at last it was discover'd and brought ashore to the Harbour of that City, where it lay likewise half shatter'd for many Years: In fine, the *Barlettans* in the Year 1491, carry'd it into the City, and plac'd it where we now see it. Certainly the shav'd Beard, the *Greek* Habit, the Cross and the Apple, prove it to be the Statue of some *Greek* Emperor; Tradition, and the Resemblance it bears to *Heraclius*, and the Name, tho' corrupted, by which it has always been call'd by the *Barlettans*, give Ground to believe it is the Statue of that Emperor. The Opinion of *Mazzella*³, who believ'd this Statue to be the Emperor *Frederick II's*, is so false and foolish, that 'tis not worth the while to confute it, as being repugnant to all History.

¹ Registr. Caroli I. A. 1292. & A. 1293. | Beltran. descr. del R. di Nap.

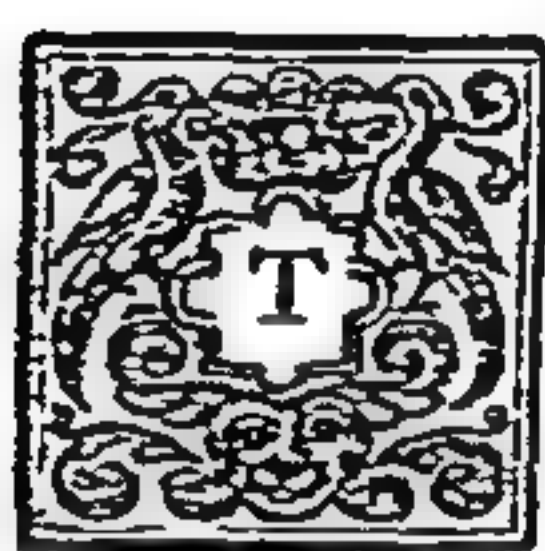
² Ammir. nel. lib. delle Fam. del R. di Nap.

³ Maz. descr. del Reg. di Nap. e sue Prov.



C H A P. II.

*Of Astolphus King of the Longobards, his Expedition to Ravenna,
and the End of that Exarchate.*



THE Longobards, as soon as *Rachis* turn'd Monk, set *Astolphus* his Brother on the Throne; a Prince gallant in the Field, and wise in the Council, who brought his Kingdom to the highest Pitch of Grandeur; which was the Occasion of his own Fall, and the Ruin of the Longobards in Italy. In the Beginning of his Reign he discover'd an Inclination to be moderate and peaceable; he confirm'd the Peace formerly made betwixt *Zachary* and *Luitprandus*, and *Rachis* his Brother, and granted the Pope all those Conditions which had been stipulated with his Predecessors. This Pope, after having settled the Peace with *Astolphus*, and so advantageously adjusted the Interests of his See, departed this Life in the Year 752. A Pope to whom the Church of Rome is much beholden, who by his wise Conduct rais'd her to so much Grandeur, and augmented her Authority; he left to his Successors very solid and firm Foundations, on which in after Ages they have been able to raise such a towering Superstructure in all the Kingdoms of the West, as gave Jealousy to Princes, and struck a Terror into the People.

ZACHARY being dead, the Clergy and People of Rome chose *Stephen II.* but he held that See only three or four Days; for being oppress'd with a severe Lethargy three Days running, he died on the fourth. Immediately there was another chosen, likewise nam'd *Stephen*, who by the antient Writers is also call'd the Second, not reckoning his Predecessor, who died without being consecrated; for in those Times the Election alone did not make a Pope, but the Consecration; so that if any was elected and died without being consecrated, he was not put in the List and Number of the Popes: Thus we see, not to name others, *Echerempertus*, and *Ostiensis*¹, call this *Stephen* the II^d, and not the III^d. However, at present 'tis a settled Point, contrary to what antiently was believ'd, that by the Election of the Cardinals the Pope receives all Authority; and therefore the Writers of these latter Times have labour'd to put this *Stephen* in the Number and List, whereupon they have agreed to alter the Number of the subsequent *Stephens*, by calling the Second Third, and the Third Fourth, and so on to the Ninth, whom they call the Tenth, which occasions great Confusion in comparing the ancient and modern Writers, the latter stily maintaining this Point.

THIS Pope having mounted the Throne, and follow'd the Footsteps of his Predecessors, after three Months of his Pontificate, sent Legates to *Astolphus* with many Presents, in order to establish that Peace which he had already confirm'd with *Zachary*; *Astolphus* ratify'd it, and it was agreed on for other 40 Years.

BUT this Prince, who was no less ambitious than *Luitprandus*, confirm'd this Peace with the Pope, to the end that he might not divert him from the Design he had of subjecting *Ravenna*, with all the rest of the Exarchate, which was yet in the Possession of the Greeks, and was govern'd by the Exarch *Eutychius*. From the Time he mounted the Throne, in order to that Expedition, for the Space of two Years, he had gather'd together all his Forces, and made them more powerful than

¹ Echeremp. apud Pelleg. pag. 5. Ostiens. lib. 1. cap. 3.

ever; and perceiving that *Constantinus Copronimus*, who at this Time had associated his Son *Leo* with him in the Throne, was employ'd in other Expeditions in *Greece* and *Asia*, and did not in the least mind the Affairs of *Italy*, and tho' ever so willing, yet could not so suddenly send Assistance; he in an instant march'd with all his Forces against *Eutychius*, and went directly towards *Ravenna* the Head of the Exarchate, and laid close Siege to that Imperial City. *Eutychius* being thus catch'd napping, and unable to bear an Assault, or defend himself against such a numerous Army, agreed to surrender the Place, without hopes of ever recovering it; being far from any Assistance, and unprovided of Men and Money, he abandon'd every Thing, and return'd to *Greece*. After *Astolphus* took *Ravenna*, and all the other Cities of the Exarchate, *Pentapolis* easily surrender'd to him; who now triumphing over his Enemies, join'd the Exarchate of *Ravenna* to his Kingdom, which his Predecessors had so often in vain attempted to do; for sometimes they gain'd it, sometimes lost it, but never could intirely and firmly unite it to their Crown.

THUS ended the Exarchate of *Ravenna* and its Exarch; a Magistrate who for the Space of 183 Years had maintain'd the Power and Authority of the Emperors of the East in *Italy*: Thus ended likewise the great Lustre and Splendor of that City, which, by the Emperors *Honorius* and *Valentinian*, who neglected *Rome*, had always had the Honour to be made the constant Place of their Residence, as it was afterwards the Residence of the Exarchs, whom the Dukes of *Rome*, *Naples*, and all the other *Italian* Cities of the Empire obey'd, and whose Bishops contended with those of *Rome* for Precedency; now being retaken by the *Longobards* from the *Greeks*, it chang'd its Fortune, and being reduc'd to the Form of a Dukedom, was no otherways treated than the other lesser Dukedoms, of which the Kingdom of the *Longobards* was made up; which was the Occasion of its fatal Ruin, and of the Condition we now see it in. *Marquardus Freerus* ¹, in the Chronology which he compil'd of the Exarchs of *Ravenna*, from *Longinus* the first Exarch, under *Justin II.* to the last, which was this *Eutychius*, writes, that this Exarchate continu'd 175 Years; but from the Computation of the Years which he himself has made of it, we see, that it having, as he says, begun from *Longinus* in the Year 568, and ended in *Eutychius*, after *Astolphus* had taken *Ravenna* according to him in the Year 751, the Exarchate lasted 183, and not 175 Years. And according to those who compute the Fall of *Ravenna* from the Year 752, the Exarchate lasted 184 Years.

¹ Freh. in Leunclav. tom. 1. juris Græco Roman.

S E C T. I.

The Expedition of Astolphus into the Roman Dukedom.

ASTOLPHUS after so great and glorious Undertakings, being full of high and elevated Thoughts, now threaten'd to extend his Empire over the miserable Remains which were yet left to the Emperors of the *Greeks* in *Italy*; he being Master of the Exarchate of *Ravenna*, and thinking he had a Right to all that belong'd to the Exarchate, which was the Superiority and Sovereignty over the Dukedom of *Rome*, and all the rest; pretended likewise to command the Cities of the *Roman* Dukedom, and especially the City of *Rome*, in which the Emperors of the East, after the Agreement made betwixt *Luitprandus* and *Gregory II.* had continu'd to have some Vestige of Superiority, by having their Officers still there. Therefore he threaten'd the Lands of the Dominion of the Church, and *Rome* itself, having broke and violated the so many Treaties of Peace concluded betwixt himself and his Predecessors, and the *Roman* Pontiffs, he march'd his Army towards *Rome*, and having taken *Narni*, sent Ambassadors with a severe Message to the Pope, telling him, that he would plunder *Rome*, and put all the *Romans* to the Sword, if they did not subject themselves to his Empire, by paying him a Yearly Tribute of a Crown for each Man.

Man¹. The Pope being much troubled at so terrible a Message, endeavour'd to pacify him by a conspicuous Embassy of two famous Abbots, who flourish'd at that Time; he sent to him the Abbots of *Monte Cassino* and *S. Vincenzo*, to *Velturum*, with a great many valuable Presents, charging them to put him in Mind of the Peace lately made, and by Reasoning and Intreaties endeavour to persuade him not to break it, but to turn his Arms another way².

THE Pope from the Beginning of the Irruption which *Astolphus* made upon *Ravenna*, foreseeing these Mischiefs, had acquainted the Emperor *Constantine* with the Designs of the *Longobards*, and had solicited him to send powerful Assistance to the Exarch, in order to put a Stop to them; but *Constantine* intending to cover his Weakness with the Cloak of Authority, gave him to understand, that that alone was enough to hinder the *Longobards* from such an Undertaking; instead of an Army, he sent a Gentleman of his Bedchamber, named *Joannes Silenziarius*, with Orders to the Pope to send his own Letters along with him to *Astolphus*, in order to oblige him to restore what he had taken³. The Pope not only sent Letters but also Legates to accompany *John*; but when they arriv'd in *Ravenna* where *Astolphus* was, and deliver'd the Message about restoring what he had taken, that Prince receiv'd it with Contempt, and they were immediately sent back without Success, as they might well have imagin'd; for which Cause the Pope's Legates went with *John* directly to *Constantinople*, to intreat the Emperor anew, in the Name of the Pope, to come himself into *Italy* with a powerful Army in order to save *Rome*, and the other Remains of his Empire in *Italy*, which the *Longobards* were still endeavouring to rob him of. But *Constantine*, who was embroil'd in other Wars, and who minded nothing else, except the calling a new Council this Year 753, consisting of 338 Bishops, for pulling down the Images; was in no Condition to quarrel with the *Longobards*.

THEREFORE *Stephen* seeing that it was in vain to have recourse to *Copronimus*⁴, who could not so much as defend himself against the *Longobards*, and was at a great Distance for protecting his Church; and that on the other hand *Astolphus* had enter'd the *Roman* Dukedom with an Army, was laying all the Country waste, and threatening the *Romans* with Slaughter and Slavery, if they did not surrender to him; at last resolv'd, after the Example of *Zachary*, and the two *Gregories*, to have recourse to the Protection of *France*, and to beg *Pepin's* Assistance. He sent privately a Messenger to *France*, by whom he laid open his Distress to *Pepin*, and his Desire of going to *France* in Person, if he would send him Ambassadors for conducting him thither in Safety. *Pepin* did not fail to send him immediately two of the principal Officers of his Court, *Rodigandus* a Bishop, and Duke *Antony*, in order to conduct him to *France*. The Bishop and Duke being arriv'd at *Rome*, found that the Army of the *Longobards*, after having taken all the Castles in the Neighbourhood of *Rome*, was ready to invest that City; and the Pope's two Legates, with the Emperor's Envoy being return'd from *Constantinople*, had brought nothing but a second Order for the Pope to go in Person to *Astolphus*, and urge him to restore *Ravenna* and the other Cities he had possess'd himself of. There was no likelihood that this Journey would turn to any Account, yet the Pope was willing to obey, in order to make the last Effort, to see if he could prevail with that Prince; but when he saw that all his Labour was lost, and that *Astolphus*, who had forbidden him to speak of any Restitution, was doing what he could to stop him, he suffer'd himself at last to be conducted to *France* by *Pepin's* Ambassadors.

¹ Sigon. ad A. 752.

² Erchemp. apud Pelleg. p. 6. loc. cit.

³ Anast. in vita Stephani III.

⁴ Anastas. loc. cit. Cernens ab Imperiali potentia nullum esse subveniendi auxilium.



S E C T. II.

Pope Stephen in France, his Negotiations with King Pepin, and the Donation of Pentapolis made by this Prince to the Church of Rome, and the Exarchate of Ravenna taken from the Longobards.

THE Pope being arriv'd in *France*, was receiv'd by *Pepin* with all Marks of Esteem and Veneration; he ador'd him as Pope and Father of Christianity, and paid him more Honour than he could have done to the most powerful King of the Earth. *Stephen* represented to the King the Necessities and Distress to which the *Longobards* had reduc'd him, and crav'd his Assistance and Protection, for which he offer'd to employ all the Authority of the Apostolical See to his Advantage. *Pepin* then, that he might make himself to be the more respected by his Subjects, and for the better establishing the Kingdom of *France* in his Person and Posterity, would have *Stephen* to consecrate him King with his own Hands, and to anoint him and his two Sons *Charles* and *Carloman* with the holy Unction, which was perform'd in the Church of *S. Denis* ¹. On the other hand *Pepin*, besides assuring him that he would curb the Insolence of the *Longobards*, and make them restore the Places they had possess'd themselves of in the *Roman Dukedom*, promised also to drive *Astolphus* out of the Exarchate of *Ravenna* and *Pentapolis*, and to restore those States when taken from the *Longobards*, not to the *Greek Empire*, to which they belong'd, but to *St. Peter* and his Vicar: *Stephen* commended the generous Offer which he made of other Peoples Goods, and also enlarg'd upon the great Advantage it would be to the Salvation of his Soul; whereupon the Donation was agreed and sworn to by *Pepin*, who likewise made his two Sons *Charles* and *Carloman* confirm it.

This Promise of the future Donation, in case *Pepin* succeeded in driving the *Longobards* from the Exarchate of *Ravenna* and *Pentapolis*, comprehended only these States. *Leo Ostiensis* ² confounds what *Anastasius Bibliothecarius* wrote concerning the Donation made afterwards by *Charles the Great* to Pope *Adrian*, with this promis'd by *Pepin* to Pope *Stephen*. *Anastasius* relates ³ that *Charles the Great* confirm'd, and perform'd what *Pepin* his Father had promis'd, and rather added to his Father's Donation: he says that *Charles* by a new Instrument gave to *S. Peter* and his Vicar, many Cities and Territories in *Italy*, fixing the Boundaries from *Luna* a City of *Tuscany*, situated on the Borders of *Liguria*, with the Island of *Corfica*, to *Sorano* and *Monte Bordone*, including *Vecetri*, *Parma*, *Reggio*, *Mantua*, and *Monfelic*; together with the Exarchate of *Ravenna*, as it was anciently, with the Provinces of *Venice* and *Istria*; and all the Dukedoms of *Spoletium* and *Beneventum*. *Leo* ⁴, as the Abbot *de Noce* likewise observes ⁵, speaking in the eighth Chapter, of the Donation of *Pepin*, makes use of the very same Words of *Anastasius*, which relate to the Donation of *Charles* his Son; and when afterwards in the twelfth Chapter he treats of the Deeds of *Charles*, and of this his Donation, he does not name the Places and Cities, as *Anastasius* does; but as if *Charles* had done nothing else but only confirm'd that of *Pepin*, supposing, that that comprehended all those Places describ'd by him in the eighth Chapter, he says, that *Charles*, *bono ac libenti animo aliam Donationis promissionem instar prioris describi præcepit*. But that this Donation of *Pepin* comprehended nothing else but *Pentapolis*, and the Exarchate of *Ravenna*, which were to be taken from *Astolphus*, is evidently known by the Execution, which was perform'd by *Pepin* himself, when, as we shall relate, he came to *Italy*, and taking them from the *Longobards*, made a Present of them to the Apostolical See; *Leo* writes the same ⁶, that *Pepin*, *simul cum præfato Romano Pontifice Italian*

¹ Ostiens. lib. 1. cap. 8. Pipinum & duos filios ejus Carolum & Carlomanum unxit in Reges Francorum.

² Ostiens. lib. 1. cap. 8.

³ Anast. in Adriano.

⁴ Leo Ostien. lib. 1. cap. 8. & 12.

⁵ Ab. de Noce in notis ad Lion. cit. lib. c. 8.

⁶ Leo Dist. cap. 8.

veniens, & Ravennam, & viginti alias Civitates supradicto Aistulpho abstulit, & sub jure Apostolicæ sedis redegit.

WE are likewise convinc'd of this from the Chronicle of the Monastery of S. Clement, in the Island of *Pescara*, which we now read printed in the sixth Tome of *Ugbellus's Italia Sacra*; where relating the same Transactions of Pope *Stephen* with *Pepin*, we read that *Pepin* having driven out *Astolphus*, and freed *Ravenna*, gave it to St. *Peter*, with twenty other Cities. When afterwards this Author speaks of the Donation of *Charles*, he says, that this Prince *restituit beato Petro, quæ Pater ejus dederat, & Desiderius abstulerat, addens etiam Ducatum Spoletanum & Beneventanum, &c.* But how true that may be which *Anastasius* relates of the Donation of *Charles the Great*, making it to comprehend *Corfica*, the Dukedoms of *Spoletium*, *Beneventum*, *Venice*, *Istria*, and a great many other Places, never taken or possess'd by *Charles*, we shall see by-and-by, when we shall have Occasion to treat of it.

AS soon as these Articles were agreed to betwixt *Stephen* and *Pepin*; this Prince, the Pope having continu'd with him in *France*, immediately interpos'd his most earnest good Offices with *Astolphus*, which he thrice repeated, to persuade him to restore the Places he had taken; but neither Intreaties nor Threatnings prevailing, at last, spurr'd on by the Pope, he resolv'd to march into *Italy* against him with all his Forces; and being follow'd by *Stephen*, he forc'd the Passage of the *Alps*, put *Astolphus's* Army that oppos'd him to Flight, and follow'd them at the Heels to the Gates of *Pavia*, where he besieg'd him, and constrain'd him at last to accept of hard Conditions, obliging him to give Hostages, and promise to restore the Lands of the Church which he held in the *Roman* Dukedom; he took *Ravenna* from him, and twenty other Cities, and in this Year 754, he added them to the Dominion of St. *Peter*, and quickly return'd to *France*.

BUT *Pepin* was no sooner return'd to *France*, than *Astolphus*, little minding the Hostages which he had put into *Pepin's* Hands, and breaking all the Oaths he had made to him, came with all the Forces of his Kingdom, and laid Siege to *Rome*, after he had terribly destroy'd the Country about it. *Stephen* now seeing himself reduc'd to the last Extremity, had recourse to his Protector in the strongest and most moving Terms possible; he wrote him those three Letters which we have to this Day¹, in the most submissive Stile that can be imagin'd; and without any Precedent address'd him in the Name of St. *Peter*, to whom the Donation had been made, directing the Letters to the King, his two Sons, and all the States of *France*, after this manner: *Petrus vocatus Apostolus a Jesu Christo Dei vivi Filio, &c. Viris excellentissimis Pipino, Carolo & Carlomanno tribus Regibus, &c.* where he brings in the Apostle speaking thus, *Ego Petrus Apostolus dum a Christo, Dei vivi Filio, vocatus sum supernæ clementiæ arbitrio, &c.*² and conjures him in the Name of God to come to his Relief, otherwise he would be debarr'd from the Kingdom of God, and Life eternal, and so goes on in such a Strain as was most apt to affect a Christian Heart.

LESS than this would have suffic'd to oblige *Pepin* to have recourse again to Arms. He had already assembled his Forces on the first News of the Motion of *Astolphus*; and with them marching anew towards *Italy*, he defeated *Astolphus's* Army, which design'd to have disputed the Passage of the *Alps* with him, and threatening their utter Ruin if he continu'd the Undertaking, he oblig'd him to raise the Siege of *Rome*, which had already lasted three Months, and to throw himself into *Pavia* with the Remains of his Army.

IN the mean Time *Constantinus Coproninus* being advis'd of these Transactions about his Dominions between *Stephen* and *Pepin*, and that *Astolphus* had yielded the Exarchate of *Ravenna* to *Pepin*, in order to give it to the Pope, sent immediately two Ambassadors to King *Pepin*, requiring the Restitution of it as belonging to the Empire; they being at *Marseilles*, whither they had come from *Rome* with a Legate of the Pope, heard that *Pepin* had already pass'd the *Alps*, and defeated the Army of the *Longobards*; whereupon one of the two immediately made the best of his way to King *Pepin*, who was not far from *Pavia*, and ready to besiege it, while the other remain'd with the Legate.

¹ Leo Ost. lib. 1. cap. 8. Ravennam & viginti alias Civitates supradicto Aistulpho abstulit, & sub jure Apostolicæ sedis redegit.

² Baron. ad A. 755. & tom. 6. Concil. ædit Paris.

³ Vid. Franc. du Chesne. tom. 3. hist. p. 705. & seq. Alemann. de Pariet. Lateranens. c. 10.

THE Ambassador was immediately introduc'd to an Audience of the King, in which, after having extoll'd *Pepin* for the two Victories he had obtain'd over the *Longobards*, the common Enemies of the Empire and *France*, and commended his glorious Actions in the Name of his Prince, he open'd his Commission¹, and represented to him, that without Dispute the Exarchate belong'd to the Empire, and was usurped from it by *Astolphus*, who took all Opportunities of aggrandizing himself at the Cost of his Neighbours, while his Prince was making War against the *Saracens*; that since the King had retaken it from the Usurper, it was just that he should likewise restore to the Emperor what was his; that in fine, the Pope was his Subject, and that seeing he suffer'd him to enjoy peaceably whatever had been given him by the Emperors and private Persons, for maintaining his Dignity, it would not be a just Thing in him likewise to usurp the Lands of his Sovereign; for the rest, *Constantine*, who desir'd nothing but Justice, was most ready also to practise it on his Part; and that seeing the King had been already at great Expences in this War, he offer'd him all that he could desire of an Emperor who was equally liberal and thankful.

THIS new Embassy had no sooner been laid before *Pepin*, who foresaw what the Ambassador was to demand of him, than he very courteously answer'd him, That the Exarchate belong'd to the Conqueror of the *Longobards*, who had acquir'd it *Jure Belli*, as their Predecessors had done a great Part of *Italy* from the *Greek Emperors*; that it was also notoriously known, that the greatest Part of these People being forc'd to change their Religion, had yielded themselves to King *Luitprandus*; that thus supposing the Right of the *Longobards*, of which there was no more reason to doubt, than of that of the *French* who had conquer'd *Gallia* from the *Romans* and *Westrogoths*, he was very well assur'd of his Right; and seeing he had oblig'd *Astolphus* by Force of Arms to yield the Exarchate, of which he was going to take Possession by the same Means, he could dispose of it as he thought fit²: And had judg'd it proper to give the Dominion of it to the Pope, that the Catholick Faith, which had been polluted with so many infamous Heresies of the *Greeks*, might be preserv'd in it intire; and that the ambitious and covetous *Longobards* might not possess it; on which Considerations he had taken Arms against those who oppress'd the Church³; and that for all the Treasure in the World he would not alter his Resolution, and that he would maintain the Pope and the Church in the Possession of what he had given them against all the World.

THEREFORE having dismiss'd the Ambassador immediately, without suffering him to reply, he went and laid Siege to *Pavia*, which he invested so strongly, that *Astolphus* not being able to resist any longer, was oblig'd to beg Peace of him, which he obtain'd, on Condition that he would immediately perform the Conditions of the Treaty made the preceding Year, in delivering up the Cities of the Exarchate, of *Emilia*, now call'd *Romagna*, and of *Pentapolis*, which we call *Marca d'Ancona*⁴, into the Hands of *Fulradus* Abbot of *S. Denis* who was appointed *Pepin's* Commissioner. Which was readily perform'd by Commissioners likewise appointed by *Astolphus*: *Fulradus* having made all the *Longobards* to evacuate the Exarchate and all the other Places, and receiv'd Hostages in all the Cities, went and carried the Keys to the Pope, which he laid upon the Sepulchre of the Holy Apostles, with the Donation of *Pepin* attested with all the Solemnity and Forms requisite, and which he likewise caus'd to be subscrib'd by *Pepin's* two Sons *Charles* and *Carloman*, as also the principal Barons and Prelates of *France*. The Exarchate, if we may give Credit to *Sigonius*⁵, comprehended the Cities of *Ravenna*, *Bologna*, *Imola*, *Faenza*, *Forlim Popoli*, *Forli*, *Cesena*, *Bobbio*, *Ferrara*, *Commacchio*, *Adria*, *Cervia*, and *Secchia*. All which were delivered to the Pope except *Faenza* and *Ferrara*.

PENTAPOLIS, or *Marca d'Ancona*, comprehended *Arimini*, *Pesaro*, *Conca*, *Fano*, *Sinigallia*, *Ancona*, *Osimo*, *Umana*, now demolish'd, *Jesi*, *Fossombrone*, *Montefeltro*, *Urbino*, the *Balnesean* Territory, *Cagli*, *Luceoli* and *Eugubio*, with the Castles and Territories belonging to them, as appears from the special Grant of *Lewis the Pious*, by which this Donation of *Pepin* was confirm'd; of the Truth of which we shall speak in its Place.

¹ Anastas. in vita Step. III.

² Anastas. loc. cit.

³ P. de Marca de Concord. Sac. & Imp. lib.

⁴ 3. cap. II. num. 5.

⁵ Anast. loc. cit. Leo Ostiens. lib. I. c. 8.

⁶ Sigon. ad A. 756.

THE Pope being enrich'd with so many Cities and Dominions, committed the Administration of the Exarchate to the Archbishop of *Ravenna*; whence some have wrote, that the Archbishops of that City took also the Title of Exarchs, not as Archbishops, but as Officers of the Pope, now a Temporal Prince. Thus did the Popes begin to be potent Lords in *Italy*, by adding Principality to the Priesthood, and the Scepter to the Keys. Wherefore the Donation of *Constantine the Great*, particularly with regard to *Rome* and *Italy*, by what we have said in the Second Book of this History, and by what the most learned Historians, Civilians and Divines hold as unquestionable, was a gross Fiction of a noted Impostor of the tenth Century; or, according to *P. de Marca*, much earlier, in the Times of *Adrian* and *Charles the Great*. Neither, how true soever we may suppose it to be, had it any Effect, for the Emperors, and other foreign Kings who succeeded to them, were always from that Time Lords of *Italy* and *Rome*. Neither did the Popes pretend to any Thing in *Italy* but those Patrimonies, which they possess'd by the Bounty of some Prince or private Person, given them for their Maintenance, as is said, and as all other Ecclesiasticks held theirs in other States over all Christendom. It was truly *Pepin*, after the Popes had paved so convenient Ways for making themselves deserve so well at his Hands, who from the Lowness of a mean Fortune, enrich'd them with the Spoils of the *Longobard* Kings, and the *Greek* Emperors, by giving them Cities and Provinces; and, if the Truth was own'd, he was most liberal of them, as generally all those People are, who are not profuse of their own, but of other Peoples Goods. These certainly belong'd to *Constantine* Emperor of the East; and, truly speaking, this Donation ought to have been made, not by *Pepin*, but by *Constantine*, whose Right they were: Whence some have written¹, that this Donation was made in the Name of *Constantine*; which gave Rise to the Fable of the Donation of *Constantine the Great*. From this Time forth the Popes left off in their Letters and Bulls, to take notice of the Years *Piissimorum Augustorum*, as formerly they had done. And being assur'd of the Protection of *France*, they renounc'd their Obedience to the Emperors of the East, and would no longer be deem'd his Subjects: On the other hand, the Greatness of the Popes was of such Advantage to *Pepin*, that it brought to his Son *Charles* who succeeded him, not only the Kingdom of *Italy*, by driving out the *Longobards*, but also the Empire of the West, which the Pope would restore in the Person of *Charles*, as we shall shew in the following Book.

THE *French*, tho' willing to be reputed Authors of the Greatness and Temporal Dominion of the Apostolical See, which cannot be deny'd them, yet contend, that the Popes had only the *Dominium Utile* of these Cities, which were given to the Church by *Pepin*; but that the Sovereignty remain'd in *Pepin*, and the other Kings of *France* his Successors, which *Sigonius* in his History cannot deny; it being manifest, say they, that the Descendants of *Pepin* had the sovereign Authority, which they exercis'd almost over all *Italy*. And that it was long after that the Popes became Sovereigns of *Rome* and these Provinces; not by the pretended Cession which *Charles the Bald* made of his Claim, Rights and Prerogatives, but by the Declining of the Empire, after it was confin'd to *Germany* alone, just as so many other Princes of *Italy* lawfully possess, at this Day, the Sovereignty which they have acquir'd in the West.

*PETER DE MARCA*², lets us see how, and upon what Foundations the Popes by degrees took upon them the Sovereignty of *Rome*, which was certainly not in these Times. He says, as the Exarchate of *Ravenna* was yielded to the Pope by *Pepin*, by the same Rule, the Superintendency and Government of *Rome* likewise belong'd to him, as it had done to the Exarch of *Ravenna*, to whom the *Greek* Dukedoms, and also that of *Rome* had been subject; the Sovereignty belong'd to the Emperors of the East, the Administration to the Exarchs: Whence the Popes as Exarchs pretended to it. But *Pepin* and *Charles the Great* being made Patricians of *Rome*, the Patriciate imported the having the Care of that City, and we shall see the Pope and the Patrician together taking Care of the Government of it, as Pope *Adrian* and *Charles the Great* did. After *Adrian's* Death, *Leo III.* who succeeded him, left the sole Administration to *Charles*, who from the Patrician was now rais'd to the Imperial Dignity, which carried the Sovereignty of *Rome* along with it, and the

¹ Span. de Imag. contra Maimburg.

² P. de Marca lib. 3. cap. 11. num. 7, 11, & 12.

Popes no more intermeddled in the Government of it, till the Authority of the Emperors, Successors of *Charles*, by piece-meal declining in *Italy*, at last *Charles the Bald*, in the Year 876, yielded all his Claim and Sovereignty over *Rome* to the Apostolical See: Whence it is, that *Constantinus Porphyrogenitus*¹, describing the State of *Europe* in his Time, about the Year 914, says, that *Rome* held of the Popes *Jure Domini*; whence began the Custom of marking the Years of the Popes in their Bulls, whereas formerly the Years of the Princes and Emperors were mention'd.

THE Abbot *John Vignoli* in our latter Times, to wit, in the Year 1709, has publish'd a small Book, intitled, *Antiquiores Pontificum Romanorum denarii*, wherein, contrary to the Opinion of the *French*, he endeavours to demonstrate, that the Senate and People of *Rome*, after having thrown off the Yoke of the Emperors of the East, subjected themselves to the *Roman* Pontiffs, by acknowledging them for their Sovereigns; and that they not only had the *Dominium Utile* of *Rome*, but likewise the *Directum*. He pretends to prove it from the Coins yet extant of the Princes; and tho' there may be some more ancient ones, yet he confines himself to those that are still to be seen, struck under *Adrian I.* *Leo III.* and other Popes; and tho' some of them, such as those of *Leo III.* and other Popes, bear the Names of the Emperors, to wit, *Charles the Great*, *Lewis*, *Otho*, &c. as well as the Names of the Popes; yet this gave Occasion to *Le Blanc* a *Frenchman*, to compile a Treatise with this Title, *An Historical Dissertation upon some Coins of Charles the Great, Lewis the Pious, Lothaire, and their Successors, coin'd in Rome*; wherein he confutes the Opinion of those, who pretend, that these Princes never had any Authority in *Rome*, but by the Consent of the Popes; notwithstanding this, the said Abbot *Vignoli* endeavours to demonstrate, that a great deal of the Popes Money had not the Names of the Emperors, such as one Piece of *John VIII.* which is only mark'd with that of this Pope: However that may be, *Le Blanc's* Work shews how doubtful the Opinion of *Vignoli* is, and how much better founded that of the *French* is.

¹ Const. Por. de Themat. lib. 2. Th. X. Roma Regium deposuit Princip. & propriam Administrationem, ac Jurisdictionem obtinuit, eique proprie dominatur quidam suo tempore Papa.

S E C T. III.

The Laws of Astolphus, and his Death.

ASTOLPHUS notwithstanding these Losses and Discouragements, turn'd his Thoughts towards the Preservation of his Kingdom; for this end he made new Laws, adding them to those of his Predecessors, which he chang'd and alter'd as the Circumstances of the Times requir'd; therefore in the fifth Year of his Reign, having assembled in *Pavia* from diverse Parts the chief Lords and Magistrates of his Kingdom, after the Example of his Predecessors, he publish'd an Edict by which he establish'd many Laws. We have likewise this Edict of *Astolphus* in the Code of the Monastery of the Cave intire, which contains Twenty-two Chapters; the first begins, *Donationes illæ, quæ factæ sunt a Rachi Rege, & Tassia conjuge*; the last has for Title, *Si quis in servitium cujuscunque pro bona voluntate introierit*. The Compiler of the *Longobard* Laws inserted some of these Laws in those Books: we read of three of them in the First Book; one under the Title *De Scandalis*; another under the Title *De Exercitalibus*; and another under this *De Jure Mulierum*: Fifteen in the Second Book, one under the fourth Title; another under that *De Successionibus*; another under the Title *De Ultimis volunt.* Another under Tit. 20.; two under the Title *De Manumissionibus*; two other under that *De Præscriptionibus*; and seven under the Title *Qualiter quis se defendere deb.* And in the Third Book we also read one under Tit. 10. which is the last of the *Longobard* Kings; for *Desiderius* his Successor, in whom the Kingdom was extinguish'd, and conquer'd by the *French*,
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being employ'd in more troublesome Affairs, could not provide the Kingdom, which he was unfortunately to relinquish, with other Laws.

BUT whilst this Prince, by cruel Necessity having surrendered the Exarchate, and so many other Cities, was altogether intent on contriving new Ways whereby to revenge himself of the Oppression of the *French*, and to renew the War; he went one Day a Hunting, and was assaulted by a wild Boar, or, as others relate, fell accidentally from his Horse, or, as *Erchempertus* says¹, was struck with a Dart; but however that may be, the Case was so fatal to him, that in a few Days he died without Issue, leaving the Kingdom in the Year 756, full of Calamities and Jealousies.

¹ Erchemp. p. 6. Astolphus post hæc, in venatione Sagitta percussus, mortuus est.



C H A P. III.

The Neapolitan Dukedom, Calabria, Brutium, and some other Maritime Cities of these our Provinces, continue in their Allegiance to the Emperor Constantine, and Leo his Son.



NOTWITHSTANDING the great Blow which the Emperors of the East had got in *Italy*, the *Neapolitan* Dukedom, which at this Time had extended itself beyond its Limits, comprehending likewise *Amalphis*; the Dukedom of *Gaeta*, almost all *Calabria* and *Brutium*; continu'd steadfast in its Allegiance to its ancient Princes, and altho' the Exarchate was lost, and all that was subject to the *Greek* Empire in *Italy*, yet the Emperors of the East continued to have Dominion in these our Provinces. The *Neapolitans* remain'd under the Command of their Dukes, who were likewise call'd Masters of the Soldiers, a Title given the Dukes under the Emperors of the East¹. This was a *Greek* Magistrate, who was sent from *Constantinople*. *Theodore* was such in this Century in the Year 717, who left a Monument of himself in this City, being said to be the Founder of the Church of SS. *Peter* and *Paul*, now demolish'd, as was read on a Stone which was formerly there, and now in the Church of *Donnaromata*. *Exbilaratus* bore the same Office in *Naples*; as also did about this Time, after the Death of *Astolphus*, *Stephen*, who govern'd this Dukedom twelve Years, and after his Wife's Death, was likewise made Bishop of this City.

WHILST *Stephen* govern'd *Naples* in the Quality of Duke, the Emperor *Constantine*, as is said, call'd a Council in the Year 753, in *Constantinople*, of 338 Bishops, in which Council they made a Decree against the Worship of Images; *Constantine* and *Leo* his Son, who was associated with him in the Empire, by means of their Edicts supported the Decree, and likewise employ'd Force in making it to be observ'd over all the East; they also attempted to have it put in Execution in the West, whence arose those Disorders and Revolts which we have seen; by which the Contentions became more fierce, and the Enmity betwixt the Popes and the Em-

¹ P. Carac. de Sacr. Neap. Monum. cap. 30. §. 2. See Pellegrinus on these Masters of the Soldiers, hist. Long. par. 1. l. 2. p. 31. Ab. de Noce in notis ad Chr. Cassin. l. 2. c. 58. Mon. 1057.

perors of the East was the more exasperated: In this Year 757, Pope *Stephen* dying, was succeeded by *Paul*. He was no less hated than his Predecessors had been by the Emperors of the East, who endeavour'd to get the Decree of this Council likewise to be obey'd in the Dukedom of *Naples*; and all the other Places which had continu'd steadfast in their Allegiance to them. The *Neapolitans*, tho' averse to its being put in Execution, as being more addicted to the Worship of Images than any other People of *Italy*; nevertheless, that they might not be charg'd with Disobedience, were careful in all other Things to shew their Respect, and exact Adherence to the Will and Authority of their Sovereigns; insomuch, that their Bishop *Calvus* dying at this Time, and *Paul* a great Friend and Intimate of the Pope's being ordain'd Bishop of *Naples* by him, the Emperor excepted against him as an Adherent of the Pope's, forbidding him to be receiv'd into that Church, as one that had rendered all his Designs of having the Decree of the Council of *Constantinople* receiv'd in *Naples* abortive. In this the *Neapolitans* adhered to the Will of the Emperor and the *Greeks*, and stopp'd *Paul* from going to *Rome* to be consecrated by the Pope: Nine Months after, *Paul* went privately to *Rome*, where the Pope immediately consecrated him; but being returned to *Naples*, as *Joannes Diaconus* in his Chronicle of the Bishops of this City, relates, the *Neapolitans* would not receive him into the City, but having call'd a Council amongst themselves, they ordered him to go to the Church of *S. Januarius*, not far from the City, where he remain'd for the Space of 2 Years; in the mean Time the Clergy as well as the People generally obey'd him, and own'd him as their Pastor, and he dispos'd of all Matters relating to the Church without any Controul, and perform'd all the Episcopal Functions. At last the Nobles perceiving that by the Absence of their so worthy Pastor, the City languish'd, resolv'd to bring him into it, and with much Rejoycing and Solemnity went to receive him, and put him in Possession of his Bishoprick, who govern'd this Church for other two Years, and died. They excus'd themselves to the Emperor, by alledging, that they could no longer bear the Vacancy of their Church.

BY the Death of *Paul*, the *Neapolitans* in the Year 746, elected the said Duke *Stephen* for their Bishop; who altho' he was elected Bishop, did not quit the Dukedom, but govern'd it together with his Son *Cesarius*, whom he had made his Collegue. *Cesarius* died before his Father, so that *Stephen* govern'd it alone until the Year 791, in which he died. *Theophylactus* succeeded him in the Dukedom. He was his Son-in-Law, having marry'd his Daughter *Euprassia*. *Antimius*¹ succeeded to *Theophylactus* in the End of this Century, of whom 'tis said, that during his Consulship he built the Church of *S. Paul* the Apostle in *Naples*, and the Monastery of *SS. Quiricus* and *Julitta*. These were the Dukes who govern'd the *Neapolitan* Dukedom in this eighth Century for the Emperors of the East, to whom it was subject. They were likewise call'd Consuls. But how the Dukes of *Naples* came to be call'd Consuls, none of our Writers, so far as I know, have had the Curiosity to inquire into the Reason of it.

THE Title of Consul, which was had in so great Esteem by the *Roman* Emperors, and afterwards by those of the East, and which they look'd upon as an Honour to themselves, about the latter End of the *Greek* Empire, was at last altogether slighted by them and left off. What made them lay it aside was, because they saw the Princes, whom they reputed Barbarians and Usurpers of the Empire, make use of it. *Charles the Great*, to shew that he succeeded to all the Rights and Privileges of the ancient Emperors of the West, amongst his other Titles assum'd this to himself; the other *French* Emperors his Successors did the same: After their Example the *Italian* Emperors *Berengarius* Duke of *Friuli*, and *Guido* Duke of *Spoletium* took it likewise². In fine, even the *Saracens* after they had conquer'd *Spain*, in Imitation of the Emperors of *Constantinople*, would likewise be call'd Consuls. *Abderamus* King of the *Saracens* in *Spain*, who began to reign in *Cordova* in the Year 821. *Mahomet* his Son and Successor in the Kingdom, as the Works of *S. Eulogius* assure us³, in their Writs, mark'd not only the Years of their Empire, but likewise of their Consulship. But in the ninth Age of the Church, as the Emperors of the East made other honorary Consuls, so the *Saracen* Kings not only call'd themselves Consuls, but like-

¹ Concerning Antimius V. Chioc. de Vesc. Nap. pag. 78.

² P. Pagi de Consulib. pag. 370.

³ S. Eulog. in Memoriali Sanctorum, lib. 2. cap. 1.

wife the chief Magistrates of their Kingdom did the same¹: Whence it came to pass, that according to the *Greek Vanity*, which could not bear that such a specious Title should be usurp'd by foreign and barbarous Nations, the Emperors slighted it so much, by giving it to their inferior Magistrates, that at last, as the most accurate *Pagi*² proves, they left it off altogether about the Year 933; and only a Shadow and Image of that Dignity and Title was continued in many of their Officers, and was at last attributed even to private Persons.

THE *Saracens* were wont to give this Title to their Sea Admirals, whence afterwards it came to be given to those who had the Inspection of the Ports and Sea-Ports; and *Codinus*³, *Pachimeres*⁴, and *Gregoras*⁵ observe, that the *Pisan* and *Anconitan* Magistrates, who stay'd in *Constantinople*, were call'd Consuls. From whence comes the Consulship of the Sea; and from whence in the Authors of the later Ages, mentioned in the Glossary of *Dufresne*, we see it dispersed in Communities, amongst Judges and different Orders of Persons, down to Tradesmen. It ought not then to seem a new and strange Thing, if in this eighth Century, the Title of Consul, peculiar to the Emperors, and formerly so illustrious and renown'd, be given to the Dukes of *Naples*, who were Officers of the *Greek Empire*, to which this Dukedom was subject.

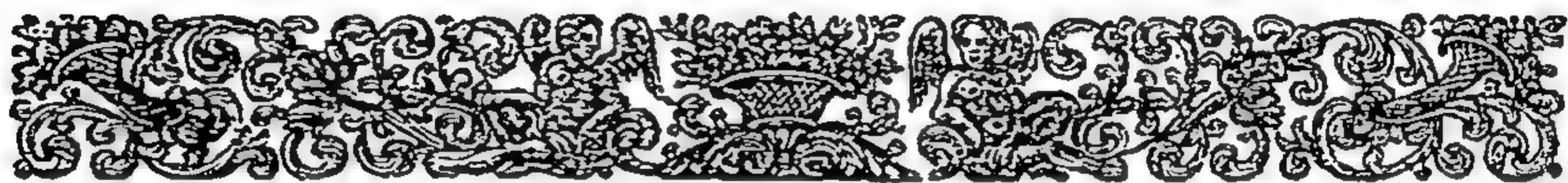
¹ Eulog. lib. 2. cap. 6.

² P. Pagi de Consulib. pag. 370.

³ Codin. cap. 7. num. 9.

⁴ Pachimeres, lib. 2. cap. 32.

⁵ Gregoras, lib. 4.



CHAP. IV.

Of Desiderius the last King of the Longobards.



Y the Death of *Astolphus*, who left no Issue, the Throne continu'd vacant, because *Rachis* his Brother, tho' alive, was become Monk. *Desiderius* Duke of *Tuscany*, whom *Astolphus*, besides his having that Dukedom, had likewise made Constable of the Kingdom, laid hold of this Opportunity to get himself proclaim'd King, by the Votes of his *Tuscan Longobards*. *Rachis* having heard this, was fill'd with Indignation, and gave way to such Extravagancy, that at any rate he would leave the Monastery, renounce Monachism, and return to his Kingdom; there were not wanting some who encourag'd him in this Resolution, and endeavour'd to have it take Effect: But *Desiderius* having recourse to Pope *Stephen*, to whom he offer'd as a Recompence, if he would assist him at this Juncture, *Faenza*, *Ancona*, *Secchia*, and *Ferrara*, Cities which had not been restor'd by *Astolphus*; the Pope had so much Influence on *Rachis*, that at last he made him easy, and lay aside his Resolution of leaving the Monastery; and as a Reward for his Mediation, receiv'd from *Desiderius* the promised Cities; and after *Desiderius* had been but a short Time fix'd in his Kingdom, *Stephen* ended his Days the 26th of *April* of this Year 757. A Pope, to whom the Church of *Rome* was much more beholden than to his Predecessors; he by his Management had enlarg'd it with so many fine Cities and States, and left its Affairs in so prosperous a Condition, that his Successors did not fail to improve it, as *Paul* did who succeeded him, and after him another *Stephen*; but *Adrian* much more, who by Treaties which he made with *Charles the Great*, brought its Power to a yet higher Pitch, as we shall see by-and-by.

DESIDERIUS

DESIDERIUS after he had reign'd two Years, would follow the Example of his Predecessors, in taking *Adelgisus* his Son for Collegue; but it was not long before Pope *Stephen III.* or be it *IV.* who succeeded to *Paul*, suspecting his Proceedings, and believing that all his Motions were in Prejudice of his Dominions, the usual Suspicions, and the accustom'd Jealousy arose betwixt them: At last it came to an open Rupture. King *Desiderius* having caus'd the Archbishoprick of *Ravenna* to be conferr'd on a certain *Michael* his Confident and Domestick, *Stephen* drove him from that See. The King out of Revenge order'd the Eyes of *Cristophanus* and *Sergius*, who had been sent by the Pope to *Pavia*, to demand the Estates which belong'd to the Church of *Rome*, to be put out; and foreseeing where these Disputes would end, sought to make a strit Alliance with the *French*, that they might not so readily give Ear to the continual Sollicitations of the Popes: At this Time *Pepin* was already dead, and his Sons *Charles* and *Carloman* had divided the Kingdom betwixt them; who, tho' they agreed well enough at first, yet afterwards became more jealous of one another. *Desiderius* reckon'd it would be a Security for him to enter into Affinity with these two Princes, by offering them his two Daughters in Marriage. *Stephen* having understood this, immediately wrote a very pithy Letter to *Charles* and *Carloman*, in order to dissuade them from these Marriages, threatening if they consented, *Anathematis vinculum, & æterni cum diabolo incendii pœnam*¹. But in spite of all he could do, they happily married the two Sisters, both Daughters of King *Desiderius*, who understood so well how to gain *Bertrada* the Mother of *Charles* and *Carloman*, that by her Persuasion the Marriages were concluded. The Displeasure of the Pope was no less than the Pleasure of *Desiderius*, who believ'd that by these Means he had put a stop to his getting Assistance. But this Alliance did not continue long, for there were not wanting Means to bring it about, that *Charles* should divorce the Princess his Spouse, under pretence of having found out an Infirmary in her, which made her incapable of having Children; neither was there wanting the Assistance and Authority of the Laws to support so strange a Fact, there being many Bishops ready to declare the Marriage null, and to allow *Charles* the Year following to marry *Ildegarda* of *Suevia*. King *Desiderius* was greatly incens'd at this Divorce, and the Death of *Carloman* happening soon after, Queen *Berta* being left a Widow with two Sons, and afraid that she was not safe in *France*, and that *Charles* might take an Opportunity of destroying his Nephews, as he had robb'd them of the Kingdom, went rashly and put herself and her two Sons under the Protection of *Desiderius* her Father, who willingly took hold of this Opportunity, in order to be able some Time or other to revenge himself upon *Charles*, for having a little before sent him back his Daughter.

DESIDERIUS, having the Sons of *Carloman* in his Hands, endeavour'd to form a powerful Party, and to divide and disconcert *France*, that being taken up with its own Misfortunes, it might not be in a Condition to mind the Affairs of *Italy*. In the mean time *Stephen* dying, *Adrian I.* was elected in the Year 772, who in the Beginning of his Pontificate treated of a Peace with *Desiderius*; and they agreed betwixt themselves not to disturb one another; therefore *Desiderius* believing that this new Pope would be of different Sentiments from his Predecessors, thought for the more easily attaining his Ends, to persuade him to consecrate the two Sons of *Carloman* Kings; he left no Stone unturn'd, both by Prayers and Promises, to oblige him to come and anoint the two young Princes, and to get them to be acknowledged Kings of *Austrasia*. After the Example of *Pepin* and his Sons, the Ceremony of Anointing had by Degrees been introduc'd amongst Christian Princes, which by the People was reputed a Mark and Token of Principality; and that those who had been anointed, ought to be acknowledg'd for just and lawful Kings, and by all own'd as such. But *Adrian*, who inwardly was harbouring the same Maxims with his Predecessors, and was no less suspicious of the Power of the *Longobards* in *Italy*, would by no means disgust King *Charles*, but was always Proof against the continual Instigations of *Desiderius*; therefore he being much offended, and at last losing all Patience, believing that he should be able to obtain by Force, what he had not succeeded in by Intreaties, invaded the Exarchate, and in an instant having taken *Ferrara*, *Comachio*, and *Faenza*, design'd to lay Siege to *Ravenna*. *Adrian* did not fail to smooth him by his Legates, and to endeavour to get Restitution by

¹ Tom. 6. Conc. col. 1717.

their Means, of the Cities; neither would *Desiderius* have been obstinate in refusing to do it, provided that the Pope would have come himself, with whom he was desirous to speak, and treat of a Peace. But *Adrian* rejecting the Invitation, and all Treaties, was obstinately resolv'd never to appear before him, until first he had got Restitution of the Cities he had seiz'd. Thus by Degrees the Popes began to deny that Respect and Honour to the Kings of *Italy*, which formerly their Predecessors vouchsafed to bestow upon them. *Desiderius* being more provok'd at this haughty Proceeding of *Adrian*, immediately commanded his Army to march into *Pentapolis*, where he ravag'd *Sinigaglia*, *Urbino*, and many other Cities of the Patrimony of *St. Peter*, even to the Neighbourhood of *Rome*. This was what hasten'd the fatal Ruin of the *Longobards*; for *Adrian* did not fail to have his recourse to *France*, and not only to demand Assistance from *Charles*, but also to invite that Prince to come and conquer *Italy*; and because the *Longobards* had stopp'd all the Passages by Land, he sent a Legate by Sea to urge his coming.

ON the other hand, *Desiderius* did not fail, as soon as he was advis'd of this recourse, to shew King *Charles* the Inclination, which, he said, he had always had to live in Peace with *Adrian*, complaining grievously of his Obstinacy, that he having offer'd him Peace, and desir'd to speak with him, the Pope refus'd to comply; and besides he did not neglect by his Letters to sundry Princes, and publick Manifesto's, to defend himself against the Accusations of *Adrian*, who had represented him to the *French* as the Destroyer of *Tuscany*, as barbarous, inhumane, fierce, cruel; and accused him as guilty of many Crimes: So that in order to purge himself of these Accusations, *Desiderius* found it necessary to send Ambassadors into *France* to *Charles*, to assure him that he had settled Peace with the Pope, and given him back all that he could pretend to.

BUT *Charles*, who wanted nothing more than so fair an Opportunity of revenging himself upon *Desiderius*, who by keeping his Nephews, did all he could to divide his Kingdom, and who could not expect to have a better Occasion of driving the *Longobards* out of *Italy*, receiv'd the Invitation made by *Adrian* with incredible Satisfaction. He was at this Time (on account of the so many Victories which he had gain'd in *Aquitain*, and in *Saxony*) famous and formidable in *Thionville* on the Banks of the *Moselle*; there he receiv'd the Pope's Legate, and withal gave Audience to the Ambassadors of *Desiderius*, of whom he soon rid himself, by sending them back without concluding any thing: He accepted of the Pope's Proposal with much pleasure, and immediately putting himself at the Head of a powerful Army, forced his Passage over the *Alps* at two different Places, by cutting in pieces the *Longobards* that oppos'd him.

DESIDERIUS on the other hand made haste himself in Person with his Army to stop him; but being met by *Charles*, the main Body of his Army was defeated, and forc'd to retire, whereupon he resolv'd to defend himself in *Pavia*, in which he shut himself up. *Charles* immediately laid close Siege to it; and in the mean time with a Part of his Army assaulted *Verona*, into which City *Adalgisus* had retir'd in order to defend it, together with *Berta* and her two Sons. When this Prince saw himself straiten'd, despairing of his Father's Condition, and of being able to defend the Place, he chose to leave it and fly, rather than to fall into the Hands of *Charles*, and after having wander'd up and down for a long Time, seeing at last, that all was lost to the *Longobards*, he made his Escape by Sea to *Constantinople*, where he was receiv'd by the Emperor *Leo*, Son of *Copronimus*, with much Satisfaction, and entertain'd by him. As soon as the People of *Verona* saw *Adalgisus* leave the Place, they surrender'd to *Charles*, who taking *Berta* and her two Sons, sent them immediately to *France*, and it was never known what became of these two unhappy Princes afterwards. All the other Cities of the *Longobards* being subverted by the Means and Contrivance of the Pope, yielded of themselves to *Charles*. *Pavia* only held out, which being defended by *Desiderius*, continu'd still in its Allegiance.

CHARLES having laid close Siege to *Pavia*, would go to *Rome* to keep the Feast of *Easter*; the Excess of Gladness which *Adrian* discover'd, the Honours which were done him by the *Romans* and the Clergy, every Thing being directed by the Pope, were incredible. He was proclaim'd King of *France* and of the *Longobards* at the same Time, and a Patrician of *Rome*, being met a Mile without the Gates of *Rome*, and receiv'd by all the Nobility and Magistrates, and by the Clergy in their several Orders, carrying Crosses, and singing Hymns. After the Rejoicings and

Feasting
†

Fasting they came to the main Point, *Charles* was requir'd by the Pope to confirm the Donations which *Pepin* his Father had made to the Church of *Rome*; which he did most frankly, and with a good Will, causing *Eterius* his Notary to draw up a new Instrument of Confirmation, subscrib'd by himself, by all the Bishops and Abbots, by the Dukes and Great Men that had come along with him, *Super Altare B. Petri manu propria posuit*, according to *Ostiensis* ¹.

ANASTASIUS BIBLIOTHECARIUS, as is said, magnifies this Donation of *Charles* very much; and to the Exarchate of *Ravenna* and *Pentapolis*, he adds the Island of *Corfica*, all that large Country which from *Luna* stretching along into *Sorano* and *Monte Bordone*, comprehends *Vercetri*, *Parma*, *Reggio*, *Mantua*, and *Monfelize*; the Provinces of *Venice* and *Istria*; and the Dukedom of *Beneventum* and *Spoletium*. The Chronicle of the Monastery of *St. Clement* relates, that *Charles* added to the Donation of *Pepin* only these two Dukedoms. *Sigonius* afterwards, and other more modern Writers, are not satisfy'd with that, they add the *Sabinian* Territory, situated betwixt *Umbria* and *Latium*, part of *Tuscany* and likewise of *Campania*. *Peter de Marca* ², which is wonderful, who also writes like the vain-glorious *French*, who so much magnify this Donation, in order to cry up the *French* Generosity, adds all *Campania*, and with it the City of *Naples*, *Aprutium*, and also *Puglia*; pointing by that at the Origin of our Papal Investiture. Others add to these *Saxony* likewise, at this Time subdued by *Charles*; moreover that he also gave away Provinces which were not his own, and which he never acquir'd, to wit, *Sardinia* and *Sicily*; and that of all these Provinces and Dukedoms, he only reserv'd the Sovereignty to himself. But neither the ancient Annals of *France*, nor the Series of subsequent Matters, nor the Archives of the *Vatican* have ever been able to shew us the Instrument of this Donation, on which many others of less Consequence depend; which is a Demonstration that all these Relations are fabulous, and that *Charles* did no more than confirm *Pepin's* Donation of the Exarchate and *Pentapolis*. Yet some again have written, that he likewise augmented it, because he made many Places of the Exarchate and *Pentapolis* which were possess'd by the *Longobards*, together with the Patrimonies which the Church of *Rome* had in the Dukedoms of *Spoletium* and *Beneventum*, in *Tuscany*, *Campania*, and elsewhere, which were likewise possess'd by the *Longobards*, to be restor'd. And in this Sense *Paulus Æmilius* ³, and other Authors have said, that *Charles* not only confirm'd the Gifts of *Pepin* his Father, but likewise augmented them; of which the History of Things that fell out afterwards is a convincing Proof; for *Charles* under the Name of the Kingdom of *Italy* possess'd *Liguria*, *Corfica*, *Æmia*, the Provinces of *Venice*, and of the *Alpes Cottiae*, *Piemont*, and the *Genouese* Country, which he had taken from the *Longobards*, and added to his own Dominions; neither do we read that this Part of *Italy* had ever been in the Possession of the Popes.

THIS will more evidently appear when we find that these three famous Dukedoms of *Friuli*, *Spoletium*, and our *Beneventum* were never in the Possession of the Popes; as shall be clearly shewn in the following Book of this History, to wit, that these three Dukedoms had their own Dukes; neither did *Charles* pretend to any Thing in them, but that Sovereignty which the *Longobard* Kings his Predecessors had had; but our Dukes of *Beneventum* threw off the Yoke altogether by denying any Allegiance to him, and liv'd free and independant; and it was very many Years after, that the City of *Beneventum* was exchang'd with the Church of *Bamberg*, and given to the See of *Rome*, but not the Dukedom, which was always possess'd by our Princes.

FROM *Charles's* having caus'd the Patrimonies which the Church of *Rome* possess'd in the *Alpes Cottiae*, the Dukedom of *Spoletium* and *Beneventum* to be restor'd, arose the Mistake of those Writers, who by confounding the *Alpes Cottiae* with the Province, the Patrimony of *Beneventum* with the Dukedom, have written that *Charles* gave these Dukedoms and that Province to *St. Peter*: So that what we read in *S. Adrian's* Letters concerning the Dukedoms of *Spoletium* and *Beneventum* being given to *St. Peter*, ought to be understood of nothing else but these Patrimonies; as when the Emperor *Lewis the Pious*, *Otho III.* and the other *Otho*, King of *Germany*, confirm'd the *Beneventan*, *Salernitan*, and *Neapolitan* Patrimonies,

¹ Ostien. lib. 1. cap. 12.

² P. de Marca de Concord. Sac. & Imp. lib. 3. cap. 10. num. 5.

³ P. Æmil. rer. Franc. pag. 18.

to *Paschal* I. and *John* XXII. as also the Emperor *Henry* IV. did to *Paschal* II. they meant nothing else but these Lands and Possessions, which the *Roman* Church, as the Patrimony of *St. Peter*, possess'd in these our Provinces, which our ancient Writers call'd *Jusitias Ecclesiæ* ¹. Therefore only the Exarchate of *Ravenna*, *Pentapolis*, and some other Places of the *Roman* Dukedom, became subject to the Dominion of the Church of *Rome*, *Charles* reserving the Sovereignty to himself; but in *Rome* itself, and the *Roman* Dukedom, there were in these Times Vestiges remaining of the Dominion of the Emperors of the East, who, weak as they were, kept always their Officers there, and were likewise acknowledg'd as Sovereigns until the Time of *Leo* III. the Successor of *Adrian*, that the People of *Rome* put themselves under the Allegiance and Subjection of King *Charles*, whom they raised from a Patrician to be *Roman* Emperor. I do not mention the Islands of *Sicily* and *Sardinia*, which were never conquer'd by *Charles*, but were long in the Possession of the *Greek* Emperors, till the *Saracens* robb'd them of them.

CHARLES then having thus satisfy'd the Pope and the *Romans*, return'd to the Camp before *Pavia*: Having nothing more to do but to reduce this City under his Obedience, he employ'd all his Power in order to make himself Master of it, because it being the chief City of the Kingdom, and once in his Hands, the *Lombards* would give over all Hopes of getting Footing again in the lost Cities. Therefore he besieg'd it more closely, stopping all the Passages by which it could expect Relief. *Desiderius* held it out to the utmost Extremity, the People being not only afflicted with Famine, but also with the Plague, which still consum'd them; at last in the Year 774, he was forc'd to surrender the Place, himself, his Wife and Children, to the Discretion of *Charles*, who sent them all to *France*, where they ended their Days in *Corbie*, never after having been heard of. Thus in one Campaign *Charles* made himself Master of the greatest Part of *Italy*, but not of these Provinces of which our Kingdom is now compos'd, nor of the Dukedoms of *Beneventum* and *Naples*, nor of the other Cities of *Calabria* and *Brutium*, which remain'd long under the Dominion of the Emperors of the East, as we shall see in the following Book.

THUS the Popes began to transfer Kingdoms from one People to another; whence it came to pass, that the same Footsteps being more cunningly and dextrously follow'd by their Successors, they became terrible to Princes, who in order to have them for their Friends, little minding the Sovereignty of their Dominions, and their own Dignity, subjected themselves to them so as to become their Vassals, and Tributaries to that See. Thus likewise ended the Kingdom of the *Lombards* in *Italy*; a Kingdom, tho' in its Beginning rude and unpolish'd, yet afterwards it became so mild and civiliz'd, that for the Space of Two hundred Years that it lasted, it was envied by all other Nations. *Italy* being once accusom'd to the Government of the *Lombard* Kings, did not look upon them any more as Strangers, but as its own natural Princes; for they had no other Kingdoms or Dominions in any other Part of the World, but *Italy* was now become their own Country; for which Reason it could not be said to be in Slavery, and ruled by a foreign Nation, as it was afterwards, when, by deplorable and frequent Changes, it was subjected to various Nations, and groan'd long under the heavy Yoke of Bondage. It was truly a wonderful Thing, says *Paul Warnefride* ², and also the Abbot of *Wesperg*, that in the Kingdom of the *Lombards* there was no Violence committed, no Treason hatch'd, no Body unjustly dispossest, none oppress'd with Taxes; there were no Robberies, no Theft, every Body went whither he pleas'd most secure. The Popes, and especially *Adrian*, who could not abide to see them in *Italy*, as being a

¹ In the Charter of Confirmation, made by *Otho* the Great to the Pope in the Year 962, related by *Baronius* An. 962. num. 3. we read expressly these Words: *Sicuti, & Patrimonium Beneventanum, & Patrimonium Neapolitanum, & Patrimonium Calabriae superioris, & inferioris, de Civitate autem Neapolitana cum castellis, & territoriis & finibus, & insulis suis sibi pertinentibus, sicut ad easdem respicere videntur: Nec non Patrimonium Siciliae, si Deus nostris illud tradiderit manibus; simili modo civitatem Cajetanam, & Fundum cum omnibus*

eorum pertinentiis, &c. *Binius* in notis ad *Con. Lateran.* An. 1112. tom. 7. *Concil.* par. 1. fol. 544, relates such another Precept of the Emperor *Henry* IV. made to *Paschal* II. wherein we likewise read: *Jurejurando firmavit de Apostolici ipsius vita, & honore de Membris, de Mala Captione, de Regalibus; etiam Patrimonii B. Petri, & nominatim de Apulia, Calabria, Sicilia, Capuanoque principatu factis Sacramentis.*

² *P. Warnef. hist Long. lib. 3. cap. 3.*

People who endeavour'd to break all their Measures, describ'd them to the World as cruel, inhumane, and barbarous; whence it was, that amongst the People and Writers of the following Century, they got the Name of unciviliz'd and cruel. But their very prudent and just Laws, which consuming Time hath left us, are sufficient Documents of their Humanity, Justice, and civil Prudence. It hath far'd with them as it did with the *Roman* Laws, that tho' the Empire was ruin'd, yet their Authority and Force were the same in the new Dominions which were establish'd in *Europe*; even so, tho' the Kingdom of the *Longobards* was at an End, yet their Laws remain'd in Force in *Italy*.



C H A P. V.

Although the Longobards were expell'd Italy, yet their Laws were preserv'd in it. Their Justice and Wisdom.



ALTHO' the Laws of the *Longobards* came short of the *Roman*, yet if we should put them into the Ballance with those of other Nations, which since the Fall of the Empire have had Dominion in *Europe*; they will be found to excel them all, if we consider either the Utility and Justice of them, the prudent Methods they took to establish them, or the Judgment of the most grave and prudent Writers who have commended them. The Methods they took, and the great Prudence and Maturity which their Kings practis'd when they had a Mind to establish them, deserve all Praise and Commendation. They, as we have seen, first conven'd the States of the Kingdom, to wit, the Nobles and Magistrates in *Pavia*; the Ecclesiastical State was not known amongst them, neither had it Place in the publick Deliberations; as little had the Commonalty, which as *Cæsar* said, speaking of the *Gauls*, *Nulli adhibebatur Consilio*: There they maturely and diligently examin'd what was most just and profitable; and that being once establish'd, was afterwards publish'd by their Kings in their Edicts. A Method, according to the Opinion of *Hugo Grotius*¹, perhaps better than what the *Roman* Emperors themselves took, whose Laws depending solely on their Will, which was liable to be impos'd upon and byass'd, occasion'd so much Inconstancy and Alterations, that we see *Justinian* alone, in one and the very same Thing, has alter'd his Opinion and Judgment three or four times. It was a Custom amongst the *Longobards*, before they made Edicts for publishing their Laws, to examine and discuss them by the States of the Kingdom; by which they reap'd many Advantages. First, that there was no Danger of their establishing any Thing that would prove hurtful to the Publick, when there were so many Eyes, and so many prudent Men present, from whom the Harm that might result, could not be conceal'd. Secondly, That what was establish'd by common Consent, was with a willing Mind observ'd by all. And lastly, That they were not so liable to be alter'd, but when a most urgent Cause requir'd it; as we have seen done by *Rotaris's* Successors, who, *facto periculo*, and after long Experience, knowing some of the Laws of their Predecessors to be a little harsh and severe, and not well adapted to their Times, which were become more docile and civiliz'd, alter'd and chang'd them, with the Advice of the States. Which wise and prudent Custom is highly praised and com-

¹ Hug. Grot. in Prolegom. ad hist. Got.

mended in the *Sædes*, a Northern People, by that wise Lady *Brigid*, to whom we now pay the Honours which are only due to Saints.

IF then we will consider the Justice and Utility, especially of those Laws which are adapted to the Affairs and Business of private Men, and their Security, such as Matrimony, Guardianship, Contracts, Alienations, Testaments, the Successions to those who die without making Wills, and the Security of Possessions; we cannot but reckon them both useful and prudent.

IN the second Book of that Volume¹, there are many provident Laws concerning Matrimony which are admir'd. The Well-dispos'd was not to be join'd to the Libertine, nor the Noble to the Ignoble; whence the Widows of Kings, who were of a Rank superior to all, did not match with any but those of Royal Dignity. But *Justinian* took *Theodora* from the Stage, to the great Dishonour of Princely Dignity. Those who were not born of lawful Wedlock, were not made Knights, nor admitted into the Magistracy, nor even to be Witnesses. Extravagant Gifts betwixt Man and Wife were forbidden; therefore most wise was that Law of *Luitprandus*, which put a Stop to the Morning Gifts which the Husbands were wont to give to their Wives the first Morning after their Marriage, which the *Longobards* call'd *Morgongap*²; the Husbands frequently, being inflam'd with Love, and intic'd with the Allurements of their new Spoules, were wont to give them all: *Luitprandus*³ prohibited so great Extravagancy, and ordain'd that they should not exceed the fourth Part of their Substance. And from the Example related by *Du Cange*, we see, that throughout the whole eleventh Century this Law was observ'd. And 'tis truly new and singular what the Abbot *Fontani* relates in his Book against *P. Germonius*, which he publish'd from Private Memoirs in the Year 1162, that a certain *Folco*, of *Civildale* in *Friuli*, gave to his Wife *Gerlunt* all he had, *Omnia sua propter pretium in mane quando surrexit de lecto*. Adulteries were severely punish'd. Marriages betwixt Kindred, according to the Prescription, not only of the Civil but of the Canon Laws, were prohibited; and *Luitprandus*⁴ himself bears Witness, that he was mov'd likewise to forbid them by his Laws, *Quia*, as he says, *Deo teste, Papa urbis Romæ, qui in omni mundo caput Ecclesiarum Dei, & Sacerdotum est, per suam Epistolam nos adhortatus est, ut tale Conjugium fieri nullatenus permetteremus*.

SOME are scandaliz'd, that in this second Book of the Laws of the *Longobards*⁵, Concubinage should be allow'd, it being forbidden to have at the same Time a Wife and a Concubine, as much as to have two Wives, all Polygamy being also prohibited amongst the *Longobards*. But besides that this Law was made by the Emperor *Lotharius*, and not by any of the *Longobard* Kings; this Wonder arises from the not knowing that amongst the *Romans* Concubinage was lawful⁶, and not only tolerated, but allow'd, and therefore it was call'd *Semimatrimum*, and the Concubine was on that account call'd *Semiconjux*⁷; and the Man might lawfully have for his Companion either a Wife or a Concubine, but not at the same Time both a Wife and a Concubine, because that was reckon'd Polygamy, as much as the having two Wives⁸. This Custom was likewise continu'd afterwards, when by the Means of *Constantine the Great*, the Empire had embrac'd our Religion, who tho' he put a Restraint upon Concubinage, yet he did not abolish it; and it was retain'd for many Ages by the Christians of many Nations of *Europe*; of which among others, a Council of *Toledo* makes us certain, where it was likewise enacted, that a Man, whether he be of the Laity or of the Clergy, shall content himself with one, either a Wife or a Concubine, but not to keep them both at the same time⁹. But tho' the *Latin* Church afterwards forbad Priests to marry, and consequently to keep Concubines, yet seeing the Ecclesiasticks, because of their Incontinency could not live single, they still kept Concubines. In order to abolish this Custom, their keeping of them was severely prohibited in several Councils; these Prohibitions had little Effect, and came to no account, so little were they observ'd; and the Priests could by no means wean themselves from this Practice, therefore the Prohibitions were repeated: There was not a Council that met, which did not with severe Threats

¹ LL. Longob. in lib. 2. tit. 4, 5, 6, 7, 8, 9.

² Vide Grot. in Lexico.

³ Luitprand. LL. Long. lib. 2. tit. 4.

⁴ Luitpr. leg. 4. de prob. Nupt.

⁵ LL. Long. lib. 2. tit. 13. l. 7.

⁶ L. si qua illust. C. ad S. C. Orf.

⁷ Cujac. in Parat. in Pand. tit. de Concub.

⁸ V. Connan. l. 8. comment. Arnif. de Jur. Connub.

⁹ Gratian. in Decret. dist. 34. cap. 4, & 5.

always urge the same, hating Concubinage, and declaring openly that it was worse than Adultery, Incest, and more heinous than any other Vice: Whence in the following Age, the Name of Concubinage, which formerly had been reputed lawful, became odious and horrible, as much as it is at this Day. In the Kingdom of *Italy*, not only under the *Longobards*, but likewise when it came under the Dominion of the *French*, this Practice still continu'd. Concubinage was also reputed lawful amongst other Nations of *Europe*; and *Cujacius* testifies, that likewise in his Time, it was kept up amongst the *Gascons* and other People near the *Pyrenean Mountains* ¹. In the East Concubinage was prohibited by the *Novellæ* of *Basilius* of *Macedon* ², and of *Leo*; but these had no Force in the Provinces of *Europe*, which had shaken off the Yoke of the Empire, and obey'd their own Princes, independantly of the Emperors of the East; which would require to be treated of apart, but thus far is sufficient for our Purpose.

THERE was prudent Provision made concerning Guardianship; the Pupils were equally intrusted with the Kindred of the Father and of the Mother; but the King was the principal Tutor to noble Pupils ³: Whence proceeded the Law amongst us, by which the King appointed the Guardians of Barons, and the Writs of Guardianship were taken from him. They likewise gave to Women a perpetual Tutor on account of their Weakness, whom they call'd *Mundualdo*, who was much the same with that Tutor among the ancient *Romans*, under whose Authority the Women were, of what Age soever, and even tho' married; whence it is, that to this Day in some Places of our Kingdom there is some Vestige thereof remaining.

AS to Contracts, Equity and Justice was the main Scope, the Contracts of those come to Age, which Age of Majority was compleat at eighteen Years, were very firm, and not liable to Restitution. Creditors and Buyers were secure against being deceiv'd and deluded by tacit *Hypothecs*, or Mortgages, or by private Trustees; forasmuch as all Contracts, Sales, Pledges, and also Wills were executed in the Sight and Presence of the Magistrates, and in the View of the People. The Method of succeeding to those that died without making Wills was most plain; he that was nearest of Kin, was the same as the Heir, except only that the Children and their Descendants were prefer'd to Parents.

LAW Suits, which amongst the *Romans* were very expensive and troublesome, amongst the *Longobards* were soon determin'd, and not chargeable. The Forwardness of the Litigious was curb'd by Pledges and Sequestrations. Nothing was more easy and expeditious for the Judges; in Controversies about Matters of Fact the Plaintiff carried his Witnesses with him, and the Defendant his, and he gain'd the Cause who had the greatest Number and Authority on his Side. In doubtful and ambiguous Cases, they had recourse to the Sanctity of Oaths, which were administered to the Defendant, but with great Caution; that is to say, he produc'd Witnesses of his good Fame, who gave Oath, and attested his Probity and Religion, and that they themselves, without scruple, would give Credit to his Oath ⁴. It was seldom that there happen'd Questions of Law, and if there did, they were decided, not from the infinite Volumes of Interpreters, but from the plain and simple Meaning of their Laws, and the just and reasonable Part of them. The Remedy against being disturb'd in Possession was ready, and the Restitution quick, the Judge going to the Place to view the Damage, immediately gave Reparation.

IN taking Cognizance of Criminal Matters there were two Things wisely observ'd. The Violation of the Rights of Society, and of those of private Persons: For the last, there were two Penalties appointed; by the one the private Damage was repair'd, which they call'd *Wedrigeldum*, that is to say, what was given by Retaliation; by the other the Publick Peace was repair'd, which they on that account call'd *Fedra*, and it was given to the King, or the Community of any City. *Hugo Grotius* ⁵ commends this Custom of their not shedding the Blood of the People on slight Occasions, but only for heinous and capital Crimes and Offences. The lesser Crimes were compounded for Money, or the guilty Person was to be under Servitude to the Offended.

THE Estates of condemn'd Persons were safe to their Children, and were not liable to Confiscation. In criminal Cases they admitted of no Appeals, which did

¹ Cujac. loc. cit. Audio tamen eum retinere districtæ Vascones & Pyreneos.

² Novel. Basil. Maced. apud Leuncl. Jur. Gr. Rom. lib. 2. num. 2. tom. 1.

³ Grot. in Prolegem. ad hist. Got.

⁴ V. Struvium hist. Jur. Crimin.

⁵ Hug. Grot. in Prolegom. ad hist. Got.

not surprize *Grotius*, because it ought to be so in other Cases, seeing that Equals were conscientiously and gently judg'd in the Courts by their Peers. Whence came that Law among us, that in Capital Cases Barons could not be judg'd but by those whom we call *Pares Curiae*.

THE Rites and Solemnities which they made use of in Manumissions and Adoptions were conformable to their Manners, bold and warlike. Manumissions, as *Paul Warnefride* relates, were made *per Sagittam*, Adoptions *per Arma*, as Alienations were *per glebæ Festucæve conjectionem in sinum emptoris*.

THAT ancient Custom of the *Longobards* displeas'd many, that in some doubtful and ambiguous Cases, and for heinous Offences, they committed the Decision of them to a single Combat, which they call'd a *Duel*. The Duel was truly a very ancient Custom amongst the *Longobards*, which afterwards passing into a Law, was for a long Time practis'd, not only by them, but by many other Nations who learn'd it from the *Longobards*. In effect, their History is full of these Duels; that of *Adalulphus* was remarkable, who had accus'd Queen *Gundeberta* of Adultery¹, and failing in the Proof, he, in order to be reveng'd of her, had recourse to *Arioaldus* her first Husband, to whom he accus'd her falsely, that she with *Datus* Duke of *Tuscany* had conspir'd against his Life and Kingdom, which caus'd that unfortunate Princess to be imprison'd. At which *Clotbarius* King of *France*, whose Kinswoman she was, being offended, he sent Ambassadors to *Arioaldus*, pressing him in the strongest Terms to set her at Liberty; to which the King answer'd, that he had most just Cause to keep her in Prison; and the Ambassadors denying what he had laid to the Queen's Charge, and urging that the Authors of such Falshoods were Lyars; at last *Ansoaldus*, one of them, desir'd the King to let the Doubt be decided by Duel. *Caribertus* appear'd for the Queen, and the Impostor *Adalulphus* for the King, the last was vanquish'd, the Queen was set at Liberty, and restor'd to her former Honour. This Manner of clearing one from an Imputation, was so much commended amongst all Nations, that *Cujacius*² says, even amongst Christians, as well in Civil as Criminal Cases, the Duel was long practis'd, and our *French Normans* whilst they held this Kingdom, frequently made use of it; altho' by the *Longobard* Kings themselves it was reputed a cruel and unreasonable Experiment; yet these People being long accusom'd to such a Practice, and thinking it less mischievous to allay the Wrath and Passions of those bold Spirits, by committing the Affair to the Hazard of a few, than to see whole Families go together by the Ears, look'd not on this Practice as a Grievance, but rather as necessary to be kept up. *Luitprandus* was a most prudent Prince, and knew better Things, but after the Example of *Solon* (who being ask'd if he had given to the *Athenians* the best Laws he could devise; answer'd, the best that could be suited to their Customs) he in one of his Laws plainly declares his Thoughts, saying, tho' he was uncertain of God's Approbation, and knew that many suffer'd unjustly by Duels, *Sed propter consuetudinem gentis nostræ Longobardorum legem impiam vetare non possumus*³. The Christian Religion put a Stop to this Custom afterwards, but has not been able to root it out altogether; so that the same is still practis'd to this Day: The Design of our Religion is to extirpate such bad Customs, but we resist, and hinder its taking Effect. Afterwards *Frederick II.* and the Kings his Successors, forbad it with us under severe Penalties, and other Princes did the like.

THAT other Trial by red hot Irons, boyling or frozen Water⁴ likewise displeas'd; but that ought not to be imputed to the *Longobards* only, but to all other Nations of *Europe*, and more to Christians than others, who retain'd it for a long Time, and more obstinately stuck to it; forasmuch as they believ'd they had the Custom from *Moses* himself, who commanded a certain Potion to be given to Women accus'd of Adultery, in order to know whether they were Guilty or Innocent. It was not then to be wonder'd at, if the *Longobards* by carrying the Thing further, establish'd Laws concerning it, by which in determining Controversies it was appointed to make use of red hot Plough-Shares, or cold or boiling Water. This Error was kept up by the Credulity and Stupidity of the People, who had such Confidence in this Tryal, that they easily gave credit to all the fabulous Accounts they met with in History, and took them for certain Truths. Strange and

¹ Sigon. ad A. 632.

² Cujac. lib. 1. de Feud. tit. 1. §. Si autem controversia: & hoc genere purgationis diu usi sunt Christiani, tam in civilibus, quam in cri-

minalibus Causis, re omni duello commissa.

³ Lib. 1. l. 23. tit. 9. de Homicid. liber. hom.

⁴ Vide Struvium hist. Jur. Crimin.

wonderful Things were told, which were not really true, but the Effects of Imagination, heated to that Degree, as made them fancy they saw People thrown into the Fire without being burnt, and plung'd into a River without being drown'd. Famous is that Fact amongst Historians of the innocent Countess, which happen'd during the Empire of *Otho*; who being falsely accus'd by the Empress, purg'd herself by red hot Iron, which did not hurt her. But that other is much more famous and remarkable, which fell out in *Florence* in the Time of *Alexander II.* of *Aldobrandinus*, who in the Sight of all the People came safe and sound out of the Flames, whence he got the Name of *Pietro Igneo*. It was not without reason then, that the Emperor *Frederick* amongst his military Laws, likewise order'd the Practice of this Proof in dubious Cases, as *Radevicus* and *Cujacius* testify ¹. But afterwards when the Uncertainty of it was more maturely consider'd, and that many innocent Persons suffer'd greater Punishment than could have been inflict'd upon them if they had been legally convicted as Guilty; and that on the other hand the Guilty escap'd free, and that it was a bold tempting of Providence: at last it was prohibited by the Popes. And *Cujacius* ² relates, that this Custom was left off and disus'd in *Lombardy* before it was so in any other Country. And with us it was likewise forgot; and tho' the People of *Bari* retain'd the *Longobard* Laws, from which the Book of their Customs was compil'd, yet they confess, that from the Time of King *Roger* such a Custom had been quite left off: *Ferri igniti, aquæ ferventis, vel frigidæ, aut quod libet judicium, quod vulgo paribole nuncupatur, a nostris civibus penitus exulavit* ³.

THE Custom of making Christians Prisoners, and taking a Ransom for their Liberty, appear'd to some to be both savage and cruel, as was practis'd by the *Greeks* on the Citizens of *Croton* and other Cities; of which *S. Gregory* loudly complain'd. But this Custom, as we have related in the foregoing Book, was at that Time indifferently practis'd every where; neither are there wanting Writers who maintain it as just.

FOR these Reasons we read in the most grave Authors, that the *Longobards* were commended above all other foreign Nations, for a wise and prudent People, and who knew better than any other how to make Laws with so much Judgment and Foresight. Not to mention *Grotius* ⁴ who prais'd them so much on that account, nor *Paul Warnefride*. *Gunterus*, who was Secretary to the Emperor *Frederick I.* and a famous Poet in those Times, sings thus of the *Longobards* in his *Ligurina*.

*Gens astuta, sagax, prudens, industria, solers,
Provida consilio, legum, jurisque perita.*

NEITHER is the Stile in which these Laws are written, so insipid or unpolish'd, as our Writers have represented it: They were judg'd by the incomparable *Grotius*, a Subject well worthy of his Labour and bright Talents; he was preparing a Commentary on them, as also on all the Laws of the other Northern Nations; but being snatch'd from us by untimely Death, could not bring it to Perfection: yet he left us an Index ⁵ of all the Nouns, Verbs, and other Vocables of the *Longobards*, by which we may see the many Mistakes our Writers have fallen into, who have pretended to interpret them. And *Jacobus Cujacius* ⁶ in his Book of Fiefs, which in a great measure depend on these Laws, frequently shews us many Words of them which are reputed barbarous and unpolish'd by most Interpreters, who give them another Meaning, to be either *Greek* or *Latin*, or depending by true Analogy on these Languages; such as the Word *arga*, which we meet with frequently in these Laws, and which is reckon'd barbarous by them, and to signify *cornutus*, as *Maxilla* among others, in *consuetud. De Bari* ⁷ explains it, but *P. Warnefride* make it to signify

¹ Cujac. lib. 1. de Feud. loc. cit. Tertium genus purgationis est periculum aquæ ferventis, vel frigidæ, vel laminæ condentis, quo etiam diu usi sunt Christiani, ducto more, argumento nescio an bono, a potione illa quam stupri insimulatis mulieribus dari jussit Moses, quod usque eo processit, ut & leges Scriptæ juberent adhiberi ignitos vomeres, vel aquam frigidam; aut calidam litium dirimendarum causa, ut Longobardæ sæpe, & milites Frederici Imperatoris apud Radevicum.

² Cujac. loc. cit. Quod tamen primum omnium exolevit in Longobardia.

³ Consuet. Bar. Rubr. de Immunit. §. Monomachia.

⁴ Hug. Grot. in Prolegom. ad hist. Got.

⁵ We have this Index in *Grotius* his History of the Goths.

⁶ Cujac. de Feud. lib. 1. tit. 2.

⁷ *Maxilla* in Consuet. Bar. rub. de *Arga*. Istud nomen *Arga*, est Longobardorum, & idem importat, quod vocare aliquem cornutum. Vide Carol. du Fresne in Lexic. Latino barbar.

iners, ineptus, stupidus, and inutilis, and derives the Word from the Greek ἀπῆς, which signifies the same according to *Cujacius* ¹, and he confirms it from the Authority of *Didimus*. And *astalium facere* which we often meet with in these Books, signifies nothing else but to deceive, and to fail in Duty, by not assisting the Prince or fellow Soldier in Time of Battel, when Assistance is most wanted, and they in danger of their Lives. So likewise to do a Thing *asto animo*, which we often read in these Laws, is the same as to do it *animo vafro*. *Plautus* in *Pænulo*.

Mea soror ita stupida est sine animo asto.

And *Accius* in *Nonius* :

Nisi et asta ingenium lingua laudem.

Likewise this other Word *Strigæ*, which we meet with in these Laws in *Festus*, is the same with *Maleficæ*; we find it also in *Plautus* in *Pseudolo*,

Strigibus vivis convivis intestinaque exedunt.

which the *Longobards* by the proper Word of their Nation likewise call'd *Masca*, and which we now call *Maga*, or *Strega*.

THE Use of the *Talenone*, as explain'd by *Festus*, *Vegetius*, and *Isidorus* is likewise clearly expounded by these Laws ². The *Talenone*, as the Law declares, was nothing else but a Beam pois'd upon a Fork of Wood, by which they drew Water in Buckets from the Wells.

THE calling unmarried Women, *Virgins in Hair*, comes from the Custom of the *Romans*, who distinguish'd the Virgins from those who were married, because these cover'd the Head, and the Virgins went uncover'd, and let their Hair be seen.

GALEN believ'd that neither Horses, nor any fourfooted Animal except Dogs, could ever become mad. On the contrary, *Absyrtus* and *Hierocles Mulomedici* ⁴, and likewise *Porphirius*, in Opposition to his Opinion, wrote, that these likewise might be mad. The *Longobards* in their Laws were of their Opinion, and rejected that of *Galen* as false. Many such other Vestiges of their Erudition appear in these and many other Words of that kind, which to some seem barbarous, altho' they be deriv'd from the *Greek* and *Latin* Languages, and are scatter'd up and down in these Books, of which there's no need for making a longer Catalogue; every Body may see and observe them in the Index which *Grotius* made of them, which we lately mention'd.

¹ P. Warnefr. lib. 6. cap. 8.

² Cujac. loc. cit.

³ LL. Longob. lib. 2. tit. de Homicid. liber. hom. l. 24.

⁴ For the Mulomedici vide G. Gotofred. in Cod. Th. sub tit. de Cursu Publico.

⁵ LL. Longobard. de Pauperie, lib. 2.

S E C T. I.

The Laws of the Longobards retain'd long in the Dukedom of Beneventum, and afterwards spread over all the Provinces of which our Kingdom is now compos'd.

THE Excellency of these Laws above all others of foreign Nations, and their Justice and Wisdom, may easily be perceiv'd when we find, that tho' the *Longobards* were driven out of the Kingdom of *Italy*, and succeeded in it by the *French*, yet *Charles* King of *France* and *Italy* preserv'd them intire; so that he not only confirm'd them, but likewise to the Body of these added some of his own, which also

as *Longobard* Laws he order'd to be observ'd in *Lombardy*, and the other Parts of *Italy* subject to him.

HE added many others to the Edicts of the *Longobard* Kings his Predecessors, which he establish'd not as Emperor or King of *France*, but as King of *Italy*, or of the *Longobards*. And as the *Longobard* Law was of no Force in *France*, so likewise the *Salick* or *French* Law was not introduc'd into *Italy*, by *Charles* or his Successors: Whence we see the Error of *Sigonius* ¹, who makes three Laws to flourish in the *French* Empire in *Italy*; the *Roman*, the *Longobard*, and the *Salick*. Unless perhaps he means, that among the *French* only, who came into *Italy* with *Charles*, this last had Force and Authority. *Pepin* his Son and Successor in the Kingdom of *Italy*, and the other Kings and Emperors who succeeded them, such as *Lewis*, *Lothaire*, *Otho*, *Conrade*, *Henry*, and *Guido*, not only preserv'd them intire and in force, but added other Laws of their own to them; for which Cause it was that the ancient Compiler of these Laws collected in three Books, not only the Laws of these five *Longobard* Kings, but likewise those of *Charles the Great*, and his Successors, down to *Conrade*, which they as Lords of *Italy* establish'd; all which were call'd *Longobard* Laws.

BUT with us they were preserv'd and long observ'd for other more important Reasons. In the Dukedom of *Beneventum*, which comprehended the greatest Part of these our Provinces, which now make up the Kingdom, under the *Longobard* Kings their Authors, they were obey'd with the utmost awful Respect. The Kings had the Sovereignty of it, and the Dukes who govern'd it were subordinate to them; and *Desiderius* the last King, as we have said, had created *Arechis* his Son-in-Law Duke of it. But tho' the *Longobard* Kings fail'd in *Italy*, yet the Dukes did not fail in the Dukedom of *Beneventum*; but *Arechis*, as we shall relate in the following Book, having thrown off all Subjection to the *French*, govern'd it with absolute and independent Authority. He took upon him to adorn himself with the Scepter, Crown, and Purple Garment, and made himself to be anointed, and rais'd to be a Sovereign Prince, wherefore he maintain'd it independent of any other Sovereign; by which means the *Longobard* Laws got the better footing and force in this Dukedom, in which they were constantly preserv'd by the succeeding *Beneventan* Princes. And the Principality being afterwards divided into three Parts, to wit the *Beneventan*, *Salernitan*, and *Capuan*, which comprehended almost all the Kingdom, the *Longobard* Laws were the more diffus'd. The *Neapolitan* Dukedom, and the other Cities of *Calabria* and *Brutium*, *Gaeta*, and some other maritime Cities, which continu'd for some Time under the Dominion of the *Greeks*, were later in receiving these Laws. These Places, as being subject to the Emperor of the East, were govern'd by their own Laws; and what these were shall be examin'd in the Seventh Book, where we shall treat of their *Novellæ*, and their so many other Collections. But when the *Greeks* were driven out by the *Normans*, and all these Provinces reduc'd under the Dominion of one single Person; the *Normans* having succeeded the *Longobards*, retain'd their Laws, and spread them over all, even in the Cities which they took from the *Greeks*, as we shall see in the following Books; whence it came to pass, that by these Laws, having been preserv'd in *Italy* under other Princes, who were not *Longobards*, they continu'd the longer, and took deeper Root in these our Provinces. Whence likewise it came to pass, that tho' the *Roman* Laws were preserv'd intire, and that every one could live under what Law he pleas'd, either *Roman* or *Longobard* ²; nevertheless, for many Ages, so great was the good Luck of the *Longobard* Laws, that it behov'd the *Roman* Laws to succumb to them; for in *Italy*, and these our Provinces, the Introduction of a great Number of feudal Tenures, and consequently of many Barons, who observ'd no other Laws but those of the *Longobards*, occasion'd all the Nobility, by their Example, to observe the same Laws; so that except the Ecclesiasticks, who in Obedience to the Edict of *Lewis the Pious* ³, liv'd (of what Nation soever they were) according to the *Roman* Laws only, all others, both by Tradition and ancient Custom, observ'd the *Longobard* Laws; and when by the Ignorance of the Age, all the Codes wherein they were registred were neglected, yet they continu'd amongst the common People, who are

¹ Sigon. de R. Ital. lib. 8.

² In LL. Longob. lib. 2. tit. 58.

³ Ed. Lud. Pii in LL. Longob. lib. 3. l. 37.
In LL. Ripuar. cap. Eccl. jure Romano vivit.

the last in laying aside the ancient Usages of their Forefathers, either in what concerns the Laws or the Customs, as we shall see more distinctly in the following Books.

AND whence it likewise came to pass, that in our Kingdom with regard to the new Constitutions which were afterwards introduc'd by the *Norman, Suevian, and French* Princes, the *Longobard* Law was call'd *Jus Commune*, like that of the *Romans*¹; but with this Difference, that the *Jus Commune* of the *Longobards* was the Predominant, and in greatest Force; that of the *Romans* of less Authority, and to which they had recourse when the *Longobard* fail'd, which happen'd but seldom. For this Cause it came likewise to pass, that the *Longobard* Law was quoted in the Tribunals, commended by all, and reckon'd the Source of all other Laws, which the new Princes were about establishing: So we see that the Popes made often use of them in their Decrees, and approv'd of them². The Feudal Law which now in all Nations of *Europe* is one of the most noble Parts of the *Jus Commune*, was founded upon, and supported by the *Longobard* Laws, as not only *Andrea d'Isernia*, and Bishop *Liparulus* among others have written, but the incomparable *Hugo Grotius* likewise observes.

THE very Constitutions of *Frederick II.* of our Kingdom, are almost all taken from the *Longobard* Laws, as besides our own Writers, *Grotius* likewise tells us³. The Customs of *Bari* are deriv'd from the *Longobard* Laws, as we shall shew when we shall have occasion to treat of them.

BUT 'tis worth our Observation, and what will more plainly shew us the Authority and Credit which they retain'd in these our Provinces for a long Time, to find that after the *Roman* Jurisprudence was again restor'd in the Academies of *Italy*, in the Time of *Lothaire II.*; and the Pandects had been found in *Amalphis*, and got footing likewise in our Academy, in the Reign of *Frederick II.* the Use and Authority of these Laws did not fail for all that. On the contrary, our Writers then more than ever took greater Pains and Care in commenting on them; just as *Gregory* and *Hermogenian* did, who, when they saw that *Constantine the Great* intended to abolish the ancient Heathen *Roman* Laws by new ones of his own, compil'd their Codes, by which they prevented the Loss of the ancient *Roman* Jurisprudence: So we see that *Carlo di Tocco* did not comment on them till the Reign of *William* King of *Sicily*; and that other Comment which we have on them of *Andrea da Barletta*, Attorney General to *Frederick II.* makes it evident, that to the Reign of this Prince, the *Longobard* Laws in our Kingdom were superior to the *Roman*; and in later Times still more, which may be gather'd from the Comment of *Biase da Marcone*, who flourish'd under King *Robert*.

IF our Writers had follow'd the Light of History, and distinguish'd the Times as they ought to have done, they had not stuffed their Commentaries with so much Trumpery, as to say (not knowing the Authors of those Laws) they were made by certain Kings, who were call'd *Longobards*, that is to say *Apulians*, who having come from *Sardinia*, at first settled in *Romagna*, and from thence went to *Puglia*, as *Odofredus*, *Baldus*, *Alexander*, and *Franciscus de Curte* have written, and, which is more surprizing, were follow'd by *Nicolas Boerius*, who chose rather to believe these Dreams, than to give ear to true History.

NEITHER would *Luca di Penna*, afterwards follow'd, as often falls out, inconsiderately by *Carovita*, *Maranta*, *Fabio d'Anna*, and others of our Writers, have had occasion to declaim against the Law of the *Longobards*, and to call it stupid, barbarous, and unpolish'd, and Riff-raff rather than Law. He did so, because he knew not how to distinguish the Times in which he wrote, from those of past Ages, in which these Laws were reputed the most polish'd and prudent of all that ever had flourish'd in *Italy*: He wrote in the later Times in the Reign of Queen *Joan I.* by whom in the Year 1366. he was made Judge of the High-Court, when the Authority and Splendor of the *Roman* Laws still increasing, it began then to be a Question among the Advocates which of the two Laws ought to have the Preference; whereupon he finding that some against his Opinion, stickled hard in favour of the *Longobard*, he baul'd out against them, and loaded these Laws with a

¹ Const. Guliel. Puritatem.

² Gregor. c. devotif. 12. q. 2.

³ Grot. in Prolegom. ad hist. Got. jam vero,

quæ in Regno Neapolitano, Siculique valent Constitutiones a Frederico II. collectæ, pene omnes fluunt e legibus Longobardorum.

multitude of reproachful Names. And it was not till the Reign of the *Aragon* Family, that these Laws came in disuse and fail'd intirely in our Kingdom, when the *Roman* were restor'd, of which *Matthæus de Afflictis* is a good Evidence; who, tho' he says, that in his Time he never observ'd the *Longobard* Law to get the better of the *Roman* in our Tribunals, yet declares to have heard from the old Advocates, that in ancient Times the contrary was observ'd. But in the Progress of this History we shall have more fit Opportunities to treat at large of the alternate Fortune of these Laws.



CHAP. VI.

Of the Ecclesiastical Polity.



IN this eighth Century the Churches of the West were in great Confusion, and that of *Rome*, which ought to be a bright Example to the rest, was in the greatest Disorder. *Paul* having died in the Year 767, *Constantine* Brother to *Toto* Count of *Nepi*, usurp'd the Chair; who by Violence and Management had got himself first to be elected Pope, and afterwards to be ordain'd Subdeacon, Deacon and Bishop: Some Officers of the Church of *Rome*, not able to suffer this Violence, had recourse to *Desiderius* King of the *Longobards*, and having got Assistance, return'd to *Rome* with a Band of arm'd Men. *Toto* attack'd them, but being kill'd in the Scuffle, *Constantine* was turn'd out, and *Philip* a Priest and Monk was elected in his Place; but he not being found sufficient for the Post, was oblig'd to retire into a Monastery, and *Stephen* IV. with common Consent, was elected in the Month of *August* of the Year 768. After whose Election, *Constantine* was ignominiously depos'd, and treated after a cruel manner, was imprison'd, and had his Eyes put out. *Stephen* not finding himself secure, sent a Deputy into *France*, in order to regulate what concern'd the Affairs of the Church of *Rome*. *Charles* and *Carloman*, to whom the Deputy, their Father *Pepin* being dead, consign'd the Letters, sent twelve Bishops to *Rome*, who convening a Council with one *Italian* Bishop, confirm'd *Stephen*, and declar'd *Constantine's* Election void. *Stephen* got Possession of the See; but grievous Disputes arising afterwards between him and *Desiderius*, on account of the Election of the Archbishop of *Ravenna*, and other Matters above related, *Desiderius* laid Siege to *Rome*, and exercis'd so much Severity, that the Pope being terrified, died the first Day of *February* in the Year 772, leaving *Adrian* his Successor.

NEITHER did there happen less Disorders in the Elections to other lesser Sees. The Favour of Princes, Violence, Sollicitations, and Simony had the greatest Share in them. Discipline was almost intirely laid aside; great Ignorance and Licentiousness prevail'd amongst the Bishops and the Clergy. There was no Lewdness which they were not guilty of; they kept Women in their Houses, went to the War, inroll'd themselves among the Soldiers, serving for Pay; and throwing off the Yoke, refus'd any more to obey their Bishops. The Popes becoming powerful Lords in Temporals, by the Donation made to the Church of *Rome* by *Pepin* and *Charles* his Successor, began to extend their Authority over Princes. *Zacharias* by having had a great hand in the Translation of the Kingdom of *France* to the *Carlovingian* Line, and *Adrian* of that of the Kingdom of *Italy* to the *French*, had made themselves dreadful. They set their Minds more on Temporal Matters than on Divine and Sacred; and the other Bishops following their Example, the ancient Discipline was corrupted, and altogether neglected.

ON the other hand, the Temporal Princes seeing so much Depravation of Manners, labour'd with all their Might to reform the Clergy and the Church; and besides that, having so fair an Opportunity, concern'd themselves more in the Election of Bishops, and other Ministers of the Church, and in disposing of their Revenues, than formerly. *Leo Isauricus*, and the other Emperors of the East his Successors, would have themselves esteem'd as Moderators, not only of the Ecclesiastical Polity and Discipline, but likewise of the Doctrine: They publish'd Edicts concerning the Adoration of Images; and except only the Ministry of Sacrificing, they would be reckon'd Monarchs and Presidents of the Church: They presided in the Synods, and gave them Sanction; made Laws, and regulated the Ecclesiastical Orders; made themselves Judges of Controversies, and of the Bishops and Clergy, how they were to proceed in Elections to vacant Sees, and how they were to give their Votes; translated Bishops from one See to another; advanc'd and degraded the Sees as they thought fit, from a Bishoprick to a Metropolitan and Archbishoprick, dispos'd of Dignities and Sees of the Hierarchy; divided the Diocesses after their own way, and erected Churches into new Bishopricks or Metropolitans. Whence began the assigning of many Churches to the Patriarchate of *Constantinople* by taking them from that of *Rome*, which was compleated in the following Century; among the rest, as shall be told in its Place, they took *Sicily*, *Calabria*, *Puglia*, and *Campania*, which that Patriarchate retain'd, till by the Means of our *Normans*, and particularly *Roger I.* King of *Sicily*, they were restor'd to that of *Rome*; and greater Extravagancies were seen in the following Times when their Empire began to decline, when they endeavour'd intirely to subject the Priesthood to the Empire, concerning which we may see *Joannes Philosacus*¹, and *Tomasinus*², who discourse at large of it.

ALTHO' the Princes of the West were not so daring, nevertheless under the specious Pretence of reforming the Irregularities of the Clergy, and the lost Discipline, they concern'd themselves much more than became them in the Protection and Guardianship of their Churches; and in the Beginning of this Century they no less deform'd the State of them than the Ecclesiasticks had done. *Charles Martel*, after having taken upon him the Government of the Kingdom of *France*, instead of remedying the Disorders that prevail'd, seiz'd on the Goods of the Churches; he gave the Abbacies and Bishopricks to Laicks; gave the Tythes to the Soldiers; and suffer'd the Ecclesiasticks and Monks to go on in their Lewdness.

IN *Italy* and these our Provinces which were subject to the Dukes of *Beneventum*, the *Longobard* Kings and Dukes, on account of the continual Hatred they bore the Popes, as first Favourers of the *Greeks*, and afterwards of the *French*, occasion'd no less Disorders. King *Desiderius* by reason of the Disputes he had with *Stephen IV.* about the Election of *Michael* to the Archbishoprick of *Ravenna*, whom the Pope turn'd out; in order to be reveng'd upon him, caus'd the Eyes of *Christophanus* and *Sergius* his Creatures, to be put out, and afterwards put *Christophanus* to Death, and so frighted the Pope, that it hasten'd his Death.

THE *Longobards* as well as the *Goths* and the Emperors of the East their Predecessors, were very careful in retaining all the Prerogatives which the Right to Empire gave them. It was in their Power to declare the Churches Sanctuaries, and to prescribe Laws for what Crimes the Subjects could claim Sanctuary, and for what those that fled to them could be protected in them. King *Luitprandus*, imitating the Emperors of the West, of whom there are many Constitutions remaining in the *Theodosian* and *Justinian* Codes concerning that Matter; ordain'd likewise, that Homicides, and others guilty of Capital Crimes, should not have the Benefit of Sanctuary³. He injoin'd the Bishops, Abbots, and other Governors of Churches or Monasteries not to receive them, nor to hinder the Secular Magistrate from taking them out, nor to be assistant in making their Escape, nor conceal them; and that if they hinder'd their being taken out, they were to pay a pecuniary Mulct of 600 *Soldi*⁴. Our *Longobard* Kings likewise retain'd the Power of making Laws concerning Matrimony⁵, of putting a Stop to it, where either Decency, Kindred or

¹ Filosac. de Sacr. Episc. aut. c. 7. §. 7.

² Tomasin. vet. & nov. Eccl. disc. p. 1. l. 1. c. 52. n. 6.

³ L. 2. De his, qui ad Eccl. confugiunt. tit.

39. lib. 2. in LL. Longob.

⁴ L. 4. cit. tit. 39. lib. 2.

⁵ Launogius Regia in Matrim. potest. par. 3. art. 2. cap. 7.

Affinity were Obstacles, and of prescribing the Age fit for contracting it; and of declaring the Illegality of Marriages and Contracts, and the Bastardy of Children, and of establishing whatsoever regarded the greater Decorum and Decency of these Matters, as is clear from their Laws ¹.

THE Emperors of the East, who at this Time govern'd the Dukedom of *Naples*, a great Part of *Calabria*, *Puglia*, and many maritime Cities of these our Provinces, which were likewise Enemies to the Popes, exercis'd an absolute Authority over the Churches of those Cities which were subject to them. *Constantine* and *Leo* his Son, would have their Edicts for abolishing Images obey'd in them; they would not allow *Paul* elected Bishop of *Naples* to be admitted, because he was a Favourite of the Popes, which was the reason that the *Neapolitans* did not receive him within their City: Neither was there ever greater Deformity seen in the Church of *Naples* than at this Time. We find *Stephen* at the same time that he was Duke of it, and govern'd the Dukedom under the Emperor, when his Wife died, was made Bishop, and not laying down this other Charge, administred both divine and human Things at the same Time. *Theophilactus* his Son-in-Law succeeded him in the Dukedom; when a new Pastor was to be chosen, *Esprassia* the Daughter of *Stephen*, and Wife of *Theophilactus*, being offended with the Clergy, who had shewn much Gladness and Contentment upon the Death of her Father, swore that none of them should be elected Bishop; and the Duke her Husband, whether it was in order not to vex her, or for Covetousness sake, delay'd the Election; so that the *Neapolitans*, both Clergy and People, being wearied with the long Vacancy of their Church, went in a Body, and call'd out aloud before the Ducal Palace, that they might give them for Bishop whomsoever they pleas'd. Then *Esprassia*, full of Indignation and Rage, pitch'd upon a Laick from among the People, call'd *Paul*, whom she gave them for Bishop, neither durst any of them be so bold as to contradict it; they took *Paul*, and having shav'd him, elected him Bishop, who went to *Rome*, and the Pope, through the Corruption of the Age, made no Difficulty to consecrate and confirm him ².

THERE being such Depravation of Manners, and Things having gone to such Excess, not only the Prelates of the Church, but likewise the Secular Princes rous'd themselves at last in order to apply a Remedy. After the Death of *Charles Martel* in *France*, *Carloman* and *Pepin* his Sons having divided the Kingdom, tho' they had not the Dignity of Kings, contriv'd to order Matters so, that in some measure Discipline might be restor'd. *Carloman* Prince of *Austrasia*, in the Year 742. caus'd a Council to be call'd in *Germany*, where, with the Consent of the Bishops, he publish'd many Regulations for reforming the Discipline and Manners; he forbid the Ecclesiasticks to go to War; order'd the Curates to be submissive to their Bishops; caus'd some Ecclesiasticks convicted of the Crime of Uncleaness to be degraded, and to undergo Penance: And in the other Assembly which he caus'd to be held in *Lestines* near to *Cambray*, besides confirming all these, he likewise prohibited Adultery, Incest, unlawful Marriages, and Pagan Superstition.

PEPIN Prince of *Neustrasia*, likewise for his Part labour'd all he could in order to reform the Ecclesiastical Discipline; he call'd a Meeting of 23 Bishops, and many Great Men in *Soissons*, in the Year 744, in which all the Canons of the preceding Councils were confirm'd; and he ordain'd that they should be inviolably observ'd; that Synods should meet every Year; that Priests ought to be subject to their Bishops; that the Clergy should have no Women in their Houses, except their Mothers, Sisters, or Nieces; nor Laicks Virgins dedicated to God. In the following Years 752, 755, 756, and 757, such other Assemblies were held, in which were establish'd other Regulations concerning Discipline. And *Carloman* especially caus'd such Assemblies to meet, in which also were establish'd many Points for the maintaining of Discipline, by reviving the ancient Canons, and making of new Rules concerning the pressing Affairs of the Church. These Assemblies were not properly Councils, they were not only compos'd of Bishops, but likewise of the Lords and Great Men of the Kingdom call'd by the Princes. The Bishops drew up the Articles for the Ecclesiastical Polity, and the Lords those that concern'd the State; and afterwards they were authoriz'd and publish'd by the Princes, that they

¹ LL. Longob. lib. 2. tit. de prohibit. Nupt. lib. tit. 1. de Sponsalib.

² Jo. Diac. de Epif. Neap. Chioc. de Epif. Neap. A. 795.

might have the Force of Laws. These Articles were call'd Acts or Decrees. And this was the manner in which the Discipline of the Church of *France*, and likewise that of *Germany* was regulated under the second Race of those Kings in this Century.

IN *Italy* also there were many Canons establish'd by some Popes for restoring the decay'd Discipline. Pope *Zachary* held two Councils for that end in *Rome*, the one in the Year 743, compos'd of about 40 *Italian* Bishops, wherein was renew'd the Prohibition so often made against Bishops, Priests and Deacons cohabiting with Women, and other Provisions were made; the other was in the Year 745, compos'd of seven Bishops, and some Priests, wherein were discuss'd some Accusations against the Bishops, and some Opinions concerning Idolatry were handled; and it was declared, that the Names of many Angels that were invoc'd were unknown, and that they knew the Names of three only, to wit, *Michael*, *Raphael*, and *Gabriel*. Likewise *Paulinus* Bishop of *Aquileja* held a Council there in the Year 791, wherein, after a Confession of Faith he establish'd 14 Canons concerning the Discipline of the Clergy, Matrimony, and the Duty of Monks, and other Affairs.

IN the East, after the Empress *Irene* took the Government of the Empire upon her, she set about restoring of Discipline; she resolv'd to have a new Council call'd, in order to examine what had been ordain'd in that which *Constantinus Copronymus* had conven'd in the Year 753, concerning the Worship of Images; with which she acquainted Pope *Adrian*, that he might give his Consent to it, to which he sent two Priests as his Representatives. The Meeting of the Council began in *Constantinople* in the Year 786; but being disturb'd by the Officers of the Army and the Soldiers, who were stirr'd up to it by the Bishops who were against the Worship of Images, it was translated to *Nice* in the Year 787.

THE Pope's Legates had the first Place there; *Tarasius* Patriarch of *Constantinople* the Second; the Deputies of the Bishops of the East the Third: After these *Agapetus* Bishop of *Cesarea* in *Cappadocia*, *John* Bishop of *Ephesus*, *Constantine* Metropolitan of *Cyprus*, with 250 Archbishops and Bishops, and more than a hundred Priests and Monks. Two Commissioners likewise from the Emperor and Empress assisted there, and in many Speeches the Doctrine of Image Worship was fully debated, and many Regulations were establish'd concerning it. There were 22 Canons made, as well concerning Doctrine as Ecclesiastical Discipline; there was a Rule laid down for the Examination of Bishops, prescribing their not to be admitted if they were not qualified to instruct the People, and if they were not skill'd in the Psalter, the Evangelists, and the Epistles of St. *Paul* and the Canons. All Elections of Bishops or Priests made by Princes were declared void; and the Election of a Bishop was committed to the neighbouring Bishops; those Bishops were to be severely proceeded against, who should take Money for deposing, or fulminating Excommunications. It was ordain'd that all Churches and Monasteries should have Oeconomists; that Bishops and Abbots could not sell or give away the Possessions of their Churches or Monasteries without Necessity. That the Houses of Bishops and Monasteries should not be us'd as Inns; that a Clergyman could not be appointed to two Churches; that Bishops and other Ecclesiasticks were not to wear gaudy Apparel. The Building of Oratories or Chapels was forbid, if there were not a sufficient Fund for defraying the Charges. Women were discharg'd from living in Bishops Houses, or Monasteries of Men. The taking any Thing for Orders, or for being admitted into Monasteries was prohibited, under the Pain of Deposition with respect to Bishops and Priests: As for Abbesses, and Abbots who were not Priests, they were to be turn'd out of the Monasteries; however, those who were receiv'd into the Monasteries, or their Relations, were allow'd to give voluntarily either Money or any Thing else; nevertheless under this Condition, that those Gifts were to remain with the Monastery, whether the Person entering continu'd in the Monastery or left it, provided that the Superiors were not the Cause of his leaving it. Monasteries of the one half Men, and the other half Women were forbidden to be erected, but with regard to those already establish'd; the Monks and Nuns were order'd to live in two different Houses, that they might not see, nor have Familiarity with one another. Monks were not allow'd to leave their own Monasteries and go to others; and lastly eating with Women, when it was not for the Good of their Souls, or when they entertain'd a Relation, or travell'd, was prohibited.

SUCH and so many Provisions were made at this Time, in order to restore the decay'd Discipline in some measure: Where Vice abounded, there was need of many Laws for suppressing it; but these were not sufficient to cure so many Diseases: Therefore some Bishops, in order to reform their Clergy, made their Priests live in common in a Cloister, to whose Care the Church is indebted for the Order of the *Regular Canons*, of which *Codegandus* Bishop of *Metz* seems to have been the Institutor or Restorer. The Churches of our Provinces, part of which were under the Emperors of the East, and part under the *Lombard* Dukes, had recover'd a little Discipline, but not so much, but that by reason of the Rudeness and Ignorance of the Age, they were likewise in great Disorder, and few Vestiges of the ancient Discipline remain'd in them.

S E C T. I.

Of the Collection of the Canons.

WE must place the Collection of *Isidore Mercator* or *Peccator* in this Century; it is in *Latin*, and compos'd of various Canons of Councils held in *Greece*, *Africa*, *France*, and *Spain*, and of many Decretal Letters of diverse Popes, down to *Zachary*, who died in the Year 752¹. *David Blondell*² shews the Imposture of many of these Letters attributed to sundry Popes, whose they are not; and *Peter de Marca*³, tho' he condemns the Method of this Author as too severe, however he confesses the Forgery and Imposture. 'Tis likewise doubtful who the Author of this Collection was: *Hincmar*⁴ Archbishop of *Rheims*, makes *Isidore* of *Sevil* Author of it; and relates, that *Ricolphus* Bishop of *Mentz*, who govern'd that Church from the Year 787 to the Year 814, carried it from *Spain* to *France*, where, under the Reign of *Charles the Great*, many Copies were made, and spread over all. But by what we have said in the foregoing Book, and by what *Baronius* himself and *Marca* say, *Isidore* Bishop of *Sevil* cannot be said to be the Author of it, for he died in the Year 636, seeing this Collection likewise comprehended the Epistles of *Zachary*, who died in the Year 752. Others⁵ therefore ascribe it to *Isidore* Bishop of *Sepulveda*, who died in the Year 805; who, according to the Custom of those Times in which the Bishops out of Humility were wont to subscribe themselves in Councils and elsewhere *Peccatores*, has been call'd *Peccator*; and afterwards through the Fault of the Transcribers, in some Copies of this Collection, instead of *Peccator*, we read *Mercator*. *Emanuel Gonzalez*⁶ relates, that this Collection of *Isidore Mercator*, was publish'd under the Name of *Isidore* of *Sevil*, in order to give it the greater Authority, or because there was truly another Collection begun by him, which afterwards was compleated by *Mercator*, who inserted many other Letters into it down to the Time of *Zachary*.

THIS new Collection of *Isidore* did not only appear at this Time, but there was another likewise seen under the Title *Capitula Papæ Adriani*, which was publish'd in *France* by *Ingilramnus* Bishop of *Metz*, in the Year 785. But this Collection, as *Hincmar* Archbishop of *Rheims* testifies⁷, was not receiv'd in the Rank of Canons, for which we ought to consult *Peter de Marca*⁸. In *Rome* likewise in this same Century there appear'd another Collection of the ancient *Formula*, intitled, *Diurnus Romanorum Pontificum*; which the Popes made use of only in their Dispatches.

¹ Doviât. hist. Droit Canon. par. 1. cap. 21.² Blondel. in Pseudo Isidoro ædit. an. 1628.³ Marca de Concor. Sac. & Imp. lib. 3. cap. 5. n. 1.⁴ Hincmar. in Opusc. c. 24.⁵ Baron. A. 865. num. 5. Mariana lib. 6.

de reb. Hisp. cap. 5. Chronic. Juliani Tol. Paris. ædit. a Laurentio Ramires.

⁶ Gonzalez in Apparatu de Orig. & Progr. Jur. Can. num. 46.⁷ Hincmar. in Opusc. c. 24.⁸ P. de Marca loc. cit. num. 4.

S E C T. II.

Of Monks and Temporalities.

OUR Princes and Great Men did not leave off making great Donations to the Churches, and founding new Monasteries, and enriching those already built. This was truly the Age of Monks; the Ignorance of the Laicks as well as of Priests was at its highest Pitch: There remain'd only a little Learning amongst the Monks, when they easily led the People by the Nose to do whatsoever they pleas'd; the many Miracles, the so many new invented Devotions to some particular Saint, their instructing the People, by reason of the Ignorance and Lewdness of the Priests, had such Effect, that it drew them the awful Regard and Respect of every Body. King *Luitprandus* not only built many Churches where he used to stay at any time, but likewise large Monasteries. It was he that built the Monastery of *St. Peter* without the Walls of *Pavia*, which in the Time of *Paul Warnefride*¹, on account of its Riches, was call'd *Celum aureum*. He likewise built in *Bardum*, on the Top of the *Alps*, the Monastery of *Berceto*; and besides that, he built a Church of admirable Workmanship in *Holoma*, in Honour of *S. Athanasius the Martyr*, where he also caus'd a large Monastery to be erected. With great Magnificence he appointed Churches in all Places; and he was the first that built a Chapel within his own Palace, in Honour of our Saviour, and appointed Priests and Clerks, who every Day sung the Holy Offices there: Whence the Royal Chapels began to shine with greater Dignity and Splendor with us, and afterwards were adorn'd with many Prerogatives and Immunities by the Popes, in order to please the Princes; and not only the Chapels but their Chaplains were rais'd to that Pitch, which we shall see in the following Books of this History.

OUR Dukes of *Benevento*, following the Example of their Kings, founded not only in *Benevento*, but likewise in all their large Dukedom, new Monasteries, and enrich'd those already built, and especially that of *Monte Cassino*. *Arechis* enlarg'd that of *S. Sophia* in *Benevento*, and heap'd profuse Donations upon it. At this Time in the Year 707, the famous Monastery of *S. Vincent* in *Vulturno*² was so magnificently built by those three renown'd noble *Beneventan Longobards*, *Paldo*, *Taso*, and *Tato*, that in after-times it even vied with that of *M. Cassino*, and its Abbots were rais'd to so great Dignity, that they were employ'd in the most important Affairs of the See of *Rome*, and of the most potent Monarchs of the West. No less did the Monasteries multiply in this Dukedom, than in that of *Naples*, and in the other Cities subject to the Emperors of the East, as well those of the Order of *S. Benedict*, as those of *S. Basil*; not only of Men, but likewise of Women. In *Naples* Duke *Stephen*, who was also Bishop, built many Churches and Monasteries, and endow'd them with ample Privileges and Revenues; such as that of *S. Festus the Martyr*, now annex'd to that of *S. Marcellinus*, as also that of *S. Pantaleon*, of which there's no Vestige remaining; and rebuilt that of *S. Gaudiosus* in a more magnificent Form³. *Antimius* Consul and Duke founded others, to wit, those of *SS. Quiricus* and *Falitta*, the Church of *St. Paul*, which he annex'd to the Monastery of *St. Andrew*; and thus did not only the Bishops and Dukes of *Naples*, but also the other Officers and Prelates of the other Cities of these Provinces of which the Kingdom is now compos'd, which may be seen in *Ugbella's* elaborate Work of *Italia Sacra*. By which means the Monks and their Riches increas'd exceedingly; and the Growth of their Power and Reputation, by reason of the Ignorance of others, and the Learning which they preserv'd among them, the best way they could, in a Time of such gross Ignorance, was no less.

¹ P. Warnefr. lib. 6. cap. 18.

² Ostiens. lib. 1. cap. 4. V. Pellegr. in Serie
Abbat. Cassin. Theodemar. V. Ughel. tom. 6.

pag. 470. where we read the Chronicle of Abbot Autpertus.

³ Chioc. de Epif. Neap. in Steph. A. 764.

SO many Monasteries therefore being founded, the Monks become very rich, and seeing themselves so considerable, endeavour'd now more than ever altogether to shake off the Yoke of the Bishops. 'Tis true the Monasteries began in the preceding Century to exempt themselves from the Jurisdiction of the Bishops; but, according to *Alteferra*¹, that was practis'd but very seldom. The Instance which *Zachary* gave in this Century of the Monastery of *M. Cassino*, was the Occasion that the rest from time to time made themselves all free. The Splendor of this Monastery in those Days inhanc'd all the Favour of the Popes; who, as if they had been so many Conjurors, to know that out of it, as out of the *Trojan Horse*, so many Popes their Successors were to come, never gave over heaping Privileges and Prerogatives upon it. What made it the more august was, that besides *Rachis*, *Carloman*, and many Royal and Illustrious Personages had been Monks in it; therefore *Pertinax* countenanc'd by the two *Gregory's* the Second and the Third, repair'd it in that magnificent manner; and *Zachary*, vying with his Predecessors, would needs endow it with greater Privileges. With his own Hand he would consecrate it, and having gone thither accompanied with thirteen Archbishops, and Sixty-eight Bishops, he made the Consecration the more august and magnificent. The Monks were ready to receive him, who was to exempt so famous and illustrious a Monastery altogether from the Jurisdiction of the Bishop of the Diocese in which it was; *Zachary* willingly granted it ample Immunity, and caus'd a special Grant to be drawn up, by which not only that Monastery, but every Thing that belong'd to it, wheresoever situated, was exempted from the Jurisdiction of all Bishops, *ita ut nullius juri subjaceat, nisi solius Romani Pontificis*, which are the Words of *Leo Ostiensis*². Besides which he likewise adorn'd it with other Pre-eminences; that in all Councils the Abbot of *Cassino* should not only take Place of all the other Abbots, but likewise give his Vote before them; that being elected by the Monks he should be consecrated by the Pope; that the Bishop entering within his Jurisdiction could not celebrate or perform any Sacerdotal Function, unless he was invited by the Abbot, or the Overseer; that it should not be allow'd to exact Tythes of him, nor to interdict his Priests, nor to call them to Synodal Councils; that the Abbots of this Monastery could confer Orders, consecrate Altars, and receive the Chrism from any Bishop whatsoever. He moreover confirm'd to them by his *Præcept*, the Possession of all Goods and Lands which had been acquir'd by the Bounty of so many *Longobard* Princes, and sundry Great Men. The other Popes his Successors, following his Footsteps, augmented these Privileges, of which the Abbot *de Noce*³ has compos'd a long List.

THE other Monasteries under other Rules, and their Abbots of no less Fame and Worth, easily obtain'd of the Popes to be receiv'd into the Protection of *St. Peter*, and to be immediately subject to the Pope, because that Exemption added much to the Power of the Popes, and greatly extended their Authority over all the Nations of the West; for the Erection of many great Monasteries, govern'd by famous Abbots, who on account of their Erudition eclips'd the Bishops, occasion'd Disputes among them; therefore the Abbots, in order to free themselves of their Subjection, had recourse to the Pope, and easily obtain'd Exemptions, by putting themselves immediately under the Papal Jurisdiction. They got other Privileges besides this, such as of making the Lectors of their Monasteries, of being ordain'd by the *Chorepiscopi*, and a great many more. Whence it came that the Popes acquir'd many Defenders of their Authority and Power; for the Monks, by obtaining so many Privileges and Prerogatives, in order to preserve them, were oblig'd to support the Authority of the Granter; which the Monks, who were the most learn'd Set of Men of the Age, did to very good Purpose; by which means in a few Years all the Monasteries were exempted. And in process of Time the Chapters of Cathedral Churches, being for the most part Regular Clergy, on the same Pretences likewise obtain'd Exemption; and in fine the *Clinian* and *Cistercian* Congregations were all intirely exempted, which makes a great Addition to the Authority of the Popes, who came to have their own Subjects in every Place, how distant soever from *Rome*, who, as they were defended and protected by the Papacy, in return were zealous Defenders and Protectors of the Pope's Authority. *S. Ber-*

¹ *Altefer. Ascetic. lib. 7. cap. 12.*

preserv'd in Archivis Cassin.

² *Ostiens. lib. 1. cap. 4. vid. Ab. de Noce,* | ³ *Ab. de Noce in Excurs. hist. ad Chron. Ost.*
who testifies that this special Grant is as yet | lib. 1. cap. 4.

ward, tho' a *Cistercian*, did not approve of the Expedient; and often complain'd of such Irregularities, not only to *Arrigus* Archbishop of *Sens*¹, but likewise desir'd Pope *Eugene* III. himself to consider, that all these Doings were gross Abuses, and that he ought not to approve that an Abbot should refuse to submit himself to his Bishop, or a Bishop to his Metropolitan. *Richard* Archbishop of *Canterbury*², exclaim'd against the same to *Alexander* III. But these Gentlemen not being acquainted with State Politicks, were not minded, nor any Ear given to their Complaints: On the contrary, in after-times by keeping on in the same Course, they went further; for afterwards the Mendicant Orders not only obtain'd full Exemption from Episcopal Authority, wheresoever they might happen to be, but likewise Power to build Churches in any Place, and also to administer the Sacraments in them: And in the latter Ages they carried this so far, that every private Priest, with little Charges, obtain'd Exemption from the Superiority of his Bishop, not only in Cases of Correction, but also to get himself ordain'd by whomsoever he pleas'd; and in short not to own the Bishop on any account: And altho' in the Council of *Constance*, on the earnest and repeated Complaints of the famous *Gerson*³, very many Exemptions were annull'd; and last of all in the Council of *Trent*⁴, so many Grievances were in some measure redress'd: Nevertheless the Court of *Rome* has not wanted Ways and Means, *salva auctoritate Concilii*, to put Matters on the Footing we see them yet stand on.

THIS aggrandizing of the Monastick State, brought not only great Riches to the Monks, but consequently much greater to the Court of *Rome*, where they at last center'd. The Popes not only encourag'd them in their Acquisitions, and kept the Sources always open, but likewise by severe Anathema's prohibited the Alienation of them, and threatned those who should dare to disturb them. Through the Ignorance and Superstition of the People, Pilgrimages were more frequent; Prayers and Sacrifices, in order to liberate the Souls of the Dead from Purgatory, were much more recommended and practis'd. Therefore in this Age great Care was taken about Singing, Ceremonies, and Officiating well: Bells began to be common in all Churches and Monasteries. And the particular Devotions to Saints, of whom there were innumerable Lives and Miracles compos'd, drew many in to make Donations to their Churches and Monasteries. But the Monks, not satisfied with this, but being encourag'd by the Popes, incroach'd likewise upon the Tythes due to the Bishops and the Parish Priests. They pretended, and made their credulous Votaries believe, that seeing they apply'd themselves much more than the Priests to the Care of their Souls, as knowing better how to instruct them in the Christian Doctrine by Preaching and Sermons; therefore they ought not to pay the Tythes to the Priests, but to them; and in effect for a long Time they made a very great Havock, not inferior to that which *Charles Martel* made in *France*; so that in the following Centuries it cost a great Struggle to recover them, and restore them to their proper Priests, from whom they had been purloin'd.

NO other Province of the World, has made appear so much, of what Importance the Riches of the Monks were to *Rome*, as ours has done; the greatest Commendams, the greatest Benefices which she bestows on her Cardinals and other Prelates, for maintaining the Pomp and Splendor of her Court, proceed, and have their Rise from nothing else but from the Profusion of our Princes and devout People. The richest Monasteries are given for that end in Commendam: Those which Time has consum'd, have remain'd Funds for the great Revenues which they draw out of them; and the Rents of so many Monasteries of which there are scarcely any Vestiges remaining, are all carried to *Rome*. Whence the Popes, vying with the Princes, who invest their Vassals with their Feodal Tenures, bestow Benefices on theirs; and as we have got a new Body of Laws concerning Fiefs, so likewise we have got a new Jurisprudence concerning Benefices, which takes up as many Volumes as the Feudal; but of that in a more proper Place.

¹ S. Bern. ep. 12. & l. 3. de Confid. ad Eugen.

² P. Blefen. Ep. 68.

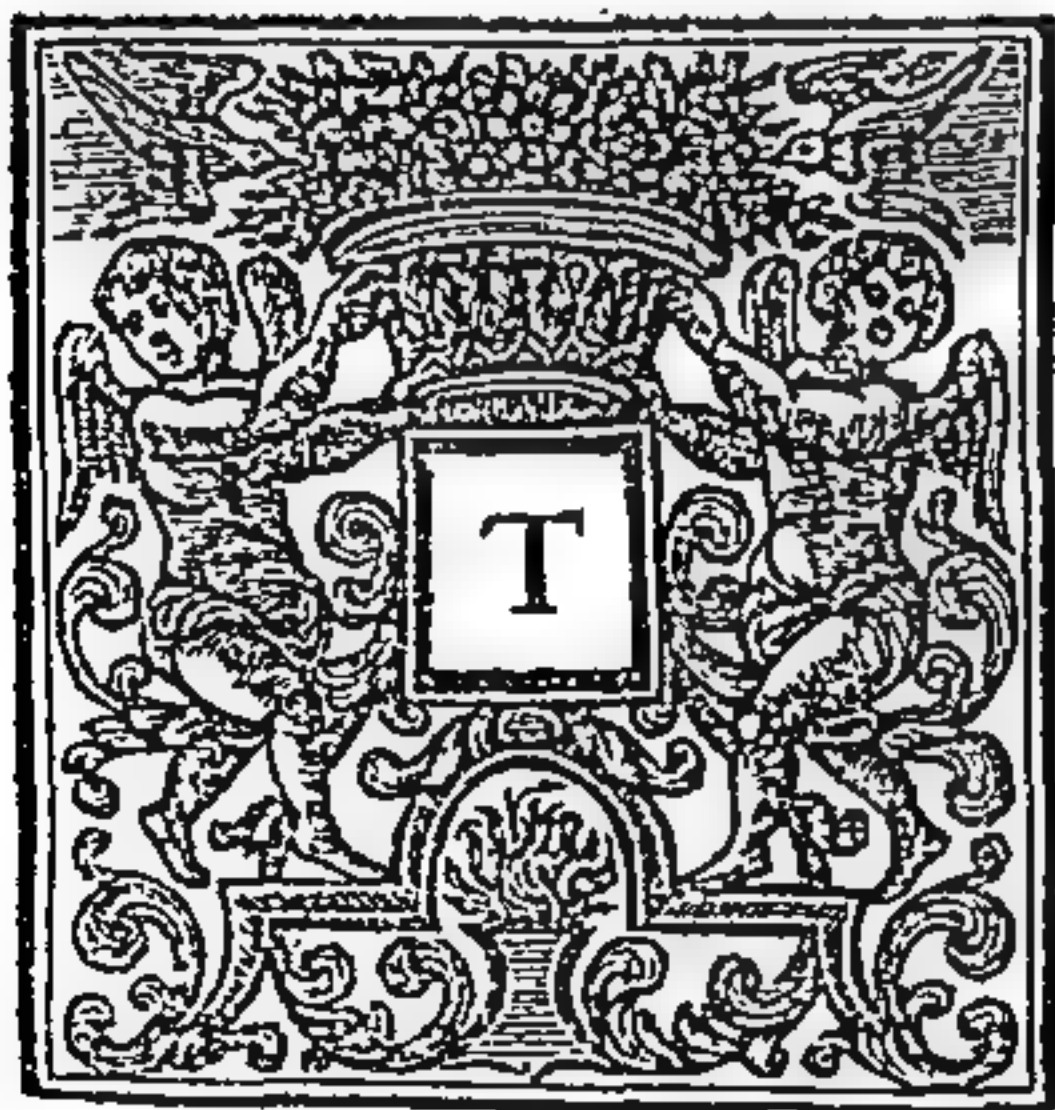
³ Gerson. tract. de Potest. Eccl. conf. 10. & de statib. Eccl. confid. 9.

⁴ Sess. 4. de Refor. c. 4. and elsewhere.



T H E
CIVIL HISTORY
Of the KINGDOM of
N A P L E S.

B O O K VI.



THE Kingdom of *Italy* being transferr'd from the *Longobards* to the *French* under the Dominion of *Charles* King of *France*, whom we shall henceforth likewise call King of *Italy*, or of the *Longobards*, was no ways alter'd with respect to its Government and Polity by this Prince; he pretended nothing else but to govern it after the same manner in which he had found it; he ordain'd that every Man might live under the same *Roman* or *Longobard* Laws as they thought best: But he added Laws of his own to the *Longobard*. He did not disturb the *Greeks* in the Possession of those Cities of *Brutium*

and *Calabria*, which were subject to the Emperors of the East; neither did he attempt any Thing against the Dukedom of *Naples*, nor those of *Amalphis* and *Gaeta* which belong'd to the *Greeks*. As for the three famous Dukedoms of *Friuli*, *Spoletto*, and *Benevento*, he pretended only, that as they were formerly subject to the *Longobard* Kings, and receiv'd their Laws, they should continue, with the rest of *Italy*, to be a Part of the Commonwealth; so likewise they were to acknowledge him to be King of *Italy*, protesting that he would allow them to have the same

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Power

Power and Authority which they had enjoy'd under the *Longobard* Kings his Predecessors. He retain'd only the Sovereignty of the Exarchate of *Ravenna*, *Pentapolis*, and the *Roman* Dukedom, which he adjudg'd to the Church of *Rome*. All the other Provinces, such as *Lyguria*, *Æmia*, *Venetia*, *Tuscania*, and the *Alpes Cottie*, he retain'd under the Title of a Kingdom¹, which is that Part of *Italy* that afterwards was call'd *Lombardy*.

HE allow'd the other lesser Dukes the free Government of their Dukedoms, contenting himself with the Oath of Fidelity which they swore to him; neither did he give away their Dukedoms to others, but for Felony, or in case they died without Sons; and when this Conveyance from one to another was made, it was call'd *Investiture*: Whence it came, that Fiefs were not granted but by *Investiture*, as was afterwards observ'd with respect to other Feudatories and Vassals, Counts, Captains, and others, who were call'd *Vavasours*. The Cities of those Provinces, of which his Kingdom, afterwards call'd *Lombardy*, was compos'd, were govern'd by Counts, to whom he granted all Jurisdiction. For preserving the Borders of the Kingdom those Magistrates were likewise appointed, from whom some will have it, that the Title of Marquis had its rise; for the *French* and *Germans* call their Borders *Marches*: The Counts who were appointed to govern them, were likewise afterwards call'd *Marquises*; tho' some say, that this Word is otherwise deriv'd, as we shall relate by-and-by. These were the ordinary Magistrates that were appointed for the Government of the Cities, and the Borders of the Kingdom. There were likewise some extraordinary Magistrates, to whom greater Authority and Jurisdiction was given, than commonly was allow'd to the Counts; they had the Inspection of the Administration over all the Kingdom, and were call'd *Messengers*. They divided and distinguish'd the Fields of each City, which under the *Longobards* were too confus'd, and occasion'd many Disputes among the People about their Boundaries; they appointed every one its own, and for the most part, by following Nature, caus'd Mountains, Bogs, Rivers, Rivulets, Valleys, or other perpetual and lasting Limits to serve for *Marches*, that Time might not alter and confound them.

HE likewise oblig'd the Cities to take an Oath of Fidelity to him; and impos'd a kind of Tribute upon them, and upon the Fiefs, Churches and Monasteries, which they were to pay him, particularly when the Kings came from *France* to *Italy*: These Tributes were call'd, *Foderum*, *Paratam*, & *Mansionaticum*, which afterwards were in part, and at last altogether remitted for him and his Successors, by his Generosity. He likewise had a Mind that *Italy* should retain some Shadow of Liberty; and as the Custom of *France* was, that when the King resolv'd to deliberate upon weighty Matters, which concern'd the Good of the Kingdom, he conven'd all the States, as well the Ecclesiastick, as that of the Barons and Great Men of the Realm, so he also introduc'd it into *Italy*; thus every time that he return'd hither, he was wont to call a general Parliament of the Bishops, Abbots, and Barons of *Italy*, in which the weighty Affairs of the Kingdom were consult'd. The *Longobards* had only one State, compos'd of Barons and Judges. The *French* in the Time of *Charles the Great* had two, that of the Ecclesiasticks, and of the Nobility; the third State has been added since. Which Custom lasted in *Italy* till the Time of the Emperor *Frederick I.* whence it was, that the Emperors of the West, upon their Arrival in *Italy*, were wont frequently to call those Assemblies, and often at *Roncaglia*, a Place not far distant from *Placentia*², where they publish'd many Laws, as shall be shewn more particularly in the Progress of this History.

THE Affairs of *Italy* being thus settled by *Charles*, he left a strong Garrison in *Parva*, and in the Year 774. return'd to *France*, whither he carried *Desiderius* and his Wife, in order to make his Triumph more Majestick. Every Body would have believ'd that *Italy* under the Government of so great a Prince, and when the Arms of the *French* were so famous and formidable over all *Europe*, would have continu'd long in Peace and Quiet. But the three famous Dukes of *Friuli*, *Spoletum*, and especially our Duke of *Beneventum*, scorning to be subject to foreign Kings, and thinking that it ill suited with their Dignity, the Kingdom of the *Longobards* being extinct in *Italy*, to be under the Government of the *French*, resolv'd to shake off the Yoke intirely, and to make the Dominion of their Dukedoms which they held

¹ Sigon pag. 163. de R. Ital. Ipse sibi nomine Regni retinuit.

² V. Franckenstein. dissert. de Majumis, Maicampis, & Roncallis. V. Dufresne in Lexic. under

under the *Longobard* Kings, from Dependent, Absolute and Sovereign. Besides they were Favourers of *Adalgisus*, the Son of *Desiderius*, who had retir'd to *Constantinople*, where he stay'd with the *Greek* Emperor, by whom he had been honour'd with the Title of *Patrician*; and they keeping a secret Correspondence with him, he had engag'd the Emperor to furnish him a Fleet in order to come to *Italy*.

THE first was *Rodgandus* Duke of *Friuli*, who whilst *Charles* was employ'd in the Wars with the *Saxons*, renounc'd his Allegiance, and set up for Sovereign in his Dukedom. But the King being disengag'd from the *Saxon* War, and return'd to *France*, considering that this Revolt might be of dangerous Consequence, if he did not crush it in the Bud, resolv'd to go to *Italy* anew, and being arriv'd in *Friuli* with a powerful Army, defeated that of the Rebel, and *Rodgandus* being taken, he caus'd him to be beheaded for an Example to others. He did not give the Dukedom to another, but for that Time extinguish'd it, and added the Cities of it to his Kingdom, giving each of them a Count for Governor, as he had done to all the other Cities of *Lombardy*. Thus ended the Dukedom of *Friuli*, the first that was erected under *Alboinus*; the first likewise that was extinguish'd by *Charles the Great*. However 'tis true, if we may give credit to *Paulus Æmilius*¹, that *Charles* restor'd this Dukedom, by making a certain *Henry*, a *Frenchman*, Duke of it; but it did not last long, neither is it so much mention'd afterwards as those of *Spoletto* and our *Benevento*.

HILDEBRAND Duke of *Spoletto*, being frighted by so terrible an Example, and induc'd by the Prosperity of *Charles*, who had gain'd innumerable Victories, both in *Spain* and *Saxony*, thought it his best way, by paying him extraordinary Respect, to keep himself in his Favour, and subject himself to him, as formerly he had done to the *Longobard* Kings his Predecessors.

¹ Paul. Æmil. de reb. Franc.



CHAP. I.

Of the Dukedom of Benevento, its Extent and Polity.



THE Dukedom of *Benevento* was the only one, which will appear incredible, that could not be subdu'd by so potent and glorious a Prince; it alone remain'd free from the Dominion of the *French*, tho' *Charles* and *Pepin* his Son, whom the Father made King of *Italy*, had often employ'd their Power and all their Art to reduce it. But if we will consider its flourishing Condition, its Extent, and the Power it had attain'd to in those Days; it will appear neither strange nor wonderful, that the *French* were not able to conquer it.

WHEN *Desiderius* and the *Longobards* were vanquish'd in *Italy*, the Dukedom of *Benevento* was govern'd by *Arechis* his Son-in-Law; its Borders had never been so far extended as they were during his Government; it comprehended almost all that which we now call the Kingdom of *Naples*; and excepting *Gaeta*, the Dukedom of *Naples*, whose Dominion reach'd only from *Cuma* to *Amalphis*, and some other Cities of *Brutium* and *Calabria*, which were as yet subject to the Emperor of the East, all was under the Dominion of the *Beneventan Longobards*. According to the Limits which the most careful *Pellegrinus*¹ has assign'd it, towards the West it

¹ Pellegr. in dissert. de finib. Ducat. Benev.

reach'd

reach'd to the Confines of the Dukedoms of *Rome* and *Spoletto*, comprehending *Sora*, *Arpino*, *Acre*, *Aquino*, and *Cassino*; and the *Longobards* would have extended its Limits further that way, had it not been that the Popes, sometimes with Gifts, sometimes with Intreaties, had stopp'd them, and made them desist from making any further Progress.

TOWARDS the South it had *Gaeta* for its Boundary; which City had never been conquer'd by the *Longobards*; it had hitherto, with many other maritime Cities, continu'd under the Dominion of the *Greeks*¹; and tho' *Charles the Great* took it from them, yet he gave it to the Church of *Rome*, as he was wont to do with the Spoils of the *Greeks*: Nevertheless by the Means of *Archis* it was again restor'd to the *Greeks*; whence proceeded the many Complaints which Pope *Adrian*² made of the *Longobards* to *Charles the Great*. But many Years had not pass'd, when the Popes, who are very careful in keeping what they once get Possession of, pretended that it belong'd to them; so that *John VIII.* tho' it was in the Possession of the *Greeks*, did not stick to give it to *Pandolphus* Count of *Capua*; and *Terracina*, which likewise belong'd to the Consulship of our *Campania*, as we have seen, and subject to the *Greeks*, was also given to the Popes, of which we shall have occasion to discourse particularly. Nevertheless the Dukedom of *Benevento* on this Side reach'd to *Cuma*, comprehending *Minturno*, *Vulturno*, and *Patria*, by the Ancients call'd *Clanum*, Places not far from *Capua*, which was now under the Dominion of the Dukes of *Benevento*, and govern'd by Counts whom they sent thither. The *Beneventans* once invaded and took *Cuma*, but as we have said, were with a great Slaughter repuls'd, and it was retaken. They could not take *Miseno*, altho' not far distant from their Borders; nor the other Cities of the *Tyrrhenian* Sea, such as *Stabia*, *Sorrento*, and *Amalphis*, which at this Time were united to the *Neapolitan* Dukedom; but all the other Cities and inland Places of *Campania*, from the Time of *Grimoaldus*, were subjected to the Dukedom of *Benevento*, such as *Teano*, *Caudio*, *Sarno*, *Nola*, which at this Time was call'd *Cimiterium*, and likewise *Salerno*. It also extended its Confines from *Salerno* beyond *Cosenza*, excepting *Acropolis* and the Promontory, which is now commonly call'd the Cape of *Licosa*, and the other maritime Places with *Reggio*, which continu'd under the Dominion of the *Greeks*; all the other inland Places of *Lucania* and *Bruttium*, to wit *Pesto*, *Conca*, *Cassano*, *Cosenza*, and *Laino*, and other Cities, were subjected to the Dukedom of *Beneventum*.

IT extended itself no less towards the East: Once *Autaris* carried his victorious Banner to *Reggio*; but, as we have said, this was an Incurfion like that which the *Longobards* afterwards made to *Crotone*. This Point of *Italy* was always preserv'd by the *Greeks*, neither did the *Beneventan Longobards* extend their Dukedom on this Side further than *Cosenza* and *Cassano*; but on the other Side they possess'd *Taranto*, and had likewise a great Part of *Calabria*, and excepting *Gallipoli* and *Otranto*, they reach'd as far as *Brindisi*.

TOWARDS the North they possess'd all *Puglia*, not only the Inland but likewise the maritime Places, from *Bari* to *Siponto*, and the Promontory of *Gargano*, with all the adjacent Country, was under their Dominion. On this Side they could not conquer the Island of *Tremiti*, because the *Longobards* not having Sea Forces could not come at it. *Charles the Great* got it afterwards, whither he sent *P. Diaconus* into Exile. Their Borders were extended further on this Side; for besides the inland Places of *Puglia*, such as *Lucera*, *Termoli*, *Ortona*, and some maritime Cities, and all that Part which we now call *Apruzzi*, all was subject to this Dukedom, as was *Chieti* with the adjacent Country, and all the other inland Places of that Part of *Sannio*, which afterwards was call'd the *Contado di Molise*, such as *Supino*, *Bojano*, *Isernia*, and other Cities, and all the County of the *Marsi*, which bounded with that of *Sora*.

THESE were the Boundaries of the Dukedom of *Benevento*; it comprehended almost all these four Provinces into which this Part of *Italy* was divided by *Constantine the Great*, and the other Emperors his Successors; to wit, *Campania*, *Sannio*, *Puglia* and *Calabria*, *Lucania* and the *Bruttii*: In short, excepting the *Neapolitan* Dukedom, *Amalphis*, *Gaeta*, and some other maritime Cities of *Calabria* and the *Bruttii*, it comprehended all that is now call'd the Kingdom of *Naples*; and of the

¹ Constant. Porphy. de Admin. Imperio, cap. 27. Auctor. Itinerarii S. Willibaldi apud

Surium die 7 Julii.

² Epist. Hadr. 73.

twelve Provinces, of which this Kingdom is now compos'd, nine were comprehended in the Dukedom of *Benevento*: These are now *Terra di Lavoro*, the *Contado di Molise*; the hither *Abruzzo*, *Capitanata*, *Terra di Bari*, *Basilicata*, the hither *Calabria*, and both the Principalities. Therefore this Part on account of its Extent was call'd by the *Greeks*, and *Latin* Writers of this Age, *Italia Cistiberina*, and the *Greeks* were wont also to call it *Longobardia Minor*, to distinguish it from the greater, which in *Gallia Cisalpina*, on both Sides the *Po*, was subject to the *Longobards*, which at this Day retains the Name of *Lombardy*. Thus did *Constantinus Porphyrogenitus*¹, *Cedrenus* in many Places, and *Zonara* on *Basilius Macedo* call it; and *Porphyrogenitus* in his *Themata*² speaking of the Irruption of the *Saracens* into *Bari*, calls it simply *Longobardia*: Whence it came to pass, that *Beneventum* being exalted to be the Head of so large a Dukedom, as *Pavia*, the Head and Seat of the *Longobard* Kings, was by the *Latins* call'd *Ticinum*; so this City, as being the Head and Seat of the lesser *Lombardy*, by the *Latin* Writers of this and the following Age, was also call'd *Ticinum*, which the most accurate *Pellegrinus* in his Preface to the Anonymous³ *Salernitanus* shews.

AT this Time *P. Diaconus*⁴ thought *Beneventum* deserv'd to be call'd *Civitas Opulentissima*, and Head of many Provinces; a City reputed then the most polite and magnificent of all the Cities of our Provinces; and it rais'd its Head much higher, when *Archis* by building the *Citta Nova* close by it, made it much larger, and more populous. And when Learning was almost quite lost in *Italy*, and except among the Monks, there was nothing but gross Ignorance; *Beneventum* alone, in the midst of so much Barbarity, took care to preserve Learning. The Anonymous *Salernitanus*⁵ relates, that in the Time of the Emperor *Lewis*, there flourish'd Thirty-two Philosophers in *Beneventum*: *Tempore quo Lodovicus præerat Samnitibus, triginta duos Philosophos Beneventum habebat*. Not that they were truly such, as the careful *Pellegrinus* observes, but according to the Custom of those Times, all those were call'd Philosophers who profess'd human Learning. *P. Warnefride*, Deacon of the Church of *Aquileja*, notwithstanding his being so much attach'd to his *Longobards*, by which he had so often offended *Charles the Great*, yet in Consideration of his Learning always found Favour, and had no other Punishment inflicted upon him, but Banishment to *Tremiti*. From the Name then of so magnificent a City this vast Dukedom took its own; whence likewise it came to be call'd the Province of *Beneventum* by *Leo*⁶ *Ostiensis*, or absolutely *Beneventum*, according to *Erchempertus*⁷: Whence those Bishops who were sent by *Archis* to meet *Charles the Great*, in order to soften him, are call'd by the Anonymous *Salernitanus*, *Beneventani Antistites*, just so as *S. Gregory the Great* call'd those who were set over the Churches of the Dukedom of *Naples*, *Neapolitani Episcopi*.

THIS Extent, with respect to the Administration, likewise occasion'd a new Polity, and a Division of the Dukedom into small Provinces, which were call'd *Contadi*, or *Gastaldati*, each of which had a separate Government, and the Cities of the Dukedom were under the Direction of many Officers, it being impossible for the Duke alone to have the immediate Direction of them; therefore the Administration of many of them was given to the *Longobard* Lords who had signaliz'd and distinguish'd themselves in the Wars, and these were call'd *Comites* or *Gastaldi*, inferior however to the Dukes, on whom they depended; whence the Counts had their Rise in our Country. *Mitola* having behav'd himself so well in the War against *Constans*, for a Reward of his Valour was made Count of *Capua* by *Grimoaldus*, as we have said: And thus from Time to Time many Cities of this Dukedom were given to Counts, to be govern'd by them with full, tho' dependent Authority; neither were they remov'd from the Government and Administration of them, but for Felony, or at Death: And in process of Time it became a Custom, that if their Male-Line was not extinct, the Counties were not transferr'd to another Family.

IN this manner were the Counties and Fiefs introduc'd among us: Formerly the Word Count did not denote Dominion, but Office; they were call'd Counts, because their particular Office was to preside in the Assemblies, or Meetings of Men

¹ Lib. de Administr. Imp. cap. 29.² Const. Porph. de Them. lib. 2. Them. XI.³ Pag. 164. num. 9.⁴ Paul. Diac. lib. 2. cap. 11. five 20.⁵ Anonym. Salern. in hist. Longob. apud Pelleg. in Præfat. ad Anonym. Benev.⁶ Lib. 1. cap. 19.⁷ Erchemp. apud Pell. num. 1.

who were sent upon some Expedition; they distributed Justice, and presided in the Publick Courts for deciding Controversies amongst the People committed to their Charge, which is clear from the *Longobard* Laws ¹. The Government of the Cities and the Country about them, was given to them, not as Proprietors, but Officers: Sometimes Counties were given for Life, and sometimes for a certain and determinate Time; however the *Longobard* Princes were wont to confirm them Yearly, in order to keep them always in Subjection and Dependent, that being Tenants at Will, they might not be induc'd to plot any Thing in prejudice of the State. But when by long Experience they were sure of their Fidelity, and that the County committed to their Charge had been govern'd with great Uprightness and Justice, it began to be a Custom among the Princes, of whom they deserv'd well, to give them in Fief and Dominion, that which formerly they held as Officers; however this was restricted to their own Persons: Whence, as our *Marinus Frescia* well observes ², the Counties did not go to Heirs; therefore we often read in old Charters such a one call'd *Comes & Dominus*, which imports, that for his signal Service and Fidelity he had obtain'd the County in Fief and Seignory, which formerly he had only the Administration of. Afterwards in process of Time, out of Compassion, it became usual, that the Fief went to Sons, but never to Heirs; for if the Fiefs were taken from the Sons, they would be reduc'd in an instant to extreme Misery and Poverty, which would ill suit with the Nobleness of Blood: On the contrary, would stain and extinguish it altogether. Thus did Fiefs and Counties begin in these our Provinces under the *Beneventan Longobard* Princes, before they were in those which were subject to the *Greeks*. Therefore the Counties into which the *Beneventan* Dukedom was divided, multiplied very much afterwards; the first was the County of *Capua*, which, as we shall shew, became thereafter a very large and noble Principality; next to it the Counties of *Marsi*, *Sora*, *Molise*, *Apruzzi*, *Consa*, and many others which gave Names to the Provinces into which the Kingdom is now divided. Therefore the Princes of *Beneventum*, by reason of the Number of their Counts, appear'd in greater Splendor; from many of which the most illustrious Families of the Kingdom derive their Origin; such as the Counts of *Aquino*, *Tiano*, *Penna*, *Acerenza*, *S. Agata*, *Alife*, *Albi*, *Bojano*, *Cajazza*, *Calvi*, *Capua*, *Celano*, *Cbieti*, *Consa*, *Carinola*, *Fondi*, *Isernia*, *Larino*, *Lefina*, *Marsi*, *Mignano*, *Molise*, *Morono*, *Penna*, *Pietrabbondante*, *Pontecorvo*, *Presenzano*, *Sangro*, *Sesto*, *Sora*, *Telesse*, *Termoli*, *Trajetto*, *Valve*, and *Venafro*; that as *Charles the Great* was said to have been the greatest Maker of Count Palatines, so were our *Beneventan* Princes the greatest Makers of Counts.

FROM the Time of the coming of *Alczecus* Duke of *Bulgaria*, the *Castaldati* were also introduc'd; the *Castaldi* were inferior to Counts, and as the incomparable *Cujacius* accurately observes, they were not properly Feudatories; they were as Guardians who got the Cities or Villages *jure Gastaldia*; they held them not *jure Feudi*, as if they were perpetually to enjoy the Profits of them, but the Government and Administration of them were given for a Time, with this Clause, *during Pleasure*; and it was in the Option of the Granter to resume them at Pleasure, as *Grimoaldus* did when he gave *Supino*, *Bojano*, *Isernia*, and some other Places in their Neighbourhood in *Castaldato* to *Alczecus*, and therefore he would not allow him to be call'd Duke, but *Castaldus*: whence we often read in *Erchempertus* ³, and *Ostiensis*, that those who were made *Castaldi* aspir'd afterwards to be Counts, as *Atenulphus* pretended, who from being *Castaldus* of *Capua*, by the Help of *Athanasius* Bishop and Duke of *Naples*, was made Count of that City ⁴. Whence we clearly see, that the Office of the *Castaldi* was not so mean, and confin'd only to the Government of the Kings Houses or Courts, or Villages and Farms, but likewise extended to that of Cities. Those to whom the Charge of Farms and Villages was committed were also wont to be call'd *Castaldi*; and of this Sort the *Longobard* Laws make mention in many Places ⁵, as also our feudal Laws: This Title came likewise to be given to those who had the Charge of the Revenues of the Church, who by *Urban II.* ⁶ are call'd Administrators of the Ecclesiastical State; whence the Monasteries of Nuns also had their *Castaldi*, of which besides

¹ Lib. 2. tit. 52.

² Freccia de Subfeud. pag. 71.

³ Erchemp. num. 65 & 66. Ostiens. lib. 1. c. 48.

⁴ Erch. num. 62.

⁵ Lib. 1. tit. 34. & lib. 2. tit. 17.

⁶ Causa 1. quæst. 3. can. 8. Salvator Dufresne in Lexic

more ancient Instances related by *Pellegrinus*, *John Boccacio* can give us sufficient Testimony, with which Office, as a Reward of his continual Labour, *Masetto da Lamporechio* was honour'd by the Nuns of that Place; besides, those were call'd also *Castaldi*, who were set over particular Cities by publick Authority, and who had the Care and Civil Government of them; and besides the Charge of publick Affairs, they were wont to preside in the Courts of Justice, for which they had Salaries appointed by the Publick, and some Revenues assign'd them, which were by our Feodal Laws said to be due to them *nomine Gastaldie*. They were by their Office to do Justice to, and oversee the People under their Command, and to decide their Controversies after the same manner that the Counts did, which is evident from the *Longobard Laws*¹; which they did not do without the Advice of one or more Lawyers², who were their Assessors: Therefore the Custom which continues in our Kingdom, of giving Assessors or Judges to Governors, is more ancient than some have believ'd. But the *Castaldi*, besides the Civil Power, had sometimes likewise the Military, which is manifest from a Law of *Rotaris's*³, and from what *Anastasius Bibliothecarius* relates of the War of *Cuma*, in which near Three hundred *Longobards* with their *Castaldus* who led them on, and had the Charge of that Expedition, were kill'd by the Duke of *Naples*: By all which, if we will not believe what *Cujacius* says of the Difference betwixt these *Castaldi* and real Feudatories; to wit, that those as Guardians were appointed for a Time, and not perpetually, we shall not know how to distinguish the Counts from the *Castaldi* by more clear Marks. And tho' *Camillus Pellegrinus*, not liking the Opinion of *Cujacius*, has endeavour'd to distinguish them by saying, that tho' the *Castaldi* agreed with the Counts in many Things, nevertheless their proper Office was to have the Inspection of publick Matters, deriving it from the Etymology of the Words *Gast* and *Halden*, Words of the *German* Idiom, which the *Longobards* often made use of⁴, which means nothing else but *Hospitum tenere*, which *Vito Amerpachio* observes in his Notes on the *Capitularia* of *Charles the Great*; and *Hospitum* not being applicable to a private House, but to that of the Magistrates or Town-Hall, therefore he is of Opinion, that the particular Charge of the *Gastaldus* relating to publick, and not to private Matters, he was by that distinguish'd from the Count: Nevertheless be that Derivation as it will, and tho' originally this had been the Office of the *Castaldi*, yet seeing afterwards they were put over intire Cities, with the adjacent Countries, and had, as we have seen, all Power both Civil and Military committed to them as the Counts had; these two Offices will always be confounded, if we say not, that the one was for a Time, and the other perpetual, and given *proprio Jure Feudi*; and tho' in the Beginning they were on the same Footing with the Counts as to the Duration of their Office, nevertheless in process of Time, the Counts were not depriv'd of the County, but either for Felony or Death, and afterwards it was seen to descend to their Male Children. There was also another Mark whereby they were distinguish'd, for the Title of Count denoted Dignity, and that of *Castaldus* Office; whence we often read in old Charters, *Dignitate Comes, munere Castaldus*.

HOWEVER tho' the Dukedom of *Beneventum* was divided into many Counties, and *Castaldati*, as it was into Provinces, which is manifest from the *Capitularia* of *Radelchisis* Prince of *Beneventum*; yet their Number and Extent have not appear'd from Historians: however the most remarkable were those of *Taranto*, *Cassano*, *Cosenza*, *Laino*, *Lucania*, or *Pesto*, *Montella*, *Salerno*, and that of *Capua*; the largest were those of *Capua* and *Cosenza*; that of *Capua* reach'd towards the West to *Sora*; that of *Cosenza*, on the other hand as far as *S. Euphemia* and *Tropea*. There was also the *Castaldatus* of *Chieti*, which comprehended many Cities and Towns; that of *Bojano* with the adjacent Places, establish'd by *Grimaldus* in the Person of *Alczecus* the *Bulgarian*, which Two hundred Years thereafter, was possess'd by *Guandalpertus*⁵. This special Grant was transferr'd from *Bojano* to *Molise*, in its Neighbourhood; whence it was first call'd the County of *Molise*, and afterwards the Province of the County of *Molise*, which Title it retains to this Day. There were those of *Telesse*, *S. Agata*, *Avellino*, and *Accrenza*, *Bari*, *Lucera*, and *Siponto*; and in short, there were *Castaldi*, or Counts appointed to all

¹ Lib. 2. tit. 52. l. 19. ex Pepini Regis Const.

² Camill. Pel. dif. Duc. Ben. in antiq. Prov. &c. pag. 81.

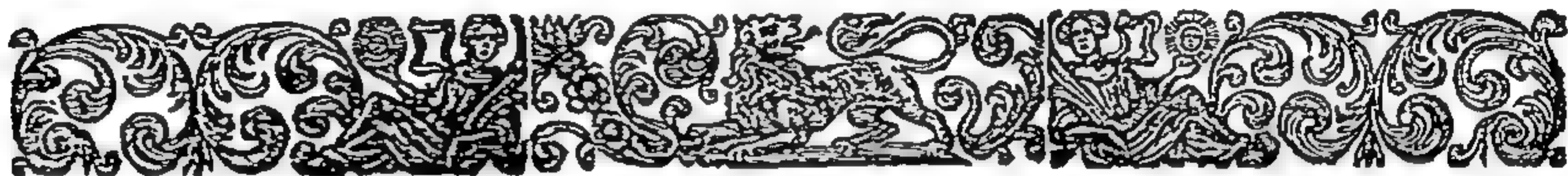
³ Lib. 1. tit. 14.

⁴ L. 15. tit. 14. lib. 1. LL. Long.

⁵ Erchemp. num. 29.

the most conspicuous Cities of this Dukedom; in the Distribution of which there is no regard had to the ancient Polity or Disposition of the Provinces, according to the Division made of them under *Constantine* and his Successors; that fail'd altogether, and a new one arose.

IN this flourishing Condition was the Dukedom of *Beneventum* when the *Longobards* were vanquish'd and defeated in *Parva*. But Military Discipline had not decay'd among the *Beneventan Longobards*; they had always been kept in Exercise by the *Neapolitan Greeks*, with whom they had continually cruel and obstinate Wars; for the *Longobards* always endeavour'd to reduce the Dukedom of *Naples* under their Dominion, as they had done almost all the other Parts of these Provinces, which now make this Kingdom; the Power and Bravery of the *Neapolitans* was the more conspicuous, in that they were oblig'd to fight with unequal Forces, and to contend with an Enemy as near, as numerous and powerful: They resisted with so much Intrepidity and Valour, that the *Beneventans* were not able to subdue this Dukedom; and it was but in the latter Times that they made it Tributary. After having shewn in what State the *Beneventan Longobards* were, when their Kings were driven out of *Italy*, it will now be fit that we likewise give an Account of the Fate and Dominion of the *Greeks*, which they as yet had in these Parts, and which they continu'd to keep in the same manner that the *Beneventans* did, after that *Charles the Great* had made himself King of *Italy*.



C H A P. II.

Of the Dukedom of Naples, its Extent and Polity.



THE Empire of the East, after the Invasion of the Barbarians, who had made themselves Masters of *Egypt*, *Africa*, *Syria*, *Persia*, and other large Provinces of *Asia*, was confin'd to *Asia Minor*, *Greece*, *Thrace*, and a small Part of *Italy*, with the neighbouring Islands; and there was no further regard had to the ancient Distribution of its Provinces, for its Form being chang'd, new Divisions into Districts, some greater, some lesser, were introduc'd, and were call'd *Themata*, which had their particular Governors. *Constantinus Porphyrogenitus* ¹ compos'd two Books of them; in the first he number'd the *Themata*, or Provinces of *Asia*, which were seventeen; in the second those of *Europe*, whose Number was twelve. Amongst the *Themata* of *Europe*, *Sicily* is the tenth, and *Lombardy* eleventh. Which Name of *Lombardy* the *Greeks* gave to that small Remnant which they had of *Italy*, according to their Vanity and Custom of retaining the Name at least of what others had made themselves Masters of in that Empire; as for the rest, the greater *Lombardy* had been possessed by the *French*, as the lesser by the *Beneventan Longobards*. The Countries which *Constantinus* ² reckon'd under the *Thema* of *Lombardy*, which were subject to the Empire of the East, are those of the Dukedom of *Naples*, which City he therefore likewise honours with the Title of Metropolis, as being the Head of a not despicable Dukedom, and the ancient *Calabria*, which it still was Master of. The *Brutii* together with *Reggio*, *Girace*, *Sancta Severina*, *Crotone*, and other Cities, *quibus Prætor Calabriae dominatur*, which are his Words ³, are ascrib'd to the *Thema* of *Sicily*.

¹ Constant. Porph. de Themat. Im Orient.

² Const. loc. cit. Th. XI. Neap. Metropolis.

³ Const. loc. cit. Them. X.

AFTER the Exarchate of *Ravenna*, which was the chief Magistracy that the Emperors of the East had remaining in these Western Provinces, and on which all the other Dukedoms depended, was extinguish'd in *Italy*; the *Greeks* not having any other Thing left in the West, but *Sicily*, *Calabria*, the Dukedom of *Naples*, that of *Gaeta*, and some other maritime Cities, appointed a new Magistrate for the Government and Administration of these Countries, whom they call'd Patrician or Deputy; and to each *Thema* they sent a particular Patrician to govern it. *Constantine* himself in his other Book *De Administrando Imperio*, jumbling as usual, true Facts with fabulous; and not remembering what he had wrote in the second Book of his *Themata*, says, that from the Time that the Seat of the Empire was translated to *Constantinople*, there were two Patricians sent to *Italy* by the Emperor of *Constantinople*, one to govern *Sicily*, *Calabria*, *Naples*, and *Amalphis*; and the other, *Beneventum*, *Capua*, *Pavia*, and the other Places of that Province; and that each of them paid a yearly Tribute to the Emperor's Exchequer: He adds likewise, that *Naples* was the ancient Seat of the Patricians, and that whoever govern'd this City, had also *Sicily* under his Jurisdiction; and that when the Patrician came to *Naples*, the Duke of *Naples* went to *Sicily*. Altho' this Account be repugnant to all History, for after the Imperial Seat was translated to *Constantinople*, *Italy* was not govern'd by Patricians, but *Consulares*, *Correctores*, and *Præsides*, all of them under the *Præfectus* of *Italy* or of *Rome*; and it was not till towards the End of the Empire of *Justin*, that its Polity was alter'd, when the Dukes were introduc'd, and the Exarchate of *Ravenna* establish'd by *Longinus*, neither did the Duke of *Naples* ever afterwards concern himself in the Government of *Sicily*; this Dukedom being comprehended, together with the ancient *Calabria*, in the *Thema* of *Lombardy*: Nevertheless, what he says of the Patrician who was appointed for *Sicily*, his having likewise the Administration and Government of *Calabria*, and of all the other Places which were yet subject to the Emperors of the East, if we will have regard to the Time of *Charles the Great*, in which we now are, is not at all fabulous.

FROM the Extent of the Dukedom of *Beneventum* as above describ'd, we may easily know what was remaining to the *Greeks* in ancient *Calabria* and the *Brutii*, and how far the Dukedoms of *Naples* and *Gaeta* extended, which for a long Time continu'd under their Dominion. In ancient *Calabria* the *Greeks* had at this Time remaining, after they lost *Taranto* and *Brindisi*, only the Cities of *Gallipoli* and *Otranto*; but in the *Brutii*, besides *Reggio* they possess'd many other Cities, such as *Gerace*, *Sancta Severina*, *Crotone*, and other Towns of that Province. They as yet likewise possess'd *Amantea*, *Agripoli*, and the Promontory which we now call the *Cape of Licosa*. All these Places, tho' they had particular Magistrates, by whom they were immediately govern'd, yet they were at this Time intirely assign'd to the Government of the Patrician of *Sicily*; for formerly only the *Brutii* on the Mediterranean or Lower Sea, on this Side of the *Fare* belong'd to *Sicily*, as being nearest to it; forasmuch as the ancient *Calabrians* of the Upper Sea, which we now call the *Adriatick*, as also *Naples* and *Amalphis*, were not of that *Thema*, but as *PorphYROGENITUS* himself says in the second Book of his *Themata*, they belong'd to the *Thema* of *Lombardy*; but the *Greeks* having afterwards lost *Taranto* and *Brindisi*, and (excepting *Gallipoli* and *Otranto*) all the other Towns of ancient *Calabria*; the Cities which they had in this Province, with those remaining to them in the *Brutii*, and in that Part of ancient *Lucania*, which we now call the *Hither Calabria*, and in the Dukedom of *Naples*, belong'd to the *Thema* of *Sicily*², together with *Gaeta*; so that the Patrician who was appointed for the Government of it, as *PorphYROGENITUS* says, had also the Superintendency of *Calabria*, *Naples*, and *Amalphis*; which, however strange it may seem with respect to *Amalphis* and *Naples*, yet it is not to be doubted as to *Gaeta*, which is evident from the Epistles of Pope *Adrian*, who, after *Charles the Great* had yielded *Gaeta* to him, which a little before he had taken from the *Greeks*, and which *Arechis* had got to be restor'd to them, writing to *Charles the Great*, complains of the *Beneventan Longobards*, calling them *Nefandissimi*, who being Confederates of the Patrician of *Sicily*, had robb'd him of that City, and subjected it to that Patrician, who resided then in *Gaeta*³. Neither could the most accurate *Pellegrinus* deny, in relating this Place of *Adrian*, but that then, besides

¹ De Admin. cap. 27.² Pellegr. in Differ. de Finib. Ducat. Ben. pag. 72.³ Adrian. Ep. 73. Pellegr. in Fin. Duc. Ben. ad Meridiem.

that Island, many other Cities on this Side of the *Fare* belong'd to the Government of the Patrician of *Sicily*, and of which he had the Superintendency. But as for *Naples* 'tis said, that by the Death of *Antimius*, who succeeded *Theophilus* in the *Neapolitan* Dukedom, Disputes having arisen about the Election of a new Duke; the *Neapolitans* being divided into Factions, in order to appease them they were forc'd to have recourse, not to the Exarch of *Ravenna*, as formerly, but, there being no such Officer, to the Patrician of *Sicily*, who in order to quell the Disturbance sent *Theoclistus* to be their Duke; but he was soon turn'd out by the Emperor, for these Disputes reach'd *Constantinople*, and *Theodorus Protospatarius* was quickly sent to be Duke, to whom *Theoclistus* was oblig'd to yield the Place. Whence *Capacius*, or whoever was the Author of the *Latin History of Naples*, infers, that our Dukes were either directly sent from *Constantinople*, or were chosen by the *Neapolitans*, who expected the Confirmation of their Election from the Emperor; which *Camillus Pellegrinus* has clearly demonstrated.

FROM this Superintendency, which in those Times we see belong'd to the Patrician of *Sicily*, over these Provinces on this Side of the *Fare*, I believe, if it be allow'd to make Conjectures about Things so obscure, that afterwards our *Norman* and *Suevian* Princes deriv'd the Custom of calling this Part on this Side of the *Fare* also by the Name of *Sicily*; whence afterwards the Popes, for the clearer Distinction, call'd this Kingdom *Sicily* on this Side of the *Fare*, and the other *Sicily* beyond the *Fare*. From the Time of the *Normans* the Name of *Sicily* was certainly common to both these Kingdoms; and if there be not an Error in that Charter of *Roger the Norman*, related by *Ughellus* ¹, which was granted about the Year of Christ 1115, and written in the Greek Language, in Favour of the Church of *S. Severina* in *Calabria*, we see from that Time the Name of *Sicily citra Farum*, was in use; for *Roger* is there call'd *Comes Calabriae, & Siciliae citra Farum*. Which afterwards our *Norman* Kings, and commonly the *Suevian* follow'd, for in the Time of these Kings, the Name of the Kingdom of *Sicily* comprehended not only that Island, but likewise this our Kingdom; of which in another Place we shall discourse more at large.

NEITHER ought we to pass over in this Place another strong Conjecture of the most accurate *Pellegrinus*, who suspects that the Change and Transferring of the Names of these two Provinces comes from this, to wit, that what according to the ancient Distribution was call'd *Brutium*, and Part of *Lucania* was afterwards call'd *Calabria*; and on the other hand, the ancient *Calabria* losing its old Name, was first call'd *Longobardia*, or *Puglia*, and afterwards *Terra d'Otranto*, and *Terra di Bari*; for as we have said, the *Greeks* before the coming of the Emperor *Constans* to *Beneventum*, had Possession of *Sicily* and the neighbouring *Brutii*, and extended their Dominion, besides *Cosenza*, over all this Coast as far as *Agripoli*, and the maritime Cities of *Campania*, *Amalphis*, *Sorrento*, *Stabia*, *Naples* and *Cuma*, to *Gaeta* on the Coast of the lower Sea; and on that of the upper Sea, they retain'd almost all the ancient *Calabria*, and its maritime Cities, *Taranto*, *Brindisi*, *Otranto*, and *Gallipoli*, as far as *Bari*; all these Places were describ'd in two *Themata*, and divided into two Provinces. The I. was *Sicily*, and the neighbouring *Brutii*. The II. comprehended all the other Places, tho' much separated and divided from one another, which pass'd under the Name of the ancient *Calabria*, and afterwards *Lombardy*, which at this Time was the richest and largest Province they possess'd. But after *Constans* was defeated, and his Army put to Flight by *Grimoaldus*, the *Greeks* were almost intirely ruin'd in that Province; for except *Gallipoli* and *Otranto*, all the Cities of *Calabria*, as well Inland as Maritime, were possess'd by *Romualdus* Duke of *Beneventum*, and incorporated into his Dukedom. But the Emperors who succeeded *Constans*, according to the wonted Vanity of the *Greeks*, that the Provinces of the Empire might not seem to be diminish'd in Number, the ancient *Calabria* not being intirely lost, there remaining still *Otranto* and *Gallipoli*, they retain'd the same Name, and applied it to the neighbouring *Brutii*. And since the Seat of the Prætors of this Province had been settled by the *Greeks* in *Taranto*, which City was now possess'd by the *Beneventan Longobards*, it behov'd them to translate it elsewhere, and to a Place where their Dominion was largest, whereupon it was remov'd to *Reggio* amongst the *Brutii*; thus *Reggio* being appointed the Seat of the chief Magistrate who govern'd that Province, *Brutium* likewise got the Name of *Calabria*, as did

¹ Ughel. tom. 9. Ital. Sacra in Archiep. S. Severin.

also a Part of *Lucania*; so that in the following Times they were oblig'd to divide it into two Provinces, which were call'd the *Hither* and *Further Calabria*; and thus was *Brutium* call'd *Calabria* by the *Greeks*. The *Longobards*, as it happens amongst Neighbours, after their Example call'd those inland Places which they possess'd in *Brutium*, likewise *Calabria*; and the Places of the ancient *Calabria*, from *Taranto* to *Brindisi*, which they had taken from the *Greeks*, they call'd no more by this Name, but *Puglia*, as being adjacent to the ancient *Puglia*, which was before in their Possession: And on the other hand, what the *Greeks* had lost in the ancient *Calabria* on the upper Sea, and which was in the Hands of the *Longobards*, they call'd no more *Calabria*, but *Lombardy*; and thus did this Province lose its ancient Name, which was given to another.

SUCH in these Times was the Distribution and Polity which the *Greeks* practis'd in the Places that had remain'd to them in these Provinces. But now it remains that we give a particular Account of the State of the *Neapolitan* Dukedom in this Century, and how far it extended its Borders, and how it has been able to contend with the *Beneventans* for its Liberty.

THE Dukedom of *Naples*, after *Theodorus*, *Sergius*, *Crispanus*, *Joannes*, *Exbiteratus*, and *Petrus*, had successively govern'd it, was at this Time under the Administration of *Stephen* Duke and Consul, who, as we have said in the foregoing Book, after his Wife's Death was by the *Neapolitans* elected, and by *Stephen III.* confirm'd Bishop of *Naples*, who, notwithstanding this new Dignity, not very consistent with that of Duke, did not give up the Government of the Dukedom; but only for aiding and supporting him in his Old Age, he procur'd from the Emperor *Constantine*, Son of *Irene*, who at that Time reign'd in the East, that his Son *Cesarius* should be given him for his Colleague and Successor; but altho' he had him for Colleague, he could not be his Successor, being snatch'd away by untimely Death, in the Flower of his Age, which was a great Affliction to his Father; who for a Monument of his Grief erected him a Tomb, on which in Acrostick Verses (for in these, at this Time, all the Sharpness of Wit and Skill of Poets consisted) he laments his Misfortune, and extols the Praise and Worth of his beloved Son. The Stone of this Tomb was formerly seen in the Churchyard of *S. Januarius* without the Walls of this City, and is not as yet lost, as the late Writer of the *Latin History of Naples* believes, but by some unknown Accident has been transported to *Salerno*, and is to be seen in the Church of the *Minor Conventuals*; and tho' he had never read *Chioccarelli*¹, *Camillus Pellegrinus*, and *Maza*, who relate it, he might have seen it with his own Eyes in *Salerno*, not far from *Sorrento*.

UNDER the Government of *Stephen*, the Borders of this Dukedom reach'd towards the West as far as *Cuma*; the Islands *Enaria*, now call'd *Ischia*, *Nisita*, and *Procida*, with the other maritime Places of that Neighbourhood, such as *Pozzuolo*, *Baja*, *Miseno*, and the fabulous Mouths of the *Stygian* and *Avernian* Lakes, and the *Elysian* Fields were comprehended within its Limits. Towards the South the maritime Cities of that Coast, such as *Stabia*, which is now call'd *Castellamare*, *Sorrento*, and *Amalphis*, with the Island of *Caprea*, were included in it.

AMALPHIS, as also *Sorrento*, were not only in the Time of *Arechis*, but even to the Time of *Sicardus* Prince of *Beneventum*, comprehended in the *Neapolitan* Dukedom. *Amalphis* had not as yet been disjoin'd from it, as it was afterwards, when being made a separate Dukedom, it extended its Bounds so much, that it became one of the most flourishing and powerful States that was in all these Provinces, whose Inhabitants were famous and renown'd for their Skill in Navigation, over all the Nations of the East, of which we shall have a more fit Occasion to discourse elsewhere. Hitherto, and for many Years after, laying aside idle Stories, 'tis clear, that *Amalphis* was united to the *Neapolitan* Dukedom, and under the Government of the Dukes of *Naples*; for one of the Efforts which *Arechis* made upon the Dukedom of *Naples*, was the Expedition against *Amalphis*, to which he laid close Siege with a powerful Army, and burnt all the open Places in its Neighbourhood; and if the *Neapolitans* had not gone to the Relief of that City, which was in their Dukedom, and with incredible Valour had not put to flight, and dispers'd the *Beneventans*, part of whom they made Prisoners, and kill'd a great many, certainly *Amalphis* had been taken and subjected to *Arechis*. *Adrian*, who took this Attempt of the *Longo-*

¹ Chiocar. de Ep. Neap. in Steph. Camil. Pel. hist. Princ. Long. in Tumul. Mazza de reb. Salerbards

bards against the *Greeks* in ill Part, gave a distinct Account of the Success of it to *Charles the Great*, which Letter of his is to be seen at this Day ¹, in which he calls the People of *Amalphis* plainly of the Dukedom of *Naples*. For which Cause the *Neapolitans* run to their Assistance.

IN the Time of *Sicardus* Prince of *Beneventum*, *Amalphis* as well as *Sorrento* was subject to the Dukedom of *Naples*, which is manifest from the *Capitularia* of this Prince, printed among the Monuments of our *Longobard* Princes, by *Camillus Pellegrinus*, wherein *Sicardus* promises to the Duke of *Naples* to observe those Capitulations, which had been agreed upon after a bloody War, as well for *Naples*, as for his other Cities, to wit *Sorrento*, *Amalphis*, and for all the other Castles subject to the Duke of *Naples*. And in *Erchempertus* ² we likewise read, that the Duke of *Naples* sent the Inhabitants of *Amalphis* to fight against the *Capuan Longobards*, in order to oblige the Prince of *Salerno*, with whom he had entred into a Confederacy against the *Capuans*. The Anonymous *Salernitanus*, in a History not as yet printed, in many Places takes it for granted, and says, that the *Amalphitans* had their annual Counts, who were appointed to govern the City, and were subject to the Dukes of *Naples*, as the most accurate *Pellegrinus* also testifies. However 'tis certain, that *Sorrento* was afterwards subject to the *Longobards*, because we read, that *Landulphus* created a Son of his Duke of this City ³.

BUT how far the Dukedom of *Naples* reach'd towards the East and North, may be easily determin'd, for it could not extend itself over the inland Places Northwards, as being all possess'd already by the *Beneventans*; and *Capua* being likewise in their Possession, much confin'd its Limits on that Side; and on the other hand *Nola*, *Sarno*, and *Salerno* were also subject to them. It could only keep these open Fields and some Places round about, which by the Garrison of the City, and the Strength of their Arms they were able to defend. Only *Nocera*, which we now call *Nocera de Pagani*, an inland City, maintain'd itself under the Dukedom of *Naples*, so that in the Year 839, *Radelchisus* Prince of *Beneventum* having sent *Dauserius* into Exile, he went to *Nocera*, *ut potè urbi tunc Juris Ducatus Neapolitani*, as *Pellegrinus* says ⁴: Just so as the *Romans*, who being exil'd, fulfill'd their Sentence in going to *Naples*, and other confederated Cities. The maritime Cities of this Province stood their Ground, because they were defended by the Sea, and by reason of their Situation, were inaccessible to the *Longobards*, who had no Naval Forces, for which Cause they made their greatest Conquests over the inland Cities.

THIS Dukedom retain'd also a Polity like unto that of *Beneventum*; for its Cities had their particular *Rectores*, by whom they were immediately govern'd, who were likewise call'd Counts, and were subordinate to the Dukes of *Naples*; the Anonymous *Salernitanus* says the same of *Amalphis*: *S. Gregory the Great* gives us a certain Testimony of the Count of *Miseno*, and he makes mention of this Count in one of his Epistles ⁵; as for *Sorrento*, *Stabia*, *Cuma*, and the other Places, tho' we meet with no Vestige of it in Authors, however we ought to believe, that they were also govern'd by such a Magistrate. The Dukes of *Naples* certainly appointed the Count of *Aversa* in the Time of the *Normans*, because they founded that City. But these Counts were not Feudatories, as they were in the Dukedom of *Beneventum*: They were purely Officers, and for a certain Time, because Fiefs were not known among the *Greeks*; whence it came that the Provinces of *Calabria* and *Bru-tium*, as well as *Naples*, knew them later than those which compos'd the Dukedom of *Beneventum*. But with what Laws *Naples* and its Dukedom, and the other Cities which were under the Dominion of the Emperors of the East, were govern'd in these Times, whether by those of *Justinian*, whose Pandects were afterwards found in *Amalphis*, or by the Laws of the other Emperors of the East his Successors, we shall have a more fit Opportunity to relate in another Place, when we shall give an Account of the new Compilations made by the Emperors of the East in Emulation of *Justinian*.

SUCH was the State of these Provinces which now make up the Kingdom of *Naples*, when *Charles* King of *France*, after having vanquish'd and subdu'd the *Longobards* in *Pavia*, and put in Fetters *Desiderius* the last King of that Nation,

¹ Ep. 18.

² Erchemp. num. 26, & 27.

³ Pellegr. in Stem. Princ. Long.

⁴ Ibidem.

⁵ L. 11. indit. 6. epist. 31.

took upon him the Title of King of *Italy*, and of the *Longobards*, whereby he pretended to exercise all that Sovereignty over the Dukedom of *Beneventum*, which the other *Longobard* Kings his Predecessors had done.



C H A P. III.

How Arechis chang'd the Dukedom of Beneventum into a Principality, and endeavour'd to free himself altogether from Subjection to the French.



AR**E**CHIS, to whom *Desiderius* had given *Adelperga* his Daughter in Marriage, and created him Duke of *Beneventum*, disdaining to be Vassal to *Charles*, as he had been to his Father-in-Law, and as his Predecessors had been to the preceding Kings of the *Longobards*, and scorning to subject himself to foreign Princes, shook off the Yoke, and trusting to the Strength of his own State, and the Hearts of his *Longobards*, dropt the Title of Duke, and assum'd that of Prince, that thereby he might the more plainly declare his Sentiments, which were to be free, and not subject to another. He was the first who call'd himself Prince of *Beneventum*, and it was the first Time that this Title was introduc'd into these our Provinces, which as to Antiquity is posterior to that of Duke, Count, or Marquis, but in Dignity and Prerogative much superior. The Anonymous *Salernitanus* ¹, tho' not a fabulous Writer, as *Baronius* ² unjustly accuses him, yet with respect to some Facts, of a Childish Wit and Learning, relates of *Arechis*, that when he was but a private Man, there happen'd to him a prodigious Accident, which prognosticated this new Dignity of Prince, to which he was to be advanc'd; he says, that one Day in the Church of *St. Stephen* in *Old Capua*, when many *Longobard* Barons, according to their Custom, all arm'd with Swords, were assembled with Duke *Luitprandus*, who at that Time govern'd *Beneventum*; among the rest *Arechis*, then a Youth, was present, and when every one was praying, *Arechis* began with a low Voice to repeat the *Miserere*; and being come to this Versicle, *Spiritu principali confirma me*, he perceiv'd his Sword to tremble, as if some Body had shaken it: *Arechis*, full of Astonishment and Fear, after the Prayer was ended, told his Friends what had happen'd to him. Upon which one, who was reputed the wisest, broke Silence, and said to him: *Thou art not to leave this unstable Life, for what I can foresee, before the Lord advance thee to a principal Dignity.* Which afterwards, adds the *Salernitan*, the Event prov'd, for after the Death of *Luitprandus*, *Arechis* was unanimously proclaim'd Prince of *Beneventum*, and rais'd to that illustrious Dignity.

BUT, whoever may take Pleasure in these and the like Puerilities, with which the *Salernitan* has stuffed his History, 'tis evident from *Erchempertus* ³, *Ostiensis* ⁴, and all the Chronicles which we have of the Dukes and Princes of *Beneventum*, that *Arechis* was the first among us, that assum'd the Title of Prince. He did not stop there, but in order to give the greater Proof of his absolute Empire, adorn'd himself with Royal Badges; cloathing himself with Purple and the Royal Mantle, grasping the Scepter, and putting the Crown upon his Head; and that nothing of Royal

¹ An. Salern. par. 1. num. 3. apud Pellegr.

³ Erchemp. num. 2.

² Baron. ad. A. 787. num. 101. V. Pellegr.

⁴ Ostiens. lib. 1. cap. 9.

de Anon. Salern.

Dignity might be wanting, he likewise caus'd himself to be anointed by his Bishops, as the Kings of *France* and *Spain* were us'd to do; and in fine, he ordain'd, that the Dates of his Writs should be marked after this manner: *Dat. in Sacratissimo nostro Palatio*. And as on the solemn Proclamation of Christian Princes, the Custom was to place their Images in the Churches, in which these Ceremonies were perform'd, so likewise *Arechis* caus'd his Pictures with a Crown upon them, to be plac'd in the Churches of his Dominions; and with an absolute and independent Sway he began to govern these Provinces. He likewise assum'd the Power of making Laws, and we have as yet his *Capitularia*, in which he made many Regulations; in some Heads conforming himself to the *Longobard* Laws, and in others derogating from them; and what the *Longobard* Kings did over all *Italy*, he pretended to practise in his Principality.

IN the Code of the Monastery of the Cave several Times mention'd, among the Edicts of the *Longobard* Kings, we also read one of this Prince, which contains seventeen Chapters. The first begins, *Si quis homo*; and the last ends, *Si quis hominum*. *Camillus Pellegrinus*¹ translated it intirely in his History of the *Longobard* Princes, marking wherein it was conformable to, and wherein it was different from the *Longobard* Laws. The other Princes his Successors follow'd his Example, such as *Adelchis*, *Sicardus*, *Radelchisus*, and others, as may be seen in their *Capitularia*, printed by *Pellegrinus*²; so that to the Laws of the *Longobards* Kings were annex'd those of the Princes of *Beneventum*, by which these our Provinces were govern'd, and according to which the Judges decided Controversies, and administer'd Justice. The consulting about War, or Alliances, or Peace, was reserv'd to Prince *Arechis*; he had many Wars with the *Neapolitans*, and many more with the *French*; he assum'd to himself alone the making of Magistrates and Officers of State; the holding of Courts of Justice; the coining of Money with his own Image on it; and all the great and supreme Royal Privileges: In short, the whole Care of the State, as well Political as Military, with all the Rights of Sovereignty, was conferr'd on *Arechis*.

CHARLES King of *France*, who, after having in the Year 781. declar'd *Pepin* his Son King of *Italy*, was employ'd in other Expeditions, having heard that *Arechis* had thrown off the Yoke, and taken upon himself all the Royal Badges, and rul'd in *Beneventum* as Sovereign, and being likewise spurr'd on by Pope *Adrian*, who was very jealous of these Steps of the *Beneventans*, in the Year 786. return'd to *Italy* with a powerful Army; and afterwards in the Month of *April* of the following Year 787, he invaded the Principality of *Beneventum*, and threaten'd to besiege that City. *Arechis* this same Year 787. was involv'd in a War with the *Neapolitans* about the Fields of *Nola*, but hearing of the Arrival of *Charles*, who with a formidable Army was destroying his Country, he immediately concluded a Peace with the *Neapolitans*, being afraid they would join with the *French*, and granted them some Subsidies, or *Diaria*, as *Erchempertus* calls them³, in *Liburia* and *Cemiterium*, Fields about *Nola* most fertile in Corn and Wine.

WHEN the *French* Army came to *Beneventum*, *Arechis* at first made a strong and obstinate Resistance; but not having sufficient Forces to encounter a vast Army, which like Locusts were destroying every Thing in their way; he fortified *Beneventum* the best way he could, with strong Ramparts, and retir'd to *Salerno*; and it was then that this Prince surrounded this City with high Towers and strong Walls, and that our *Longobards* began to fortify the maritime Cities, in order to secure themselves from the Irruptions of the *French*, from which they were not so safe in the inland Places, as in those on the Sea-Coast, the *French* not having at this Time any Naval Forces to attack them; they had been taught by the Example of *Desiderius*, who for not having had the like Precaution, was made a miserable Prisoner in *Pavia*. In the mean time *Charles's* Army wasted the Country, and having over-run every where as far as *Capua*, did great Damage to the Fields, especially to those of *Capua*. *Arechis* then preferring the Safety of his Subjects to the Love of his Children, sent many *Beneventan* Bishops to treat with *Charles*, and to offer him *Grimoaldus* and *Adelgis*a for Hostages, and to ask Peace of him. The Conference which the Anonymous *Salernitanus*⁴ makes to have pass'd betwixt *Charles* and these Bishops, is so entertaining, that it deserves to be related: The King upbraided

¹ Pellegr. Capit. Arech. Princ. pag. 309.

² Pellegr. cit. hist. pag. 73, ad pag. 92.

³ Erchemp. hist. apud Pellegr. n. 2. p. 26.

⁴ Hist. Princ. Long. apud Pellegr. n. 1. p. 167. the

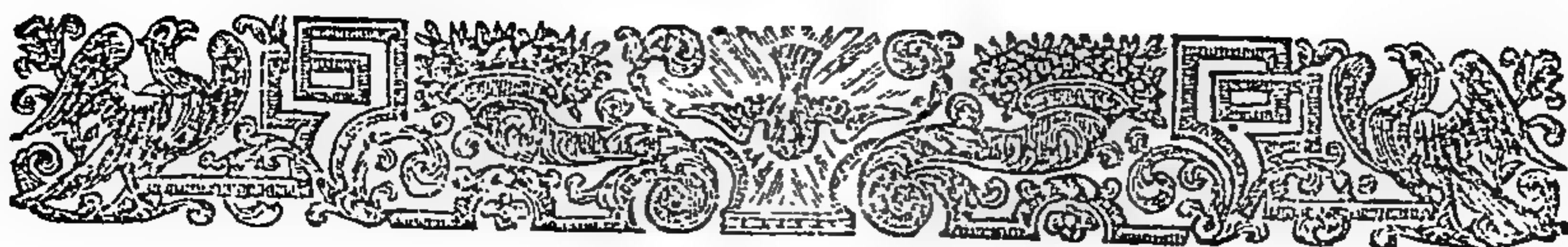
the Bishops as too audacious to appear before him, after they had anointed and put the Crown upon the Head of *Arechis* their Prince, which so non-plus'd them, that they knew not what Answer to make, but full of Fear, prostrated themselves with their Faces on the Ground at his Feet: The merciful King, laying aside all Wrath, treated them civilly, and made them rise up; and said to them, *I see the Shepherds, but without their Flock*: To which the Bishops, presuming too much on *Charles's* good Nature, did not stick to answer, *The Wolf came, and has dispersed the Flock*; the King ask'd who was that Wolf? and they answer'd, *Thou art he*. In fine, after a thousand idle Stories, they intreated him to accept of the Hostages, and to give them Peace, in pardoning *Arechis* and his People; but *Charles* reply'd, That he could not put a Stop to the War, having sworn, that he would live no longer, if he did not sink his Scepter into *Arechis's* Breast. Then one of them call'd *Rodopertus*, Bishop of *Salerno*, advis'd him to break his Oath, and gave him for an Example that of *Herod*, with which the King was not satisfied, but requir'd better Advice of them; the Bishops sought to put a Trick upon him, for they promis'd to deliver up *Arechis* to him, provided that after he had fulfill'd his Oath, he would allow him to reign in his Dominions. Whilst *Charles* was carried from Place to Place by the Bishops, in order to perform their Promise, at last they led him into *S. Stephen's Church*, where they shew'd him a very large Picture of *Arechis*, which was in a Corner of the Church: *Behold Arechis*, said they, *whom thou seekest*. Upon which the King being full of Indignation and Fury, threaten'd to banish them into *France* if they did not perform what they had promis'd; but the Bishops being terrified, prostrated themselves anew upon the Ground, began to ask Mercy, and by many Passages out of the Scriptures sought to allay his Wrath; the Anonymous *Salernitanus* relates, that they wrought so effectually upon him, that at last the inrag'd King going to the Picture of *Arechis*, and striking it strongly with his Scepter, which he had in his Hand, and giving it many Strokes on the Breast, and on the Head where the Crown was painted, said, *This shall be the Fate of him who shall arrogate to himself what is not his Due*; which done, the Bishops prostrated themselves again, and begg'd Peace for *Arechis*. *Charles* at last, by the Intercession of so many, granted it. Let who will believe these Puerilities; 'tis plain however according to *Erchempertus*, that *Charles* went no further than *Capua*, and that there being satisfied with the Hostages, he concluded Peace with *Arechis*, and left the Dukedom of *Beneventum* to be govern'd by him. The Conditions were, that *Arechis* should oblige himself to pay a yearly Tribute; that *Grimoaldus* and *Adelgisa*, should remain as Hostages; that he should deliver up his Treasure: All which was agreed to; and *Charles* sending one of his Gentlemen to *Salernum*, where *Arechis* was, to get them confirm'd, it was immediately done, and the Hostages with the Treasure were consign'd to the King. After which he return'd to *France*, and carried *Grimoaldus* along with him; but after many Intreaties *Adelgisa* was restor'd to her Father in *Salernum*. And if that be true, as it is most certain, that *Charles* went no further than *Capua*, and from thence return'd to *France*, and never came back to these Parts, I don't know from whence *Scipio Mazzella* has taken it, that *Charles*, in the Year 802. instituted a College in *Salernum*, as he had done in *Paris* and *Bologna*; for this City had never been under his Dominion, but was always a safe Refuge for the *Beneventan* Princes during the many Wars which they afterwards had with *Pepin*, whom his Father had left King of *Italy*.

BUT King *Charles* had no sooner left *Capua*, and return'd to *France*, than *Arechis*, little minding the Pledges given, began to treat of a League with *Constantine* Son of *Irene*, Emperor of the East, and enter'd into a strict Confederacy against *Charles*, and sent Ambassadors to *Constantinople* to seek Assistance from *Constantine*, together with the Honour of Patriciate; and, what was of greater Importance, he demanded of him likewise the Dukedom of *Naples*, with all the Places belonging to it, and that he would send him *Adalgisus* his Kinsman, Son of King *Desiderius*, who, as we have said, retir'd to *Constantinople* after his Father had been made Prisoner by *Charles*, with a strong Army; promising on his Part to subject himself to his Empire, which he would not do to *Charles*, and to live after the manner of the *Greeks*, as well in the Tonsure, as Apparel¹.

¹ Epist. 44. Hadriani Pontif.

CONSTANTINE agreeing to his Demand, sent immediately two Ambassadors to *Naples* in order to create him Patrician, who brought him the Mantle of Cloth of Gold, the Sword, the Comb, and the Sandals, that *Arcbis* might put them on, and get himself shav'd as he had promis'd; requiring nothing else of him, but that he should give his other Son *Romualdus* as Hostage. The Ambassadors being arriv'd at *Naples*, were receiv'd by the *Neapolitans* with great Solemnity, *cum bandis, & signis*, says *Adrian*¹; but all these Designs came to nothing by two untimely Deaths. While these Things were transacting, in the Month of *July* of this Year 787, *Romualdus*, who had been promis'd as Hostage to the Emperor, died, whose untimely Death hasten'd that of his unhappy Father, and was never enough to be lamented by the *Beneventans*; *David* their Bishop caus'd to be engraven on the Tomb erected for him, those Verses recorded by *Camillus Pellegrinus*² in his Book of the Tombs of the *Longobard* Princes. A short Time after this Death follow'd that of *Arcbis* his Father, who after having reign'd Thirty Years in *Beneventum*, in the following Month of *August* in the same Year, was snatch'd from the *Beneventans*, at a Time when they stood most in need of him, leaving them in so deplorable a Condition, that being without a Head, they were, as shall be related, out of cruel Necessity forc'd to have recourse to the good Will of *Charles*, submitting themselves to him under too hard and heavy Conditions, in order to get him to send back *Grimoaldus* whom he had in Hostage. The *Beneventans* lamented him bitterly, and erected him a majestick Tomb in their City, whither *Paul Warnefride* had gone for Shelter after his Exile, who likewise bemoan'd their Misfortune, and extoll'd the shining Virtues of this Prince in many Verses, which we also read in *Pellegrinus*. There remain as yet some Laws of this Prince, which may be seen in his *Capitularia*, printed by the same Author; amongst which we ought not to pass unmention'd, that by which he prohibited the House-Monks, otherwise call'd *Hypocritical Puritans*. King *Luitprandus* had admitted them into his Kingdom, and in one of his Laws³ commended the Institution. But *Arcbis* having perceiv'd that under that Cloke they defil'd themselves with a thousand abominable Lusts, forbid the Cheat under severe Penalties, and order'd them to be shut up in Monasteries. *Arcbis* was a Prince of great Courage and Generosity, and in him Piety, Justice, Fortitude, and all the other Virtues strove which should have the Upper-hand. He with great Magnificence finish'd in *Beneventum* the Church of *S. Sophia*, begun by *Gilulphus*. He erected two stately Palaces, the one in *Beneventum*, and the other in *Salernum*, surrounding that City with high Towers, and very strong Walls. He was a Lover of Learning, and very much caref'd the learn'd Men of those Times, and had them in great Esteem and Veneration. He entertain'd *Paul Warnefride* with great Marks of Respect, when he fled from *Tremiti*, whither he had been exil'd by *Charles the Great*, and came for shelter to *Beneventum*; he receiv'd him graciously, and esteem'd him amongst the dearest and most faithful of his Friends; wherefore *Paul*, in Token of his Gratitude, compos'd that Elogy, which he caus'd to be engrav'd upon his Tomb.

¹ Cit. Epist. 44.² Cam. Pellegr. de tumul. Princ. Long. p. 234. |³ Lib. 2. LL. Longob. tit. 37. l. 1.



C H A P. IV.

Of Grimoaldus II. Prince of Beneventum, and of the Wars he maintain'd against Pepin King of Italy.



AFTER the Death of *Arechis*, the *Beneventans* sent Ambassadors to King *Charles*, demanding *Grimoaldus*, with great Submission and Intreaties: They arriv'd in Time before the Confederacy which *Arechis* had enter'd into with *Constantine* Emperor of the East had been discover'd to the King, of which, not till a Year after, he was advis'd by Pope *Adrian*, which he had discover'd by the means of a *Capuan* Priest call'd *Gregory* ¹, for which Cause they could bring the King with less Difficulty to consent to their Request of granting *Grimoaldus* for their Prince; but before he departed, he bound him to these Conditions: *That he should oblige his Longobards to shave their Beards; that in Writs, and on the Money his Name should be put first, and after it that of Grimoaldus; and that he should cause the Walls of Salernum, Acerenza, and Consa to be demolish'd from the Foundation.* The King could have exacted many more, and much harder Conditions from *Grimoaldus* while he was in his Power. *Grimoaldus* being return'd to *Beneventum*, and receiv'd by the *Beneventans* with infinite Gladness; for some Time he caused the Money and Writs pass with the Name of *Charles*, in order to shew him that he design'd to perform the Promises he had made, and that in these Matters he would comply with him, tho' he had no Mind to dismantle the Cities; and to remove all Jealousy, after *Charles* had discover'd the Treaties of his Father *Arechis*, and the Emperor *Constantine* had sent *Adalgisus* in the Year 788. into *Sicily* with some Troops, that from thence he might go to *Calabria*, and by the Assistance of the *Beneventans* get himself to be proclaim'd King of *Italy*, (the Emperor was likewise offended with *Charles*, who had promis'd him his Daughter in Marriage, and afterwards refus'd to give her) did not only not concur with the Designs of *Adalgisus* his Uncle, but advis'd *Pepin* of this Expedition, by which he meant to gain his Favour, and also *Hildebrand's* Duke of *Spoletto* sent by *Pepin*; the unfortunate *Adalgisus* after having landed with many *Greeks* in *Calabria*, fighting gallantly was defeated, and amongst the rest of the Spoils he became a Prey to the Enemy, who unmercifully put him to a cruel Death by Torture, as *Sigonius* ² relates. But the Continuator of *Aimoinus* ³, *Maimburg* ⁴, and those who have read *Theophanes* in *Greek*, write, that it was not *Adalgisus* that was put to Death by Torture, but *John* General of the *Greek* Army; for this unfortunate Prince made his Escape after the Battle, and return'd with a few Followers to *Constantinople*, where he liv'd to be an old Man; and at last submitting to his Fortune as his Father had done, he passed the Remainder of his Life quietly in the Quality of Patrician; and indeed 'tis the usual Fate of dethron'd Princes, to meet with Pity and Compassion from those they have recourse to, who allow them the empty Title of what they once were; but either for want of Courage or Inclination, when they have it in their Power, never undertake any Thing for their Restoration, but enter into other Measures which they reckon more advantageous and convenient.

¹ Epist. Adriani, 44.

² Sigon. an. 788.

³ Continuat. of Aimoin. lib. 4. cap. 40.

⁴ Maimb. hist. Icon. lib. 3. an. 775.

NEVERTHELESS tho' *Grimoaldus*, in order to remove all Suspicion from *Pepin* and *Charles* his Father, by laying aside all Ties of Blood and Nature, had thus behav'd himself, yet he still retain'd the same Designs with his Father in his Heart, and bent all his Thoughts on putting himself in a Condition to be able to govern the Principality of *Beneventum* with an absolute and independant Authority; he gave over all Thoughts of demolishing *Salernum*, *Acerenza*, and *Consa*, according to the Conditions stipulated with *Charles*; by Degrees he left off putting *Charles's* Name on the Money, and in the Writs; and having married *Wanzia* Niece of the Greek Emperor, made himself the more suspected. Thus a new War broke out with the *French*, which prov'd of long Continuance, for tho' *Charles* was employ'd elsewhere, *Pepin*, a sprightly forward Youth, who was King of *Italy*, could by no means suffer that absolute Empire which *Grimoaldus* assum'd over the Principality of *Beneventum*; therefore in the Year 793. he march'd with a great Army of *French* against him, which furrounded him on all Sides, and threaten'd him with a cruel War. Then *Grimoaldus* bethought himself of removing all Shadow of Suspicion, which his having a little before married *Wanzia* could occasion; he repudiated her, as barren, and, with unheard-of Inhumanity, sent her back again to *Greece* by Force. But that Dissimulation and Cunning, was of no stead to *Grimoaldus*; for *Charles*, besides his having commanded *Pepin* to fight him, had likewise sent *Lewis* his Brother to his Assistance, who went from *Aquitaine* to *Italy*, and having join'd their Forces, they march'd into the Principality of *Beneventum*, where they made War for many Years; and *Erchempertus*¹ relates, that tho' *Charles* and his Sons, whom he had now made Kings, had employ'd their best Troops in order to subdue *Grimoaldus* and his *Beneventan Longobards*; yet they were not able to put their Designs in Execution against this gallant Prince: On the contrary, the Plague having seiz'd their Armies, they were oblig'd to retire, to their great Reproach. In the Space of seven Years, and after so many bold and obstinate Contests, in the Years 800 and 801. they were only able to take *Cbieti* in *Abbruzzo*, with some Places in the Neighbourhood; and tho' the following Year they also took *Lucera* in *Puglia*, it was soon retaken by *Grimoaldus*, and *Guinichisus* Duke of *Spoletto*, with all the Garrison which *Pepin* had left for the Guard of that City, were made Prisoners. In short, all the Time that *Pepin* reign'd in *Parva*, and *Grimoaldus* in *Beneventum*, *Erchempertus* says², that there was not one Moment of Peace betwixt them; forasmuch as these two Princes being both young, and bent upon War, each of them thought his Honour engag'd to carry the Point. *Pepin*, by seeing himself furrounded by so many couragious and gallant Captains, and so powerful Armies, *Grimoaldus* being supported by the Forces of his greatest Barons, and by the many Cities which he had likewise fortify'd and garrison'd, mock'd the Power of his Enemy, and contemn'd and undervalu'd his Armies. *Pepin* was wont frequently to send Ambassadors to *Grimoaldus* with this Message: *Volo quidem, & ita potenter disponere conor, ut sicuti Arechis genitor illius subjectus fuit quondam Desiderio Regi Italiae, ita sit mihi, & Grimoadt*; to which Message *Grimoaldus* answer'd in these Verses.

*Liber & ingenuus sum natus utroque parente,
Semper ero liber, credo, tuente Deo.*

THUS did *Grimoaldus* check the Boldness and Power of the *French* whilst he reign'd in *Beneventum*. This invincible Prince died in the Year 806, without leaving Male-Children, *Gothofredus* his Son dying before him, whose Tomb is to be seen in the Church of St. *Sophia* in *Beneventum*, also mention'd by *Pellegrinus*³. The *Beneventans* after they had bitterly lamented him, as they had done *Arechis*, erected a magnificent Tomb to his Memory, extolling and engraving on it his heroick and famous Deeds. He was always Victorious both over the *French* and the *Greeks*; and the Verses upon his Tomb⁴ shew as yet his Valour against the *French*, who never could boast of having subdu'd him.

*Pertulit adversas Francorum sæpe Phalangas
Salvavit patriam sed, Benevente, tuam:
Sed quid plura feram? Gallorum fortia Regna
Non valere bujus subdere colla sibi.*

¹ Hist. Erchemp. num. 5.

² Ibid. num. 6.

³ Pell. Tumul. Pr. Long pag. 238.
⁴ The same Author pag. 237.



C H A P. V.

Charles the Great, from a Patrician became Roman Emperor: His Election, and what Part Pope Leo III. acted in it.

WHILST the *French* under *Pepin* with so much Cruelty and Boldness were making War against the *Beneventans* under *Grimoaldus*, *Charles the Great*, after having subdu'd the *Saxons*, and visited many Places of his vast Empire, at last in the Year 795. he stopp'd in *Aix la Chapelle*, with which City, on account of the Pleasantness of its Situation, and the Places about it, he was so delighted, that he adorn'd it with a magnificent Church; while he was here, the News was brought him of the Death of *Adrian*, which fell out in *Rome* in the Year 796. He was exceedingly lamented by *Charles*, and so great was his Grief, that he publish'd it by an Elogy which he compos'd himself, and caus'd it to be put on his Tomb. He likewise heard a little after, that the *Roman* People and Clergy had in his Room elected *Leo* a Cardinal Priest, who was call'd *Leo III.* and who notified his Election to him by his Legates, declaring likewise his Resolution of following the Footsteps of his Predecessors, in acknowledging none other but him, for his own and the Church's Protector: Moreover, as *Charles* was a Patrician of *Rome*, he sent him the Standard of the City, with many other Presents, at the same time intreating him to send one of the Lords of his Court, to receive from him the Oath of Fidelity, which the People of *Rome* was willing to take to him¹, who a long Time before had begun to shake off the Yoke of the *Greeks*, and who intended now to set themselves altogether free of it. *Charles* accepted of the Presents and the Homage, which the Chief City of the World offer'd him, and he chose his Son-in-Law *Angilbertus*, for taking the Oath of the *Romans*, that they would acknowledge him for their Lord: In effect, by Virtue of these Treaties which *Leo* had made with *Charles*, the Patriciate was converted into Sovereignty; and from this Time it was, that he exercis'd sovereign Power in *Rome*, administering Justice by his Commissaries, and himself, as was judiciously observ'd by *Peter de Marca*²; and besides that, out of his Royal Bounty and Generosity, he sent the Pope by *Angilbertus* a great Part of the immense Treasure which he had got in the War against the *Huns*, which he had a little before finish'd with the Conquest of *Pannonia*; and upon Occasions that offer'd, imitating his Father *Pepin*, he made it his Business to assist him in all the Persecutions which he suffer'd, and to protect and advance the Church of *Rome* with all his Might, as he had done by *Adrian* his Predecessor. *Pascal* and *Compelus*, Nephews of *Adrian*, and many principal Lords of that Party, were *Leo's* Enemies, who took it in ill Part that the new Pope had alter'd many Things done by *Adrian*; and besides, accus'd him as guilty of many abominable Crimes, but not being able afterwards to shew any Vouchers for them, one Day while he was altogether intent on a Publick and sacred Function, fell upon him, and gave him many mortal Wounds, dragg'd him thorough the Streets, and did what they could to put out his Eyes, and cut out his Tongue; but he defended himself the best way he could, and being all over Bloody, he was shut up in close Prison in the Monastery of *S. Gerasini*; but was afterwards set at Liberty by his Partisans,

¹ Eginhar. in Annual. A. 796. Sigon. A. 796. |
Vide Marca de Concor. lib. 3. cap. 11. num. 3

² Marca loc. cit. num. 9.

and *Guinigisus* Duke of *Spoletto*, who after having convey'd him to *Spoletto*, sent him with many Bishops to *Charles*, together with many Noblemen that were willing to bear him Company. He was receiv'd by *Charles* in *Paderbone*, with the same Respect that his Father *Pepin* had receiv'd *Stephen*, and was treated with exceeding great Honour, and the utmost Magnificence; where *Leo* was at full liberty to shew his Innocence, and what he had wrongfully suffer'd, and wherein he had been falsely accus'd by his Enemies.

BUT at the same Time the Conspirators at *Rome*, by the Absence of the Pope, were become more haughty, and did what they could to baffle *Leo*; they sent many Accusations to *Charles*, by which they charg'd *Leo* as guilty of many grievous Crimes. The King thought it best to send him back to *Rome* with a magnificent Retinue, in order to have a judicial Cognizance taken of the Merits of this Cause, and he sent along with him ten Commissioners, two Archbishops, five Bishops, three Counts, and many *Frenchmen*, who were to be Judges of this Affair. The Pope was receiv'd in *Rome* with solemn Acclamations, and much Pomp; and when the Charge brought against *Leo* by *Pascal* and *Compolus*, and their Adherents, in order to excuse their horrible Attempt upon his Person, came to be examin'd into, it was found that they could prove nothing of what they had accus'd him of; therefore the Commissioners sent the Accusers under a strong Guard to the King. *Charles*, after having gloriously triumph'd over the *Huns*, was already on his March towards *Italy*, being invited by *Pepin*, who alone could not humble the Pride of *Grimoaldus*, who now govern'd the Principality of *Beneventum* with an absolute Sway; and being arriv'd in *Italy*, would go in Person to *Rome*, in order to try this Cause, and to give the Pope that Justice which he demanded of him.

CHARLES was receiv'd by *Leo*, the Clergy and People of *Rome*, on the 24th Day of *November*, in the Year 799, with greater Marks of Respect and Esteem than ever had been shewn; and this Prince a few Days after his Arrival caus'd an Assembly of the Archbishops, Bishops, Abbots, and all the *Roman* and *French* Lords, to meet in *St. Peter's Church*, and himself and the Pope being present, he order'd this Business to be examin'd, and a strict Inquiry made into the Crimes wherewith *Leo* had been charg'd; but on the one hand there appearing no Proof, nor Testimony for supporting these Calumnies; and on the other hand, all the Prelates protesting, that neither the Holy See, nor the Pope ought to be judg'd by any Person, and that it belong'd to himself to be his own Judge; then the Pope said, that according to the Example of his Predecessors, he was ready to judge himself after the same manner that they had done more than once; therefore the next Day he mounted the Pulpit, and holding in his Hand the Book of the Holy Evangelists, in the Sight of all, by a solemn Oath he clear'd himself, and loudly protested, and swore, that he was innocent of all the Crimes laid to his Charge by his Persecutors. Upon which all the Church echo'd again with the Acclamations of so august an Assembly, who receiv'd this Protestation and Oath of the Pope as an Oracle, and were fully convinc'd of his Innocence. Thus *Leo* being justified in the Opinion of every Body, which was the Thing *Charles* thought of greatest Importance, the Trial of *Pascal* and his Accomplices was put off to another Assembly.

THIS Pope lying under so many Obligations to *Charles*, bethought himself how he might be able to make suitable Returns¹, and for the Time to come engage the King's Protection and Assistance to the Church of *Rome*, seeing there was nothing to be expected from the Emperor of the East, but much to be fear'd. For this end he hit upon the best Thought that a Man could have imagin'd, to bind this Prince more than ever to the Apostolical See; and tho' at that Time it was look'd upon as a Piece of pure Form and Ceremony, it has been since interpreted as one of the most powerful Claims to the Temporal Dominion over the Catholick World, the Popes can boast of; and the Flatterers of that Court have so cunningly colour'd and varnish'd it over, as for many Ages to persuade all *Italy*, and a great Part of the West, of the Truth of it. The Story was, he rais'd *Charles* from a Patrician, to *Roman* Emperor, which they call'd a Translation of the Empire of the West to the *French*; tho' in reality it added nothing to *Charles* but a more specious and august Title, which *Theodorick* and the other Kings of *Italy* might have assum'd, but never minded it.

¹ Theophanes in Chron.

SOME *French* Writers ¹ would have us believe, that *Charles* as little minded this specious Title as *Theoderick* did; and that *Leo*, so much beholden to him, was the chief Manager, who concerting the whole with the *Romans*, and the other People who were then in *Rome*, without *Charles's* Knowledge, proclaim'd him *Roman* Emperor, and put on him the Purple and the Imperial Crown, whilst he was in the Church celebrating the Feast of the Holy Nativity: But let those that are simple and ignorant of the Circumstances which preceded this Action, believe it; 'tis manifest that *Charles* upon other Occasions, which remain upon Record ², aspir'd after this Title, which in some respect was due to his Merit, and the vast Empire he had acquir'd partly by Right of Succession, and partly by Arms, as we shall shew anon.

SURELY the great *Theodorick* King of *Italy*, perhaps with greater Reason, might have assum'd this Title of Emperor of the West, to which he would likewise have obtain'd the Consent of *Leo* Emperor of the East; but he, as we have said in the Third Book of this History, laying aside the *Gothick* Dress, would not put on the Imperial Diadem, but only the Kingly Ensigns, and would only be proclaim'd King of the *Goths* and *Romans*; and *Procopius* relates, that there was nothing wanting to this Prince but only the Title of Emperor, which he would not assume, but in reality he was such, as well with respect to the Sovereignty of his Empire, as the Extent of his Dominions. He not only, after the Example of the other Emperors of the West, had fix'd his Seat in *Ravenna*, governing there all *Italy*, but he had likewise under his Dominion *Sicily*, *Rhetia*, *Noricum*, *Dalmatia*, with *Liburnia* and *Istria*, and a Part of *Suevia*, and that Part of *Pannonia* where *Sigetinum* and *Sirmium* stood. He also possess'd a Part of *Gallia*, for which he was often at War with the *French*: And lastly, as Tutor to *Amalarick*, his Nephew, he govern'd *Spain*; therefore if *Theodorick* had been willing to assume this Title, and go to *Rome* to get the Pope, who was his Subject, to crown and anoint him, as the Practice then was amongst the Christian Princes, it would likewise have been said, that the Popes had transferr'd the Empire of the West from the *Romans* to the *Goths*, as is now said of this Translation made to the *French*.

SEEING by this Fact *Charles* acquir'd nothing else but the bare Title of *Roman* Emperor, and the *Romans* and the Pope who proclaim'd him, neither did, nor could give him more; 'tis clear that this Title imply'd nothing of Right in it over the other States and Kingdoms of the West, which for a long Series of Years had been under the Dominion of other Princes; we ought to consider, that a long time before this Prince was call'd Emperor, the *Greek* Emperor had already lost the Dominion of almost all the Provinces of the West, which had pass'd *Jure Belli*, under the Dominion of other Princes, and of *Charles* himself for the greatest part; so that as this Title made him nothing the Richer, neither did it take any Thing from the Emperor of the East, or the other Princes, in the Kingdoms and States which they possess'd.

CHARLES had already driven the *Longobards* out of *Italy*, who had been Lords of it, and had subjected it to his Empire. *Rome*, which had once been the Seat of the Empire of the West, from the Time of *Leo Isauricus*, had begun to shake off the Yoke; and tho' the *Greeks* had preserv'd a Shadow of their Dominion in it, yet it was at last given to *Charles the Great*, who receiv'd the Oath of Fidelity by *Angilbertus*, as is recorded by the gravest Historians; and before he assum'd this new Title, he had exercis'd the Rights of Sovereign in it, which is evident to whoever will but consider the Accusations laid against *Leo*; for tho' he allow'd the *Romans* to be govern'd by their own Laws, and the same Magistrates, yet the supreme Power was reserv'd to him as Patrician, and which he afterwards retain'd as Emperor; and tho' the Exarchate of *Ravenna*, which formerly was the Seat of the Emperors of the West, and afterwards of the Exarchs, who were the chief Magistrates of the Emperors of the East in *Italy*, had been taken from the *Longobards*, and given to the Church of *Rome*, yet both *Pepin* and *Charles the Great* retain'd the Right of Sovereignty and chief Dominion in it: In short, almost all *Italy*, except these our Provinces, was already under the Dominion of *Charles* before he assum'd this Title. 'Tis likewise certain, that this Prince, both by Succession and Conquest, possess'd as large Dominions in the West, as ever any Emperor had from the Time of the Divi-

¹ Maimb. hist. Inconocl.

² Sigon. hist. Ital. A. 800.

front of the Empire; for besides the *Gallia*, in which he reign'd by Succession, as King of *France*, he had conquer'd Part of *Spain*, as far as the *Ebro*. By the same Right of Conquest he possess'd *Istria*, *Dalmatia*, all *Pannonia* to the Confines of *Bulgaria* and *Thrace*, and likewise all *Dacia*, containing *Walachia*, *Moldavia*, and *Transylvania*. And tho' he had not that Part of *Spain* on the other Side of the *Ebro*, and that Part of *Africa* which belong'd to the Empire of the West, before the *Vandals*, and a long time after the *Saracens* had possess'd themselves of it; yet on this Side he had what the *Romans* could never conquer, to wit, all that vast Extent of Country which lies betwixt the *Rhine* and the *Vistola*, the Northern Ocean and the *Danube*, which is now divided amongst so many Princes, free Cities, and Commonwealths, one Part of which only makes now what we call the *Roman Empire*; and *Eginardus*¹ writes, that the Kings who at that Time reign'd in *Great-Britain*, were so submissive to him, that in their Letters they always call'd him their Lord, and subscrib'd themselves his Servants and Subjects.

THE Empire then of the West having ceas'd for three Ages, and being divided into so many Principalities and Kingdoms, many of which being united in the Person of *Charles*, some by Right of Succession, and very many by that of Conquest, he came to possess much more in the West than the other Emperors of the West, particularly those from *Honorius* down to *Augustulus*; and we ought not to think it strange, that the Subjects of *Charles*, who were properly such, proclaim'd him likewise Emperor, and gave him that august Title, very proper and agreeable to his vast Empire which he had in the West. In effect, this Title was not only given him by the Pope, who carried on this Affair, and the *Romans*, but likewise by all the People of the different Nations that *Charles* brought to *Italy* with him. *Paulus Æmilius*², and many other Writers more ancient than he, relate, that this Prince was accompanied into *Italy*, not only by a great many *French* Lords, but also by an infinite Number of others of different Nations that were subject to him, such as *Saxons*, *Burgundians*, *Teutones*, *Dalmatians*, *Bulgarians*, *Pannonians*, *Transylvanians*, and others.

AND it is most certain from the same Authors, that the third Day after the Cause of *Leo* had been discuss'd, being that on which the Birth-Day of our Saviour was celebrated, this Prince went to the Church of *St. Peter*, in order to solemnize the same with great Pomp, and enter'd the Church attended by the Pope and many Prelates, and *Roman* Magistrates, and accompanied by all the *French* and *Roman* Noblemen, with a great Train of other Followers, where he found an infinite Multitude of People, not only *Romans*, but of many other Nations. *Charles* had no sooner ended his Prayers at the Sepulchre of the Holy Apostles, than the Pope, who for that end had ready prepared the Imperial Mantle, and a rich Crown of Gold, made a Signal to the *Roman* Magistrates, and the Barons that were about him, who were intent on what he was about to do, and put the Crown upon his Head, and began with all the rest to cry out: To *Charles* the August, crown'd by God, the great and pacifick Emperor of the *Romans*, Life and Victory³; and these Words ecchoing from all Corners, the Pope, the Senate, the *Romans*, the *French*, and the mixt Multitude of all Nations, unanimously with one Voice, and the same Spirit began to cry aloud with all their Strength, the same Words, which they repeated three times⁴. After the Acclamation of the People was over, *Leo*, who had prepar'd every Thing for so august a Ceremony, gave him the sacred Unction, which thereafter never any Emperor of the West receiv'd, and cloathed him with a long Imperial Mantle, after the *Roman* Fashion; he likewise anointed *Pepin*, who was present at this Solemnity, as King of *Italy*: And after *Charles* had receiv'd from the Pope, the Senate, and all the rest that were present, all the Honours which were wont to be paid to the ancient *Roman* Emperors, by acknowledging him for their Sovereign; he for his Part swore, that he would always be the Protector and Defender of the *Holy Roman Church*, to his Knowledge and Power; from that Time forth, laying aside the Title of Patrician, he took that of *Augustus* and Emperor, which he transmitted to his Posterity⁵.

¹ Egin. in vita Caroli magni.

² Paul. Æmil. de reb. Franc.

³ Eginar. A. 801.

⁴ Anastasius in vita Leon. III. ab omnibus

constitutus est Imperator Romanorum.

⁵ Egin. in annal. more antiquorum principum adoratus est, ac deinde omisso Particii nomine, Imperator & Augustus appellatur.

BEHOLD what is call'd the Translation of the Empire of the West to the *French*, whence the Popes can infer nothing for supporting their high Pretensions; for tho' *Leo*, as one of the chief Men of the City of *Rome*, had carried on this Affair, to whom it was of greater Importance than to any other Person, in order to oblige *Charles* the more to protect his Church, and likewise to yield intirely all that his Predecessors had gain'd over *Rome*, yet 'tis very well known to those who understand the *Augustan* History, that anciently the *Roman* Emperors were wont to be proclaim'd no otherwise. The Acclamations were made by the People and the Soldiers, but the Person who was thus to be proclaim'd, was propos'd to them by some private Men; therefore no Body dream'd of attributing the Election to those few who propos'd the Person, and not to the People and Soldiers who proclaim'd and saluted him Emperor; and besides, those Acclamations denoted not only the present, but likewise the previous Consent of the People. Much less can they support their Claim by the Coronation and Unction of *Charles* by *Leo*; for we believe it has ever been evident to all the World, that these were but pure Ceremonies, and did not in the least belong to the Essentials of Empire; at that rate it may be said, that they who perform them, by the very Action give the Empire or Kingdom. These Ceremonies were introduc'd by the Christian Princes, perhaps in imitation of the ancient Kings of *Judea*, who caused themselves to be anointed by the Priests; and the first who introduc'd them into the West, were the Kings of *Spain*, and those of *France*, follow'd by others afterwards, and those of the East likewise began to use them'. In *France* the most Christian King receives this Ceremony from the Bishop of *Rheims*. The King of *Spain* from the Bishop of *Toledo*. The Kings of *Italy* were wont to be anointed and crown'd by the Archbishops of *Milan*; those of *England* by the Archbishop of *Canterbury*; those of *Hungary* by the Bishop of *Strigonium*; and other Kings by their own Bishops: In fine, our *Archbis*, Prince of *Beneventum*, as we have seen, would have himself anointed and crown'd by his *Beneventan* Bishops; and he would be void of all Sense who would say, that these Bishops made or appointed so many Princes, Kings, or Emperors.

LIKEWISE in the East in the sixth Century, the Emperor *Justin* made himself to be crown'd by *John*² Patriarch of *Constantinople*; and also this Emperor six Years after would be crown'd anew by Pope *John*. Many Princes, not once, but many times would have this Ceremony perform'd; *Pepin* Father of *Charles the Great*, caus'd himself to be anointed, the first Time by *Boniface* Archbishop of *Mentz*; and three Years after by Pope *Stephen*. *Charles* himself was twice anointed and crown'd; and in imitation of his Father, caus'd the same to be done to his Sons *Pepin* King of *Italy*, and *Lewis* King of *Aquitaine*³. These Ceremonies then do not confer Empires or Kingdoms, but suppose him who useth them to be already Emperor or King; in like manner, it would be absurd to infer from the Oath which *Charles* took, to protect and defend the Church of *Rome* to the utmost of his Power, that it was an Oath of Fidelity or Vassallage, as some have likewise dream'd.

BUT as the Popes can draw nothing from this Fact, much less can *Charles* himself, or the other Emperors his Successors, reap any Advantage from so august and specious a Title, with respect to other Princes that were not subject to him. No Right could accrue to him anew with regard to others; and therefore those Princes retain'd their Kingdoms free and independent, whence with Reason they reckon themselves true Monarchs, and their States as true Monarchies: Therefore the Kings of *Spain*, as being always free and absolute Lords of their Dominions, value themselves justly on their Kingdom's being a Monarchy, in no respect subject to the Empire of the West. *Cujacius*⁴, and some *French* Writers say, that the Kingdom of *England* once acknowledg'd itself as Feudatory to the Empire, but *Arthur Duck*⁵, and other *English* Writers, constantly deny it. *Charles* himself, and all the other Emperors his Successors, exercis'd Sovereign Authority in *Italy*, not by Virtue of the Imperial Title, but as King of *Italy*, which he and his Successors were, and therefore caus'd themselves to be proclaim'd such in *Milan*, and anointed and crown'd such by the Archbishop of that City; and they added their

¹ V. Mars Gallicus of Alex. Patric.

² Epist. Jo. ad Harmisdam. V. Du Pin. de Ant. Eccl. Disc.

³ V. Patric. in Marte Gallic.

⁴ Cujac. lib. 1. de Feud. tit. 1.

⁵ Arth. Duck, de Usu & Aust. I. R. lib. 2. par. 3. num. 1. c. 8.

own to the *Longobard* Laws, not as Emperors, but as Kings of *Italy*, and Successors to the *Longobard* Kings. *Charles* had a Design, as *Paulus Æmilius* relates ¹, of uniting *France* to the Empire, and of subjecting her to its Laws; but the Grandees of *France* abhorr'd such an Union: *Cur milites tuos*, said they, *Regnum tuum, Franciam tuam, Imperii Provinciam facere studes, Imperioque subdicere?* Whence the *French* pretend, that the Empire was rather a Member of the *French* Monarchy, than *France* of the Empire.

HOWEVER that may be, with regard to our Purpose, 'tis worthy of Observation, that *Charles the Great*, notwithstanding his august Title of Emperor, gain'd nothing over our Dukedom of *Beneventum*, or that of *Naples*, or over that which the *Greeks* yet retain'd in these our Provinces; whence it is, that this Kingdom was always reputed distinct from, and independent of the Empire newly started up in the West, and therefore justly boasts of the Honour of a true Monarchy. Though *Charles the Great* was now become more august than ever, both in Titles and noble Actions, yet *Grimoaldus* Prince of *Beneventum*, would not subject himself to his Empire. The War made by him and *Pepin* his Son against *Grimoaldus*, was now more obstinately and cruelly prosecuted than ever; and *Grimoaldus* boldly vow'd that he would continue free as he was born, and always resisted the *French*, as he did *Pepin* who had undertaken to humble him, and, tho' in vain, to reduce *Beneventum* under his Obedience. And not only the People of those Cities of our Kingdom, that had continu'd under the Empire of the *Greeks*, did not acknowledge *Charles* for Roman Emperor, looking upon that Title as belonging to the Emperor of *Constantinople*; but the *Beneventans* themselves were of the same Mind, so that the Anonymous *Salernitanus* did not deserve those Reproaches from *Pellegrinus*, because in his History, speaking of those Bishops who gave that Title to *Charles the Great*, he says, they gave it him, because all his Courtiers and Followers call'd him so; for, says he, none can be call'd Emperor, but he who governs the *Roman* Kingdom, that is to say, the *Constantinopolitan*; and the Kings of *France* at that Time usurp'd this Title, which formerly they never claim'd ²; a Title which for a long Series of Years was always disputed with *Charles's* Successors, by the Emperors of the East; for tho' the Empress *Irene*, and afterwards *Nicephorus*, had entred into an Alliance with *Charles*, and in settling the Bounds of the two Empires, in order to establish fix'd Limits, and remove all Occasion of Dispute, had reckon'd upon having the Principality of *Beneventum* as a Boundary and Barrier, and by the Treaty concluded betwixt them, had confirm'd the Title of Emperor to *Charles the Great*: nevertheless the Emperors of the East, Successors to *Nicephorus*, broke thro' all these Treaties, and made War against his Successors, not only for the Provinces, which they pretended had been taken from their Empire, but also for this Title of Emperor, which by no means they would allow them; neither were they ever nam'd Emperors, or Kings of *Italy* by them, but only Kings of *France*. On the contrary, the Emperor *Basilus*, having had some Letters brought him by the Legates of Pope *Adrian II.* in which King *Lewis* call'd himself Emperor, he order'd the Title of Emperor to be raz'd out of them, and sent an Ambassador to *Lewis*, whom he exhorted by his Letters, that for the future he would abstain from taking the Title of Emperor; but *Lewis* answer'd the Complaints of *Basilus* by a very grave and bold Letter, which is recorded by *Baronius* ³ in his Annals, and by *Frederick Morelli* ⁴, in his Notes on the *Themata* of *Constantinus Porphyrogenitus*, who likewise imitating the Example of *Basilus* his Grandfather, never gave the Title of Emperors to the Successors of *Charles*, but call'd them simply Kings of *France*. These our Provinces then continu'd, from the Time of the Rise of this new Empire of the West, disjoin'd from, and independent of the Empire, while it was govern'd by the *French*, and much more when it was confin'd to a part of *Germany*, and fell into the Hands of the *Germans* and other Nations, as shall be clearly shewn in the Course of this History.

CHARLES, at the Intercession of *Leo*, having sent his Accusers into Exile, (tho' they had been condemn'd to Capital Punishment) spent the Beginning of this

¹ Paul. Æmil. lib. 3. in Car. M.

² Anon. Salern. apud Pelleg. par. 1. num. 2. pag. 170. Imperator quippe omni modo non dici potest, nisi qui in Regno Romano præ est,

hoc est Constantinopolitano.

³ Baron. in tom. 10.

⁴ Fred. Morelli in not. lib. 2. Th. 11.

Year 801. in *Rome*, and in the Month of *April* left that City, and went to *Pavia*, where to the Edicts of the *Longobard* Kings his Predecessors he added new Laws, more suitable and necessary to the present Circumstances of *Italy*. He made many other Laws concerning Ecclesiastical Matters; and after the Custom of *France*, before he publish'd them, he not only conven'd the State of the Nobles, Magistrates and Judges, as the *Longobards* used to do, but likewise the Ecclesiastical State of Bishops, Abbots, and other Prelates of the Church; for at this Time the third State of the Kingdom had not as yet any Share in the Publick Affairs and Deliberations in *France*¹. These his Laws, which he establish'd in *Pavia* as King of *Italy*, are to be read as yet in the Code of the Monastery of the Cave, after the Edicts of the other *Longobard* Kings his Predecessors; whence it is, that in the three Books of the *Longobard* Laws, the Compiler of them has likewise inserted some of those, amongst which there's one², wherein not only the *Romans*, but also the *Longobards*, hadt heir Laws left intire to them; and *Charles Sigonius*³ declares, that these Laws are likewise preserv'd in *Modena*, the Preamble of which he relates to be such as those which the *Longobard* Kings were wont to put before their Edicts. What the *Goths* and *Longobards* call'd *Edicta*, the *French* call'd *Capitularia*. They were so call'd, because, as *Doviat*⁴ says, they were dispos'd into Chapters or Heads. And after their Example other Princes likewise call'd their Laws *Capitularia*: Our *Longobard* Princes, however cruel and obstinate Enemies they were to the *French*, yet they did not think it below them to imitate them in that; whence the Laws that were establish'd in the Principality of *Beneventum*, by these Princes, were call'd *Capitularia*; and therefore we read in *Camillus Pellegrinus*, the *Capitularia* of *Arechis*, *Sicardus*, *Radelchisus*, *Adelchis*, and other *Beneventan* Princes.

CHARLES not only left the *Roman* and *Longobard* Laws intire, but as far as the Circumstances of those barbarous and dark Times could bear, he endeavour'd to restore the *Roman* Jurisprudence to some Lustre. In doing of which he did not consult the Books of *Justinian*, which at that Time were little known, and of less Authority in the West, but the *Theodosian* Code and its Compend compil'd by *Alarick*; and tho' his Application to military Affairs, the want of Professors, and the Ignorance of the Age, hinder'd him from accomplishing his Design, yet he corrected, the best way he could, the Compend of *Alarick*, from which the *Roman* Law was quoted in the Courts before the Judges.

PEPIN King of *Italy* follow'd the Example of his Father; we have as yet his *Capitularia*⁵, which he publish'd as King of *Italy*, which likewise, after the Edicts of the *Longobard* Kings, we read in the abovemention'd Code of the Monastery of the Cave; and we find many of his Laws extracted from it, inserted in the Volume of the *Longobard* Laws⁶; whence we clearly see, that the Laws which *Charles*, and the other Emperors of the West his Successors, establish'd as Kings of *Italy*, and which are inserted in the Body of the *Longobard* Laws, had Force and Vigour in *Italy*, not because they were made by them as Emperors, but as they were Kings of *Italy*. Thus *Pepin*, who never was Emperor (therefore these Inscriptions in the Volume of the *Longobard* Laws ought to be corrected, which some of his Laws bear, of *Imperator Pipinus*) but made King of *Italy* while his Father *Charles* was alive, made his Laws, which were in full Force there (as being only King) and they were reckon'd amongst the *Longobard* Laws of the Kings of *Italy*.

PEPIN died about the End of the Year 810, after *Charles* his Father had concluded Peace in *Aix la Chapelle*, with *Nicephorus*, and he died very young, at the Age of Thirty-three, in the 29th Year of his Reign, leaving only one natural Son call'd *Bernard*, about twelve or thirteen Years old, who two Years after was by his Grandfather created King of *Italy*.

ABOUT the End of the Year 811, *Charles*, eldest Son of the Emperor, likewise died, to whom his Father had design'd to have given *France*, with *Touraine*, and a Part of the Kingdom of *Burgundy*: He left no Children; so that of three Sons which

¹ Loyseau des Ordres, pag. 48.

² Lib. 2. tit. 57. l. 1.

³ Sigon. ad an. 801.

⁴ Doviat. hist. Jur. Civ. pag. 60. The Capitularia of Charles the Great, and the Collections made by Ansegisus, Benedict. Levita, and others are to be seen in Balutius, tom. 1. Van

Espen. in hist. Jur. Can. Struv. cap. 6. hist. Jur. German. §. 10, 11, & 12.

⁵ Extat. Capitulare Pipini Regis Italiæ dat. anno 793. apud Balutium tom. 1. pag. 533. Eiusdem Capitula excerpta ex lege Longobard. p. 541.

⁶ Lib. 2. tit. 57. l. 2. & tit. 59. l. 3. & 4.

he had design'd as Successors in his Dominions, there remain'd only *Lewis* King of *Aquitaine*; therefore he made him his Collegue in the Empire, and caus'd him to be crown'd in *Aix la Chapelle*, in the Month of *September* of the following Year 813. At last the Invincible *Charles* likewise died, in the 70th Year of his Age, and the 47th of his Reign, a Prince who fill'd the World with his Fame, and who deservedly acquir'd the Surname of *Great*; he died in *Aix la Chapelle*, in the Year 814, the 28th Day of *January*, leaving for Successor in the Empire, and Kingdoms of *France*, *Aquitaine*, and *Germany*, *Lewis* his Son, surnam'd the Pious or Good, and *Bernard* his Grandchild King of *Italy*.



C H A P. VI.

Of Grimoaldus II. Sico, and Sicardus, Princes of Beneventum, and the Peace which they made with the French, and of their Wars with the Neapolitans.



IN the mean time, by the Death of *Grimoaldus*, which fell out in the Year 806, without leaving Male-Issue (*Gottifredus* having died before him) another *Grimoaldus* was advanc'd to the Principality of *Beneventum*, who had been his Treasurer; therefore *Sigonius* made a palpable Error in reckoning these two but one *Grimoaldus*. This was a Prince of a very different Genius from that of his Predecessor, of a courteous Behaviour, and much inclin'd to Peace, who in order to free his State from the continual Incurfions of the *French*, resolv'd to agree upon a settled Peace with them; and *Pepin* being dead, for that end he sent Ambassadors to the Emperor, who had not as yet declared *Bernard* his Grandchild King of *Italy*. *Charles*, who was at this Time employ'd against the Rebels in *Britany* and the *Sclavonians*, hearken'd to it, and contenting himself with the Tribute offer'd by *Grimoaldus*, concluded a Peace with him¹. From this Time forth the Principality of *Beneventum* continu'd Tributary to the Emperors of the West as Kings of *Italy*, and the *Beneventans* were for a long time in Peace with the *French*.

ON the other hand *Grimoaldus* gave Peace to the *Neapolitans*; these two People the *Beneventans* and *Neapolitans* were almost always disputing together, and being Rivals and Neighbours, never wanted Pretexts for War. This Prince made Peace betwixt them; but his Destiny had ordain'd, that it should not be of long Duration, by an Occasion which we shall relate. At this Time the Dukedom of *Naples* was govern'd under the Emperor *Leo*, surnam'd the *Armenian*, by *Theodore* Duke and Master of the Soldiers, who having made Peace with *Grimoaldus*, manag'd the Dukedom with the utmost Ease and Tranquillity; but a noble *Beneventan* call'd *Dauserius*, and on account of a Defect in his Speech, surnam'd the *Stammerer*, of a turbulent Nature, and an ambitious Temper, disturb'd this settled Tranquillity, and basely conspir'd against *Grimoaldus*, who had a great Esteem for him, and resolv'd to throw that Prince into the Sea², as he cross'd a Bridge near to *Salernum*; but the Conspiracy being discover'd, and he having pass'd the Bridge safely, the Conspirators were immediately imprison'd: *Dauserius*, who was not present, hearing of it, forthwith fled to *Naples*, where he was made welcome by the *Neapolitans*, and

¹ Hist. Erchemp. num. 7.

² Ibidem, num 8.

Duke *Theodore* took him under his Protection. At which Prince *Grimoaldus* was very much offended, whereupon in order to revenge himself of the Injury, he quickly assembled, the best way he could, both his Land and Sea-Forces, and march'd towards *Naples*; and being come near the Walls, he saw a Multitude of People in Arms ready to repulse him. Then *Grimoaldus*, inflam'd with Indignation and Revenge, resolv'd to fight them. The Battle was cruel both by Sea and Land, and the Slaughter of the *Neapolitans* so great, that for upwards of seven Days, the Water on the Sea-shore was stain'd with the Blood of the Dead; *Erchempertus* relates ¹, that in his Time, the Graves where the Heaps of the dead Bodies of the kill'd had been laid, were to be seen, Five thousand having been kill'd on the Spot in this Battle; only Duke *Theodore*, and the infamous *Dauserius* made their Escape by flight; and being pursu'd, they at last got within the Walls of the City; but they were not quite out of Danger there, for tho' they were full of Rage, and had their Arms in their Hands, the *Neapolitan* Women, whose Husbands had been kill'd in the Battle, fell upon them, calling them infamous Traytors, and bidding them restore their Husbands, who by their means had been kill'd in the unjust War against the *Beneventans*.

IN the mean time *Grimoaldus* pursu'd the Runaways till he came to the *Capuan* Port, and finding it shut, struck it with his Rapier, there being none there to resist him. The *Neapolitans* having lock'd all the Ports, shut themselves up in the City, designing to defend themselves the best way they could. In the mean time the Duke having quieted the Tumults, and silenc'd the Clamours of the Women, began to sollicite for Peace; and so great was his Cunning and Influence, that he prevail'd with *Grimoaldus*, a mild and merciful Prince, to consent and be satisfisd with 8000 Crowns of Gold, as a Ransom, and that *Dauserius* should be deliver'd to him; and so great was his Clemency, that he not only pardon'd all his Treason and Villainy, but likewise receiv'd him into his former Favour.

BUT this was not the last Misfortune that this Prince's Fate had carv'd out for him; for altho' he had escap'd this Conspiracy, yet a few Years after another irreparable one was hatch'd, in which the Conspirators at last prevail'd in murdering him. The Heads of this Conspiracy were *Radechis* Count of *Consa*, and *Sico Castaldus* of *Acerenza*. *Sico* was a Man of great Authority in *Spoletto*, and for having oppos'd the Designs of *Pepin*, was in Disgrace with him; so that being afraid of him, he retir'd to *Beneventum*, as a safe Sanctuary, where he was kindly receiv'd by Prince *Arechis*, who made him *Castaldus* of *Acerenza*, and entertain'd him with so much Affection and Favour, that he put him in hopes of being made his Successor ²: *Grimoaldus* his Son likewise lov'd him; but afterwards he seeing this *Grimoaldus* II. preferr'd to himself, he bore it very impatiently, because he aspir'd to the Principality; and having join'd with *Radechis*, they surpriz'd this unhappy Prince, whom they kill'd in the Year 817, and *Radechis* managing the whole, *Sico*, tho' a Stranger, was by the *Beneventans* advanc'd to the Principality of *Beneventum*. *Radechis* afterwards repenting of so great a Villainy, became a Monk in *Monte Cassino* ³.

¹ Erchemp. num. 8.

² Tumul. Sicon. apud Pellegrin.

| ³ Erchemp. num. 9.

S E C T. I.

Of SICO IV. Prince of Beneventum.

SICO the IVth Prince of *Beneventum*, in order to govern with the more Security, and extend his Principality by incroaching on the *Neapolitans*, in the first Year of his Reign renew'd the Peace formerly made by *Grimoaldus* with the *French*; and in this Year 818. he confirm'd it with *Lewis the Good*, who, by the Death of *Bernard*, had likewise succeeded in the Kingdom of *Italy*, and promis'd to pay

pay him Tribute. Afterwards, out of his turbulent and ambitious Temper, he made a sharp and cruel War with the *Neapolitans*; in the mean time he assum'd *Sicardo* his Son for Collegue, who married the Daughter of *Dausferius* ¹.

'TIS said the Pretence for this War was, becaule the *Neapolitans* had drove away their Duke *Theodore*, his intimate and dear Friend, and had elected *Stephen* in his Room. He invested *Naples* both by Sea and Land with a close Siege, and having beat down a part of the Walls towards the Sea, was already preparing to enter at that Breach in Triumph; and he certainly would have succeeded at this Time in subjecting *Naples* to his Principality, which none of his Predecessors ever could accomplish, if the Craftiness and Deceit of Duke *Stephen* and the *Neapolitans* had not prevented him; for the Duke having desir'd Peace of him, by offering to deliver up the City, which had already yielded to the Conqueror, begg'd him to delay his Entry till the next Morning, when he would be in a Condition to make a more glorious and triumphant Entry ²; and that *Sico* might give Credit to what he said, he sent him as Hostages, dear enough Pledges, his own Mother, and his two Sons. *Sico* believ'd him, and the next Morning, whilst he was preparing to enter the City in Pomp and Triumph; the *Neapolitans* having in all haste in the Night-time repair'd the Wall, appear'd very early ready to defend it. *Sico* and *Sicardus* his Son mightily inrag'd, batter'd the City more furiously and obstinately, in order to oblige it to surrender; but the *Neapolitans* equally obstinate, repuls'd the Attacks with the same Boldness and Fury, so that for a long time after, this War continu'd much more bloody and cruel. The *Neapolitans*, forc'd by cruel Necessity, and seeing themselves in the utmost Danger, at last thought of having recourse to foreign Assistance; that of the Emperor of the East was at a great Distance, who being engag'd in other Undertakings, thought of nothing less than of assisting the *Neapolitans*: Therefore having resolv'd to have recourse to the *French*, they applied themselves to the Emperor *Lewis*, who sent them Assistance, and tho' but small, yet it was such, that for some time they were able to defend themselves, and render all the Attempts of *Sico* fruitless. But the Assistance of foreign Princes being so precarious, and apt to be withdrawn on any emergent Occasion of their own; and besides, perceiving that the Boldness and Obstinacy of *Sico* was not in the least abated; the *Neapolitans*, not able to hold out the Siege any longer, by the Means of their Bishop *Orso*, endeavour'd to obtain Peace from *Sico* on the best Terms they possibly could. This Prelate took so effectual Methods, and us'd such Intreaties, that he brought *Sico* at last to grant it on these Conditions; That from thenceforth the *Neapolitans* should pay a yearly Tribute to the Princes of *Beneventum*, which they call'd *Collatam*; and that the Body of *S. Januarius* the Bishop, who had been a *Beneventan*, that was kept in the great Church of this Saint, without the Walls, and which *Sico* had already taken, should be carried to *Beneventum*. The Conditions were agreed to, and Hostages given; the Duke and the *Neapolitans* with a solemn Oath promising to pay the yearly Tribute agreed on betwixt them. Thus did the Dukedom of *Naples* become Tributary to the Principality of *Beneventum*, as it continu'd to be for many Years after under the succeeding Princes. *Sico* return'd to *Beneventum*, whither with great Rejoycing he carried the Body of *S. Januarius*, which was worshipp'd there for a long time ³. Others add, that Duke *Stephen* was chas'd from *Naples*, and by the Means of *Sico* was kill'd by the *Neapolitans* themselves, who in his Room created *Bonus* their Duke.

¹ Pellegr. in Stemm. Princ. Salern.

² Erchemp. num. 10.

³ Erch. apud Chioc. de Episc. Neap. A. 818.
Princeps Sico S. Januarii Martyris Corpus, de

Basilica, ubi per longa temporum Spatia requievit, elevans, & cum magno tripudio Beneventum regreditur.

S E C T. II.

The first Invasion of the Saracens into these our Provinces.

ABOUT the same Time (as *Erchempertus* a Contemporary Writer relates) the Incursions of the *Saracens* into these our Provinces began, who coming from *Africa*, like Swarms of Bees infested *Sicily*, and after having taken *Palermo*, and laid waste the Cities and strong Holds of that Island, they cross'd the Sea, and landing first in *Taranto*, they attack'd these Countries, and occasion'd the so many Revolutions and Confusions, first among the *Greeks*, and then among the *Beneventan Longobards*, which miserably afflicted these our Provinces.

'TIS certain the *Saracens* are come of those *Arabs*, who were the Off-spring of *Ishmael* the Son of the Servant-Maid *Hagar*, for which they were call'd *Ishmaelites*, or *Hagarens*; therefore in order to conceal this their Origin, with which they were reproach'd, they took a more honourable Name, and call'd themselves *Saracens*, as if *Ishmael* their Forefather had been come of *Sarah* the Wife of *Abraham*; so says a Greek Author¹; tho' the Learned in the *Arabian*² Language and History, reckon that the *Arabians* took this Name from one of the most noble Parts of their Country nam'd *Sarac*. Others have said, that the *Arabs* took the Name of *Saracens* from their Pastoral and Vagrant manner of Life, which they led in the Fields among the dismal Sands of *Beriara*, and as their Pasture fail'd, chang'd their Habitations.

BEFORE *Mahomet* they were divided into many small Kingdoms, and likewise profess'd different Religions; some of them had embrac'd *Judaism*, others were *Samaritans*, there were also some Christians among them, and the greatest Part were Pagans. But after this Impostor, in the Year 623, had publish'd his Law, and with force of Arms establish'd it, they all receiv'd it at last, and subjected themselves to his Empire, acknowledging him not only for their Lord and Master, but likewise their Prophet.

AFTER the Death of this famous Impostor, which fell out in the Year 632, the *Arabian* Princes his Successors, invaded the Provinces of the Empire, and in a few Years made themselves Masters of *Palestine*, *Judea*, *Syria*, *Phenicia*, and *Egypt*. Afterwards they subdu'd *Mesopotamia*, *Babylonia*, and *Persia*; whereupon being become more powerful and formidable, they added *Armenia* to their Dominion, from whence they spread themselves over *Asia Minor*; and having likewise made themselves powerful at Sea, they conquer'd the Islands of *Cyprus* and *Rhodes*: On the other hand towards the South, having gone from *Egypt* into *Africa*, they drove the *Greeks* out of it, and at last took *Carthage*. From whence in a very short time, having made themselves Masters of the whole Country, and being reinforc'd with an innumerable Multitude of *African Moors*, who embrac'd *Mahometism*, they laid hold of the Opportunity which presented itself of invading *Spain*.

HAVING likewise gone from *Africa* to *Sicily*, in the Year 820, they wasted that Island, burnt, pillag'd, and carried off the Christians into Slavery. They spread the Laws of the *Alcoran* over all the conquer'd Provinces: From *Abubeker*, *Ali Mortoza*, *Omar*, and *Odonan*, who were the immediate Successors of *Mahomet*, and the Explainers of his *Alcoran*, sprung the four Sects; the first was embrac'd by the *Arabs* and *Moors*; the second by the *Persians*; the third by the *Turks*; and the fourth by the *Tartars*.

FROM *Sicily* they landed at *Taranto*, from whence they drove the *Greeks*, and fill'd that Province with Terror and Confusion; but the Calamities were greater, when, by the intestine Broils of our Princes, they were made their Auxiliaries, which spread Ruin and Desolation over all, as we shall relate hereafter.

IN the mean time the Emperor *Lewis* in a general Meeting held in *Aix la Chapelle*, in the Year 817, having associated *Lothaire* his eldest Son in the Empire, and also declar'd him King of *Italy*, to his other two Sons, *Pepin* and *Lewis*, he gave

¹ Sozom. lib. 6. c. 38.

² Abrah. Echel. hist. Arab. cap. 3, & 5.

Aquitaine and *Bavaria*. He afterwards confirm'd that Partition in another Meeting held in *Nimeghen* in the Year 821; but this Partition having occasion'd great Discord in the Royal Family, the Empire became so weaken'd, that at last having departed from the *French*, it was confin'd to a part of *Germany*, under Princes of other Nations. Besides, *Lewis* after having divided his Dominions among his said three Sons, born to him by *Hermengarda*, he married *Judith* his second Wife, and had by her another Son nam'd *Charles*, to whom by her Persuasion he assign'd *Germany*, *Rhetia*, and *Burgundy*; which so diminish'd the Shares of the rest, that it bred ill Blood, which was the Ground of the cruel Wars they made against their own Father and their Mother-in-Law, which turn'd not only *France*, but likewise *Germany* topsy-turvy. Afterwards the Death of *Pepin* King of *Aquitaine*, which happen'd in the Year 838, put the Empire again in Confusion, which had been for some time in Peace and Quiet; he having left two Sons *Pepin* and *Charles*, the Empress *Judith* had resolv'd to deprive them of the Kingdom of *Aquitaine*, and divide it betwixt her Sons *Charles* and *Lothaire*, without giving any Part of it to *Lewis* of *Bavaria*. But *Lewis* putting himself at the Head of his Army, endeavour'd to frustrate her Designs; and on the other hand the *Aquitani*ans proclaim'd one of the Sons of *Pepin* their King; and on the contrary the Emperor *Lewis* came and made them acknowledge *Charles* for their King, in an Assembly held in *Clermont*; afterwards having left his Wife and Son *Charles* in *Poitiers*, he went to *Aix la Chapelle*, from whence he enter'd *Thuringia*, and oblig'd *Lewis* to retire to *Bavaria*. He afterwards call'd a Meeting in *Wormes*, where he fell sick, and having caus'd himself to be transported to an Island over-against *Ingolheim*, near to *Mentz*, he died there the 20th of *June* in the Year 840, and before he died he sent to *Lothaire* the Sword and Scepter, the Ensigns of the Imperial Dignity, which he renounc'd in his Favour.

WE have as yet remaining some of the *Capitularia* of the Emperor *Lewis the Pious*, as King of *Italy*, which he added to those of *Charles the Great* his Father, and the Edicts of the other *Longobard* Kings of *Italy* his Predecessors; and we find them in the foremention'd Code of the Monastery of the Cave, with those of *Lothaire* his Son and Successor in the Empire, and Kingdom of *Italy*, which were establish'd in the Pontificate of Pope *Eugene II*. *Stephen Balutius* collected many other *Capitularia* of *Lewis the Pious*, which as Emperor he made in *Aix la Chapelle*; neither did he forget those, which he establish'd as King of *Italy*, and which are reckon'd among the *Longobard Laws*¹.

IN the mean time, tho' our *Beneventan* Princes, had made this Peace with the *Neapolitans*, it was not long before they broke it anew, by committing Acts of Hostility. *Sico*, under pretence that the *Neapolitans* were backward in paying the Tribute, renew'd the War, which continu'd all his Days. *Sico* died in the Year 832, after having reign'd fifteen Years in *Beneventum*; and the *Beneventans* erected him a magnificent Tomb, which they plac'd before the Door of the Cathedral Church of *Beneventum*, on which in many Verses they extol his glorious Deeds, which we read likewise in *Pellegrinus* amongst the Monuments of the other *Beneventan* Princes².

¹ Balut. tom. 1. pag. 561, & 639.

² Pellegr. Tumul. Princ. Longob. p. 239.

S E C T. III.

Of SICARDUS Vth Prince of Beneventum.

SICARDUS his Son, who during his Father's Life-time was Partner in the Government, succeeded in the Principality: Now that he reign'd alone, he had a mind to exceed his Father far in Cruelty. He prosecuted the War against the *Neapolitans* under pretence that they did not pay the Tribute, who however made such Resistance under *Bonus* their Duke, who had succeeded to *Stephen*, that the *Beneventans* having fortified themselves in *Acerra* and *Atella*, they raz'd these Forts, and put the Garrisons to flight. During the short Reign of *Bonus*, which lasted only one

one Year and a half, under the Empire of *Theophilus*, who by the Death of *Michael the Stammerer*, his Father, govern'd at this Time in the East, the Affairs of the *Greeks* in these our Provinces and in *Lombardy*, on this Side of the *Tyber*, went on very prosperously¹; but this Duke dying in the Year 834, the *Neapolitans* were under as great Distress as ever, therefore they lamented so great a Loss, and for a Monument of their Grief they erected him a magnificent Tomb, on which in Acrostick Verses they mightily extoll'd his Virtues, and his exceeding Valour, in having repuls'd the *Beneventans*, tho' formidable, and much superior in Forces to the *Neapolitans*, and in having driven them out of *Atella* and *Acerra*, Places which they had so well garrison'd and fortified. This Tomb is yet to be seen in *Naples* in the Church of *S. Mary*, on the Market-Place of the Ward of *Forcella*, and which is also recorded by *Chioccarelli*², and by *Pellegrinus* in the History of the *Longobard* Princes. After the Death of *Bonus*, *Leo* his Son was created Duke, who govern'd the Dukedom of *Naples* only six Months, being driven out by *Andrew* his Father-in-Law.

BUT as the *Neapolitans* enjoy'd only for a short while the so many Virtues of *Bonus*, so on the contrary, the *Beneventans* for a long time were expos'd to the Cruelty and barbarous Behaviour of *Sicardus*, who blindly giving himself up to be guided by his Kinsman *Roffridus*, the Son of the infamous *Dausferius*, who exceeded his Father in Wickedness, by his bad Advice he carried himself so cruelly towards the *Beneventans*, that he put them in the utmost Despair. *Roffridus* by his deceitful Arts, and cunning Ways, had gain'd the Heart of *Sicardus*, who was so much at his Devotion, that he did nothing without his Advice. *Roffridus* was the Author of all the Mischief that Prince was guilty of; first by his deceitful Address, he induc'd him, without any Ground, to send *Siconolphus*, *Sicardus's* own Brother, into perpetual Banishment; he caus'd almost all the noble *Beneventans* to be imprison'd, and many of them to be condemn'd to Death; with this wicked Intent, that *Sicardus* being depriv'd both of his Kinsmen and Barons, and intirely at his Beck, he might the more easily one Day put him to Death, and possess the Principality. For the same wicked Ends, he oblig'd *Sicardus* to cause *Majo* his Kinsman to be shav'd, and shut up in a Monastery; he caus'd *Alphanus*, the most faithful, gallant, and illustrious Man of that Age to be strangled; so that the *Beneventans* not being able longer to bear such Indignities, and cruel Tyranny, at last resolv'd to kill their own Prince.

IN the mean time *Sicardus* vigorously carried on the War against the *Neapolitans*, who at last, not being able to defend themselves against the Forces of so powerful and cruel an Enemy, resolv'd by the Mediation of *John* their Bishop, and the Authority of *Lothaire I.* Emperor and King of *Italy*, to whom they had had recourse, to renew the Peace with the *Beneventans*. The Pains and Diligence of the Bishop were so effectual, that tho' he could not obtain a perpetual Peace of *Sicardus*, yet he got it for five Years. Neither would he have so far comply'd, if *Andrew*, who then govern'd the *Neapolitan* Dukedom, had not call'd the *Saracens* to his Assistance, the Fear of whom made him condescend to conclude it³; as was plain by the Event, because no sooner had *Andrew* sent back the *Saracens*, than *Sicardus* sought to put off the Conclusion of it; but the *Neapolitans* having recourse to *Lothaire*, he sent them *Contardus*, who wrought so, that the Peace was effectually settled (after sixteen Years continual and cruel War) in the Year 836, and the Conditions were punctually agreed to with *John* the Bishop, and Duke *Andrew*.

THE Instrument of which Peace, or the *Capitularia* of *Sicardus*, we owe to the Care of *Camillus Pellegrinus*⁴, in which we meet with many remarkable Things concerning the Customs and Laws of those People. 'Tis also clear from this Instrument, how far the Bounds of the *Neapolitan* Dukedom were extended in those Days, and what were the adjacent Places subject to it. 'Tis evident, that besides *Sorrento*, and some other neighbouring Castles, it likewise comprehended *Amalphis*; that the Conditions and Stipulations were regulated according to the *Longobard* Laws, which in those Times had the Ascendant. It was also expressly agreed, that the *Neapoli-*

¹ Cedren. p. 429. Camil. Pel. in Tumul. Boni. hist. Princ. Long. p. 326.

² Chioccar. de Epif. Neap. A. 818.

³ Jo. Diac. in Chron. Episc. Neap. in Joan. Ep. 43.

⁴ Pell. hist. Princ. Longob. de Capitulari Pr. Sicardi pag. 73.

tans, according to the Tenor of the former Peace made with *Sico* the Father of *Sicardus*, should continue to pay to the Princes of *Beneventum* the wonted yearly Tribute, otherwise they should be liable to be distrain'd. That during those five Years of Peace, there should be a perfect Friendship betwixt both Nations, and that neither of them should disturb the other's Business or Traffick, either by Sea, Rivers, or Land; that Fugitives and their Goods should be punctually deliver'd up on both Sides; and therein we read many other Capitulations, which 'tis needless to relate here.

THIS Peace being concluded, 'tis said, that the *Saracens* having landed from *Sicily* at *Brindisi*, possess'd themselves of that City, and ravag'd all the Neighbourhood: but *Sicardus* hasten'd to repel that Irruption; and tho' at the first Onset he was repuls'd, yet having put his Army in better Order, he went anew to attack them; whereupon the *Saracens*, seeing they could not resist him, after having pillag'd and burnt *Brindisi*, and made many of the Citizens Slaves, return'd with their Booty to *Sicily*.

'TIS likewise said, that about the same Time, great Dissention having arisen amongst the People of *Amalphis*, many Families of that City went to dwell in *Salerno*, where they were kindly receiv'd by *Sicardus*; who taking Advantage of the Juncture, and seeing that City void of Inhabitants, order'd the same Troops which he had conven'd against the *Saracens* to besiege *Amalphis*, and breaking the Peace made with the *Neapolitans*, went and ravag'd the Borders of that Dukedom; at which Duke *Andrew* was cruelly offended, and seeing that with his own Forces he could not withstand the Boldness of the Enemy, he again sent Ambassadors to the Emperor *Lothaire*, begging his Assistance (he likewise had recourse to the Emperors of the West; those of the East, by reason of the Revolutions of the Court of *Constantinople*, could give him no Relief, and besides it was slow and at a great Distance) whom *Lothaire* receiv'd very graciously, and sent back *Contardus* to *Naples*; but on his Arrival there, he found that all the Danger was over, by the Death of *Sicardus*, which fell out very seasonably¹, who a little before had been kill'd by the *Beneventans* themselves, because of his Cruelty, Tyranny, and extreme Covetousness, to which Crimes he was exceedingly addicted. The Love of Money had made him imprison *Deusdedit* the famous Abbot of *Monte Cassino*; he had robb'd many Churches and Monasteries of their Goods; he had taken by Force the Estates of many Noblemen, as also of People of lower Condition; and he had ravish'd a noble *Beneventan* Lady. To which was added the Pride of *Adelchisa* his Wife, and the Ignominy to which she expos'd many *Beneventan* Ladies, whom she caus'd to be expos'd naked publicly to be laugh'd at by the People, out of Revenge, because that one Day she herself had been seen naked by a *Beneventan*.

IN the mean time the *Beneventans* being reduc'd to the utmost Despair, resolv'd to kill him; and having laid their Plot well, the Tyrant was murder'd in a most cruel manner, in the Year 839, by those who had been most familiar with him, as a just Reward; as *Sico* his Father had caus'd *Grimoaldus* to be murder'd, so *Sicardus* his Son was justly punish'd for the Fault of the Father, and his own Cruelty and Wick- edness. He was not lamented by the *Beneventans*, and therefore we read of no Monument of his amongst those of the other *Beneventan* Princes. The Tyrant then being dead, *Radelchisus* was unanimously elected Prince of *Beneventum*, who had been Treasurer to *Sicardus*, a Prince of a noble Behaviour, and a Conversation adorn'd with all Virtues; in whose Reign the Affairs of our *Longobards* began to decline; not only by reason of the Incurfions of foreign Nations, but much more by the intestine Dissentions of the *Longobard* Princes themselves, which occasion'd the Division of that Principality into three *Dynasties*, and was the Origin of the Fall of the *Longobards* in these our Provinces, as, after having related the Ecclesiastical Polity of these Times, we shall see in the following Book of this History.

¹ Camil. Pel. loc. cit.



C H A P. VIII.

The Ecclesiastical Polity of the Churches and Monasteries of the Principality of Beneventum.

THE *Greek Church* being divided from the *Latin*, and the Occasions of an irreconcilable Separation increasing more and more, and many Cities of these our Provinces remaining under the *Greek Empire*, the Polity of our Churches was not at all uniform, but very different and disagreeing; the Polity of the Church adapting itself to that of the Empire. The Kingdom of *Italy* having pass'd from the *Longobards* to the *French*, under *Charles the Great*, who was likewise elected Emperor of the West, was govern'd by this Prince, not so much by Virtue of this specious Title, as by his being King thereof; for he lov'd no less to be call'd King of *Italy*, or of the *Longobards*, than of *France* and Emperor. Whence it was, tho' our *Beneventan* Princes oppos'd the Sovereignty that he, as King of *Italy*, and who had succeeded in the Room of the *Longobard* Kings, pretended to over the Principality of *Beneventum*; yet the Title of Emperor making him more august and formidable; and the Opportunities which presented themselves, both to him, and the Emperors *Lewis* and *Lothaire* his Successors, rendering our *Beneventan Longobard* Princes Tributaries to the Emperors of the West; it came to pass, that the Polity of all the Churches that were within the Bounds of so vast and ample a Principality, was adapted to that of the Empire of the West, and to the Order which *Charles the Great*, and the Emperors his Successors settled in the Western Churches, of which, and also of those that were in the Principality of *Beneventum*, they took the Care and Protection. Consequently the Churches of this Principality were subject to the *Latin Church*, and were rul'd and govern'd as formerly by the Patriarch of the West; the Power and Ambition of the Patriarch of the East not being able to prevail in them.

CHARLES the Great then being elected Emperor of the West, and by signal Services deserving so well of the Church of *Rome*, *Adrian* and *Leo III.* Roman Pontiffs, loaded him with greater Honours than ever had been heard of. There was a mutual Emulation of Generosity and Courtesy betwixt them. *Charles* squander'd away Provinces, Cities, Jurisdictions, and other Temporal Riches on the Popes; they on the other hand repay'd him with their Spiritual Gifts. Thus the two Powers were so confounded and jumbled together, that their Boundaries, which were clear and distinct before, could never be well distinguish'd and ascertain'd thereafter; so that it has been the Opinion of wise Men¹, that *Charles the Great* went further Lengths than *Constantine the Great* in ruining the Political State of the Empire, and corrupting the ancient Discipline of the Church.

ALTHO' *Baronius*² and *Peter de Marca*³ reckon the Council of *Lateran* as fabulous, which *Sigebert*⁴ relates to have been conven'd in *Rome* by *Adrian*, after *Charles* had triumph'd over King *Desiderius*, and which *Gratian*⁵ upon the Faith of *Sigebert* believ'd to be a true one, wherein 'tis said that *Charles the Great* had the

¹ Rich. Apolog. J. Gerson. par. 3. axiom. 36.² Baron. ad annum. 774.³ Marca de Conc. lib. 8. c. 12. V. Maimb.

de Casu Imperii lib. 1. ad. A. 964.

⁴ Sigebert. in Chron. ad A. 773.⁵ Grat. in Decr. dist. 63. C. Hadrianus 22.

Power of electing the Pope, and disposing of the Apostolical See conferr'd upon him ; nevetheless if such a Power was not expressely granted to *Charles* by *Adrian* in that Synod, as *Leo VIII.* did afterwards to *Otho I.* yet he had really that Power, that no Pope could be consecrated without his Consent and Permission ; whether this was introduc'd by Custom, as *Florus Magister*¹ says, who liv'd in the Time of *Lewis the Pious* ; or whether it was by the Concession of Pope *Zachary*, as *Lupus of Ferrara*² believ'd ; or whether it was because he would not be thought inferior to the Emperors of the East, who had the Power of confirming the Pope elected, nor could he be consecrated until the Emperor had approv'd of him ; 'tis certain that *Charles* dispos'd of the Apostolical See as he thought fit, with the good Will of the Popes themselves, who approv'd of it, both to shew their Gratitude to *Charles* for the so many signal good Offices they had receiv'd from him, and to cut off altogether all hopes from the Emperors of the East of ever regaining that Prerogative over the Church of *Rome*, which with the Exarchate and *Rome* they had lost.

THEREFORE *Charles* settled the Election of the Pope in the same manner exactly as it had been, when the Emperors of the East govern'd *Rome*, to wit, that the Pope should be elected by the Clergy and People, and the Decree of Election sent to the Emperor, and if he approv'd of him, the Elected should be consecrated. After *Charles's* Death, his Successors *Lewis the Pious* and *Lothaire* kept Possession of the same Prerogative. 'Tis true, sometimes the Popes elected by the Clergy and People were consecrated, without waiting for the Emperor's Decree, as was the Case of *Paschal* ; but he sent to excuse himself to *Lewis* the Son of *Charles*, that it was not done with his Consent, but that the People forc'd it upon him, because they would have it so. *Lewis* by his *Capitularia* restor'd the Freedom of Elections, not only of the Popes, but also of all Bishops ; but for all that he did not derogate from the Assent and Approbation of the Prince, as the Archbishop of *Paris*³ very well proves ; for this excellent Writer, from the Testimony of *Florus Magister*, a cotemporary Author, demonstrates, that the Assent of *Lewis* was always requir'd, neither did he allow of the Consecration without his Permission ; he likewise relates, that after the Year 820, *Gregory IV.* having been elected, was not ordain'd until the Election had first been examin'd by the Emperor's Ambassador ; so far is it from being true, that some who have been misled by the Apocryphal C. *Ego Lodovicus*⁴, have said, that *Lewis* renounc'd this Power of confirming the Pope elected ; that it is certain, that not only *Lewis*, but likewise *Lothaire* his Son, and *Lewis II.* his Grandchild, confirm'd all the Popes elected in their Time⁵ ; and it was not before the Posterity of *Charles the Great* was extinct in *Italy*, in the Year 884, that *Adrian III.* made a Decree, that the Pope should be consecrated without the Emperor's Consent.

CHARLES likewise regulated the Churches of the West by his *Capitularia*, calling Synods by his own Authority, wherein he not only order'd the Prelates of the Church to be present, but also the Secular Lords, establishing Rules not only concerning the Temporality, but the very Discipline of the Churches, making sundry Ecclesiastical Laws for the Distribution of the Revenues and Possessions of the Churches and the Tythes, reviving many of the ancient Canons that had been diffus'd.

BUT *Charles* was no sooner elected Emperor, than he assum'd much greater Authority in the Elections and Ordinations of Bishops, and he did all by the Permission of the Popes themselves. Altho' he restor'd the Liberty to the People and Clergy of electing the Bishops, yet he prescrib'd many Laws concerning Elections ; that they should elect one of their own Church or Diocess ; that the Monks should elect their Abbot from their own Monastery, and with the Authority of the Apostolical See, and the Consent of the Bishops ; the Emperor after the elected Bishop or Abbot was presented to him, and approv'd by him, was to invest them, by delivering to them the Crozier and Ring⁶, then they were to be consecrated by the neighbouring Bishops ; whence arose the Right of *Investiture*, on account of which so many Quarrels and Contentions ensu'd in the following Centuries betwixt the Popes and the Emperors.

¹ Flor. Magistr. Tra&t. de elect. Epif.

² Lup. Ferrar. apud P. de Marca loc. cit. n. 9.

³ P. de Marca, lib. 8. cap. 14.

⁴ Ibidem.

⁵ Decret. Grat. dist. 63. c. 30.

⁶ Richer. Apolog. Jo. Gerson. loc. cit. pag. 191.

HIS Intention was, by thus bringing the Bishops and Abbots under his Allegiance, to fix his Empire the better, and to keep his Subjects with stronger Ties under his Obedience. Therefore, besides having so much advanc'd the Church of *Rome*, and made her Mistress of so many Cities and Lands, he likewise enrich'd the other Churches and Monasteries with Baronies, Counties, and very ample and rich Fiefs, by making the Bishops and Abbots Temporal Lords of the Places where they had their Benefices, by uniting the Temporal to the Spiritual Dignity, as accessory to, and depending on it; and investing them in the Temporality with the Ring and Crosier, wherefore he took their Oaths, and oblig'd them to many Performances and Taxes, as also military Services, like any other Feudatory; which by *William of Malmsbury*¹ was reckon'd a Piece of fine Policy, who said, that *Charles omnes pene terras ecclesiis conferebat, consiliosissime perpendens, nolle sacri ordinis homines tam facile quam laicos fidelitatem dominii sui rejicere. Præterea, si laici rebelarent, illos posse excommunicationis auctoritate, & potentia severitate compescere.*

CHARLES likewise enlarg'd the Power of Cognizance in the Bishops, and much more in the Bishop of *Rome*; he gave them *Territorium*, and the *Jus Carceris*²; which before *Charles's* Time the Popes never had had in *Rome* itself; and other Princes in imitation of him granted the same to the Bishops of their Cities. Moreover *Charles* in his *Capitularia* ordain'd, that none of the Clergy, Monks or Nuns could be accus'd before the Secular Magistrates, but only before the Bishop; and in Civil Matters they could require to have all Causes remitted to the Bishop³. This Privilege was afterwards generally confirm'd in all Causes both Civil and Criminal by the Emperor *Frederick I.* and his Ordinance was inserted in the *Justinian Code*⁴, so that it pass'd for a common Law; whence came the Distinction afterwards between the Clergy and Laicks; the Laicks were under the Secular Jurisdiction, and the Clergy under the Ecclesiastical. And if they had kept within these Bounds the Thing might have been bore with; but in process of Time, besides the prodigious Increase of the Ecclesiastical Jurisdiction, for Reasons which shall be taken Notice of in the Progress of this History; the Popes and Bishops, to whom Princes had granted Fiefs and Jurisdiction, wrested the Investiture out of their Hands, disclaim'd their Assent to their Elections, and retain'd both the Fiefs and Jurisdictions; boasting besides, that it was not by the Concession of Princes that they exercis'd Jurisdiction over Ecclesiastical Persons, but by Divine Right.

AFTER *Charles's* Death the same Favours were continu'd by his Successors descended of him, to the Ecclesiastical State; and *Lothaire I.* granted them Jurisdiction over their Patrimonies, allowing them at the Desire of the Abbots, and others who had the Charge of Churches, a particular Judge in these Places, whom they call'd *Defender*, who had the Cognizance of Causes, and forbidding the Publick Magistrate to intermeddle in them⁵.

TO this blending of the Secular and Spiritual Powers were owing the monstrous Disorders which appear'd in this and the following Century; the Bishops and chief Prelates frequented the Courts of Princes, and were of their Council; and as Feudatories commanded Armies; meddled in the Government and Consultations of State; neither was it reckon'd unbecoming in those Times, to see the same Person both Bishop and Duke of *Naples*; and likewise the same Person both Bishop and Count of *Capua*; which made them look on the Exercise of their Sacred and Spiritual Office as beneath their Dignity.

WHENCE the Monasteries and Churches in the Provinces of the Principality of *Beneventum* tributary to the Emperor of the West, following the same Example, began to acquire Fiefs and Baronies; for before *Charles's* Time the *Longobard* Kings gave Fiefs⁶ neither to Monks nor Clergy, thinking that it did not suit with their Office, but the Popes found no Inconsistency in it, neither did they refuse *Charles's* Bounty, nor that of other Princes, who after his Example enrich'd the Churches and Monasteries; and *Arnaldo da Brescia* having had the Boldness to maintain, that Fiefs could not be given to Churches, was condemn'd in the *Lateran Council* as a Heretick⁷.

¹ Guliel. Malm. lib. 5. de gestis Reg. Angliæ.

² Richer. loc. cit.

³ Loyseau des Off. des Sign. chap. 15.

⁴ Auth. Statuimus, C. de Episc. & Cler.

⁵ Diploma Loth. apud Schilterium Comment.

ad jus Feud. Aleman. cap. 1. §. 7. V. Struvium hist. Jur. publ. cap. ult. §. 4.

⁶ Duaren. in Comment. ad consuet. Feud. lib. 1. cap. 6. num. 18.

⁷ Sigon. de Reg. Ital. lib. 11.

IT was not thought inconsistent, that the Temporal Power should be annex'd to, and made dependent on the Priesthood; and that the Churches and Monasteries invested in Fiefs with respect to Temporalities, should acknowledge the Prince as Sovereign Lord of what they were invested in; and as to Spirituals, and in all other Things, they should own the Pope as their Head and Moderator. Whence in process of Time it was seen, particularly in *Germany*¹, that many Bishops, Abbots, and Priors were Temporal Lords of the Cities, Villages, and Places where their Benefices were situated; in which they exercis'd in their own Names, and under their own Authority, all Civil and Criminal Jurisdiction as Temporal Lords. And because it appear'd something odd for themselves to exercise Criminal Jurisdiction, therefore they made their Officers do it, who by the Laws of our Kingdom, as was practis'd in *France*, ought to be Laicks. For which Cause these their Temporal Lordships were govern'd by the same Rules as those that were in the Hands of Seculars; and there is no Difference, but that the former being Ecclesiastical Possessions, are neither Vendible nor Hereditary, but always go along with the Offices; and in order to preserve the Sovereignty, and the Rights accruing thereby to the Prince, there being no room left for Devolution, they are tied down to the same Services and Payments with other Barons, and in place of Fines, the *Quindennia*², or Fifteenths are exacted. Whence likewise comes the Custom, that with us, according to the Practice of *France*, Appeals that are made from their Temporal Jurisdictions, are brought before the Secular, and not the Ecclesiastical Courts³; and ought to be judg'd according to our Constitutions, the Ordinances of the King, and the Custom of Places, and not according to the Canon Law⁴.

THE first among us, that by the Concession of our *Longobard* Princes, got Possession of Castles and Baronies, was the Monastery of *Monte Cassino*, whence its Abbot now justly boasts of being the first Baron of the Kingdom, and that in the general Parliaments, among all the Barons the first Place is due to him⁵. *Marinus Freccia*⁶, perhaps by giving credit to the Fables of *Petrus Diaconus*⁷, the Continuator of the Chronicle of *Leo Ostiensis*, wrote, that the Emperor *Justinian* had given many Cities and Lands in the Kingdom to this Monastery; tho' *Leo*, in his Chronicle seems to have had no other Design, but to make an Inventory of all the Donations and Concessions made to that Monastery by diverse Princes and Lords, and likewise by private Men, and mentions Things of small Moment, yet not one Word of that; besides *Petrus Diaconus* mentions special Grants not only of *Justinian*, but likewise of *Justin the Elder*, who reign'd in the East, when all *Italy* was under the Dominion of the *Goths*, and when *S. Benedict* was not as yet come into our *Campania*, nor had been at *Cassino*. *Gisulphus* Duke of *Benevento*, as we have said, was the first who enrich'd this Monastery with Castles and Baronies; whence in process of Time, by the Bounty of other Princes it got the Lordship of the City of *Cassino* itself, and possess'd also Fiefs in other Provinces, such as *Cetraro* in *Calabria*; *S. Pietro di Avellana*, in the County of *Molise*; *Serra de Monaci* in *Aprutium*; and many more in other Places, of which the Register of Abbot *Bernard*, and the Chronicle of *Leo* are good Vouchers. Therefore the Abbots of the Monastery of *Monte Cassino* took an Oath of Fidelity to the Emperors of the West, from whom they obtain'd the Confirmation, or *Præcepta*, call'd likewise *Mundeburda*, of the said Concessions, as they did to the Emperor *Lothaire II.*; and therefore that Monastery was esteem'd an Imperial Chamber⁸; and in the Division made betwixt *Radelchisus* and *Siconolphus*, was excepted, as being immediately under the Protection of the Emperor; and *Henry VI.* exempted the Abbot *Rofridus* from furnishing Soldiers, to which he was bound as a Feudatory; which King *William the Good* afterwards did not do, who for the Expedition to the Holy Land, got from that Monastery sixty Soldiers, and Two hundred Servants⁹.

IN process of Time, not only the Monasteries of the Order of *S. Benedict*, but also all the other Orders, became Lords of Castles and Baronies under our *Norman*

¹ V. Struvium hist. Jur. Feud. cap. 3.

² V. Biscard. in Jur. Respons. de Quinden.

³ Freccia de Subfeud. lib. 3. diff. 13. R. de Ponte dec. 2. n. 1.

⁴ V. Loyseau des sign. Eccl. chap. 15.

⁵ Abbas de Noce in Excurs. hist. in cap. 5. lib. 1. Leon. Ost.

⁶ Frecc. de Subfeud. lib. 1. tit. de Antiq. Regni Stat. num. 57. fol. 53.

⁷ Pet. Diacon. ad Chron. Cass. lib. 4. cap. 117, & 118.

⁸ P. Diacon. lib. 4. c. 118.

⁹ V. Ab. de Noce, loc. cit.

Princes. The *Greeks* being intirely driven out of these our Provinces, and the use of Fiefs common every where; the Monasteries under the Order of *S. Basil*, and other Orders, likewise got Fiefs. That of *S. Elias* of the Order of *S. Basil* got the Town of *Carbone* with respect to Civil Matters. The Abbots of *S. Mark* in *Lamis*, of *S. Demetrius*, and many others, the Orders of *S. John* of *Jerusalem*, of *S. Stephen*, and many others of different Orders, which may be seen in *Ughellus*, hold Baronies.

OUR Churches and Bishops were no less plentifully enrich'd than the Monasteries. The Archbishop of *Salerno* once possess'd the Towns of *Olibano* and *Mount Corvino*; the Archbishop of *Taranto* got the Town *Delle Grottaglie* as to Civil Matters; and the Archbishop of *Consa* likewise as to Civil Matters got the Towns of *S. Menajo* and *S. Andrea*; the Archbishop of *Bari* had once *Bitritto*, *Cassano*, *Casamassima*, *Modugno*, *Laterza*, and other Towns¹; the Archbishop of *Brundisi* got the Town of *S. Pancratio*; the Archbishop of *Reggio* retains to this Day the Castles of *Bova* and *Castellace*; and the Archbishop of *Otranto* got other Towns. The Bishop of *Lecce* had *S. Petro in Lama*, *Vernotico*, and other Fiefs; the Bishop of *Bojano* once possess'd the Town of *S. Polo*; the Bishop of *Tricarico* had the Town of *Montemuro*, and many other Churches, such as those of *Cassano*, *Teramo*, *S. Nicholas* of *Bari*, and others, possess many Fiefs and Castles; which, that we may shun making a longer Catalogue of them here, may be seen in *Ughellus's Italia Sacra*. For which Cause, tho' in our Kingdom the Ecclesiastical State makes not a distinct State, as in *France*, yet at the general Parliaments the Bishops and Abbots, as Barons and Lords, and not as Ecclesiasticks, send their Proxies.

SUCH was the Polity of the Churches and Monasteries of the Principality of *Benevento* in this ninth Century, which depended as formerly on the Patriarch of the West, and in every Thing were united to the *Latin* Church. The Monastick State was still advancing in Splendor and Greatness; many other Monasteries of the Order of *S. Benedict* were still building there by the Bounty of the *Beneventan* Princes, and of the Emperors of the West themselves. In the Year 872. the Monastery of *S. Clement* in the Island of *Pescara*, of the Order of *S. Benedict*, was built by the Emperor *Lewis*². In *Gargano* and *Siponto*, those of *Calena* and *Pulsano* were erected, of which at present there's scarcely any Vestige remaining.

BENEVENTUM was likewise adorn'd with a new Sanctuary; for the *Saracens* having made themselves Masters of *Sicily*, and in the Year 831. destroy'd the Island of *Lipari*, whither 'tis said that the Bones of the Apostle *Bartholomew* had been brought from the *Indies*, they likewise violated the holy Shrine, by scattering the blessed Bones upon the Ground, which by the Revelation of the Saint himself, were gathered by a certain Monk, and transported from *Lipari* to *Beneventum*³; Prince *Sicardus* receiv'd them with the utmost Esteem and Veneration, and for a long time they were ador'd there; and the *Beneventans* being perswaded that they were not afterwards carried to *Rome* by *Otho*, pay them still the same Honours and Adoration.

¹ Beatil. hist. di Bari.

² Ughel. tom. 6. pag. 298.

³ Leo Ost. lib. 1. cap. 24. Sigebert. ad A. 831.

S E C T. II.

The Ecclesiastical Polity of the Neapolitan Churches, and of the other Cities subject to the Greek Empire.

ALTHO' in the *Greek* Church there was not so great Deformity and Looseness of Manners, and so great Ignorance as in the *Latin*, both in Priests and Monks; neither did her Bishops nor Abbots possess Castles and Baronies, the *Greeks* having no Fiefs; nevertheless the Separation betwixt the two Churches grew so wide through the Ambition of the Patriarch of *Constantinople*, and some Doctrines and Opinions maintain'd in the *Greek* Church different from those which the *Latin*

Church taught, not to mention some Points of Discipline, and their different Rites and Ceremonies, that at last it became irreconcilable. The *Greeks* oppos'd the Primacy of the Bishop of *Rome*, to whom they had a mind to prefer the Bishop of *Constantinople*, or at least to put him upon the same Level. Therefore there arose various Debates concerning the Bounds of their Patriarchates; whereupon that of *Constantinople* usurp'd many Provinces which belong'd to the Patriarchate of *Rome*. There was a great Dispute about *Bulgaria*, the Patriarchs of the East pretending, that that Country having been taken from the *Greeks*, and at first govern'd by *Greek* Bishops, ought to belong to the Patriarch of *Constantinople*; they were likewise favour'd in this by the Emperor *Basilus*, and his Son *Leo*, whom he had associated in the Empire; so that *Bulgaria*, notwithstanding the Opposition and Protestations of the Pope's Legates, was adjudg'd to the *Greeks*, and the *Latin* Bishops and Priests were expell'd.

THE Ambition of the Patriarchs of *Constantinople* being seconded by the Power of the Emperors of the East, took many other Churches from the Patriarchate of the West, which were assign'd to that of *Constantinople*; whence it came, that as there was a new Division made of the Provinces of the Eastern Empire, into many *Themata*, of which *Constantine Porphyrogenitus* compos'd two Books, and a new Description of the Officers of the Palace and Court of *Constantinople*, of which *Codinus*¹ and *Joannes Curapalata*² have made a long List; so with respect to the Polity of the *Greek* Church, and the *Constantinopolitan* See, their Patriarchs obtain'd from the same Emperors of the East, that there should be a new Division made, as well of the Churches subject to the *Constantinopolitan* See, many of which had been taken from that of *Rome*, as of the Officers of the great Church of *Constantinople*, of which *Codinus* and *Curapalata*, and others according to *Leunclavius*³ have likewise given the Names and Offices; to the End that those Churches, which were taken from the Patriarchate of the West, by such a Disposition or *Notitia's* being made by the Authority of the Emperor, might remain firmly united to, and dependent on their See.

THIS commonly believ'd, that about the Year 887, in the Time of *Leo* surnam'd the *Philosopher*, after the Patriarch *Photius* had been turn'd out of the Chair of *Constantinople*, such a Disposition was made; and *Leunclavius*⁴ records it among the *Novellæ* of *Leo the Philosopher*; but *Leo Allacci*⁵ maintains, that it was made some Years before in 813, under the Empire of *Leo the Armenian*; however that may be, by this Disposition we see, how much in those Times the Patriarchs of the East had extended their Authority over many Churches, and particularly over these in our Provinces, which formerly belong'd to the See of *Rome* as Suburbicarian Provinces.

THE Abbot *Nilo*, surnam'd *Doxapatrius*, in his Treatise *De quinque Thronis Patriarchalibus*⁶, which he wrote in the Year 1143, to *Roger I.* King of *Sicily*, upon an Occasion which we shall relate when we come to discourse of the Deeds of that Prince, lets us see how much the *Roman* Patriarch possess'd formerly, and what has been since taken from him by that of *Constantinople*. He possess'd, says he, all *Europe*, *Spain* as far as *Hercules's* Pillars, with the Islands of the Western Sea, the two *Gallia's*, the *British* Islands, *Pannonia*, all *Illyricum*, *Peloponnesus*, the *Avari*, *Sclavonia*, *Scythia* to the *Danube*, *Macedonia*, *Thessalonica*, *Thracia* as far as *Byzantium*, *Mauritania*, the *Mediterranean* Islands, *Creta*, *Sicilia*, *Sardinia*, and *Majorca*. All *Italy*, to wit, *Superiores Alpes*, & quæ ultra eas extenduntur: nec non inferiores *Gallias*, quæ *Italiæ* sunt, sive *Lombardiam*, quæ nunc dicitur *Longibardia*, & *Apuliam*, & *Calabriam*, & *Campaniam omnem*; & *Venetiam*, & *Provincias* quæ ultra sinum *Hadriaticum* se se effundunt. And concludes, *Hæc omnia Romano subdebantur*.

BUT afterwards there were many Provinces and Cities, as well in the East as the West, subjected to the *Constantinopolitan* See. The Metropolitans of *Thessalonica* and *Corinth* subjected themselves to the Patriarch of *Constantinople*, and many

¹ Codin. de Offic. Aulæ Constant.

² Curapal. lib. de Offic. Palat. Constant.

³ Leuncl. tom. 1. Jur. Græc. Rom.

⁴ Ibidem.

⁵ Leo Allac. de Eccl. Occid. & Orient. perpet. consent. pag. 426.

⁶ It was for the most Part transcrib'd by *Leo Allacci* loc. cit. lib. 1. cap. 10 & 24. pag. 410. and by *Eman. Schelstrat.* antiq. illustr.

other Metropolitans and Archbishops follow'd their Example: *Sicilia præterea*, he adds, & *Calabria se Constantinopolitano supposuerunt*, & *Sancta Severina*, quæ & *Nicopolis dicitur*.

Sicilia autem universa unum Metropolitanam habebat, Syracusanum: Reliquæ vero Siciliæ Ecclesiæ Syracusani erant Episcopatus, etiam ipse Panormus, & Therma, & Cephaludium, & Reliquæ.

Calabria quoque unum Metropolitanam Rheginum, reliquas vero Ecclesias Episcopatus Rheginus sibi vendicabat.

Taurianam, in qua Sancti Fantini Monasterium est.

Bibonem, cujus locum occupavit Miletum.

Constantiam, quæ Cosentia nunc dicitur, & reliquos omnes, Calabriæ Subiectos.

Erat & Sancta Severina Metropolis, habens & ipsa sub se varios Episcopatus.

Callipolim, Asyla, Acherontiam, & reliquas; & sunt hæ Ecclesiæ descriptæ in Tacticis Nomocanonis sub Throno Constantinopolitano.

Adnexæ itaque Siciliæ, Calabriæ, Sanctæ Severinæ sedes Throno Constantinopolitano, a Romano avulsæ; quemadmodum & Creta, sub Romano cum esset, sub Constantinopolitano facta est. Nihilominus Pontifex viles quasdam partes, & Episcopatus nonnullos in Sicilia, & Calabria habere deprehenditur. Metropoles enim, & urbes in eadem illustriores, & digniores, Constantinopolitanus possedebat, usque ad Francorum adventum; meaning the Normans, who having driven the Greeks out of these Provinces, restor'd to the See of Rome all those Churches which had been taken by the Greeks from that Patriarchate, as we shall relate in its Place.

Si autem, adds Nilo, in Longobardia & Apulia, & in omnibus his Regionibus, maritimas Metropoles antea possedebat Constantinopolitanus, reliquas Romanus, ut Regionem illæ per partes possiderentur. Namque Melodus ac Poeta Dominus Marcus, Hydruntum a Constantinopolitano missus fuisse comperitur. Cum autem universæ Longobardiæ Ducatus, quæ vetus Hellas erat, sub Imperatore erat Constantinopolitano, Papa vero separatus sub aliis Gentibus vivebat, propterea Patriarcha Ecclesias obtinebat; nam Brundisium, & Tarentum a Constantinopolitano sacerdotes accipiebat; idque nullum latet.

THE Disposition or Notitia of the Metropolitans, and of the Bishops their Suffragans, subject to the See of Constantinople, describ'd to us by the Novella of Leo recorded by Leunclavius, is exactly the same with what Nilo has written. He made the Plan of it in the following Order.

Ordo præsentia Metropolitānorum, qui subsunt Apostolico Throno Constantinopolis, & subiectorum eis Episcoporum.

HE numbers all the Metropolitans with their Suffragan Bishops, and puts in the first Place the Metropolitan of *Cesarea in Cappadocia*: In the second the *Ephebian* in *Asia*, and successively all the rest to the Number of LVII. Metropolis's. In the XXXII. Place the See of *Reggio* or *Calabria*, with its Suffragan Bishops, is put in this manner.

XXXII. *Rhegiensi, sive Calabriæ.*

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|--------------------------|-----------------------|----------------------------|
| 1. <i>Bibonensis.</i> | 2. <i>Taurianæ.</i> | 3. <i>Locridis.</i> |
| 4. <i>Rufiani.</i> | 5. <i>Scylacii.</i> | 6. <i>Tropæi.</i> |
| 7. <i>Amantæ.</i> | 8. <i>Crotonæ.</i> | 9. <i>Constantiensis.</i> |
| 10. <i>Nicoterenfis.</i> | 11. <i>Bisuniani.</i> | 12. <i>Novocastrensis.</i> |
| 13. <i>Cassani.</i> | | |

IN the XLIXth Place the See of *S. Severina* with its Suffragan Bishops is put.

XLIX. *Severianæ, Calabriæ.*

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|------------------------|--------------------------|---------------------------|
| 1. <i>Euryatenfis.</i> | 2. <i>Acerentinus.</i> | 3. <i>Callipolitanus.</i> |
| 4. <i>Aisylorum.</i> | 5. <i>Castriveteris.</i> | |

AFTER these the Metropolis's are put that have no See subject to them, that is to say, have no Suffragan Bishops, and among the rest he puts *Otranto* in LV. Place.

LV. *Hydrun-*

LV. *Hydruntino qui subfit, nullus est Thronus.*

AND in the End he fets down by themselves the Metropolitans with their Suffragan Bifhops, that had been taken from the Roman See, and fubjected to the *Constantinopolitan*; thofe that had been taken from the Diocefles of the Weft, he obferves were the Metropolitans of *Reggio* in *Calabria*, and of *Syracufe* in *Sicily*.

Avulsi a Diœcefi Romana, jamque Throno Constantinopolitano fubjecti Metropolotani, & qui fubfunt eis Epifcopi, funt hi;

- | | | |
|-----------------------------|--------------------------|------------------------|
| 1. <i>Thessalonicenfis.</i> | 2. <i>Syracufanus.</i> | 3. <i>Corinthius.</i> |
| 4. <i>Rhegienfis.</i> | 5. <i>Nicopolitanus.</i> | 6. <i>Athenienfis.</i> |
| 7. <i>Patrenfis.</i> | | |

Sub Syracufano, Siciliae.

- | | | |
|---------------------------|------------------------|-------------------------|
| 1. <i>Taurominitanus.</i> | 2. <i>Meffanenfis.</i> | 3. <i>Agrigentinus.</i> |
| 4. <i>Cronienfis.</i> | 5. <i>Lilybei</i> | 6. <i>Drepani.</i> |
| 7. <i>Panbormitanus.</i> | 8. <i>Thermarum.</i> | 9. <i>Cephaludii.</i> |
| 10. <i>Alefæ.</i> | 11. <i>Tyndarii.</i> | 12. <i>Melitenfis.</i> |
| 13. <i>Liparenfis.</i> | | |

SEEING the *Greeks* could not advance Bifhops to be Metropolitans, becaufe perhaps it was not for their Intereft to take the Churches from the old neighbouring Metropolitans, and give them to a new one; when they had a mind to advance any Bifhop, they were wont to dignify him with the Title of Archbishop, with which (it being only a Title of Dignity, not of Power, like that of Metropolitan) they who were dignified acquir'd nothing but greater Splendor, and a Pre-eminency above the other Bifhops of that Province, of whom they had the Preference and Place. *Quosdam Antiftites, fays Balsamon, non propterea vocari Archiepifcopos, quod Epifcoporum Principes, & Ordinatores fint: Sed quod primi Epifcoporum habeantur*¹. Whence in the Difpofition of the Churches fubjected to the See of *Constantinople*, befides the Degrees of Metropolitans, we read in the fame *Novella* of *Leo*, and likewife in the Book of the Synodical Decrees alfo printed by *Leunclavius*², a Lift of Archbifhops fubjected to the Patriarch of the Eaft, and among the reft in XIV Place we find the Archbishop of *Naples*, and after him the Archbishop of *Meffina* in this manner.

Archiepifcopatus:

- XIV. *Neapolis.*
XV. *Meffana.*

THE Polity and Government of the Churches of the Dukedom of *Naples*, as being comprehended in *Campania*, a Suburbicarian Province, belong'd by Right to the Patriarch of *Rome*, who, in effect, as is manifelt from the Letters of *S. Gregory the Great*, exercis'd all Patriarchal Power in it, tho' the Political and Temporal belong'd to the Empire of the Eaft; but afterwards the Patriarchs of *Constantinople*, fupported by the Power of the *Greek* Emperors, began to dignify the Bifhops of *Naples* a Metropolis City of a Dukedom of no fmall Figure, with the pompous and fhining Titles of Archbifhops, and to afcribe Honours and Prerogatives to them, by which they were diftinguifh'd from all the other Bifhops of the Dukedom. We find that *Sergius* Bifhop of *Naples*, took the Title of Archbishop from the Patriarch of

¹ V. Carac. de Sacr. Eccl. Neap. monum. c. 1. §. 10. ² Leuncl. loc. cit. l. 3. Jur. Græc. Rom
Constantinople,

Constantinople, but being rebuk'd for it by the Pope, he repented him of his Error, and ask'd Pardon ¹.

THE Popes oppos'd these Incroachments of the Patriarchs of *Constantinople* with all their Might, but after the Times of *Leo Isauricus*, and *Constantinus Copronymus* Emperors of the East, when the Discord betwixt those two Churches increas'd, the Patriarchs of *Constantinople* becoming more bold by the Power and Favour of the Emperors, who were implacable Enemies of the Popes, pretended that the Bishops of those Churches that had continu'd under the *Greek* Empire, ought to acknowledge them for their Patriarchs; that they ought to take their Bulls of Confirmation and Consecration from them, and obey them in all Spiritual Matters, as they obey'd the Emperors of the East in Temporals. And tho' *Bari*, *Taranto*, *Brindisi*, and other Cities of *Puglia* and *Calabria*, were now under the Dominion of the *Longobards*; nevertheless, being afterwards retaken by the *Greeks*, and restor'd to the Empire of the East, as we shall shew in the following Books; the *Greeks* likewise subjected the Churches of these Cities to the Patriarchate of *Constantinople*.

THE Church of *Naples* then, if regard be had to what the Patriarchs of *Constantinople* took upon them to do, from this Time became Archiepiscopal, but not Metropolitan, because that Title of Dignity was only given by these Patriarchs for Honour's sake. It was erected into a Metropolis afterwards in the tenth Century by Pope *John*, as shall be told in its Place; and for that Reason in the *Novella* of *Leo*, and the Book of the Synodical Decrees, *Naples* is not plac'd in the Number of the Metropolitan Cities subject to the See of *Constantinople*, but amongst the Archiepiscopal, which the Patriarch of the East pretended were subject to him. But notwithstanding this Claim, he never pretended to consecrate the Bishops of *Naples*, who were no sooner elected by the Clergy and People, than they went, as formerly, to *Rome* to get themselves consecrated by the Popes.

FOR this Reason the Church of *Naples* was never separated from the *Latin* Church; but being in a City subject to the *Greeks*, and by the continual Commerce with the Eastern People, much frequented by the *Greeks*, had Priests and Clergy of both Communions; there were two Chapters, the one *Greek* ², and the other *Latin*; and many Parishes and Churches, as well *Latin* as *Greek* were erected, which for the Reason just now mention'd happen'd in this Century, and not in the Time of *Constantine the Great*. There were reckon'd six *Greek* Parochial Churches; that of *S. George ad Forum*; that of *S. Januarius ad Diaconiam*; the Churches of *SS. John and Paul*, of *S. Andrew ad Nidum*, of *S. Maria Rotunda*, and of *S. Maria in Cosmedin* ³; in which the Priests celebrated the Sacrifices and Divine Offices according to the Rites of the *Greek* Church; but upon certain appointed Days, assembled with the *Latins* in the great Church, and with promiscuous Rites, and *Latin* and *Greek* Songs prais'd the Lord ⁴.

FROM *Naples* having had two Clergies, the one *Latin* and the other *Greek*, our *Chioccarelli* ⁵ believ'd, there likewise had been two Bishops in it, the one *Greek* and the other *Latin*, as *Cyprus* is said to have had two Archbishops in the Time of Pope *Innocent IV.* the one *Latin* and the other *Greek*; thus does he interpret the Acts of the Life of *S. Athanasius* Bishop of *Naples*. But this is repugnant to all History, and the so many Catalogues which we have of the Bishops of this City, in which there's no such Deformity to be found in this Church; wherefore *P. Caracciolus* ⁶ censur'd this Error, and explain'd the Ambiguity of the Acts of that Saint compos'd by *P. Diaconus* of *Cassino*, who had led *Chioccarelli* into the Mistake.

THE Bishop of *Naples* then, tho' dignify'd by the Patriarch of *Constantinople* with the Title of Archbishop, did not exercise any Power of a Metropolitan over the Bishops of his Dukedom: He only had the Precedency in Honour and Dignity, as Bishop of the Ducal City; and in this Age the Bishops of this Dukedom were those of *Cuma*, *Miseno*, *Baja*, *Pozzuoli*, *Nola*, *Stabia*, *Sorrento*, and *Amalphis*;

¹ Jo. Diacon. in Chron. Episc. Neap. Hic dum a Græcorum Pontifice Archiepiscopatum nancisceretur, ab Antistite Romano correptus veniam impetravit.

² V. Capacium lib. 1. fol. 57. Franc. Ant. Purpuram Respons. pro Monachis Basilian. in saula præcedentiæ cum Monach. Cassin.

³ V. Eugenium in Eccl. S. Georg. & S. Mariæ in Cosmedin.

⁴ V. Chioccarel. de Episc. Neap. ad A. 878.

⁵ Chioc. loc. cit.

⁶ Carac. de Sacr. Eccl. Neap. Monum. cap. 35. Sect. 2.

in process of Time *Sorrento* and *Amalphis* were advanc'd to be Metropolis's; and *Cuma*, *Miseno*, *Baja*, and *Stabia* were destroy'd. But tho' *Naples* lost these Cities, when it was made a Metropolis, it got *Aversa* built by the *Normans*, *Ischia*, *Acerra*, *Nola*, *Pozzuoli*, that were for a long time Suffragans to its See.

IN the other Churches of the Cities subject to the *Greek Empire*, the Patriarchs of *Constantinople* exercis'd greater Authority, and particularly in the Churches of *Reggio*, *S. Severina*, and *Otranto*; and after the *Greeks* had recover'd *Taranto*, *Brindisi* and *Bari*, and other Cities of *Puglia* and *Calabria*, they pretended the same Authority over them.

THEY made *Reggio* a Metropolis, and appointed thirteen Suffragan Bishops to it, as we have seen. They erected *S. Severina* into a Metropolis, and subjected five Bishops to its See. To the Metropolitan of *Otranto* they gave none; but in the Time of *Nicephorus Phocas*, about the Year 968, while *Polieutus* was Patriarch of *Constantinople*, the Bishops of *Acerenza*, *Turtico*, *Gravina*, *Matera*, and *Tricarico*, were made Suffragans to it, the Consecration of which Bishops, as *Luitprandus* Bishop of *Cremona*¹ relates, he would have to belong to the Metropolitan of *Otranto*; and *Nicephorus* so much enlarg'd the Bounds of this Metropolis, and the *Greek Rites*, that he commanded the Divine Offices to be celebrated no more in *Latin*, but in *Greek*, over all *Puglia* and *Calabria*; and other most ample Privileges were granted to it, which may be seen in *Ughellus's Italia Sacra*².

BRINDISI and *Taranto*, after they were restor'd to the *Greek Empire*; *A Constantinopolitano Sacerdotes accipiebant*, says *Nilo*.

WHEN the *Greeks* retook *Bari*, *Trani*, and other Cities of *Puglia* from the *Saracens* and *Longobards*, their Churches were likewise subjected to that Patriarch. *Theodore Balsamon* in the Account which he gave of the Sees subject to the Patriarchate of *Constantinople*, in the Reign of the Emperor *Andronicus Paleologus the Elder*, besides the Eastern Churches, reckons amongst the Western the Church of *Bari* to be Number 31; that of *Trani* 44; that of *Otranto* 66; and that of *Reggio* in *Calabria* 38.

WHENCE according to the Testimonies of *Beatillus*³ and *Chioccarelli*⁴, there are many Original *Greek Bulls* preserv'd in the Archives of the Cathedral Church of *Bari*, sent by the Patriarchs of *Constantinople* to the Archbishops of that City, by which the Elections of the Archbishops are confirm'd; which continu'd all the Time that *Bari* (being likewise made a Metropolis of a considerable Dukedom, where the *Greek Magistrate* resided) with *Puglia*, were subject to the *Greek Empire*, and until the *Greeks* were driven out of that Province by our valiant *Normans*. Whence to this Day all these Cities retain many Vestiges of the *Greek Rites* and Customs; and they likewise keep up many *Greek Titles* denoting Dignity and Offices, as *Reggio* retains yet the *Protopapa*, and other Cities the *Cimeliarchæ*, and the Clergy as well *Greek* as *Latin*. And whence likewise, as *Leo Allaci* also observes⁵, for a long time the Doctrine of the Eastern Church was maintain'd in our Kingdom by the Monks, particularly by the Order of *S. Basil*, for which the famous *Barlaam* became renown'd with us, of whom we shall speak in his Place.

WHEN the *Otbo's* govern'd in the West, these Emperors endeavour'd to free our Churches in *Puglia* and *Calabria* from that Servitude, and to reduce them all as formerly under the Patriarch of the West. For that end *Luitprandus* Bishop of *Cremona*, about the Year 968, was sent to the Emperor *Nicephorus Phocas*, but to no purpose; for the Reduction of all our Churches under the Pope, was reserv'd to our *Norman Princes*, who having driven not only the *Saracens*, but likewise the *Greeks* out of *Sicily* and these our Provinces, made themselves so well deserving of the Church of *Rome*, that besides the important Services they did her, they united all our Churches, as they were formerly, under the Direction and Disposal of the Pope, to whom by Right they belong'd; as shall be seen in the following Books of this History.

¹ Luitprand. Legatio ad Niceph. Phoc. pro Ottonib.

² Ughel. de Archiep. Hydrun.

³ Beat. hist. di Bari, lib. 1.

⁴ Chioc. de Episc. Neap. A. 750.

⁵ Ailaci, lib. 2. cap. 17. pag. 828.



THE
CIVIL HISTORY
Of the KINGDOM of
NAPLES.

BOOK VII.



THE Fall of our *Longobard* Princes, and the rising up again of the *Greeks*, the Incursions of the *Saracens*, and the so many Mischiefs and Calamities which these our Provinces have suffer'd, shall be the Subject of this Book. We are going to relate the sad and unfortunate Events which reduc'd them to a very miserable and lamentable Condition. The *Longobard* Princes being divided amongst themselves, their intestine Broils ruin'd their State: Their Quarrels render'd the Authority of the Emperors of the West of greater Force, who from Tributaries made them Feudatories. On the other hand, the *Saracens* being invited by our Princes themselves, compleated their Destruction. The Principality of *Benevento*, all in Confusion and torn to pieces, gave a fit Opportunity to other Nations, who taking advantage of so many Revolutions and Disorders, invaded it on all Sides, which ended in their being subjected to the Dominion of another People. The Stubbornness of the *Capuans* was the Origin of so many Calamities, but much more the Villany of *Landulphus* their *Castaldus*.

THE

THE *Capuans* hearing of the Election of *Radelchisus* to be Prince of *Benevento*, were much dissatisfy'd; they were afraid that this Prince would not bear with their Treachery, and they were much more afraid of *Landulphus*. This last was accus'd of being privy to a Conspiracy, which *Adelchisus* the Son of *Roffridus* had fram'd against *Radelchisus*, who having discover'd it, caus'd *Adelchisus* to be thrown out of a Window, and endeavour'd to get hold of *Landulphus*, who having notice thereof, immediately fled. On the other hand *Siconolphus* Brother of *Sicardus* had been confin'd to a close Prison by his Brother, but soon after had made his Escape and for a long time was kept conceal'd by *Ursus* Count of *Consa*, his Kinsman, at last having got to *Taranto*, he remain'd there; and *Radelchisus* was no sooner advanc'd to the Principality of *Benevento*, than he sent *Dauferius* into Exile, who went to *Nocera* a City of the Dukedom of *Naples*, and began to sollicite the *Salernitans* to join with *Landulphus* Count of *Capua* against *Radelchisus*, in order to set *Siconolphus* the Brother of *Sicardus* on the Throne¹.

THE *Capuans* having likewise drawn in some *Beneventans* to their Party, call'd *Siconolphus* from *Taranto*, and made him come to *Salerno*, whither both the *Capuans* and *Beneventans* went and proclaim'd and elected him Prince in the Year 840. *Landulphus* join'd with him, took possession of *Sicopolis*, and at the same time made a strict Confederacy with the *Neapolitans*, who greedily embrac'd the Opportunity, in order to revenge themselves of the *Beneventans* their old and obstinate Enemies. *Siconolphus* became more bold by the Addition of so great Strength, made himself Master of *Salerno*, by defeating *Radelchisus's* Army, and forthwith possess'd himself of *Calabria*, and a great Part of *Puglia*, which he subjected to his Dominion; from whence carrying his victorious Standard towards *Benevento*, he took many Cities and Castles in that Neighbourhood, and likewise had the Boldness at last, being transported with such a prosperous Run of Success, to besiege *Benevento* itself; but being boldly repuls'd by the *Beneventans*, he return'd to *Salerno*.

¹ Erchemp. num. 15. Ostiens. lib. 1. c. 23.

S E C T. I.

The Division of the Principality of Benevento, from which the Principality of Salerno had its Rise.

RADELCHISIUS seeing his State overturn'd, full of Rage and Fury march'd with all his Forces against *Siconolphus*, swearing openly, that he would live no longer if he did not extirpate him out of the Earth; but perceiving that his own Forces, and those of his *Beneventans* were not sufficient for suppressing so powerful an Enemy, who was daily gathering more Strength; being transported with Fury, and not minding the grievous Calamities to which he expos'd his State, design'd to apply worse Remedies to so great Mischiefs. As we have said, many *Saracens* had come from *Sicily* in order to destroy us, who under their Leader *Calphus* were ravaging *Japygia*, and the Neighbourhood of *Bari*. *Pandon* was Governor of that City under *Radelchisus*, who commanded him to invite the *Saracens* to his Assistance, which he obeying, got a great Number of them to come, whom he lodg'd without the Walls of *Bari*, on the Sea-shore; but the subtle *Saracens* knew well how to take Advantage of the Juncture, for they observing the Garrison of the City, and its Situation, found they could master it: One Night on a sudden they enter'd *Bari* by some hidden Places, made a terrible Slaughter of the Christians, and possess'd themselves of the City. Thus *Bari* from the *Longobards* came under the Dominion of the *Saracens*, afterwards the *Greeks* drove out the *Saracens*, and possess'd it for a long time.

RADELCHISIUS on the one hand desirous to have *Siconolphus* humbled, after he was engag'd in that Undertaking, not being able to carry on another War against the *Saracens* for turning them out of *Bari*, wink'd at the Fact, and besides made

made them his Auxiliaries; therefore he invited them to make War against *Siconolphus*, whereupon having join'd his Forces with those of the *Saracens*, they began so cruel and obstinate a War, that they miserably afflicted these our Provinces; *Siconolphus* on the other hand, with the same Rage and Fury, resolv'd to oppose the Forces of *Radelchisus* cost what it would. He stood his Ground at first, and afterwards made a worse Step than *Radelchisus*, by inviting the *Saracens* from *Spain* to his Assistance, which compleated the Ruin of them both. There never had been seen in this our Country more cruel and terrible Slaughter, than what was made at this Time by the *Saracens* of both Sides; they laid *Capua* in Ashes, burnt and destroy'd many Cities; and those who kept Possession of *Bari*, having taking *Taranto*, laid *Calabria* and *Puglia* waste, and went as far as *Salerno* and *Benevento*. All was full of Slaughter and dead Bodies; the *Saracens*, like a Deluge, over-run our beautiful Country. These Calamities continued for the Space of twelve Years; so that the *Beneventans* themselves, being sensible of their own Misery, and too late convinc'd of their Error, were forc'd, in order to calm so furious a Tempest, to have recourse to the Assistance of the *French*, for driving out the *Saracens*, and making Peace betwixt these two Princes.

AT this Time the Emperor *Lothaire* govern'd the Empire of the West and *Italy*, as we have said, who had elected *Lothaire II.* his Son King of *Italy*, who afterwards succeeded him in the Empire. King *Lewis* was humbly intreated by *Landon* Count of *Capua*, the Son of *Landolphus*, and by *Adimarus* and *Bassacius* the renown'd Abbot of *Monte Cassino* (which during these Troubles had been often pillag'd) that he would be pleas'd to march to the Principality of *Benevento* with a powerful Army in order to drive out the *Saracens*, and make Peace betwixt these two Princes: *Lewis*, tho' but a Stripling, influenc'd by the Love of Glory, easily consented to their Request, and immediately march'd to *Benevento*; from whence having driven the *Saracens*, and confin'd them to *Bari*, now their Seat, he purg'd the other Provinces of *Benevento* of this Plague. Afterwards interposing his Authority, he was altogether bent on reconciling these Princes, whom at last he brought to a settled Agreement, by dividing betwixt them all the Provinces of *Benevento*, so that two Principalities were made out of one; that of *Benevento* was kept by *Radelchisus*, the other of *Salerno* was confirm'd to *Siconolphus*, both of them taking an Oath of Fidelity to *Lewis*, whom at last they acknowledg'd for their Sovereign. Thus were these our Provinces, excepting the Dukedom of *Naples*, and those Cities that were subject to the Greek Emperors, brought under the Dominion of the Emperors of the West, who as Kings of *Italy* pretended to exercise the same Authority over them, as the *Longobard* Kings had done.

THESE were the pernicious Consequences which our *Beneventans* brought upon themselves by the Civil Wars which they carried on and maintain'd in their own Country. I. Their being oblig'd to acknowledge *Lewis* for their Sovereign, and swear Fealty to him, which *Charles the Great* himself, nor *Pepin* his Son could not obtain from *Arechis* nor *Grimoaldus*. And tho' the other *Grimoaldus* third Prince of *Benevento*, and *Sico* and *Sicardus* who succeeded him, made themselves Tributaries to the *French*, yet they never went so far as to make themselves Feudatories. Which, tho' it did not derogate from their still being Sovereigns of their Principalities, because sworn Fealty, and Assistance in War, neither diminish the Liberty of the Vassal as to himself, nor the absolute Power which he has over his Subjects; yet (which can't be deny'd) it debases and impairs the Splendor of a Sovereign State, which without doubt, is not so pure and majestick when it's clogg'd with these Burdens; so that *Bodin*¹ is of Opinion, that tho' tributary Princes, or those under Protection, ought to be reputed Sovereigns, yet for all that, Feudatories are not to be esteem'd such; of which we shall have a more fit Opportunity to discourse. II. To see a Principality divided into two, which of consequence brought on a second Division, that of *Capua* starting up, and which of course must ruin them at last, and they become a Prey to other Nations. III. Their having brought a most troublesome Thorn within their own Bowels, such as the *Saracens* were, who being fix'd in *Bari*, it was not long before they over-run both the Principalities anew; so that their own Forces not being sufficient, they were necessitated to have recourse to foreign

¹ Bodin. de Repub. cap. 6.

Assistance in order to suppress them, and by that means render'd the Authority that the *French* had acquir'd over them the greater.

THIS Division was made in the Year 851, betwixt *Adelcbisius* and *Siconolphus*, to which almost all the Counts and *Castaldi* of the Principality of *Benevento* likewise consented, and very many of them, together with these two Princes, seal'd it. We read to this Day the Articles of this Division made by *Radalcbisius* in *Pellegrinus*, wherein the Bounds of these two Principalities are distinctly describ'd.

UNDER the Principality of *Salerno* many *Castaldati* and Castles were comprehended; *Taranto*, *Latiniano*, *Cassano*, *Cossenza*, *Laino*, *Lucania*, by some call'd *Pesò*, *Consa*, *Montella*, *Rota*, *Salerno*, *Sarno*, *Cimiterium*, *Furculo*, *Capua*, *Teano*, *Sora*, and the half of the *Castaldatus* of *Acerenza*, on that Side where it joins *Latiniano* and *Consa*.

St. *ANGELO ad Cerros*, which includes the Rocks of *Monte Virgine*, as far as the Place call'd *Fenestella*, was made the Boundary betwixt *Benevento* and *Capua*. Betwixt *Benevento* and *Salerno*, the Place call'd *Alli Pellegrini* was made the Limit; and betwixt *Benevento* and *Consa Staffilo* was the Boundary.

THE whole Province of *Benevento* being divided after this manner, the North Part, which joins to the *Adriatick* Sea, remain'd to *Radalcbisius* Prince of *Benevento*; the South Part, which joins to the *Tyrrbenian* Sea, fell to *Siconolphus* Prince of *Salerno*. Whereupon *Salerno* being made the Seat of Princes, began to raise its Head above the other Cities of this Province; a City in those Days very strong and well provided, which *Archbis*, as we have said, had fortified and surrounded with very strong Towers and Walls, in order to have it for a Place of Refuge and Safeguard in case of Distress.

THERE were likewise many other Conditions agreed to in this Division, amongst which the most Material and Principal were, that *Radalcbisius* promis'd not to disturb the Principality of *Salerno*, and to acknowledge for lawful Princes, *Siconolphus*, and whoever he should chuse for his Successor; to join their Forces together for driving the *Saracens* out of their Dominions; that no Hostilities should be committed by the People of the Principalities on either Side, but every one allow'd to live where they thought fit, and to return to the Cities and Castles where their Habitations were, every one to enjoy quietly their own Possessions; and that those who were desirous to go from the Principality of *Salerno*, to the Sanctuary of St. *Michael* in Mount *Gargano*, comprehended in the Principality of *Benevento*, should not be molested, but be allow'd to pass without Opposition or Damage; that all Bishops, Abbots, and the inferior Clergy, should return to the Bishopricks of their own Diocesses, and to their Churches and Monasteries; and if they should refuse, not having a lawful Excuse, they were to be oblig'd by force to return to their Places of Residence, as well the Bishops as all the other Clergy, excepting those however, who serv'd the Prince in his Palace, or those who had been compell'd to take Orders; that all Monks and Nuns should return to their Monasteries where they formerly liv'd, excepting those who to please others had enter'd by Force, and those who should be employ'd in the Palace; that all the Goods of the Churches, Bishopricks, and Monasteries, that were under Rules, or belong'd to Hospitals, should be taken account of, and according to their Value should pay the wonted Tax to the Prince; excepting nevertheless the Monasteries of *Monte Cassino*, and St. *Vincent* in *Vulturno*, which being immediately under the Protection of the Emperor *Lothaire*, and King *Lewis* his Son, were to keep their Privileges, Prerogatives, and Superiorities intire; excepting also the Goods of the Abbots and Canons who serve in the Palace. Many other Stipulations were agreed to, each of them promising Performance with solemn Oaths; and for the greater Security, the Authority of the Emperor was likewise interpos'd: They gave also their Paroles to *Lewis*, who was present, and to *Lothaire* his Father, calling him *Our Emperor* (by reason of the Oath of Fealty) faithfully to observe these Stipulations. The Peace being concluded, the Prisoners were deliver'd up, *Peter* the Son of *Landon* was deliver'd to *Siconolphus*, and also *Poldefrit* the Son of *Pandulphus*; and on the other hand, *Adelgisus* and *Ladelgisus* the Sons of *Radalcbisius* were deliver'd to him, with *Poto* his Nephew. And *Lewis* thinking that he had quieted all the Disturbances of these Provinces, return'd to *France*.

THO' this Peace had been thus settled, yet *Siconolphus* Prince of *Salerno* did not long enjoy the Fruits of it, for soon after, in the same Year 851. *Siconolphus* the first Prince of *Salerno* died, after ten Years and some Months uneasy and

imbroil'd Reign from the Day of his being proclaim'd Prince, which was in the Year 840; he was a Prince of extraordinary Valour, but Death robb'd him of the Enjoyment of the Fruits of his so many Fatigues. He left *Sico* his only Son, as yet a sucking Child, Heir to his Principality, and left him *Peter* ¹ for his Tutor.

SOME Months after *Radalchisus* likewise died; the *Beneventans* did not fail to erect him a magnificent Tomb, on which in many Verses they set forth his Virtues. They did the same to *Caretruda* his Wife, by whom *Radalchisus* had twelve Children: *Radelgarius* was elected in his Room, who govern'd a few Years, and died in the Year 854, to whom the *Beneventans* likewise erected a stately Tomb ². *Ajo* ³ another of his Sons was Bishop of *Benevento*; and *Adelgisus* on the Death of his Brother succeeded: The rest were Counts and valiant Captains.

BUT in the mean time, about the Year 852, the *Saracens* who had fix'd their Residence in *Bari*, over-running *Puglia* and *Calabria*, advanced to *Salerno* and *Benevento*; neither were the Forces of *Radelgarius* and *Sico* sufficient to repulse such a furious Attack; they were oblig'd anew to have recourse to *Lewis*, for which purpose the two famous Abbots *Bassacius* of *St. Benedict*, and *James* of *St. Vincent* were appointed, who having represented the cruel Slaughter which the *Saracens* had made of the *Beneventans*, they intreated him that he would come and drive them away; for which the *Beneventans* offer'd to become his most faithful Servants, and to give him Power of subjecting them to the meanest of his People ⁴. *Lewis* came immediately to *Italy*, and march'd directly to *Bari*; but the *Capuans* and *Salernitans*, unmindful of their Promises, having withdrawn all the Assistance necessary for carrying on the War against the *Saracens*, had hid themselves; at which *Lewis* was much offended, and being well appris'd of their Treachery, he us'd them very severely; and seeing that *Sico*, by reason of his tender Age, was unfit for Government, he committed the Principality to the Government of *Ademarus*, a gallant and famous Captain, the Son of the abovenam'd *Peter* ⁵, and return'd to *France*, taking along with him *Sico* yet an Infant.

THUS did our *Longobard* Princes begin to feel the heavy Burden of a foreign Yoke, by which their Dominions came not only to be dispos'd of, but transferr'd from one Family to another; for *Ademarus* not long after, in the Year 856, *Sico* being dead, began absolutely to usurp the Principality, which he held for near six Years, until the Year 861, when, by the Instigation of Count *Landon* and *Landulphus* Bishop of *Capua*, he was imprison'd by *Guaiferius* the Son of *Dauferius* the *Stammerer*, who succeeded him, and afterwards in the Year 866, when the Emperor *Lewis* II. return'd to the *Hither Italy*, had his Eyes put out.

¹ Pel. Stemm. Pr. Saler.

² We likewise read of these Tombs in *Pellegrinus's* History.

³ Erchemp. num. 20. Et simus inquit, fidelissimi famuli ejus, constituatque nos subesse cuilibet ultimo suorum.

⁴ Ignot. Cassin. n. 13. Anon. Salern. in edit. apud Pell.

⁵ Chron. Salernit. Erchemp. num. 26. Anon. Salern. inedit. historiola Ignoti Cassin. num. 22.

Aemarius junctus cum *Neapolitanis* intebatur quiddam dolose erga suos; ob hoc oculi ejus avulsi, spernitur a Principatu, & *Warferius* *Salerni* factus est Princeps. Nam dominus *Ademarius* *Suram*, *Arpinum*, vicum *Album*, & *Aurinum* tradidit *Francis*, id est *Widoni* Comiti. In his locis præerat *Landulfus* *Castaldius* quædam amisisset loca, præ nimia est tristitia defunctus.

S E C T. II.

The Origin of the Principality of Capua.

THE disjoining of *Capua* from the Principality of *Salerno* was the Occasion of greater Mischiefs; for *Landulphus Castaldus* of *Capua* would no longer obey the Prince of *Salerno*, to which his *Castaldatus* was subject, according to the Division of *Radalchisus*; but making himself Lord of it, one Principality became three, that of *Benevento*, *Salerno*, and *Capua*; tho' *Landulphus* did not assume the Title of Prince, but of Count, so that the Race of the Counts of *Capua* began in him; nevertheless

nevertheless he govern'd his County with absolute Authority ; and dying in the Year 342, *Landulphus* his Son, who succeeded him, likewise govern'd the County thirteen Years and nine Months with absolute and independent Sway. He transported the Inhabitants from the ancient *Capua*, also call'd *Sicopolis*, to the new, which he erected in the Year 856. near to the Bridge *Cassilino*, three Miles distant from the Ancient ; and it is the same which is now fortified with strong Towers and Walls, and reckon'd the strongest Bulwark in the Kingdom.

THE other *Landon* his Son, third Count of *Capua*, govern'd the County as his Grandfather and Father had done, independently of the Princes of *Salerno* ; and thus thereafter thorough a long Succession of Counts governing this County with absolute Sway, it continu'd disjoin'd from the two Principalities of *Benevento* and *Salerno* ; so that we read ¹, that *Landulphus*, on the last Day of his Life, with his last Breath, call'd his Sons to him, and left them this Command, That they should always make it their Business to foment Dissention and Quarrels betwixt the Princes of *Benevento* and *Salerno*, because otherwise they could not expect to preserve long the State which he had acquir'd from the Spoils of those two Principalities. In effect the Sons carefully observ'd their Father's Command, tho' it was contrary to that which Christ gave to his Disciples ; for after his Death, they, as is said, threw off the Yoke altogether, and by no means would obey *Siconolphus* Prince of *Salerno*, and especially *Landonulphus* one of the said Sons, was always in Opposition to him, and ungrateful ; and they not only observ'd this Command, but they transmitted it to their Posterity as a perpetual Deed of Trust, leaving it as an Inheritance to their Successors ².

THUS the Principality of *Benevento* being divided, a new Polity was introduc'd, and new Disturbances began to confound and turn these our Provinces topsy-turvy, because Emulation and Quarrels beginning betwixt these Princes, Wars often follow'd, and by fighting amongst themselves they gave fresh Occasions for the frequent returning of the *French*, and encourag'd the *Saracens* to make War with them, and to make themselves more powerful in those Places which they had possess'd.

THE Disorders did not end here, forasmuch as the *Neapolitans* taking Advantage of these Divisions, and refusing to pay Tribute to the *Beneventans*, and because they were often assisted by the Rival Princes, became more daring, and thereby the Feuds continu'd to be the more irreconcilable and cruel.

THE Polity which by Degrees was afterwards introduc'd was worse, for tho' formerly the Principality of *Benevento* was divided into many Counties and *Castaldati*, yet each of them was govern'd as formerly by one single Prince ; but afterwards the Princes of *Benevento*, those of *Salerno*, and especially the Counts of *Capua*, divided the *Castaldati* and the Counties among their Sons ; thus each Principality being split into many Counties, the Counts, tho' Subjects, began to set up for themselves, which was the Occasion that the Fiefs were increas'd in our Kingdom after so many different manners. Thus did *Landulphus* both Count and Bishop of *Capua* divide that County so imprudently amongst the Sons of his three Brothers, that for ever after there arose endless Quarrels and Wars.

¹ Erchemp. num. 22.

² Ibid. Atque suis hæredibus in jus per-

petuum, sicut a parte acceperant, reliquerunt.

³ Ibid. num. 31.

S E C T. III.

The Expedition of the Emperor Lewis against the Saracens ; and his Imprisonment in Benevento.

THE *Saracens* took Advantage of so great Confusion, who from *Bari* frequently over-running the Province of *Benevento* putting all to Fire and Sword, oblig'd the *Beneventans* to have recourse to the *French*. But being unable to defend themselves with their own Forces and those of the *French*, they likewise had recourse

recourse to others for Assistance; *Majelpotus Castaldus* of *Telese*, and *Guandelpertus Castaldus* of *Bojan*, with humble Submission and Prayers, had recourse to *Lampertus* Duke of *Spoleta*, for suppressing the Power of the *Saracens*, who notwithstanding all these Auxiliaries turn'd their *Castaldati* topsy-turvy, and defeated them.

FOR this Reason the *Beneventans* and *Capuans* were oblig'd to have recourse anew to the Emperor *Lewis*, who going to *Benevento* by the way of *Sora*, was met by the Ambassadors of many Cities imploring his Assistance. *Landulphus* Bishop and Count of *Capua*, who had succeeded his Brother *Landon* III. Count of *Capua*, with his Nephews, likewise came to meet him. He was receiv'd by *Guaiferius* who had succeeded *Ademarus* in *Salerno*, and at last by *Adelgisus* in *Benevento*.

THUS *Lewis* in the Year 867. at the Head of a powerful Army compos'd of his own Troops and those of our *Longobard* Princes, march'd towards *Bari*, defeated the *Saracens*, imprison'd *Scodan* their King, took *Bari*, which he restor'd to the Prince of *Benevento*; took *Matera*, garrison'd *Canosa*, and carried his victorious Arms to *Taranto*, where the *Saracens* had fortified themselves, to which City he laid close Siege; from whence full of Glory and Triumphant he return'd to *Benevento*. And being spurr'd on by the Run of his Fortune, he likewise pretended to exercise his Sovereignty over the *Amalphitans*, and the Dukedom of *Naples* itself, taking them under his Protection, and giving Assistance sometimes to the one, and sometimes to the other, at which *Basilus Macedo*, Emperor of the East, to whom the *Neapolitan* Dukedom and the *Amalphitans* were subject, was justly offended; he complain'd grievously of *Lewis*, accusing his imperious way of treating those People, as if he had a mind to subject them to his Dominion. *Lewis*, who did not think it proper at this Juncture to draw new Quarrels upon himself with the *Greeks*, in order to quiet the Mind of *Basilus*, wrote him a civil Letter, in which he protested, that he had no Design any manner of way to incroach upon the Dukedom of *Naples* which belong'd to the *Greek* Empire; and that he had only meddled in these Affairs for assisting the Oppress'd.

BUT whilst *Lewis* staid in *Benevento*, there happen'd to him an Adventure, the like of which had never fallen out to any Emperor of the West. The *French* being puffed up with their present Prosperity, not knowing how to keep themselves within Bounds, ill treated the *Beneventans*, and us'd them insolently and too severely; which they not being able to bear, at last brought their Prince *Adelgisus* to think of shaking off the shameful Yoke, and having *Lewis* within their City, resolv'd to arrest him, and make him Prisoner. Others relate, that *Adelgisus* was mov'd so to do, not so much at the Instigation of his *Beneventans*, as by the Persuasion of the Emperor *Basilus*, who was no ways pleas'd with the Progress of *Lewis*; however that may be, *Lewis* having disbanded his Army, remain'd in *Benevento* with a small Garrison; so that in the Month of *August* in the Year 871, on a sudden he was arrested by the *Beneventans*, and put in a secure Prison¹; his Goods were seiz'd, and the *French* that were upon Guard, after having been plunder'd, were oblig'd to flee; *Lewis* was kept in Prison forty Days, neither did they think of setting him at liberty until the *Saracens* having anew over-run the Province of *Salerno*, and their Number increasing to Thirty thousand, they laid Siege to *Salerno*, and struck Terror in all the *Longobard* Princes, and especially in *Adelgisus*. Upon such a Revolution of Affairs *Lewis* was set at Liberty, but *Adelgisus* first made him promise by a solemn Oath, never to enter within the Bounds of *Benevento* all the Days of his Life, and that he should never revenge himself upon the *Beneventans* for what he had suffer'd at this Time, which *Lewis* promis'd *multis adjunctis execrationibus*, swearing upon the Relicts of the Saints, and God's holy Evangelists.

LEWIS left *Benevento* about the End of the Year 871, and stopp'd eleven Months in *Veroli*; during which time he went to *Rome* and was crown'd Anno 872, by *Adrian* II. the Year before that Pope died, as *Aimoinus* will have it²; tho' some Modern Writers assert it to have been the preceding Year that he was crown'd by *Adrian*. Altho' *Lewis* took the Crown but at this Time, yet he had been advanc'd to the Empire from the Year 856, when the Emperor *Lothaire* his Father became Monk, and divided the Empire amongst his three Sons, assigning *Rome* and *Italy*

¹ Erchemp. num. 34. Leo Ostiens. lib. 1. cap. 36.

² Lib. 5. cap. 208.

to *Lewis*; *Austrasia* to *Lothaire*, whence afterwards it was call'd *Lotharingia*; and *Burgundy* to *Charles*, as we have said.

NOTWITHSTANDING *Lewis* with solemn Oaths had promis'd never more to enter within the Limits of *Benevento*, yet in the Beginning of the Year 873. he broke that Agreement, and with a strong Army advanc'd as far as *Capua*.

IN those Times Princes were so influenc'd by Religion, that they never or seldom broke their Oaths; but from the Time of *Gregory II.* and *Zachary*, the Popes had found ways and means to break those Chains, and absolve their Consciences; whence afterwards not only the Popes, but also the Bishops assum'd to themselves a Power of absolving from Judicial, or other Oaths. By this, and by granting Dispensations in matrimonial Cases, which formerly were granted by the Princes, they became both terrible and necessary to Princes. *Lewis* who had no mind to return to *Benevento* contrary to his Oath, was immediately made easy by *John VIII.* who a little before had succeeded to *Adrian II.* He told him, that Oaths, extorted by Force, and with so much Indignity, were no ways binding, therefore he absolv'd him from all the Promises made to the *Beneventans*. There are some who write, that *Lewis* notwithstanding this Absolution, that he might not be reckon'd perjurd, would not put himself at the Head of his Army, but cheating himself, substituted his Wife *Engilberga* in his Place, that in his Name, and under his Authority she might carry on the War. He came to *Capua*, and on his March defeated the *Saracens*, and confining them to *Taranto*, he went to revenge himself of *Adelgisus*, and endeavour'd to make himself Master of *Benevento*. Some again have written, that being seiz'd with Fear, he fled to the Island of *Corfica*; but whether he did not succeed in it, as *Erchempertus* relates, or that many Counts, and the Pope himself interpos'd for agreeing them, there was a Peace concluded betwixt them, and *Adelgisus* with those of his Party were restor'd to *Lewis's* Favour. *Landulphus* Count and Bishop of *Capua*, who had assisted powerfully in these Skirmishes with the *Saracens*, was likewise pardon'd.

SO great was the Intimacy which *Landulphus* contracted with the Emperor, that besides his having obtain'd from him the chief Honours, he claim'd the whole Province of *Benevento*, and that *Capua* should be made a Metropolis; which, as *Erchempertus* relates, he could not bring to bear, for *Capua* did not get that Pre-eminency before the Year 968. from Pope *John XIII.*; and *Benevento* a Year after by the same Pope was erected into a Metropolis; the Custom was afterwards introduc'd into these our Provinces, that the Popes, and not the Princes, rais'd Bishops to be Metropolitans, and Cities Metropolis's, of which we shall have a more proper Opportunity to discourse.

LEWIS after having continu'd a Year in *Capua* and these our Provinces, and given many and terrible Defeats to the *Saracens*, the following Year 874. went to *France*, with a Resolution never to return any more to these our Parts; for in this Year, as some have said, or in the following according to the Annals of *France*, and the Modern Authors, he ended his Days in *France*, and not in *Milan*. A most glorious Prince, and to whom these our Provinces are so much beholden, that if he had not so often reliev'd them from the frequent and great Incursions of the *Saracens*, they had been totally and effectually subjected to their Dominion. We have many Monuments of the Piety of this Prince, in the many Monasteries of the Order of *St. Benedict* founded by him in *Abruzzo*, which *Leo Ostiensis* does not forget in his Chronicle. The Donation, or rather Confirmation of former Donations, made by *Peppin* and *Charles the Great* to the Church of *Rome*, ought not to be attributed to this *Lewis*, as the Abbot of *Noce*² believ'd, but to *Lewis the Pious*, Son of *Charles the Great*, in the Time of *Paschal I.*; neither does it include any more than what *Peppin* and *Charles* gave, which is manifest from the Chronicle of *Leo Ostiensis*³.

BY *Lewis's* Death falling out in the Year 874, or the following, we clearly see the Error of those who believ'd, that *Lewis* having retaken *Bari* from the *Saracens*, had restor'd it to *Basilus* Emperor of the East; for the *Saracens*, as soon as *Lewis* had left *Italy*, and gone to *France*, immediately sallied out of *Taranto*, to which they had been confin'd, and went and ravag'd *Bari* and the neighbouring Places;

² Sigon. de Regn. Ital.

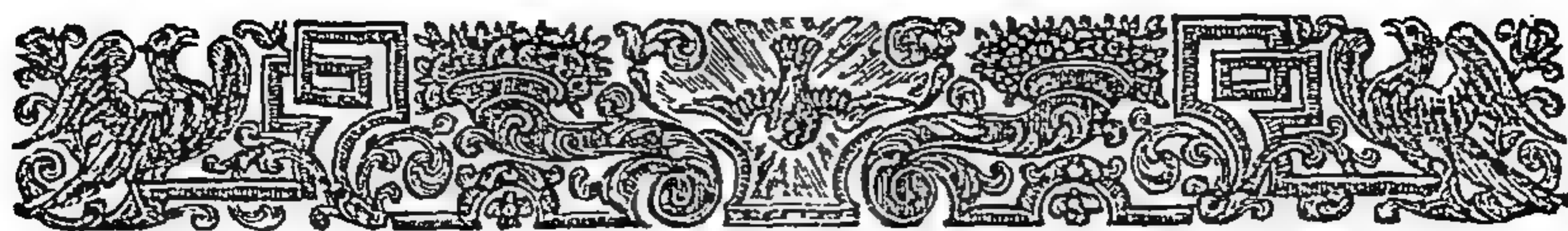
³ Ab. de Noce in Judice ver. Ludovicus.

³ Leo Ostiens. lib. 1. cap. 16.

whereupon the People of *Bari* in the Year 876. after *Lewis's* Death, not being able to bear the Cruelty of these Barbarians, invited *Gregory* Governor of *Otranto*, and brought him and his *Greeks* into their City, as *Erchempertus* ¹, and *Lupus Protospata* ² relate.

¹ Erchemp. num. 53.

² Prot. ad A. 875.



CHAP. I.

*Charles the Bald succeeds in the Empire of the West: New Incur-
sions of the Saracens, accompanied with other Revolutions
and Disorders.*



THE Death of *Lewis* occasion'd such Confusion, that not only these our Provinces, but a great Part of *Italy* were thereby afflicted, and fill'd with new Calamities. From the Time of *Charles the Great* till now, there had been no Disturbances on account of the Succession to the Empire. The last Wills of the Princes laying aside all ambiguous and subtle Quirks now in use, were receiv'd with the utmost Respect by the Successors; whatever they commanded was readily obey'd; and if the reigning Emperor in his Life-time appointed a Colleague, or at his Death a Successor, his Will was an inviolable Law. Thus did *Charles the Great* by *Pepin* and *Lewis*; *Lewis* by *Lotbair*, and at last *Lotbair* by the other *Lewis*. Hitherto for the Election of the Emperor of the West there was no need of calling Assemblies or *Comitia*; out of a bare and pure Ceremony introduc'd by Custom, they had recourse to the Popes for Consecration and Coronation. But *Lewis* having left no Male Issue, the *French* and our *Italians* began to contend for the Empire. In *France* the most stickling Pretenders were *Charles the Bald*, King of *France*, the Son of *Judith*, and Brother to *Lotbair* the Father of *Lewis*, and *Lewis* King of *Germany*, Brother to the same *Lotbair*, to whose Share, according to the Division made, *Germany* had fallen, and a Part of *Lorraine*, which a few Years before had by an Agreement been divided betwixt him and his Brother *Charles*, so that both the Pretenders were Uncles to the deceas'd *Lewis*.

AT other times in the Course of this History we have on many Occasions seen, that the Quarrels of Princes have always ended in the Increase of the Dignity and Authority of the Popes; which is more clear and evident from this than any preceding Event. In this Competition for the Empire of the West, there were two Things necessary to be compass'd by the Rivals, in order to succeed in the Matter; to wit, first to enter *Italy* with an Army, and next to procure the Good Will of the Pope, because by the Solemnity of the Coronation he could immediately make the Matter easy, it being a Ceremony which by the People was reckon'd the most certain Sign of being assum'd to the Imperial Throne. *Charles the Bald* was no sooner appriz'd of the Death of his Nephew, than he immediately enter'd *Italy*, and prevented his Brother *Lewis*, who had sent his Sons *Charles the Gross* and *Carloman* to put a Stop to *Charles's* March, but they came too late and could do nothing; at which *Lewis* being much inrag'd, he with his third Son *Lewis* invaded *France*, where he vented his Passion in a most Hostile manner.

IN the mean time *Charles the Bald* having solicited Pope *John VIII.* to favour his Undertaking, advanc'd towards *Rome*; this Pope was unwilling to lose so fair an Opportunity, by which he might reap both Advantages to himself and his See: after having brought the *Romans* to his beck, he sent two Bishops to invite *Charles* to *Rome* to take the Imperial Crown, which he had ready for him, having made Choice of him above all the Pretenders. *Charles* came to *Rome*, and in the Church of the *Vatican*, with great Acclamations and Solemnity, was crown'd by *John* on *Christmas Day*, in the Year 875, and proclaim'd *Augustus*, and took an Oath always to employ his Arms against the Enemies of the See, and to defend it with all his Power. The Pope by this Fact assum'd much more to himself than ever any of his Predecessors had done on the like Occasion, for if that Oration made to the Bishops be his, as we read in *Sigonius*¹, he speaks in such a Stile as if *Charles* had absolutely receiv'd the Empire from him, and his Election had solely belong'd to him; so that from that Time forward it has been pretended by the Popes, that the Title of Emperor was a pure and downright Favour bestow'd by the Pope, and therefore they began to number the Years of the Empire from the Day of the Pontifical Consecration; and *John's* Successors have had the Assurance to tell the Emperors of the West to their Face, that the Empire was their free Gift: but of this more in another Place.

'TIS likewise said, that *Charles* in return for the so many Favours he had receiv'd from the Pope on this Occasion, besides his having adorn'd the Church of *St. Peter* with Gifts of great Value, yielded to the Pope the Sovereignty of *Rome*, which the other *French* Emperors his Predecessors had always reserv'd, and that it was not before this Time that this City was put under the independent and absolute Dominion of the Pope; but all these Accounts appear to be Fables, when we consider what the *Otho's*, Emperors of the West, did in *Rome*, as we shall shew by-and-by.

AS soon as *Charles* had dispatch'd his Affairs in *Rome*, according to the Custom of the other Kings of *Italy*, he went to *Parva*, and there, as his Predecessors had been, he was crown'd by the Archbishop of *Milan*, and proclaim'd King of *Italy*; whereupon soon after in the same City he establish'd many Laws for the good Government of it.

CHARLES during all his Life-time enjoy'd the Empire, and the Kingdoms of *Italy* and *France* without any Dispute, for *Lewis* of *Germany* his Brother, who died in *Frankfort* on the 28th Day of *August* in the Year 876, left subject Matter enough for his Sons to make War elsewhere. *Lewis* left three Sons, amongst whom, according to the dangerous Custom introduc'd into *France*, he divided the paternal Kingdom. *Bavaria*, *Bohemia*, *Carinthia*, *Sclavonia*, *Austria*, and a Part of *Hungary* fell to *Carlomann's* Share. To *Lewis*, *Franconia*, *Saxony*, *Frisia*, *Thuringia*, the *Lower Loraine*, *Cologne*, and many other Cities upon the Banks of the *Rhine*. To *Charles the Gross*, *Germany* from the *Main* to the *Alps*, and the other Part of *Loraine*.

BUT whilst the Emperor *Charles* govern'd *France* and *Italy*, the *Saracens*, whom *Lewis II.* had coop'd up in *Taranto*, return'd anew to plague these our Provinces, and over-running as far as *Bari*, threaten'd Slaughter and Destruction to the other Provinces likewise. Therefore the *Neapolitans*, the *Amalpbians* and *Salernitans*, having none to whom they could have recourse for Relief against the threatening Irruptions, which they could not withstand with their own Forces, were oblig'd to treat with the *Saracens* for a Peace the best way they could, which they would not hear of, but upon Condition that they should all join their Forces together, and with their united Troops march against the *Roman* Dukedom, and *Rome* itself; the Confederacy was agreed to on these hard Conditions², of which Pope *John* being appriz'd, had immediately recourse to the Emperor, who sent to his Assistance *Lambertus* Duke of *Spoleto*, and *Guido* his Brother. The Pope himself in the Year 876. came to *Naples* accompanied by them, and in these our Provinces commanded the Expedition. This was the first Time that a Pope was seen at the Head of an Army, in all Appearance on a very pious Occasion, for suppressing the Cruelty of the *Saracens*, who had a Mind to overturn his State, and overthrow the Pontificate. *John* us'd all Means possible in order to break this Confederacy, and to draw to his own Side those Princes who were confederated with the *Saracens*;

¹ Sigon. de Reg. Ital.

² Erchemp. num. 39.

and so instant was he with *Guaiferius* Prince of *Salerno*, that he not only made him leave the Confederacy, but turn his Arms against the obstinate *Neapolitans*.

SERGIUS was this Year Duke of *Naples*, who for having imprison'd *Athanasius* his Uncle, Bishop of *Naples*, was hated by many; he on no account would break off from the *Saracens*, notwithstanding the Rebukes of the Pope; therefore he was immediately excommunicated by the same Pope, and *Guaiferius* march'd against him, fought with the *Neapolitans*, and made two and twenty of them Prisoners, whom the Pope caused all to be beheaded ¹.

AT this Time *Athanasius* Brother to *Sergius* was Bishop of *Naples*, who had succeeded the other *Athanasius* his Uncle in that See, who, in order to do a Thing acceptable to the Pope, laying aside the Ties of Blood and Nature, being likewise spurr'd on by Ambition, imprison'd his own Brother, and having put out his Eyes, presented him to the Pope in *Rome*. *John* lik'd the Present much, and kept him in *Rome*, where he miserably ended his Days ². *Athanasius* afterwards got himself to be elected Duke in the Room of *Sergius*; and thus, according to some late Precedents, he became both Bishop and Duke of that City. This *Athanasius* was a Man of a turbulent Spirit, and who during his Government disturb'd all the other Princes his Neighbours, and turn'd these our Provinces upside down. He, in order to save his own Dukedom, not minding his Episcopal Dignity, nor regarding any Thing but his own Ambition, made no scruple to renew the League with the *Saracens*; he prepar'd Quarters for them near *Naples*, and join'd them with his *Neapolitans*, and put the *Beneventans*, the *Capuans*, and the *Salernitans* into the utmost Confusion, by making Inroads to the very Borders of *Rome*, where there was nothing that was barbarous but he attempted, plundering where-ever he went.

THE Pope seeing this, fulminated his terrible Anathema's against *Athanasius*, and in the Year 881. excommunicated and curs'd him; and according to *Erchempertus*, did the same by the City of *Naples*: Which the Letters of this Pope, yet extant, testify ³. He likewise excommunicated the *Amalphytans* ⁴. The same had happen'd to the *Salernitans* and *Guaiferius* their Prince, if, being terrified by such Thunderings, they had not broke off from the League. And besides the Pope seeing that the *Saracens* in great Shoals over-run the Country on all Sides, likewise wrote many Letters, and sent many Ambassadors to *Charles the Bald*, whom he put in mind of the many Favours done him, which hasten'd him immediately, after the Example of *Lewis* his Predecessor, to come to *Italy* with a powerful Army, in order to drive them away, otherwise all had gone to Ruin, and *Rome* had fallen into the Hands of the Barbarians, to the irreparable Ruin of that See, of which he had sworn to be the Defender.

THESE Examples ought to convince us that the Opinion of those is very disputable, who have written, that general local Interdictions were not older than the Time of *Gregory VII.*; and that this Pope was the first that introduc'd them into the Church, by punishing the People for the Wickedness of the Princes; for if what *Erchempertus* relates be true, who flourish'd about the same Time, or a little after, the City of *Naples* actually underwent such a Misfortune on account of the Treachery and wicked Practices of its Bishop and Duke, who oblig'd the *Neapolitans* to enter into a Confederacy with the *Saracens*. Besides, not to mention more ancient Examples of other Countries, we have another remarkable Instance in the Principality of *Benevento*, where the Emperor *Henry II.* had appointed *Pandulphus* to be Governor; because the *Beneventans* would not obey him, the Emperor, who was in concert with Pope *Clement*, in the Year 1010. got him to excommunicate

¹ Erchemp. num. 39. Octavo die Anathematis XXII. Neapolites milites apprehensos decollari fecit: Sic etiam monuerat Papa.

² Ibidem.

³ Epistola 41. Jo. VIII. where speaking of the Neapolitans being in Confederacy with the Saracens: Nunc autem vel illis incorrectis existentibus, & ad percutientem se redire nolentibus; vel tibi cum ipsis habitanti, & idcirco a Divinis omnibus pariter Sequestrato, quo pacto antequam repiscentis ad viam salutis, & justitiæ revertamini, parcere aut a nexu Ecclesiastici vos judicii valemus absolvere? Absolvite ergo

vos prius Colligationes impietatis, & fœdus impium, quod cum inimicis Christi habetis compositum, & nos illico misericordiam, &c.

⁴ Epist. 22. Virtute S. Spiritus, & autoritate S. Petri, cui ligandi & solvendi in cœlo, & in terra a domino est concessa potestas, omni sacra communione, sancta videlicet corporis, & sanguinis D. N. J. Christi, vos una cum totius Apostolicæ sedis consensu privavimus, ut in eadem Excommunicatione maneat, donec resipiscentes ab impio vos Paganorum præda separetis.

the *Beneventans*; from which they were not absolv'd till ten Years after, when *Leo IX.* who succeeded *Clement*, having come to *Benevento*, took off the Interdiction.

BUT at the same Time that *Charles* was on his March to *Italy* to assist the Pope, when he came to *Paſſua* with a small Number of Troops, whither the Pope went to meet him, he found that *Carlomann* was got before him, who having arrived in *Italy* with a powerful Army, endeavour'd to drive *Charles* out of it, and possess himself of the Empire and Kingdom of *Italy*. *Charles* being surpriz'd at his having got the start of him, return'd towards *France*, and being come to the *Alps*, was taken ill of a Fever, not without suspicion of Poison, where he ended his Days on the 6th Day of *April* in the Year 877, the 54th Year of his Age: His Body was interr'd at *Vercelli*, and seven Years thereafter was transported to *St. Denis*.

S E C T. I.

Greater Confusion and Calamities in these our Provinces by the Death of Charles the Bald, in the Reign of Carlomann.

CHARLES being dead, and succeeded in *Italy* by *Carlomann*, Confusion and Calamities increas'd; *Carlomann* was not in a Condition to relieve our Provinces, being employ'd in other Undertakings, and the *Saracens* growing much more cruel, all went to Wreck and Desolation.

THE Broils betwixt our own Princes was a great Addition to these Miseries; for the *Capuans* by the Death of *Landulphus*, which fell out in the Year 879, were divided into Factions. He left many Grandchildren, who greatly hasten'd the Ruin of that Province, by dividing it equally amongst them. There fell to the Share of *Pandonulphus* Count of *Capua*, who succeeded him, *Tiano* and *Casamirta*, which some call *Caserta*. To *Landon*, *Berolassi* and *Sessa*. To the other *Landon*, *Calinio* and *Gajazza*¹; and thus of one State many were made, by its being divided into small Portions, which at last was the Ruin of our *Longobard* Princes, because the Division of their Estates occasion'd Factions and intestine Wars, which gave Opportunities to other Nations to take Advantage of their Quarrels and Confusions. For that ancient Custom took place amongst them, not to prefer the elder Brother in the Succession to Fiefs before the younger, but all shar'd equally², contrary to the Custom of the *French*, who prefer the Eldest to prevent the Division of the State; from whence in our Kingdom that Distinction was introduc'd, that in Successions, some Fiefs are regulated according to the Law of the *Longobards*, others according to the *Jus Francorum*, which at last prevail'd, as being the most provident and prudent, which we shall shew in a more proper Place.

AND tho' *Gasta* had been given to *Pandonulphus* by *John VIII.*, yet the *Capuans* did not treat the *Gaetans* so mildly, as to prevent new Quarrels and Revolutions in it and his whole State; for which Cause, three Years and eight Months afterwards, *Pandonulphus* was driven out of it, and *Landon* in the Year 882. was elected in his Room, who governing *Capua* indiscreetly, held it only two Years: *Atemulphus* his Brother taking Advantage of his bad Conduct, invaded it, and in the Year 887. this valiant Captain having driven him out of it, restor'd the County of *Capua* to a better Form of Government, and so demean'd himself in his Prosperity, that he was advanc'd to the Principality of *Benevento*, by which, after a Course of many Years he united these two States under one Person, as we shall relate.

THE Confusions in the Principality of *Benevento* were no less, for whilst *Adelchisus*, altogether over-joy'd, was returning to *Benevento*, after the taking of *Castello Trabentense*, which some call *Trivento*, by the Conspiracy of his Nephews and Friends, in the Year 878. was cruelly murder'd, after having reign'd in *Benevento* 24 Years and

¹ Erchemp. num. 40.

² Frec. de Subſtaud. p. 54. Et isti succedebant Comites in Regno omnes pariter filii, sicut in Lombardia; cum videamus ex historicis, uno eodemque tempore in eodem Comitatu duos & plures Comites, in Comitatu Theani, in Comitatu Venafri, & Aquini, & aliorum.

a half; we read of no Tomb erected for this Prince, as there had been for the rest, as *Pellegrinus* writes. But the same Author gives us one of his *Capitularia*, wherein he establishes many Laws, some conformable to those old Laws of the *Longobard* Kings, others not.

THE Murder of this Prince occasion'd terrible Confusion in the State, for *Gaidaris* his Nephew, and Son of *Radelgarius* succeeded him in the Principality; and out of Ambition excluded *Radelchisis* the eldest Son of *Adelghisus*, who had been murder'd: The *Beneventans* two Years and a half afterwards depos'd him, and sent him Prisoner to *France*, and set *Radelchisis* the Son of *Adelghisus* on the Throne; but not long after, *Gaidaris* having made his Escape out of *France*, retir'd to *Bari*, under the Protection of the *Greeks*; for this City, which formerly had been govern'd by *Castaldi*, sent thither by the Princes of *Benevento*, because it had often been in the Hands of the *Saracens*, considering that the *Beneventans* had frequently lost it, and could not defend it against their continual Incursions, had come under the Dominion of the *Greeks*, when the Inhabitants, as we have said, deliver'd themselves up to *Gregory*, whom they invited from *Otranto*, whereof he was Governor, which City had likewise return'd under the Dominion of the *Greeks*. And *Gaidaris* having gone to *Constantinople* to the Emperor *Basilus*, was courteously receiv'd by him, and got the Government of the City of *Oria* during Life, from whence he continually molested the *Beneventans*, who had driven him from that Dominion.

RADELCHIS being beset with Enemies on all Sides, enjoy'd little Quiet in his Principality; for not long after a War breaking out betwixt the *Neapolitans* and the *Amalphytans* on the one hand, and betwixt the *Capuans* and *Beneventans* on the other, all went to Confusion; and after a Reign of a few Years, in the Year 883. he was driven out of it, and *Ajo* his Brother put in his Room. Neither did this Prince long enjoy his State in quiet, for being taken Prisoner by *Guido* Duke of *Spoletto*; tho' by the Means of the *Sipontins*, who on this Occasion shew'd great Fidelity to their Prince, he had been set at Liberty, and restor'd to *Benevento*; yet *Gaidaris*, who possess'd the City of *Oria*, stirr'd up the *Greeks* against him, with whom he had many Battles. And he dying after a troublesome Reign of seven Years, *Orso* his Son, who was but ten Years old, succeeding him in the Year 890, compleated the Ruin of the *Longobard* Princes in *Benevento*; and at last this City being taken by the *Greeks*, after the *Longobards* had held it 330 Years, it came under the Dominion of *Leo* Emperor of the East, the Son of *Basilus*; for this Prince being much incens'd against *Ajo*, and push'd on by *Gaidaris*, the Year following 891, sent a most formidable Army into these our Provinces, under the Command of *Simbaticius Protospatarius* in order to subdue *Benevento*, who having laid close Siege to it, in the Space of three Months made himself Master of it, with all the other Places under its Dominion, and expell'd the unfortunate *Orso*, who had held it only one Year. Thus *Benevento*, after 330 Years from *Zoto* the first Duke, to *Orso*, was subjected to the Emperors of the East, and govern'd for a Year by the same *Simbaticius* who had conquer'd it; after which *George* a Patrician was sent by the Emperor to be his Successor, who govern'd it till the Year 895.

¹ Pell. in Stem. Princ. Ben.

² Erchemp. num. 39, 41, 42, 47, 48.

³ Erchemp. num. 48, 49.

S E C T. II.

Calamities in the Principality of SALERNO.

BUT more grievous and lamentable were the Calamities of *Salerno*, which being often invaded by the *Saracens*, suffer'd cruel Slaughter, and incredible Devastation, insomuch that the Inhabitants with their whole Families were often oblig'd to go and seek Shelter elsewhere. Not only the *Saracens* but our Princes themselves

themselves likewise join'd in ruining them, and especially *Athanasius* Duke of *Naples*, in Confederacy with these Barbarians, laid all the Country waste, and reduc'd *Guaimarus*, who succeeded his Father *Guiferius* in the Principality of *Salerno* in the Year 880, to such Distress, that in order to be able to make a Stand against so many Incursions, his own Forces not being sufficient, out of cruel Necessity he was forc'd to have recourse so far as the East for Assistance, from the Emperor *Leo* and *Alexander*, the Sons of *Basilus*, by whom he was seasonably supply'd¹; and besides, they sent him a Charter, also recorded by *Summontes*², by which they confirm'd to him the Principality of *Salerno*, in the same manner as the Division had been made betwixt *Siconolphus* and *Radelchisus*³.

THERE was not a more perfidious and faithless Man on Earth than this *Athanasius*, who sometimes entering into Alliance with the *Saracens*, and sometimes breaking off from them, according as the Necessity of his Affairs requir'd, put these our Provinces into Confusion; when the *Saracens* were over-running the neighbouring Principalities, and were every where successful, he, in order to extinguish the Fire which he saw in his neighbouring States, fearing lest it should seize on his own, made a shift to join and assist the neighbouring Princes; at other times, when they were worsted by the *Greeks* or *Longobards*, and he saw himself out of Danger, he left them and join'd the *Saracens* again. Thus it once happen'd, that a great Body of *Saracens* being in Quarters at the Foot of *Vesuvius*, he sent into *Sicily* to invite King *Suchaim* to come and put himself at their Head; but it falling out afterwards that this King began to destroy *Athanasius*'s own Country, and outrageously to spoil and rob the *Neapolitans*, he, inrag'd at such ill Usage, immediately resolv'd to join and make Alliance with *Guaimarus* Prince of *Salerno*, and the *Capuans*, in order to drive them away, in which he was successful. *Erchempertus* relates⁴, that being troubled in his Conscience, he had made this League for driving out the *Saracens*, that by so Pious an Undertaking he might merit Absolution from the Censures of the Pope, by which he and his City of *Naples* had been interdicted from the Month of *April* in the Year 881.

THUS by the Ambition and Quarrels of our Princes, these Provinces which now make the Kingdom, never saw more calamitous Times than those, in which they were assaulted and torn to pieces, not only by our own Princes, but likewise by foreign Nations. The *Beneventans*, *Capuans*, *Salernitans*, *Neapolitans*, *Amalaphitans*, and the *Greeks* fought with one another; and when they were wearied of their own Calamities and gave over, the *Saracens* were always ready prepar'd, who being spread over all, and having in many Places of the Kingdom, fix'd, strong, and secure Garrisons, such as *Gariigliano*, *Taranto*, *Bari*, and at last in Mount *Gargano*, they so miserably afflicted these Provinces, that there was no Place free from War, Pillage, Calamity and Death; so that not only the two famous and rich Monasteries of *Cassino* and *St. Vincent* many times suffer'd Desolation and Burning, but also the most conspicuous Cities and whole Provinces underwent the same Calamities.

THERE was no Assistance or Relief to be expected any where: the Forces of the Emperors of the East were at a distance and weak; much less could any be expected from the Emperors of the West. *Lewis II.* was dead, who had made himself famous in the World for having so often driven the *Saracens* out of these Provinces, and pent them up in the furthest Cities; and no Assistance was to be expected from his Successors, because *Charles the Bald* who succeeded him, being prevented by *Carlomann* his Competitor, was forc'd to turn his Arms another way. And *Carlomann*, who after *Charles*'s Death possess'd the Kingdom of *Italy* three Years, having other Undertakings on his Hands, and being oblig'd to oppose the Forces of *Lewis the Stammerer*, Son of *Charles the Bald*, who laid Claim to *Italy*, could not mind these our remote Parts.

¹ Erchemp. num. 54.

² Summon. tom. 1. pag. 428.

³ Pell. in Stem. Princ. Salern. Professus est in publici Tabulis, concessum sibi, ac permissum fuisse suum Principatum ab Græcis Imp. Leone

& Alex. sicuti divisus fuerat, inquit, inter Siconolphum & Radelchisum Principem.

⁴ Erchemp. num. 49. Hoc turbine exactus, & ut Apostolicum Anathema, quo erat innodatus, a se, & urbe sua expelleret, Guaimarium Principem, &c.

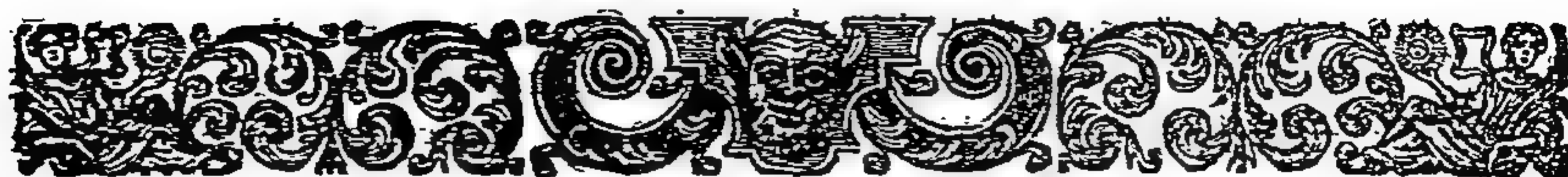
Besides these, *Italy* was oppress'd with other Calamities ; for by the Death of *Charles the Bald*, the Empire being vacant, though *Carlomann* was in Possession of the Kingdom of *Italy*, which he soon made himself Master of: *Lambertus*, Duke of *Spoletto*, surpriz'd *Rome*, and claim'd the Imperial Crown from the Pope. The Pope fled to *France*, and got Assistance from *Lewis III.* surnam'd the *Stammerer*, and in return for so many Favours received on this Occasion, consecrated him Emperor in *France*, and caus'd him to be proclaim'd *Augustus*. But *Lewis*, though he was proclaim'd Emperor, had no Dominion in *Italy*, for *Carlomann* was in Possession of the Kingdom of *Italy*, though he was not Emperor: Which is an evident Confirmation of what we have said in this History, that the Emperors of the West, after the Restoration of the Empire, did not Rule in *Italy* as Emperors, but as they were Kings of it ; neither did *Charles the Great* add *Italy* to the Empire, any more than he made *France* a Member of it ; and their Laws, which were long observ'd in *Italy*, and which were added to those of the *Longobards*, were not in Force as Laws of the Emperors ; but as being Laws of its own Kings. Indeed, our ancient Writers, in the Catalogue of the *Longobard* Laws, summing up the Laws of the Kings of *Italy* after those establish'd by the *Longobard* Kings, reckon those from *Pepin* to *Conrade*, as Laws made by Kings, and not by Emperors.

BUT these two supreme Dignities were soon united in the Person of *Charles the Gross* ; for his Brother *Carlomann* dying in the Year 880, he, in all haste, went to *Italy*, where being kindly received by the *Italians*, according to Custom, he was crown'd and anointed King of *Italy*, by the Archbishop of *Milan* ; and not long after being invited again to *Italy* by Pope *John*, on *Christmas* Day, in the Year 881, he was crown'd with the Imperial Crown by that Pope, and proclaim'd Emperor.

CHARLES the Gross was often invited by the Pope to come and assist these Provinces, which were still molested by the *Saracens*, and though he came as far as *Ravenna* for that End, yet he was forced to return again to *France*, whither the impending Ruin of the Nation recall'd him. It was at this time, that the *Normans* were first heard of ; they had come from the utmost Parts of *Scandinavia*, and over-running and putting all *France* into Confusion, had laid Siege to *Paris*, so that in order to pacify them, *Charles* was forc'd to assign them *Neustria* for a Place to settle in, which Province to this Day retains the Name of *Normandy*.

THE Disorders of that Kingdom were worse, on account of the Contentions which arose after the Death of *Lewis* King of *France*, and afterwards of *Carlomann* his Brother, which at last occasion'd the Translation of the Empire from the *French* to the *Italians*. It was at this Time, that our *Italians* seeing *France* ruin'd and divided, began to think, that if *Charles the Gross* should die without leaving Male-Issue, the best thing they could do, was to chuse an *Italian* Emperor, who not being diverted by other Governments, and in other distant Countries, could better govern *Italy*, and defend the Apostolical See, which by the frequent IncurSIONs of the *Saracens*, even to the Gates of *Rome*, was often seen to be in great Danger ; they look'd upon the ancient Valour not to be yet quite extinct in *Italy*, and that there were still such Persons who could support that Dignity. Therefore they perswaded *Adrian III.* who then govern'd the Apostolical See, to make, at their Request (if we may give Credit to *Sigonius* ¹ who relates the Words of it) this Decree: *Ut moriente Rege Crasso sine filiis, Regnum Italicis Principibus una cum titulo Imperii traderetur.* As he actually died in the Month of *January*, of the Year 888, who in his own Person alone, had united the Three most renowned Kingdoms of *Europe*, to wit, *Germany*, *Italy* and *France*, and thereby equall'd the Grandeur of *Charles the Great* : Our *Italians*, by undertaking to restore the Kingdom of *Italy*, and the August Title of *Emperor* to their own Nation, and thereby thinking to re-establish its Provinces better, brought upon themselves such Revolutions and Confusion, that *Italy* had never been so miserably afflicted, nor in such Disorder, by the intestine Broils of the People, and the Treachery and Wickedness of the Princes, as it was in these Times, when it was under the *Berengarii*, and the *Guidi*, the one Duke of *Friuli*, and the other of *Spoletto*, as we shall have occasion to relate.

¹ Sigon de Reg. Ital.



C H A P. II.

The Condition to which the Jurisprudence, and other Parts of Learning were reduc'd in these Times, and of the new Collection of the Laws made by the Emperors of the East.

BE H O L D the unhappy and lamentable Condition to which these our Provinces were reduc'd about the End of the Ninth Century; would to God their Disasters had ended there: It would truly be absurd to imagine, that in such wicked Times, amidst so great Confusion, Discipline could be maintained in its Purity and Force. All was Disorder, all Confusion; only in *Rome*, which was altogether owing to the Popes, the Monks, and the Clergy, some Learning was preserv'd, and the *Latin* Tongue was not quite extinct, at least in Writings: Whence Men of Letters have since been call'd Clergy, and the Illiterate, Laicks; for in the Writers of the last Age, such as *Dante*, *Puffavanti* and others, by Clergy, is understood learned Men, and by Laicks, the Illiterate. For which they are so much the more Praise-worthy, that tho' Pope *Gregory I.* had forbidden them to imploy their Studies on heathen Authors, in order to blot out all Memory of ancient Learning, and therefore rebuk'd *Didicius*, Bishop of *Vienna*, very severely, for teaching *Grammar*¹, yet amidst the so many Inundations of Barbarians, the Church of *Rome*, as much as the Circumstances of the Times would allow, retain'd some Remains of the gentile Learning, which otherwise would have been altogether lost and extinguish'd². Who would believe, that Philosophy, Physick, Astrology, and so many other Sciences had been restor'd amongst us in these Times by the *Saracens*, by the Application they gave to the Books of *Aristotle*, *Galen* and other Authors; whereby *Averroes*, *Avicenna*, and many others made themselves so famous and renown'd? But hence it came to pass, that for a long time, the Sciences, Philosophy and Physick, &c. were so ill manag'd and cultivated in our Schools by *Aristotle's* being only in Vogue, and the so many other Philosophers neglected, that the Streams of Theology, Mathematicks, and other Sciences, run very muddy, as we shall shew in a more fit Place.

A N D as to what relates to our Jurisprudence, the Books of *Justinian* had been banish'd, and scarce known in *Italy*, and the *Roman* Law had only remain'd by Tradition amongst the Commonalty, who are the last in laying aside ancient Customs, and the Laws of their Fore-fathers; only the *Novellæ* of *Justinian* had been retain'd by the Ecclesiasticks, and often quoted by the Popes³: There was some use made of the *Theodosian Code*, as having been valu'd and corrected by *Charles the Great*. On the contrary, the *Lombard* Laws were in vogue, to which those that had been publish'd by *Charles the Great* and his Successors, as Kings of *Italy*, being added, they had full Authority and Force in our Tribunals; and by these all Law Pleas were decided.

A N D because by degrees, Fiefs had crept in and multiplied in these Provinces, the *Feodal* Customs, not Laws, began to get Footing; for the first amongst us who publish'd written Laws on them, was *Conrade the Salick*, as we shall relate.

¹ Gregor. 9. Epist. 48.

² Bacon de Verulam. de Augum. Scient. lib. 1. | ³ Jo. VIII. Epist. 163. V. Struv. hist. jur. Justin. cap. 5. §. 7.

Their Rules and Customs were, for the most part taken, as we have said, from the *Longobard* Laws; but the Laws and Customs of other Nations had likewise their Share in them: From the *Saxons* and the *Thuringians*, the perpetual Exclusion of Women from Succession: From the *Normans* and *Burgundians*, the Custom of preferring the eldest Sons; from the same *Normans*, the Custom of paying Fines on the renewing the ancient Investiture: From the *Longobards*, the preferring the maiden Sister, whom they call'd *in Capillis*, to the married Sister, who had got her Portion, in Places where Women (as in our Kingdom) are capable of succeeding to Fiefs. The Custom of Juries, and the determin'd Number of Twelve, was taken both from the *Longobards*, and the *Ripuarii*. Our Fore-fathers likewise learn'd from the *Germans*, the Necessity of having the *Pares Curie* present when Judgment was to be given in Cases of new Investitures, or Deprivation of Fiefs; and their Successions were regulated according to the Custom of Places, and not by written Laws, by which the Rights of Succession became so various and diverse, that the Compilers of this Law wisely call'd them *Consuetudines*; of which we shall have occasion to discourse more at length, when we come to treat of the Collection of the Feudal Books. It was owing to this likewise, that the *Roman* Law was in such disuse, that it was only preserv'd amongst the Commonalty, as an old Custom; for these our Provinces, by the multiplicity of Fiefs, were filled with a vast number of Barons, and the *Longobard* Laws, and Feudal Customs, which in a great Part were taken from them, were only respected and observed; and it was look'd upon as a Mark of Nobility to live according to the *Longobard*, and not the *Roman* Laws. And though *Charles the Great*, *Pepin*, *Lothaire* and *Lewis*, had left the People of the Provinces to live under whatever Law they thought best, yet the greatest Part chose the *Longobard*. Besides, when a Woman was married, though she had liv'd under the *Roman* Law, yet afterwards she was to be under the *Longobard*, according to which the Husband constantly liv'd, of which we have a clear and singular Example in *Doviat*^a.

BUT the *Longobard* Laws, and the Feudal Customs were in Force and Authority only in those Provinces that were subject to the *Longobard* Princes; for hitherto they had not obtain'd in the Dukedom of *Naples*, nor the other Cities and Places where the Dominion of the *Greeks* continu'd, who neither acknowledg'd the *Longobard* nor the Feudal Laws: Therefore, perhaps some may think, that at least, in these Times, in the Dukedom of *Naples*, *Amalphis*, *Gaeta*, and all the other Countries subject to the *Greeks*, they liv'd according to the Laws of *Justinian*, and especially in those Times, in which the *Greeks* had re-taken many Places from our *Longobard* Princes, such as *Bari*, *Taranto*, and *Benevento*.

BUT they will be surpriz'd to hear, that the Books of *Justinian* had no better Fortune in the East than in the West, and therefore were not acknowledg'd in the Cities and Provinces that maintain'd themselves under the Dominion of the *Greeks*. This was owing partly to Remissness in *Justin*, who succeeded to *Justinian*; but much more to the Envy that the succeeding Emperors bore to the Glory of *Justinian*, who endeavour'd, by the means of new Constitutions and *Novellæ*, and new Collections, to eclipse his Books. And the greatest Blow they got, was in the Ninth Century, in which we now are, when in the Year 870, the Emperor *Basilus*, and shortly after, *Leo* and *Constantine* his Sons, order'd, That so famous Collection of the *Basilicæ* to be made. Therefore it will be proper that we treat at large of the many Collections made by the *Greeks*, and the Works of their Lawyers, who bestowed their Labour on that Subject, by which the true Causes shall be discover'd, why the Laws of *Justinian* had not that Force and Authority in the Dukedom of *Naples*, and all the other Cities subject to the *Greeks*, which they had afterwards in these Provinces, when they were restor'd again in *Italy* in the Time of *Lothaire* II. and were expounded in our Academies, and acquir'd that Force in our Tribunals, which continues to this Day. And I am induc'd the more willingly to do it in this Place, because being tir'd with these many preceding Disasters and Calamities, I would gladly refresh myself a little with Learning, which at this Time was not altogether lost and extinct in *Greece*, as it was in *Italy*.

^a Doviat hist. jur. Civ.

S E C T. I.

New Collections of Laws made in Greece ; and their Use amongst us in those Cities that were subject to the Greeks.

THE Books of *Justinian*, that is to say, the Collections of the *Pandects*, *Codes*, and other Constitutions, call'd *Novellæ* ; as soon as their Author died, underwent such strange Alterations among the *Greeks* themselves, that at last being laid aside, the *Roman* Law was not comprehended in them, but in other Volumes. This Neglect of them in the East, was chiefly owing to two Causes ; the First, was the so many other new Constitutions, which, by the succeeding Emperors (beginning from *Justin the Younger*, from the Year 566, to *Michael Paleologus* in the Year 1260.) from time to time were publish'd, which by altering and correcting what *Justinian* had establish'd in his Books, were the Cause of so many Changes and Novelties, that the Professors and Advocates studied only these new Constitutions, as containing what was necessary for the Practice of the Courts of Justice, and the Decision of Causes, and did not regard the *Justinian* Code, the Laws of which by the so many Corrections that had happen'd to them, were of little or no Authority, and therefore were altogether laid aside.

THE other Cause, was the so many Collections or Compilations made afterwards by the succeeding Emperors, some more compendious, others more full, which eclips'd those made by *Justinian*. The more compendious Collections being of various Sorts, got various Names : Some were call'd *Prochyra*, that is to say, *Promptuaria* ; others *Enchiridia*, that is to say, *Manualia* : Some others *Eclogæ*, which signifies *Delectus*, or Collections of the most choice Things, and by other Names, such as *Synopsis*, *Epitome*, or *Compendium*. The more full Collections went all under the same Name of *Basilicæ*, that is to say, Imperial, not, as some believed, that they took their Name from the Emperor *Basilus*, under whom they were first compiled. Among the *Greeks*, *Basileus* is the same as King or Emperor, therefore the Collections, which contain'd their Constitutions, were call'd *Basilicæ*, that is to say, Imperial.

WITH regard to the first Cause, viz. the so many Imperial Constitutions, in order to remove all Confusion, we must divide them into two Classes. Those establish'd by *Justin the Younger*, down to *Basilus Macedo* and his Sons, must be separated from the following publish'd after *Basilus*, which at first going under the Name of *Novellæ*, were at last collected together, for the most part, according to the Order of the Times they were publish'd in.

THERE were Twelve Emperors reckon'd, by whom the First were publish'd ; these were *Justin the Younger*, *Tiberius*, likewise, *the Younger*, *Heraclius*, *Constantine V. Pogonatus*, *Leo III. Iconomachus*, *Leo V. Armenus*, *Theophilus*, and *Basilus Macedo*, with *Leo* and *Constantine* his Sons. For Forty Years after the Death of *Justinian*, under the Emperors *Justin*, *Tiberius* and *Mauritius*, the Books of *Justinian* in *Latin*, in which Language they were written, had all Force and Authority in the Academies of *Constantinople* ¹ ; but *Phocas*, a most foolish Prince, succeeded in the Empire of the East, who neither could suppress the Invasions of so many foreign Nations, who possess'd a great Part of his Empire, nor preserve the Laws ; so that though the Books of *Justinian* did not altogether lose their Authority, yet they were transform'd and translated into the *Greek* Language, and by the *Greek* Lawyers were reputed as a new Body of *Greek* Law ; from which and the *Novellæ* that were still publishing, the Laws were quoted in the Courts of Justice ; so that the *Justinian* Codes began to lose their antient Force. ²

¹ Arrh. Duck de Aut. juris Civil. lib. 1. | ² Zonar. Annal. tom. 3. cap. 5. num. 2.

BUT they receiv'd a greater Blow by the so many other *Novellæ Constitutiones*, which follow'd after *Basilus* and his Sons. There are Seventeen Emperors reckon'd, who during their Empire, had establish'd them. These were *Constantine VIII. Porphyrogenitus*, *Romanus Lecapenus the Elder*, *Romanus Porphyrogenitus the Younger*, *Nicephorus II. Phocas*, *Basilus the Younger*, *Romanus IV. Argyrophilus*, *Zoe the Empress*, *Isaacius Comnenus*, *Michael VII. Dux*, *Nicephorus Botoniates*, *Alexius Comnenus*, *Joannes Comnenus*, commonly call'd *Calo Joannes*, *Emanuel Comnenus*, *Alexius III. Comnenus*, *Isaacius Angelus*, *Joannes III. Dux*, who reign'd in *Asia Minor*, and in *Nicea*, while the *French* possess'd *Constantinople*, and *Michael Paleologus*, who having driven out the *Latins*, recover'd *Constantinople*.

THE Knowledge of these *Novellæ* did not reach us till many Ages after; when Sciences and Learning were restor'd in *France* and *Italy*, then it was that they were unveil'd and brought to light, not by one single Person, and all at once, but by degrees by many learned Writers, Lovers of Antiquity. They had no Force or Authority in these our Provinces, neither at the Time they were publish'd, as being all local, and concerning the Government of *Constantinople*, and other Cities of the East, neither till after the Books of *Justinian* were restor'd in *Italy*; for they are not to be found in the ancient Volumes, which by degrees began to be first receiv'd into the Academies of *Europe*, and afterwards by the Force of Reason, into the Tribunals. Our first Restorers of Learning had no Knowledge of them, and it was many Ages after, that they were found again by some learned Men, who translated them into *Latin*, and afterwards got them joined to the new Editions, which from time to time happen'd to be made of the vulgar Codes. *Eimondus Bonafides* caus'd many of them to be publish'd, and *Joannes Leunclavius* and *Carolus Labbeus* many others; and a great many of them, both *Greek* and *Latin*, may be read in *Leunclavius*, and in the *Corpus* of *Dionysius Gothofredus*, who join'd them to his Volumes, as they were interpreted, partly by *Henricus Agileus*, and partly by *Bonafides*. For which Reasons he would bear a Loss, that would make use of them now a-days, in our Tribunals for deciding of Causes, they never having acquir'd the Force of Laws in these our Parts; and the same may be said of the *Basilicæ*¹. They are well worthy of Praise, who dug them out of the Darkness wherein they had been buried, and presented them to the Light of the World, because they often make clear those already received, and give greater Light to what relates to the History of the Times, and the Transactions of those Nations; and this is the only Use and Advantage that can be made of them and the *Basilicæ*; neither ought our Lawyers to expect any other from them. Thus we have many *Novellæ* of those Emperors concerning the *Greek* Customs and Usages, and other such things belonging to the *Greeks*, publish'd in some Places, and certain Cities, and particular Provinces, and which were not in Force, nor had Authority any where else².

AMONGST all the other Emperors of the East, there was not one that publish'd so many Constitutions, and made so many Innovations, as *Leo VI. Son of Basilus*. This Prince was a great Lover of Learning, who, by the Study, and great Knowledge of the Laws, History and Philosophy, acquir'd as *Antoninus* did, the Surname of Philosopher. There are reckon'd One hundred and Thirteen *Novellæ* publish'd by this Emperor about the Year 890, which *Agileus* translated into *Latin*; but the greatest Part of them were not in Force, nor had Authority, but in the Tribunals of *Constantinople*, and very many of them were in disuse in *Leo's* own Time³. Many Monuments of this Prince's Erudition, and his Love of Arts and Sciences are extant, such as the many Books which he compos'd, which being kept from the Injury of Time, were long preserv'd in the *Palatine Library*, and that of *Constantinople*. He wrote many Books concerning military Discipline, which deserv'd to be translated into the *Latin* and *Italian* Languages: A Book about Hunting; besides diverse Oracles and Prophecies relating to *Rome* and *Constantinople*, and some small Theological and Historical Treatises; but above all, he applied himself most to the Study of the Laws, because vying with *Justinian*, who endeavour'd to outstrip *Theodosius the Younger*, he strove to excel him by his new Collections, and

¹ Struv. hist. jur. Græc. cap. 4. §. 2.

² V. Cujac. lib. 6. observ. cap. 10.

³ Cujac. obs. 17. c. 31. Doviât. hist. jur. Civil. pag. 47.

his *Basilicæ* and *Promptuaria*, which he and his Father *Basilius* put in a better Method, and a more noble Form¹, in order to eclipse the Fame of *Justinian*.

THE first then (to come to the 2d Cause of the Neglect of *Justinian's* Books) who put the greatest Damp upon *Justinian's* Laws by the means of new Collections, was *Basilius Macedo*. *Basilius*, by a strange Turn of Fortune in the Year 866. being proclaim'd Emperor, was a Prince of so great Spirit, that he often defeated the *Saracens*, and by his Prudence re-establish'd the Empire, which had been ruin'd by *Michael* his Predecessor; and having associated *Constantine* in the Empire, and given the Title of *Cæsar* to *Leo* and *Alexander* his Sons; afterwards in the Year 879, he gave the Title of Emperor to *Leo*. By his noble Exploits, having acquir'd great Fame, he design'd to excel *Justinian* in Glory, and by the means of new Collections to eclipse his Name and Books: For which end, in the Year 870 (associating with him in this Work, *Constantine* and *Leo* his Sons) he ordered a *Promptuarium* to be compiled; or, as the the *Greeks* call it, *Prochyron* of Laws, in which, from many Volumes were compendiz'd the principal Sources of the Law, from whence the lesser Rivulets originally come. According to *Armenopolus*² it consisted of Forty Titles, and not Sixty as *Cujacius* writes; and we find it as yet among the Manuscripts in the *Vatican* Library, whither it was remov'd from that of the *Palatine*. It passes sometimes under the Names of *Basilius*, *Leo* and *Constantine*; sometimes under the Names of *Leo* and *Constantine* only, and also under that of *Leo* alone, with various and different Prefaces; so that 'tis very probable this Work was revis'd again by *Leo* the Philosopher, and reduc'd to a better Form.

LEO, not content with having put his Father's *Prochyron* into a better Form, and fill'd the East with so many *Novellæ*; put forth likewise the Compend of the Laws, a very elegant Work, which was made up purely of Definitions and Rules; but he employ'd his Study and Thoughts more in framing the *Basilicæ*: This great Work was compil'd about the Year 886, divided into Sixty Books, and, for the greater Conveniency, into Six Volumes. *Cedrenus* relates, that this Work was begun by *Basilius*, but finish'd by *Leo* his Son, who, by the Advice of *Sabbatizius Protospatarius* (perhaps the same as we have said, who was sent into our Provinces, in order to drive away the *Saracens*) caus'd it to be publish'd, according to *Antonius Augustinus*, who takes it from *Matheus Blastares*.

IN this new Compilation he did nothing else but for the most part follow the same Order which *Justinian* had observ'd in his Laws, from whose Books, Edicts, and *Novellæ Constitutiones*, and the Constitutions of the succeeding Emperors down to *Basilius*, he took his subject Matter; he retrench'd all that was thought superfluous, and what had been disus'd by the Custom of After-times was left out; and moreover he added what had been establish'd by the new Constitutions of the succeeding Emperors; from which Work, comprehended in six Volumes, and divided into sixty Books, a new Body of Law nam'd *Basilicæ* started up, and which was written in the *Greek* Language: So that what *Justinian* had written on each Subject separately in many Books, to wit, the Institutions, the Pandects, the Code, and other Books of *Novellæ*, was put under one Title, and in the same Order which *Tribonianus* was pleas'd to observe in the Disposition of his subject Matter.

THESE were the Laws call'd *Basilicæ*, and nam'd *Priores*, because the Work did not end here; for *Constantine VIII.* Son of *Leo*, surnam'd *Porphyrogenitus* likewise bestow'd great Pains and Application on this Subject: *Constantine*, out of a Desire of Glory, like his Grandfather and Father, design'd to abolish altogether the Memory of *Justinian's* Books³, and by his Skill in Law and History, to convince the World that he was a Man who had Learning chiefly at Heart. Having revis'd the Work of the *Basilicæ*, he corrected it in many Places, and in the Year 920, he publish'd another *De repetita Prælectione*, more refin'd and correct, of which he would have himself reputed the Author, and that the *Basilicæ Priores* should no more be minded, but that in the Courts of Justice and Schools, his own, which therefore he call'd *Posteriores*, should be in Force, and made use of by the Students and Lawyers of the East. Indeed this new Collection of the *Basilicæ* was receiv'd in the East, and continu'd to be the Foundation of the *Jus Græcum*, to the End of the *Greek*

¹ V. Arth. loc. cit. num. 3. & 4.

² Harmen. in Præfat.

³ V. Marq. Freher. in Præfat. ad jus Græc. Rom. Struv. hist. jur. Græci cap. 4. §. 2.

Empire¹; and *Constantine* was reputed to be the first Author of it, which both *Luitprandus* and *Erveus* acknowledge. These were always reckon'd to be the true Books of the *Basilicæ*, to which *Constantine* himself made a new *Prochyron*, or Introduction, which is to be seen at this Day; and they are the same, which, after a Series of so many Ages, have been reviv'd by the Care and Diligence of some deserving Men, Lovers of our Jurisprudence, such as *Gentianus Erveus*, and *Hannibal Fabrottus*², and which the *Greek* Interpreters have taken great Pains to comment on, and illustrate.

THIS Prince acquir'd no less Fame by his other renown'd Works concerning History, which are extant to this Day; he caus'd all the Historians to be collected into one Body, and dispos'd them into 53 common Places, tho' the History of *Porphyrogenitus*, according to the usual Custom of the *Greeks*, in many Places be reckon'd fabulous, frequent Instances of which may be seen in this History.

MANY *Greek* Interpreters bestow'd their Labours on these *Basilicæ*, so that they had as great a Crowd of *Greek* Commentators in the East, as the Books of *Justinian*, after they were reviv'd in the West, had of *Latin* Commentators and Expounders. *Cujacius* mentions a great many of them, such as *Stephanus*, *Niceus*, *Taleleus*, *Isidorus*, *Eustathius*, *Eudoxius*, *Gobidas*, *Cumms*, *Joannes*, *Agiotheodoretus*, *Doxapater*, *Gregorius*, *Garidas*, *Bestes*, *Baphius*, *Theophilus*, *Calocirus*, *Sestus*, *Callistratus*, *Leo*, *Phocas*, *Modestinus*, and *Domnius*; to which *Freerus* adds, *Patzus*, *Theopholitzén*, *Phobenus*, *Theodorus*, *Hermopolita*, *Demetrius*, and *Cartophilaces*. In what precise Times these flourish'd we have no Certainty: Nevertheless if *Taleleus* be reckon'd amongst the Lawyers who commented on the *Basilicæ*, he must be another *Taleleus*, and not he who flourish'd long before in the Time of *Justinian*, who assisted in making the Pandects, as we have said elsewhere.

SO likewise this must be another *Stephanus*, and not he, who at the Command of the same *Justinian* bestow'd his Labour on the Digests, which he also translated into the *Greek* Language; neither can *Theodorus* and *Isidorus* be the same, who long before were employ'd by *Justinian* among those seventeen in composing the *Latin* Digests.

MUCH less can it be this *Theophilus*, who together with *Tribonianus* and *Dorotheus* compos'd the Institutions; and this *Phocas* can't be one of the twelve appointed for framing of the *Latin* Code. As for *Callistratus* and *Modestinus*, 'tis unquestionably certain, that these Civilians flourish'd not only long before *Porphyrogenitus*, but even before *Justinian* himself. Therefore if it be not granted, that there have been several Lawyers at different Times of the same Name, these cannot surely be reckon'd amongst the Interpreters of the *Basilicæ*; altho' some of them had formerly been employ'd in translating the Volumes of *Justinian* into the *Greek* Language, as *Stephanus*³ (if we may believe *Mathæus Blastares* on the Testimony of *Antonius Augustinus*) did the Pandects, or at least *Taleleus*, as *Suares*⁴ and *Struvius*⁵ believ'd, and as *Taleleus* certainly did the Code; whose Example was follow'd by *Cyrillus* in the Digests, by *Theodorus* in the Code, and *Theophilus* in the Institutions.

BESIDES these, there were others of uncertain Names; such as the *Anonymous Basilicus*, whom *Cujacius* believes to be the Interpreter of the same Collection of the *Basilicæ*, *Evantiophanes*, who made a Collection of the Laws that clash'd with one another, or the *Antinomies*, whom the Bishop of *Frejus* believ'd to be *Photius*, who in his *Nomocanon* writes that he had compos'd such a Book⁶.

CUJACIUS believes *Dorotheus* to be the Author of that prolix Paraphrase which goes under the Name of an Index; but *Gotofredus* takes it to be the Work of several Persons, such as *Basilicus* and *Baphius*, whom *Constantine* made use of, and regarded as much as *Justinian* did *Tribonianus*; for the last added many Things to that Index.

THEREFORE the Study of the *Roman* Laws was no less cultivated among the *Greeks* in the East, than it was afterwards among the *Latins*. For which end many of them began to comment upon them, and to interpret them variously, little minding the Prohibition of *Justinian*, who allow'd them only to be translated into

¹ Struv. loc. cit.

² Of these Editions V. Suares Notitia Basil.

³ August. ad Novel. in Prolegom.

⁴ Suar. in Notit. Basil.

⁵ Struv. hist. Jur. Græc. cap. 4. §. 1.

⁶ V. Doyiat. hist. Jur. Civ.

Greek, and the *Paratitli*; some added *Scholia*, Paraphrases and Glosses; others again loaded them with huge Commentaries; but their Works have never been publish'd among us, and the greatest Part of them have been destroy'd by Time, or are preserv'd in the Libraries of Princes and Learned Men. Those Works that have been publish'd, and are at present abroad in the World, are the *Nomocanon* of *Photius* Patriarch of *Constantinople*, which near to this very Time was publish'd in the Year 877, and divided into 14 Titles, to which *Theodorus Balsamon* added his *Scholia*.

THERE is the *Ecloga* of the *Basilicæ*, which by some is also call'd *Synopsis*; some, according to *Cujacius*¹, take *Romanus the Younger*, Son of *Porphyrogenitus*, and Grandchild of *Romanus Lecapenus*, who reign'd about the Year 962, to have been the Author of it. This Work was found by *Joannes Sambucus* in our *Taranto*², a City, in the Time of *Romanus*, subject to the *Greeks*. *Antonius Galateus*³ relates, that *Nicetas* a Philosopher of *Otranto*, afterwards a Monk of *St. Basil*, collected many Codes from *Greece*, and therewith enrich'd the Library of his Monastery, which being under the Rule of *St. Basil*, not far from *Otranto*, became very famous and conspicuous in these our Parts.

JOANNES LEUNCLAVIUS caus'd this *Ecloga* to be printed in *Basil* in the Year 1575, and translated it into *Latin*; and *Carolus Labbeus* added the Corrections and Observations⁴ to it. In the same *Leunclavius*⁵ we read likewise of another *Synopsis* of *Michael Attaliatus* Proconsul and Judge, made in the Year 1071, by the Order of the Emperor *Michael Dux*, which goes under the Name of *Pragmatica*. A little after, in the Year 1071, *Michael Psellus*, famous for his Skill in the Laws and Philosophy, compos'd another *Synopsis* in Verse, which he dedicated to the same Emperor *Michael*.

LASTLY, *Constantinus Armenopolus*, a *Thessalonian* Judge, about the Year 1143, in the Reign of *Emanuel Comnenus* publish'd the Epitome of the Civil Laws, which he first caus'd to be printed in *Greek* at *Paris* in the Year 1540, by *Adam Suallemberg*; it was afterwards translated into *Latin*, and printed in the Year 1547. and 1549, by *Bernard Rey*, and again in *Lyons* by *John Mercer*, in the Year 1556: The Manuscript is yet preserv'd in the *Vatican* and *Palatine* Libraries.

CUJACIUS to all this likewise adds the Treatise of *Eustatbius* Antecessor *de Temporum intervallis*, which may be seen printed amongst his Works. *Antonius Augustinus*, *Freerus*, and others, give us Account of other such *Greek* Writings⁶; and *Leunclavius* gives us many Military, Rural, and Maritime Laws, as *Carolus Labbeus*, gives the *Paratitli*.

FROM which may be gather'd, that at the same time, when the Study of the *Roman* Laws was laid aside by the *Latins* in *Italy*, by reason of the Incurfions of the *Saracens* and other Nations, and on account of the Dissentions among our own Princes, the *Greeks* continued to cultivate it with the utmost Care to the very last, until *Constantinople* was subdu'd by barbarous Nations, and the Empire of the East was utterly ruin'd. And tho' their Labour was not bestow'd on the Books of *Justinian*, yet they did not spare it on the other Collections made afterwards in Emulation of him, the Substance of which was taken out of his Books; but tho' they took much out of them, yet they added much more to them.

FOR these Reasons it was, that tho' the Dukedom of *Naples*, and many Maritime Cities of these Provinces maintain'd themselves long under the Dominion of the *Greeks*, yet nevertheless the Books of *Justinian* were not receiv'd in them; and tho' in the Time of the Emperor *Lothaire II.* the Pandects were found in *Amalphis*, a City once belonging to the Dukedom of *Naples*, and subject to the Emperors of the East, yet they were not taken for a Body of *Greek* Laws, by which the *Amalphitans* were govern'd; but their being found in this City was owing to the frequent Voyages which the *Amalphitans* made to *Constantinople*, after they became so exquisite in the Art of Navigation, and by continual Commerce made themselves known all over the *Levant*; for as there was no Vestige of *Justinian's* Books to be found in the other Cities of these Provinces subject to the *Greeks*, so neither would any have been found in *Amalphis*, had it not been for the

¹ Cujac. Obs. 6. cap. 10.

² Arth. Duck, lib. 1. cap. 5. num. 7. Struv. loc. cit. §. 4.

³ Galat. de situ Japygiæ.

⁴ Struv. loc. cit.

⁵ Leuncl. in Jur. Græc. Rom.

⁶ Suares loc. cit. Struv. loc. cit.

⁷ Struv. loc. cit.

said Commerce with the East ; and what *Summontes* says, and with greater Assurance *Francisco Pietri*, that the Pandects were likewise found in *Naples*, is such an impudent Untruth, that 'tis surprizing to find Men so brazen-fac'd, as not to blush to affirm it so boldly, without the Authority of any Writer to vouch it. Only from the Letters of *Ivo of Chartres*, and the Decree of *Gratian* we may gather, that in the tenth and eleventh Centuries, some other Copy must have been handed about in *France*, for *Ivo* often in his Letters ¹, and *Gratian* in his Decree, not only quote the Digests, but also the Institutions, the *Novellæ* and the Code ². They were not known in these our Provinces which now make the Kingdom, before their being found in *Amalphis*; and with our *Longobard* Princes their own Laws prevail'd; neither were the *Roman* Laws heard of, but so far as they had continu'd by Tradition amongst the Country People, and what could be collected from the *Theodosian* Code corrected by *Charles the Great*.

NEVERTHELESS 'tis probable, that the *Basilicæ*, and the Works of these *Greek* Lawyers lately mention'd, were rather us'd in the *Further Calabria*; seeing *Joannes Sambucus* found the *Ecloga* of the *Basilicæ* in *Taranto*; and *Galateus* assures us, that in the Monastery of the Monks of *St. Basil* in *Otranto*, many *Greek* Books were found after the taking of *Constantinople*, and afterwards carried to *Rome* and put in the *Vatican Library*; whence we may conclude, that in *Naples* and the other Cities subject to the *Greeks*, the *Novellæ Constitutiones*, publish'd by the last Emperors of the East after *Justinian*, and those their last Collections, from which the *Jus Græcum* was fram'd, had more Force than the Books of *Justinian*; and that perhaps the *Neapolitan* Usages take their Rise from these last Laws of the *Greeks*, and not from the Ancient, as *Summontes* thought, which we shall take notice of when we come to discourse of the Collections of them.

THIS is said with regard to the State of those Times in which the *Greeks* had again become powerful in these our Provinces; for afterwards when their Power among us was at a very low Ebb, and particularly in the Dukedom of *Naples*, where the Emperors of the East had only a Shadow of Authority left, because the Dukes govern'd this Dukedom too absolutely and independently; but especially when the *Normans* appear'd among us, by whom the *Greeks* were driven out, neither they nor their Laws were any more regarded; for the *Neapolitans* being in the Neighbourhood of the *Longobards*, conform'd themselves to the *Longobard* and the ancient *Roman* Laws, and not to the *Greek*, as all the other Provinces of which the Kingdom is now compos'd did; for the *Normans* having driven out the *Greeks*, retain'd the *Longobard* Laws, and commanded not only the *Roman*, but likewise the *Longobard* Laws to be observ'd every where, but gave greater Authority and Force to the latter. Thus we see, that before the coming of the *Normans*, in the Peace made in the Year 911, betwixt *Gregory Duke of Naples*, and *Atenulphus Prince of Benevento*, which was afterwards rencw'd in the Year 933. by Duke *John* his Nephew with *Landulphus I.*; among other Things it was agreed, that in the Cases or Differences that might arise betwixt the *Longobards* and *Neapolitans*, Judgment should be given *absque omni dilatione secundum legem Romanorum, aut Longobardorum, absque maliciosa occasione* ³, which was practis'd in the other Provinces and Cities of the Kingdom, where both the *Roman* and the *Longobard* Laws were observ'd by the Inhabitants in their Differences; for we read in *Leo Ostiensis* ⁴, that about the Year 1017, there having a Dispute arisen betwixt the Monastery of *Monte Cassino*, and the Dukes of *Gaeta* and the Counts of *Trajetto*, concerning the Right to some Lands and Woods within the Limits of *Aquino*, which was to be decided by the Prince of *Capua*; it was determin'd in Favour of *Monte Cassino*, *tam ex Romanis legibus, quam ex Longobardis*. From two Records of two Sentences pronounc'd in the Time of the *Normans*, the first in the Year 1149, in the Reign of King *Roger*, and the second in 1171, in that of King *William*, which we owe to the Care of *Camillus Pellegrinus* ⁵, we see, that the *Longobard* Law was embrac'd by all, and in the Decision of Cases, greater Strcs was laid upon it than upon the *Roman* Law; the same was practis'd afterwards under Princes of other Nations who govern'd this Kingdom, as in the Course of this History we shall continue to take notice of.

¹ Ivo Epist. 46, 69, 79, 213, 224.

² V. Pancirol. lib. 3. c. 2. Struv. hist. Jar. Can. cap. 7. §. 17.

³ The Instrument of this Peace is to be seen in Camil. Pel. hist. Princ. Long. pag. 323.

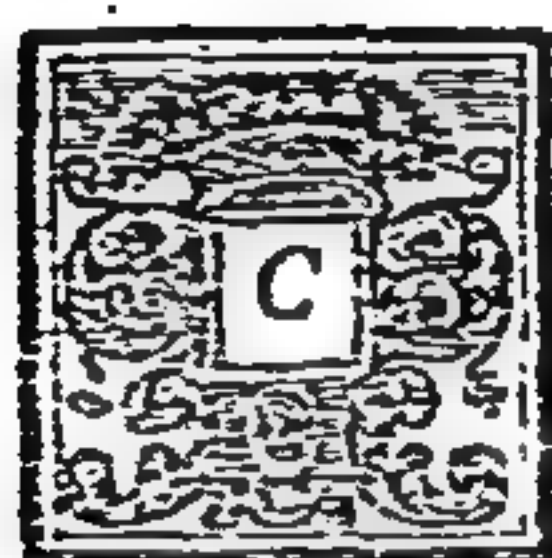
⁴ Ostiens. in Chron. lib. 2. cap. 35.

⁵ Pel. hist. Princ. Long. pag. 251, & 256.



C H A P. III.

The Kingdom of Italy passes from the French to the Italians : Greater Revolutions happen on that account in these our Provinces ; and the Rise of the Dukedom of Amalphis.



CHARLES the Gross dying without leaving Male Issue, and the *Italian* Princes being resolv'd not to part with the Kingdom of *Italy* and the Title of Emperor, left no Stone unturn'd in order to keep it amongst themselves ; above all the rest *Berengarius* Duke of *Friuli*, and *Guido* Duke of *Spoletto*, both of them equally powerful, and assisted by numerous Parties, aspir'd to the Kingdom ; our Prince of *Benevento* could not attempt it, tho' formerly he could have more easily accomplish'd it than they, but his Principality was now much on the declining Hand ; and by being divided into so many Shares, had suffered many Calamities and Troubles. *Berengarius* and *Guido* then, in order to prevent Confusion betwixt them, and that the one might not obstruct the Designs of the other, propos'd two different Expeditions ; *Berengarius* was to invade *Italy*, and *Guido* *France*. Accordingly upon *Charles's* Death, *Berengarius* being supported by his Party, immediately without any Opposition possess'd himself of the Kingdom of *Italy* ; but it was not so easy for *Guido* to make himself Master of *France*, because the *French* had timely appointed *Eudo* Count of *Paris*, who was afterwards King of that Realm, as Tutor to *Charles the Simple*. *Guido* seeing himself prevented, return'd to *Spoletto*, and began to think of turning out *Berengarius*, who had already peaceably gone to *Pavia*, and, according to Custom, had made himself to be crown'd by *Anselm* Bishop of *Milan*, and fix'd his Royal Seat in that City, as his Predecessors had formerly done. In the mean time *Guido* having procur'd the Favour of the Pope and the *Romans*, and supported by a numerous Party in Opposition to *Berengarius*, got himself to be proclaim'd King of *Italy*. Thus by a most wicked and pernicious Example *Italy* became divided into two Factions, and the People being divided betwixt the two Parties acknowledg'd two Kings. Altho' *Berengarius's* Cause was the most just, nevertheless *Guido's* Faction, being favour'd by the Pope and the *Romans*, increas'd very much ; whereupon having rais'd a powerful Army, he march'd out of *Spoletto* fully resolv'd to drive out his Enemy. They made a cruel War against one another, and after various Success, *Berengarius* being routed, was at last forc'd to quit the Kingdom. *Guido* in the Year 890. having enter'd *Pavia*, easily made himself Master of all *Lombardy*, and being proclaim'd over all *Italy*, the following Year 891. he was also advanc'd to the Imperial Dignity ; for having gone to *Rome* he was crown'd Emperor by Pope *Stephen*, and proclaim'd *Augustus*. Thus after so many Revolutions the Empire fell into the Hands of the *Italians* ; and 'tis said, that *Guido* in return for such signal Service, confirm'd to the Pope all the Donations and Prerogatives which *Pepin*, *Charles the Great*, and *Lewis the Pious* had granted to the Church of *Rome*.

UPON his Return to *Pavia*, according to the Custom of the other Kings of *Italy*, he having conven'd the States both Ecclesiastical and Secular, granted many Privileges to the Churches and Cities ; and in order to establish his Kingdom of *Italy* in a better Form, in the Month of *May* this Year 891, he publish'd many Laws in *Pavia*. We have as yet to this Day some of the Laws of the Emperor *Guido* in
the

the Volume of the *Longobard Laws*, which the Compilers added to that Volume, as being establish'd by him as King of *Italy*, which had all Force and Authority there: we read one of them in the first Book under the Title *De Convictis*; another in the same Book *De Invasiōibus*; another in the second Book under the tenth Title; another in the same Book under the Title *De Successiōibus*; and two others in the third Book under the twelfth and thirteenth Titles.

BY the Death of Pope *Stephen V.* which fell out this same Year 891, and the Election of *Sergius* in his Room, the Troubles in *Italy* and *Rome* increas'd; for some of a contrary Faction elected *Formosus*; and as *Guido* favour'd the Faction of *Sergius*, so on the other hand *Berengarius* declar'd for *Formosus*. *Berengarius* had had recourse for Assistance to *Arnolphus* King of *Germany*, natural Son of *Carleman*, who had likewise declar'd for Pope *Formosus*, that by joining their Forces together he might recover the Kingdom; and this Prince who aspir'd to the Empire of the West, laid hold of the Opportunity with pleasure, and sent *Zuendebaldus* his Son into *Italy* with a powerful Army; but these Forces could do nothing against *Guido*, because after several Encounters they were always worsted, and at last *Zuendebaldus* being forc'd to quit the Undertaking, return'd to *Germany*, and *Guido*, flush'd with this Victory, associated his Son *Lambertus* with himself in the Empire.

BUT *Guido* did not continue long in this prosperous State, for *Berengarius* returning to *Worms*, where *Arnolphus* had caus'd a Diet to be conven'd, so order'd Matters, that he engag'd this Prince to go to *Italy* in Person in order to drive out *Guido*, and to restore himself to the Kingdom of *Italy*; this Expedition at this Time was attended with Success, he took *Bergamo*, the *Milanese*, and *Parvia* and *Placentia* yielded without Resistance; and he sent *Otho* the Grandfather of *Otho the Great*, whom we shall frequently have occasion to mention, to *Milan*, and restor'd *Berengarius* to the Kingdom. *Guido* with his Son flying towards *Spoletto*, was pursu'd by his Victorious Arms; but dying soon after in the Year 894. by a sudden vomiting of Blood, *Berengarius* could the better fix himself on his Throne; wherefore he made *Parvia* the Place of his Residence, and was wholly intent on settling his Kingdom.

BUT the Disputes did not end in *Italy* on the Death of *Guido*, forasmuch as those of his Faction persisting obstinately in their Engagements, combin'd more closely with his Son *Lambertus*, who had retir'd to *Spoletto*, and solicited him to accept of their Assistance against *Berengarius*.

NEITHER was their Effort in vain, for *Berengarius* being deserted by his Party, and press'd hard by *Lambertus*, was forc'd to quit *Parvia*, which was immediately possess'd by *Lambertus*, where, with great Rejoicings, he was proclaim'd King by his own Party. But *Berengarius* being driven out, had his recourse anew to *Arnolphus*, whom Pope *Formosus* had solicited on the same Head. *Arnolphus* being urg'd by these two, was at last resolv'd to go again into *Italy*, where being arriv'd, he took *Rome*, drove *Sergius* and his Faction out of it, and in the Year 896. was crown'd Emperor by Pope *Formosus*, who took an Oath of Fealty to him. This was the first *German* who had been Emperor of the West after the *French* and *Italians*; and in a short Time there were three Emperors seen in *Italy*, *Guido*, *Arnolphus*, and *Lambertus*, for *Berengarius* hitherto had been sole King of *Italy*; *Arnolphus* afterwards pursu'd *Lambertus*, but after various Turns of Fortune, Pope *Formosus* dying, and his Party declining, and on the contrary the opposite Faction increasing, *Stephen VI.* was elected, who exterminated the Faction of Pope *Formosus*, and disannulling all that he had done, condemn'd him as guilty of *Simony*, and his Body was thrown into the *Tyber* by those of *Sergius's* Faction. He declar'd the Election of the Emperor *Arnolphus* void, and on the contrary anointed *Lambertus* Emperor; but afterwards his Party declining, *Stephen* was imprison'd by the *Romans*, and about the End of the Year 900. he was strangled, and *Romanus* elected in his Room. He revers'd all that his Predecessor had done, caus'd to be condemn'd and declar'd void all that had been done against *Formosus*; and having held the See but few Months, *Theodorus* succeeded him, who following the Footsteps of *Romanus*, restor'd all those whom *Stephen* had banish'd. *Rome* never was seen in so great Confusion and Disorder, as in these truly deplorable Times. Neither had the Church of *Rome* ever been in so pitiful a Condition as now, when the Popes were elected by Factions; and all Historians agree, that she was in a terrible Disorder; and Cardinal *Baronius* himself says, that she had fallen under the Dominion of two lewd Women, who plac'd their Gallants in *St. Peter's Chair*, that were unworthy

unworthy of bearing the Name of Popes ; and that therefore the Church was many Years without a visible Head, but that she was preserv'd by our Lord Jesus Christ, who will never forsake her.

NO less were the Revolutions and Disorders among the Secular Princes. The Empire of *Lambertus* being become grievous to the *Italians*, they again plung'd themselves anew into Seditions ; *Lambertus* was kill'd, and *Berengarius* restor'd, who immediately took Possession of the Kingdom. Every Body would have believ'd, that at least those of *Lambertus's* Party ought now to have put an end to Factions, and join'd with *Berengarius* ; but the Event happen'd contrary to all Expectation : that there might not be wanting a Pretender, they set up *Lewis*, who at this Time reign'd in *Provence*, and was Nephew to the Emperor *Lewis II.* and invited him to come to *Italy*, and promis'd, that if he would drive out *Berengarius* they would proclaim him King. *Lewis* presently came to *Italy*, and having driven out *Berengarius*, who retir'd to *Bavaria* for Shelter, and being crown'd King of *Italy* by the Archbishop of *Milan*, was afterwards also proclaim'd Emperor, and magnificently receiv'd by *Adelbertus* Marquis of *Tuscany*.

IN the mean time *Berengarius* having march'd from *Bavaria* with a powerful Army, return'd to *Italy*, fought *Lewis*, imprison'd him, and caus'd his Eyes to be put out, but spar'd his Life. Thus did he reign alone in *Italy* ; and afterwards in the Year 915. he was crown'd Emperor by Pope *John X.* The Levity of the *Italians* did not end here ; for being soon weary'd of the Government of *Berengarius*, they invited *Rodolphus* King of *Burgundy*, and in Opposition to *Berengarius* proclaim'd him King of *Italy* ; whereupon a bloody and cruel War ensu'd betwixt these two Princes, and at last *Berengarius* was kill'd by *Rodolphus's* Party in *Verona*. But *Rodolphus* enjoy'd the Kingdom but a short Time, for Disorders and intestine Factions prevailing, the *Italians* invited another Prince into *Italy* to rival him ; this was *Hugo* Count of *Provence*, Nephew of *Lothaire* King of *Lorraine* ; who being come into *Italy*, and having chas'd away *Rodolphus*, was immediately crown'd King by *Lambertus* Archbishop of *Milan*, in the Year 926, and restor'd the Kingdom to better Order ; and to secure it to himself the longer, being frighted by the Examples of his Predecessors, he enter'd into a strict Alliance with *Henry* King of *Germany*, and *Romanus* Emperor of the East. Afterwards he associated *Lothaire* his Son in the Kingdom, that so in his own Life-time he might establish him in *Italy* : but all these Endeavours were in vain ; *Rodolphus* was invited again, but that he might not expose himself to the Vicissitude of Fortune, he refus'd to come. Notwithstanding which, they did not want one to whom they had recourse, *Berengarius II.* born of a Daughter of *Berengarius I.* was the Person pitch'd upon, who being invited by the *Italians*, was proclaim'd King in Opposition to *Hugo*, against whom they had conceiv'd an implacable Hatred. *Lothaire* his Son lamenting the Misfortune of his Father, at last prevail'd with the People of the *Milanese* to accept of him for their Sovereign ; but his Reign was very short, for he died soon after, in the Year 949, and *Berengarius* with *Adelbertus* his Son were crown'd Kings of *Italy*. Neither would the Miseries and Afflictions of *Italy* have ended here, if at last the *Italians*, provok'd by the Tyranny of *Berengarius*, and guided by better Counsel, had not, by the Advice and Direction of the Pope, apply'd themselves to a potent and glorious Prince, who drove out those Tyrants rather than Kings, and put a Stop to so many Mischiefs : This was the great *Otho* King of *Germany*, whose glorious Exploits will give occasion to mention him frequently in the following Book of this History.

BEHOLD in what a lamentable Condition *Italy* was for upwards of sixty Years, when, by the failing of Male-Issue in the Off-spring of *Charles the Great*, the Empire was transferr'd from the *French* to the *Italians* ; who, tho' they abhorr'd the Dominion of Strangers, yet could not govern themselves better. Neither was there any that could give it Relief if it had not been transferr'd from the *Italians* to the *Germans*, in the Person of the Great *Otho*.

S E C T. I.

The State of these our Provinces; and the aggrandizing of Amalphis.

IN the mean time our *Longobard* Princes, and the *Greeks* who had the Government of these our Provinces in their Hands, seeing all going to wreck, and there being none that was able to put a Stop to their ambitious Designs, did not fail to encroach upon one another. The Title of Emperor of the West, or of King of *Italy*, as to them who took no manner of concern about it, was little better than extinct; whereupon the Power of the Emperors of the West ceasing, that of the Emperors of the East began to increase in these Provinces, and the Forces of the *Greeks* to be more considerable; whence it happen'd, that the *Greeks* having regain'd a great Part of *Puglia* and *Calabria*, and likewise made themselves Masters of *Benevento*, endeavour'd also to surprize *Salerno*; and whereas formerly the Princes of these States had laid their whole Strefs on the Emperors of the West for Assistance against the *Saracens*, now they wholly depended on those of the East; and the *Longobard* Princes themselves had obtain'd their Favour, and had frequently demanded the Honour of Patriciate, a Dignity in those Days the greatest that the *Greeks* could give: So that, as we have said, *Guaimarus* Prince of *Salerno*, for the better securing his State, got the Principality confirm'd to him by the Emperors *Leo* and *Alexander*, as it had been allotted to *Siconolphus* by the Division made with *Radelchisus*.

THE State of these our Provinces towards the End of the ninth Century was this: The Principality of *Benevento* being confin'd to very narrow Bounds, having had the Principalities of *Salerno* and *Capua* disjoin'd from it, was in the Hands of the *Greeks*, and govern'd by *George* a Patrician, sent by the Emperors of the East, who were now wont to send Officers to govern *Benevento*. But the *Greeks*, through their Pride and Vanity, using the *Beneventans* ill, made them resolve to shake off the Yoke, and drive them out of that City.

THE Principality of *Salerno* was govern'd by *Guaimarus*, which had been confirm'd to him by the Emperors *Leo* and *Alexander*, Sons of *Basilus*. *Capua* was under *Atemulphus*, who having driven out *Landulphus* and *Landon* his Brothers, had made himself Count of it. The County of *Capua* at this Time (according to the Anonymous Monk of *Cassino*¹ and *Erchempertus*) comprehended all betwixt *Caserta* and *Suessula*, in length reaching to *Aquino*, and once as far as *Sora*; and in breadth from *Cajazza* to the *Tyrrbenian* Sea, on both Sides of the Mouths of *Linturno*, *Vulturno*, and *Liri*².

A good Part of *Puglia* and *Calabria* had come under the Dominion of the *Greeks*, to whose Cities they sent Patricians or Lieutenants to govern them. *Gaeta* with its small Dukedom likewise belong'd to the *Greeks*, who appointed a Duke for governing it; in the Year 812. Duke *Gregory* govern'd it, and at this Time *Docibilis* was Duke of it. *Naples* with its Dukedom was govern'd by *Athanasius*, both Bishop and Duke, arbitrarily and independently; but the Bounds of this Dukedom were much confin'd, by *Amalphis* being taken off of it, which was govern'd by a Duke apart, who acknowledg'd the *Greek* Emperor for his Sovereign.

AMALPHIS, which some reckon no older than from the Year 600, was first govern'd by annual Prefects, afterwards it had its perpetual Dukes, in the same manner as *Naples*; and being divided from the Dukedom of *Naples*, by Degrees it began to extend its Limits, and to be govern'd by a Duke in Form of a Commonwealth. Its Bounds reach'd Eastwards to *Vico Vecchio*; and Westwards near to the Promontory of *Minerva*, and on that Side the Island of *Caprea* was afterwards added to it, and the other two Islands of the *Galli*. The Emperor *Lewis* taking the *Amalphitans* under his Protection against the *Neapolitans*, at which, as we have said, *Basilus* was offended, assign'd these Islands irrevocably to *Amalphis*; whence we read, that

¹ Ignor. Cassin. apud Pell. n. 23, & 26.

² V. Pell. Chron. Com. Capuæ, pag. 142.

Levis sent the *Amalpbians* to set Bishop *Athanasius* at Liberty, who had been made Prisoner by *Sergius* Duke of *Naples*; and for that reason, even as to what relates to the Ecclesiastical Polity, the Bishop of *Caprea* was Suffragan to the Archbishop of *Amalpbis*, and not to the Archbishop of *Naples*. Towards the North this Dukedom comprehended the City of *Lettere*, of old call'd *Castello di Stabia*, with *Graviano Pirio*, now call'd *Gragnano*, *Pimontio*, and *Casale de Franchi*; and towards the South *Amalpbis* itself, *Scala*, *Ravello*, *Minori*, *Majuri*, *Atrani*, *Tramonti*, *Agerula*, *Citara*, *Prejano*, and *Positano*.

IN process of Time this Dukedom so exalted itself, that the *Amalpbians* became famous for Navigation all over the East, and increas'd both in Power and Riches; therefore they made and sustain'd many Wars; they assum'd the Power of making Laws in relation to Trade, and the Commerce of the Sea; which with us had the same Force and Authority as the *Rhodian* Law had with the *Romans*; and *Marinus Freccia*¹ testifies, that all Disputes about Navigation and Maritime Commerce were decided by the *Amalpbian* Laws. And who is it but knows, that the wonderful Invention of the Mariners Compass is owing to *Flavio Gisia*, a Native of *Positano*, a small Village of this Dukedom? They likewise assum'd the Prerogative of coining Money, which they laid out in all the Eastern Nations; whence the *Tarini Amalpbiani* became so famous, which are mention'd in our Customs, and many old Charters. They elected their Dukes out of their own Body, altho' they were afterwards confirm'd and made Patricians by the Emperors of the East. They became much more famous and renown'd in the Time of the *Normans*, as in the Progress of this History will be seen; and they enjoy'd this Liberty till the Year 1075, that *Robert Guiscard* having subdu'd *Salerno*, added this Dukedom to his Dominions; altho' for a long time they still retain'd some Vestiges of their decaying Liberty.

BEHOLD into how many Principalities and Governments, that which now makes one Kingdom was divided in these Times. The *Saracens* over-running every where, and carrying Destruction and Ruin along with them to every Place, it was no wonder that they at last gave way to a superior Force, and submitted to the powerful and brave *Normans*, who had now subdu'd the *Greeks*, *Saracens*, and *Longobards*.

¹ Freccia de Subfensd. pag. 27. In Regno non lege Rhodia maritima de cernuntur, sed Tabula quam Amalpbitanam vocant, omnes controver-

siz, omnes lites, ac omnia Marii discrimina ea lege, ac sanctione, usque ad hæc tempora finiuntur.





C H A P. IV.

The Principality of Benevento retaken from the Greeks; and the County of Capua reunited to it.



THE *Beneventans*, as we have said, not being able to bear the harsh and severe Government of *George* the Patrician, resolv'd to shake off the Greek Yoke¹; they who had been us'd to govern, could ill bear to be in Slavery; therefore they wrote to *Guaimarus* Prince of *Salerno*, who had married *Jota* Sister of *Guido* III. Duke of *Spoletto*, that he would desire his Brother-in-Law to come to *Benevento* with a good Army, and they would deliver themselves up to him. This was not that *Guido* who aspir'd to the Empire, which he long contended for with *Berengarius*, as some have believ'd; he was the Son of *Guido* II. Duke of *Spoletto*, whom *Erchempertus* mentions²; for, as we have said, the Emperor *Guido* died of a sudden vomiting of Blood, in the Year 894, and *George* was driven out of *Benevento* by this other *Guido* in the Year 896. *Guido* then came immediately to *Salerno*, accompanied with gallant Soldiers, under pretence of seeing his Sister, and afterwards to *Benevento* with a sufficient Army; the *Beneventans* who would have none other, surrender'd themselves to him, and drove out *George*, and for Five thousand Ducats spar'd his Life: Thus did the *Greeks* lose *Benevento* five Years after they had taken it.

GUIDO held the Principality of *Benevento* not full two Years, for he return'd to *Spoletto*, and being employ'd in other Undertakings, resolv'd to yield it to *Guaimarus* his Brother-in-Law: *Guaimarus* attempted to take Possession of it; but the *Beneventans* because of his cruel and wicked Practices, not being willing to accept of him, they advis'd *Adelferius Castaldus* of *Avellino*, to way-lay him in order to frustrate his Designs: *Adelferius* surpriz'd him in the Night-time, and putting out his Eyes, oblig'd him to retire to *Salerno*, in the Year 898³. Of which the *Beneventans* being appriz'd, they resolv'd to restore *Radelchis* to the Principality, whom they had twelve Years before turn'd out of it. Thus was *Radelchis* restor'd in the Year 898.

BUT through his Ignorance of the Art of Government, his Simplicity and Indolence, he again lost the Principality; for suffering himself to be ruled by *Virialdus*, a cruel Man, who treated the *Beneventans* very ill, he was again turn'd out. He, at the Instigation of *Virialdus*, banish'd a great many Noble *Beneventans*, who retir'd to *Capua* for Shelter, and were there splendidly entertain'd by Count *Atenulphus*, who so cunningly ingratiated himself into their Affections, that they began to think how to drive out *Radelchis*, and advance him to the Principality of *Benevento*; and tho' the *Beneventans* had often, amidst their Junquetings and Pastimes, insinuated this their Design; *Atenulphus* seemingly understood it as spoken in Jest, but however knowing what they would be at, he likewise privately began to think on Means by which he might accomplish it.

That he might not be diverted from this Enterprize by *Guaimarus*, Prince of *Salerno*, he resolv'd to enter into a near Alliance with him, and by a very submissive and affectionate Embassy, with Prayers and Intreaties, he begg'd the

¹ Anon. Salern. par. 4. num. 6. apud Pell.

² Erchemp num. 74.

³ Anon. Salern. p. 4. num. 6.

Daughter of Prince *Guaimarus* the Elder, for *Landulphus* his Son, and protested, that he would be subject to him, as his Predecessors had been to the Princes of *Salerno*¹; but by the Instigation of *Landulphus* and *Pandon*, who having been driven out of *Capua* by *Atenulphus* their Brother, had shelter'd themselves in *Salerno*, all these Offers were rejected: They boasted, that in a short Time they would turn him out of his Dominions, which he had usurped from them, and therefore were against making Peace with him. With them *Jota*, the Wife of Prince *Guaimarus the Elder* likewise joyn'd, who, scorning to give her Daughter to *Landulphus*, was wont to say, that she being descended of Royal Blood (for she was Daughter of *Guido II.* Duke of *Spoletto*) would, by no means, match her Daughter with one of her Subjects: She said so, because the Counts of *Capua* were formerly Subjects of the Princes of *Salerno*; for, by the Division made of these two Principalities, *Capua* was comprehended in that of *Salerno*, and not in that of *Benevento*.

Therefore *Atenulphus* seeing himself thus slighted, lost all Patience, and this his Design not succeeding, endeavour'd to make Alliance with *Athanasius*, both Bishop and Duke of *Naples*. This Duke had a Daughter, call'd *Gemma*: He sought her for his Son, to which *Athanasius* immediately consented, by means of which Match, they entered into a firm and settled Peace².

IN the mean time the Disorders in *Benevento* increased, and many Citizens, tho' they were not exil'd, yet voluntary flying, left their native Country, and shelter'd themselves in *Capua*; so that the *Beneventans* growing numerous in *Capua*, entered into a Conspiracy with their Kindred there; they imparted the Secret to *Atenulphus*, and taking Arms, with a few *Capuans* whom *Atenulphus* took along with him, went privately to *Benevento*, and by a secret Correspondence with those within, surpriz'd the City in the Night-time, surrounded the Palace where *Radelchis* was, and made him Prisoner. In the mean Time, all the Malecontents, and those that had been banish'd, over-running the City, in an Instant both the Nobles and People join'd them, and unanimously proclaim'd *Atenulphus*. *Atenulphus* seeing himself with so universal Consent thus rais'd to this high Dignity, did not fail, on his Part, to carry himself with extream Mildness and Humility to all, and in order to gain the *Beneventans* to be the more firm in his Interest, he was profuse in his Gifts to them: Thus *Atenulphus* from a *Casteldatus*, and after having govern'd *Capua* Thirteen Years as Count, this Year 900, was made Prince of *Benevento*; and thus was the County of *Capua* united to the Principality of *Benevento*, and of two, made one State in the same Person, to the great Dislike of some of *Radelchis's* Party, who could not bear the Dominion of a Stranger, as they call'd *Atenulphus*, because he was not descended of the Race of the antient Dukes and Princes of *Benevento*.

ATENULPHUS did not divide these States, but retain'd the same Polity, neither was this the first Rise of the Princes of *Capua*; nor did the County of *Capua* now begin to be a Principality, as some have believed; for *Atenulphus*, as well as his Sons, were call'd Princes, because they held the Principality of *Benevento*; and if, sometimes, in some Records of our Antiquity, they are call'd *Capuan* Princes, it is because both *Atenulphus* and his Sons, *Landulphus* and *Atenulphus* who succeeded him, continu'd to keep their Residence in *Capua*, which they made their Seat; so that by degrees, according to the Custom of the Vulgar, they began to be call'd *Capuan* Princes, because they resided in *Capua*; not that *Atenulphus* had erected *Capua* into a new Principality, distinct from that of *Benevento*, which we see clearly from the Agreement made betwixt *Gregory* Duke of *Naples*, and the Princes *Landulphus* and *Atenulphus*, renewed afterwards in the Year 933, by *John*, Nephew of *Gregory*, who succeeded his Uncle, where, among other Things, we read; *In toto Principatu vestro Beneventano cum omnibus suis pertinentiis; nec in toto Comitatu Capuano; nec in Teano cum pertinentiis suis*; which *Camillus Pellegrinus* and the *Anonymous Salernitan* prove.

ATENULPHUS, the more firmly to establish the Principality in his Male-descendents, forthwith associated his Son *Landulphus* in the Year 901, who, from this Year, together with his Father, govern'd it; and after having stay'd some time

¹ Anon. Salern. par. 5.

² Anon. Salern. p. 5. num. 2.

³ Anon. Saler. pag. 5. num. 5.

in *Benevento*, he return'd to *Capua*, where he resolv'd to reside, leaving the Government of that City to *Peter* its Bishop, for which he could not much commend himself, because he discover'd that the Bishop had conspir'd, with some *Beneventans*, treacherously to make himself Master of the City: Whereupon he immediately return'd to *Benevento*, imprison'd the Rebels, and turn'd out the Bishop, who, full of Shame, retir'd to *Salerno*, under the Protection of Prince *Guaimarus*, who receiv'd and furnish'd him all Things necessary, out of Hatred to *Atenulphus* his Enemy. The City of *Benevento*, by degrees, began to decay in its Splendor; for the Seat of its Princes being transfer'd to *Capua*, it thereby lost much of its Majesty, and afterwards being spoil'd by the *Saracens*, it lost all its Worth and Eminency; and, on the contrary, *Capua* began to be exalted and become more eminent.

AT the same time there happen'd, also, great Disorders in *Salerno*; for the *Salernitans* being uneasy under the harsh and cruel Government of *Guaimarus*, after *Adelferius Castaldus* of *Avellino* had put out his Eyes, openly rebell'd, and had their recourse to *Guaimarus* his Son, crying out, That they could no longer endure the Cruelty of his blind Father, but would have himself for their Lord; and having so said, they took him, and carrying him to the Church of St. *Maximus*, proclaim'd him their Prince¹; thus in the Year 901, having depos'd the cruel Father, they liv'd long under the mild Government of the Son, joyfully and with pleasure; so that in the Chronicles of the Princes of *Salerno*, the first *Guaimarus*, is call'd *Malæ Memoræ*, and the Second, his Son, *Bonæ Memoræ*, just so as the *Normans* call'd *William the Wicked*, and *William the Good*.

¹ Leges Bajoariorum tit. 11. non invalidum | viribus animi, corporisque constantem, atque Ducem suo è Regno ab filio dejici, sed Ducem | non cæcum, vel non sardum, veteabant.

S E C T. I.

New Incursions of the Saracens, and recourse had on that Account to the Emperors of the East.

IN the mean Time, the *Saracens*, who had fortified themselves strongly in *Garigliano*, and over-running every where, infested the Principality of *Benevento*, and the County of *Capua*, could not be stopp'd by less or equal Forces. *Atenulphus* once join'd with *Gregory* Duke of *Naples*, who had succeeded *Athanasius*, and with the *Amalphitans*, endeavour'd to exterminate them; but this Enterprize did not answer his Expectation: He perceiv'd that all would be in vain, if he got not foreign Assistance. It was to no Purpose to have recourse, as formerly, to the Emperors of the West; they were in as great Difficulties themselves, by reason of the so many Revolutions in which they were involv'd: It was wisely resolv'd then, to apply for Assistance to the Emperor *Leo*, who had succeeded his Father *Basilus*, and at this Time govern'd in the East, for which Purpose he sent his own Son *Landulphus*, his Partner in the Government, to *Constantinople*, who being courteously received by *Leo*, got a Promise of all the Assistance he could desire. As formerly the Emperors of the West were fond of assisting our Princes, so now those of the East fought to do the same, because by that Means they might be able to restore their Sovereignty over these Provinces, which they had lost by the Power of those of the West; therefore besides sending a powerful Army into them against the *Saracens*, *Leo*, in order to make himself acceptable to our Princes, likewise adorn'd them with the Dignity of *Patriciate*, which was much esteem'd in those Times; therefore he bestow'd it on *Landulphus*, as he did afterwards on *Gregory* Duke of *Naples*, and *John* Duke of *Gasta*.

IN the mean time *Atenulphus*, whilst *Landulphus* was absent, in this Year 910, also associated his other Son of his own Name *Atenulphus*, in the Principality; and with great Anxiety was expecting the promis'd Succours, being altogether bent on

driving out the *Saracens* from these Provinces ; but all his Measures were broke by unexpected Death. He died in *Capua* in the Month of *April*, this Year 910, and some relate his Death to have been in the Month of *July*, the following Year. He was buried in *Capua*, so that the Tombs of the Princes his Successors, are not to be seen in *Benevento*, but henceforth in *Capua*, where they fix'd their Seat. He died regretted by all, after having held *Beneventum* Ten Years and Six Months. A Prince truly glorious, and who was the Raiser of his own Fortune, having, by his own incomparable Industry, from a simple *Casseldatus*, advanc'd himself to the Throne of the Princes of *Benevento* ; but much more commendable was he, for having brought about the Union of the Two States of *Benevento* and *Capua*, which was the Occasion of their longer Duration, and prevented their Ruin, which would have been sooner than it afterwards happened ; and for having educated his Sons in such a Conformity of Sentiments, that by a singular Example after his Death, with the greatest Unanimity they govern'd the Principality without the least Disturbance.

LANDULPHUS, while he was in *Constantinople*, hearing of his Father's Death, immediately return'd to *Capua*, where being made welcome by his Brother *Atenulphus*, both of them joyn'tly, with wonderful Concord, govern'd the State, neither would they divide it betwixt them, as the Father had advis'd, nor the one govern in *Benevento*, and the other in *Capua* ; but both having fix'd their Residence in *Capua* as formerly, apply'd themselves to the Government of the State.

IN the mean Time, the Army sent by the Emperor *Leo*, arriv'd under the Command of *Nicholas Picigli*, a *Patrician*, who, in order the more to secure the Friendship of the Neighbours, brought with him the Dignity of *Patriciate* from the Emperor, to *Gregory Duke of Naples*, and *John Duke of Gaeta*. And having joyn'd his Army with that of these Two, and with the Troops of *Guaimarus Prince of Salerno*, and being likewise considerably reinforc'd from *Puglia* and *Calabria*, which were then for the most part under the Dominion of the *Greeks*, he incamp'd along the *Garigliano*, opposite to the *Saracens*. Pope *John X.* or *XI.* as some have written, who equally interested himself in the Expulsion of these Barbarians, and had therefore written many Letters about it to the Emperor *Leo*, would likewise have his Share in so glorious an Undertaking, in which he had also engag'd the Marquis of *Tuscany* his Brother, and came with a great Body of Men and pitch'd his Camp on another Part of the River. *Sigonius*¹ believ'd, that *John X.* was the first Pope that had been seen at the Head of an Army ; but he certainly was not the first, since as we have said, *John VIII.* ought not to be robb'd of that Honour, who was the first that laid aside the Keys, in order to brandish the Sword.

THE *Saracens* sustain'd this Siege for three Months, under the greatest Hardships ; but at last being destitute of all manner of Provisions, out of Despair, set Fire to their Fortrefs and burnt all they had, not sparing the Treasure which they had plunder'd in different Places, and laid up here ; and then in a close Body all together, broke out with Fury, and ran to the Woods and the Tops of the Mountains to save themselves ; but being pursu'd by our People, there was a terrible Slaughter made of them : Thus in the Year 916, according to *Lupus Protaspatha*², the *Saracens* were driven from *Garigliano*. But although this Province was freed from that Plague, yet the Remains of them being afterwards joyn'd by another Body that had come from *Africa*, and besieg'd *Rome* (which Undertaking they had shamefully given over) at last return'd to Mount *Gargano* in *Puglia*, where they built a strong Fortrefs, from whence they annoy'd all that Province, and at last went and pillag'd and burnt *Benevento*, and put all *Puglia* and the neighbouring Places in Confusion.

THE Damage which this Province suffer'd from the *Saracens* was not enough ; but the Inhabitants themselves must occasion greater ; for the *Appulians* and the *Calabrians* not able to bear the heavy Yoke of the *Greeks*, revolted from them, and gave themselves up to *Landulphus Prince of Benevento*, who was in hopes of restoring *Bari* and many Cities of *Puglia* to his Principality, therefore he turn'd his Arms against the *Greeks* ; but the *Appulians* and *Calabrians* were quickly reduc'd by the *Greeks*, who being terribly intrag'd against *Landulphus*, had recourse even to the

¹ Sigon. ad A. 1053. Post Joannem X. Pontifex nemo ad bellum prodierat.

² Ad An. 926.

Assistance of the *Saracens*, whom they invited out of *Africa*, and in the Year 919, reduc'd them in spite of what *Landulphus* could do ; and that the City of *Bari*, the Seat of the Governor, together with *Puglia*, might be well govern'd, the Emperor sent a new Governor nam'd *Ursileus*, a noble and valiant Captain; who, with the utmost Care, apply'd himself wholly to the preserving of this Province from the Attempts of *Landulphus* ; he went to encounter him at *Ascoli*, where, at the first Onset, *Landulphus* was taken by the *Greeks*, and besides, in the Heat of the Battle, *Ursileus* was killed; which so dishearten'd the *Greeks*, that they were defeated, so that this Prince not only recover'd his Liberty, but gaining a compleat Victory, he invaded *Puglia*, which afterwards, according to *Lupus Protospata* ¹, in the Year 929, in Confederacy with *Guaimerus* Prince of *Salerno*, he forc'd to submit and kept Possession of it Seven Years.

WHEREFORE, in these Times, the Success of our *Longobard* Princes and the *Greeks* was various: They frequently fought against one another, and once near *Matera* they had a sharp Encounter, where *Imogalaptus* the Governor was kill'd on the Spot ; and the *Greeks* sometimes losing, sometimes gaining, though at last they recover'd *Puglia* and *Calabria* from the *Longobards* ; yet, as *Baronius* believ'd ², they did not re-take that Part of *Campania* which is wash'd by *Vulturno* ; for in these Times, and afterwards, it was always possess'd by the Princes of *Benevento*, and Counts of *Capua*, as *Pellegrinus* ³ well demonstrates. Thus it happened, that sometimes our *Longobard* Princes were Enemies, and sometimes Friends, Confederates and Dependents of the *Greek* Emperors, *Romanus* and *Constantine*, who succeeded *Leo VI.* 'Tis very true, that after *Puglia* and *Calabria* were restor'd to the *Greeks*, the Bounds of the Principalities of *Benevento* and *Galeno*, were much more confin'd than formerly under the *Longobard* Princes, when the Dukedom of *Benevento* was so far extended, that, as we have said, it comprehended all that which now makes the Kingdom of *Naples*.

PRINCE *Landulphus* reign'd together with his Brother *Atenulphus II.* Twenty Two Years, to the Year 932. Afterwards this Prince was turn'd out, and having retir'd to *Salerno*, was kindly receiv'd by *Guaimarus II.* his Son-in-Law. However *Landulphus* retain'd in his publick Writs his banish'd Brother's Name ; and therefore at this Time, *Gregory* having succeeded his Nephew *John*, in the Dukedom of *Naples*, the Agreement made in the Year 911, betwixt the said *Gregory* and *Atenulphus I.* was received by him, in which Agreement, *John* Consul and Duke, promises to *Landulphus I.* and *Atenulphus II.* his Brother, though the last was a Fugitive in *Salerno*, and to *Atenulphus III.* Son of *Landulphus I.* not to molest the Principality of *Benevento* with its Dependencies, nor the Counties of *Capua* and *Teano* with their Dependencies, nor the People of those States ; but to preserve a friendly Correspondence with them ; and a solid and settled Peace was agreed upon betwixt these People, and that their Law Pleas should be decided *secundam legem Romanorum, aut Longobardorum* ; and many other Articles were agreed to betwixt them, according to the Tenor of the *Longobard* Laws ; whence, as we have observ'd elsewhere, it clearly appears, that from this Time amongst these People, the *Longobard* was the prevailing Law, and observ'd indifferently. And in this Agreement, 'tis likewise to be observ'd, that the Dukes of *Naples* were always subordinate to, and dependent on the Emperors of the East ; for at this Time *Constantine* and *Romanus* reigning in *Constantinople*, that by these Promises and Agreements, nothing might be done in Prejudice of the Sovereignty which the Emperors of the East had over the Dukedom of *Naples*, Duke *John* adds, *Hæc omnia vobis observabimus, salva fidelitate Sanctorum Imperatorum.*

ATENULPHUS II. dying in *Salerno* in the Year 933, *Landulphus* associated *Atenulphus III.* his Son, and another *Landulphus*, likewise his Son, whom we shall call *Landulphus II.* in the Principality.

LANDULPHUS the Elder died about the Year 943, leaving these two Sons his Successors. But the Year following 944, *Landulphus II.* was left to reign alone. *Beneventum* was never separated from *Capua*, with respect to the Administration and Government, being always comprehended under one Dynasty, though because the Seat was in *Capua*, they were call'd *Principes Beneventanorum & Capuanorum* ⁴.

¹ A. 929.

² Ad. A. 942. num. 11.

³ Pellegr. ad Lup. Protosp. num. 940.

⁴ Pellegr. par. 5. ad Anon. Saler.

PRINCE *Landulphus* II. in his Life-time, in the Year 959, associated with himself in the Principality, his two Sons, *Pandulphus*, whom *Ostiensis*, and other Writers, call *Iron-head* (whom we shall often have occasion to mention on account of his famous Exploits, and because the Principality of *Salerno* was likewise united in his Person) and another *Landulphus*, whom therefore we shall call III. who, *Landulphus* II. dying about the Year 963, succeeded him in the Principality; but *Landulphus* III. having divided with his Brother, the Principality of *Benevento* fell to his Share, and he fix'd his Seat in *Benevento*¹; so that once more these two States were separated; *Landulphus* governing in *Benevento*, and *Pandulphus Iron-head* in *Capua*. But afterwards in the Year 969, *Landulphus* III. dying, although he left a Son *Pandulphus* II. yet nevertheless, *Pandulphus Iron-head*, out of a passionate Desire of Dominion, took the Principality of *Benevento* to himself, and his Son *Landulphus* IV. excluding his Nephew *Pandulphus* II. who, nevertheless, at last in the Year 981, having driven out *Landulphus* IV. recover'd it, and transmitted it to his Posterity, as we shall relate in the following Book.

IN the mean time, by the Death of *Guaimarus*, which fell out in the Year 933² *Gisulphus* his Son, succeeded in the Principality of *Salerno*. He govern'd the Principality long, with alternate Fortune; and in his Time, according to *Leo Ostiensis*³, in the Year 954, the Body of the Apostle *Matthew* was discover'd in *Pesto*, a City of *Lucania*, by the Revelation of that Saint himself; and that *Salerno* might not be short of *Benevento*, whither the Body of Saint *Bartholomew* had been transported from *Lipari*, that of Saint *Matthew* was transported to *Salerno*. Both of them came to us from most remote Parts; the one from the *Indies*, and this other from *Ethiopia*, where he suffer'd Martyrdom: From *Ethiopia* 'tis said to have been transported to *Britain*, from thence to *Pesto* in *Lucania*, and from thence to *Salerno*⁴. We shall likewise hear of the Body of Saint *Andrew* being worship'd in *Amalphis*, and that of Saint *Thomas* in *Ortona*, and in fine, many Cities of the Kingdom value themselves on having the Bones and Reliques of almost all the Holy Apostles.

¹ Pellegr. in Stem.

² Pellegr. in Stem. P. *Salern*.

³ Ostien. lib. 2. cap. 5.

⁴ V. Baron. ad A. 954. & Pagi.



CHAP. V.

The Ecclesiastical Polity.



IS not to be expected that we shall find the Ecclesiastical State in any true Form or Regularity in these Times. The Church was in a most lamentable Condition, and in terrible Disorder, and in a Chaos of Wickedness: Popes were excommunicated by their Successors, their Decrees made void, and the Sacraments administred by them annull'd: Six Popes were turn'd out by those who wanted to succeed them, and Two even murdered. *Theodora*, a famous Roman Curtesan, by the Faction she had in *Rome*, made one of her common Bullies Pope, who call'd himself *John X*. At Twenty Years of Age, *John XI*. who was the bastard Son of Pope *Sergius*, who died Eighteen Years before, was likewise made Pope. Pope *Stephen VIII*. was so branded in the Face with Marks of Infamy, by order of *Alberigus*, that he never any more shew'd himself in Publick. The Popes were no more elected by the Clergy; but the See of *Rome* was become a Prey to Covetousness and Ambition. In fine, such and so great Disorders and Inconveniencies were hatched in these Times,

Times, that all Historians agree, that these were not Popes, but Monsters; and Cardinal *Baronius* writes, that the Church was in these Times without a Pope, but however not without a Head, *Christ* her spiritual Head remaining in Heaven, who does not forsake her.

EVERY Body may judge how the other Churches of *Italy*, and of these our Provinces were manag'd, by considering what the State of the Members could be when the Head was so much indispos'd. In *Capua Landulphus* was both Bishop and Count of that City at the same Time; in *Naples Athanasius* was both Bishop and Duke, and headed Armies, made Leagues with the very *Saracens* against the Pope and other Christian Princes, and destroy'd these our Provinces. Neither were these Matters better manag'd out of *Italy*; the great Men gave Bishopricks to their Soldiers, and also to Children under Age: Count *Eribertus* Uncle of *Hugh Capet*, made his Son of five Years old Archbishop of *Rheims*, and Pope *John X.* confirm'd that Election.

NOTWITHSTANDING all this, towards the End of this ninth Century, and in the Beginning of the Tenth, there were Canons establish'd in several Synods in order to put a Stop to so great Remissness of Discipline; but all to no purpose, they had no Effect for want of being put in due Execution. Some Bishops however, and likewise some private Men made a Collection of these Canons; but almost all of them bestow'd their Labours on Books of Penance; there came out the Penance-Book of *Theodorus of Alitgarius*, and of a great many more¹. There were besides, some other Collections of Canons, such as that of *Jarlandus Crisopolitanus*, intitled *Candela*; that of *Isaccus*, surnamed *the Good*, Bishop of *Langres*; another of *Erardus* Bishop of *Tours*; and one of *Walter* Bishop of *Orleans*; but above all these Collections, that of *Reginon* Abbot of *Prom*, made in the Year 906, by Order of *Ratbodus* Archbishop of *Triers*, was the most universal, which comprehended all the Ecclesiastical Law, and was the most Methodical that appear'd in these Times²; therefore *Burcardus*, *Ivo* of *Chartres*, and other Compilers of Canons after them, have made use of it, and have in a manner transcrib'd it in their Collections.

BUT notwithstanding the so great Remissness in the Ecclesiastical State with regard to Discipline and Spiritual Matters, yet for all that, the enlarging of Jurisdiction, and the Increase of Temporal Riches were not in the least neglected. The Popes made use of their Authority not only over the Laicks by Censure and Dispensations, but likewise over the Metropolitans and Bishops; they made new Regulations by suppressing the Rights and Prerogatives of the Metropolitans and Bishops, and they likewise claim'd the Direction of all Ecclesiastical Affairs within their Provinces and Diocesses.

RECOURSE was often had to *Rome* in those Days, not out of Devotion, but in order to obtain Dispensations in every case, and the Apostolical Dispensations were made a Cloak to cover Avarice and Ambition; the Prohibition establish'd by the Canons in so many Councils, serv'd only to oblige a great many People to run to *Rome* in order to obtain Dispensations; the forbidden Degrees in Matrimony were therefore extended to the fourth Degree; and the Spiritual Affinity betwixt the Godfather and Godmother, and their Sons and Daughters was introduc'd, which was also extended to Degrees more remote. But the Popes being such as we have above describ'd, dispens'd with every Thing, tho' against the Canons, and the Ecclesiastical Customs, making no Distinction betwixt what they could, and what they could not do, looking upon every Thing that was brought before them by those who had recourse to them, as an Augmentation of their Grandeur; if those that applied to them were Rich and Great, for their own Advantage they prohibited what was desir'd of them; the People partly by their own Simplicity, partly standing in awe of those in Power, approv'd of what they could not prevent: So that it became an establish'd Opinion, that no sooner any Thing whatsoever was confirm'd by the Pope, than all by-past Crimes were blotted out.

MANY would be apt to believe, that the little Concern the Ecclesiastical Order had for Spiritual Matters, and the Looseness of Discipline would have cool'd the ardent Zeal of the Laicks in making Donations to the Churches and Monasteries, and put an End to the new Acquisitions of the Ecclesiasticks; yet it was not so, because by how much more the Care for Spiritual Matters was diminish'd in the Prelates, so much the more

¹ V. Struv. hist. Jur. Can. §. 14.

² Baluz. Præfat. ad Anton. August. de emendat. §. 17.

were they intent on preserving Temporal Riches; and they had converted the Spiritual Arms of Excommunication, which were formerly only made use of for the Correction of Sinners, to the Defence of their Temporal Possessions, and likewise to the Recovery of them, if by chance they had been lost through the Negligence of their Predecessors. There was not a Council held in this Age, in which, among other Things, there were not Excommunications fulminated against those that had taken Possession of the Goods of the Church, or that had alienated them. The Terror which the Church Censures struck in the People in those Days, was so great, that they were afraid of nothing so much; and it was a wonderful Thing, that the Officers and Soldiers, otherwise most wicked, and without the Fear of God, who robb'd what belong'd to others without any Regard to the offending the Divine Majesty, took great care in preserving the Goods of the Church intire, for fear of Excommunication. Whence it was, that many of small Substance, being desirous to secure what they had from Violence, made Donations of it to the Church, on Condition that they should hold it of her in Fief for a small Acknowledgment. This secur'd the Possessions from being touch'd by those in Power, as such of which the Church had the direct Dominion; afterwards the Male-Line of the Feudatories failing, which often fell out by reason of the frequent Wars, and popular Seditions, the Estates fell to the Church: Whence arose the Distinctions betwixt *Feudum datum*, & *Feudum oblatum*, of which *Struvius*¹, *Thomafius* and *Ertius*² have fully treated. Whence comes the Origin of our Papal *Investiture*, of which we shall treat in its Place; and whence in fine was introduc'd the Custom of having recourse not only to the Emperors and Princes, but also to the Popes, that by the means of their *Præcepta*, otherwise call'd *Mundiburda*, the Possessions put under their Protection and Custody might be protected, by threatening the Invaders and Disturbers of them with terrible Anathema's, by condemning their Souls in company with that of the Traytor *Judas*, to eternal Punishment in the everlasting Fire of the Bottomless Pit, amongst the blackest and most hideous Devils in Hell; they made use of this and such most frightful and horrible set Forms, for this very Purpose.

IN these Times the Political and Temporal State of these our Provinces was involv'd in as great Confusion and Disorder as the Ecclesiastical, insomuch that our *Italians* and the Popes themselves, not longer able to bear so many Calamities and Miseries, resolv'd at last to have recourse to *Otbo* King of *Germany* for Assistance, whose Reign, as well as those of the other *Otbo's* his Successors, shall be related in the following Book.

¹ V. Struv. hist. Jur. Feud. cap. 8. §. 6.

² Tho. Hert. de Feudis oblatis.





T H E
CIVIL HISTORY
Of the KINGDOM of
N A P L E S.

B O O K VIII.



WHILST *Italy* was groaning under the Tyrannies of the last *Berengarius* and *Adelbertus* his Son, the *Italians* being reduc'd to the utmost Misery, resolv'd to have recourse to the Assistance of *Otho* Son of *Henry* King of *Germany*, who having subdu'd the *Saxons* and the *Sclavonians*, by his glorious Exploits had acquir'd no less Fame than *Charles the Great*, and had made himself illustrious and renown'd over all *Europe*. *Adelaide* the Widow of *Lothaire* join'd in the Invitation, who possessing the City of *Pavia*, which had been assign'd to her as her Dowry by her Husband

Lothaire ¹, and being as yet young and of a graceful Behaviour, was sought in Marriage by *Berengarius* for his Son *Adelbertus*; but because she would not consent to the Marriage, *Berengarius* besieg'd her in *Pavia*, took her and sent her Prisoner to the Castle of *Garda*; she found Means to make her Escape, and begg'd the Assistance of King *Otho*, offering to marry him, and yield to him her Right to the Kingdom of *Italy*. *Porphyrogenitus* ², *Luitprandus* ³, and others have taken *Adelaide* to be the Daughter of *Berta* and *Rodolphus* King of *Burgundy*; but *Leo Ostiensis* ⁴ says, she was descended from a noble Family in *Tuscany*, and our Anonymous *Salernitan* ⁵ makes her to be Sister to *Gisulphus* Prince of *Salerno*: however that may be, *Otho*, who was not ignorant of her virtuous Life and Conversation, came quickly to her Assistance, and arriving in *Italy* with a powerful Army, reliev'd her from

¹ Putean. lib. 4. Ab. de Noce in Chron. Ostiens. lib. 1. cap. 61.

² Porph. lib. 6. de Admin. Imp. cap. 26.

³ Luitprand. lib. 4. cap. 6.

⁴ Ostiens. lib. 1. cap. 61.

⁵ Anon. Salern. par. 7. num. 2.

the Oppression of *Berengarius*, and being taken with her Beauty and agreeable Manners, married her, and carried her along with him to *Germany*, leaving *Conrade* Duke of *Lorraine* to prosecute the War against *Berengarius* and his Son, who were forc'd to go to *Otbo* in *Germany*, and submit themselves to his Will¹; *Otbo* having taken their Oaths and Homage, restor'd them to their Dominions, excepting to the *Veronese* and *Friuli*, which he gave to his Brother *Henry* Duke of *Bavaria*. But no sooner were *Berengarius* and *Adelbertus* restor'd to their Dominions, than they began to plot against *Otbo*, and to abuse his Subjects; they afflicted *Italy* with uncommon Oppressions, and us'd the Pope, and all the other Bishops and Lords of *Italy* very ill. Therefore they made their Complaints to *Otbo*, and begg'd his Protection, inviting him to return to *Italy* in order to drive out these Tyrants. The Pope and the *Romans* offer'd him the Kingdom and the Imperial Crown; *Valpertus* Archbishop of *Milan* likewise offer'd to crown and anoint him King of *Italy*, for which end they sent him a magnificent Embassy.

OTHO being assur'd of the cordial Affections of all the *Italians*, was unwilling to let slip so fair an Opportunity, and having held a Dyet in *Worms*, made his Son *Otbo* II. to be crown'd King of *Germany* in *Aix la Chapelle*, when he was but seven Years of Age; and having settled the Affairs of *Germany*, assembled a numerous Army, with which he march'd through *Bavaria*, and, by the Way of *Trent*, together with his Wife *Adelaide*, he arriv'd in *Italy*. He was receiv'd by the *Italians* with universal Acclamations; and tho' *Adelbertus* had endeavour'd to oppose him with considerable Forces, yet being deserted by his Men, he gave over the Enterprize, and flying, made his Escape to the Island of *Corfica*². In the mean time *Otbo* enter'd *Pavia* without any Opposition, and oblig'd *Berengarius* with his Wife and Family to fly; from thence he went to *Milan*, where he was receiv'd with great Rejoicings by all the Inhabitants. The Archbishop *Valpertus*, remembering his Promise, call'd a Council of Bishops, and in the Sight of all the City, *Berengarius* and *Adelbertus* were depriv'd of the Kingdom, and *Otbo* was proclaim'd King of *Italy*; then they conducted him to the Church of *St. Ambrose* in great Pomp and solemn Ceremony, and with the Consent of all the People, the Archbishop anointed him, and set the Iron Crown upon his Head: Thus *Otbo*, whom we shall now call King of *Germany* and *Italy*, having this Year 961, with so much Success acquir'd so great a Kingdom, with solemn Oaths promis'd that he would defend *Italy* with all his Might against the Invasion of any Tyrant whatsoever. From thence having return'd to *Pavia*, the Year following 962, together with Archbishop *Valpertus*, he went to *Rome* with a gallant Army, in order to receive the Imperial Crown from the Hands of the Pope; he likewise carried *Adelaide* with him, and was receiv'd by the *Romans* with no less Acclamations and Rejoicings, than *Charles the Great* was when he enter'd that City. The Rejoicings, Concourse, and ardent Desire of the People were the same at his being proclaim'd Emperor of the West; so likewise the solemn Ceremonies which Pope *John* XII. practis'd on this Occasion, were no ways different from those made use of by *Leo* at the Coronation of *Charles the Great*; *Otbo* together with *John* went to the Church of the *Vatican*, where every Thing proper for so august a Ceremony being ready prepar'd, he was presented by Archbishop *Valpertus* to the Pope, who anointed him, and put the Imperial Crown upon his Head, whilst all the People cry'd out, *Prosperity and Victory to Otho Augustus, Roman Emperor*³; afterwards having solemnly sworn to defend *Italy* against the Attempts of *Berengarius*, and whoever should offer to disturb it, he return'd to *Pavia*. *Sigonius* relates, that *Otbo* also caus'd to be restor'd to the Pope some Lands belonging to the Church, which in the late Revolutions in *Italy* had been taken from her; and says, that *Otbo* III. likewise confirm'd the Donations that had been made by *Charles the Great* and *Lewis the Pious* to the Church of *Rome*; so that *Chioccarelli*⁴ was in the Wrong, in attributing this Charter of Confirmation to *Otbo* I. and not to III. as *Sigonius* did.

IN this manner was the Empire transferr'd from the *Italians* to the *Germans*, of which the Popes will have themselves reputed the Authors, just so as they pretended to be with respect to *Charles the Great*⁵. Thus the Empire of the West having formerly gone from the *French* to the *Italians*, was afterwards transferr'd to the

¹ Frisingens, lib. 1. cap. 19.

² Anon. Salern. par. 7. num. 1.

³ Anon. Salern. par. 7. num. 1. Luitprand.

lib. 6. cap. 6.

⁴ Chioc in Judic. tom. 1. Reg. Juris.

⁵ V. Du Pin, de Antiq. Eccl. disc. Diff. ult. Germans

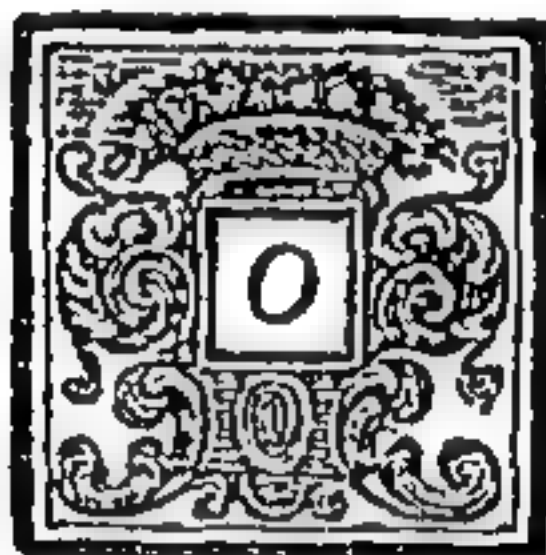
Germans in the Person of *Otho*, who held it by Right of Conquest, and by the free Election of an oppress'd People, who at that Time could find no other Protector, to deliver them from the Tyranny of *Berengarius*. *Otho* by our Writers ' is commonly said to be the first *German* Emperor, altho' *Arnolphus*, as we have said, was such before him; because say they, the Empire was adjudg'd to *Otho* and all his Successors for ever, by Pope *Leo VIII.* in the Year 964, with the Consent of all the *Romans*; and the *Roman* Empire was united to the *German* Kingdom by an indissoluble Knot², which cannot be said of *Arnolphus*, who at that Revolution of Affairs, in the midst of so many Factions, was elected Emperor more by Party-Intrigue, than a free and universal Consent.

¹ Frising. lib. 6. c. 17. & 24. Radevic. lib. 1. c. 6. ² V. Struv. hist. Jur. Pub. cap. ult. §. 2.



CHAP. I.

Otho re-establishes the Kingdom of Italy: His Expeditions against the Greeks, and the Advancement of the County of Capua to a Principality.



OTHO being settled in the Kingdom of *Italy*, in Imitation of *Charles the Great*, turn'd all his Thoughts on re-establishing it with better Laws and Institutes, after so many Revolutions: Many of his Laws for these Ends are still extant, and *Goldastus*¹ collected an intire Volume of them, by which not only the *German* Kingdom, but also the *Italian* was resettled. Not that *Otho's* Laws concerning Fiefs were more clear and express than those of *Charles the Great*, as the Abb't of *Noce*² from the Authority of *Sigonius* believ'd; for the first Maker of the Feudal Laws was *Conrade the Salick*, as we shall relate. But *Otho* acquir'd much greater Authority over these our Provinces, than *Charles the Great* himself, and the Sovereignty which he exercis'd in them was much greater than his. Our *Longobard* Princes, such as the Princes of *Benevento* and *Salerno*, and the Count of *Capua*, were not in a Condition to oppose his Dominion, as *Arechis* and *Grimoaldus* did that of *Charles* and *Pepin* his Son; on the contrary, they declar'd themselves his Vassals and Feudatories, by subjecting their States to him, and by acknowledging him King of *Italy*, with the very same Authority that their Predecessors had own'd in the ancient *Longobard* Kings, and in order to gain his Favour and Protection, each of them strove who should out-do one another in Obsequiousness and Respect to him.

IN these Times, as we have said, *Pandulphus Iron-Head*, together with his Brother *Landulphus III.* govern'd the Principality of *Benevento*, and the County of *Capua*, who no sooner were appriz'd that *Otho*, with *Adelaide* his Wife, was on his way to *Capua*, in order to make sure of the Fidelity of these Princes, and of *Gisulphus* in particular (who tho', as the Anonymous *Salernitan* believ'd, he was his Brother-in-Law, yet was suspected to have a Dependence upon the *Greeks*, from whom he had got the Honour of Patriciate) than they went out to meet them with a great Retinue, and conducted them to *Capua*, the Place of their Residence,

¹ Goldast. Const. Imp. tom. uno, pag. 215. Seqq. tom. 3. pag. 303. Seqq.

² Ab. de Noce in not. ad Chron. Ostien. lib. 1. cap. ult. in fine.

where they entertain'd this Prince honourably, and with great Magnificence¹. They remain'd here during the Year 963, in which Time they sent an Embassy to Prince *Gisulphus* in *Salerno*, with many Gifts, inviting him to come to *Capua* to see his Sister. *Gisulphus*, tho' jealous of some sinister Design, at last with his Attendants set out for that City, and being met by *Pandulphus* and *Landulphus*, they presented him to the Emperor *Otho*, who with much Gladness rose from his Throne, and stepped down to meet him, and having embrac'd one another, they kiss'd each other with many Tokens of Affection. The Empress *Adelaide* (if we may credit the Anonymous *Salernitan*) seeing her Brother, run to embrace him, and grasping him about the Neck, kiss'd him many times, reproaching him for not coming to see his Sister without being invited: *Gisulphus*, after such kind Embraces of his Sister and his Brother-in-Law, to his great Contentment, and that of his Retinue, return'd to *Salerno*.

IT was at this Time, that *Pandulphus Iron-Head* being in great Favour with *Otho*, obtain'd by Imperial Authority, that the County of *Capua* should be advanc'd to a Principality, and that he should be call'd Prince of *Capua*, as those who succeeded him in *Capua* were; and from this Time, not from that of *Atenulphus* I. the Rise of the Princes of *Capua* must be dated, as *Pellegrinus* demonstrates. To which Honour, succeeded afterwards in the Year 988, that of *Capua's* being likewise advanc'd to be a Metropolis; and that *John* Brother to *Landulphus*, from being Bishop of that City was rais'd to be Archbishop by *John* XIII. as we shall more at length relate when we come to treat of the Ecclesiastical Polity of this Age.

THUS did our Princes acknowledge for Sovereign the Emperor *Otho* as King of *Italy*, who by Virtue of the same Right undertook to drive the *Greeks* out of *Puglia* and *Calabria*, which Provinces they possess'd, and likewise to reduce the Dukedom of *Naples* under his Dominion.

IN this Year 964, *Nicephorus Phocas* succeeded to the Empire of the East, who taking it ill that *Otho* should have acquir'd so great Authority in *Italy*, and that he had resolv'd to drive the *Greeks* from *Puglia* and *Calabria*, had provided these Provinces with good Garrisons. Their Cities were govern'd by *Stratici*, a Sort of Magistrates that had continu'd long there, down to the *Catapani*; and he had conven'd the strongest Body of his Troops in *Bari* the Metropolis of *Puglia*: He took it no less amiss, that he had no other Title given him but that of Emperor of the *Greeks*, and that *Otho* should assume that of Emperor of the *Romans*.

BUT *Luitprandus* Bishop of *Cremona*, a Creature of *Otho's*, advis'd him, that before he enter'd into a War with *Nicephorus*, he should try if by a near Alliance he could obtain of him, what would be uncertain to be got by a doubtful and cruel War; for which end, he thought the readiest and most effectual Way was, if *Nicephorus* would give the Princess *Anna*, or *Theophania*, in Marriage to *Otho* his Son, and for a Portion yield the two Provinces of *Puglia* and *Calabria*. This Princess was the Daughter of the Emperor *Romanus Argirus*, and the Empress *Theophania*, who by an execrable Paracide had poison'd *Argirus*, that she might marry *Nicephorus*. It was at this Time that *Otho* sent to *Constantinople* a magnificent Embassy to *Nicephorus*, and pitch'd upon the famous *Luitprandus* Bishop of *Cremona*, for Ambassador to go and demand that Princess; this Bishop became famous no less for his many Works which he has left us, than for this Embassy.

NEVERTHELESS this Embassy of *Luitprandus* did not take Effect, for *Nicephorus* not being able to conceal from him the Malice that was lurking in his Breast against *Otho*, treated him scurvily, and after having made him stay four Months to no purpose in *Constantinople*, dismiss'd him without coming to any Conclusion.

IN the mean time, *Otho* flattering himself that his Design would take Effect, had recall'd his Son *Otho* to him, who remaining with his Father in *Rome*, was in this Year 968, associated in the Empire, and anointed and crown'd with the Imperial Crown by the Pope. And *Nicephorus* at the same time, in order to deceive *Otho* the more, and to bring his Design about, before he dismiss'd *Luitprandus*, sent Ambassadors to him, offering him his Alliance, and to send the Princess *Theophania* to *Calabria*; and therefore he might send his People as soon as possible thither to receive her.

¹ Anon. Salern. pag. 7. num. 2.

OTHO not being sufficiently acquainted with the *Greek* Faith, believ'd him, and likewise acquainted the Dukes of *Saxony* with it, giving them Hopes, that in a short Time he would recover *Puglia* and *Calabria*; and that his Son *Otho* being married, would return to *Germany*, therefore he sent his People immediately for that purpose; but they had no sooner arriv'd than they were catch'd unawares in an Ambush, which *Nicephorus* had caus'd to be laid for them; many were kill'd, and the rest made Prisoners, and carried to *Constantinople*.

UPON which, *Otho*, detesting the *Greeks*, and bitterly inrag'd, invaded and laid waste the Borders of *Calabria*, and turn'd that Province topsy-turvy. At this Juncture our *Longobard* Princes join'd him, who as Feudatories were oblig'd to follow him in his Wars; and *Pandulphus Iron-Head* went likewise to *Calabria* against the *Greeks*, and the *Saracens*, who had been call'd by the *Greeks* to their Assistance; and *Gisulphus* Prince of *Salerno*, tho' his Fidelity was suspected, on account of the Attachment he had for the *Greeks*, yet on this Occasion (having a little before put himself under the Protection of *Otho*) shew'd himself willing to assist in this Expedition.

THUS did an obstinate War against the *Greeks* and *Saracens* begin; and whilst *Pandulphus* was in *Calabria* with *Otho*, he was advis'd of the Death of Prince *Landulphus* his Brother. He had held the Principality of *Benevento* eight Years; and tho' he had left *Pandulphus* his Son, nevertheless *Pandulphus* the Brother no sooner heard of his Death, than he went to *Benevento*, leaving the Emperor in *Calabria*; and having excluded his Nephew, he advanc'd his own Son *Landulphus* to be Prince, who was therefore call'd *Landulphus* IV. ¹

FROM thence *Otho* return'd to *Ravenna*, and in the Year 969, *Pandulphus*, with a Reinforcement sent him by *Otho*, and some young *Beneventans* and *Capuans*, invaded *Puglia*, and encamp'd with his Army near *Bovino*. But the *Greeks* making a furious Salley from the City, engag'd him, and after a doubtful Battle, at last *Pandulphus* was beaten and made Prisoner by the *Greeks*, commanded by *Eugenius* a Patrician, and Lieutenant of the Province, who immediately sent him Prisoner to *Constantinople*. In the mean time *Gisulphus* Prince of *Salerno* was on his march to reinforce *Pandulphus*, but being too late, whether by any Opposition on his March, or that he march'd slowly, purely out of conceal'd Malice, he quickly return'd to *Salerno*.

THE *Greeks*, flush'd with this Victory, invaded the Borders of *Benevento*, took *Avellino*, and advanc'd towards *Capua*; and plundering all the Country, besieg'd the City itself, which for forty Days they kept closely block'd up.

NOW that the *Neapolitans* saw the *Greeks* go on prosperously; they join'd *Eugenius* near *Capua*. At this Time *Marinus* was Duke of *Naples*, the Knowledge of which we owe to the Anonymous *Salernitan*, for there is no Memory of the Dukes of *Naples* in these Times after *John* in the other Historians; and that Charter mention'd by *Summontes*, believ'd by the new Historian *Jannettasius*, the Translator of *Summontes*, to be genuine, wherein there's mention made of Duke *Oligamus Stella*, whom *Jannettasius* makes to be the Successor of *John*, and of *Ginellus Capece*; *Baldassare Joannes*, and *Sarrus Brancaccius* Consuls, is an arrant Forgery, both because Surnames were not as yet in use, and because *Capaccius* ² and others testify that it was never found amongst the Writings of the Monks of *St. Sebastian*, where it was suppos'd to be preserv'd: So that our *Pellegrinus* ³ is in the Right when he says, that we are not to expect an uninterrupted Series of the Dukes of *Naples*, as of *Amalphis*; neither can we be assisted in the Matter by any old Charters dated in *Naples*, because they express nothing but the Names and Times of the *Greek* Emperors, to whose Dominion that Dukedom was subject.

MARINUS with his *Neapolitans* invested *Capua*, where he did nothing but burn and plunder the Country about; *Eugenius* seeing that they were trifling away their Time to no purpose, and afraid of *Otho*, it being rumour'd about that he was on his march with a vast Army of *Germans*, *Saxons* and *Spoletians*, towards *Capua*, in order to relieve it, that he might not be catch'd napping, rais'd the Siege, and march'd to *Salerno*, where he was receiv'd by *Gisulphus*, and splendidly regal'd while he remain'd there, which confirm'd the Jealousy that was entertain'd of him, that he had still been in the Interest of the *Greeks*, and had only feignedly appear'd

¹ Anon. Salern. p. 7.

² Capac. Forast.

³ Pellegr. in Tumul. Boni Consul.

to be in that of *Otbo*, and therefore had been so slow in sending Assistance to *Pandulphus*. *Eugenius* after having continu'd some Days in *Salerno*, return'd to *Puglia*¹: Not many Days after, the vast Army of *Otbo* arrived at *Capua*, and not finding the *Greeks* there, they began to over-run and lay Waste, all the *Neapolitan* Territories, and being joyn'd by the *Capuans*, laid close Siege to the City of *Naples*. But not being able to take it, they return'd back, and besieg'd *Avellino*, which a little before had surrendred to the *Greeks*, who were now in Possession of it; but it was easily recover'd by the *Beneventans*, from whence they march'd to *Benevento*, with a Design to advance into *Puglia*, to drive the *Greeks* out of that Province, where they had assembled all their Troops, and had fortified themselves in *Bari* with a strong Garrison.

WE ought not in this Place to pass over in Silence, that which we shall discourse of at more length, when we come afterwards to treat of the Ecclesiastical Polity, that *Otbo's* Army having halted in *Benevento* this Year 969, before he would undertake so doubtful an Expedition, and advance with the Arm of Flesh, he thought fit to begin, as it became him, by having recourse to the Assistance of Heaven. Hitherto the Church of *Benevento* had been govern'd by Bishops; but now *John XIII.* out of regard to *Otbo*, and the Princes *Pandulphus* and *Landulphus*, as the Year before he had rais'd *Capua* to be a Metropolis, would do the same to *Benevento*, therefore he rais'd it to a Metropolis, and assign'd it many Churches for Suffragans, and the first Archbishop that he appointed was *Landulphus*, in this Year 969, to whom he granted the Use of the *Pallium*, and confirm'd to him the *Sipontine* and *Garganitan* Churches. Whilst then *Otbo's* Army was making ready for this Expedition, the Archbishop *Landulphus*, with holy Ceremony, solemnly celebrated Mass, which was heard by all, and after that was over they all receiv'd the Body and Blood of our Lord Jesus Christ, from the Hands of the said Archbishop; and getting his Benediction, they began their March joyfully towards *Puglia*². Whence 'tis to be observ'd that in these Times in our Provinces, and in *Italy*, the Communion under both Kinds was continued, and the Participation, as well of the Blood as of the Body was allow'd, neither was the Cup taken away till much later Times.

THE Army of *Otbo*, which consisted of *Beneventans*, *Germans*, *Saxons* and *Spoletians*, arriving at *Ascoli*, was met by *Abdila* a *Patrician*, who, with a good Body of *Greeks*, pretended to attack him, for *Eugenius*, by reason of his Cruelty, had been made Prisoner by his own Men, and sent to *Constantinople*. There was a sharp Engagement near *Ascoli*, and at last the *Greeks* were defeated, and the *Beneventans*, after having made a great Booty, return'd in Triumph to *Avellino*³.

IN the mean time, *Otbo* march'd with his Army towards *Naples*, and carried off all the Cattle in the Neighbourhood, and as he was returning, was met by *Aloara*, the Wife of Prince *Pandulphus*, with her Son all in Tears, who requested him to relieve her Husband, whom *Nicephorus* treated cruelly in a dark Prison in *Constantinople*⁴. *Otbo* immediately return'd to *Puglia*, where he made terrible Havock, laid close Siege to *Bovino*, and burnt many Places in the Neighbourhood; but whilst these things pass'd in *Puglia*, *Nicephorus* this Year 970, suffer'd a violent Death; for *Theophania* his Wife, together with *Joannes Zimisceus*, caus'd him to be cruelly murder'd; and the same Year *Zimisceus* was elected Emperor of the East: Who undoing what his Predecessor had done, immediately set *Pandulphus* at liberty, sent him to *Puglia*, and recommended him to *Otbo*, intreating he would restore him to his Dominions. *Zimisceus*, in order to gain *Otbo's* Friendship, sent him *Theophania* (whom *Nicephorus* had refus'd him) to be married to his Son *Otbo*; she was conducted to *Rome*, where with great Splendor, she was married to *Otbo*, and proclaim'd Empress⁵. *Pandulphus* being arrived at *Bari*, was immediately sent for by *Otbo*, who receiv'd him very graciously, and restor'd him to his Dominions and former Dignity: Whereupon *Pandulphus*, in order to gratify *Zimisceus* for his Liberty, us'd his Interest so much with *Otbo*, that he made him give over his Undertaking; so that a Peace ensuing, *Otbo* desisted from invading *Puglia* and *Calabria*, and therefore these Provinces were never conquer'd by *Otbo*, as many Writers have

¹ Anon. Salern. part 2.

² Anon. Salern. part 7. num. 5. Missamque ab Archiepiscopo Landulpho audierunt, & Corporis. & Sanguinis Domini Nostri Jesu Christi participati sunt. Et sic accepta benedictione a

prædicto Sanctissimo Pontifice, Apuliam venerunt.

³ Anon. Salern. loc. cit.

⁴ Anon. Salern. part 7. num. 66.

⁵ Sigon. A. 972.

believ'd, contrary to what the anonymous Cotemporary Writer relates. *Otho* set out for *France*, and never return'd more to these Provinces; for in the Year 973 he died, after having acquir'd, by his wonderful Exploits, the Surname of *Great*, and may justly be compar'd with *Charles the Great*.



C H A P. II.

Otho succeeds his Father. Disturbances in the Principality of Salerno, to which at last Pandulphus succeeds.



AFTER the Death of *Otho the Great*, *Otho II.* his Son, who during his Father's Life-time, had been associated in the Empire, began to govern the Kingdom of *Italy* alone, and exercise all that Sovereignty there, that his Father had acquir'd, which, by reason of the Quarrels amongst our *Longobard* Princes, became very great in these Provinces, for whilst *Pandulphus Iron-head*, who had return'd to *Capua*, together with *Landulphus* his Son in *Benevento*, govern'd these two Principalities, there happen'd such strange Revolutions and Convulsions in *Salerno*, as turn'd all that Principality topsy-turvy. The Origine of these Mischiefs, was the too great Confidence that *Gisulphus* had in his Relations, whom he had recall'd from Banishment, and rais'd to that Height, that by unparallel'd Ingratitude, they prov'd the Ruin of his Dominions.

AT ENULPHUS II. who, as we have said, being driven out of *Capua*, had retir'd to *Salerno*, under the Protection of *Guaimarus II.* his Son-in-Law, left many Children, who being Exiles as well as the Father, for a long time went wandering up and down. One of them nam'd *Landulphus*, at first retir'd to *Salerno* with his Father, and went afterwards to live in *Naples*; but thereafter by the Intercession of *Gaidelgrima* his Sister, who was Wife of *Guaimarus II.* and Mother of *Gisulphus I.* he was invited back to *Salerno* by this Prince his Nephew, in order to please his Mother. *Gisulphus*, besides his having receiv'd him very affectionately, likewise gave him the County of *Consa*; but because he was a very cruel and intolerable Man, the *Consans*, not being able to bear him, drove him out of *Consa*, neither could *Gisulphus* long endure him in *Salerno*, from whence being expell'd, he was necessitated to return again to *Naples* with his Family: He had Four Sons, *Guaimarus*, *Indolphus*, *Landulphus* and *Landenulphus*.

IT happen'd, that whilst *Landulphus*, with his Sons, were in *Naples*, *Gisulphus* was taken ill, whereupon *Gaidelgrima* his Mother, laying hold of the Opportunity, fell into Tears, which *Gisulphus* perceiving, ask'd her what she ail'd: She quickly answer'd, I lament, because after the Loss of my Husband, I have no Body to comfort me in my great Affliction, now that you are taken ill, and my Brother is at so great a Distance: What would you have me to do then, answer'd *Gisulphus*? Re-call him with all his Family, reply'd she. *Gisulphus*, overcome by his Mother's Tears, consented, and when he recover'd of his Illness, *Landulphus* was immediately invited back to *Salerno*, who brought Three of his Sons along with him, leaving *Landulphus*, a Man of a subtle Wit and full of Deceit, in *Naples*.

LANDULPHUS was received by the Prince with great Marks of Esteem, enrich'd with many Lands, and likewise restor'd to the County of *Consa*; and not foreseeing what might happen to him, he rais'd him to that Degree, as the anonymous

*Salernitan*¹, who was his Cotemporary; relates, that he was the next to himself in *Salerno*. He was also most liberal to his Sons: To *Ghaimarus* he gave the County of *Marfico* in the Principality of *Salerno*, with its Privileges and Emoluments. To *Indulphus* he gave the County of *Sarno*: To *Landulphus*, the County of *Lauro*, likewise in the Principality of *Salerno*; who dying soon after in the Year 971, *Landulphus* was call'd from *Naples*, to whom *Gisulphus* gave the said County of *Lauro*, to the great Indignation of the *Salernitans* and Nobles of that City, who saw *Gisulphus* so imprudently advance these Princes.

LANDULPHUS the Father being rais'd to such Grandeur, began to think of Means whereby he might invade the Principality of *Salerno*; and seeing himself so powerful, he likewise procur'd the Assistance of the Dukes of *Amalphis* and *Naples*, and being aided by his Sons, especially *Landulphus*, a prudent and cunning Man, by bribing the Keepers, found means to enter the Prince's Palace, where seizing the unhappy *Gisulphus*, together with the unfortunate Princess *Gemma* his Wife, Daughter of *Alfanus*, and Kinswoman to the Duke of *Spoletto*; he imprison'd them, giving out, that they had been murder'd, which put the City all in an Uproar. The *Salernitans* believing them dead, were in the utmost Consternation, and not knowing what to do on such a Turn of Affairs, were forc'd to swear to Prince *Landulphus* their Tyrant, who being afraid they might discover that *Gisulphus* and the Princess *Gemma* were still alive, caus'd them to be removed from *Salerno* to *Amalphis*: So that having rid himself of them, the same Year 972 or 973, he assum'd *Landulphus* his Son for his Colleague in the Principality.

A T this Time, *Manso*, a Patrician, govern'd as Duke of *Amalphis*, and in *Naples*, as we have said, *Marinus*, a Patrician. These hearing of the Conspiracy, as soon as they understood that *Gisulphus* had been driven out of *Salerno*, went thither with some Troops, in order to assist *Landulphus*, and to fix him in the Principality². Never was greater Ingratitude heard of, than what *Marinus* Duke of *Naples* was guilty of on this Occasion, who having so soon forgot the Favours he had receiv'd from *Gisulphus*, as also the so many Oaths he had sworn, by which he was bound to assist him, now joyn'd with the Tyrant in order to drive him out of his Dominions.

B U T these Designs and wicked Counsels were soon confounded; for the *Salernitans* being convinc'd that *Gisulphus* and the Princess *Gemma* were not dead, but still alive in *Amalphis*; began immediately to make an Uproar, and to fret at themselves, for having been so credulous, and at the Steps they had taken. To this was also added, that *Indulphus*, who had seen *Landulphus* his Brother admitted as Colleague in the Principality, and himself not minded, contrary to what his Father had promis'd him with many Oaths, began to aim at the Principality, by soliciting *Marinus* Duke of *Naples*, to assist him in the Undertaking; therefore it was resolv'd, in order to quell the Tumults in some measure, to seize *Indulphus*, and send him to *Amalphis*, which was done; the Pretender being remov'd, the *Salernitans* were obliged to swear to *Landulphus* the Younger, a very cruel and cunning Prince. But by wicked Counsel not long after, *Indulphus* was recall'd to *Salerno*, who dissembling the Injury, began to curry Favour with the *Salernitans*, to whom he was very profuse; and having brought over to his Party the chief Men, and the Adherents of Prince *Gisulphus*, he was at great Pains to convince them, that now the Tyrants being driven out, they ought to deliver themselves up to *Pandulphus Iron-head*, who would be able with his Forces, to restore *Gisulphus*, and in the mean time, endeavour to fortify themselves in the Castles, that upon the coming of *Pandulphus* they might be in a Condition to assist him. In effect, many noble *Salernitans*, and amongst the rest, *Risus* and *Romoalt*, two renown'd Personages, repenting them of the Part they had acted in the Conspiracy, went to *Amalphis* to the detron'd Princes, and there, with many Oaths and Tears, express'd their Sorrow for the Wrong that had been done them, promising to use their utmost Efforts to restore them to their former Dignity.

P R I N C E *Pandulphus* being invited by the Adherents of Prince *Gisulphus* and the *Salernitans*, who had fortified themselves in several Castles, in order to receive his Assistance, compassionating the Case of that unfortunate Prince, who was his first Cousin, with incredible Joy, undertook to restore *Gisulphus* to *Salerno*; and con-

¹ Anon. Salern. part 7. num. 7.

² Anon. Salern. p. 7. num. 10.

vening some of his Forces, march'd towards that Place. He was met by *Indulphus*, who demanded the County of *Consa* for himself; but *Pandulphus* declaring that he could not grant it, he was extremely griev'd, and return'd to *Salerno*, where he was made Prisoner by his own Men, and deliver'd up to *Landulphus*. In the mean time, *Iron-head* having joyn'd the *Salernitans* that were in the Castles, took all the Places belonging to the Principality of *Salerno*, laid Waste all the Country about, and closely besieg'd *Salerno*. The two *Landulphus*'s, the Father and Son, made a bold Resistance, and not trusting to the *Salernitans*, rely'd upon *Manso* the Patrician, whom they kept with them in the Palace with his *Amalphitans*, to whom the Custody of the Towers that surrounded the City was given; but they could not long hold out against the Forces of *Pandulphus*, who at last, in the Year 974, took the City, and having driven out the Tyrants, took Possession of it, not for himself, but that same Year restor'd it to its lawful Prince. *Gisulphus* and *Gemma*, whether they had so agreed betwixt themselves, or whether purely out of Gratitude for so many Favours receiv'd, not having Children, adopted *Pandulphus* the Son of *Pandulphus* for their Son, whom they likewise made Prince of *Salerno*, and Copartner with *Gisulphus* during his Life, which lasted to the Year 978¹, when he died, and left *Pandulphus* Successor in *Salerno*; on which *Pandulphus* the Father also assum'd the Title of Prince, together with his Son, so that three Titles center'd in the Person of *Pandulphus Iron-Head*, for he was call'd Prince of *Capua*, *Benevento*, and *Salerno*. Whence the Anonymous *Salernitan*, who liv'd in these Times, to which he continu'd his History, and dedicated it to this Prince, in a Verse which he compos'd in his Praise, calls him Prince of these three Cities, thus:

*Tempore præterito Tellus divisa maligno
Unitur tuo ecce, tuente Deo².*

AS the Valour and Prudence of *Atenulphus I.* was able to ward off the Ruin of the *Longobards*, which by reason of the many Revolutions and Disturbances in these Provinces, was imminent: so at this Time the Power of *Pandulphus Iron-Head* put a Stop to their impending Fall; and some Good might have been expected from the Valour of this Prince, if that most mischievous Custom of the *Longobards*, of dividing their Dominions equally amongst their Sons, had not been already so inveterate; for tho' at present the Titles were united in one single Person, yet nevertheless *Iron-Head* gave the Principality of *Benevento* to *Landulphus IV.* his Son, and that of *Salerno* to *Pandulphus* another of his Sons. All the *Longobard* Princes of the Race of *Landulphus I.* Count of *Capua*, those likewise of *Benevento* and *Salerno*, were wont to give Fiefs to all their Sons; who at first liv'd in Friendship and Amity with one another under the same Laws, each one contenting himself with his Share; but such is the Corruption of Human Nature, that in process of Time it bred Discord among them, which split them into Factions, and gave Occasion to Strangers to invade them. At this Time Political Maxims were taken from the Holy Scripture, the Barbarity of the Times not affording them other Books whereby they could be better instructed in the Politicks of this World: They had read the Admonition of *David*, who says, 'There's not a more pleasant Thing, than *habitare fratres in unum*, and propos'd it as the Rule of their Conduct; but they were not sensible that this was a Thing much to be wish'd-for, and when attain'd, much to be valu'd, but by Human Nature difficult to be put in Practice; and they might have learn'd from the same Scripture, that a Kingdom divided against itself cannot stand. However that may be, they had no mind to give all to the eldest Son; therefore this Succession taking Place, the principal City was retain'd by him, and the other Brothers were invest'd with Counties, and other Fiefs, who being all of the same Stock, from Dependants, made themselves absolute Lords. Thus *Radelchisus* Prince of *Benevento*, as we have related, having had twelve Sons by *Caretruda*, besides *Radelgarius* who succeeded him, made them all Counts. The same happen'd to the Principality of *Salerno*, which, as we have said, was divided by *Gisulphus* into so many Counties, amongst the Sons of *Landulphus*, to the great Indignation of the *Salerni-*

¹ Pell. in Not. ad Anon. Saler. pag. 216. In Archivo Cavenfi: Nos Pandulphus Princeps filius b. m. D. Pandulphi Princ. declaro, quod | *Gisulphus & Gemma adoptaverunt me in filium.*
² We read this Verse in Pell. loc. cit. p. 223.
tans;

tans, that besides the Nobles of *Salerno*, it was possess'd by many, who liv'd well fortified in their Castles; with absolute and independent Authority.

BUT above all, the Principality of *Capua* suffer'd most by being thus dismember'd, for from the Race of *Atenulphus*, as from the *Trojan* Horse, there issu'd so many Counts and Lords, as not only fill'd *Capua* with Counties and Lordships, but likewise *Benevento*. From the Blood of that Prince were descended the Counts of *Venafro*, *Sessa*, *Isernia*, *Marfco*, *Sarno*, *Aquino*, *Cajazza*, *Teano*, and many more: Which, as we have said, tho' at first given as Governments, and not as Fiefs, were afterwards turn'd into Lordships; and hitherto the Thing was tolerable, because the Grant, either by the Death or Felony of the Count, became void, and the County did not go to the Heir; but in the Times we now speak of, the Practice was, for the Reason formerly given, that the Grants were made to the Sons and Heirs, and Investitures given *pro se & Hæredibus*, as we read among the ancient Records of the Investiture given in the Year 964, in *Capua* by *Pandulphus Iron-Head*, and *Landulphus* his Son, of the City of *Isernia* with its Dependencies, to *Landulphus* and his Heirs ¹.

THUS the Counties and Fiefs, not only came to be multiplied, and afterwards divided into so many Parts, by being vested in those of the same Blood, who were apt to aspire to be independent Lords, that thereby the State was brought into Confusion and Disorder, and at last became a Prey to other Nations.

¹ We read this Investiture in Ciarlant. on Samnium; pag. 241. Concedimus, & confirmamus tibi supranominato Landulpho Comiti dicto fratri nostro, & hæredibus tuis prædictam | Civitatem Iserniæ cum omnibus Castellis, &c. ad avendum, & possidendum, & fruendum, & dominandum vos, & hæredibus vestris.

S E C T. I.

Surnames of Families restor'd among us, which for a long Time had been disus'd.

FROM the Number of so many Fiefs and Counties possess'd by different Families, Surnames took their Rise; for the *Longobards* having no Surnames for denoting the particular Families, they took them from the Cities and Lands which they possess'd, and where they had fix'd their Residence; thus by Degrees the Custom of the ancient *Romans* began to take Place again in these our Provinces; tho' Surnames began under our last *Longobard* Princes, yet it was the succeeding *Norman* Princes that settled them, as a distinguishing Mark of Families.

THE *Romans*, who knew nothing of Fiefs, took their Surnames from other Things, and not from the Places which perhaps had been possess'd by their Forefathers. But as the Pastoral Employment and Agriculture were in great Esteem amongst them, many Families took their Surnames from Rural Things belonging to these: From Agriculture, the *Lactucinii*, the *Melii*, the *Frondisii*, the *Fabii*, the *Pisones*, the *Lentuli*, and the *Cicerones*; and from the Pastoral Employment, the *Bubulci*, the *Bupecii*, the *Juvenci*, the *Portii*, the *Scrophæ*, the *Pilumni*, the *Junii*, the *Satirii*, the *Tauri*, the *Vituli*, the *Vitellii*, the *Suilli*, the *Capriani*, the *Ovini*, the *Caprilii*, the *Equini*, and others, of which *Tiraquellus* ¹ has given us a long Catalogue.

THE *Roman* Families likewise took their Surnames from Nature, according as she was favourable in bestowing some special Comeliness of Person, or graceful Behaviour, or as she was unfavourable in deforming the Body or the Mind with some Vice; thus from the Bigness of the Feet came the Surname of the *Planci*; that of the *Crassi* from Fatness; that of the *Cincinnati* from the Hair; the *Nasones* from their big Noses, and a great many more. Often from Qualities, as *Metellus Celer* from his Nimbleness; sometimes from Chance, as *Valerius Corvinus*; sometimes from a conquer'd Place, as *Scipio Africanus*, and so of the rest ².

¹ Tiraq. de nobilit. c. 3. num. 10. V. Alex. ab Alex. dier. gen. V. Sirm. in Sidon. tom. 1. in præfat,

² Vide Knipschild. de Fideicom. cap. 1. num. 20.

BUT amongst our last *Longobards*, Surnames were taken for the most part from Cities and Castles, which their Forefathers had possess'd, and whither they went to reside, and pass their Time. Thus from the Castle of *Presensano*, the Surname of *Presensano* is deriv'd, which Family, together with the Castle, fail'd in *Capua* after the Time of King *Robert*. Thus likewise, according to *Erchempertus* ¹, *Marino* was surnam'd *Malphitano*, because he govern'd in *Amalphis*, and was Duke of it; and in the same Author ², *Landulphus* was call'd *Suessulanus*, because he govern'd in *Suessula*; and *Leo Ostiensis* ³ says, *Gregory* was surnam'd *Neapolitanus*, because he was Duke of *Naples*; and the same Author ⁴ gives *Landulphus* the Surname of *Sancta Agatha* (of which more afterwards) only, because he was Count of that City. And seeing all those Noblemen had their Descent from *Capua*, and from the Progeny of *Atenulphus*, therefore by the Writers of those Times they were likewise call'd noble *Capuans*; whence came the Surname of the illustrious *Familia Capuana*, and for a long time all those were call'd noble *Capuans*, who were descended of the Race of the Counts and Princes of *Capua*, tho' they were divided into many Families, as the most accurate *Pellegrinus* demonstrates ⁵: Whence it came, that some of them for a long time after retain'd the Surname of *Capuani*, or *Capua*; and others took theirs from the Places they possess'd, tho' of the same Family. Thus the Family of *Sesto*, descended of the Counts of that Place, and of *Landulphus*, who was surnam'd *Sesto*, took its Surname from a Castle of that Name in the County of *Venafro*, of which *Petrus Diaconus* makes mention ⁶; which Family liv'd in the greatest Splendor under King *William II.* and had the chief Military Employments, as may be seen in *Luigi Lello* ⁷.

AND as these three Families of *Franco*, *Citello*, and *Rofelle*, were of *Longobard* Extraction, so likewise ought they to be reputed of the Race of Prince *Atenulphus*, and come from the Places possess'd by their Forefathers, as *Pellegrinus* shews; and many other *Longobard* Families, that derive their Origin from these Princes of *Capua*, and *Atenulphus*, even after the *Longobards* were driven out, continu'd in these our Provinces under the *Normans*, as we shall more particularly relate hereafter, when we shall have occasion to treat of the People of that Nation: So that it occasion'd *Leo Ostiensis* to say, that *Atenulphus*, and his Descendants, for many Generations, held the Principalities of *Benevento* and *Capua*, for a Hundred and seventy-seven Years; seeing for a long time there were many Barons of the Race of *Atenulphus* in these Principalities, who were Lords of many Fiefs, and establish'd their own particular Families, by giving their Relations Investiture of many Fiefs, and from whom are descended many Counts, Barons, and other Nobles over all *Italy* on this Side of the *Tyber*; and the same was done in the Principality of *Salerno*. Likewise the Family of *Colimonta*, from which *Pellegrinus* proves the Family of *Barrile* to be descended, takes its Origin from nothing else but from the Castle of *Colimonta*, which we now call *Collemezze*; as the noble Family of *Gaetana*, from *Gaeta*; for *Leo* ⁸ *Ostiensis* calls all those *Gaetani*, who held the City of *Gaeta* as Dukes. Thus likewise the Surnames of the illustrious Family of *Aquino*, has risen from the Counts of that City; and those of *Scugri*, *Sanseverini*, *Aquivivi*, and many others, are taken from the Cities and Lands possess'd by their Forefathers ⁹.

LIKEWISE amongst our last *Longobards* Surnames were taken, tho' but seldom, from the Names of their Forefathers; thus the Family *Atenulpho* had its Name from *Atenulpho*, who was Father of *Peter* a Cardinal of the Holy Church; and very many others. Surnames were also taken from Magistracy, and Offices as well Ecclesiastick as Secular, and from the Professions of their Forefathers; whence the Family *Mastrogiudice* according to *Freccia* ¹⁰ had its Rise, as also those of the *Doci*, *Alfieri*, *Conti*, *Ferrari*, *Cavalcanti*, *Pilastoppa*, and many more. From Behaviour also, and good or bad Inclinations; from Colour, Garments, Beards, the Chin; from Plants, Flowers, Animals, and from an infinite Number of other Occasions and Accidents ¹¹.

¹ Erchemp. num. 26.

² Ibid. num. 27. & 62.

³ Ostiens. lib. 1. cap. 49.

⁴ Lib. 2. cap. 15.

⁵ Pell. de Stem. Princ. Long. pag. 287.

⁶ In Auctuar. ad Ostiens. lib. 4. cap. 75.

⁷ Aloys. Lellus in Elencho Privilegiorum Archiepisc. Ecclesie Montis Regalis, num. 14.

⁸ Ostiens. lib. 2. c. 35.

⁹ V. Ammirat. Fam. Neapol.

¹⁰ Freccia de Subfeud. pag. 24.

¹¹ V. Dufresne in Glos. v. Cognom.

BUT 'tis to be observ'd, that tho' this Custom of transmitting Surnames to Posterity, for the better distinguishing of Families, began with us about the End of this Xth Century, yet it was seldom used; for we very rarely find Surnames in the Charters and other Writs of these Times. They began to be a little more frequent amongst the *Normans* in the XIth and XIIth Centuries; but in the XIIIth and XIVth they were so diffus'd and establish'd, that commonly every Body, tho' of mean Extraction, had Surnames, and transmitted them to their Posterity.

S E C T. II.

The unfortunate Expedition of Otho II. against the Greeks, and the Death of Pandulphus Iron-head.

THE Custom of our last *Longobards*, of dividing their Dominions into so many Parts, was at last the Occasion of their Ruin, and afforded a fair Opportunity to the *Normans* to drive them out of these Provinces; for tho' these Barons held their Counties of the Princes of *Capua*, *Benevento*, and *Salerno*; yet forasmuch as they were of the same Lineage of *Atenulphus*, many of them aspir'd to the same Principalities of *Capua*, *Benevento*, and *Salerno*, from which some of them had been driven out; and tho', as we have said, *Pandulphus Iron-head* by his Valour and good Success, together with his Sons *Landulphus IV.* and the other *Pandulphus*, had govern'd these three Principalities; yet *Iron-head* was no sooner dead in *Capua*, in the Year 981¹, than Revolutions and Disorders began anew in these Provinces. To this likewise was added, that *Pandulphus*, who had procur'd that there should be a firm and lasting Friendship maintain'd betwixt the Emperors of the East and those of the West, was no sooner dead, than all Correspondence was broke off, and the old Quarrels renew'd; for *Otho II.* who could not endure that *Puglia* and *Calabria* should remain in the Possession of the *Greeks*, under the Emperors *Basilus* and *Constantine*, who in the Year 977. had succeeded *Zimisceus*, disingag'd himself the best way he could from the Affairs on the other Side of the Mountains, and in the Year 980. march'd to *Italy* with an Army, accompanied by the Empress *Theopbania*².

THE Custom, as we have said, was already introduc'd, that when the Emperors of the West came into *Italy*, they stopt at *Roncaglia*, a Place not far from *Placentia*, where, in imitation of the Dyets, the Dukes, Marquisses, and Counts of many Parts of *Italy*, the Magistrates of the Cities, and also the Ecclesiastical State met in order to treat of the most important Affairs of *Italy*; they examin'd the Complaints of the Subjects against their Lords; they gave the Investiture of Fiefs; adorn'd many Barons with Titles; establish'd many Laws concerning the Ecclesiastical State, and remedied some former Abuses. *Otho* this Year being come to *Placentia*, assembled the Dyet in *Roncaglia*, wherein he made many useful Laws. Of this *Otho* are these Laws, which we have in the second Book of the *Longobard* Laws, and many under the Title *Qualiter quisq' se defend' debeat*³, wherein rejecting the Proof by Oath, he retain'd that by Duel, and many others collected by *Melchior Godalstus* in his Volumes⁴.

Otho therefore having, in some measure, settled the Affairs of *Italy*, went to *Rome*, where at a Dinner, he caus'd many Noblemen whom he suspected of Disloyalty, to be inhumanly murdered; from whence the Year following 981, he came to *Benevento* with his Army, where he continu'd for some Time: He was likewise receiv'd into *Naples* by the *Neapolitans*, who, little minding the Allegiance due to their Sovereigns the Emperors of the East, also gave him Succours; and whilst he remain'd in these our Provinces, he found Means to augment his Army with those Troops furnish'd by *Benevento*, *Capua*, *Salerno* and *Naples* for invading *Puglia*. While he staid here, he inquir'd into the Complaint of *John* Abbot of *St. Vincent* in *Vulturno*, against *Landulphus* Count of *Isernia*, who had taken

¹ Pell. in Stem. Princ. Capuæ.

² Sigon. A. 980.

³ LL. Long. lib. 2. l. 35, 36, 37, 38, 39,

40, 41, 42, 43, 44.

⁴ Goldast. tom. 1. p. 228. tom. 3. p. 305.

Possession of three Castles belonging to that Monastery ; he gave Sentence in favour of the Monastery, and caus'd a Charter to be drawn up for that end in *Benevento*, dated the Tenth of *October* this Year 981¹.

THE same Year that *Pandulphus Iron-head* died in *Capua*, it happen'd that *Vesuvius* vomited out Fire and Flames. It was a common Opinion among the Vulgar, that such Signs, were either preceded or follow'd by the Death of some rich, powerful and wicked Man, whose Soul was carried by the Devils through this Gulf into Hell ; which Opinion had its Rise, as often falls out in these Cases, from the Vision of a Hermit, who, as *Peter Damian* relates, fancied he had seen the Soul of *Pandulphus* carried by the Devils into the tormenting Fire of Hell². Indeed *Iron-head* was the most rich and powerful Man in these our Provinces, in that Age : He was not only Prince of *Capua*, *Benevento*, and *Salerno* ; but was likewise Marquis of *Spoletto* and *Camérino*, whereby he was in Possession of little less than the Half of *Italy*³ ; and though we read of many pious Works done by him, and that he had a great Esteem for Pope *John XIII.* and had enrich'd the Monastery of *Cassino* in his Life-time with many Donations and Privileges, that according to *Ostiensis*⁴, he was in great Esteem with the Monks ; nevertheless, the Vision of this Hermit made all these Actions not to be valu'd, and it was believed, that he had done them, not out of a sincere Love to Piety and Religion, but for worldly Ends ; to which was added, the heinous Crime of driving *Landulphus* his Nephew out of the Principality of *Benevento*.

THUS likewise, *John* Prince of *Salerno*, who was Grandfather to the last *Guaimarus*, being murder'd by his own People in the Year 1052, when *Vesuvius* vomited Flames, *John*, who was of that Opinion, said, *Procul dubio Sceleratus aliquis dives in proximo moriturus est, atque in Infernum descensurus* ; which soon after was applied to Prince *John* himself, who, the Night following, was unexpectedly found dead in the Arms of one of his Mistresses⁵ ; whence the Vulgar were the more confirm'd in that Opinion, which long continued, even to the Time of our Grandfathers ; and it was likewise foolishly believed, that *Vesuvius* was one of the Mouths of Hell.

BUT to return to our Purpose, *Pandulphus* dying, left, as we have said, *Landulphus IV.* his Son in *Benevento*, to whom in his Life-time he had given that Principality, and who, for a few Months after the Death of his Father, govern'd *Capua*. He left *Pandulphus* another of his Sons, Prince of *Salerno*, whom *Gisulphus* had adopted, and who after the Death of his Father, govern'd that Principality for some Months ; he also left other Sons, to wit *Atenulphus* a Count, *Landenulphus* a Marquis, *Gisulphus* who was Count of *Teano*, and *Laidolphus*⁶.

BUT the Death of this Prince soon broke that Union, which could not long continue, for *Pandulphus II.* who had been turn'd out of the Principality of *Benevento* by him, no sooner heard of his Death, than he reveng'd himself of the Wrong he had receiv'd : he drove *Landulphus IV.* out of the Principality, took *Benevento* to himself, and transmitted it to his Posterity ; and *Landulphus* died soon after ; for *Otho* having march'd with his Army (which was compos'd of many Nations, and likewise *Beneventans*, amongst whom were this *Landulphus* and *Atenulphus* his Brother) towards *Taranto*, in order to fight the *Greeks*, and *Saracens*, who had been invited to their Assistance ; in the Battle which was fought the Year following 982. had his Army defeated, and amongst the rest, the Princes *Landulphus* and *Atenulphus* were killed, and *Otho* himself with Difficulty escap'd⁷.

WHEREUPON it fell out, that after *Landulphus's* Death, *Landenulphus* his Brother, and *Aloara* his Mother succeeded to the Principality of *Capua*, and *Otho* having recruited his Army the best way he could, when he return'd to *Capua*, confirm'd the Principality of *Capua* to *Aloara* and *Landenulphus*, who govern'd it from the said Year 982 to the Year 993, when *Landenulphus* was cruelly murdered by his own People in the Month of *April*⁸, four Months after his Mother's Death.

THIS Expedition of *Otho* against the *Greeks*, was so unfortunate, and the Defeat of his Army so great, that it was firmly believed, if the *Greeks* had known

¹ Baron. A. 981. num. 4.

² V. Pellegr. part 7. ad Anon. Salern.

³ Pellegr. part 7. Anon. Salern.

⁴ Lib. 2. cap. 2.

⁵ Pellegr. loc. cit. pag. 222.

⁶ Pellegr. in Stem.

⁷ Sigon. 982.

⁸ Pellegr. in Stem.

how to make use of their Victory, they might have carried their Arms to the Gates of *Rome*. But as the *Greeks* had perceiv'd the Disloyalty of the *Neapolitans*, and their other Subjects in this Battle; so *Otho* had more Reason to impute the Loss of it to the *Beneventans* and *Romans* (who abhor'd him on account of the cruel Murder committed on the many Noblemen at the foresaid Feast, for which they afterwards gave him the Surname of *Sanguinarius*) who in the Heat of the Battle had deserted him. Wherefore 'tis said, that the Year following 983, *Otho* having return'd to *Capua*, and recruited his Army, march'd on a sudden to *Benevento*, and pillag'd that City, and in order to vex the *Beneventans* the more, he wrapped up the Bones of St. *Bartolomew*, for which they had so great Devotion, and carried them to *Rome*, and resolv'd afterwards to transport them to *Germany*; but being prevented by Death, which happen'd this same Year in *Rome*, he could not put his Design in Execution; so that they remain'd in that City, where they are at this Day, ador'd in a Church in the Island *Lycaonia* in the *Tyber*, which is now much more famous all over the World, on account of those Bones, than for its Rise, which *Livy* describes in his incomparable History.

THE *Beneventans* cannot bear what is related concerning this Translation by *Otho Frisingensis*², *Goffredo of Viterbo*³, *Blondus*⁴, *Sigonius*⁵, and other more modern Authors. They, from the Authority of *Robertus Tuitensis*⁶, who takes it from *Baronius*, and of *Ostiensis*⁷, will have it that about the Year 1000, *Otho* III. not II. having return'd to *Benevento* from *Monte Gargano*, fought the Body of the Holy Apostle from the *Beneventans*, who, not daring to deny him, had recourse to Fraud, and in place thereof, gave him the Body of St. *Paulinus* Bishop of *Nola*, for which they likewise had a great Veneration: Of which *Otho* being afterwards appriz'd, was much offended at the Cheat, and return'd anew to *Benevento*, which he besieg'd for many Days; but not being able to take it, he was oblig'd to return to *Rome*. But *Martinus Polonus*⁸ by adapting himself to the Humour of the *Romans*, who will have it to be in the *Tyber*, relates likewise, that *Otho* III. return'd to *Benevento*; but that he fought none other but the Body of St. *Paulinus* from the *Beneventans*, who, without any Guile, gave it him. Thus a bitter Dispute concerning these Bones hath arisen among the modern Writers; and the *Romans* and *Beneventans* worship two Bodies of the same Saint in different Places; and the *Neapolitans* likewise pretend, that the Head of this Saint is neither at *Rome* nor *Benevento*, but in *Naples*, in the Monastery of the Monks of Queen *Donna*, and that it was given them by *Mary* the Wife of *Charles* II. of *Anjou*, Son of *Charles* I. who got it from the *Beneventans* after he had defeated *Manfred*; and our Historian *Giannettasio* believes it to be matter of Fact, notwithstanding the bitter Contest which to this Day continues betwixt the *Romans* and *Beneventans*. We have seen in these our later Times, a great many Writers tormenting themselves about this Subject, who, after all their Endeavours to prove, that this Body was either carried to *Rome*, or remain'd in *Benevento*, have yet the greatest Part of their Work upon their Hands, to wit, to shew us how it was brought from the *Indies* to *Lipari*, as *Sigebertus* relates. But these Disputes not being to our Purpose, we willingly leave them to those who take Pleasure in such Matters.

² Sigon. c82.

³ Otho Frisingens. lib. 6. cap. 25.

⁴ Gofridus Viterb. part 17. de Ot. 2.

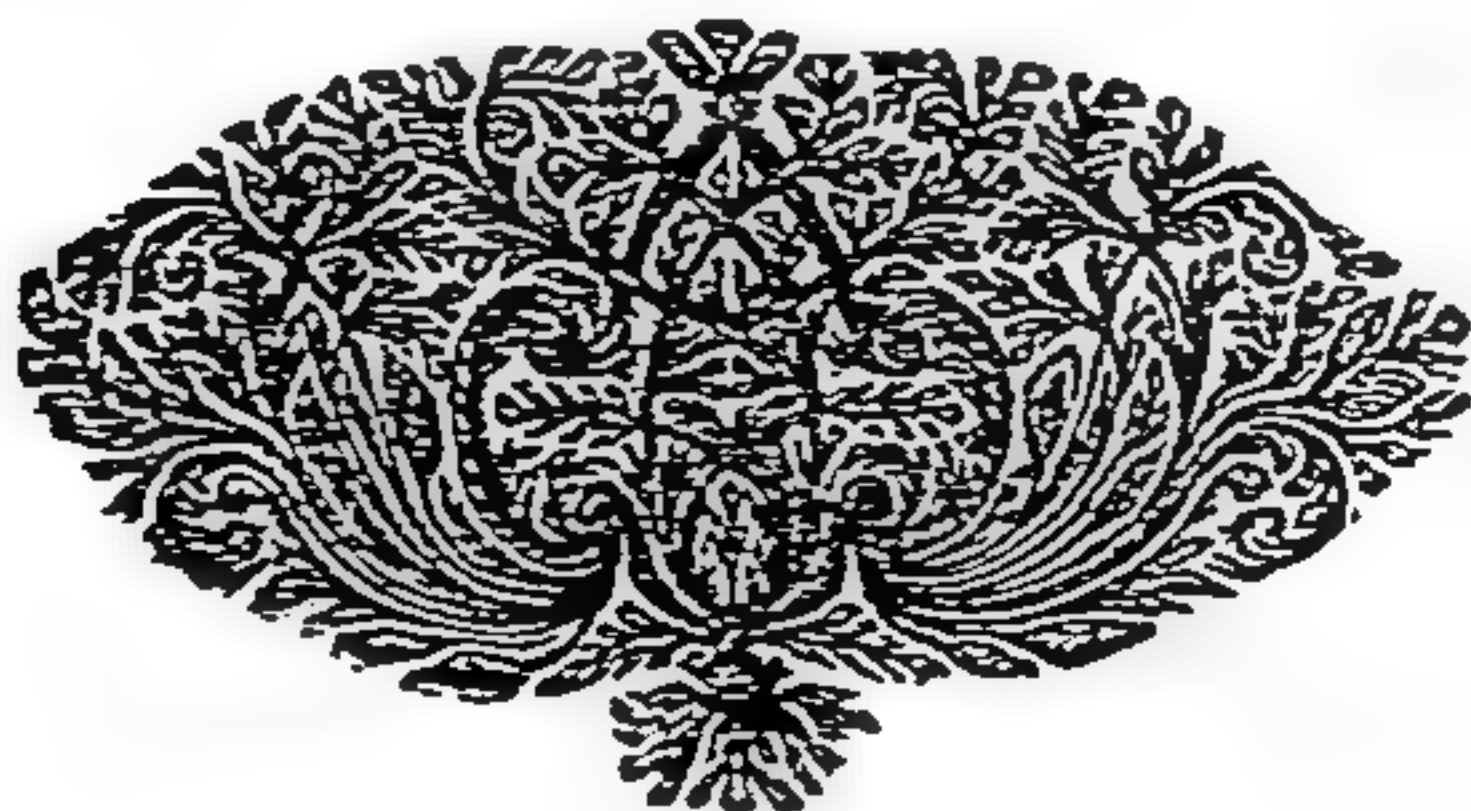
⁵ Blond. hist. Rom. dec. 2. lib. 3.

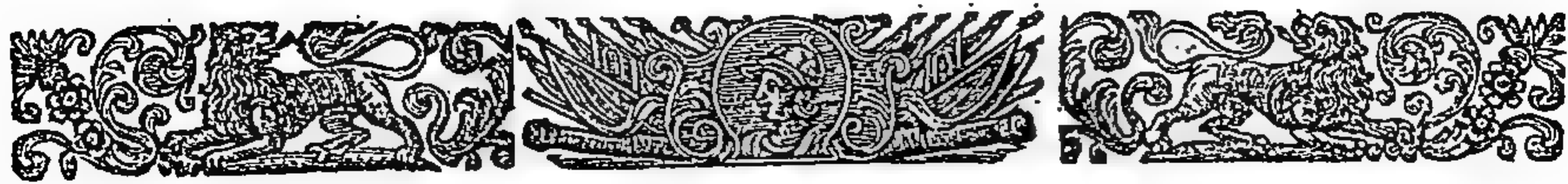
⁶ Sigon. de Reg. Italiæ, lib. 7.

⁷ Rob. Tuitensis lib. 2. cap. 24.

⁸ Leo Ostiens. lib. 2. cap. 24.

⁹ In Chronic. lib. 4.





C H A P. III.

The Greeks recover greater Strength in Puglia and Calabria. The Advancement of the Dukedom of Bari, at this Time the Seat of the Catapani.



THE Greeks, who under the Emperors *Basilus* and *Constantine* had gain'd so signal a Victory over *Otho II.* establish'd themselves more firmly in *Puglia* and *Calabria*; and governing these Provinces with great Authority, incroach'd upon the Borders of the Principalities of *Benevento* and *Salerno*, and pretended likewise to exercise Sovereignty over the *Longobard* Princes. But remembering the late Treachery of their Subjects, in order to keep them in Awe, they resolv'd to have strong Garrisons in these two Provinces. They were also afraid of being attack'd again by the *Germans* under *Otho*; and that the *Saracens*, tho' coop'd up in a few Forts, might disturb them with their usual Inroads, for these never slipt a fit Opportunity for making IncurSIONS into *Puglia* from *Monte Gargano*, where they had fortified themselves. Therefore at this Time they had built many strong Castles. They founded in the Plains of *Puglia* a City, which, in order to revive the glorious Name of *Ilium*, they call'd *Troja*, which remains to this Day, for the *Normans*, next to *Melphis*, distinguish'd it above all the other Cities of that Province, which at present is call'd *Capitanata*. They likewise founded there, *Draconaria*, *Cividade*, and *Firenzuola*, Cities not now in being, and other Towns¹. In order to keep their Subjects the more in Awe, they appointed a new Magistrate in *Puglia*, in their Language, call'd *Catapanus*, who had full and unlimited Power, and govern'd these Provinces with absolute Sway. *Bari*, where the *Stratico* formerly resided, was appointed for his Seat, so that this City exalted itself above all the other Cities of *Puglia*.

OUR *Gulielmus Appuliensis*² derives this Title of *Catapanus* from the unlimited Power that was given to this Officer, and says he was call'd *Catapanus*;

*Quod CATAPAN Græci, nos 7 UXTA dicimus OMNE.
Quisquis apud Danaos vice fungitur hujus honoris,
Dispositor populi parat omne quod expedit illi,
ET 7 UXTA quod cuique dari decet, OMNE ministrat.*

BUT *Charles Du-Fresne*, in his Notes on the *Alexiade* of the Princess *Anna Comnena*, laughs at this Etymology of *Gulielmus Appuliensis*, and will have it, that *Catapanus* amongst the *Greeks*, was the same as *Capitaneus* among the *Latins*: Which *Leo Ostiensis* likewise ridicules, who in his Chronicle³, besides taking it to be the proper Name of a Man, whereas 'tis known to be a Title of Dignity, reckons that the Province of *Capitanata*, which took its Name from these Officers, came to be corruptly call'd so by the *Vulgar*, when it ought to be call'd *Catapanata*; yet *Du-Fresne* maintains, that *Catapanus* among the *Greeks*, was the same as *Capitaneus* among the *Latins*, and therefore it ought to be call'd *Capitanata*, and not *Catapanata*:

¹ Leo Ostiens. lib. 2. cap. 50.

² Gul. Appul. lib. 1.

| ³ Ostiens. lib. 2. cap. 50.

Nicetas ¹ likewise calls this Prefecture *Capitanata*, which being compos'd of many Cities or Towns, was under the Command of one Captain.

THE *Catapani* having fix'd their Seat in *Bari*, *Lupus Protospata*, who, according to *Pellegrinus* ² was certainly of *Bari*, at least of *Puglia*, gives us a long List of them, and the first, that about this Time in the Year 999, according to him, govern'd this Province, was *Tracomotus*, or *Gregorius*, who besieg'd *Gravina*, and took *Theophilactus*. In the Year 1006, *Xipbeas* was sent to be *Catapanus* of *Puglia*, who in the Year 1007 died in *Bari*, to whom *Curcua* succeeded the Year following 1008. Under whose Government the Inhabitants of *Bari* rebelling, chose for their Prince *Melo* of *Longobard* Extract, who resided in *Bari*, and will be famous in the History of the *Normans*; but they being suppress'd by the *Greeks*, *Melo*, with his Brother-in-Law *Dattus*, made their Escape, and wandered up and down. He went first to *Ascoli*, but being afraid of Treachery, he went to *Benevento*, from thence to *Salerno*, and afterwards to *Capua*, soliciting these *Longobard* Princes to assist him in freeing *Bari* from the Tyranny of the *Greeks*. *Curcua* dying in the Year 1010, *Basilius* succeeded him as *Catapanus*, in whose Time *Preccia* ³ says, that *Bari facta est Sedes magnorum virorum Græcorum*. Thereafter in the Year 1017, *Andronicus* was *Catapanus*, who fought and defeated *Melo* ⁴.

THE Year following 1018, he was succeeded by *Basilius Bugianus*, whom *Gulielmus Appuliensis* ⁵ calls *Baganus*, and *Leo Ostiensis* ⁶, *Bajanus*. Who, that he might be recorded in the History of *Italy*, dismember'd a Part of *Puglia*, bordering on the Principality of *Benevento*, and made a new Province of it, which he call'd *Capitanata*, and, as we have said, he built some Cities and Towns, such as *Troja*, *Draconaria*, *Florentino* and others. In 1028, *Christophorus* was made *Catapanus*; then *Patus*, who govern'd to the Year 1031, and the following Year *Anatolicus*. In 1033, *Constantinus Protospata* came to be *Catapanus*, who was call'd *Opus*. Thereafter *Maniacus*, to whom in the Year 1038, *Nicephorus* succeeded, who, in 1040 died in *Ascoli*. To him succeeded *Michael*, who was also call'd *Duchianus*, and after him at last in the Year 1042, *Exaugustus*, the Son of *Bujanus* was *Catapanus*, during whose Government, the *Greeks* were driven out of these Provinces, after he had been beaten and taken Prisoner in a Battle near *Benevento* by the *Normans*: And tho' these Provinces came afterwards under the Dominion of the *Normans*, but not all at once, therefore we read in *Lupus*, and the Anonymous of *Bari*, of other *Catapani* after *Exaugustus*, whom we shall mention as occasion offers.

THE Power then of the *Greeks*, after this Defeat of *Otbo* II. till the *Normans* came to have Dominion in these Provinces, was become much more considerable than what it had been the preceding Years, both with regard to the Largeness of their Bounds, which they had extended, and the absolute Empire, which the Emperors of the *East* had acquir'd in the Political and Temporal, and the Patriarchs of *Constantinople*, over the Metropolitans and Bishops of *Puglia* and *Calabria*, in the Ecclesiastical and Spiritual Government.

PUGLIA, which in the Time of *Arechis*, and the other *Beneventan* Princes, his Successors, belonged to the Principality of *Benevento*, was now dismember'd from it, and being again come under the Dominion of the *Greeks*, very much diminish'd this Principality. The *Greeks* on this side reach'd as far as *Troja* and *Ascoli*, and excepting *Siponto* and *Monte Gargano*, which were still united to this Principality, towards the East, all that Tract of Country, to the very utmost Point of *Italy*, belong'd to them. *Calabria*, according to the modern Appellation, was likewise added, which included not only *Bruzio*, *Reggio*, *Crotone*, and other neighbouring Cities; but it also comprehended a great Part of the ancient *Lucania*, and on that side was bounded by the Principality of *Salerno*, which was thereby confin'd to a narrower Compass than it had been in the Time of Prince *Siconulphus*. On another side they very much confin'd the Principality of *Capua*, insomuch that the Dominion of the *Greeks* was never at any time so far extended as now, when drawing a Line from *Monte Gargano*, to the Promontory of *Minerva*, which is the greatest Breadth of the Kingdom; all towards the East and South, was under

¹ *Nicetas* in *Man. lib. 2.*

² *Pellegr. Castigat. in Chron. Lupi Protosp.*

³ *Apud Pellegr. in Cast. p. 81.*

⁴ *Chron. Anon. Barcns. apud Pellegr.*

⁵ *Guil. Appul. lib. 1.*

⁶ *Ostiens. lib. 2. cap. 50.*

their Dominion; as the other Part towards the West and North, was subject to the *Longobard* Princes; but as the Principality of *Salerno* extended itself without this Line, towards the East and South; so likewise the *Greeks* had not altogether lost their Dominion towards the other Part, which was not intirely subject to our *Longobard* Princes; forasmuch as in this Extent, the Three Dukedoms of *Amalphis*, *Naples* and *Gaeta* were included, in which, though they were govern'd in the Form of Commonwealths, and often not only elected their Magistrates out of their own Body, but likewise their Dukes; nevertheless, the *Greek* Emperors always preserv'd some Marks of their Authority and supreme Dominion in them, as we have seen, from what hath been formerly said, with regard to the Dukedom of *Naples*; and the Dukes of *Amalphis* were wont to be confirm'd by the Emperors of the East, from whom they got the Dignity of *Patriciate*.

AND the same may be said of *Gaeta*; for though *Leo Ostiensis*¹ says, that *Gaeta* was subject to the Pope, and that therefore *John VIII.* had given it to *Pandulphus* Count of *Capua*; nevertheless it was soon recover'd by the *Greeks*. The Popes claim'd this City, by those Rights which *Charles the Great* gave them, when he pretended to take it from the *Greeks*, and make a present of it to the Church of *Rome*, as he had done *Terracina* and the other Spoils of the *Greeks*; but *Arechis* immediately oppos'd it, and ordered Matters so, that this City quickly was restor'd to the *Greeks*, and was first govern'd by Patricians, and afterwards by Dukes. But because the Popes do not so easily part with Rights, which they fancy they have once acquir'd; they always kept up their Pretensions, and when Junctures and Times favour'd them, not being able to defend *Gaeta* of themselves, they gave it to some powerful Prince, who was able to preserve it from the *Greeks*, as *John VIII.* did, who gave it to *Pandulphus*; but because he was severe in his Government over the *Gaetans*; *Docibilis*, who was then Duke of *Gaeta*, had recourse to the *Saracens* for Assistance, in order to drive him out; so that we see, that at the same Time that *Ostiensis* says *Gaeta* was subject to the Pope, there is mention made of Dukes of that City, who depended on the *Greek* Emperors, such as *John*, *Gregory*, *Docibilis*, and others; and in many Charters made in those Times in *Gaeta*, some of which we owe to *Ughellus*, we see the Names of the reigning Emperors of the East inserted. Thus in one, made in the Year 812, we read *Imperantibus Domino nostro piissimo imperatore Augusto Michaelio, & Theophilo, magnis pacificis Imperatoribus*. And in another made afterwards, which *Ostiensis* mentions in the Year 884, thus, *Imperantibus Domino nostro Leone & Alexandro pacificis magnis Imperatoribus*². Which is evident; for the *Normans*, after having driven out the *Greeks*, took the Title, not only of Princes of *Capua*; but also of Dukes of *Gaeta*; though they alter'd nothing of its Polity, but left it to be govern'd by its own particular Dukes and Consuls³.

THE *Greeks*, though they had so much extended their Bounds, not knowing what Fiefs were in these Times, had not erected Dukedoms, Counties, or other Baronies, either in *Puglia* or *Calabria*; but we find a great many of them in the Provinces, subject to the *Longobard* Princes. They were known, as we have said, in the Counties of *Marsico*, *Molise*, *Isernia*, *Apruzzi*, *Teano*, and many others; but were never heard of in *Puglia* and *Calabria*, till they came under the Dominion of the *Normans*; for the *Normans* being of the same Extraction with the *Longobards*, receiv'd them together with their Laws and Customs: So that Fiefs were introduc'd into all those Places which they took from the *Greeks*; from whence sprung (besides the Counts of *Puglia* and *Calabria*) the Counts of *Capitanata*, *Principato*, *Lavello* and *Loritello*; the Counts of *Conversano* are often mentioned, both in antient Charters, and in the *Alexiade* of Princess *Anna Comnena*, as also in the Chronicle of *Leo*, in *Malaterra*, *Odericus Vitalis*, and a great many other Writers⁴; the Counts of *Catanzaro*, *Sinopolis* and *Cosenza*; the Counts of *Aversa*, and those of *Lecce*; the Counts of *Avellino*, *Fondi*, *Gravina*, *Montecaveoso*, *Tricarico* and many more, of whom we shall have occasion to speak when we come to the Times of the *Normans*. Formerly, when these Places were subject to the *Longobards*, they were, as we have said, divided into *Casteldati*, which were not

¹ Ostiens. lib. 1. cap. 42.

² Ughel. tom. 1. Ital. Sacr. de Epif. Cajet.

³ Ab. de Nuce ad Ostiens. lib. 1. cap. 43.

⁴ V. Du-Fresne in Not. ad Alexiad. Annæ Comnen.

true Fiefs, but their Cities were committed to the Government of those *Longobard* Noblemen as an Office, neither could they be chang'd into Fiefs, as was practis'd in those Provinces that had been long in the Possession of the *Longobards*; because the *Greeks*, who took them partly from the *Saracens*, who had taken them from the *Longobards*, and partly from the *Longobards* themselves, as we have said, never knew what Fiefs were.

THIS Increase of Power in the *Greeks*, and the Growth of their Dominion, was the Cause that the Churches of these Provinces, which according to the Disposition of the Emperor *Leo*, were subject to the See of *Constantinople*, were more strictly ty'd down to the Obedience of the Patriarchs of *Constantinople*. Whereupon the Prohibitions of *Nicephorus Phocas* became of greater Force against the *Latin* Rites, and which the Patriarchs of *Constantinople* inforc'd so much, as to command all the Bishops of *Puglia* and *Calabria*, for the time to come, not to make use of unleaven'd Bread in the Sacrifices, according to the *Latin* Rites, but of leaven'd, according to the *Greek* Usage; which made the Breach betwixt them and the Popes wider, who on no account would allow of it; therefore they begg'd the Emperor *Otho*, as we have said, to send *Luitprandus*, Bishop of *Cremona* to *Constantinople*: Which Disputes much increas'd in the Pontificate of *Leo IX.* when the Patriarch *Michael Cerularius* excommunicated all the *Latins*, comprehending also Pope *Leo* himself, because, among other Reasons, they did not observe the Prohibition of unleaven'd Bread. Whence it came, that to this Day, there have continued in these Places, some Vestiges of the *Greek* Rites, which many Churches still retain; tho' the Popes have neglected no Opportunity to abolish altogether these Vestiges of the Power of the Patriarchs of the East, and tho' they may have succeeded in many Cities, yet nevertheless, they are not quite extinct, but still continue in some.

FOR the same Reason we have ground to believe, that in such Times in these Places, the *Novellæ* of the Emperors of the East, and the Collections of the *Basilicæ*, the Eclogues and the other Books, which we have mention'd in the preceding Book, have had some Force and Authority, and, as we have said, the Eclogue of the *Basilicæ* being found in *Taranto*, and that famous Library of *Greek* Authors having been preserv'd for a long Time in *Otranto*, of which *Antonius Galateus* makes mention, are strong Indications of the Truth of it. However 'tis true, that though these Books may have had some Authority, it could last but for a short time, for these Places having soon fallen under the Dominion of the *Normans*, who embrac'd the *Longobard* Laws, they would acknowledge no other but the Laws of these Princes, or the *Longobard*, which is evident from the very Customs of the City of *Bari*, taken from the *Longobard* Laws: This City having been a long time under their Dominion, and govern'd by their *Casteldati*, of which we shall have occasion to treat elsewhere.

SUCH then, was the State of these Provinces, which now compose our Kingdom towards the end of the Tenth Century, after the Death of *Otho II.* whilst the Brothers *Basilus* and *Constantinus* reign'd in the East. *Puglia* and *Calabria* (Provinces which so far extended their Bounds, that they comprehended all *Puglia*, *Fapigia*, *Mesapia*, both the *Calabrias*, with that Part of *Lucania*, which stretches itself towards the *Ionian* Sea, and therefore had hemm'd in the three Principalities of *Capua*, *Benevento* and *Salerno*) were subject to the *Greeks*. The Dukedoms of *Amalphis*, *Naples* and *Gaeta*, though they retain'd the Form of Commonwealths, yet by a most antient and just Title, they depended on the Emperors of the East. *Aloara*, with her Son *Landenulphus*, reign'd in *Capua*. In *Salerno*, *Pandulphus* his Brother; in *Benevento*, *Pandulphus II.* who having driven out *Landulphus IV.* the Son of *Iron-head*, had likewise soon after associated in the Principality *Landulphus* his Son, whom therefore we shall call *Landulphus V.*

BUT there would have been less Confusion, if these Three Principalities, tho' much diminish'd by the *Greeks*, had at least acknowledg'd only three Lords; they not only own'd the Emperors of the West, as Kings of *Italy* for their Sovereigns, who, in these later Times, govern'd with a high Hand, but likewise their being divided into many Counties, was the occasion of their Ruin. The Principality of *Capua* was divided into the Counties of *Fondi*, *Sessa*, *Aquino*, *Teano*, *Alife*, *Caserta* and others; that of *Benevento* into the Counties of *Marsi*, *Isernia*, *Chieti*, and some others; that of *Salerno*, into the Counties of *Consa*, *Capaccio*, *Corneto* and *Clinto*; and many

many Noblemen had made themselves Lords of the Castles of that Principality ; so that many of these Counts reckoning themselves, as they were, of the same Race of *Atenulphus*, some of them as being descended from the Princes of *Salerno*, from Vassals, made themselves absolute Lords of their Counties, such as the Counts of *Aquino*, *Marfi*, *Isernia*, *St. Agatha* and others. The very Monks of *Cassino* pretended to an absolute Dominion over all those Castles, which, by degrees, they had acquir'd from the Bounty of sundry *Longobard* Princes ; and the Abbot of *Noce*¹ has endeavour'd to maintain, that they possess'd them as Free-holds, and not as Fiefs, that they acknowledg'd no Lord, and therefore were subject to no Services, for which Cause they fortified them, hired Soldiers for defending them, and maintain'd Troops, after the same manner as the Abbot of *St. Gal* and other Prelates in *Germany* do.

I T would have been a Miracle then, if the Dominion of the *Longobards* had lasted longer in these Principalities ; for they had introduc'd such a Polity, as gave a fair Opportunity, and pav'd the Way for the *Normans* to subdue them. Neither could the Dominion of the *Greeks* be of long Duration in these Provinces ; for they behav'd themselves so haughtily towards their Subjects, neglecting to drive the *Saracens* out of them, that they were the Occasion of their own Ruin, and open'd a wide Door to the *Normans*, who, in process of Time, subjected them to one single Prince, and laid the Foundation of a very ample and well regulated Monarchy, as we shall see in the following Books.

¹ Ab. de Nuce Chr. Ost. lib. 1. cap. 5.



CHAP. IV.

Otho III. succeeds to the Kingdom and the Empire. New Revolutions happen in Italy, and in these our Provinces on that Account ; and his Death.



THE News of *Otho II*'s Death, which happen'd in *Rome* in the Year 883, coming to *Germany* when it was least expected, put all those Princes into Confusion ; for tho' *Otho II*. had left another *Otho* his Son, yet he was only Seventeen Years of Age, which prompted the ambitious *Henry* Duke of *Bavaria*, first Cousin to the deceas'd *Otho*, to aspire to the Kingdom of *Germany*. The *Romans* demanded an *Italian*, nam'd *Crescentius*, for Emperor ; but the *Germans* quickly broke these Measures, which they saw would be attended with Revolutions and Confusion ; and elected *Otho III*. for their King, with the Consent likewise of Pope *Benedict*.

BUT this Prince being so young, and unfit for governing so great a Kingdom, was the Occasion of terrible Disorders, no less in *Germany* than in *Italy* ; for while *Otho* was altogether intent on quelling the Tumults which his Election had occasion'd in *Germany*, Sedition and grievous Mutinies arose in *Italy*. Pope *Benedict* dying in *Rome*, *Peter*, Bishop of *Pavia* was elected, who call'd himself *John XIV.*¹ ; and 'tis very probable, that he being *Otho*'s Chancellor, was, by his Recommendation, advanc'd to that Dignity. But *Boniface*, the Cardinal Deacon, who had

¹ Sigon. A. 984.

formerly possess'd that Chair, and had been driven out of it, and fled to *Constantinople*, being provok'd by the Injury which he thought had been done him, return'd from *Constantinople* and came to *Rome* in the Year 985. and having rous'd up those of his Faction, and gain'd the People, got the Upper-hand; he imprison'd Pope *John*, and shut him up in the Castle *St. Angelo*, where at the End of four Months he died of Hunger; but *Boniface* surviv'd him only other four Months, for he died suddenly, and *John XV.* was exalted to the Pontificate, who made *Amatus* Metropolitan of *Salerno*, whom *Benedict* a little before had made Archbishop.

BUT *Crescentius*, who in Opposition to *Otbo*, had assum'd the Title of Consul, and made himself Master of Castle *St. Angelo*, frighted *John*, and oblig'd him to retire into *Tuscany*, and to beg *Otbo* to come into *Italy* to re-establish him in his See. The *Romans*, who knew by Experience how much the Visits of the Emperors us'd to cost them, recall'd *John*; but nevertheless *Crescentius* maintain'd his Authority in *Rome*. *Otbo* coming into *Italy* in the Year 996, stay'd some time in *Ravenna*, and while he was in that City Pope *John* died. The *Romans* by the Emperor's Order were forc'd to elect *Bruno*, his Cousin German, Pope, who took the Name of *Gregory V.* but *Crescentius* quickly turn'd him out, and plac'd *John* Bishop of *Placentia* in the Chair. This Action was not long unpunish'd, for *Otbo* came immediately with his Army, and re-establish'd *Gregory*. *John* with *Crescentius* fled to the Castle *St. Angelo*; but the Emperor besieg'd it, which would have been very hard to take, if *Crescentius*, who defended it vigorously, had not been treacherously kill'd. The new Pope *John* was taken, his Eyes put out, his Nose and Ears cut off, and in that Condition carried through the Streets of the City upon an Ass, with his Face to the Tail of the Beast. Such were the Revolutions and Disorders of *Rome*; neither was there less Sedition in *Milan* on account of the like Reasons.

BUT the Disorders were greater in these our Provinces, and in *Capua* more than any where else. In these Times, as we have said, *Landenulphus* and *Aloara* his Mother govern'd the Principality of *Capua*, but this Princess died after she had rul'd eleven Years with her Son, and within less than four Months after, some of his wicked Subjects, in the Year 993, having enter'd into a Conspiracy, impiously murder'd him just as he had come out of the Church of *St. Marcellus*, and *Laidolphus* his Brother was elected Prince in his Place; but the Death of that unfortunate Prince did not pass unreveng'd, for *Trasmondus* Count of *Cbieti*, his Kinsman, having invited *Rinaldus* and *Oderisius* Count of *Marfi*, to his Assistance, two Months after march'd to *Capua*, and kept it besieg'd for fifteen Days, laying waste all the Country about¹; and shortly after *Otbo III.* being apprised of the villainous Assassination of *Landenulphus*, sent the Marquis *Ugo*, with Orders not to raise the Siege till the Murderers were deliver'd into their Hands, six of whom were hang'd, and the rest put to Death by different Torments. And afterwards, it having come to the Knowledge of *Otbo*, that *Laidolphus*, who had succeeded in the Principality, had had a Hand in the Death of his Brother, he thought it was a very wicked Thing to allow such an impious Man to reign in that Place, therefore in the Year 999. he depriv'd him of the Principality, and banish'd him to the other Side of the Mountains, appointing at the same time, *Ademarius* a *Capuan*, Prince, who was the Son of *Balsamo*, his own Creature, whom he had brought up from a Child, and to whom a little before he had given the Title of Marquis²: So that according to the Prophecy of *St. Nilo*, he was the last that reign'd in *Capua ex Semine Aloaræ*. But *Ademarius* enjoy'd this Promotion but a short time, for on account of his unworthy Behaviour he was quickly turn'd out by the *Capuans*, and *Landulphus* of *St. Agatha*, prefer'd to the Principality, who was the Son of *Landulphus* Prince of *Benevento*, and Brother to *Pandulphus II.* who reign'd in *Benevento* after he had driven out *Landulphus IV.* At this very Time there were other Misfortunes which invited the *Saracens* into this Principality; for these cruel Enemies having over-run and destroy'd *Campania*, in the Year 1000, assaulted *Capua* and took it. Of which *Otbo* being apprised, he immediately went into *Italy*, defeated the *Saracens*, and drove them out of *Capua* and its Confines.

THERE happen'd no less Disorders in the Principality of *Salerno*, for after *Iron-head's* Death, his Son *Pandulphus*, as we have said, was left Prince, having been adopted by Prince *Gisulphus I.* but he held it only a few Months after his

¹ S'gea. A. 511.

² Olfienf. lib. 2. c. 15. V. Cam. Pel. in serie Com. cap. pag. 207.

Father's

Father's Death, for being depriv'd of his Assistance, the same Year 981. that his Father died, he soon lost the Principality, into which *Manfo* Duke of *Amalphis* intruded himself, who together with *John I.* his Son, held it two Years ¹. *Otho II.* immediately the same Year 981, in the Month of *December*, not being able to bear the Intrusion of *Manfo*, besieg'd *Salerno*, in order to drive him out of it, as not being its lawful Prince; but *Manfo* having found Means afterwards to pacify the Emperor, he prevail'd so much with him, that he allow'd him to keep the Principality.

NEITHER did *Otho* design to restore *Pandulphus*, perhaps because he was likewise reputed an unlawful Prince, having succeeded to that Principality by the Adoption of *Gisulphus*; for the Feudal Law ², which by Degrees had been introduc'd into these Places, prohibited adopted Sons to succeed to the Fiefs of the adoptive Fathers. However that may be, *Manfo*, according to the *Salernitan* Chronicle, as we have said, associated *John I.* his Son in the Principality. But afterwards, in the Year 983, *Otho II.* dying, the *Salernitans*, not pleas'd with the Government of *Manfo* Duke of *Amalphis*, on account of the continual Enmity and Jarrings which were betwixt the *Amalphitans* and the *Salernitans*, quickly drove him out, who had likewise been already turn'd out of the Dukedom of *Amalphis*, (altho' he afterwards recover'd it, and reign'd for other sixteen Years) and in his Room elected *Giovanni di Lamberto*, who was nam'd II. to distinguish him from *Giovanni I.* the Son of *Manfo*, call'd *di Lamberto* from his Father's Name, perhaps a-kin to the Dukes of *Spoletto*, who often made use of the Names of *Lamberto* and *Guido*; as this *Giovanni* call'd his Son *Guido*, whom he made his Colleague in the Principality. *Giovanni II.* with *Guido*, reign'd from the Year 983 to 988 ³; but *Guido* dying that Year, he associated his other Son, nam'd *Guaimarus*, with whom he reign'd to the Year 994. The same Year, one Night as *Vesuvius* began to vomit out Fire, *Giovanni* was found dead lying by a Whore ⁴: So that the Vulgar were the more confirm'd in their Belief, that when *Vesuvius* vomited Fire, the Soul of some rich wicked Person was carried to Hell. *Guaimarus III.* so call'd, because there had been two Princes in *Salerno* of that Name before, and *Ostiensis* ⁵ likewise calls him the Elder, to distinguish him from *Guaimarus* his Son, who succeeded him in the Principality; after the Death of his Father govern'd *Salerno* to the Year 1018. Afterwards, having associated his said Son *Guaimarus IV.* he held it to the Year 1031. in which he died. His Wife was *Guaidelgrima* Daughter of *Pandulphus II.* Prince of *Benevento*, and Sister of *Pandulphus IV.* Prince of *Capua*, whom *Ostiensis* therefore calls his Brother-in-Law ⁶.

BENEVENTO was never after seen in so majestick and flourishing a Condition as formerly, for by reason of the Disorders and Tumults which had lately happen'd on account of the turning out of *Landulphus IV.* the Principality was govern'd by *Pandulphus II.* who was always jealous of, and quarrelling with the Princes of *Capua*. However, in order to maintain the Principality in his Posterity, in the Year 987. he had associated his Son *Landulphus*, who was nam'd V. who afterwards begot a Son likewise nam'd *Pandulphus*, whom the Grandfather in the Year 1014. associated with himself in the Throne, and reign'd together with his Son and Grandson to the Year 1014, when he died ⁷. *Landulphus V.* continu'd in the Principality together with his Son *Pandulphus III.* to the Year 1033. in which he died; this *Pandulphus III.* likewise in the Year 1038. associated a Son of his nam'd also *Landulphus*, and therefore was call'd VI. To the Calamities of *Benevento* was added, that *Otho III.* hated the *Beneventans*, because it was said, That they, together with the *Romans*, deserted *Otho* his Father in the Battle against the *Greeks*: So that having return'd from *Monte Gargano* in a great Rage to *Benevento*, because of the Hatred he bore the *Beneventans*, he took from them the Body of *St. Paulinus*, and carried it to *Rome* ⁸.

IN the mean time, *Otho*, to quiet the many Disorders which had continu'd in *Rome* on account of the Rebellion of *Crescentius*, not thinking it sufficient to have caus'd this Tyrant to be put to Death, went to *Rome* in the Year 1001, lest the *Romans* should endeavour to stir up new Commotions; but not being able to suppress a new Conspiracy that was hatch'd against him, for want of sufficient Forces, he

¹ Chron. Salern. apud Pellegr. in Stem. Princ. Salern.

² Lib. 2. tit. 26.

³ Pell. in Stem. Princ. Salern.

⁴ Pet. Damian. lib. 1. epist. 9.

⁵ Ostiens. lib. 1. c. 37.

⁶ Idem lib. 2. cap. 57.

⁷ Pellegr. in Stem.

⁸ Sigon. ad A. 1001.

thought it more convenient to leave *Rome*, and march towards *Lombardy*. 'Tis said, that at his departing, the Wife of *Crescentius*, whom the Emperor, in Expectation of the Kingdom, had intic'd to grant him the last Favours, now seeing herself disappointed, all in Tears, gave him a Pair of poison'd Gloves ¹, with which *Otho*, being insensibly infected, died. *Leo Ostiensis* ² and *Antoninus* Archbishop of *Florence* ³ relate, that he died of Poison prepar'd in a Potion, and not in Gloves; which is more probable, it being repugnant to the Rules of Physick, according to the Observations of *Redi*, that Poison given in such a manner, could have so much Force and Power as to coagulate or thin the Blood so as to kill a Man. Indeed, *Otho* was scarcely got to *Paterno*, not far distant from the City of *Castellina*, when he was taken ill, and there, before he expir'd, declar'd that he died of Poison: Some will have it that he died in *Sutri* this same Year 1001, such as the Anonymous *Cassinensis*; others, to wit *Sigonius*, follow'd by *Baronius*, in the Year after, 1002. We have many Laws of this Emperor still extant, likewise collected by *Goldastus* ⁴; but not having left Male-Issue, and the Race of the *Otho's* being extinct in him, the *Germans* were put in a terrible Confusion on account of the new Election, which of necessity behov'd to fall upon a Prince of another Family. This therefore gave a fresh Occasion to our *Italians* to aim at the Empire and the Kingdom of *Italy*, which they pretended to, by setting up *Ardoino* the Son of *Dodo* Marquis of *Eporedia*, which renew'd their wonted Confusion.

¹ Sigon. & Baron. ad A. 1002.

² Ostiens. lib. 2. cap. 24.

³ Antonin. 2. par. tit. 16. cap. 3. §. 4.

⁴ Gold. tom. 3. pag. 311.



CHAP. V.

The Institution of the Electors of the Empire, and the Election of Henry Duke of Bavaria.

TIS commonly believ'd that at this Time, the Institution of the Electors of the Empire had its Rise; for 'tis said, that *Otho III.* despairing of Male-Issue, and foreseeing the terrible Disorders that were like to ensue in *Germany* on account of the Election of his Successor, resolv'd in his Life-time, with the Advice and Authority of *Gregory V.* to establish a Method of Election; and that in order to prevent Confusion, he restricted what was the Right of all the Princes of *Germany*, to only seven Electors; and from thence those we now call the Electors of the Empire had their Rise.

BUT as the Author from whom this College had its Institution is uncertain, so likewise the Time when such a Custom was introduc'd is more uncertain, Writers differing in their Opinions about it. Some ' carry it too far back, and will have *Charles the Great* to be the Author of it; but all Writers reject this Opinion as repugnant to History; for 'tis manifest that this College was instituted a long time after; and from what has been related in the preceding Books of this History, 'tis very clear, that the Successors of *Charles the Great* were elected Emperors, not by certain Princes of *Germany*, but by all the Princes of *France*, yea rather by the preceding Emperor in his Life-time, or by his last Will; and the Empire, as if it had been Hereditary, continu'd in the Race of *Charles the Great*, till *Lewis III.* the

¹ Jordanes in Chronico ex Inn. III. in cap. venerabilem, de Elect. & Electi potestate.

last of *Charles's* Lineage, not leaving Male-Issue, was overcome by *Berengarius* of *Verona*, and lost both his Life and the Empire. Whereupon, as we have seen in the foregoing Books, the Empire began to decline; for the *Italians* and *Romans* acknowledg'd none others for Kings of *Italy* and Emperors, but those only, who by Strength of Arms overcame their Enemies; thus *Berengarius*, *Lewis Boson*, *Hugh of Arles*, *Lothaire* his Son, *Rodolphus* of *Burgundy*, and others, by possessing themselves of *Italy*, set up to be Emperors. On the other hand, the Princes of *France* and *Germany* acknowledg'd *Conrade* King of *Germany*, who was of the Race of *Charles*, for Emperor, who being at the Point of Death, as *Naclerus* relates¹, persuaded these Princes to elect *Henry* Duke of *Saxony* for his Successor. But neither *Conrade* nor *Henry* had ever the Title of Emperor, until after these Events that *Otho the Great* was elected (according to *Naclerus*) *ab omni populo Francorum, & Saxonum*, who having conquer'd *Italy*, acquir'd likewise, with the Consent of the People of *Rome*, the Title and Dignity of Emperor, and was anointed and crown'd by the Pope in *Rome*. And those who succeeded *Otho*, such as II. and III. *Otho's*, as if it had belong'd to them by Hereditary Right, were also elected Emperors by all the Princes of *Germany*, as we have seen: So that to carry back this Custom to the Time of *Charles the Great* is a manifest Error.

THIS false Opinion gave Rise to another, that the Origin of this College ought to be dated from the Time of *Otho* III. who despairing of Male-Issue, and foreseeing the Confusions that were like to happen about the Election of his Successor, with the Advice and Authority of *Gregory* V. confin'd this Faculty which belong'd to all the Princes of *Germany*, to seven only.

BUT *Onufrius Panvinius*² likewise rejects this Opinion, and will have it that this College of seven Electors was not instituted till after the Death of *Frederick*, by Pope *Gregory* X.; for he says, that a long time after the Death of *Otho* III. all the Princes of *Germany*, as formerly, both Bishops, and Laicks, elected the Emperors; and that *Henry* II. *Conrade* I. and II. *Henry* IV. and V. *Lothaire* II. *Frederick* I. and *Philip* I. were thus elected. But this Opinion is as false as the other, seeing that long before *Gregory* X. these seven Electors are mention'd by ancient Writers: *Martinus Polonus*, who wrote under *Innocent* IV. *Leo Ostiensis*, who flourish'd under *Urban* II. and the Council of *Lyons* which was held under the same *Innocent* IV. mention them. Whereupon *Baronius*, in order to avoid falling into the Error of *Onufrius*, stumbles upon another, and says, that the College of Electors was first instituted by *Innocent* IV. in the Council of *Lyons*, and not by *Gregory* X. but that Opinion is likewise found to be erroneous by what is said of *Gregory* X.; for the Writers who flourish'd before the Council of *Lyons*, or about that Time, speak of this College as a Thing very ancient. The Author of the Book *De Regimine Principum* (unjustly attributed to *St. Thomas*, so that our *Cujacius*³ wrongfully loads this Saint with Reproaches, believing him to be the Author of it, and says, that he rav'd through the whole Book) flourish'd before the Council of *Lyons*. *Ostiensis*, who wrote his Chronicle before this Council, and *Augustinus Triumphus*, who soon after wrote concerning the Institution of the seven Electors, carry it back to the Time of *Gregory* V. and mention it as a Thing of great Antiquity; whence 'tis very unlikely that it had its Rise in the Time of the Council of *Lyons*. Besides, the seven Electors mention'd in that Council, differ both from the present and the ancient. *Martinus Polonus* says, that to his Time they consisted of the three Chancellors, to wit, the Archbishop of *Mentz*, Chancellor of *Germany*, the Archbishop of *Triers*, Chancellor of *France*, and the Archbishop of *Cologne*, Chancellor of *Italy*; and four other Princes likewise Officers of the Empire, to wit, the Marquis of *Brandenburg* Great Chamberlain, the Elector Palatine Butler, the Duke of *Saxony* Sword-bearer, and the King of *Bohemia* Cup-bearer. For those mention'd in the Council of *Lyons* were different Persons, to wit, the Dukes of *Austria*, *Bavaria*, *Saxony*, and *Brabant*; the Bishops were those of *Cologne*, *Mentz*, and *Saltzburg*.

IN so great a variety of Opinions it seems more probable, that the Institution of the College of Electors was in the Time of *Otho* III. but that the Custom and Practice of having only seven Electors present at Elections, was later⁴; for grave

¹ Nacl. generat. 31. A. 937.

² Honufr. in lib. de Comitibus Imperii.

³ Cujac. de Feud.

⁴ V. Du Pin, de Antiq. Eccl. disc. dif. 7.

Authors relate, that *Otbo* having no hopes of Male-Issue, and to avoid Confusion in the Election of his Successor, consulted *Gregory V.* about the Method that was proper to be observed in the Election of the Emperors, to which likewise the Consent of the Princes of *Germany* was requisite, to whom such Election belong'd; and 'tis probable, that for Peace sake, and to shun Confusion and Factions, some yielded their Privilege, by restricting the Number of the Electors to seven: Altho' it be not recorded in History that such a Practice took Place so soon; for many Princes not being willing to part with this their Prerogative, would likewise be present at the Elections. So we read, that *Henry* the Successor of *Otbo*, was not elected by the seven Electors, but, according to *Naucerus*, by the Princes of *Germany*; and we have also other the like Instances of many Princes and Prelates of *Germany* being present, so that among the Letters of *Gregory VII.* we have one of that Pope directed to all the Bishops, Dukes, and Courts of *Germany*, for electing a new King in case *Henry* should not recover his Health. Thus those who say that the College of seven Electors was instituted under *Otbo III.* and those who will have it to be begun no sooner than *Gregory X.* or *Innocent IV.* will be easily reconcil'd; for these mean the Use and Practice, and those the Institution only.

BY which we see, that the Reasonings of *Bellarmino* and his Followers are as vain, and to as little purpose on this Subject, as on that other, concerning the Translation of the Empire to the *French*, in the Person of *Charles the Great*, or to the *Germans* in that of *Otbo*, in attributing this Institution to the Authority of the Pope; for neither the Pope nor the Emperor himself could restrict this Faculty to seven only, and deprive the rest of the Princes of *Germany*, who were to be Losers by it, of their Privileges, without their Consent; and as they could not do it, so in Fact it was not done; and Writers testify, that this Prerogative was confin'd to seven by the Consent of the other Princes. The ancient Chronicle, of which some will have *Albertus Stadenfis* to be the Author, in the Year 1240. bears, that with the Consent of the Princes, the Bishops of *Triers* and *Mentz* elect the Emperor; and *Augustinus Triumphus*¹ relates, that in the Time of *Otbo*, *Gregory V.* having summon'd, and ask'd the Consent of the Princes of *Germany*, instituted the seven Electors. *Leopold*² likewise reports, that in the Time of *Otbo III.* who had no Sons, it was ordain'd, that the Election of the Emperor should be made by certain Princes of *Germany*, Officers of the Empire, or of the Imperial Court: But none gives us a more exact Account of this Institution than *Naucerus*³, who says, that *Otbo III.* having no Male-Issue, with the Advice of the Princes of *Germany*, establish'd, that upon the Death of the Emperor, the Election should be made in *Frankfort*, appointing for Electors the three Archbishops, and the four Officers of the Empire abovemention'd; whence it was afterwards introduc'd, that the Election of the Emperor, who was not so call'd, but only *Cæsar*, or King of the *Romans*, until he had been crown'd by the Pope in *Rome*, should solely belong to these Electors. Thus the Emperor *Otbo*, out of many Princes, pitch'd upon seven Officers of the Empire for Electors, perhaps by the Advice of the Pope, but chiefly with the Consent of the Princes who gave up their Right; and Pope *Gregory V.* approv'd of the Establishment made with the Consent of the Princes: So that such an Institution ought to be attributed to the Emperor, or rather to the Princes of *Germany* themselves, than to the Pope, as Cardinal *Cusanus*⁴ observed. And tho' the Practice was not so early as the Establishment, nevertheless afterwards in process of Time, the Princes of *Germany*, preferring the Good of the Publick to their private Interests, dispens'd with their Privileges, and confin'd the Number of Electors to seven only, who obtain'd such Authority, not from the Pope nor the Emperor, but from the common Consent of all those, to whom such Election formerly belong'd; and the Imperial Authority depends altogether on their Election, and on none other; and if it was the Custom to take the Golden Crown in *Rome* from the Pope, that was only reputed a Solemnity and Ceremony, and was nothing but what was common with him to other Bishops, who anointed and crown'd their own Princes, as was done in the Kingdoms of *Italy*, *France*, *Spain*, and others: So that the Emperor *Maximilian*, as *Guicciardin* relates⁵, in a Speech which he made to the Electors

¹ August. Triumphus, lib. de potestate Eccl.
qu. 35.

² Leopoldus de Jure Imperii, c. 3.

³ Nauc. generat. 34. A. 994.

⁴ Card. Cusan. de Concord. Caet. 1. 3. c. 4.

⁵ Guicc. hist. lib. 7.

before he went to *Italy*, protested, and plainly declar'd to them, that he had resolv'd to go to *Italy* to receive the Imperial Crown with Solemnity (which he knew to be rather Ceremonial than Substantial) because, said he, the Imperial Dignity and Authority depend intirely on your Election.

THE Institution then of this Electoral College, though it had its Rise from the Time of *Otho* III. yet it was not observ'd in the Election of *Henry* Duke of *Bavaria*, who succeeded him; for this Prince, according to the wonted Manner, was made King of *Germany* by the Princes and Prelates thereof. In the mean time, our *Italians* perceiving that *Otho* had left no Sons, conspir'd anew to get the Empire and Kingdom of *Italy* into their own Hands. In effect, *Ardoinus* was proclaim'd King of *Italy* in *Pavia*, and tho' it was disputed with him by *Henry*, yet he possess'd it very near two Years. The Archbishop of *Milan* looking upon this Election of *Ardoinus*, without his Authority, as an Affront, mov'd *Henry* to drive him from the Throne. Not only the Pope, but the Archbishops of *Milan* likewise, pretended that the Election of the Kings of *Italy* belong'd to them; for they look'd on the Ceremony of their crowning and anointing Kings, which at first was practis'd to render the Action more Solemn, to be a Matter of Right necessarily belonging to them, and claim'd it, as if the Election had absolutely depended on them. A Warning (as there are an infinite Number of such to be observ'd in the Course of this History) both to People and Princes to be upon their Guard against Priests meddling in their Affairs, or any thing that belongs to them; for what at first they get by way of Court'sy, or out of Respect to their Dignity, they afterwards claim as their Due; and then, with the utmost Ingratitude, deny that they owe it to them; but attribute it to their own Authority and Character. Thus *Arnulphus* Archbishop of *Milan* (if we may credit *Sigonius*) held a Council of his Bishops, and depos'd *Ardoinus*, and confer'd the Kingdom of *Italy* upon *Henry*: So that the Popes were grievously offended at this Fact, with regard to Depositions, which they boast to be solely in their Power, with respect to Kingdoms and Empires, though at this Time even the Archbishops of *Milan* pretended to depose the Kings of *Italy*. In the mean time *Henry*, upon *Arnulphus's* Invitation, sent Duke *Otho* into *Italy* to drive out *Ardoinus*, and the War was carried on with doubtful Success; but *Arnulphus* perceiving, that *Ardoinus*, who had laid Waste all the *Milanesse*, could not so easily be driven out of *Italy*, wrought so by his Legates, that *Henry* came to *Italy* himself with a powerful Army, took *Verona*, where *Ardoinus* had fortified himself, and confin'd him to *Pavia*, to which he laid close Siege, made himself Master of it, and after having pillag'd it, he set Fire to it and reduc'd it to Ashes¹; afterwards he went to *Milan*, and was immediately crown'd King of *Italy* by the Archbishop; whereupon, many of our *Italians* deserted *Ardoinus*, and sided with the Archbishop and *Henry*.

NOW, that *Henry* had vanquish'd and ruin'd his Rival, he went this Year 1013 to *Roncaglia*, where, following the Example of his Predecessors, he held a Dyet, in which he made many Laws, as King of *Italy*, for he had not as yet assum'd the Title of Emperor. There were present in the Dyet, according to Custom, many Princes, Marquisses, Counts, Judges, and likewise many of the Ecclesiastical State, both Archbishops and Bishops. It was at this time, that this Prince enacted those Laws which we have in the first and second Books of the *Longobard* Laws², and by the antient Compiler of these Books, they were added to the others, made by *Henry* as King of *Italy*. *Sigonius* mentions other of his Laws³, and many more were collected by *Godalstus*⁴.

HENRY went shortly after to *Ravenna*, from whence he sent Ambassadors to *Rome* to Pope *Benedict* VIII. by whom he signified to him, that he was ready to come to *Rome*, in order to take the Imperial Ensigns and Crown⁵: He immediately set out for that City, where being kindly received by the Pope and the *Romans*, according to Custom, with the usual Ceremonies and Solemnity, he was crown'd with the Imperial Crown by the Pope, and proclaim'd *Augustus* by the People; from whence, after having confirm'd the Privileges granted by his Predecessors to

¹ V. Pellegr. in Append. pag. 300. & igne cremavit eam.

² Lib. 1. l. 36. 37. de homicid. liber. hom. 1. 4. de Parricid. lib. 2. l. 16. de prohib. nupt. V.

Struv. hist. ur. Germ. §. 15.

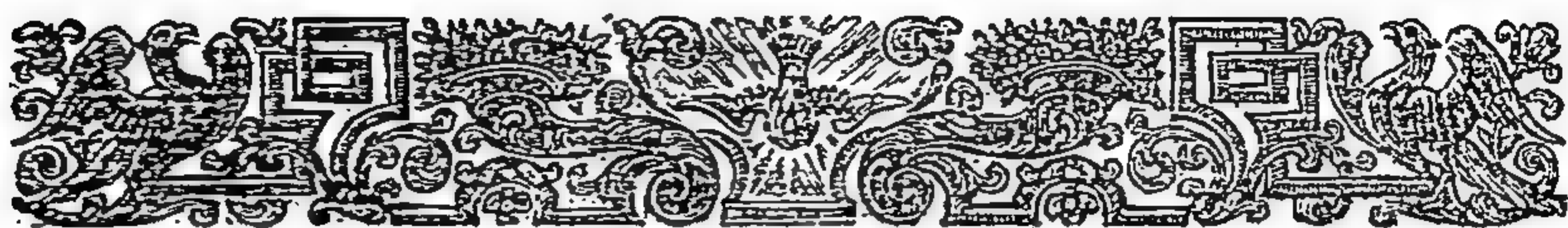
³ Sigon. ad A. 1013.

⁴ Goldast. tom. 3. p. 311, 312.

⁵ Ostiens. lib. 2. cap. 31. A. 1014.

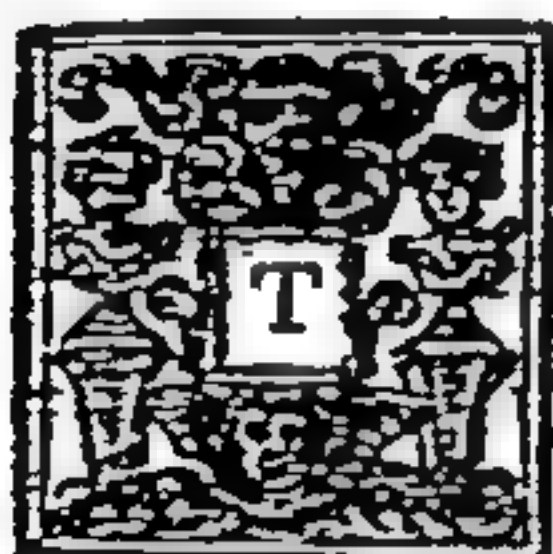
the Church of *Rome*, he quickly return'd to *Germany*, whither he had been recall'd. Thus the Empire and Kingdom of *Italy* went from the Race of the *Otho's* to the House of *Bavaria*, in the Person of *Henry II.*; and *Ardoinus*, who held the Kingdom of *Italy* almost Two Years, having given over all Hopes of being restor'd, became Monk in a Monastery near *Turin*.

BUT while *Henry* reign'd in the West, and *Basilus* in the East, there happen'd Events in these our Provinces, so prodigious and great, as at last terminated in the Dominion of a new People, who, from most slender Beginnings, by the means of their gallant Actions, were able to unite these our Provinces, formerly divided into so many Parts, and subject to so many Princes, under one Head, and who at last digested them into the Form of a well-founded and fix'd Kingdom. These were the courageous and valiant *Normans*, whose Origine and famous Exploits shall be the ample and shining Subject of the following Books of this History.



CHAP. VI.

The Ecclesiastical Polity of these our Provinces, during all the Tenth Century, to the coming of the Normans.



THE Ecclesiastical Polity, which was introduc'd among us in these Times, began to have some Resemblance to the present, with regard to the Promotion of Bishops, to be Metropolitans. The Popes giving the *Pallium*, claim'd by this new Pretence, a Power over the Bishops to oblige them to go to *Rome* to receive it, when he advanc'd them to Metropolitans. From whence comes the Origine of the Claim, that the Causes of their Diocesses, either in Case of Appeal, or Negligence in deciding them, ought to be brought to *Rome*: And in fine, they pretended to inspect into all their Affairs; for which Cause they made many new Metropolitans and Bishops. They were supported in this by the *Otho's*, Emperors of the West, and especially *Otho I.* who, to oppose the Ambition of the Patriarchs of *Constantinople*, defended them, and also extended their Authority over some of those States that belong'd to the *Greek Empire*. *Otho I.* had good Reason to support them; for there was never any Emperor so much favour'd by the Popes as he was. Although the Synod held in *Rome* by *Adrian* be disputed, wherein 'tis said, the Power of electing the Pope was given to *Charles the Great*; yet without all Controversy, *Leo VIII.* in a general Council held in the *Lateran*, granted to *Otho the Great*, and to all the *German* Emperors his Successors for ever, not only the Kingdom of *Italy* and the *Roman* Patriciate, and by an indissoluble Knot, united the Empire of the West to the Kingdom of *Germany*, whence *Otho* and his Successors were afterwards Sovereigns of *Rome*; but likewise Power of disposing of the Holy See, and of electing the Pope at his own Will and Pleasure. Besides, he confirm'd to him the Right of *Investiture*, which *Adrian* had granted to *Charles the Great*, by giving him Power, with the Ring and Staff, to invest the Archbishops and Bishops in their Churches. We have a full Account of this Council held in *Rome* from *Luitprandus**,

* Luitprand. lib. 6. cap. 21.

Ivo Carnutenfis ¹, from whom *Gratian* took it ², and likewise inserted it in his Decree; and *Theodorick* of *Nismes*, from an antient *Florentine Code*, likewise inserted it in his Treatise of the Rights and Privileges of the Empire ³.

THUS by their mutually favouring one another, the antient Discipline came to be much more corrupted, and the antient Disposition of the Churches to be chang'd. The Popes therefore ordain'd many Bishops, and erected many Metropolis's; but the Advancement of these was according to the Disposition of the Cities of the Empire, by always adapting the Ecclesiastical Polity to the Temporal; which exactly was the Case of these our Provinces.

The Principality of *CAPUA*.

BENEVENTO and *Salerno* had formerly been the most conspicuous Cities in these our Provinces, subject to the *Longobards*; but at this Time *Capua* outshin'd all the rest. Therefore (laying aside what the Patriarchs of *Constantinople* did in the Cities subject to the *Greek Empire*) the first City of our Kingdom that was advanc'd to be a Metropolis by the Popes, was *Capua*. The Emperor *Lewis*, in the Year 873, had a mind to make *Capua* a Metropolis; but as *Erchempertus* relates ⁴; being diverted by other Affairs, his Design did not take Effect. But *John XIII.* being cruelly persecuted by the principal *Roman* Lords, who drove him out of *Rome*, coming to *Capua*, was kindly receiv'd by Prince *Pandulphus*; the Pope out of Gratitude for this Favour, in the Year 968, rais'd *Capua* to a Metropolis, and consecrated *John*, the Brother of this Prince, Archbishop ⁵. He had for Suffragans the Bishops of *Atina*, which Bishoprick was suppress'd in the Time of Pope *Eugene III.* that of *Isernia*, which formerly had been united to the Churches of *Venafro* and *Bojano*, that of *Sessa*, which afterwards was disjoyn'd from this Metropolis, and put under the immediate Subjection of the Pope; and in process of Time, Bishops still multiplying in this Principality, he also had for Suffragans, the Bishops of *Cajazza*, *Carniola*, *Calvi*, *Caserta*, *Teano* and *Venafro*. The Bishops of *Aquino*, *Fondi*, *Gaeta* and *Sora*, were likewise his Suffragans, but these being afterwards withdrawn from the Church of *Capua*, were subjected to the Apostolick See immediately.

The Principality of *BENEVENTO*:

THE Principality of *Benevento* did no less deserve this Honour than that of *Capua*; its being of greater Extent than all the other Principalities and Dukedoms requir'd it more. Therefore the Archbishop of *Benevento* had likewise more suffragan Bishops than all the Metropolitans of our Kingdom. *Benevento* was also in the Year after 969, by the same Pope *John XIII.* advanc'd to be a Metropolis; and as it was the Head of so large a Principality, so the Polity of the Church keeping pace with that of the Empire, the Bishop of *Benevento* became the Head of all the Churches of the Principality. Out of respect to the Emperor *Otho*, and Prince *Pandulphus*, *Landulphus* was appointed Archbishop of *Benevento*, to whom Pope *John* gave the *Pallium*, and Title of Metropolitan ⁶. What is particularly observ'd in this Church is, that the Bishop of *Benevento*, before he was advanc'd to the Rank of Metropolitan, had *Siponto*, and many other Cathedral Churches subject to him. He was the most favour'd, both by the Popes and the Emperors, and had many Prerogatives and Privileges from his own Princes. He was once honour'd with those two signal Prerogatives, which now are reserv'd to the Pope alone, to wit, to wear a round Mitre, in the fashion of the antient Pontifical * *Tiara*, with one single Crown, embellish'd with Gold; and while he was visiting his Province, to carry along with him the venerable Sacrament of the Altar; and he as yet retains, after the Manner of the Popes, the Custom of signing his Bulls with a leaden Seal. The Archbishop of *Benevento* had once the

¹ Ivo in Pannom. lib. 8. c. 136.

² Grat. c. 23. dist. 63.

³ V. Struv. hist. jur. publ. §. 2.

⁴ Erchemp. num. 36.

⁵ Leo Ostiens. lib. 2. cap. 9. Sigon. lib. 7. A. 966. Baron. Annal. ad A. 968. Pellegr. in

Serie Ab. Cass. in Aligern. pag. 37.

⁶ Anon. Salern. part 2. num. 5. and there Pellegr. Chron. Monast. S. Bart. de Carpineto, lib. 1. V. Baron. ad A. 968. Marius Viper. in Chron. Episc. & Archiep. Ben. lib. 2.

Temporal Lordship of the City of *Varano*, with many other Towns and Castles, and exercis'd Jurisdiction in many Places; and as yet his Vicars are Judges Ordinary, in Matters of Appeal in Civil Causes, betwixt Laicks; and they retain to this Day, both the pure and mix'd Jurisdiction over the Villages of *St. Angelo* and *Motta*, as *Ughellus* relates¹.

THE Extent of his Principality, likewise of course made the Number of suffragan Bishops to be greater than that of all the other Metropolitans in these Provinces. They once came to the Number of Thirty-two, till some of them were rais'd to be Metropolitans, such as that of *Siponto*; or were immediately subjected to the Apostolick See; and others, their Cities being destroy'd, were suppress'd. Hitherto he had for Suffragans, the Bishops of *St. Agatha de Goti*, *Avellino*, *Arriano*, *Ascoli*, *Bovino*, *Volturara*, *Larino*, *Telesse*, *Alife* and *Siponto*. The Popes afterwards having made more Bishops in the Kingdom, and rais'd many Churches to be Cathedrals, the Number of Suffragans increas'd: So that now, by a new Distribution, the Kingdom being divided into many Provinces, we see that this Metropolitan has suffragan Bishops, not only in the *Principato ultra*, but also in other Provinces. In the County of *Molise*, he has the Bishops of *Bojano*, and *Gardia Alfiera*. In the *Principato citra* he has Five, the Bishops of *Avellino*, *Arriano*, *Trivico*, *Volturara* and *Monte Marano*: In *Terra di Lavoro* he has Three, to wit, that of *St. Agatha de Goti*, *Alife* and *Telesse*: In the *Capitanata* Six, to wit, *Ascoli*, *Bovino*, *Larino*, *St. Severo*, *Termoli* and *Lucera*. The Bishopricks of *Draconaria*, *Cividade*, *Firenzuela*, *Frigento*, *Lefina*, *Montecorvino* and *Turtiboli*, which were Suffragans to the Archbishop of *Benevento*, by reason of the Desolation of their Cities are now extinct, and the Revenues united to other Cathedral Churches; and those of *Lefina* to the Magnificent Hospital of the *Annuntiation* in *Naples*.

HE had likewise in this Province, when *Siponto* and *Monte Gargano* were comprehended in the Principality of *Benevento*, the *Sipontine* and *Garganican* Churches, that had been assign'd to the Bishop of *Benevento*, from the Time of *St. Barbatus* by Duke *Romualdus*, with the Consent of Pope *Vitalianus*, who, in the Year 668, confirm'd the *Sipontine* Church to *Barbatus* and his Successors; and the *Beneventan* Bishops were likewise call'd Bishops of *Siponto* for near Four hundred Years; so that *Landulphus*, who was the first Archbishop of *Benevento*, had also the Title of Bishop of *Siponto*; but when this Province was afterwards taken from the *Greeks* by the *Longobards*, and fell under the Dominion of the *Normans*, they were disjoyn'd from *Benevento* and *Siponto*, and the antient Bishop's See was advanc'd to a Metropolis. The *Sipontine* Church from the earliest Times, had its own Bishops; and in the Acts of the Roman Council held in the Year 465, under Pope *Hilarius*, we read the Subscription of *Felix* Bishop of *Siponto*. We find another *Felix*, likewise Bishop of this City, in the Time of *Gregory the Great*, to whom we see many Letters of this Pope directed; and in the Decree of *Gratian*², there's mention made of *Vitalianus* Bishop of *Siponto*, to whom *St. Gregory* likewise directs his Letters. Afterwards, on account of the cruel Wars betwixt the *Beneventan Longobards*, and the *Neapolitan Greeks*, being reduc'd to a lamentable Condition, it was, as we have said, united to that of *Benevento*; from which it was not disjoyn'd till the Time of *Benedict IX.* who, in the Year 1034, separated it from *Benevento*, and honour'd it with the Archiepiscopal Dignity, and from that Time we frequently find the Names of the *Sipontine* Archbishops in the Decretals³. *Paschal II.* gave it afterwards the Bishop of *Vesti* for Suffragan, which it keeps to this Day.

THESE Archbishops retain the Title of *Sipontine*, though *Siponto* be now destroy'd, and another City built upon its Ruins by *Manfred*, from his own Name, call'd *Manfredonia*. The Popes, both out of regard to Antiquity, and the Hatred they bear to the Name of *Manfred*, have made it retain its antient Name. The Prebends and *Garganican* Citizens likewise pretended, that the *Sipontine* Archbishops, either on account of the Pleasantness of the Place, or because of Wars, having frequently resided in *Gargano*, ought to be call'd not only *Sipontine*, but also *Garganican*, and that their Church, as well as that of *Siponto*, ought to enjoy the same Honours and Prerogatives; they also quote for it, a Bull of Pope *Eugene III.* and they commenc'd a Suit upon it in *Rome*, which lasted many Ages. But *Alexander III.*

¹ V. Ughel. Ital. Sacr. de Archiep. Ben.

² Decr. can. si justos 27. qu. 2.

³ Decretal. c. te referente, de Celebrat. Mis. c. 2. de Adulter.

gave it against them; for having examin'd *Eugenius's* Bull, it was found to be raz'd and vitiated in that Part, on which they laid their Strefs. The Successors of *Alexander*, to wit, *Lucius*, *Celestine*, *Innocent III.* and all the other Popes, have confirm'd his Sentence: So that the *Sipontine* Church alone retains the Honour of Metropolis, to which the *Garganican* are subject.

THERE are some who believe, that when *Benedict IX.* advanc'd *Siponto* to a Metropolis, he likewise gave it four Suffragans, to wit, the Bishops of *Troja*, *Melphis*, *Monopolis*, and *Rapolla*; but, as *Ughellus* well proves, these either never, or but for a short time acknowledg'd the Archbishop of *Siponto* for their Metropolitan; for in the *Lateran* Council which was celebrated in the Year 1179, under *Alexander III.* the Bishops of *Melphis* and *Monopolis* subscrib'd with the other Bishops that were immediately subject to the Apostolick See; and those of *Troja* and *Rapolla* were not present; and in the old *Roman Provincial*, written more than Five hundred Years ago, these two are said to belong to the Province of *Rome*, and of late that of *Rapolla* became extinct, and was given to the Bishop of *Melphis*.

WE do not find at this Time that the Bishop of *Benevento* had Suffragans in the two *Apruzzi*, which were formerly comprehended in the Principality of *Benevento*; for the Bishopricks of this Province, as being near to *Rome*, were immediately under the Apostolick See. *Aquila* built by the Emperor *Frederick II.* upon the Ruins of *Amiterno*, of whose Bishop there's frequent mention made in the Letters of *St. Gregory the Great*, was made an Episcopal See by *Alexander IV.* who with the Consent of *Bernard* Bishop of *Forco*, about the Year 1257 translated the See to *Aquila*, and having fix'd it in the Church of *SS. Maximus* and *George*, ordain'd that he should be no more call'd Bishop of *Forco*, but of *Aquila*, as appears by the Bull made for that purpose, recorded by *Bzovius* in the Ecclesiastick Annals, of which there is an authentick Copy on Parchment preserv'd in the Archives of the Convent of *St. Dominicus* in *Naples*, which was extracted at the earnest Desire of the Vicar of *Paul* its Bishop in the Year 1363. And this Church is Suffragan to no Metropolitan, but immediately under that of *Rome*. *Chieti* likewise had its own Bishop immediately subordinate to the Pope, and was not till of late made a Metropolis by *Clement VII.* in the Year 1527, to which the Bishops of *Penna*, *Adria*, and *Lanciano* were made Suffragans; but these also withdrew afterwards, and subjected themselves immediately to *Rome*; and *Lanciano* was thereafter rais'd to a Metropolis, but without getting any Suffragan, retain'd only the Pre-eminency and Title of Archbishop; and at present the Bishop of *Ortona* remains the only Suffragan to the Metropolitan of *Chieti*.

The Principality of *SALERNO*.

THE Principality of *Salerno* likewise in this tenth Century deserv'd to have its own Metropolitan, as well as those of *Capua* and *Benevento*; therefore *John* Prince of *Salerno*, desir'd Pope *Benedict VII.* to raise this City to a Metropolis, which he did in the Year 974, and appointed *Amatus* Archbishop of it; this Prerogative was afterwards confirm'd to it by Pope *John XV.* So that the Index join'd to the History of the Kingdom of *Italy* by *Sigonius*, which makes the Institution of this Archbishoprick to have been by *Sergius IV.* in the Year 1009, contains a manifest Error. He had at first many Suffragan Bishops, among which were those of *Cosenza*, *Bisignano*, and *Acerenza*. But according to the Disposition of the Sees subject to that of *Constantinople*, related in the sixth Book of this History, the Bishops of *Cosenza* and *Bisignano* were by the Emperor *Leo* made Suffragans to the Metropolitan of *Reggio*; and the Bishop of *Acerenza* to the Metropolitan of *St. Severina*; but they were afterwards restor'd to the Sec of *Rome*, and adjudg'd to the Metropolitan of *Salerno*. The Bishop of *Consa* was likewise his Suffragan, as also those of *Pesto*, *Melphis*, *Cava*, *Lavello*, and *Nola*; but that of *Pesto* was afterwards join'd to *Capaccio*; those of *Melphis*, *Lavello*, and *Bisagnano* withdrew from him, and put themselves immediately under the Apostolick See, and *Nola* was made Suffragan to the Archbishop of *Naples*. The Monastery of the Cave was erected at this Time, whose first Abbot was *Alferius*, and afterwards rais'd to the highest Dignities, was erected into a Cathedral by *Boniface IX.*²; and in the Year 1091. its Abbot *Peter* was honour'd with the Mitre by *Urban II.* But *Leo X.* gave this Monastery a particular

¹ V. Ughel. Ital. Sacr. de Archiep. Salern.

² Ab. de Noce in Offens. lib. 2. cap. 20.
Bishop,

Bishop, who was immediately under the Apostolick See. The Bishops of *Consa*, *Acerenza*, and *Cosenza*, were afterwards advanc'd to Metropolitans.

BY whom, and at what Time the Bishop of *Consa* was exalted to a Metropolitan is very uncertain: *Ughellus* by a strong Conjecture¹, believes that it was by *Alexander II.* or *Gregory VII.* his Successor; for we see, that in the Year 1051, under the Pontificate of *Leo IX.* the Bishop of *Consa* was still Suffragan to the Archbishop of *Salerno*; and the first we find nam'd Archbishop of *Consa*, was *Leo*, who liv'd under the Pontificate of *Gregory VII.*; and from this *Leo* afterwards, without Interruption, we see all the rest nam'd Archbishops. The Bishops that from time to time were made in the neighbouring Places were given them for Suffragans; viz. the Bishops of *St. Angelo de Longobardi*, *Bisaccia*, *Lacedogna*, *Montemurro*, *Muro*, and *Satriano*; but this last was put under the Metropolitan of *Salerno*. As for that of *Belfenfe*, which is mention'd in the *Roman Provincial*, as subject to the Metropolitan of *Consa*, we have no Vestige of it at present.

THE Bishop of *Acerenza*, who formerly, according to the *Novella* of *Leo*, was Suffragan to the Metropolitan of *St. Severina*, when subject to the Patriarch of *Constantinople*, being restor'd to the Patriarch of *Rome*, acknowledg'd the Archbishop of *Salerno* for Metropolitan; and we read that from the Year 993. to 1051. he had been his Suffragan. He was afterwards exalted to be a Metropolitan by *Nicholas II.*; for what some have written, as if this Dignity had been conferr'd upon him by *Benedict V.* is without Foundation. *Alexander II.* who succeeded *Nicholas*, confirm'd the Prerogative of Metropolitan to Archbishop *Arnulphus*, in the Year 1067, and gave him the *Pallium*; and he had for Suffragans the Churches of *Venosa*, *Montemilone*, *Potenza*, *Tulba*, *Tricarico*, *Montepeloso*, *Gravina*, *Oblano*, *Turri*, *Turfi*, *Latiniano*, *St. Quirico*, and *Virolo*, with their Castles, Villages, Monasteries, and People: So that the Title of Archbishop of *Acerenza* began to be conspicuous; and there are many Occasions of making mention of it in our Decretals². But in process of Time, *Acerenza* being ruin'd by the continual Wars of its Inhabitants, the Archbishop was forc'd to get the Church of *Matera* annex'd to his own, which having been erected into a Cathedral by *Immoent II.* was for ever annex'd to that of *Acerenza*, on this Condition, that the Archbishop of *Acerenza*, for the greater Dignity of the Church of *Matera*, should likewise call himself Archbishop of *Matera*; and that when he resided in *Acerenza*, the Title of *Acerenza* should be put before that of *Matera*; and when he resided in *Matera* the contrary was to be practis'd. This Union did not last long, for *Eugenius IV.* in order to remove the Discords betwixt the Chapters and Citizens of the two Cities, divided them, and assign'd *Matera* its own Bishop. They were afterwards united; but new Quarrels having arisen under the Pontificate of *Leo X.* at last in that of *Clement VIII.* it was decided in Favour of *Acerenza* by the *Rota* of *Rome*, preserving to it its ancient Rights and Pre-eminences. But this City falling into the utmost Decay, lost its ancient Splendor; and on the contrary, according to the Vicissitude of worldly Things, *Matera* having grown larger, and more numerous in Inhabitants, the See of the Archbishops of *Acerenza* behov'd to be translated to *Matera*, where they reside at present; and they have still five Suffragan Bishops, to wit, those of *Anglona*, translated in the Year 1546. by *Paul III.* on account of its Desolation, to *Turfi*, *Gravina*, *Tricarico*, and *Venosa*.

THE Bishop of *Cosenza* formerly Suffragan to the Metropolitan of *Reggio*, and subject to the See of *Constantinople*, when *Cosenza* was afterwards taken from the *Greeks*, and restor'd by the *Normans* to that of *Rome*, was Suffragan to the Archbishop of *Salerno*; but in what Year, and by what Pope it was disjoin'd, and exalted to be a Metropolis, is very uncertain³. 'Tis commonly believ'd that it was honour'd with this Dignity in the Beginning of the eleventh Century; for in the Year 1056, in the Chronicle of *Lupus Protospata* there's mention made of a certain *Peter* Archbishop of *Cosenza*; and others think that this Change was made under the Pontificate of *Gregory IX.* or a little before. Altho' he enjoys large Revenues, yet he has but one single Suffragan, which is the Bishop of *Martorano*, all the other Bishops in the Neighbourhood being exempted, and immediately subject to the See of *Rome*.

¹ Ughel. Ital. Sacr. de Archiep. Compl.

² Decretal. cap. cum Clem. de Testam. cap. si collus. de reg. Eccles. Inn. III. in cap. cum

olim, de Cleric. conjug.

³ Ughel. Ital. Sacr. de Archiep. Consent.

BUT none of all the Metropolitans of these our Provinces can boast of the Dignity of Primate, excepting the Archbishop of *Salerno*, who was declar'd Primate of all *Lucania* by *Urban II.*: So that tho' the Bishops of *Consa*, *Acerenza*, and *Cosenza*, who were his Suffragans, have been since rais'd to be Metropolitans, yet *Urban II.* by his Bull made in *Salerno*, in the Year 1099, appointed him Primate over them and all their Suffragans. *Ferdinandus Ughellus* transcribes the Bull, part of which is likewise recorded by *Baronius*, whereby the Pre-eminence of Primate over the Archbishops of *Acerenza* and *Consa*, and over all the Suffragans, who were oblig'd to promise to yield him all Obedience, was granted to *Alphannus* Archbishop of *Salerno*, and his Successors; the Bull likewise prescribes the Method of their Election; that they were to be elected in their Metropolis's, in Presence, and with the Advice and Consent of the Legate of the Apostolick See, and of the Archbishop Primate; and being elected, they were to be sent to *Rome* with their Patents, in order to be consecrated, and to receive the *Pallium*, and afterwards to swear Obedience to the Archbishop of *Salerno*, as their Primate. But in process of Time these Prerogatives have been diffus'd, and now the Archbishop of *Salerno* exercises his Right of Metropolitan only over the Suffragan Bishops that have remain'd to him, which are the Bishops of *Acerno*, *Campania*, *Capaccio*, *Marsicc*, *Novo*, *Nocera de Pagani*, *Nusco*, *Policastro*, *Satriano*, and *Sarno*.

S E C T. I.

The Disposition of the Churches subject to the Greek Empire, which were restor'd afterwards by the Normans to the Roman See.

P U G L I A.

AT this Time we see the principal Seat of the Greek Magistrate fix'd in *Bari*, from whence he govern'd both *Puglia* and *Calabria*; wherefore it is by Writers call'd the Head of all the Cities of *Puglia*, and had the first Rank in this Province. Its Bishop therefore was exalted above all the other Bishops of *Puglia*; to this was added the Favour of the Patriarchs of *Constantinople*, who having appropriated him to themselves, and subjected him to the See of *Constantinople*, endow'd him with many Privileges and Prerogatives. But what he most valu'd himself for, was the Translation hither of the miraculous Bones of *St. Nicholas* Bishop of *Mira*; which sacred Relicks, some *Baresians* trading in the *Levant*, and returning from *Antioch* by Sea, and landing in the Washes of *Lycia*, wrapp'd up, and brought from thence to *Bari* in the Year 1087. Thus *Bari* now vies with *Benevento* and *Salerno*; for if they were proud of having the Bodies of two Holy Apostles, *Bari* brags of having that of *St. Nicholas*; and with so much the more Reason, as that those keep the Bones of their Apostles sapless and dry, but *Bari* has her Saint's Bones swimming in precious Liquor; of which we have an illustrious Testimony, to wit, that of the Emperor *Emanuel Comnenus*, who declares it in one of his *Novellæ*¹. The Church of *Bari* had her ancient Bishops: There's mention made of *Gervasius*, who in the Year 347 was present in the Council of *Sardica*; of *Concordius*, who subscrib'd in the *Roman* Council under Pope *Hilarius*, in the Year 465, and others who were only simple Bishops. *Antonius Beatillus* in his History of *Bari* will have it, that *Peter* Bishop of *Bari* was advanc'd to the Title and Authority of Archbishop and Metropolitan in the Year 530, by *Eugenius* Patriarch of *Constantinople*, in the Pontificate of *Felix IV.*; it being manifest from the *Greek Bulls*, which are as yet preserv'd in the Cathedral of *Bari*, that the Patriarchs of *Constantinople* confirm'd the Elected, and dispatch'd the Bulls; but tho' it be true, that *Bari* when it was under the *Greek* Empire likewise belong'd to the *Constantinopolitan* See, as we read in *Balsamo* in the Account which he gives of the Bishopricks subject to that Patriarchate, among others, he reckons *Bari XXXI*, *Trani XLIV*, *Otranto LXVI*, and the rest of *Calabria XXXVIII*. Nevertheless this ought not to be carried so far back as the Year 530, when these Provinces were govern'd by the *Goths*, and when the *Greeks* had no Concern either in their Political and Temporal, or Ecclesiastick and Spiritual

¹ Novel. 2. de Feriis, §. 4. In honorem miraculis celebris, unguentoque Scaturientis Nicolai.

Matters; all our Churches being then govern'd by the Roman Pontiff; neither had the Ambition of the Patriarchs of *Constantinople* extended itself so far in those Times, as to have encroach'd upon these our Provinces, as it did afterwards in the Time of *Leo Isauricus*, and more under the Emperors *Leo Armenus*, and *Leo Philosophus*, who are said to be the Authors of the Disposition of the Churches subject to the See of *Constantinople*: So that 'tis to be believ'd, that the Bishops of *Bari* being first honour'd, according to the Greek Vanity, with the Title of Archbishops, were afterwards made Metropolitans by the Patriarchs of *Constantinople*, who assign'd them twelve Suffragan Bishops, long after that *Reggio*, *St. Severina*, and *Otranto* were under the *Constantinopolitan* See, when *Bari* being retaken from the *Longobards* and *Saracens*, at last came under the Dominion of the *Greeks*.

THE City of *Canosa*, when it was in its flourishing State, vied with *Bari* with regard to its Bishops; for it likewise had its ancient Bishops, of whom *Beatillus* made a long List, beginning from the Year 347, down to the Year 800, in which he says, that *Peter*, a *Longobard*, and Kinsman of *Grimoaldus* Prince of *Benevento*, was elected Bishop of *Canosa*, whom he takes to have been the last; for he adds, that his See was afterwards in the Year 818 advanc'd to be a Metropolis, so that he was the last Bishop, and the first Archbishop of *Canosa*; and it could not be said that he had been rais'd to this Rank by the Pope, which would make it to be an elder Archbishoprick than *Capua*, which all our most exact Writers allow to be the most ancient; whence we must believe, that the Bishop of *Canosa* was at that Time made Archbishop by the Patriarch of *Constantinople*, and not by the Pope. However that may be, *Canosa* being afterwards ruin'd by the *Saracens*, these two Archbishopricks were united into one, and the Church of *Canosa* was annex'd to that of *Bari*; and *Angelarius*, who succeeded *Peter*, was the first, that in the Year 845 call'd himself Archbishop of *Bari* and *Canosa*, which all his Successors have done since. These Churches being afterwards taken from the *Constantinopolitan* See, and by the *Normans* restor'd to the *Roman*, the Popes allowing them the same Dignity, began to dispose of them as their own, by giving the Archbishops of *Bari* the Use of the *Pallium*, which they had not formerly; and *Gregory VII*, at the Desire of Duke *Robert*, in the Year 1078, created *Ursus* a Creature of that Prince Archbishop of *Bari*, and afterwards in the Year 1089, *Urban II*. having gone from *Melfbis*, where he held a Council, to *Bari*, at the Desire of Duke *Roger* and *Boemondus* his Brother, granted and confirm'd to *Elias* then Archbishop of *Bari*, his good Friend, having been Monks together in the Monastery of the Trinity of *Cava*, and to his Successors, the Diocesses of *Trani*, *Bitetto*, *Bitonto*, *Giovenazzo*, *Molfetta*, *Ruvo*, *Andria*, *Cannò*, *Minervino*, *Lavello*, *Rapolla*, *Melfbis*, *Salpi*, *Conversano*, *Polignano*, and beyond Sea, *Cattaro*, *Mondugno*, *Aquatetta*, *Montemiloro*, *Bisepi*, *Cisterna*, with all the other Churches of the Cities and Towns belonging to these Diocesses for his Suffragans, for which he made a Bull, which we read in *Ughellus*, and it is also recorded by *Beatillus*.

BUT many of these Suffragans assign'd to *Bari*, in process of Time were taken from it, some being put immediately under the *Roman* See, others suppress'd, and others given to *Trani*, which was afterwards rais'd to be a Metropolis. The Archbishop of *Trani* is the most ancient of the Modern, for we read many Letters of *Innocent IV*. directed to him; but his Institution must not be carried so far back as the Pontificate of *Urban II*. in which he was but a simple Bishop. So that *Beatillus* is mistaken, when he infers from this Bull of *Urban*, that because *Trani* was reckon'd amongst the other Churches assign'd as Suffragans to the Archbishop of *Bari*, therefore he had likewise created him Primate of *Puglia*, just so as the same *Urban* created the Archbishop of *Salerno* Primate of *Lucania*, and as he had rais'd the Archbishops of *Toledo* and *Tarragona* in *Spain*, to the Rank and Dignity of Primates; for in the Pontificate of *Urban II*. it had not as yet been made a Metropolis, which Honour it had about the Time of *Innocent III*. or a little before, and afterwards the City of *Barletta*, which is subject to the Archbishoprick of *Trani*, and not to that of *Nazareno*; *Corato* and *Castello della Trinita* were assign'd to it. The Church of *Salpi* was afterwards united to this Metropolis, which for a long Time had its own Bishops, but in the Year 1547. it was re-united to that of *Trani*, as it continues to this Day. It has now the Bishops of *Andria* and *Bisceglia* for Suffragans; as for the Bishop of *Monopolis*, he is immediately under the See of *Rome*.

¹ Beatil. Istoria di Bari, lib. 2.

T H E R E were taken also from the Metropolitan of *Bari*, the Bishop of *Melpbis*, who was subjected to the Pope immediately, and the Bishop of *Canne*, who being taken from this See, was assign'd to the Archbishop of *Nazareth*. He has still remaining the Bishops of *Bitetto*, *Bitonto*, *Conversano*, *Giovanezzo*, *Lavello*, *Minervino*, *Polignano*, and *Ruvo* for Suffragans; and, which is strange, he has likewise for Suffragan the Bishop of *Cattaro*, a City of *Dalmatia*, subject to the *Venetians*, and formerly Suffragan to the Archbishoprick of *Ragusa*, afterwards to that of *Antivari*, and lastly to that of *Bari* *. But however, tho' the Bishop be his Suffragan, yet a great Part of the Diocess is now possess'd by the *Turks*, and the remaining Part retains as yet the *Greek* Schismatical Rites, and with them a great many Errors; they deny the Primacy of the Pope, Purgatory, the Procession of the Holy Ghost from the Father and the Son; and they buy Holy Orders from the Bishop of *Rascia*. The Archbishop of *Bari* retains likewise the Jurisdiction of judging Appeals from the Courts of *Molfetta*, *Canosa*, *Ferlizzo*, and *Rutigliano*.

PUGLIA is also remarkable for another Archbishop, who, tho' he resides in the City of *Barletta*, yet he preserves the ancient Name of his first See, which is that of *Nazareth*, a City in *Galilee*, so famous in the World for the Birth of our Redeemer, who call'd himself of *Nazareth*. After that *Jerusalem* had been set at Liberty by the illustrious *Godfrey*, fortunate likewise in having his noble Actions recorded in so lofty a Strain, after so many Ages, by *Torquatus Tasso*; the *Latins* made *Nazareth* a Metropolis; but *Palestine* being retaken from them in the 1190, and again subjected to the Dominion of the *Turks*, this famous City came under their Thralldom, and her Bishop being left to shift for himself, and a Fugitive, found no Shelter till he came to *Puglia*; where being kindly receiv'd by the Pope, who, in order to preserve the Memory and Title of so worthy a Prelate, was pleas'd to appoint him an honorary See in *Italy*, and ordain'd his Residence to be in *Barletta*, a City in the Diocess of *Trani*. There was a Church assign'd him not far from the Walls of this City, with all its Rights, and the Dignity of Metropolitan; and not long after many Parish Churches were subjected to him. Two Cathedral Churches were very soon assign'd to his See, to wit, that of *Monteverde* in the Year 1434 by *Clement VII.* and that of *Canne* in the Year 1455 by *Callistus III.* The first Church assign'd him being ruin'd by the Wars in the Year 1566, by the Authority of *Pius V.* the See was translated within the City to the Church of the Abbey of *St. Bartholomew*. The Archbishop *Bernard* rebuilt it from the Foundation, and magnificently enlarg'd and adorn'd it. This Archbishop has his Diocess divided into different Places; he has Churches subject to him in *Bari*, in *Acerenza*, in *Potenza*, in the Town of *Vadula* of the Diocess of *Capaccio*, in *Saponara* of the Diocess of *Marsico*, and in other Places, and enjoys many Benefices call'd *Simple*. He is titled Archbishop of *Nazareth*, and Bishop of *Canne* and *Monteverde* by a special Grant given him by *Clement IV.* and confirm'd to him afterwards by *Innocent VIII.* *Clement VII.* and *Pius V.* Roman Pontiffs. He has a singular Prerogative of carrying the Cross, the *Pallium*, and the Rochet, not only in *Barletta* and the other Churches of his Diocess, but over all the Catholick World; neither can the other Archbishops dispute it with him under any pretence of Apostolical Concession. He is subject to none but the Pope, and exercises in his Church and Diocess, all Jurisdiction that other Archbishops do in their Churches.

C A L A B R I A.

T H E most conspicuous Metropolis of *Calabria* under the *Greeks* was the Church of *Reggio*. The Patriarchs of *Constantinople* had subjected it to their See, and as we have seen in the sixth Book of this History, had assign'd it thirteen Suffragan Bishops, to wit, the Bishops of *Bova*, *Tauriana*, *Locri*, *Rossano*, *Squillace*, *Tropeja*, *Amantea*, *Crotone*, *Cosenza*, *Nicotera*, *Bisignano*, *Nicastro*, and *Cassano*. This Metropolis being afterwards restor'd to the See of *Rome* by the *Normans*, retain'd the same Dignity: So that in the old Charters made in the Time of these *Normans*, and especially by Duke *Roger* about the Year 1086, they were always call'd Archbishops; and *Gregory VII.* about the Year 1081, consecrated Archbishop *Arnulphus*, to whom Duke *Robert* made profuse Donations, by enriching his Church with many Possessions. In process of Time he lost some of these his Suffragan Bishops.

* Bulla Urbani II. apud Ughel. Simul & Catara, quæ intransmarini litoris ora sita esse cognoscitur.

THE Bishop of *Rossano* after these Churches were restor'd to the See of *Rome* was made a Metropolitan; and in the Time of *Roger I.* King of *Sicily*, or a little before, *Rossano* was made an Archiepiscopal See: So that amongst the Records which we have left us of Pope *Innocent III.* and of the Emperor *Frederick II.* there's frequent mention made of the Archbishops of *Rossano*. This Church was the most wedded to the *Greek* Rites; and tho' she had been restor'd to the *Roman* See, yet she never would forsake them, insomuch that the Citizens would not surrender to Duke *Roger*, until he had condescended that they should have a Bishop of the *Greek* Church; for this Prince had nam'd another of the *Latin* Church, to have succeeded a *Greek* Bishop that had died, whereupon he allow'd them to have a *Greek* one'. There were seven Monasteries of the Order of *St. Basil* in *Rossano*, so that the *Greek* Language and Rites were the more easily preserv'd in it. The Archbishop got likewise some Churches for Suffragans; but they were afterwards all withdrawn, for some of them became immediately subject to the See of *Rome*, and the Bishop of *Cariati*, which was the only one remaining, was afterwards subjected to the Metropolitan of *St. Severina*, so that now neither *Rossano* nor *Lanciano* have any Suffragans.

THE Bishoprick of *Cosenza* was likewise disjoin'd from the Metropolitan of *Reggio*, and subjected to the Metropolitan of *Salerno*; but *Cosenza*, as we have said, was also rais'd to be a Metropolitan. The rest were partly suppress'd, such as that of *Tauriana*, now destroy'd, in whose Place *Seminara* has succeeded, the rest were subjected to other Metropolitans; and now there remain to him the Bishops of *Bova*, *Cassano*, *Catanzaro*, *Crotone*, *Gerace*, *Nicastro*, *Nicotera*, *Oppido*, *Squillace*, and *Tropeja*.

THE Metropolitan of *St. Severina* subject to the See of *Constantinople*, being restor'd to that of *Rome*, retain'd also the same Prerogative, and in the Charters dated in the Time of *Roger Duke of Calabria*, there's mention made of the Archbishops of this City. He had five Suffragan Bishops given him by the Patriarch of *Constantinople*; but the Bishop of *Acerenza* was afterwards made a Metropolitan, and the other of *Gallipoli* was subjected to the Metropolitan of *Otranto*, and some were suppress'd; but others being erected in their Room, the Metropolitan of *St. Severina* has now for Suffragans, the Bishops of *Cariati*, *Umbriatico*, *Strongoli*, *Isola*, and *Belcastro*. He likewise had the Bishop of *St. Leo*, but he was afterwards suppress'd, and his Revenues were annex'd to the Metropolis; he had also the Bishops of *Melito* and *St. Mark*, but these were disjoin'd and put immediately under *Rome*.

O T R A N T O.

BY the Disposition of the Sees, subject to the Patriarch of *Constantinople*, made by the Emperor *Leo*, there's no Suffragan assign'd to the Metropolitan of *Otranto*; but afterwards *Nicephorus Phocas*, as *Luitprandus*² Bishop of *Cremona* testifies, about the Year 968, when *Polientus* was Patriarch of *Constantinople*, enlarg'd the Province of this Metropolitan, and gave him for Suffragans, the Churches of *Turcico*, *Acerentilla*, *Gravina*, *Matera* and *Tricarico*, ordering the Patriarch *Polientus* to consecrate their Bishops. But this Order had little Effect; and the Metropolitan of *Otranto* being restor'd to the See of *Rome* by the *Normans*, had other Bishops assign'd him for Suffragans, and the same Prerogative was continu'd with this Church, for we read, that in the Assembly held in the Year 1068, by *Alexander II.* in *Salerno*, *Hugh*, Archbishop of *Otranto* was present. The Popes afterwards assign'd him other Suffragans, which he retains to this Day, to wit, the Bishops of *Lecce*, *Alessano*, *Castro*, *Gallipoli* and *Ugento*.

BRINDISI and *Taranto* being restor'd to the *Greek* Empire by *Lupus Protospata* the Catapanus, about the Year 980, according to the *Archiepiscopate Nilo*, a *Constantinopolitano Sacerdotes accipiebat*. But *Robert Guiscard Duke of the Normans*, having taken *Brindisi* from the *Greeks*, restor'd its Church to the See of *Rome*. It was acknowledg'd as an Archiepiscopal See by *Urban II.* who consecrated it in the Year 1088, and the Bishop of *Ostuni* was made *Suffragan* to it: It was once annex'd

¹ V Ughel. Ital. Sacra, de Archiep. Rossan.

² Luitprand. Nicephorus, cum in omnibus Eccl. homo sit impius, livore quo in nos abundat, Constantinopolitano Patriarchæ præcepit, ut Hydruntinam Ecclesiam in Archiepiscopatus honorem dilaret; nec permittat in omni Apulia, seu Calabria, Latine amplius, sed Græce divina

mysteria celebrari. Scripsit itaque Polyeuctus Constantinopolitanus Patriarcha Hydruntino Episcopo, quatenus sua auctoritate habeat licentiam Episcopos consecrandi in Acerentilla, Turcico, Gravina, Matera, Tricarico, qui ad consecrationem Domini Apostolici pertinere videntur.

to the Church of *Oria*, so that the Archbishops had the Title both of *Brindisi* and *Oria*; but these Churches were afterwards divided, and that of *Oria* was made Suffragan to the Metropolitan of *Taranto*, and *Brindisi* kept only that of *Ostuni*.

TARANTO being restor'd by the *Normans* to the See of *Rome*, was made a Metropolis by the Popes, about the Year 1100, and the Bishops of *Mottula* and *Castellaneta* were given it as Suffragans, to which the Bishop of *Oria* was afterwards added.

The Dukedoms of *NAPLES* and *GÆT'A*.

THE Church of *Naples*, as we have seen in the sixth Book of this History, was not advanc'd to be a Metropolis by the *Greeks*, but the Patriarchs of *Constantinople* honour'd her Bishop with the Title of Archbishop only; so that he had the chief Honours and Pre-eminency over all the Bishops of this Dukedom. She was rais'd to the Rank of Metropolis by the Popes, towards the End of this Tenth Century, at the same Time that *Capua*, *Benevento*, *Salerno*, *Amalphis*, and many other Churches were exalted to this Dignity by the Popes. And though *Naples* was still under the *Greek* Empire, yet neither the Emperors of the East, nor the Patriarchs of *Constantinople* could hinder the Popes from raising her to this Dignity. The Popes were always tenacious of their Authority over this Church, and they very much blam'd her Bishops for taking the Honour of Archbishops from the Patriarch of the East. But the Power of the Popes became much greater, when the Dukedom of *Naples*, reduc'd into the Form of a Commonwealth, was govern'd by Dukes, the Eastern Emperors having nothing but the Shadow of Authority there.

BUT by what Pope, *Naples* was made a Metropolis, and in what Year, Opinions are very different. *P. Caracciolus*¹, from the Authority of *John the Monk*, maintains, that it was made a Metropolis by *John IX.* about the Year 904. But from the List of Bishops, compos'd by *Chioccarelli*, which he brings down to *Nicetas*, who govern'd this Church from the Year 962 to 1000; and from what we have hitherto seen, this Advancement ought not to be attributed to *John IX.* in this Year, but to *John XIII.* at the same time that *Capua*, *Benevento* and *Amalphis* were made Metropolis's, which *Chioccarelli*² well demonstrates, by shewing us, that from *Nicetas*, all his Successors began to be call'd Archbishops. The Church of *Naples* had once for Suffragans, the Bishops of *Cuma* and *Miseno*; but these Cities being ruin'd in the Year 1207, their Churches and Revenues were annex'd to the Church of *Naples*. The Bishop of *Aversa*, built by the *Normans*, was Suffragan to the Church of *Naples*, but afterwards, he was subjected to the Pope immediately. She retains now only the Bishops of *Acerra*, *Pozzuolo* and *Ischia*, to whom afterwards the Bishop of *Nola* was added, who being taken from the Archbishop of *Salerno*, whose Suffragan he formerly was, a little before the Pontificate of *Alexander III.* was subjected to *Naples*. These few Bishops were assign'd to *Naples*; and it will appear very strange, to any that considers the present State of Affairs, how *Benevento*, *Salerno*, *Capua* and many other inferior Cities, have so many Suffragan Bishops, and *Naples*, the Head of a most flourishing Kingdom, has so few; but whoever will call to mind the by-past Ages, and consider how much the Confines of the Dukedom of *Naples* were restricted, when this City was made a Metropolis, and on the contrary how much more the Principalities of *Benevento*, *Salerno*, and *Capua*, and the other Dukedoms and Provinces, subject to the *Greek* Empire, were extended, will cease to wonder. And if this City, when it was made a Metropolis, had so confin'd a Dukedom, and consequently so few Suffragans, yet in process of Time, by good Conduct, it was rais'd to so exalted a State, that it alone could vie with the most ample and most populous Provinces of the Kingdom.

GÆT'A likewise subject to the *Greek* Empire, because of its being claim'd by the Popes, and too near to *Rome*, when it was taken from the *Greeks* by the *Normans*, was neither given as Suffragan to any neighbouring Metropolitan, nor made a Metropolis, because its small and narrow Dukedom would not bear it; so that its Bishop was subjected to the Apostolick See immediately, as it continues to this Day.

¹ P. Carac. de Sacr. Eccl. Neap. Monum. c. 1. | ² Chioc. de Episc. Neap. A. 962.
Sect. 10.

The Dukedoms of *AMALPHIS* and *SORRENTO*.

AMALPHIS in these Times, deserv'd no less than *Naples* to be exalted to a Metropolis ; it had made itself famous in the East, on account of its Navigation, and become the most rich and populous of all the other Cities ; not only the *Greeks*, *Arabs* and *Africans*, but even the *Indians* flock'd to it, because of its Commerce ; and *Gulielmus Pagliensis* ¹ in his Verses, extols it on that Head, above all the Cities of these our Provinces. This City had its Bishops from its Foundation, and in the Time of *Gregory the Great*, *Primerius* was Bishop of it, neither is he reckon'd the First. The Church of *Rome* was much beholden to it, as well for the many Churches which the *Amalphant*s erected in the East, where they maintain'd the *Latin* Rites, as for having been the first who founded the renown'd and military Order of St. *John* of *Jerusalem* in *Palestine*. Therefore the Popes were in Duty bound, when they were exalting so many Churches to be Metropolis's, to confer that Honour on *Amalphis*, which tho' by antient Subjection, it depended on the *Greek* Empire, nevertheless, being rais'd to this sublime State, and govern'd by its own Dukes in the Form of a Republick, the *Greeks* had only the Image and Shadow of Sovereignty left them in it. Whilst then this Dukedom was govern'd by Duke *Manfo*, the same who for some Time possess'd the Principality of *Salerno*, at the Request of this Duke, the Clergy, and People of *Amalphis*, its Bishop was advanc'd to a Metropolitan by *Gregory XV.* in the Year 987, and the Bishops of the Dukedom were assign'd him for Suffragans ; for what *Freccia* writes, that *Amalphis* was made a Metropolis in the Year 904, by Pope *Sergius III.* has no Foundation, and is commonly rejected by every Body. His Suffragans are the Bishops of *Scala*, *Minori*, *Lettere* and of the Island of *Caprea*, which he retains to this Day.

SORRENTO had likewise its antient Bishops, and being in these Times Head of a small Dukedom, was likewise exalted to a Metropolis. *Marinus Freccia* makes *Sergius III.* also Author of this Institution, in the same Year with *Amalphis* ; but 'tis generally believ'd, that this Church was made a Metropolis by *John XIII.* in the Year 968. after *Capua* ; and that *Leopardus* the last Bishop, had this Honour. Her Suffragans are the Bishops of *Stabia*, which we now call *Castellamare*, and *Massa Lubrense*, to which afterwards the Bishop of *Vico Equense* was added.

SUCH was the Disposition of the Churches of these our Provinces, begun about the End of the Tenth Century, and afterwards compleated in the beginning of the Dominion of the *Normans* ; which as it altogether resembles the present, so it is no ways conformable to the Disposition and temporal Polity of our Provinces, because when the new Disposition of the Provinces of this Kingdom was made, which were afterwards augmented to Twelve, as we now see them, the Metropolis's had been already fix'd, which keeping Pace with the Polity of the Empire, took that Form and Disposition which the States were found to be in, when, and where they were establish'd ; and tho' many Cities chang'd their Condition, and from great became small, or from small great, yet the Popes would never alter the Disposition of the Metropolis's already establish'd, as well out of regard to Antiquity, as for avoiding Novelty, which often occasions Disorders. However, if they fill'd the Kingdom with more Bishops, by erecting many Churches into Cathedrals, which formerly were not such, for Reasons that we shall relate elsewhere, yet they did not alter the Disposition of the Metropolitans. Besides, as we shall shew in its Place, the new Distribution of the Provinces into Twelve, was chiefly design'd for the better Distribution of the Royal Revenues, and the Number was multiplied by the Officers appointed for collecting them, call'd *Treasurers*. So that at the same Time the Number of Governors, or Justices, was much less than that of *Treasurers*, and in later Times they were made equal ; and the Places appointed for their Residence were always changeable, according as the Occasions of the Royal Exchequer, or the publick Good requir'd : Whence this new Disposition made no manner of Alteration in the Polity of the Ecclesiastical State.

IN this State of Affairs did the *Normans* find these our Provinces, when they came to us. They were put into another Form, when they came under their Dominion, and when all those States, which had been divided into so many Parts, came to be united in one single Person, a very large Kingdom, and a noble Monarchy was establish'd.

¹ Gul. Appul. lib. 3. Rer. Norman.



THE
CIVIL HISTORY
Of the KINGDOM of
NAPLES.

BOOK IX.



THE Normans, which Word in our Language signifies Northern People ¹, came likewise from *Scandinavia*, as the *Goths* and *Longobards* had done; they were not known in the West, till about the End of the Eighth Century, when they landed on the Sea Coast of *France*, in the Time of *Charles the Great*; and about Forty Years after, they began to infest those Places, now call'd *Utrecht*, *Holland* and *Walkeren*. The Kings of *France*, in order to put a Stop to them, were oblig'd, by Agreement, in the Year 882, to give them *Frizland* for a Habitation ². But they, not satisfied with this Province, began to plunder, burn and destroy all the Neighbourhood round them, under *Rollo* their Head, a famous and bold Pirate, at the same time that the *Saracens*, with no less Cruelty, over-ran our Part of *Italy* on this Side of the *Tiber*. They besieg'd *Paris*, invaded *Aquitaine*, and other Parts of that Kingdom in the Reign of *Charles the Simple*; so that this Prince not being able to withstand them, resolv'd to make them Friends,

¹ Gaufredus Malaterra lib. 1. c. 3. in tom. 3. Hisp. illust. Gulielmus Pugliesis lib. 2. de gest. Norm. in Ital. in princ. Gulielmus Gemmeticensis lib. 2. hist. Norim. cap. 4. Norimanni di-

cuntur, quia lingua eorum Boreas, *North* vocatur: homo vero, *Man*, id est homines Boreales per denominationem nuncupantur.

² Grot. in Prolegom. ad hist. Got.

and

and Confederates ; whereupon it was agreed, that *Charles* should assign them *Neustria*, one of the Provinces of *France*, for their Place of Residence, and give *Gisla* his Daughter, as *Dudo* of Saint *Quintine* writes ¹, or his Kinswoman, as *Pellegrinus* ² hath it, to *Rollo* in Marriage, and that *Rollo*, forsaking Idolatry and Gentilism, should embrace the Christian Religion. This Agreement was executed about the Year 900 ³: *Neustria*, with the Title of Duke, was given to *Rollo* for ever, who married *Gisla*, and at the same time receiv'd Baptism, *Robert* Count of *Poitiers* standing Godfather, from whom he took the Name of *Robert* ; and the other *Normans*, following the Example of their Commander in Chief, became more humane and civiliz'd. The *Normans*, from their own Name, call'd *Neustria*, *Normandy*, which Name it retains to this Day.

THIS *Robert*, first Duke of *Normandy*, had a Son nam'd *William*, whom he made Count of *Hauteville*, a City of the same Province. *William*, begot *Richard*, who was Father of another *Richard*, and this second *Richard* begot *Robert II.* and another *Richard*, whom we shall call III. And *Robert II.* was Father of *William II.* who 'tis commonly said, was the Father of *Tancred* Count of *Hauteville*, from whose Loins came those Heroes, who for a long Time govern'd these our Provinces ⁴.

TANCRED, by two Wives, had Twelve Sons, and several Daughters, one of which was nam'd *Fredefinna*, who was the Wife of *Richard* Count of *Aversa*, and Prince of *Capua* ; another was given to *Gaufred* Count of *Montescaglioso*, and another to *Volmandus* ⁵. The Sons he had by his first Wife, nam'd *Moriella*, were *William* surnam'd *Fierabras*, *Drago*, *Umfred*, (who, as we shall shew, were the Three first Counts of *Puglia*) *Godfrey* and *Serlo*. The other Seven were by *Fredefinna* his second Wife, the Eldest of whom was *Robert*, surnam'd *Guiscard*, which in the antient *Norman* Language, is the same as crafty and subtle ; he came to be Duke of *Puglia* and *Calabria* ; the second was *Malgerius* ; the third, *William* ; the fourth, *Alvered* ; the fifth, *Umbert* ; the sixth, *Tancred*, and the seventh and last, was *Roger*, who conquer'd *Sicily*, and established the Monarchy ⁶.

HOWEVER, these were not the first that came to *Italy* ; for, as we shall see, some *Normans* had a little before settled in *Aversa*, so that we must carefully distinguish them from one another, that we may not confound the Reader, as other Writers have done. The first of them came about the Year 1016. The Sons of *Tancred* landed in *Italy* about the Year 1035 ; but not all of them, for Two stay'd in *Normandy* ; neither did all the rest come together, but as fit Opportunities offered ; sometimes Two, sometimes Three, set out for these our Provinces ; neither did the first come in greater Numbers, as we shall see ⁷.

EVERY Body reading the Adventures of these People, must be surpriz'd, how a few Men come from *France*, through a Thousand Disasters, were able to make themselves Masters of one of the most delightful Countries in the World ; how one single Family of *Norman* Gentlemen, assisted only with a handful of their Countrymen, could establish a Monarchy on the Confines of the Empires of the East and West, gain so many and so wonderful Victories over Two powerful Enemies ; free *Italy* and *Sicily* from the Incursions and Yoke of the Infidel *Saracens*, which greater Powers were never able to atchieve ; and after having overthrown the *Greeks* and the *Longobard* Princes, lay the Foundation of the fine Kingdoms of *Naples* and *Sicily*. Certainly no other Nation, excepting the *Romans*, were ever so successful as from so mean Beginnings, to arrive at so great Power. The other Nations, such as the *Goths* and *Longobards*, as we have seen, came not to *Italy* like Strangers and Travellers, but with very numerous Armies, which over-run our Country, and settled a Kingdom.

ON the other hand, if we will but consider the unhappy State to which these our Provinces were reduc'd, being divided, and subject to so many Princes ; and the extraordinary Valour and Courage of this Nation, we shall cease to wonder at their fortunate Success. Add to this, that the Manner of waging War us'd in those

¹ Lib. 2. hist. Norm.

² In hist. Long. in Stemmate.

³ Grot. in Prolegom. loc. cit.

⁴ V. Invenges in the beginning of the *Annali di Palermo*, in which he has the Tree of the Dukes of *Normandy*.

⁵ Pelegr. in Stemmate.

⁶ Malat. lib. 1. cap. 4. V. Du Fresne in Stem. Ducum Apulizæ ad hist. Comnen.

⁷ Malat. lib. 1. cap. 9, 11, 19, 38. Ost. lib. 2. cap. 67.

Times, was not the same as is practis'd now adays: There was at that Time scarce any regular Method of attacking and defending. A whole Army was sometimes routed, without knowing how, or by what Means; and the whole of the Matter consisted, either in the Strength of Body, which was incomparably greater than that of Men now adays, because they practis'd those Exercises more frequently that conduce to the acquiring of it; or in an exceeding great Courage, which imbolden'd the Combatants to do Wonders; or lastly in some presumptuous Undertakings, which nothing but the Event could justify.

TO these three Causes were owing those glorious Actions of the *Normans*, no ways inferior to those of the *Romans*, we so much admire. They turn'd *France* up-side down, and conquer'd many Provinces of it. *William* the *Norman*, descended of the same Dukes of *Neustria*, conquer'd the most flourishing Kingdom of *England*, and transmitted it to his Posterity. Our *Puglia*, *Calabria* and *Sicily*, the famous *Jerusalem*, the renown'd *Antioch*, were all under their Dominion¹.

WE are now to shew what Motives the People of this Nation had, for coming into these our Provinces so remote from them, and how, after various Fortune, they made themselves Masters of them; for we cannot otherwise clearly conceive, how so many, and so divided States, could at last be united in a noble Kingdom, under the Dominion of one single Person, which the *Normans* govern'd by so good Laws and Institutes, as to transmit it to their Posterity, till after a Series of many Years, for want of Male-Issue, it fell to the *Suevi*, by a Princess of the *Norman* Blood. The Rise of our Papal Investiture, and how afterwards this Kingdom came to be reputed a Fief of the Church of *Rome*, could not well be understood, if these Events should not be related with Exactness; in doing of which we shall make a Discovery of many Truths, which Writers, some out of Sloth, many of set Purpose, have kept in the Dark.

IN relating the Adventures, and all the other Successes of this Nation; I have laid stress only on Cotemporary Historians, and those who have most exactly given us an Account of their Actions, whose Testimonies cannot be suspected. The most Grave and Antient among the *Latins*, shall be *Gulielmus Pugliensis*, *Malaterra*, *Leo Ostiensis*, *Amatus*, a Monk of *Cassino*, *Ordericus Vitalis*, *Lupus Protospata*, the anonymous *Cassinensis*, *Petrus Diaconus*, and *Gulielmus Gemmeticensis*. And among the *Greeks*, the Princess *Anna Comnena*, *Joannes Cinnamus*, *Cedrenus*, *Zonaras*, and other Collectors of the *Bizantine* History, which *Charles du Fresne* hath illustrated with Notes.

GULIELMUS Pugliensis relates in *Latin* Verse, though not very Elegant, but very good for the Style of the Age in which he liv'd, the Actions and warlike Feats of the *Normans* in *Calabria*. He writes not in a poetical Strain, but like an Historian, who resolv'd to give a faithful and distinct Relation in Numbers and Metre. His Account reaches to the Death of the famous *Robert Guiscard*, which happen'd about the Year 1085; he publish'd it at the Desire of Pope *Urban II.* who was advanc'd to the Pontificate in the Year 1088, and dedicated it to *Roger*, the Son and Successor of *Robert Guiscard*. This small historical Poem in Manuscript, was found by *Joannes Tirenceus Hauteneus*, Advocate Fiscal of the Province of *Rouen*, in the Library of the Monastery of *Becobelvine* near to *Strasburg*.

MALATERRA is an Author that deserves more Credit: He wrote a very long History in Prose, of the Conquests made by the *Normans* in *Italy*, by Order of *Roger* Count of *Sicily* and *Calabria*, who was Brother to *Robert Guiscard*. This Work having been a long Time buried in Oblivion, the Manuscript of it was found in *Saragosa*, among the Histories of the Kings of *Aragon* in the Year 1579 by *Geronimus Zurita*, who publish'd it; and *Baronius* mentions the finding of this as a real Treasure; so that they who have wrote the History of *Sicily*, for not having read this Author, have committed a Thousand Blunders.

LEO Bishop of *Ostia*, is an Author well known, and is in every Body's Hands; being a Monk of *Monte Cassino*, he wrote the Chronicle of that Monastery, a little after the Time we are about to discourse of; and tho' his Business was to shew to the World, the Sanctity and Grandeur of that Monastery, nevertheless he affords

¹ Roger. Hovenden. apud Grot. in Prolegom. | Dives Apulia reffloruit. Hierosolyma famosa, &
Audax Francia Norimannorum militiam ex- | insignis Antiochia se utraque supposuit.
perta delituit. Ferox Anglia captiva succubuit.

great Light for understanding the Affairs of the *Normans*; in whose Kingdom he wrote.

AMATUS, a Monk of *Cassino*, flourish'd about the same Time; he was also made a Bishop afterwards, though 'tis not known what Bishoprick he got. *Petrus Diaconus*¹ numbers this *Amatus* amongst the famous Men of *Cassino*, and says he was most knowing in the Holy Scriptures, and an admirable Poet. Among his other Works, which he compos'd, that *de Gestis Apostolorum Petri & Pauli*, was dedicated to Pope Gregory VII. and the History of the *Normans*², divided into Eight Books, was dedicated to *Desiderius*, that famous Abbot of *Monte Cassino*, who was afterwards Pope by the Name of *Victor III.* This History of the *Normans*, written by *Amatus*, for what we know, was never publish'd in Print. *Joannes Baptista Marus*, in his Annotations on *Petrus Diaconus*, relates, that in his Time this History was preserv'd in Manuscript in the Library of *Cassino*, wherein many Things worth knowing, concerning the Actions and Customs of the *Normans*, were most accurately describ'd. But the Abbot of *Noce* laments this Loss, and in his Notes on the Chronicle of *Cassino*³ relates, that it had been taken out of that Library, with many other Things worthy of eternal Memory. This Author liv'd about the Year 1070, when, according to the Taste of that Age, Learning was, for the most part, confin'd to the Monasteries. There flourish'd many others, such as *Albericus*, *Constantinus*, *Guaiferius*, *Alphanus*, who was afterwards Archbishop of *Salerno*, and others that may be seen in *Petrus Diaconus*.

L. U. P. U. S. Protospata, the anonymous *Cassinensis*, and *Petrus Diaconus* himself, wrote likewise something concerning the *Normans*; but *Ordoricus Vitalis*, and *Gulielmus Gemmeticensis* much more diffusely, besides a great many modern Writers, who are well known to every Body.

PRINCESS *Anna Comnena*, made herself famous in the World, as well for her Judgment and Erudition, as her Quality and Birth: She was Daughter of *Alexius Comnenus*, Emperor of *Constantinople* and of *Irene*. *Zonaras* and *Nicetas* assure us, that this Princess was a great Lover of Learning, and that she spent most of her Time in reading. She not only apply'd herself to History and polite Learning, but likewise to Philosophy. She wrote the History of *Alexius Comnenus* her Father, against whom our *Robert Guiscard* made a most cruel War, which was partly the Subject of her History; and tho' sometimes, according to the Custom of her Nation, she fail'd in relating the Truth exactly, nevertheless she ought to be credited, when she speaks in Commendation of *Robert Guiscard*, whom she very much hated, as being a bitter Enemy to her Father. In the Preface to her History, she promises to say nothing that might make her be accus'd of Complaisance or Flattery, or that was not consonant with Truth; yet we see, that what she writes of her Father is a continu'd Panegyrick. The *Latin* Authors are not of the same Opinion, for they represent *Alexius* as a deceitful, dissembling Prince, whose Reign was more remarkable for his unworthy, than his good Actions; and truly his ill-grounded Jealousy was a great Prejudice to the *French*, who having taken the Cross upon them, were fighting under *Godfrey of Balogne* for the Conquest of the Holy Land; but perhaps the *Latin* Authors have been as sparing, as *Anna Comnena* was prodigal in her Commendations. *Hoeschelius* publish'd the first Eight Books of her History, which he had got from the *Augustan* Library. *Joannes Gronovius* bestow'd some Pains upon it afterwards, and in the Year 1651, *Peter Poussin* a Jesuite, publish'd it with his *Latin* Translation of the *Louvre* Impression. Afterwards the President *Cousin* translated it into *French*, and lastly, *Charles du Fresne* explain'd it with Notes.

JOANNES CINNAMUS liv'd under the Emperor *Emanuel Comnenus*, whose Exploits he gives us at large in his History; he is an elegant Writer, and studies to imitate *Procopius*. He makes frequent mention of our *Normans*, and his History is now illustrated with Notes by *Charles du Fresne*. *Cedrenus*, *Zonaras*, and the other Writers collected in the *Byzantine* History, sometimes make mention of our *Normans* also.

THE Motives that induc'd the *Normans* to come from *Neustria* into these our Provinces, ought to be attributed to nothing else but the Zeal these People had for

¹ Petr. Diaconus de Viris Illustrib. Sacri f. Chronic. Cassin. Archisterii.

² Petr. Diaconus lib. 3. cap. 35. in Auſtuar.

³ Lib. 3. cap. 35.

the Christian Religion, after they had forsaken Idolatry, and worshipp'd the true Deity. There was a Custom which prevail'd in the World at that Time of going on Pilgrimage, not so much as now a-days, in order to see Cities, new Fashions, and different Customs, as out of Devotion to visit the most famous Holy Places. Now, in this and the preceding Century, two Places in these our Provinces became famous all over the West, to wit, that of *Monte Gargano*, by reason of the Angelical Apparition, and the other of *Monte Cassino*, for the Sanctity and Miracles of S. *Benedict* and his Monks; but among all the Holy Places, as in Justice it ought, *Jerusalem* was the most illustrious, a Holy City, where our glorious Redeemer water'd the Earth with his Blood, and where he was buried.

AMONG all the Christians of the North, 'tis incredible how much the *Normans* of *Neustria* were inclin'd to this Exercise of Piety; neither the Length of the Journey, nor the Difficulty of the Passage, nor the Rigor of the Weather and Season, nor the Necessity of travelling through the Midst of Robbers and Infidels, nor Hunger, nor Thirst, nor any other greater Danger or Inconveniency whatsoever, frightened them. In order to overcome so many Difficulties, they join'd in Bands, and pass'd through those unfrequented Places, and being of great robust Bodies, inur'd to War, and courageous, were able to cope with whole Armies, and often had bloody Engagements with the *Greeks* and Infidels, and broke through all Obstacles. On such Occasions, either in the going or returning, they were wont to visit our Sanctuaries of *Gargano* and *Cassino*.

IN the Beginning then of the eleventh Century¹, forty, as *Leo Ostiensis* writes², or, according to the Opinion of others, a hundred of these *Normans* having left *Neustria*, travell'd towards the East, and on their Way to *Jerusalem*, made great Havock amongst those Barbarians. In their Return they took another Rout; for imbarking, they sail'd up the *Mediterranean*, and arriv'd on the Coast of *Salerno*³, where they landed, and in that City, were honourably receiv'd by the *Salernitans*, who were amaz'd at the Sight of Men of such robust Bodies. *Salerno* was govern'd at that Time, as we have said, after the Death of Prince *John*, by *Guaimarus* III. his Son, by *Ostiensis*⁴ nam'd the Elder, in order to distinguish him from the other *Guaimarus* his Son, who succeeded him. This *Guaimarus* from the Year 994, in which *John* his Father died, govern'd the Principality, sometimes alone, sometimes with his Son, to the Year 1031, in which his Son died. They were invited by this Prince to stay some time in *Salerno*, to refresh themselves after the Fatigue of their Voyage, and to partake of the Sweets of the Country. But behold an Accident happen'd, which afforded an Opportunity to these few *Normans* to shew their Courage, and at the same Time to recompense *Guaimarus* for the kind Entertainment he had bestow'd upon them. In the Course of this History we have often related, that the *Saracens* never fail'd to infest the Principality of *Salerno*, coming sometimes from *Africa*, and frequently from the neighbouring *Sicily*, in Ships upon the Coast of this City, and to ruin the adjacent Country, the Fields and Castles, which occasion'd great Calamities: *Guaimarus* not having Forces sufficient to repulse them, had been oblig'd to buy his Peace with large Sums of Money. While the *Normans* were in *Salerno*, the *Saracens* with a great Fleet arriv'd on the Coast, and threaten'd Ruin and Destruction, unless they got a vast Sum of Money; *Guaimarus* having no means wherewithal to defend himself, was ready to grant their Demand; and while he and his Officers were busy in raising Contribution amongst his Vassals, the *Saracens* having landed from their Ships, cover'd the Space betwixt the Sea and the City, where, expecting the Ransom, they gave way to Gormandizing and Excess. The *Normans*, who were not accusom'd to such ignominious Usage, reproach'd the *Salernitans* for suffering their Enemies to triumph so insolently over them, by chusing rather to be at the Charges of the Triumph, than to defend themselves, and resolv'd, with unheard-of Bravery to revenge the Affront; and whilst the *Saracens*, little dreading the Danger, were drinking and revelling, they attack'd them with so much Fury and Bravery, that after a terrible Slaughter, they forc'd the rest to fly, and betake themselves to their Ships with greater speed than they had come ashore. So glorious an Exploit occasion'd no less Joy than Admiration in the *Salernitans*, and Prince

¹ Pellegr. in Serie Abb. Cass. in Arenulpho, Vergente A. Christi millesimo.

² Ostiens. lib. 2. cap. 37. Quadraginta numero Normani in habitu peregrino.

³ Ibidem.

⁴ Ibid. A Guaimaro majore, qui tunc Salerni principibatur.

Guaimarus was at a loss how to reward them as they deserv'd; he intreated them to remain in the Country, offering them Habitations, and the most honourable Employments; but they protested that they had had no private Interest in this Action, and that they would have no other Recompence, but the Pleasure of having acquitted themselves of the Duty they ow'd to Religion, by defeating the Infidels. But lest they should seem insensible of his Civilities, and not to comply with his Desire of having such Men as they about him, they promis'd either to return themselves, or send some of their Countrymen of equal Courage with themselves. Therefore they prepar'd to return to their native Country, which they long'd to see. The Prince, not able to detain them longer, us'd all Means imaginable to persuade them upon their Arrival, at least to send him some of their Countrymen; and whilst they were imbarking for *Normandy*, he order'd many of his Officers to be ready to accompany them, with Vessels loaded with the most exquisite Fruits, as far as their own Country; he likewise presented them with precious Garments of Gold and Silk, and rich Furniture for Horses. *Guaimarus* was not disappointed, for his generous and noble Behaviour, was not only an Invitation, but likewise a very strong Allurement to the *Normans* to come to these our Provinces. For on their Arrival in *Normandy*, having represented the Desire our Princes had for their Nation, they prevail'd upon a great Number of People, and some of them of noble Birth, to undertake the Journey. To which, an Opportunity which we are going to relate, gave a Handle.

IN the Court of *Robert Duke of Normandy*, amongst other Lords who frequented his Palace, there were *William Repostel* and *Osmond Drengot*; this last bearing a Grudge at *William*, who had publicly bragg'd he had receiv'd the last Favours from his Daughter, challeng'd him to fight a Duel; and notwithstanding they were in Company with *Duke Robert*, who with his Court was taking the Diversion of Hunting, they engag'd, and *Drengot* run his Enemy through with his Lance, and kill'd him. *Duke Robert* taking this as an Affront, endeavour'd to have him seiz'd, in order to make a publick Example of him; whereupon *Osmond*, to shun the Wrath of his Sovereign, fled first into *England*; and at last, seeing the Way to *Italy* so well pav'd to his Hand, resolv'd to go thither with his Kindred, and likewise induc'd others to undertake the Journey with him. This gallant *Norman* carried many of his Brothers along with him, who according to *Ostiensis*, were *Rainulphus*, *Asclittinus*, *Osmondus*, and *Rodulphus*, together with their Sons, Nephews, and many other Friends. This *Rainulphus* was the first Count of *Aversa*, and was succeeded by *Asclittinus*, by *Ordoricus Vitalis*², call'd *Anschetillus de Quadrellis*, from whom are descended the first *Normans* who possess'd the Principality of *Capua*, as we shall see.

THESE Heroes, of most noble Blood, having come from *France* accompanied with many of their *Normans*, were receiv'd with much Joy and Marks of Esteem by our Princes, who well remember'd what their Countrymen had done in *Salerno* a few Years before. Some say that they went first to *Benevento*, others that they took Service under the Prince of *Salerno*, and others that they came to *Capua*³; all which may be true, for these new *Normans*, being less disinterested than those who had fought at *Salerno*, were ready to serve him who rewarded them best; and our *Longobard* Princes, who had both the *Greeks* and *Saracens* to deal with, coveted to have so gallant Men in their Service, by whose Means they expected to reap great Advantage. However that may be, 'tis certain, that tho' it does not appear precisely in what Year they went to *Capua*, yet they must have been there before the Year 1017, when *Melo*, who had fled from *Bari*, found Sanctuary there, and was kindly receiv'd by *Pandulphus IV.* who became Prince of *Capua* in the Year 1016, together with *Pandulphus II.* the Son of *Landulphus* of *St. Agatha*, which gave Opportunities to these new *Normans*, in his Service, to signalize themselves in many noble Expeditions.

THE *Greeks* by their new Magistrates call'd *Catapani*, had made their Government in *Puglia* insupportable, and gave Occasion to new Disorders and Tumults in *Bari* the Seat of that Magistrate; for the *Baresians* not able to bear the severe Government of *Curcua* the new *Catapanus*, push'd on by *Melo* a valiant Captain of the Blood of the *Longobards*, who liv'd in *Bari*, whither he had transported his Family

¹ Ostiens. lib. 2. cap. 37.

² Ordoric. Vital. lib. 3.

³ Ostiens. loc. cit.

⁴ Pellegr. in Stem.

a long time before, revolted from the *Greek* Empire, and hoping to set their native Country at Liberty, put themselves under the Conduct of *Melo*, whom, with *Datus* his Kinsman, they chose for their Head. But the Emperors of the East being appriz'd of this Revolution, they immediately sent into *Italy* *Basilus Bajanus* to be *Catapanus*; who, upon his Arrival in *Puglia* with a goodly Company of Lords and Soldiers of *Macedonia*, laid Siege to the City of *Bari*. The *Baresians* thus beset, instead of defending themselves, minded nothing but to make their Peace with the *Greeks* at *Melo's* Cost, offering to deliver him up; which *Melo* perceiving, he fled immediately to *Ascoli* with *Datus*, and not thinking himself safe enough there, retir'd much further off; and in the mean time his treacherous Fellow-Citizens, in order to curry Favour with the *Greeks*, sent *Maralda* his Wife, and *Argirus* his Son to *Constantinople*. *Melo*, who had retir'd from *Ascoli* to *Benevento*, and from thence to *Salerno*, at last stopp'd at *Capua*, where he crav'd Assistance against the *Greeks* from *Pandulphus*, as he had done from the Princes of *Benevento* and *Salerno* his Countrymen. On his Arrival in *Capua* he found the *Normans*, who had come there a little before; he had already heard of their Valour, and finding them fit for his Purpose, by great Promises engag'd them in his Service; and having likewise listed other Troops belonging to the *Longobard* Princes, from whom he had begg'd Assistance, he made up an Army, with which he presently march'd against the *Greeks*, whom he attack'd and defeated in three successive Battles, and made himself Master of some Cities of *Puglia*; but afterwards he lost all the Fruits of his Victories in the fourth Battle, which happen'd in the Year 1019, near the City of *Canne*, a Place formerly famous on account of the ancient Defeat of the *Romans*¹, where *Melo* was overcome rather by the Treachery of his own Men, than the Power of the *Greeks*, tho' the *Normans* continu'd faithful, and fought gallantly. *Melo*, seeing his Army reduc'd to a very low Pass, was resolv'd to seek Assistance elsewhere, and having recommended all the *Normans* that were left, to *Pandulphus* Prince of *Capua*, and *Guaimarus* Prince of *Salerno*, he went immediately to the Emperor *Henry*, to whom he represented the lamentable Condition of these our Provinces, which were in Danger of being dismember'd from the Empire of the West, by the prevailing Power of the *Greeks*, and begg'd of him to send a strong Army against the *Greeks*, and even to go and command it himself: *Henry* being engag'd in other Enterprizes, and not performing his Promises, oblig'd *Melo* twice to undertake the same Journey, in order to solicit the promis'd Succours; but in the Midst of these Negotiations *Melo* ended his Days while he was with the Emperor *Henry*, and the *Normans* having lost their valiant Captain, resolv'd to engage in some other Service.

ADINOLPHUS the Brother of *Pandulphus* Prince of *Capua*, and Abbot of *Monte Cassino*, was so often oppress'd by the Counts of *Aquino*, who frequently made IncurSIONS upon the Lands of that Abbey, that in order to repulse them, he resolv'd to employ the Courage of the *Normans*², who very faithfully perform'd what they were intrusted with, and always protected the Lands of that Monastery from a Village call'd *Piniatario*, not far from the City of *St. Germano*, where they had fortified themselves. Others of the *Normans* following *Datus*, had put themselves under the Protection of Pope *Benedict VIII.* who had given them the keeping of the Tower of *Garigliano*, which belong'd to the Estate of the Church; thus *Datus* reckon'd himself secure, for the City of *Capua* cover'd him from being attack'd by the *Greeks*.

BUT the Treachery of *Pandulphus* Prince of *Capua* occasion'd new Disturbances in these Provinces, all which conduc'd to the Rise of the *Normans*. This Prince, tho' in appearance he seem'd to favour the Party of *Henry* Emperor of the West, whose Subject he was; nevertheless he kept secretly a strict Correspondence and Friendship with *Basilus* Emperor of the East, and went so far, that at last he was induc'd to send the Golden Keys to *Constantinople*, and subject himself, his City, and the whole Principality to the Empire of the East, just as it had been formerly subject to that of the West³. The Emperor *Basilus*, to whom this Acquisition was of great Importance, immediately advis'd *Bajanus* of it, and charg'd him by means of *Pandulphus* to endeavour to get *Datus* and his *Normans* into his Clutches. He effectually and punctually executed his Prince's Commands, and that *Pandul-*

¹ Ostiens. lib. 2. cap. 37.

² Idem cap. 38.

³ Ibidem.

phus might not be dissuaded from it by the Abbot *Adinolphus* his Brother, he resolv'd to bring him over likewise to his Interest, for which purpose he made use of very effectual Means, by making a Donation to his Monastery of the whole Inheritance of a certain *Maraldus* of *Trani*, that had been escheated¹; and having sent a great Sum of Money to *Pandulphus*, he intreated him, that if he was truly faithful to the Emperor *Basilus*, he would give him a free Passage through his Dominions, in order to seize *Datus*. The Request was immediately granted, and *Bajanus* with a considerable Army came and attack'd *Datus* in *Garigliano*; the Besieg'd, tho' catch'd napping, defended themselves for two Days with great Courage, but at last Courage was oblig'd to yield to Force. *Bajanus* took the Place, and treated with the utmost Rigour, all those whom he found in it, excepting the *Normans*, whom he spar'd at the earnest Intreaty of the Abbot *Adinolphus*. But he had no Pity on *Datus*, for this unfortunate Captain was conducted to *Bari*, and punish'd as a Paracide, by being put into a Sack and thrown into the Sea.

THE Emperor *Henry* having heard of the Invasion of the *Greeks*, the Treachery of *Pandulphus*, and the cruel Death of *Datus*, bethought himself, that after the Loss of *Puglia*, and the Principality of *Capua*, not only *Rome*, but all *Italy* was in Danger, if he did not speedily succour them; for he had been too long in perceiving what *Melo* had so often fore-told, but was at last rous'd up, and having drawn together a great Army, he invited the *Normans* (who had been left at liberty at the Desire of *Adinolphus*) to fight under his Banner, and forthwith, this Year 1022, directed his March towards *Italy*². He divided his Army into three Bodies; of one compos'd of Eleven thousand Soldiers, he made *Poppo* Patriarch of *Aquileja* Captain, who march'd towards *Abruzzo* in order to enter the Dominions of the *Greeks* on that Side; another Body of Twenty thousand commanded by *Belgrimus* Archbishop of *Cologn* (for in those Times it was no strange Thing, for the greater Prelates of the Church to be seen at the Head of Armies, which we shall see anon practis'd by the very Popes themselves) was sent towards *Rome*, to seize the Abbot of *Cassino*, with the Prince of *Capua* his Brother, who had been accus'd to the Emperor as the Author of *Datus's* Death; *Henry* kept the other with himself, designing to march through *Lombardy*, and by the Way of *Marca* to attack the *Greeks*.

THE Abbot *Adinolphus* no sooner heard that a whole Army was marching against him, than he left the Monastery, and resolving to save himself in *Constantinople*, in great haste he fled to *Otranto*, where having embark'd on the *Adriatick* Sea, he was Shipwreck'd, and himself with all his People drown'd.

THE Prince his Brother, when he saw that he was besieg'd in *Capua* by the Archbishop of *Cologn*, lest he should be betray'd by his own Vassals, who hated him mortally, surrender'd himself to the Prelate, on Condition to be carried to *Henry*, before whom he promis'd to prove his Innocence³. *Belgrimus* took him under his Protection, and carried him to *Henry*, who at that Time had laid close Siege to *Troja* in *Puglia*, a City built by the *Greeks* that very Year, which a few Days after surrender'd to him. The Emperor was overjoy'd, and conven'd all his Barons, as well *Italians*, as those beyond the Mountains, for judging his Cause; who unanimously sentenc'd him to die; but the Archbishop, under whose Protection he had put himself, by Intreaties and Tears prevail'd so far upon the Emperor, that he chang'd the Sentence of Death into perpetual Banishment, caus'd him to be put in Chains, and carried him with him to *Germany*.

HENRY gave the Principality of *Capua* to *Pandulphus* Count of *Tiano*, and at the same Time he invested *Stephen*, *Melo*, and *Peter*, Nephews of the famous *Melo*, in that County, who had undertaken to maintain it against the *Greeks*, as their Uncle had done before. Thus did the Emperors of the West dispose of the Principality of *Capua*, and the Counties of which it was made up. But *Henry* being oblig'd to recall his Army on account of the excessive Heats of *Puglia*, which his *Germans* could no longer bear; he intrusted the Designs he had upon *Italy* to the Bravery of the *Normans*, leaving it upon them to drive the *Greeks* out of it. He recommended to them particularly, that upon any emergent Occasion they should assist the Nephews of the renown'd *Melo*, to whom he likewise gave some other

¹ Ofsiens. loc. cit.

² Ibid. lib. 2. cap. 39.

³ Ibid. de lib. c. 41.

famous *Normans* for Assistants; who, according to *Ostiensis*, were *Giselbertus* and *Gosmanus*, *Stigandus*, *Turstinus*, *Balbus*, *Walterus de Canosa*, and *Hugo Fallucca*, with eighteen other gallant Companions.

THE Emperor *Henry* likewise recommended these *Normans* to the Princes of *Benevento* and *Salerno*, and to *Pandulphus* of *Tiano*, the new Prince of *Capua*, bidding them to employ them on all Occasions. But these Princes soon forgetting the great Obligations the *Longobards* were under to the *Normans*, who had done them great Service against the *Greeks*, began to despise them; whether they thought they stood no more in need of them, or whether they took it in ill Part that they were employ'd in the Emperor's Service; they suffer'd them to wander in the Woods, without so much as allowing them a Place for Shelter, and deny'd them their wonted Pay.

THE *Normans*, who were not us'd to bear such Injustice, took Arms against the Inhabitants of the Country, and immediately brought them to be at their Discretion; and in order to obtain more securely what they wanted, they chose themselves a Leader of their own Nation. The first was *Turstinus*, one of those brave Men mention'd by *Ostiensis*, of Strength equal to his Courage, and every way qualified for the Post. But not long after this gallant Captain, by the Deceit of the *Puglians*, was attack'd by a Dragon, and tho' he kill'd him, yet died by the venomous Breath of that Serpent, as *Guilielmus Gemmeticensis* has it¹: However there were not wanting worthy Successors to revenge his Death, for the *Normans* unanimously chose *Rainulphus*, a valiant and skilful Warrior², who was the first of the *Normans* that took upon him the Quality of Prince in *Italy*, and who establish'd a certain and fix'd Seat in these our Provinces, as we shall see anon.

IN the mean time *Henry*, after having reign'd Twenty-two Years, in the Year 1025, ended his Days in *Germany*, without leaving any Issue; and on account of his Piety, and more for his singular Chastity, which, even tho' married, he would preserve, we now pay him the Honour due to Saints. He built many Churches in *Ramberg*, which he subjected to the Pope. A most prudent Prince, who, considering, that for want of Children, Confusion and Disorders might happen about the Election of his Successor, upon his Death-bed, he call'd for the Princes of the Empire, and nam'd *Conrad* Duke of *Franconia*, surnam'd the *Salick*, a wise and gallant Prince of the illustrious House of *Saxony*, to be his Successor³. The Princes of the Empire consenting, elected him King of *Germany* and Emperor: So that *Conrad* was advanc'd to the Throne, not by Hereditary Right, but by Election, as was the Custom, tho' he was nam'd by his Predecessor, as if the Electors with common Consent had intrusted *Henry* with the Election. Neither was that which *Otho* III. had prescrib'd, observ'd in his Election, for he was not elected by the seven Electors only, but by all the Princes; and *Otho's* Regulation was not put in Practice till long after.

BASILIVS Emperor of the East likewise died this Year 1025, and shortly after in 1028 *Constantine*, and *Romanus*, surnam'd *Argirus*, was elected their Successor.

¹ *Guilielmus Gemmet. lib. 7. cap. 30.*

² *Gemmet. loc. cit. Gul. App. lib. 1.*

³ *Antoninus 2 par. hist. tit. 16. cap. 4. §. 1.*
Virtute militari Strenuus, Sapientia, & Scientia
juris maxime florens.





C H A P. I.

*The City of Averſa founded, and Rainulphus the Norman made
firſt Count thereof.*



THE Death of *Henry*, and the Election of *Conrad*, chang'd the Face of Affairs in theſe our Provinces. The new Prince of *Capua*, *Pandulphus* of *Tiano*, on account of his abominable Practices, and eſpecially his Avarice, was abhorr'd by all. He had diſguſted the *Normans*, who ſeeing themſelves treated ſo unworthily, oppreſs'd the Country People, and held them in Subjection; therefore his own Vaffals deteſted him. He had likewiſe diſoblig'd *Guaimarus* III. Prince of *Salerno*, and by his Behaviour had brought Things to that paſs, that he became his inveterate Enemy.

ALL theſe Things wrought his Ruin, for after *Henry's* Death, *Guaimarus* us'd all Means to gain the Favour of the new Emperor *Conrad*, and manag'd Matters ſo well, that he enter'd into a ſtrict Correſpondence and Friendſhip with him. *Guaimarus* had married *Gaidelgrima* Siſter of *Pandulphus* IV. who was ſtill in cloſe Priſon in *Germany*: The firſt Favour he deſir'd of *Conrad*, was to ſet his Brother-in-Law at liberty, and to reſtore him to the Principality of *Capua* ¹. *Conrad* granted his Requeſt, and order'd him to be reſtor'd to that Principality.

RAINULPHUS, who with his *Normans* had been ſo ill us'd by *Pandulphus* of *Tiano*, ſeeing ſo fair an Opportunity to be reveng'd, preſently join'd with *Guaimarus*, and with their united Forces, reſolv'd to reſtore *Pandulphus* IV. to the Principality of *Capua*. This Prince being aſſiſted by *Guaimarus* and the *Normans*, as alſo by his old Friends he had in *Puglia*, and by *Bajanus* the *Catapanus* himſelf, and the Counts of *Marſi*, laid Siege immediately to *Capua*, in order to drive out his Competitor, who defended the Place for the Space of eighteen Months; but not being able to hold out longer, was oblig'd to ſurrender it to *Bajanus*, who took him under his Cuſtody and Protection, and ſent him, with his Son *John*, and all that belong'd to him, to *Naples*, where he was courteouſly receiv'd by *Sergius* who was then Duke of it.

PANDULPHUS IV. like all ambitious Men, not ſatiſfied with having recover'd his former Principality, was grievouſly offended that *Pandulphus* of *Tiano* ſhould be protected by *Sergius*, ſo that he began under this Pretence to reſolve upon new Enterprizes againſt the Dukedom of *Naples*.

HE had not ſhewn himſelf ſo grateful to the *Normans* as the important Service they had done him at this Juncture deſerv'd, wherefore they reſolv'd to eſtabliſh themſelves in ſome Place in that Neighbourhood: They firſt pitch'd upon a Place, which is thought to be that which we now call *Ponte a Selice*, three Miles above *Averſa*, which appear'd to be the moſt Fertile ²; but when they began to build, the Foundation prov'd Marſhy, therefore they quitted it, and built their City at ſome Diſtance from it, which afterwards, from their Name was call'd *Averſa la Normanna*, and was poſſeſs'd by *Rainulphus* with the Title of Count, for Reaſons which we ſhall relate.

¹ Oſtienſ. lib. 2. cap. 58.

² Gul. App. lib. 1.

PANDULPHUS IV. delay'd putting his Designs against *Sergius* Duke of *Naples* in Execution only one Year. The Dukedom of *Naples* was at this Time, after *Marinus*, whom the Anonymous *Salernitan* mentions, govern'd by this *Sergius*, and tho' by ancient Tenure it was subject to the Emperor of the *Greeks*, nevertheless it was govern'd by the Dukes with absolute Authority, in the Form and Disposition of a Republick. When *Pandulphus* march'd his Army against *Naples*, *Sergius* being unprovided, and at a great Distance from the *Greeks*, who could give him no Assistance, was forc'd to leave the City, which, after a short Resistance, surrender'd to Prince *Pandulphus*; this was the first Time that *Naples* had been subdued by the *Longobard* Princes, and made subject to their Dominion, after the Efforts of so many others, who never could conquer it; *Pandulphus* of *Tiano* having made his Escape, fled to *Rome*, where he soon ended his Days in a miserable Exile.

SERGIUS being driven out of the Dukedom of *Naples*, and not able to find Assistance for turning out the Invader any where else, very wisely had recourse to the *Normans*, assuring them of a more generous Treatment than they had hitherto had from the *Longobard* Princes. *Rainulphus*, who had been ill us'd by that Prince, embrac'd all Opportunities by which he might the better establish himself, and procure his own Advantage, and upon these Promises, accepted the Invitation, and with his *Normans* join'd *Sergius*, and did him such signal Service, that they forc'd *Pandulphus* to quit *Naples*, after he had been three Years in Possession of it, and restor'd *Sergius* to his Dukedom, to the great Glory and Reputation of *Rainulphus*.

SERGIUS, not following the Example of the *Longobard* Princes, was mindful of his Promises to *Rainulphus*, kept his Word, and enter'd into a strict Alliance with the *Normans*, and in order to a more close Union betwixt them, he married a Kinswoman of *Rainulphus*; and besides, to secure himself against the Insults of the Prince of *Capua*, he built a strong Fort betwixt that City and *Naples*, made *Rainulphus* a Count¹, and gave the Title of County to all the Territories about that City which they were building, and had then begun to inhabit, which cover'd the Dukedom of *Naples*; and seeing he was resolv'd to keep up an Aversion betwixt the *Normans* and the Prince of *Capua*, 'tis thought that on that account this City was call'd *Aversa*.

'TIS not improbable, what *Summontes*, from the Authority of *Joannes Villani*, says, that the Reason that induc'd Duke *Sergius* to give the Title of Count to *Rainulphus*, must have been, because that Territory was within the Demesnes of *Naples*, being only eight Miles distant from it; and the rather, because *Villani*² in his Chronicle of *Naples* says, that the *Normans* built *Aversa*, which formerly was a Castle belonging to *Naples*. But this Title, as we shall shortly see, was confirm'd afterwards to *Rainulphus* by the Emperor *Conrad*. Thus did the *Normans* begin to have a fix'd Residence in these our Provinces; but much greater Acquisitions follow'd afterwards, on the Occasions which we shall soon relate.

¹ Pellegr. in Stemmat. A. 1030. Ostiens. lib. 2. cap. 58.

² Chronic. Neap. Jo. Villani, lib. 1. cap. 60.

SECT. I.

The coming of the Sons of Tancred Count of Hauteville, and the Death of Conrad the Salick; and his Laws.

RAINULPHUS being thus establish'd in *Aversa*, set about fortifying himself there, and began to act as a Prince; he sent Ambassadors to the Duke of *Normandy*, inviting his Countrymen to come and partake with him of the charming Country, where he was already Master of a County; and to induce them the more, he gave them hopes of their having the same good Fortune: Upon this Invitation there came a much greater Number of *Normans* into *Italy* than at first; with these came the eldest Sons of *Tancred* of *Hauteville*, the Head of the Family, of whose numerous Off-spring, from which were descended the Heroes, who not only conquer'd these our Provinces, but likewise *Sicily*, we shall shortly give an Account.

The Expedition of the Sons of *Tancred* into these our Provinces ought to be plac'd in the Year 1035, they came not all the same Time, but the first were *William*, *Drogo*, and *Umbert*. The rest came afterwards, and only two remain'd in their native Country ¹.

THESE valiant Champions having first push'd their Fortunes in diverse Places, at last arriv'd in *Italy* with other *Normans*, and fix'd themselves in *Salerno*, under the Protection and Pay of that Prince. The Principality of *Salerno* was govern'd at this Time by *Guaimarus IV.* Son of *Guaimarus the Elder*, who had been dead since the Year 1031. This Prince, after the Example of his Father, had a great Esteem for these last *Normans*, whom he valu'd above all the rest of their Nation; whether it was out of Inclination or Policy, 'tis certain that he employ'd them in all his Affairs, and had such Regard for them, that he still heap'd Favours upon them; and therefore as a most prudent Prince, govern'd his State with Vigour and Magnificence.

ON the contrary, *Pandulphus* Prince of *Capua*, who had been ungrateful to them, by his Cruelty and Avarice, had gain'd the Hatred of every Body; his frequent Incurfions, and the Robberies which he committed on the Monastery of *Cassino*, oblig'd these Monks, in order to protect themselves from his Tyranny, to have recourse to the Emperor *Conrad* then in *Germany*, to whom with Tears in their Eyes they complain'd of the Destruction of their Monastery, and intreated him to come into *Italy* to relieve them from the Oppression of this Tyrant, putting him in mind that it was a Duty incumbent on him, because their Monastery was under his Protection, as it had been under the immediate Care of his Predecessors ².

TO this were likewise added, for hastening *Conrad's* coming into *Italy*, the Revolutions that had happen'd at the same in *Lombardy*, of which the Archbishop of *Milan* was reputed the principal Author ³. Therefore *Conrad* resolv'd at last to undertake a Journey towards these our Provinces; and in the Year 1038, having pass'd the *Alps*, with a powerful Army enter'd *Italy*, and stopp'd at *Milan*, where he quell'd the Insurrection, by imprisoning the Rebels, and likewise the Archbishop the Promoter of it. He soon after went to *Rome*, where he heard the Complaints of a Multitude of People against the Prince of *Capua*; he took Cognizance of his Crimes, and having gone to the Monastery of *Cassino*, sent Ambassadors to *Pandulphus* to induce him by fair Means to restore what he had unjustly taken from that Monastery; but he persisting in his Disloyalty, *Conrad* came to *Capua* himself, and *Pandulphus*, to avoid his Indignation, retir'd to the Castle of *S. Agatha*. The Emperor being receiv'd in *Capua* with great Pomp and Rejoicings, was, with great Solemnity, and the usual Ceremonies, crown'd there on the Feast of *Pentecost*. It was then the Custom of the Emperors to repeat these Solemnities frequently on the most solemn Days of the Year; for this see how the most incomparable *Pellegrinus* corrects the Anonymous *Cassinensis*; for *Conrad* was not first crown'd King or Emperor in *Capua*, it was in the Year 1026 that he was proclaim'd King, and the Year following Emperor, the first time he came to *Rome*. In the mean time *Pandulphus* us'd all Means possible to pacify *Conrad*, by begging his Pardon; at last he offer'd him Three hundred Pounds of Gold, the half of which he paid immediately, and the other half was to be paid at a certain Time, and in the mean while, until the whole was paid, promis'd, to give his Daughter and a Nephew as Hostages; the Emperor accepted the Offer, to whom he presently sent the Money and Hostages. But this Prince soon after repenting of what he had done, and reckoning that he might easily get in again to *Capua*, as soon as *Conrad* was gone, after many Delays, he at last refus'd to pay the Remainder of the Gold. *Conrad* having now discover'd the Intention of this Prince, and that he would no sooner begone, than, according to his mischievous Inclinations, he would quickly return to Rapine and Cruelty, resolv'd to deprive him intirely of the Principality of *Capua*, and give the Investiture of it to another.

FOR which end he call'd an Assembly of the Grandees, and many of his Barons, at which he would likewise have the Noblemen of *Capua* present, that nothing might be done without their Advice and Consent, and in case *Pandulphus* was to be depos'd, he might more maturely advance another, that should be more deserving of the Principality. *Pandulphus* was depos'd, and the Principality given to *Guaimarus*

¹ Malat. lib. 1. cap. 9, 11, 19, & 38. Ostiens. lib. 2. cap. 67.

² Ostiens. lib. 2. c. 65.

³ Antonin. 2 par. tit. 16. cap. 2. §. 1.

of *Salerno*, a most prudent Man, and in great Favour with the Emperor *Conrad*; and now these two Principalities were united in the same Person.

PANDULPHUS having left his Son in the Castle of *S. Agatha*, went to *Constantinople* to seek Assistance from the Emperor. But being prevented by *Guaimarus*, instead of giving him Assistance, the Emperor banish'd him, and he continu'd an Exile as long as the Emperor liv'd, which was above two Years; after whose Death, he was restor'd to his Liberty by his Successor; but, not able to procure any Assistance, he return'd without Success ¹.

AT this time *Guaimarus*, being mindful of the signal Services the *Normans* had done him, took hold of the Opportunity to advance them; and to shew the Desire he had for their Promotion, he procur'd from the Emperor, the Investiture of the County of *Aversa* in favour of *Rainulphus* ²; for tho', as we have said, *Rainulphus* had been made Count over the *Normans* by *Sergius* Duke of *Naples*; yet that was no more than a Dignity bestow'd on him by way of Office, that is to say, appointing him Captain over his fellow Soldiers, as *Pellegrinus* has learnedly explain'd it. The Emperors of the West at this Time, claim'd the sole Right and Prerogative to give the Investiture of Fiefs over all *Italy*: The Popes, in Imitation of them, pretended afterwards, that the Investiture of Benefices belong'd to them only, of which we shall have occasion to treat elsewhere. Therefore *Guaimarus*, in order to give the *Normans* a more sure Footing in the County of *Aversa*, got the Emperor to invest him in it, by Virtue of which Investiture, he enjoy'd not only the Office, but likewise the Fief of the City and County, and all those Royalties, that are usually comprehended in such Concessions.

THE *Normans* made suitable Returns for these Favours, for not long after, by their Assistance, *Guaimarus* took *Sorrento*, and reserving the Title of Duke of *Sorrento* to himself, gave that City to *Guido* his Brother. With their Assistance he likewise conquer'd *Amalphis*, which he kept to himself, and subjected it to his own Principality ³. Soon after he assum'd the Title of Duke of *Puglia* and *Calabria*, and so many Titles and Seignories were united in his Person, that no Prince in those Times, equal'd him in Power and Grandeur in these our Provinces. Wherefore in some Charters recorded by *Ughellus* in his *Italia Sacra*, granted by *Guaimarus* IV. we observe so many Titles ascrib'd to this Prince, as in one dated in *Melfis*, *Vigesimo Sexto anno Principatus Salerni Domini Nostri Guaimarii gloriosi Principis*; & *Sexto anno Principatus ejus Capuæ*; & *quinto anno Ducatus illius Amalphis*, & *Sirrenti* & *secundo anno supra scriptorum Principatum*, & *Ducatum Domini Gisulfi eximii Principis*, & *Ducis filii ejus*; & *secundo anno Ducatus eorum Apuliæ, & Calabriæ, mense Junii Duodecima Indictione* ⁴.

IN the mean time *Conrad*, having left *Capua*, went to *Benevento*, from thence by *la Marca*, he cross'd the Mountains, carrying with him the Hostages he had got from *Pandulphus*; and in the following Year 1039, ended his Days in *Germany*, leaving *Henry* his Son, surnam'd the *Black*, his Successor in the Empire.

AMONG the many Excellencies wherewith *Conrad* was adorn'd, was his Skill in the Laws, and the great Care he had in establishing them: Upon his Arrival in *Italy* at *Roncaglia*, as was the Custom of his Predecessors, he establish'd many prudent and wise Laws; some of which we read in the third Book of the *Lombard* Laws, others in the Books of the Feudal Law, and *Godafstus* collected many more of them in his Volumes ⁵.

HE was the first, who, to the Feudal Customs, added written Laws for regulating Successions; and to this Day the Succession to Fiefs is regulated according to the Custom which the *Lombards* introduc'd into *Italy*. Fiefs, as we have said, according to antient Custom, were wont to be granted for a Time only ⁶, the Granter reserving to himself the Power to resume the Fief at his Pleasure. Afterwards the Grant was made for one Year only; at length Fiefs were granted during the Vassal's Life; but did not go to the Sons: In fine, one of the Sons was included, which was when the Lord confirm'd the Fief to him, that had been granted to the Father;

¹ Ostiens. lib. 2. cap. 65.

² Ostiens. lib. 2. cap. 65. Rainulphum quoque, ipsius Guaimarii Suggestione, de Comitatu Averfano investivit.

³ Ostiens. lib. 2. c. 65. Eodem tempore Guaimarius Normanis faventibus, surrentum capit,

& fratri suo Guidoni contulit. Amalphim nihilominus suo dominatui subdidit.

⁴ Ughil. de Archiep. Amalf. pag. 255. tom. 7.

⁵ Goldast. tom. 3. pag. 312.

⁶ Lib. 1. Feud. tit. 1. §. 1.

last of all, the Grant was extended to all the Sons, and by the Feudal Customs the Succession went no further.

CONRAD the Salick, before he came to Rome to take the Imperial Crown, in the Year 1026, according to the Custom of his Predecessors, in the Assembly of the Princes and People in Roncaglia, being requested by his Vassals, that he would be pleased to admit to the Succession of Fiefs, not only the Sons, but likewise their Sons; which failing, that the Brothers of the Deceas'd might also succeed, consented, and therefore a Law was publish'd, That if the Vassal should have no Sons alive, the Grandson, by a Son, should succeed in the Fief; and that if he had no Grandsons, but Brothers lawfully begotten of the same Father, they should likewise possess the Fief¹.

THIS Law, which is fully recorded by Sigonius², though the Compilers of the Feudal Books have not inserted it all, is to be read in the Third Book of the Longobard Laws, in which were collected all the other Laws of the Emperors of the West, as Kings of Italy, which were in Force, not only in Lombardy, and in all the other Parts of Italy, but likewise in these our Provinces, except what was subject to the Greek Empire, for the Reasons formerly mention'd in the Course of this History, and especially in the Time of Conrad, when the Authority of the Emperors of the West was at the Height of its Greatness in the Principalities of Capua, Salerno, and Benevento; when they depos'd the very Princes, and dispos'd of their Principalities at their Pleasure; the Longobard Laws were in greater Force and of more Authority in our Kingdom, than the Feudal, as we shall see hereafter when we come to treat of the Compilation of these and the Feudal Laws.

GERARDUS de Nigris, a Senator of Milan, in his first Book of Fiefs³, has given us the Substance of this Law; and the Compilers of the other Feudal Books have neglected to insert it among the other Feudal Constitutions of those Emperors that succeeded Conrad, because it had been already inserted in the Books of the Longobard Laws, the Use of which was more frequent amongst our Forefathers, than that of the Feudal Books; though from one Place of Andrea d'Isfernia⁴, we gather, that it had likewise been transcrib'd in some Codes of the Feudal Laws, that were then in every Body's Hands, though in many Places mangled and torn.

WE have other Capitula of this Prince in the second Book of Fiefs, under the Title *da Capitulis Conradi*, likewise enacted in Roncaglia, in which also Fiefs are treated of. Neither, by the bye, is the Error of Carolus Molineus⁵ pardonable, when at the same time that he blames our Interpreters, who, through their Ignorance in History, fell into many Blunders, he himself stumbles upon what he had found Fault with in them, by attributing these Capitula not to Conrad the Salick, but to Conrad II.; for this Conrad, of whom he is speaking, was never in Italy, so that he could not enact them in Roncaglia.

WHENCE we are likewise convinced of the other Mistake of Molineus⁶, into which we cannot but admire, that besides Craig and Hornius, our most careful Pellegrinus⁷ should also have fallen, who, on very slender Grounds, have reckon'd Lotbair I. Grandchild of Charles the Great, Author of that Constitution, which we read in the first Book of Fiefs⁸, by which the Succession to Fiefs was extended to the Father's Brother; for if that Emperor had been Author of it, Conrad the Salick could not have been the first, who added the written Laws to the Feudal Customs; but Lotbair I. who held the Empire of the West more than 200 Years before Conrad.

BUT we are convinc'd, that this Law was Lotbair's III. (whom others with more Truth call II.; as for the other Lotbair, who for a few Days usurp'd the Empire after Berengarius, amidst so many Revolutions, we are not to mind him) and not Lotbair's I. because it was publish'd in Rome in the Year 1133 or 1137, under the Pontificate of Innocent, and not of Eugen, as we read incorrectly in the vulgar Code, in an Assembly (as was usual) of the knowing Men and Barons of many

¹ Lib. 3. LL. Longobard. tit. 8. de beneficiis | prohib. Feud. alien. per Lothar.
² Sigon. A. 1026. | ⁵ Molin. de Feud. num. 51.
³ Lib. 1. tit. 1. §. 2. | ⁶ Molin. de Feud. num. 33.
⁴ Andr. in Comm. in l. omnibus post. tit. de | ⁷ Pellegr. in dissert. pag. 62.
⁸ Lib. 1. Feud. tit. 19.

Cities of *Italy*; and *Conrad's* Law concerning Succession in Fiefs was confirm'd by *Lothaire*; and besides, the Succession was extended in favour of the Father's Brother, which *Conrad* had not done, as the incomparable *Cujacius* learnedly observ'd, tho' unjustly censur'd by *Pellegrinus*. This will be yet more evident when we consider, that if from the Time of *Lothaire* I. Uncles on the Father's Side, were allow'd to succeed to Fiefs, it would have been ridiculous to have intreated *Conrad* with so much Earnestness, as the Vassals then did, to extend the Succession to Brothers, when 200 Years before, it had been allow'd even to Uncles. We are convinc'd by other Arguments, that this Law ought to be attributed to *Lothaire* III. which may be seen in *Schilterus* and *Struvius*. But we must pardon this Mistake in the most careful *Pellegrinus*, who would meddle for once in Matters that did not concern him, but not in *Molineus*, who was most knowing in our Feudal Laws.



CHAP. II.

The Conquest of Puglia by the Normans.



WHILST *Conrad* was employ'd in setting the Affairs of *Italy* in order, there fell out in these our Provinces, such favourable Opportunities for the *Normans* to aggrandize themselves, as rais'd their Minds to more daring Undertakings. These noble and valiant Champions who fought under the Banner of *Guaimarus* Prince of *Salerno*, by various Conjunctions, became so powerful, that *Guaimarus* himself began to be jealous of them, especially the Interest which the Sons of *Tancred* acquir'd, gave him Umbrage, though he durst not shew it; whereupon, in order to get rid of these Suspicions, he bethought himself of Means for removing them to some distant Place on honourable Pretexts, being afraid to deal roughly with them in his own Territories; when behold an Opportunity offer'd, which was equally advantageous to both.

THE Empire of the East, which, as we have said, after the Death of *Basilus* and *Constantine*, was govern'd by the Emperor *Romanus Argirus*, by frequent Disorders and intestine Commotions, was miserably declining in its Grandeur and Splendor, and a great Part of it had been subdued by the *Saracens*, whose Fury these Emperors were not able to restrain. The *Greeks*, who imputed their Declension to the Cowardice of their Sovereigns, frequently mutiny'd, murder'd their Princes, and set up others in their Room, whom they thought capable to restore the Empire to its antient Grandeur; but being often disappointed in their Expectations, and yet most imprudently persisting in the same Course of Tumult and Slaughter, at last, were the Cause of the total Ruin of so great and vast an Empire. For this end, having advanc'd *Michael Paphlagon* to the Throne, they allow'd him barbarously to murder the Emperor *Romanus*. This cunning Prince, in order to get his Election approv'd of by the People, and to convince them that they had not been mistaken, as at other Times, in raising him to the Throne, resolv'd to gain their Esteem by a notable Conquest, by driving the *Saracens* out of *Sicily*, and reuniting it as formerly to the *Greek* Empire, from which it had been torn by these Barbarians; for which Purpose, in the Year 1037, he sent an Army into *Italy*, under the Command of the *Catapanus Georgius Maniaces*, who, upon his Arrival, did all that

was possible for putting the Designs of his Sovereign in Execution¹. The Fame of the *Norman* Valour had reach'd the furthest Parts of the East, so that *Maniaces* thought it absolutely necessary to have some of these gallant Champions to assist him in the Expedition; therefore in the Name of the Emperor, he begg'd of Prince *Guaimarus*, that he would let him have some of these brave Soldiers, that had lately acquir'd so great Reputation in his Country, assuring him that he would be very thankful for such a Favour. But there was no need of much intreaty to procure *Guaimarus*'s Consent to what he desired. He was as willing to give the *Normans*, as *Maniaces* was to have them, whereupon he acquainted them with the Emperor's Designs, and demonstrated, that their Compliance would be of great Advantage to them; he likewise promis'd them great Things, besides what the Emperor was to bestow on them.

THE *Normans*, considering that this Opportunity might not only put them in a way of acquiring Honour, but likewise be a Means of getting a more sure Footing, immediately accepted the Offer, and march'd from *Salerno*, in number Three hundred, having at their Head, *William*, *Draco* and *Umfred*, the Sons of *Tancred*, who not long before had come thither from *Normandy*². *Maniaces* received them with much Pleasure, and having presently sent for some Troops out of *Puglia* and *Calabria*, Provinces subject to the *Greeks*, caus'd the Fleet to be made ready, and sail'd immediately for *Sicily*, and arriving at *Messina*, laid close Siege to it. Such was the Valour of the *Normans* in this Expedition, that the Place soon surrendred, and *Maniaces* declar'd that this Conquest was owing to the *Normans* alone, which so heighten'd the Esteem he had for them, that he made them Presents, with fresh Promises, in order to encourage them to fight still more boldly³. He advanc'd further into the Country, and made himself Master of considerable Posts, and marching to *Syracuse*, laid Siege to it. This Place was commanded for the *Saracens*, by a certain *Arcadius*, who, vigorously attacking the *Greek* Army, put it in Disorder; but while he was boasting of this Action, *William* gave him such a furious Blow with his Lance, that he laid him dead at his Feet. At which both the *Greeks* and *Saracens* were equally astonish'd, and 'tis said, that it was on this Occasion he got the Surname of *Bracciodiferro*, or *Iron-arm*.

THE *Saracens* immediately rally'd their Troops; but *William* with his Men being posted at the Head of the *Greeks*, dispers'd them in such a Manner, that the *Greeks* remain'd Masters of the Field; but the *Greeks* taking Advantage of the Victory, which was solely owing to the *Normans*, for they had no other Share in it, but that of bare Spectators, took all the Spoil of the Enemies, and divided it amongst themselves, without leaving any Part of it to the *Normans*, who had acquir'd it by their Valour. For the *Greeks*, according to their wonted Vanity and Haughtiness, began to slight this gallant People, and to give the Command of Towns to *Greeks* only, without minding the *Normans*, contrary to what *Maniaces* had promis'd. But they being highly provok'd at so great Ingratitude, resolv'd to complain to *Maniaces* of these Wrongs the *Greeks* did them, that they might discover how he took it, and whether he approv'd of what had pass'd. There had accompanied the *Normans* in this Expedition, a gallant *Lombard*, of the Family of the Archbishop of *Milan*, according to *Ofsiensis*⁴, nam'd *Arduinus*; but *Curopolata* and *Cedrenus* will have it, that this *Arduinus* had been a Captain of the *Norman* Troops, who being well skill'd in the *Greek* Language, serv'd them as Interpreter; him they sent to *Maniaces*, to represent their Grievances, which he did in a very handsome Manner; but *Maniaces* taking these Complaints amiss, look'd upon them as an Incroachment upon his Authority, and upbraided the Messenger. Besides, *Arduinus* having taken a fine Horse from a *Saracen*, whom he had knock'd down, was commanded to restore him, as belonging to *Maniaces*, but refusing to comply, had not only the Horse taken from him, but was himself ignominiously whipt round the Camp⁵. *Gulielmus Pugliensis*⁶ and *Cedrenus*⁷ report, that this Affront was put upon *Arduinus* not by *Maniaces*, but *Doceanus*, who succeeded him in the Command. However that may be, the *Normans* taking the ignominious Usage as no less done to them, than to *Arduinus*

¹ Curopolata hist. fol. 109. Cedrenus hist. fol. 109. Lupus Protospata in Chron. Longob. p. 1. Chron. Earenf. apud Pellegr. A. 1038.

² Ofsiens. lib. 2. cap. 67.

³ Malater. lib. 1. hist. cap. 6.

⁴ Ofsiens. lib. 4. c. 63. Pellegr. in Castig. ad Lup. Protop.

⁵ Ofsiens. lib. 2. cap. 67. Malater. lib. 1. c. 8.

⁶ Guil. Appul. lib. 1.

⁷ Cedren. pag. 623.

who receiv'd it, highly incens'd, resolv'd to take Arms immediately upon the very Spot against the *Greeks*, in order to wash away with their Blood, the Injuries they had hitherto receiv'd; but *Arduinus*, who was meditating how to revenge himself to better Purpose, hinder'd them, and shewing himself more cunning than the *Normans*, perswaded them to take no notice of what had pass'd, any more than he himself would do, until he had accomplish'd a certain Design, which would pave the way to greater Conquests.

HE bethought himself, considering the Condition of the *Greek Forces* in *Puglia* and *Calabria*, that there was good Ground to hope, if they were invaded by the *Normans*, they would subject themselves to their Dominion; and indeed they could expect no better Opportunity than this; for these Provinces, by reason of the Expedition of *Sicily*, which the *Greeks* had upon their Hands, were quite drain'd of Troops, *Maniaces* having transported them, as we have said, to *Sicily* for this Expedition; neither was there any Thing to be fear'd from the Inhabitants, who on account of the harsh Government, and the Vanity and Haughtiness of the *Catapani*, had frequently rebell'd, and were only kept under by Force: So far were they from being willing to oppose those who endeavour'd to withdraw them from the *Greek Empire*, which they abhorr'd and detested to that Degree, that in order to shake it off, they had attempted to subject themselves to *Melo* their Countryman, and a Citizen of *Bari*. Besides they were much weaken'd by the Wars which our *Longobard Princes* had often made against them; but especially by the frequent Incurfions of the *Saracens*, who being fortified in *Monte Gargano*, kept *Puglia* in continual Fear and Confusion.

ON the other hand the *Normans* were still increasing in Number, some coming daily, either from *Normandy*, or the Holy Land, whither they went on Pilgrimage. The Settlement of *Rainulphus* in the County of *Aversa*, contributed much to the Support of the *Normans*; for, besides that *Sergius* Duke of *Naples* was his Ally and Kinsman, he kept his warlike *Normans* in so good Discipline, that they were always ready for any Undertaking, how great soever.

BUT besides all these Things, 'tis incredible how much the Confusion and Disorders that happen'd in *Constantinople*, which turn'd that Empire and all its Provinces topsy-turvy, conduc'd to this Undertaking. These were the most favourable Conjunctions which at last brought their Designs to bear in such a manner, as we shall by-and-by relate.

AR DUINUS, in order to cloke his Designs, seem'd no ways concern'd at the Affront, and the *Normans* likewise dissembled it, and, as if no such Thing had happen'd he behav'd himself civilly to all the *Greeks* of his Acquaintance. In short, he knew so well how to dissemble, that, as *Malaterra* relates ¹, having brib'd *Maniaces's* Secretary, he prevail'd so far upon him, that he obtain'd a Passport for himself, with some of his Men to go to *Calabria*. *Leo Ostiensis* ² relates, that in order to obtain this, he pretended he was going to *Rome* out of Devotion to visit the Holy Places; however that may be, the *Normans* having one Night imbarck'd with him, cross'd the *Phare* by means of the Passport without any Obstacle. They no sooner landed in *Calabria* than they began to destroy all the Country, and march'd towards *Puglia*, resolving to make themselves Masters of it, not without well-grounded Hopes of succeeding. For this end *Arduinus* went to *Aversa* to solicit Assistance from *Rainulphus*; to whom he laid open his Designs, that *Puglia*, a large and opulent, but defenceless Province, because the *Greeks* were become effeminate, would be an easy Conquest; and that it would be a Reproach, if now, when the Number of the *Normans*, so famous Warriors, and renown'd for so many Victories, was increas'd, they should be any longer coop'd up, betwixt Penury and Misery, within the narrow Bounds of a small County ³. *Rainulphus* was pleas'd with the Advice, approv'd of all that *Arduinus* had set forth, and without longer Delay assembled some Troops, committing them to the Charge of twelve gallant Captains; and that there might arise no Disputes, it was unanimously agreed, that the Conquests should be equally divided amongst them; and a half given to *Arduinus*, as the chief Author of the Undertaking, every one solemnly swearing exactly to observe what had been agreed to amongst them. *Arduinus* return'd with Three

¹ Malater. lib. 1.

² Ostiens. lib. 2. cap. 67.

³ Ostiens. loc. cit.

hundred Soldiers, and being join'd with some other *Normans* in *Puglia*, immediately besieg'd *Melphis*, one of the most considerable Cities at that Time in *Puglia*. The Inhabitants being surpriz'd, presently surrender'd the Place. They quickly after made themselves Masters of *Venosa*, *Ascoli* and *Lavello*. They so fortified *Melphis*, strong by its natural Situation, that it became impregnable, the Seat of their Dominion, and Head of all the other neighbouring Cities which they conquer'd. Thus the *Normans* this Year 1041, having made themselves Masters of a considerable Part of *Puglia*, soon after began to extend the Bounds of their Dominion over all the Province.

THE *Greeks* being surpriz'd at this Loss, and impatient to recover it, were prevented by the Disorders which luckily fell out in the East, as if they had been of purpose to favour the *Normans*, and which put all the Court of *Constantinople* in Confusion. The Emperor *Michael*, surnam'd *Papblagon*, whom the Empreſs *Zoe* lov'd so much, that for a Reward of the Familiarity they had had together, she rais'd him to the Imperial Throne, fell into a kind of an *Epilepsy*, and being wearied of Government, turn'd Monk. He left the Empire to his Nephew, likewise call'd *Michael*, surnam'd *Calaphates*, under the Tuition of his Uncle *John*; but this new Emperor, on account of his Cruelty, and for having turn'd out his Uncle *John*, to whom he ow'd so much, and much more for having treated the Empreſs *Zoe* so ungratefully, who had adopted him her Son, and rais'd him to the Imperial Dignity, had made himself so odious and abhorr'd of his Subjects, that by openly rebelling they restor'd *Zoe* to the Throne. She was no sooner restor'd, than she turn'd out *Calaphates*, caus'd his Eyes to be put out, and married *Constantinus Monomachus*, who also became her Colleague in the Empire¹. By reason of these preceding and subsequent Troubles, the Affairs of *Puglia*, *Calabria* and *Sicily*, went very cross for the *Greeks*. *Maniaces* began to think of taking Advantage of them, and was suspected of having a Design to take Possession of *Sicily* for himself, of which being accus'd at Court, he was quickly recall'd, and condemn'd to close Prison. These different Catastrophes hinder'd the Court of *Constantinople* from being able to put a Stop to the Designs of the *Normans*, who in the mean time had successfully executed in *Puglia*, what *Maniaces* had unfortunately attempted to do in *Sicily*.

BUT at last the *Greeks* lost all Patience, and the Emperor having assembled a powerful Army, sent it to *Puglia* under the Command of a new General nam'd *Ducio*, in order to recover the Cities that had been taken from them, with Orders to give no Quarter to the *Normans*, but to extirpate them altogether. They had a fierce Engagement at the River *Olievento*, but such was the Courage and Bravery of the *Normans*, that tho' the *Greeks* were much superior both in Number and Force, yet they broke them, and made a prodigious Slaughter among them, and *Ducio* escap'd with Difficulty, to send to *Constantinople* to acquaint the Emperor with the unfortunate Event². This Prince being terribly griev'd, caus'd other Troops to be assembled, and immediately sent them to *Ducio*: They fought a second Time at *Canne*, where the *Greeks* were likewise defeated. They engag'd anew at the River *Ofanto*, but the brave *Normans* gave them so terrible an Overthrow this third Time³, that they quite dispers'd them, and made themselves Masters of many other Castles in that Neighbourhood; and thus, enrich'd with the Spoils of the *Greeks*, they came to have a powerful Footing in that Province.

THESE gallant and skilful Warriors, lest their Power should create Jealousy in the neighbouring *Longobard* Princes, in order to gain the Affections of the People of the Country, resolv'd to chuse a Commander in Chief, of their Nation, whom they were to obey as their Fellow-Soldier. Prince *Pandulphus* III. who govern'd at this Time in *Benevento*, had a Brother nam'd *Adinolphus*, whom they unanimously elected for their Leader⁴.

IN the mean time the Court of *Constantinople*, which had been extremely surpriz'd at these unlucky Disasters, blaming *Ducio* for all, presently recall'd him, and caus'd a stronger Army to be assembled, and sent to *Calabria* under the Command of another General. This was *Exaugustus*, by *Malaterra* surnam'd *Annon*, Son of that

¹ Gulielm. Appul. Cedrenus, pag. 619. & seqq.

² Ostiens. lib. 2. cap. 67. Gaufr. Malat. lib. 1. cap. 9. Gulielm. App. lib. 1.

³ Gul. App. Ter Gallis illo Victoria contigit anno.

⁴ Ostiens. lib. 2. cap. 67.

Bugianus, who in the Empire of *Basilus*, had behaved himself so excellently well against the famous *Melo*¹; but he, who had no better luck than his Predecessor, having engag'd with the *Normans* under *Monte Piloso*, or as *Cedrenus* reports² at *Monopolis*, was so terribly routed (in which Action *Bracciodiferro* signaliz'd himself above all the rest) that the greatest Part of his Army being cut to pieces and dispers'd, he himself was taken and made Prisoner. The *Normans* being overjoy'd, and triumphing on so glorious an Action, held a Council amongst themselves how to dispose of *Exaugustus*, and resolv'd to make a Present of him to Duke *Adinulphus*; but this Prince left the *Normans*, and carried him to *Benevento*, in order to dispose of his Prisoner for his own Advantage, and, contrary to the Expectation of the *Normans*, sold him to the *Greeks* for a great Sum of Money.

THIS so highly incens'd the *Normans*, who had not observ'd great Tokens of his Courage in the many Engagements he had been with them, that they resolv'd to chuse another Leader, and unanimously elected *Argirus* the Son of the famous *Melo*, who not long before having been Prisoner in *Constantinople*, had cunningly made his Escape on the Death of *Michael Paphlagon*, and being arriv'd in *Puglia*, was kindly receiv'd by the *Normans*, who, for the Motives above related, not taking upon them as yet to elect one of their own Nation, thought it better to bestow that Honour on *Argirus*, by raising him up upon a Shield, according to the Custom at that Time us'd in *France*.

THE Court of *Constantinople* being to seek what Captain they should now send, resolv'd anew to make use of *Maniaces*, whereupon, they set him at Liberty, and sent him immediately to *Calabria* against the *Normans*³. *Maniaces* would signalize his coming above all the rest with unheard-of Cruelty, and struck so much Terror into the Country, that the *Normans* having engag'd him near *Monopolis* and *Matera*, and finding they were unequally match'd, thought it best to retire to some fortified Places, there to wait some lucky Turn, and till he had spent his Fury.

THEY were not disappointed, for soon after the Emperor *Calaphates*, as we have said, having been depos'd, and *Constantinus Monomachus* rais'd to the Throne by the Empress *Zoe*, whom she married: *Maniaces* hearing that the Advancement of *Constantine* gave Offence, resolv'd to make Advantage of the so many Disorders of the Court, and openly rebell'd against *Zoe* and *Monomachus*, with a Design to get himself proclaim'd Emperor by his Adherents; and having laid aside all Thoughts of Assistance from *Constantine*, he intangled himself in many difficult Undertakings, which created him Trouble, and gave him Diversion in many Places. For having thrown off all Respect and Obedience to his Prince, he barbarously laid waste all the Country about *Monopolis* and *Matera*, at the same Time that *Argirus* on the other hand had taken *Giovenazzo*, and besieg'd *Trani*; whereupon the Emperor *Constantine* sent *Pardus* into *Puglia* as new *Catapanus*, with a great Sum of Gold and Silver, in order to suppress the Rebellion of *Maniaces*; who being advis'd of it, surrounded him with his Soldiers, cruelly murder'd him, and stripp'd him of all his Treasure, which he shar'd betwixt himself and his Army, by which means he got himself to be proclaim'd Emperor, and put on all the Marks of Empire⁴; afterwards having in vain attack'd *Bari*, he retir'd to *Taranto*, where he had fix'd his Residence. There *Argirus* and the *Normans* besieg'd him; seeing himself not secure there, he went to *Otranto*, from thence, crossing the *Adriatick*, he arriv'd in *Bulgaria*; where engaging with *Stephanus Sebastophorus*, he was defeated and taken, and had his Head struck off and sent to the Emperor in *Constantinople*⁵.

THE *Normans* amidst so many Revolutions, neglected not to make their Advantage, so that with little Trouble they regain'd what they had abandon'd upon the coming of *Maniaces*. And by the new Conquests which they Daily made, having establish'd their Fortunes on a better Footing, for the greater Security, they resolv'd to have no Captain but one of their own Nation; and tho' they had a great Esteem for *Argirus*, yet they had observ'd, that under his Command they had not been able to maintain themselves against the Power of *Maniaces*, and that the greatest and most glorious Actions had been owing to *William Bracciodiferro*; they therefore thought it better to put themselves under his Command; whereupon they assembled

¹ Apul. lib. 1. Cedren. pag. 623.

² Cedren. pag. 624.

³ Gul. App. lib. 1.

⁴ Ibidem.

⁵ Cedren. pag. 624. & 25. Zonaras.

this Year 1043, in the City of *Matera*, where *Maniaces* a few Months before had exercis'd the greatest Cruelties, and elected him their Commander in Chief, and honour'd him with the Title of Count: He was therefore the first that was call'd Count of *Puglia*.

S E C T. I.

Of William Bracciodiferro, the first Count of *Puglia*, created in the Year 1043.

THIS was the first Title, and the Source of all the other Titles, which the Royal House of the *Normans* had in *Puglia*, and afterwards in *Sicily*; which it got, neither by the Authority of Pope *Benedict XI.* nor from the Greek Emperor *Constantine XI.* who at this Time reign'd in the East, but, as *Lupus Protospata*, and *Leo Ostiensis* relate, by the Election of the Captains, Soldiers and People, that is to say, the *Italian*, *Longobard* and *Norman* Lords, Heads and Prime Men of the Army, who being assembled in Council, ordain'd that the Title of Count should be conferr'd on *William Bracciodiferro*; which Decree being approv'd of by the inferior Captains, and all the *Italian* and *Norman* Army, he was by the Soldiery proclaim'd Count, which was a better and more legal Right, than if he had got it either from the Emperors of the East or West, or the Pope. 'Tis probable, as *Inveges*^{*} conjectures, that the *Normans* at this Election made use of particular Ceremonies in creating him Count; that besides the Sound of Kettle-Drums and Trumpets, which was the Custom at the Promotion of Counts (as may be seen in *Hugo Falcandus*, when *Riccardo di Mandra* was made Count of *Molise*) they made use of the old *Italian* Ceremony of putting the Standard in his Hands, as if he had been appointed chief Standard-Bearer of the *Italian* and *Norman* Confederacy, against the Emperor of the *Greeks*; and from that Time, in place of a Crown, the Counts wore above their Arms a plain Circle, without Jewels, in order to distinguish them from Marquisses and Dukes, and without Rays, to distinguish them from Princes.

THE *Normans* then having thus elected *William* Count of *Puglia*, in order peaceably to enjoy their Conquests, and to prevent Contention amongst themselves, resolv'd amicably to divide the conquer'd Places, as also those they had a mind to conquer. In the Beginning of their Dominion, they introduc'd a Polity and Form of Government, not unlike that which the *Longobards* had observ'd for the Space of ten Years, when upon the Death of *Clephis*, being unwilling to chuse a new King, they divided the Kingdom, and those to whom Counties were given in Charge, govern'd them with the same Laws and Institutions; but upon grave and weighty Emergencies they all conven'd in *Pavia*, where they discuss'd the most important Affairs of the Commonwealth.

THE *Normans*, tho' they fought under a Captain, whom they chose in order to avoid Confusion and Disorders, which usually fall out when Undertakings are not manag'd by one Person; nevertheless every one did his best, rather as a Fellow-Soldier than Officer, and many had equal Share in the Conquests, and gave the same Assistance. *Rainulphus* Count of *Aversa* had sent thither a good Body of Men under twelve Captains; *William Bracciodiferro* had very much signaliz'd himself in this Expedition; *Drago* and *Umfred* his Brothers had also distinguish'd themselves above all the rest; *Arduinus* the first Promoter of the Undertaking, and many other gallant Champions, did not fail to expose their Persons to all Danger, on all Occasions. Therefore from the Beginning, when they undertook so noble a Design, it was unanimously agreed, that what should be conquer'd was not to be given to one, but equally divided amongst them. And tho' *William* had been elected Count, yet that was only a Title of Honour, not that *Puglia* should be yielded to the Dominion of one single Person, as it was afterwards.

AT first they introduc'd a Form of Government rather *Aristrocratical*, than Monarchical, for by the Advice of *Guaimarus* Prince of *Salerno*, their ancient Ally,

^{*} Ostiens. lib. 2. c. 67.

they call'd a Dyet in *Melphis*, where they were all to be present, to which they likewise invited *Guaimarus* and *Rainulphus*. They divided the Cities thus; to *Rainulphus* Count of *Aversa*, was given the City of *Siponto*, and *Monte Gargano*, with all the Villages and Places belonging to them; to *William Bracciodiferro*, was given the City of *Ascoli*, and with common Consent the Title of Count was annex'd to it; to *Drago*, *Venosa*; to *Arnolius*, *Lavello*; to *Hugo*, *Monopolis*; to *Peter*, *Trani*; to *Walter*, *Civita*; to *Rodulphus*, *Catine*; to *Tristianus*, *Montepiloso*; to *Erveus*, *Trigento*; to *Asclittinus*, *Acerenza*; to *Rodulphus*, *St. Angelo*; to *Raimfridus*, *Minervino*; and to *Arduinus*, according to their Oath, his Share was likewise assign'd. Thus what they had hitherto conquer'd in *Puglia* was divided. The City of *Melphis* only, which was the first and strongest Place they had as yet conquer'd, was common to all. They reserv'd this City as a Place of meeting for consulting about the most important Affairs of their Nation; whereupon *Melphis* began to raise its Head above all the other Cities of *Puglia*, so that the Popes thought it a fit Place to hold a Council in; and *Amalphis* being likewise famous for its Navigation, occasion'd, that the *Ultramontane* Writers, not being well acquainted with our Cities, often confounding the one City with the other, have taken the one for the other, being deceiv'd by the Resemblance of the Names.

THESE did the *Normans* make themselves Masters of the greatest Part of our *Puglia*; neither were their Conquests confin'd to this Province, but were carried on in the other Provinces, as we shall shortly relate. They took *Puglia* from the *Greeks*, who were in Possession of it, tho' the Emperor of the West pretended a Right to it as King of *Italy*, to whom, as a Part of the Kingdom of the *Lombards*, it was subject, and govern'd by *Castaldi* sent by the Dukes of *Benevento*; and therefore, when it again fell under the Dominion of the *Greeks*, the *Othos* often attempted to subject it to the Empire of the West, tho' in vain.

MEAN while *Argirus*, seeing no Share had been allow'd him in the Distribution of the Cities, separated from the *Normans*, and did not mind his being neglected by them, because he had resolv'd to make himself Prince of *Bari*, as his Father *Melo* had been; he had deserv'd well of the Emperor *Constantinus Monomachus*, by having suppress'd the Rebellion of *Maniaces*, and oblig'd him to fly to *Bulgaria*, where he was put to Death; for which he not only obtain'd the Favour of this Prince, but he likewise gave him *Bari*, with the Title of Prince, and Duke of *Puglia*, and he was also made a Patrician, that, as his Vassal, he might support his Interest in these Provinces. Thus *Argirus* being fix'd in this other Part of *Puglia*, under the Protection of the Emperor of the East, gave Rise to the Principality of *Bari*, which at last came likewise under the Dominion of the *Normans*, as we shall relate.

IN the mean time the *Normans* as they acquir'd greater Power, so they became more bold, and in a manner insolent in attacking their Neighbours. Those who serv'd under *Rainulphus* Count of *Aversa*, frequently molested the Monastery of *Monte Cassino*, and at last came to open Invasion; but the Abbot opposing them, it would have broke out into a bloody War, if *Guaimarus* their Ally, and at the same time a Friend of the Abbot, had not interpos'd, and made Peace betwixt them.

BUT this Year 1046, the *Normans* were grievously afflicted for the Death of two of their famous Captains. Those of *Puglia* lost the renown'd *William*, the Director of all their Affairs, who was indu'd with wonderful Resolution and Courage against his Enemies, and Meekness and Affability towards his own Men. He, as *Gulielmus Appulienfis*, his Cotemporary, relates¹, was a Lion in Battle, and a Lamb in Conversation and Council. He reign'd only three Years in *Puglia*; and had been in *Italy* from the Year 1035 to his Death, twelve Years; he was buried in *Venosa* in the Church of the Trinity, a City, that in the abovemention'd Division had been assign'd to *Drago* his Brother. Those of *Aversa* shortly after lost Count *Rainulphus*, who, having left no Sons, was succeeded by *Asclittinus*, according to *Ostiensis*², surnam'd Count *John*, or as *Ordericus Vitalis* has it³, *de Quadrellis*. *Asclittinus* govern'd the County of *Aversa* but a short Time, for dying in the Year 1047, tho' he left Sons, the County was soon invaded by *Rodulphus*, by *Ostiensis* surnam'd *Capellus*, and by *Gulielmus Appulienfis Drincanottus*; but he was quickly turn'd out

¹ Gul. Ap. lib. 2. cap. 12.

² Ostiens. lib. 2. cap. 67.

³ Orderic. Vital. lib. 3.

by the *Aversans*, who chose another *Rodulphus* for Count, nam'd *Trinclinottes*, who dying soon after, the *Aversans* put *Richard* the Son of *Asclittinus* in his Place, who at that Time serving in the Wars in *Puglia* under *Drago*, whose Sister he had married, was recall'd by them, and got the Government of the County of *Aversa*. This was he, who in the Year 1058, having driven Prince *Pandulphus* V. out of *Capua*, made himself Master of that Principality, which he transmitted to his Posterity, as we shall relate: So that the first *Norman* Princes of *Capua*, were all descended from this *Asclittinus*; there's no occasion for confounding them with the other *Normans* of *Puglia* and *Calabria*, who were of the Race of *Tancred* Count of *Hauteville* ¹.

THESE likewise, on the Death of *William*, resolv'd immediately to appoint another in his Place; whereupon they chose *Drago* his Brother to be Count of *Puglia* ², a worthy and gallant Captain. *Pirri*, believing that *William* had left Sons, wrote, that the *Normans* having excluded these Sons, chose *Drago* his Brother in his Place, because it was their Custom to prefer the Elder Brothers to the Sons of the Deceas'd; but as *Inveges* well observes ³, that Reason is trifling, because amongst the *Normans* themselves, the Dukedom of *Normandy* went from Father to Son, as the *Norman* Chronicle and *Gordon* observe, and when Sons were wanting the Brothers succeeded; as *Robert* II. the sixth Duke, succeeded his Brother *Richard* III. who died without Issue, as *Gordon* observes, in the Year 1028. Hence 'tis more likely, that the Brother, and not the Son of *William* I. succeeded to the Title of Count, because *William* either had no Wife in *Italy* and *France*, or if he had, she was barren, according to *Inveges*; or that at first, the Counts of *Puglia* were not made by Succession, but Election.

¹ Pellegr. in Stem.

² Malater. lib 2. cap. 12. Exequiis celebratis, | suscepit.
secundus frater Drago totius Apuliæ dominatum | ³ Inveg. par. 3. A. 1046.

S E C T. II.

D R A G O II. Count of Puglia.

WHILST *Drago* govern'd *Puglia*, his younger Brothers who had continu'd in *Normandy*, were passionately bent on coming to see him; their Father *Tancred* was at great Pains to keep two of them at least with himself, to keep up his Family in *Normandy*. *Robert* and some of his Brothers came hither, bringing with them many other Gentlemen of their Nation, who came not arm'd, or with a Body of Horse and Foot, but disguis'd in the Habits of Pilgrims, with Staves in their Hands, and Budgets on their Shoulders, as if they had been going to visit the Sanctuaries of *Monte Cassino* and *Gargano*, in order to shun being made Prisoners by the *Romans*, who seeing this foreign Nation to be so flourishing in *Puglia*, were already jealous of it, as an Enemy both of the *Italians* and *Greeks*. Thus the *Normans* fix'd themselves, and increas'd daily more and more in *Puglia*; which was owing to the good Conduct of *Drago*, who in order to their better footing, caus'd *Umfred* his third Brother, and the Eldest of those that had come along with him, to be created Count; and to *Robert*, who was afterwards nam'd *Guiscard*, the eldest Son of *Tancred* by his second Wife, knowing him to be a Man of greater Parts, and more daring than the rest, he committed the greatest and boldest Undertakings; for having taken the Castle of *St. Mark* situated on the Frontiers of *Calabria*, he gave the Charge of it to him, with Orders, as Occasion should offer, by incroaching upon *Calabria*, to enlarge their Borders.

BUT whilst *Drago* was thus employ'd in raising his own Nation, there fell out other lucky Events at the same Time, which gave him more sure Footing in *Puglia* that he had newly conquer'd. The Emperor *Henry* II. as we have said, had succeeded his Father *Conrad* in the Empire, and being diverted by the *Hungarian* War, could not mind the Affairs of *Italy*; but having disingag'd himself the best way he could from that Expedition, he was for diverse Reasons necessarily forc'd to come into *Italy*. The News of so many Revolutions which happen'd in these our Provinces

Provinces drew him hither, over which, as King of *Italy*, he was not willing to lose that Sovereignty and Title his Predecessors had possess'd; and tho' he did not much mind the Growth of the *Normans* in *Puglia* and *Calabria*, thinking it would be for his Advantage if these two Provinces were wholly taken from the *Greeks*; nevertheless he was willing that the *Normans* should hold them of him; and as the *Lombard* Princes had acknowledg'd him for their Sovereign, so he would have the *Normans* do the same. But the Disorders and Confusions, and the abominable Enormities which arose in *Rome* on account of the Elections of the Popes, were the chief Causes of his coming to *Italy*; for the Imperial Authority being sunk in *Rome*, and the People having reassum'd the Power of electing the Pope, this Church fell again into Confusion and Disorder. This City had never been so grievously afflicted by the Avarice and abominable Behaviour of the Ecclesiastical Order as at this Time. The greatest Prelates did not stick to purchase with Money the greatest Offices, not excepting the High Priesthood, and that in Face of the Sun, and as publickly to expose the most sacred Functions to Sale. They did not stand in awe with open Force and Arms to invade the Cathedral of *St. Peter*; and when Faction and Arms fail'd, they had recourse to Ambition, Simony, Poison, Treachery, and Murder; for *Benedict* made no scruple to sell one Share of the Pontificate to *Sylvester III.* and another to *Gregory VI.* all three sitting in *Rome* at the same Time, which occasion'd horrible Confusion, especially when *Gregory*, both with Horse and Foot Soldiers possess'd himself of *St. Peter's Church*, and much strengthen'd his Party by a great Slaughter of his Opposers. Learning and the Doctrine of the Fathers were laid aside, and no Vestige of the Gospel remain'd. The Deacons, Priests, and even Bishops, were not asham'd to keep Concubines publickly in their Houses, even in *Rome*; neither did they blush to make their spurious Children their Heirs by their last Wills. In short *Rome* was become another *Babylon*, there being no Wickedness which they did not commit; insomuch, that few had Virtue enough to resist the Contagion; and those who have written of the Calamities of these Times, confess they want Words sufficient to express such heinous Enormities and Wickedness; and the famous Abbot *Desiderius*, who liv'd in these Times, being afterwards rais'd to the Pontificate by the Name of *Victor III.* giving a short Relation of these Debaucheries, declares that he had not the Courage to name them, because of the Horror such Looseness of Manners rais'd in him¹.

THEREFORE *Henry* came to *Rome* this Year 1047, and tho' he did what he could to redress so great Wickedness, by expelling *Benedict*, turning out *Sylvester*, and banishing *Gregory* to *Germany*; yet the Manners of the Ecclesiasticks were so detestable, and their Ignorance so great, that when a new Pope was to be chosen, *Ostiensis* laments sadly², that there was not one to be found in *Italy* worthy of that Office; so that to make the best of a bad Market, they were forc'd to elect a *Saxon*, Bishop of *Bamberg*, who took the Name of *Clement II.*

THE *Romans* being highly pleas'd with *Henry* for his good Conduct, elected him for their Patrician, and besides the Imperial, they adorn'd him with the golden Patrician Crown. *Henry* now disingag'd from the Affairs of *Rome*, set out for these Provinces, together with Pope *Clement*, to settle the Affairs thereof, visited *Monte Cassino*, and stopp'd in *Capua*³. Prince *Guaimarus* had held the Principality of *Capua* nine Years, and had been invested in it by *Conrad*, who had taken it from *Pandulphus*; but this Prince, on account of his many Acquisitions, gave great Jealousy to the rest; for after having added the Principality of *Capua* to that of *Salerno*, he had likewise subjeected the Dukedom of *Sorrento*, and the more considerable one of *Amalphis*; he had for Vassal the Duke of *Gaeta*; and moreover, with the Assistance of the same *Normans* whom *Argirus*, while he was besieging *Bari*, had sent him, he aspir'd to the Conquest of *Puglia* and *Calabria*; neither did he stick, as we have said, out of Vain-glory, to assume likewise amongst his Titles, that of Duke of *Puglia* and *Calabria*.

ON the other hand *Pandulphus*, who had been expell'd by *Conrad*, and after the Death of *Calefatus*, had been freed from his Exile by his Successor, was return'd to *Italy*, and with the Help of the Counts of *Aquino* and *Sesto*, began to think of getting himself restor'd to his Principality; whereupon after the Death of *Conrad*,

¹ Desider. lib. 3. in prin. Ab. de Noce in Excurs. hist. ad Ostiens. lib. 2. cap. 79.

² Ostiens. lib. 2. cap. 79.

³ Ibid. cap. 80.

who never could bear him because of his Cruelty, when *Henry* succeeded, he entertain'd better Hopes. For *Henry*, partly spur'd on by the Jealousy which the overgrown Power of *Guaimarus* had rais'd in him, and partly by the pressing Sollicitations and rich Presents of *Pandulphus*, came to *Capua*, and manag'd Matters so dextrously with *Guaimarus*, that he made him resign the Principality into his Hands, which he bestow'd on *Pandulphus* and *Landulphus* his Son ¹.

¹ Otfienf. lib. 2. cap. 80.

S E C T. III.

The first Investitures given by the Emperor Henry to the Normans.

THE Affairs of *Capua* being thus settled, *Henry* resolv'd to gain the *Normans* over to his Interest, and was very solicitous to have them to hold of him. Mean while *Drago* Count of *Puglia*, and *Rainulphus* Count of *Aversa*, had not neglected, as soon as *Henry* came to *Capua*, to tender him their Respects; they visited him, and made him a Present of many Horses, and a great Sum of Money. At this Time *Henry* gave the Investiture to these *Norman* Princes of the County of *Aversa* (as *Conrad* had formerly done to the other *Rainulphus*) and to *Drago* of all he possess'd in *Puglia* ¹. Thus did these new Princes get themselves more firmly establish'd in those Dominions, which they had possess'd hitherto by Virtue of no other Right but what the Law of Arms had given them. Altho' the *Normans* had taken *Puglia* and *Calabria* from the *Greeks*, and not from *Henry*, nevertheless the Emperors of the West pretended they belong'd to them as Kings of *Italy*, to whom these Provinces were subject during the Dominion of the *Longobards*; for regaining of which, the Emperors had had many Wars with the *Greeks*, therefore it ought not to seem strange, if on all Occasions that offer'd, they were willing to invest those who had taken them from the *Greeks*, which was now the Case of the *Normans*.

BUT *Henry* not only gave them the Investiture of these States, but likewise yielded them all the Territory of *Benevento*, on the Occasion which we shall relate. At this Time *Pandulphus* III. with his Son *Landulphus* govern'd the Principality of *Benevento* ²: *Henry* after he had invested the *Normans* in *Capua*, left that City in order to go to *Benevento*; the *Beneventans* remembering that they had always been ill us'd by the Emperors of the West, particularly by the two last *Otho's*, the Emperors Visits were no ways acceptable to them. Now that they heard of *Henry's* coming, and that he was bringing Pope *Clement* II. along with him, they refus'd him Entrance, shut their Gates, and fortified themselves. *Henry*, highly offended at the Affront, and not in a Condition to revenge himself at that Time, got the Pope to excommunicate the whole City; whence, as we have observ'd in another Place, 'tis evident, that long before *Gregory* VII. general Interdictions of whole Cities were in use in the Church; and not content with this, he took all the Territory from the *Beneventans*, and those open Places of the Principality that were easily conquer'd, and of his own Authority gave them to the *Normans* ³.

THUS *Henry* having better establish'd the *Normans* in the Counties of *Aversa* and *Puglia*, and part of the Principality of *Benevento*, return'd to *Germany*, carrying with him Pope *Clement*, and *Gregory* the former Pope, on whom he had pass'd Sentence of Banishment.

THIS Year then 1047, the Royal *Norman* House began to subject itself to take Investiture and Infeoffment, not from the *Roman* Pontiffs, who at this Time did not pretend to it, but from the Emperors of the West, who as Kings of *Italy*, for the Reasons already mention'd, believ'd that these Provinces belong'd to their Empire.

¹ Otf. loc. cit. Dragoni Apulie, & Rainulpho Aversæ Comitibus ad se convenientibus, & equos illi plurimos, & pecuniam Maximam Offerentibus, universam, quam tunc tenebant terram Imperiali investitura firmavit.

² Pellegr. in Stem.

³ Otf. loc. cit. Totam Civitatem a Romano Pontifice qui cum illo tunc erat excommunicari fecit, cunramque Beneventanam terram Normannis auctoritate sua confirmans, ultra montes exinde est reversus, Gregorium Expontificem secum asportans.

BUT

BUT whilst the Emperor of the West was thus disposing of these our Provinces, the Emperor of the East, who had been appriz'd, that *Henry* had granted the Investiture of *Puglia* to the *Normans*, and that he had dispos'd of this Province as if it belong'd to his Empire, and not to that of the East, as it did; and that therefore the *Normans* were establish'd in such a manner, that there were no Hopes left of expelling them out of it, full of Rage and Indignation, resolv'd immediately to send a new Officer nam'd *Argirus*, loaded with Gold, Silver, and rich Stuffs, that if he should not be able to drive them out by Force, he might endeavour to do it by Bribery, and inviting them in the Name of the Emperor to go over with their Troops into *Greece*, where they should have suitable Commands in a War he had resolv'd to make upon the *Persians*, by which they would reap great Advantage¹. The *Normans*, who immediately perceiv'd the Snare, answer'd him frankly, that they were resolv'd never to leave *Italy*, unless expell'd by Force. *Argirus* was so vex'd to see that all his Artifice was discover'd, that he resolv'd to make use of other more villainous Means. With the Treasure he had brought from *Constantinople* he brib'd many of the *Puglians*, and some that were most intimate with *Drago*, and among the rest, one nam'd *Riso*, who was likewise his Creature². This Traytor, whilst *Drago* in one of his Castles, nam'd *Montoglio*, was going to Church in the Morning, hid himself behind the Door, and flew upon him and kill'd him with a Dagger; the other Conspirators, who had also hid themselves with *Riso*, kill'd a great many of the Count's Guard, and made themselves Masters of the Fort. The same was done in diverse Parts of *Puglia*, where they had been acquainted with the Conspiracy; so that there was greater Slaughter made among the *Normans* by this Conspiracy, than had been in the Wars which had lasted many Years.

BUT *Umfred*, who had been made Count in *Drago's* Life-time, with extreme Grief being appriz'd of the Death of his Brother, and the barbarous and treacherous Murder of those of his Nation by the *Puglians*, presently join'd all his Forces, and having vigorously attack'd the Castle of *Montoglio*, after a long Siege made himself Master of it, and having got the Assassine, with his Accomplices into his Hands, put them to Death by different sorts of exquisite Torments. *Argirus* resolv'd to defend himself, by heading some few Troops which he assembled; but *Umfred* attack'd him, defeated him, and forc'd him to retire in Confusion, which brought him in Disgrace with the Emperor, so that soon after he died of Grief. From this Incident, the *Normans*, in order to be reveng'd of the *Greeks*, were resolutely bent on driving them out of *Calabria*, and began to keep a watchful Eye over the *Puglians*, and to treat them more roughly, who therefore being wearied of their Government, began to fill the World with Complaints, and to invent the most odious Calumnies against the *Normans*. They charg'd them as guilty of a Thousand Crimes; call'd their Government Tyrannical and Cruel, laid their Grievances before *Henry*, and shortly after before Pope *Leo*, whence proceeded the many Innovations and Disorders which we are now going to relate.

¹ Gul. Appul. lib. 2.² Malater. cap. 13.



C H A P. III.

The Origine of our Papal Investitures ; and the unfortunate Expedition of Leo IX. against the Normans. His Imprisonment and Death.



THE Subject we are now about to treat of, by reason of its Novelty and Oddness, needs no Recommendation : It contains an Attempt of the Popes upon this Kingdom, and in what Manner, and from what slender Beginnings they have at last obtain'd, that now it is reputed a Fief of the Church of Rome. Neither is the Oddness of it more surprising, than how, without an Army, without a Fleet, but only by their exquisite Cunning, and continual Application, they have been able to establish this Right, acquir'd by them not as Heads of the universal Church, or Patriarchs of the West, but as secular Princes, and to accomplish what neither the Emperors of the West, nor those of the East, by long Wars, and great Armies, could ever obtain. But the Quarrels of Princes, the Stupidity and Superstition of the People, the Ignorance and Barbarity of the Age, and the exquisite Cunning of the Popes, all put together, were sufficient to remove all Obstacles and Impediments.

FROM this Time forth, having occasion frequently to mention the *Roman Pontiffs*, that I may not be charg'd with Temerity, my Purpose is not to speak of them as High Priests, and Vicars of *Christ* ; but as secular Princes, who, in order to make themselves Masters of many States and Principalities in *Italy*, minded their own Interest, like all the other Princes, who had Dominion there. I shall make a just Distinction betwixt these two Personages ; when I have occasion to discourse of the Ecclesiastical Polity, then I speak of them as Heads of the Church, and Patriarchs of the West, who have the Government of our Churches. When they meddle with secular Affairs, they shall be represented only as Men, like other Princes. Therefore it will not seem strange to see them in these Times at the Head of Armies, making Leagues, and enlisting Soldiers : Which made the Schism betwixt the *Greeks* and *Latins* the more irreconcilable, and gave occasion to the *Greeks* to call the *Roman Pontiffs*, no more Bishops, but Emperors ; and *Petrus Diaconus*¹ in the Acts, of the Dispute which he had before the Emperor *Lothaire*, and which the Abbot of *Noce*² avouches for true, contrary to the Opinion of *Baronius*, relates, that a Philosopher having come out of *Greece* into *Italy*, made an Oration in presence of the Emperor *Lothaire*, and among other things told him ; *Romanum Pontificem, Imperatorem, non Episcopum esse* ; and the same Writer reports³, that having had a Dispute with the same Person about the Holy Ghost's proceeding from the Father and the Son, among other Things, the *Greek* upbraided him, and speaking of *Innocent II.* said, *In occidentali climate nunc impletum videmus quod Dominus per prophetam dicit, Erit, ut populus, sic sacerdos, cum pontifices ad bella ruunt ; sic papa vester Innocentius facit, pecunias distribuunt, milites congregant, purpurea vestimenta amiciuntur.*

³ TIS likewise true, that when their Dominions were not in a Condition to furnish them with Money sufficient to maintain numerous Armies, they frequently joyn'd

¹ Auctuar. Chron. Cass. lib. 4. cap. 115.

² Ab. de Nuce in Excurs. hist. ad dict. l. 4. c. 8.

³ Pet. Diac. loc. cit. cap. 116.

the Spiritual to the Temporal Arms, by which they became superior to the Princes, and terrible to the People. They had usurp'd the Power of deposing Princes from their Kingdoms and Dominions, of raising and pulling them down at their Pleasure, of creating Dukes and Counts, and even believ'd that they had likewise Power of making Kings and Monarchs; and in the latter Ages, they carried Matters to such an Excess, that there was not a Prince in *Europe*, that did not do Homage to the Apostolical See as a Vassal. In fine, by these means they came to pretend, that this Kingdom was a Fief of their Church, and to treat the Possessors as their Subjects and Vassals.

HENCE proceeded so many Revolutions, when the Popes invited foreign Princes to come and take Possession of this Kingdom; hence arose so many Wars and Disorders; and that in process of Time, the Kings of *Naples* considering that their Kingdom, for a long Tract of Land, bordering upon the Estate of the Church, was liable to be disturb'd by the Power of the Popes; some of them, unwilling to bear the Yoke, were in continual Enmity and War with them, and often made themselves Masters of *Rome*; others more peaceable, did not think fit to quarrel with them, remembering the Calamities that had happen'd on that account, in the Reign of the *Suevi*, and the latter Debates which King *Alphonfus* I. and *Ferdinand* his Son had often with them; and seeing the Jurisdiction of the Borders, Tribute, Collation of Benefices, Tenures of the Barons, and many other Differences would still be Bones of Contention, they resolv'd to cultivate Friendship with them, judging themselves abundantly secure if they had all, or at least a Part of the most powerful Barons of the *Roman* Jurisdiction depending on them¹.

WE shall now speak of the *Roman* Pontiffs, as Princes; and I look upon it as a better way to handle their Case as such, on this Subject of *Investitures*, than to bring them on the Stage in the other Quality. If secular Princes will but look narrowly into the first Rise of their Kingdoms and Monarchies, few will be able to make good their Titles; for the best of them will be found grounded either on War, Usurpation or Rapine; but long and peaceable Possession for many Ages, gives them sufficient Right to the lawful Possession of them now, and it would be unjust to invade them. Thus if we consider the Popes as secular Princes, possessing many States in *Italy*, though they cannot shew a lawful Title to their Claim of *Investitures*, as we shall see anon, yet it cannot be reckon'd null and void, because of their long Possession. But what is thought sufficient to a temporal Prince, perhaps will not support the Claim of the Vicars of *Jesus Christ*: They ought to make a nice Inquiry, not so much into the Time and long Possession, as into the Rise, the Occasions, the Rights and first Grounds of their Acquisitions.

BUT before we come to lay open these Sources, and how in those Times the *Roman* Pontiffs, by means of these *Investitures* began to incroach upon the temporal State of these Provinces, and at last made them Feudatory, it will be necessary that we give a succinct Account of the State they were in in those Times, and by what Princes they were govern'd.

THE three Principalities of *Benevento*, *Salerno* and *Capua* were subject to the *Longobard* Princes: *Pandolphus* III. with his Son *Landolphus*, reign'd in *Benevento*; *Guaimarus* IV. in *Salerno*, and *Pandolphus* in *Capua*. The Dukedom of *Amalphis*, with that of *Sorrento*, which formerly belong'd to that of *Naples*, were subject to *Guaimarus*. The Dukedom of *Gaeta* was govern'd by *John*; and that of *Naples* by *Sergius*. The greatest Part of *Puglia* was under the Dominion of the *Normans*, and *Calabria* was in danger, but as yet belong'd to the Empire of the East. The Emperors both of the West and East, pretended equally to the Sovereignty and supreme Dominion of all these States. The Emperor of the West, as King of *Italy*, claim'd it over all that Tract of Country, which formerly was comprehended in the antient Dukedom of *Benevento*, and included almost all the present Kingdom; so that he exercis'd all Sovereignty over the *Longobard* Princes, and took upon him to depose them and expel them their States, and to bestow them on others. He claim'd the same over *Puglia* and *Calabria*, which formerly, for the most Part, were annex'd to the Dukedom of *Benevento*; and there being no End of Ambition, there was no Corner of these our Provinces, which he did not claim as subject to him; whereby

¹ V. Guicciard. hist. Ital. lib. 1.

he assum'd the Power of investing *Rainulphus* in the County of *Aversa*, tho' this City had been built within the Jurisdiction of the Dukedom of *Naples*, which by antient Right, belong'd to the Emperors of the East, and not to those of the West.

ON the other hand, the Emperor of the *Greeks*, perhaps on better Grounds; pretended that all these Provinces belong'd to his Empire of the East, from which they had been wrested, and unjustly possess'd by the *Longobards*. That the Provinces of *Puglia* and *Calabria* indisputably were subject to it, and that the Dukedoms of *Naples*, *Amalphis*, *Gaeta* and *Serrento* held of it.

THE Sovereignty of these our Provinces was disputed and struggled for, betwixt these two Princes, which was the Occasion of the many Wars we have related in the Course of this History. Hitherto the *Roman* Pontiffs had not dream'd of claiming a third Share, nor pretended to any Sovereignty over them. Altho', by the Bounty of *Charles the Great*, and his Successors, they had got a Share of the Spoils of the *Longobards*, which these had taken from the *Greeks*, whereby they became Lords and Masters of the Dukedom of *Rome*, the Exarchate of *Ravenna*, *Pentapolis*, and some other Cities of *Italy*, as we have seen in the preceding Books of this History; yet they had never intermeddled with these Provinces which now compose our Kingdom; and though we read in *Ostiensis*, that they pretended to have a Right over *Gaeta*, and had possess'd it for some time, nevertheless it was soon recover'd by the *Greeks*, and afterwards govern'd by its own Dukes; and these very Pretensions, which we read were confin'd to *Gaeta* alone, convince us the more, that all the Countries of the other Provinces were intirely out of the Question. Neither in these Times could such Pretensions be grounded on the counterfeited Donation of *Constantine*, or on that of *Charles the Great*, or *Lewis the Good*; for it is the constant Opinion of the most grave Authors, that all those Instruments and *Diploma's*, in the Manner they are now conceiv'd, were forg'd in the Time of *Hildebrand*; and much less could their Pretensions be founded on what we read of *Lewis the Good*, and the other Emperors his Successors, their having confirm'd the Patrimonies of *Benevento*, *Salerno*, *Capua*, *Naples* and those of *Puglia* and *Calabria*; for these Patrimonies, as we have seen elsewhere, were nothing but the Possessions, which the Church of *Rome*, by the Piety and Bounty of the Faithful, had in these Provinces, and were call'd *St. Peter's* Patrimony; so that *Chioccarelli*¹ was in the wrong, in order to give a Foundation to these Investitures, to rely on *Constantine's* Donation, and the Grants of *Lewis* and *Otbo*. Neither was it ever heard, that the Princes of *Benevento*, *Salerno* or *Capua*, and much less the *Greeks*, had ever acknowledg'd the *Roman* Pontiffs for their Sovereigns, or had ever sought Investiture of their Dominions, by becoming their Liege-men, or swearing Fealty and Homage to them.

'TIS very evident then, that the *Roman* Pontiffs had no manner of Superiority or any Right whatsoever, over these our Provinces, sufficient to justify their Claim; but by the Opportunities that were laid open to them in these Times, and which they greedily embrac'd, and cunningly made use of, at last they acquir'd it in the Manner we are going to relate.

AFTER the Death of *Clement II.* which fell out in *Germany*, whither, Nine Months before, he had gone in Company with the Emperor; *Benedict*, who had been expell'd by *Henry*, and had retir'd to, and fortify'd himself in his own Castles, immediately invaded the Papacy a-new, but could not hold it above Eight Months, for the Emperor *Henry* quickly sent *Pope* Bishop of *Brixen*, from *Germany* to *Rome*, in order to succeed *Clement*, who took the Name of *Damasus*. He died of Poyson 23 Days after his Exaltation, and the *Romans* intreated *Henry* to send them for Successor, *Bruno* Bishop of *Toul*, a *German* by Nation, and of Royal Descent, but much more famous for his Learning and Sanctity: in the Year 1049, they elected him Pope, and he was nam'd *Leo IX.*

IT was then thought, as his Co-temporary Writers² report, that by the Election of so eminent a Person, in such wretched Times, very rare to be found, the Affairs of *Rome*, and these our Provinces, would be restor'd to a State of Tranquillity, the Disorders of the Clergy be at an end, and *Italy* enjoy a settled Peace; but tho' the Piety of *Leo* and his unspotted Life were such, that at last he was Canoniz'd; nevertheless tho' not so much by his own Inclination, as by the Instigation of others, he

¹ Chioc. tom. 1. celi. Invest

² Desiderius Abb. Ostiens. lib. 2. cap. 31

was reputed the Author of many Innovations, which produc'd sad Disorders, and very pernicious Consequences. It was he, who, travelling through *France* in his Pontifical Habits, met *Hildebrand* a Monk of *Cassino*, at *Clugny*, a Man of singular Cunning, and was persuaded by him, to strip himself of his Pontifical Garments, and enter *Rome* like a Pilgrim, and get himself elected Pope by the People and Clergy, in order to abrogate the Abuse of receiving the High Priesthood from Laick Hands. This was the Seed of the many Disorders and cruel Wars, about Investitures, betwixt the Popes and the Emperors of the West, who seeing this Privilege, which for many Years they had maintain'd, contraverted, march'd Armies in order to preserve it, burning and destroying where-ever they went; and on the other Hand, the Successors of *Leo*, and especially this same *Hildebrand*, who was afterwards Pope, with Excommunications, Depositions and Conspiracies, stirr'd up Children against their Parents, and put all *Europe* in Confusion; so that being more influenced by *Leo's* Example, than the Strength of Reason, the Popes became more bold and obstinate in their Enterprizes.

BUT much more pernicious, and of much worse Consequence was the other Example of *Leo's* putting himself at the Head of Armies. We have formerly seen the Popes *John VIII.* and *X.* at the Head of Armies; however they had at least the Pretence of fighting against the perfidious and infidel *Saracens*, and their Adherents; but *Leo* took up Arms against the purest Christians, such as the *Normans* were, who, for Piety and Catholicism, were inferior to no Nation whatsoever; he fought without a reasonable Cause, or Pretence of Religion; but purely for enlarging the temporal Power of the Church, and increasing her worldly Riches; he made a most unjust War, so unpleasant to God, that his Wrath and Indignation were visible in the unhappy Success. If his Predecessors, who, for their abominable Lives, were look'd upon as the Plagues of Mankind, had undertaken such a War, the Example wou'd not have had such mischievous Effects on his Successors; but being done by *Leo*, a Holy Pope, it made them the more bold, and afterwards to be guilty of greater Extravagances and Novelties; not adverting to what *Peter Damian*, a Co-temporary Writer, speaking of this Conduct of *Leo*, says, That the Apostle *Peter* was a Saint, not because he denied Christ, but on account of his other excellent and incomparable Virtues; so *Leo*, not for this Deed, but because of his Innocence and unspotted Life, deserv'd this Title.

LEO IX. out of Piety and Devotion, had frequent Occasions of visiting many Parts of these Provinces. This same Year 1049, in which he was advanc'd to the Pontificate, and in which *Pandolphus* Prince of *Capua* died, he came to visit the Sanctuary of *Monte Gargano*, and in his returning, that of *Monte Cassino*, where he convers'd very familiarly with these Monks, and adorn'd that Monastery with many Prerogatives, and from thence went to *Rome*. But soon after in the following Year 1050, he return'd hither anew; there are some who write, that this same Year he held a Council in *Siponto*, where he depos'd two Archbishops; but *Wibertus* alone makes mention of this *Sipontine* Council, for *Ostiensis*, nor any other Writers do not so much as speak of it. After having visited these Sanctuaries, he resolv'd to see the most conspicuous Cities of the Country; he went first to *Benevento*, where he had an Opportunity to gain the Affections of these Citizens, and make them to be at his Devotion; for this City being still under the Interdiction of his Predecessor *Clement*, he took that off.

THE next Year he went to *Capua*, from thence he return'd a second Time to *Benevento*, and the same Year 1051, he likewise visited *Salerno*. This City the following Year 1052, was in the greatest Confusion, on account of the horrible Assassination of *Guaimarus* by a Conspiracy, contriv'd against him by the *Amalphytans*, whom he had us'd ill, and by their Adherents and some *Salernitans*, who having cruelly murder'd him on the Sea-shore, surpriz'd the City. But *Guido*, the Brother of *Guaimarus*, being assisted by the *Normans*, the fifth Day after retook it, and restor'd it to *Gisulphus* the Son of *Guaimarus*, who succeeded his Father in the Principality.

BUT during the Stay which the Pope made in these Cities, he was glad to hear the Complaints of the *Puglian* and *Longobard* Princes against the *Normans*, who

¹ Ostiens. lib. 2. cap. 85.

growing stronger every Day by their new Acquisitions in *Calabria*, and the Principality of *Benevento*, began to create Jealousy in their neighbouring Princes, and especially in Pope *Leo*, who, as his Predecessors had been jealous of the *Longobards*; could not endure the Prosperity of the *Normans*, and finding they would not easily part with what they had once acquir'd, and that they frequently incroach'd upon the Possessions of the Churches, he thought it inconsistent with his own Interest, that of the Emperor his Cousin, and of *Italy*, to suffer this Nation to proceed in their Conquests; therefore he resolv'd to go to *Germany*, as he did this same Year 1051, and laid before the Emperor *Henry*, that the *Normans* were now become very grievous to the Inhabitants of the Country, by extending their Limits beyond the Places with which he had invested them, and that they attempted to subject all these Provinces, and withdraw them from their Allegiance to the Empire of the West; that they were so insolent as even to rob the Goods of the Churches; that they were no longer to be born with, because they would occasion greater Mischief, but ought to be expell'd *Italy*; that he himself had Courage enough to do it, and if the Emperor would send a good Army into *Italy*, he would put himself at the Head of it, and drive these Tyrants quite out of the Country. *Leo* prevail'd so far with *Henry*, that he consented to his Request, and having caus'd a powerful Army to be assembled, gave him the Command of it, with which he march'd towards *Italy*. But *Geberardus* Bishop of *Eichstat*, a Creature and Counsellor of the Emperor, disapprov'd of it, as scandalous in the Popes to put themselves at the Head of Armies against Christians; and could not forbear chiding the Emperor, and wrought so much upon him, that all the Army, except a few Troops left with *Leo*, was countermanded. Neither ought it to be pass'd over in Silence, that this same Bishop, when he was afterwards Pope, by the Name of *Victor II.* presently was of another Mind, and was sorry for what he had done, in depriving *Leo* of such powerful Assistance, perhaps thinking, that he would have been able to have advanc'd the Interest of his See thereby, more than he had done, seeing by his Imprisonment he had made it worse.

NEITHER did *Leo* neglect at this Juncture to take Care of the Interest of the Church of *Rome*, by a Commutation, in which both himself and the Emperor found their Advantage. *Henry I.* by the *Germans* nam'd *II.* out of his own Patrimony, had caus'd to be built a magnificent Church in *Bamberg* in Honour of *St. Gregory*; and being desirous to have it erected into a Cathedral, got Pope *Benedict* to consecrate and erect it into an Episcopal See; but the Emperor was oblig'd, by way of yearly Tribute, to present to the Church of *Rome*, a fine white Horse, with all his Trappings and Furniture, besides a hundred Marks of Silver likewise every Year. *Henry the Black* now resolv'd to get this Church freed from that Tribute and Subjection to the Church of *Rome*, as too great a Burthen upon it; *Leo* did not refuse to do it, but it could not be executed without something else was given to the Church of *Rome* in lieu of it; therefore he thought on some Expedient, which was quickly found out to both their Advantages.

HENRY, by reason of the Indignity the *Beneventans* had put upon him, in shutting him out of their City, mortally hated *Benevento*; and considering that it would be a difficult Matter for him to bring it under his Obedience, in order to be reveng'd, he resolv'd to exchange it with the Pope for the Claim he had on *Bamberg*. The State of the Principality of *Benevento* at this Time, as we have said, was this: The City was govern'd by Prince *Pandulphus* and *Landulphus* his Son, but a great Part of it was already under the Dominion of the *Normans*, to whom this same *Henry*, on the Occasion we have told, had given all the Lands of *Benevento*; neither had the *Normans*, who, without such a Gift, were ready enough to incroach upon their Neighbours, neglected to possess themselves of the rest of the Principality. Thus *Henry*, who parted with little of his own, except the Right of Sovereignty, which he pretended to over that City, then possess'd by *Pandulphus*, gave the City of *Benevento* to *Leo* in exchange, which he had not granted to the *Normans*, it not being included in the *Beneventan* Territories with which he had some Time before invested them. And 'tis not to be thought, that this Exchange could have been made for the whole Principality of *Benevento*, tho' at this Time it had been much lessen'd by the Principalities of *Salerno* and *Capua* being wrested from it; nevertheless it comprehended many Cities and Towns of the large Province of *Sannio*, in which were contain'd the two *Apruzzi*, the County of *Molise*, and also many other Parts of other Provinces;

Provinces; and it would be Folly to think that the Principality of *Benevento* would have been given in Exchange for a hundred Marks of Silver, for the white Horse was not remitted; neither truly can it be conceiv'd, how certain modern Writers, some inconsiderately, others maliciously, could take upon them to write such Extravagances without the Support of any cotemporary Writer, and instead of the City of *Benevento*, to write the Principality of *Benevento*; for we have no Writer more ancient, that mentions this Exchange, than *Leo Ostiensis*¹, who plainly relates, as the Thing itself demonstrates, that there was such an Exchange of the Bishoprick of *Bamberg*, for the City of *Benevento*, and not for the Principality; and *Petrus Diaconus*², who wrote soon after *Leo*, mentions only the City, and not the Principality; and the Event evinces the Truth of it, for the Church of *Rome* has retain'd the City only, and not the Principality, over which it never pretended the least Right, but it has undergone the same Fate with all the other Provinces, as will be seen in the Course of this History. But this Exchange did not take Place at this Time; for tho' upon *Leo's* coming into *Italy* with the Troops which the Emperor had given him, Prince *Pandulphus* and his Son had been banish'd that City³, and a certain *Rodulphus* elected Prince of *Benevento*, yet nevertheless they soon return'd, and possess'd *Benevento* many Years, until they were expell'd it by *Robert* in the Year 1076, from which Time by Agreement made with the *Normans*, the City of *Benevento* began to be govern'd by the Church of *Rome*, and the Principality by the *Normans*, as we shall relate hereafter; so that the new *Neapolitan* Historian⁴ is widely mistaken, who with a great Ostentation of Eloquence in relating the Transactions about this Exchange, says, it was made with the Principality of *Benevento*; and it seems he never had read *Ostiensis*, who speaks only of the City of *Benevento*.

IN the mean time, *Leo* having put himself at the Head of a great Army compos'd of *Germans*, and a good Body of *Italian* Troops, consisting not only of Laicks, but also Clergy⁵, gave the Command of the *Germans* and the *Suevi*, to *Guarnerius* a *Suevian*, and of the rest to *Albertus Tramundus*, *Asto*, and *Rodulphus*, whom a little before he had made Prince of *Benevento*, and march'd the Army towards *Puglia* in order to find the *Normans*, who being much inferior in Number, he believ'd he could easily defeat and drive them out of *Puglia*, and all the Places they had hitherto conquer'd.

THE *Normans* being surpriz'd at the News of this March, were terribly afraid, not only because by the Conspiracy hatch'd against them by *Argirus* they had lost their chief Commanders, and the greatest Part of the gallant Warriors, but likewise because they had to do with an Army not compos'd of *Greeks* and *Puglians*, but of *Germans*, Men of prodigious Stature and Strength, courageous and skill'd in military Affairs; besides they could not trust the *Puglians*, by reason of the Hatred they bore them. Therefore they bethought themselves of Means how to ward off the impending Danger; whereupon they sent Ambassadors to the Pope to desire Peace of him; they offer'd to subject themselves in all Matters relating to him; that they pretended only to possess those Lands they had acquir'd with the Sweat of their Brows and their Arms; that they had not robb'd the Churches, offering their Service with all the Submission and Respect imaginable. But *Leo*, who thought he was sure of Victory because of his strong Army, and being likewise push'd on by the *Germans*, who despis'd the *Normans* on account of their low Statures, dismiss'd the Ambassadors with a very harsh Answer, That he would make no Peace with them, unless they would march out of *Italy*; but they replied, That it was next to impossible to oblige so great a Multitude to go shift for themselves and Families; all their Requests were to no Purpose, they were sent back without concluding any Thing.

WHEN these hard Terms were reported to the *Normans*, they became desperate, and resolv'd rather to die honourably, than basely and shamefully to part with what they had acquir'd with so much Toil and Labour; and notwithstanding the Inequality of their Forces, and want of Provisions, chose to accept of the Battle, tho' with so great Disadvantage, and every one of them to die or be Victorious.

¹ Ostiens. lib. 2. cap. 46. Postmodum Leo IX. Papa Vicariationis gratia Beneventum ab Henrico, Corradi filio recipiens, prædictum Episcopium Bambergense sub ejus ditione remisit, equo tantum quem prædiximus sibi retento.

² Petr. Diac. ad Ostiens. lib. 2. cap. 84.

³ Chron. Duc. & Princ. Benev. apud Pellegr. pag. 266. & exiliati sunt.

⁴ P. Giannettas. hist. Neap. lib. 9.

⁵ Lambert. apud Baron. A. 1053. num. 3. Item, alios quamplures tam Clericos, quam Laicos in re militari probatissimos.

THEREFORE they divided their Army into three Bodies, and gave the Command of them to their most renown'd Captains, of which Count *Umfred*, *Robert Guiscard*, and *Richard* Count of *Aversa*, the Son of *Asclettinus*, who had succeeded *Rodulphus*, were the most eminent.

IN the mean time *Leo* drew up his Army in Order of Battle in a great Plain near *Civitate*, in the Province of *Capitanata*¹, and having dispos'd it under the foresaid Commanders, there was nothing to hinder the two Armies from engaging, but a little Hill that divided them. The *Normans* were the first that mounted it in order to view the Enemy, and finding that they consisted of a great Number of *Italians*, who knew nothing of military Discipline, and a few *German* Troops regularly drawn up, and much more to be fear'd, took their Measures accordingly, and divided their small Army into three Bodies. The right Wing was given to *Richard* Count of *Aversa*, in order to charge the *Italians*; *Umfred* commanded the main Body, with what Cavalry there was for attacking the *Germans*; and *Robert Guiscard* had the left Wing, with a good Number of chosen *Calabrians* who had ingag'd in their Service ever since they had been in that Country. He had Orders not to advance much, but to serve for a small *Corps de Reserve*, to be always ready to sustain the rest of the Army, and in Time of need to supply it with fresh Troops.

RICHARD first of all charg'd the *Italians* commanded by *Rodulphus* so suddenly and resolutely, that they had not time to make the least Resistance. Their Fear put them into such Confusion, that in Retreating, the one half bore down the other, and *Richard* gallantly pursuing them, they took themselves to a shameful Flight, so that this brave Commander, what with the Sword, and what with Darts, made a terrible Slaughter².

COUNT Umfred had much ado to manage the *Germans*, and especially the *Suevi*. He discharg'd a terrible Shower of Arrows upon them, which they return'd him in the same Manner, after which they fell upon one another with their Swords, and made a dreadful Slaughter on both Sides. Then *Robert Guiscard* thought it time to come to his Brother's Assistance; which he did immediately, with *Pandulphus* and *Landulphus* his Son, who had been banish'd *Benevento*³, back'd likewise by his *Calabrians*, who under his Discipline had become gallant Soldiers; he threw himself with Fury into the Midst of the Enemy. The Battle was desperate, and the Bravery of *Robert* incredible; so that at last he defeated and put the Enemy into such Confusion, that after having made a prodigious Slaughter, perceiving there were still some remaining, he made a fresh Attack, and cut them all to pieces⁴.

THE Pope, who at a little Distance beheld this bloody Tragedy, seeing himself brought into such Distress, when he least thought of it, resolv'd to retire to the City of *Civitate*⁵; but he was not long safe there, for it was presently besieg'd, and he forc'd to surrender. One may easily conceive what Perplexity of Mind the Pope was in, and how he was puzzled when he fell into the Enemies Hands, whom he had treated so harshly and severely, and whom he took to be a barbarous and inhuman People, without Religion, and had describ'd them as such to the Emperor *Henry*.

BUT he quickly found how much the *Normans* had the Christian Religion at Heart, and what Regard they had for him, whom they respected as the Head of the Christian Church, and Vicar of *Jesus Christ*. For seeing as a Secular Prince he had made War against them, they might have treated him as they thought fit *Jure Belli*, and according to the Laws of Victory. But they were not then so learn'd, as to conceive a Distinction betwixt two Persons in one Man, an Invention of Churchmen to cloke the monstrous Conduct of a Pope, which was no ways consistent with the Character of *St. Peter's* Successor. They look'd upon him always on account of his sublime Character, as worthy of the utmost Respect and Veneration, Religion, which they so much regarded, could inspire, and with singular Piety, and profound Respect, conducted him honourably and decently to their Camp. They not only set him at Liberty, but *Umfred* took his Parole, and with a great many of his Officers accompanied him to *Benevento*⁶, and besides told him, that if

¹ Malaterra, lib. 2. c. 14.

² Ostiens. lib. 2. cap. 87.

³ Chron. Duc. & Princ. Benev. apud Pellegr. pag. 266.

⁴ Ost. loc. cit. Omnibus tandem in ipso certamine trucidatis, Normanni Dei judicio extitere victores.

⁵ Malater. lib. 2. cap. 14. Intra Urbem Provincie Capitanatæ, quæ Commitata dicitur.

⁶ Anonym. Barenf. apud Pellegr. A. 1052. Comprehenferunt illum, & portaverunt Benevento, tamen cum honoribus.

he had thought fit to go to *Rome*, they would have accompanied him to *Capua*. The Pope, surpriz'd at this Generous and Christian Behaviour, not only chang'd the bad Opinion he had formerly entertain'd of them, but repented him of what he had hitherto done so unadvisedly and unbecoming his Character, and bitterly lamented his Misfortunes. He enter'd *Benevento* on the Eve of St. *John*, in the Year 1053, and continu'd there to the 12th of *March* of the following Year 1054, the Festival of St. *Gregory* the Pope²; and there, by reason of the Fatigue he had undergone, and an Oppression of his Spirits, fell sick, and sent for Count *Umsfred*, who conducted him to *Capua*, where he stay'd twelve Days and then return'd to *Rome*. Upon his Arrival there, in order to reconcile the Differences which in these Times were become more implacable than ever betwixt the Churches of *Rome* and *Constantinople*, he sent three Legates to the Emperor *Constantinus Monomachus*, to wit, *Peter* Archbishop of *Amalphis*, *Frederick* his Chancellor, and *Umbertus* Bishop of *St. Rufina*, which Bishoprick was afterwards by *Calixtus II.* annex'd to that of *Porto*; but this Legation was not successful, for *Leo* soon after, with great Signs of Piety and Repentance, ended his Days in the Month of *April* this Year 1054; and for his Sanctity and upright Life, was esteem'd a Saint.

IN this Juncture of Affairs 'tis said, that *Leo*, after having absolv'd the *Normans* from the Censures, and the Offences which he reckon'd they had done him, gave to *Umsfred* and his Heirs, the Investiture of *Puglia* and *Calabria*, and likewise of all they could conquer in *Sicily*, and that *Umsfred* on the other Hand, paid Homage to the Holy See for these Lands, as Fiefs depending on it; and that this was the first Investiture the *Normans* had, as *Inveges* and others write.

INDEED *Malaterra*³, speaking of the Submission and Respect the *Normans* pay'd *Leo* at this Juncture, says, That this Pope, as an Acknowledgment, *Omniem terram, quam pervaserant, & quam ulterius versus Calabriam, & Siciliam lucrari possent de Sancto Petro hæreditariæ Feudo sibi, & hæredibus suis possidendam concessit.* But this was nothing else but a Testimony of his Friendship for the *Normans*, who wanted nothing of him but to bless their Arms, in order to justify all their future Undertakings; which the *Normans*, as being a religious People, desir'd at least, as a Pretence to vindicate their Acquisitions, and have the Popes for their Friends, who at that Time, by their Censures and Excommunications had become terrible to Princes. These were the Beginnings of our Papal Investitures, which afterwards were brought to Perfection by *Nicholas II.* by those Investitures he gave to *Rôbert Guiscard* of the Dukedoms of *Puglia* and *Calabria*, and of *Sicily*, as we shall relate.

MEAN time the *Normans* having defeated *Leo's* Army, though they had treated himself with so much Respect, and made him their Friend, thought fit not to slip so favourable an Opportunity of extending their Dominion, and carrying their Arms further. They restor'd nothing to the Pope of what he pretended to in *Benevento*; for tho' *Pandolphus* Prince of *Benevento*, and *Landolphus* his Son, upon *Leo's* coming, had been banish'd that City, nevertheless after *Leo's* Defeat by the *Normans*, whom they assisted in the Battel, they return'd anew to govern *Benevento*⁴; and it was not rul'd by the Church of *Rome* till many Years after, so that the Exchange made with *Henry*, did not take Place at this Time, and their Possession of it was more owing to the Bounty of the *Normans*, than to that Exchange; for which we need no better Testimony than the antient Chronicle of the Dukes and Princes of *Benevento*, the Author of which was a Monk of the Monastery of *St. Sophia* in that City, and it is preserv'd in the Archives of the *Vatican*, which the most careful *Pellegrinus* caus'd to be printed, to whom it was sent from *Rome* by the Abbot *Constantinus Gaetanus* a Monk of *Cassino*, who had transcrib'd it from an antient MS. in the *Vatican*⁵. In this Chronicle⁶ we read, that though *Pandolphus* and *Landolphus* his Son, who govern'd *Benevento*, were banish'd on the coming of *Leo*; nevertheless 'tis subjoin'd, that they return'd thither, and that *Pandolphus* after having reign'd many Years there, forsook the World and turn'd Monk in the same Monastery of *St. Sophia*, leaving *Landolphus* his Son for Successor, who held the Principality to his Death in the Year 1077. Whence we are clearly convinc'd that the Exchange with *Henry* did not take Place; but if the Church of *Rome* acquir'd

¹ Oñens. lib. 2. cap. 87.

² Malater. lib. 1. cap. 14. Ost. loc. cit.

³ Malater. lib. 2. cap. 14.

⁴ Chron. Duc. Benev. apud Pell. p. 266. Post-

modum autem reversi sunt in Beneventum.

⁵ Pellegr. de Chronica Ducum & Princ. Ben. pag. 262. Idem in Stem. & alibi pluries.

⁶ Chron. num. 3. & 9. apud Pellegr. pag. 266.

this City afterwards, it was owing to the Bounty of the *Normans*; as for the Right she had by Virtue of that Exchange made with *Henry*, it was given up, as shall be seen by and by.

THE *Normans* took care to make their Advantage of this Victory, for they subjected all *Puglia* to their Dominion, after Thirteen Years Wars, from the Time they invaded it. They took from the *Greeks*, *Troja*, *Bari*, *Trani*, *Venosa*, *Otranto*, *Acerenza*, and all the other Cities of this Province, so that *Gulielmus Pugliensis* might well say;

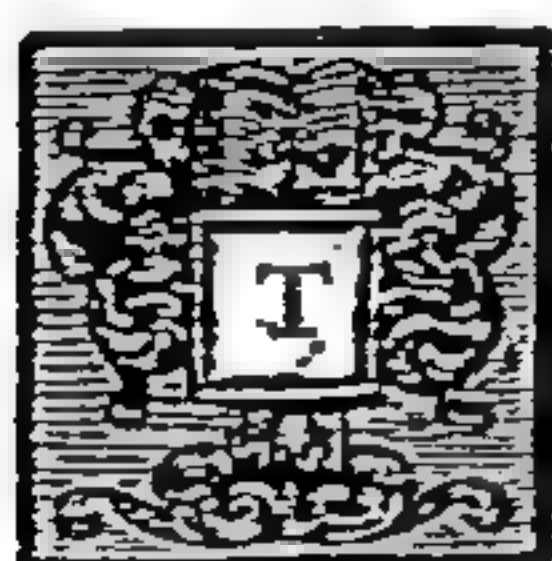
*Jamque rebellis eis Urbs Appula nulla remansit :
Omnes se dedunt, aut Vexigalia solvunt.*

FROM this time they were solely intent on the Conquest of *Calabria*, as we are now going to relate.



C H A P. IV.

The Conquest of Calabria by the Normans. Pope Stephen opposes it; but he dying opportunely in Florence, all his Measures were broke.



THE Election of a Successor to *Leo IX.* occasion'd new Disorders in *Rome*, and after that Church, by reason of opposite Factions, had been a Year without a Head, at last the famous *Hildebrand*, who had come to *Rome* from the Monastery of *Clugny*, and was made Sub-Deacon of that Church, being a Man of exquisite Cunning, was imploy'd to put an end to all these Disputes. The *Romans* not finding a fit Person in *Rome* to be Pope, sent *Hildebrand* to the Emperor in *Germany*, to desire such a one as he, in the Name of the Clergy and People of *Rome*, should pitch upon; the Emperor consented, upon which he demanded *Geberardus* Bishop of *Eichstat*, whom we lately mention'd: Tho' much against the Emperor's Inclination, who was unwilling to part with him, *Geberardus* came to *Rome*, and being plac'd in that See, was nam'd *Victor II.* He had no sooner mounted the Pontifical Throne, than he presently was of an Opinion, contrary to what he had while he was in *Germany*, where he had oppos'd the Assistance demanded by *Leo*, which, when Pope, he heartily repented; and if his Pontificate had not been so very short, and his Power greatly diminish'd by the late Defeat, and that of the *Normans* increas'd, they had found *Victor* of the same Mind with *Leo*.

BUT he died in *Florence* in the Year 1057, two Years after his Exaltation, and *Frederick* Abbot of *Monte Cassino* and Cardinal, was elected in his Place, who took Possession of that See on the Festival of *St. Stephen*, and therefore call'd himself *Stephen X.* by some, for Reasons formerly related, nam'd *Stephen IX.* He followed the same Footsteps with his Predecessors. It has been observ'd with Astonishment by the careful Searchers into the Deeds of the Popes, that though their Predecessors, in order to support their Undertakings, had suffered Death, Imprisonment and other Calamities; yet for all that, their Successors were not deterr'd from pursuing the same Measures, but expos'd themselves more obstinately to all Dangers and Per-

¹ Ofsiens. lib. 2. cap. 39.

secution. They were persuaded that the Growth of the *Normans* in these our Provinces, was their Fall and Decay, as they had been jealous of the *Longobards*, when they became too powerful in *Italy*. Therefore the Popes charg'd the *Normans* with a Thousand Enormities, such as robbing of Churches, laying waste Provinces, and in fine, made them to be hated by the Country People, that thereby they might justify their own Undertakings, and impose them upon the World as Praise-worthy. And though they could not pretend to any Right of Sovereignty over these Provinces, yet their Jealousy oblig'd the *Normans*, who, before this, had none to struggle with but the Emperors of the East, from whom they wrested these Provinces, now to be on their Guard against the Popes, who, as if the Wrong had been done to themselves, vigorously oppos'd their Designs, and did their utmost to put a Stop to their Progress.

FORMERLY, as may have been observ'd in the Course of this History, when the Popes were not so powerful, they were wont to crave the Assistance of foreign Princes, as in order to expel the *Longobards*, they had recourse to the *French*; whereas now being grown more powerful by their temporal Dominion over so many States, when other Succours were at a great Distance, and there were no Hopes of getting any from the Emperor, and their own Dominions, were able enough to furnish them with Troops; they acted by themselves, and when these fail'd, they had recourse to spiritual Arms and Excommunications, to which the Influence of Religion had given so much Vigour and Terror, that they were not only dreadful to the People and Princes, but, which is surprizing, were formidable and frightful to the very Officers and Soldiers, who, though for the most part they were profligate Men; and made no Scruple to lead wicked Lives, and rob their Neighbours, without minding that thereby they offended the divine Majesty, yet stood in Awe of Ecclesiastick Censures.

STEPHEN, upon his Advancement to the Papacy, prepar'd immediately to drive the *Normans* out of *Italy*. He was descended originally from the Dukes of *Lorrain*, and being of Royal Blood, resolv'd to signalize his Pontificate with great and remarkable Actions. He had first been made Chancellor of the Apostolick See by *Leo IX.* afterwards Abbot of *Monte Cassino*, and by *Victor II.* Cardinal. Being now rais'd to the Papacy, he had a Mind, in Imitation of *Leo*, to expel the *Normans* out of *Italy*¹; but being born for greater Things, prepar'd himself for a more noble Undertaking.

THE Year before, which was 1056, *Henry* had died in *Germany*, and left a Son Seven Years old, who afterwards succeeded him in the Empire, likewise nam'd *Henry* after his Father. There's great Confusion in the Number of these *Henrys* amongst the *German* and *Italian* Writers. *Henry the Black*, by the *Germans* is call'd III. and by the *Italians* II. not reckoning the other *Henry*, who was only King of *Germany*, but never Emperor. We shall follow the *Italians*, and call the Successor of *Henry the Black*, *Henry III.* not IV. *Henry* died after having reign'd Seventeen Years and Four Months. His Laws were collected by *Godalfus*², and *Cujacius* has recorded some of them in his Fifth Book of Fiefs.

On account of the Minority of the Son, the Empress *Agnes* his Mother, took the Government upon her. *Stephen* taking advantage of the Time, resolv'd to raise Duke *Godfrey* his Brother, to the Imperial Throne, with a Design to joyn his own Forces with those of his Brother, in order to drive the *Normans*, whom he mortally hated, the more easily out of *Italy*.

BUT in the mean Time, these gallant Champions had made wonderful Progress in *Calabria*, under the famous *Robert Guiscard*, to whom Count *Umfred* his Brother, had sent a good Body of Troops to be employ'd in the Conquest of this Province³. After they had made themselves Masters of *Melvito*, by a cunning Stratagem of *Robert*, they had extended their Limits further, and soon after added the Cities of *Bisignano*, *Cosenza* and *Martura* to their Dominion.

NEITHER did the Death of *Umfred*, which happen'd about the Year 1056, interrupt the Course of their Conquests, but they rather went on at a greater Rate; for *Umfred* having left only two young Sons, *Bacelardus* and *Hermanuus*, recommended the Government of his Dominions to *Robert* his Brother, as he did also his

¹ Otfiens. lib. 2. c. 56. & 99.

² Goldast. tom. 3. pag. 312.

³ Gul. Ap. lib. 1. Roberto fratri Calabrias
| acquirere terras concedit.

Children, especially *Barcelardus* the Eldest ; so that *Robert* having succeeded in the County of *Puglia*, struck Terror in all the neighbouring Princes, more especially in *Pope Stephen*, who hated him the more on that account.

BUT *Stephen*, though he had Courage enough to undertake, yet he wanted Power, or rather Money, to drive the *Normans* out of *Italy*; therefore all his Thoughts were employ'd how to fill his Coffers, and the Affair he was engag'd in, put him upon too desperate and scandalous Methods. He, who from Abbot of *Monte Cassino*, had been rais'd to the Chair of *St. Peter*, even now when he was Pope, resolv'd to retain that Abbacy, nor would he allow of another to be chosen in his Room; so that by a double Right, he dispos'd of that Monastery at his own Will and Pleasure¹. By the many Oblations of the Faithful in these Times, in which the Monks had succeeded too well, they had amass'd a vast Treasure of Gold and Silver, which they kept in this Monastery with great Care and Circumspection: *Stephen* seeing he had no other way for obtaining his End, resolv'd to have it in his Clutches, therefore he order'd the Overseer to bring all the Treasure of Gold and Silver that was in the Monastery privately to *Rome*. He design'd to carry it to *Tuscany*, where his Brother *Godfrey* was, and impart his Design to him, that they might return together to drive the *Normans* out of *Italy*. One may easily judge what Consternation the Monks were in on the News of so mischievous an Order: With Lamentations and Tears they endeavour'd to divert the Pope, but all in vain, so that at last, being forc'd by cruel Necessity, they pack'd up the Treasure, and carried it to *Rome*. When the Pope saw it, and at the same Time observ'd the Grief and Anguish of the Monks that brought it, struck with the Monstrousness of the Fact, and conscious of the Heinousness of the Crime, he presently repented his having demanded it, and sent it back again². But shortly after, having gone to *Tuscany*, where he stopp'd in *Florence*, he was suddenly seiz'd with a Faintness, which in a few Days, put an end to his Life in the Year 1058³.

STEPHEN being dead, all his Designs evanish'd, which fell out so luckily for the *Normans*, that having none other to hinder their Progress, they were soon in a Condition to extend their Conquests, not only in *Calabria*, but also over the Principality of *Capua*, on an Occasion we shall shortly relate.

¹ Ost. lib. 2. cap. 98.

² Ostiens. lib. 2. cap. 99.

| ³ Ostiens. lib. 2. cap. 100.

S E C T. I.

Robert Guiscard is Proclaim'd first Duke of Puglia, and Calabria.

IN the mean Time, on the Death of *Stephen*, *Rome* was again involv'd in Confusion and Disorders; for *Gregorio d'Alberico* Count of *Frescati*, and some other *Roman* Lords, in the Night-time, with arm'd Force, plac'd *John* Bishop of *Velletri*, in the Holy Chair, who took the Name of *Benedict*; but *Peter Damian*, a Man of Worth (who a little before had been call'd from *Eremo*, and made Bishop of *Ostia*) with the other Cardinals oppos'd this Election, and order'd Matters so, that *Hildebrand* in his Way from *Germany*, whither he had been sent by *Stephen* to the Empress *Agnes*, hearing of these Disorders, stopp'd in *Florence*, and endeavour'd to bring over the chief *Romans* from the opposite Faction, and with the Assistance of Duke *Goffredo* Marquis of *Tuscany*, manag'd Matters so, that those Cardinals, who had had no hand in the Election of *Benedict*, met in *Sienna*, and elected *Gerardo* Archbishop of *Florence*, Pope. The Empress *Agnes*, Mother of *Henry*, confirm'd the Election, and order'd Duke *Goffredo* to put *Gerardo* in Possession, and expel *Benedict*, who voluntarily abdicated the Papacy; whereupon *Gerardo* went to *Rome*, and was acknowledg'd for lawful Pope, and nam'd *Nicholas II.* who shortly after in the Year 1059, held a Synod of 113 Bishops, where *Benedict* appear'd, ask'd Pardon, and protested that he had been compell'd to do what he had done. In this Council Regulations were made concerning the Freedom of Elections, on a Vacancy of the See, and it was ordain'd, that the Cardinals should have the greatest Share in them; then

then the Elected was to be declar'd to the Clergy and People, and lastly, the Consent of the Emperor was to be ask'd.

THESE Revolutions, which very frequently happen'd in *Rome*, and the many Disorders in the Court of *Constantinople*, wonderfully contributed to the Growth of the *Normans*. They had nothing to fear from any Quarter; for the Minority of *Henry III.* during the Government of the Empress his Mother, made the Affairs of these our Provinces to be little minded. *Constantinople* was all in Disorder and Confusion, by reason of the Death of *Constantinus Monomachus*, which fell out in the Year 1054; for *Theodora* Sister of *Zoe*, had succeeded in the Empire, and she dying a Year after, *Michael Stratioticus* was put in her Room by the Officers of the Palace; but he became Monk afterwards, and voluntary renounc'd the Crown in the Year 1057; so that there arose new Factions about the Election of a Successor, but that of *Isaac Comnenus* being the strongest, in the Year 1058, he was proclaim'd Emperor.

THE *Normans* therefore had a fair Opportunity for enlarging their Dominions, and those of *Puglia* under the renown'd *Robert Guiscard*, extended them almost over all *Calabria*. This Prince now Count of *Puglia*, was acknowledg'd, not as Tutor to *Bacelardo* his Nephew, but, according to *Gulielmus Apuliensis* ¹, as Sovereign Lord. He appear'd not to be satisfied on this Occasion with the simple Guardianship, as indeed he shew'd afterwards; but pretended to succeed to *Umfred*, as *Umfred* had succeeded to his elder Brothers, and he had already appointed *Roger* his younger Brother to succeed himself, with whom he had shar'd the Government, and therefore had created him Count. For this end he was wholly intent on driving the *Greeks* out of the rest of *Calabria*; he took *Cariati*, and many other Places in the Neighbourhood, and at last march'd his Army to *Reggio*, the head City of the Province, and laid Siege to it. The Besieg'd not able to hold out long, surrender'd it to *Robert*, who now Master of so famous and antient a City, was no longer satisfied with the Title of Count, but with solemn Ceremony caus'd himself to be proclaim'd Duke of *Puglia* and *Calabria*. *Leo Ostiensis* ² says, that it was the Honour of having taken *Reggio*, that gave Birth to this new Title. *Curopolata* writes, that it was the careless and childish Government of *Michael VII.* Emperor of the *Greeks* that gave Rise to it; but *Pellegrinus* ³ shews us, that *Robert* did it in Emulation of the *Greeks*, and to pull down their Pride. In *Bari* they had made *Argirus* Duke of *Puglia*, though the greatest Part of it was at this Time subject to the *Normans*; for though the *Greeks* had lost whole Provinces, yet they still retain'd the vain-glorious Titles and Names of them, and often transferr'd them to other Parts, as they did with the Name of antient *Calabria*, which, as we have observ'd in the preceding Books, was no sooner in the Possession of the *Longobards*, than they transferr'd the Name of *Calabria* to another Province, which at that Time was still subject to them.

THERE are various Opinions about the Manner how *Robert* came by this Title of Duke. *Leo* Bishop of *Ostia*, seems to say, That it was by an accidental Acclamation of the People; but *Curopolata* says, That the Lords and Barons of *Puglia* his Vassals, seeing that he had added *Calabria* to his Dominion of *Puglia*, with common Consent agreed, that the Title of Duke should be given to *Robert*, and reserv'd to themselves the Title of Counts over the Lands they had divided amongst them; which shews us that *Sigonius* ⁴ is mistaken, who pretends, that *Robert* being puff'd up with Pride on his having taken *Reggio* in *Calabria*, and soon after, *Troja* in *Puglia*, scorning the old Title of Count, of himself, and by his own Authority, took the Title of Duke of *Puglia* and *Calabria*.

AUGUSTINUS INVEGES ⁵ imagines, that the same Ceremonies then us'd in *France* at the Creation of a new Duke of *Normandy*, as they are describ'd by the antient Writers of the History of the *Normans*, were practis'd at the Creation of this new Duke; where 'tis said, that the Archbishop after some Prayers, and the Oath which the new Duke swore to defend the People committed to him, and to govern them with Justice, Equity and Mercy, gave him the Ring, and afterwards

¹ Gul. Appul. lib. 2.

² Ostiens. lib. 3. cap. 16. & ex tunc coepit Dux appellari.

³ Pellegr. Castigat. in Lup. Protosp. A. 1053.

⁴ Sigon. Hist. de Regn. Italix lib. 9. A. 1059.

Rhegio Calabriae oppido, & Troja Apuliae capto Superbus ultro se Ducem Apuliae atque Calabriae appellabat.

⁵ Inve. Annal. di Paler. par. 3. A. 1059.

girt him with the Sword ; whence, says he, 'tis very probable, that *Guiscard* the *Norman*, being to be created Duke of *Puglia* in *Italy*, made use of the same Ceremonies. Dukes had also their particular Crowns, Caps of Maintenance, Mantles, and their proper Titles. The Ducal Crown which they put above their Arms, as *Scipio Mazella* describes it ¹, was a Circle without Rays, or rather Points upwards, (which belong'd to Princes only) but in place of Points, they had some Pearls, and Jewels set round it. The Cap, which was the second Mark of a Duke, as *Bartholomæus Cassaneus* ² describes it, was in the Form of a Hat, surrounded with a round Crown, but not straight nor circular, such as Kings wear ; and *Cassaneus* confesses he never could find out the Origine of this Ducal Cap. *Inveges* imagines the Ducal Mantle to have been like that of the Archdukes of *Austria*, as it's describ'd by *Guazzi* ³, to wit, a Garment of different Colours, reaching down to the Feet, trimm'd with Ermine. Duke *Robert*, in the Year 1059, appear'd at publick Solemnities, dress'd in this Manner with the Ducal Robes and Crown ; whence in his Charters and other Writs, he began to use this Title ; *Ego Robertus Dux Apuliæ, & Calabriæ*.

¹ Mazzel. descriz. del. Reg. di Nap. p. 374. |

³ Guazzi, Hist. Moder. pag. 78.

² Cassan. Catalog. glor. Mund. part. 1. concl. 9. pag. 8.



CHAP. V.

The Principality of Capua being taken from the Longobards, came under the Dominion of the Normans of Aversa.



THE *Normans* who were settled in *Aversa*, as well as those of *Puglia*, extended their Bounds over their Neighbouring Country. *Richard* Count of *Aversa*, being now powerful, had a Design upon the Principality of *Capua*, invaded it, and laid close Siege to the City. At this Time *Pandolphus V.* govern'd *Capua*, who though for some time he could have defended the City with his own Troops, yet *Richard* straitning the Place still more and more, he was forc'd to offer Seven thousand Crowns of Gold, if he would raise the Siege ¹ ; which *Richard* then accepted of ; but *Pandolphus V.* was no sooner dead in the Year 1057. and succeeded by *Landolphus V.* than *Richard* invaded *Capua* anew, and besieg'd the City more closely than before. The *Capuans* offer'd another greater Sum for their Liberty : *Richard* would hear of no Terms ; but that the City must be surrender'd to him. It was a hard Matter to get the *Capuans* to consent ; but at last being reduc'd to Famine, and *Landolphus* yielding and quitting the Principality, *Richard* was receiv'd and proclaim'd Prince this Year 1058.

RICHARD, like *Archiebis*, first Prince of *Benevento*, would have himself anointed with sacred Oyl ², which Custom all the *Norman* Princes of *Capua* retain'd afterwards ³. And though it had been stipulated in the Capitulation, that the *Capuans* should have the keeping and guarding of the Gates and Towers of the City,

¹ Ostiens. lib. 2. cap. 16.

² Ostiens. loc. cit.

| ³ Pellegr. in Stem.

which this new Prince *Richard* wink'd at for the present, yet he resolv'd at another more proper Time to deprive them of that Privilege likewise. In the mean time he went to *Monte Cassino*, where he was receiv'd with great Solemnity by the Monks, and return'd to *Campania*, which extends itself as far as the River *Sele*, and in the Space of three Months conquer'd the whole Province; from thence he return'd to *Capua*, and having conven'd all the Nobility, he set forth to them, that it was very reasonable the Gates and Towers of the City should be deliver'd up to him; but the *Capuans* obstinately refusing to comply, in great Wrath he left the City, laid close Siege to it anew, and reduc'd them to Famine.

IN the mean time the Citizens sent their Archbishop to *Germany* to seek Assistance from the Emperor *Henry*; but this Prince not being in a Condition to mind these our Provinces, dismiss'd him with great Promises and fair Words, which were never perform'd. The *Capuans* then being left without all Hopes, and able to resist no longer, surrender'd the Towers, Gates, Themselves, and all their Effects to the Discretion and Mercy of *Richard*. Thus in the Year 1062, the *Capuans*, after having bravely defended themselves for the Space of ten Years against the Power of their Enemies, lost the Principality of *Capua*, which became subject to the *Normans*¹, first under Prince *Richard*, who was descended of *Asclettinus*, afterwards under the other Successors of the same Race, and at last it came under the Dominion of those other gallant *Normans* of the Blood of *Tancred* Count of *Hauteville*, as we shall see in the following Book. Therefore the Mistake of *Sigonius*² is unpardonable, who reckon'd this *Richard* to be the Brother of *Robert Guiscard*, as if from this Time the Principality of *Capua* had come under the Dominion of the *Normans* of *Puglia* to the Sons of Count *Tancred*.

THUS ended the Dominion of the *Longobards* in the Principality of *Capua*, which from *Atenulphus*, in an uninterrupted Series of many Years, had continu'd till it was quite extinguish'd in the Person of *Landulphus* V. a most unfortunate Prince, who, besides his being forc'd to desert his Dominion, saw, to his great Grief and Affliction, the many Children he had begotten, reduc'd to a needy and wandering Life, in the very Country where he had reign'd. And the Abbot *Desiderius*³ in his Dialogues relates, that in his Time, he had seen many Sons of *Landulphus* going about as Vagabonds and Exiles, begging Bread to support their miserable Lives; which he look'd upon as a Punishment for the Wickedness and Cruelty of that most wretched Prince *Pandulphus* IV. of whom they were descended. Whence it may be gather'd, that the Blood of the *Longobard* Princes was not quite extinguish'd in the Principality of *Capua*; for besides that there still remain'd some Counts of the Race of *Atenulphus*, whose Descendants for some Time, were distinctly known in some Families by the Fiefs they possess'd; there were likewise remaining the Sons of *Landulphus*, who, because of their extreme Misery and Poverty, as we may reasonably believe, have been the Forefathers of Mechanics, Labourers, and other Handycrafts-men, some of whom, though not known, may be amongst us to this Day: Which we ought to take for a Warning of the Inconstancy and Changeableness of Worldly Things, and not be puffed up on account of the Nobleness of our Pedigree above others, who, tho' they cannot make it appear, yet perhaps are descended of more noble and illustrious Blood than ourselves. *Seneca* relates an Instance of the like nature to his *Lucilius*⁴, that after the Defeat of *Marius's* Army, many born of great Parentage and noble Blood, as well Knights as Senators, upon the Overthrow of *Marius's* Faction, were reduc'd to so abject Conditions, that some became Shepherds, others Ploughmen, and liv'd in Cottages.

IN the following Book, to which we refer the Ecclesiastical Polity of this eleventh Century, we shall see the gallant *Normans*, after having thus vanquish'd the *Greeks* in *Puglia* and *Calabria*, and the *Longobards* in the Principality of *Capua*, proceeding triumphantly in the Conquest of the other Provinces, till they establish a great and flourishing Kingdom.

¹ Ostiens. lib. 3. cap. 16.

² Sigon. lib. 9. A. 1059.

³ Desid. Dial. lib. 5. Pellegr. in Stem.

⁴ Senec. ad Lucil. Epist. 47.



T H E
CIVIL HISTORY
Of the KINGDOM of
N A P L E S.

B O O K X.



DUKE Robert, not allowing *Bacelardus* his Nephew to succeed in his Father's Dominions, govern'd the Dukedoms of *Puglia* and *Calabria*, not as Tutor, but as his own Inheritance, and in order to extend his Dominion the better over the other Provinces, and to secure the Conquests he had made, with all Submission, he endeavour'd to cultivate the Pope's Friendship, being taught so to do by the Behaviour of *Leo*; so that by having him on his Side, he might justify his Undertakings, and render them Praise-worthy in the Eye of the World, without the Blemish of Usurpation. On the other Hand the Popes being now grown more terrible to Princes on account of their Excommunications, slipp'd no Opportunity of taking Advantage of the Opinion that prevail'd every where of their Superiority and Power. For which reason the Papal Investitures were more firmly establish'd among us in the Pontificate of *Nicholas II.* to which a Revolt that happen'd in *Puglia* at the same Time, when Duke Robert was triumphing in *Calabria*, contributed not a little.

BACELARDUS taking in ill Part that his Uncle Robert had depriv'd him of the Succession to his Paternal Dominions, made heavy Complaints, which so mov'd the Compassion of many of the Inhabitants of *Puglia*, that they openly revolted and assaulted some Places of that Province. But Robert's Vigilance soon put a Stop to their ill-concerted Designs; for having attack'd them all on a sudden, he soon reduc'd those Places that had revolted, and stifled the Rebellion; and without halting, march'd to the furthest Parts of the *Capitanata*, where the *Greeks* were still in Possession

session of some Places, which he surpriz'd, and amongst the rest took the City of *Troja*, which the *Greeks* had built some Years before, and made the chief City of this Province.

THE Conquest of the City of *Troja* rous'd the Pope; for the *Roman* Pontiffs in those Days pretended, that this City belong'd to them by a special Right, in the same manner as *Benevento*. But all Authors are silent as to the way how they came by this special Right; for, according to the Authority of *Leo Ostiensis*², which we have already related, this City was in the *Greek* Dominions, which in the Year 1022 they had built from the Foundation, under the *Catapanus Bejanus*, and gave it the Name of *Troja*, in Memory of the famous City of that Name in the lesser *Phrygia*, of which they reckon'd this a Colony.

AND tho' when *Henry* came into *Italy* with that formidable Army, he laid Siege to that City, as the same *Leo*³ relates, and forc'd the *Trojans* to surrender to him; yet he pardon'd them at that Time⁴, and return'd to *Germany*; neither do we read that he made a Present of it to the Church of *Rome*, as he did of *Benevento*. But however that may be, *Nicholas II.* who, constantly treading in the Footsteps of his Predecessors, was jealous of this Progress of *Robert*, under pretence that this City belong'd to the Apostolick See, gave him to understand that he must restore it to him. The *Normans* had no mind basely to part with what they had conquer'd from the *Greeks* with their Arms, and so much Fatigue and Labour; so that *Robert*, little minding the Demand of the Pope, march'd back towards *Calabria*.

NICHOLAS II. was not in a Condition to march an Army against him, as *Leo* had done; and the Assistance he could expect from the Emperor of the West was at a great Distance, and these Emperors began now to withdraw the Respect they were wont to have for the Popes, and to have an Aversion for them, because they disputed their Right in the Election of Popes, and Investitures of other Benefices which they had hitherto been in Possession of. Neither could *Nicholas* expect Assistance from the neighbouring *Longobard* Princes; for the Principality of *Capua* was in the Possession of the *Normans*; the Power of the Prince of *Salerno* was very inconsiderable; and that of the Prince of *Benevento* less to be depended on. There was nothing to be expected from the *Greeks*, who were implacable Enemies of the Popes, on account of the famous Schism betwixt these two Churches, which had now taken such deep Root, that it had quite alienated the *Greeks* from the *Latins*.

NICHOLAS II. then had no other Game to play but to have recourse to Spiritual Arms and Excommunications. The Popes had already begun to employ them against Princes, as we have seen in the preceding Books; yet they had then been made use of for Reasons which they at least believ'd to be more justifiable, and often on account of Religion, and their abominable Heresies; they also made use of them for breaking Confederacies which Christian Princes frequently enter'd into with the infidel *Saracens*, as *John VIII.* did against the *Neapolitans* and *Amalphytans*, for which he had a specious Pretext of Piety and Religion. But afterwards, as it usually happens, that good Things are often put to a bad use, they began to use them indifferently, either for worldly Ends, or to gratify some Prince, but chiefly to preserve and increase the Temporal Riches of the Church. Thus we have seen the *Beneventans* treated because they would not open the Gates of their City to the Emperor *Henry*, who got *Clement II.* to excommunicate them, and afterwards carried him to *Germany* with him as one of his Courtiers.

AS in the primitive Church the Prelates minded only Spiritual Matters, so they made no use of Excommunications but against Hereticks, or for the Correction of publick Sinners; the chief Design of them was against those who had imbib'd wrong Notions with regard to Religion, who, after many Admonitions, if they did not acknowledge their Errors, were separated from the Church: And in the second Place, in order to avoid Scandal, they were employ'd against publick Sinners. And they had no other Effect, but to deprive them of the Sacraments and other Spiritual Things which the Church bestow'd on the Faithful. But afterwards, and especially in these Times, the Spiritual Care was abated in the Prelates; and on the contrary, the Avarice of Temporal Riches increas'd in the Ecclesiastick State, so that as Ex-

² Freccia de Subfeud. lib. 8. Speciali quodam jure sibi vindicet, sicut Beneventum.

³ Ostiens. lib. 2. cap. 40.

³ Idem eod. loc. cap. 39.

⁴ V. Baron. A. 1022.

communications were formerly made use of only for the Correction of publick Sinners, and against Hereticks, they were now more frequently used, not only in the Defence, but likewise in Recovery of the Temporal Possessions, if perchance thro' the Neglect of their Predecessors they had been lost.

BUT it would have been to no purpose to have made use of these Arms, if at the same Time they had not made the People believe, that in whatever manner they were fulminated, if the Goods were not restor'd, the Possessors were irrecoverably damn'd, which they imputed more to the Censure than the Sin. And in order to make them more terrible, they had found Means to introduce a new Doctrine, that the Excommunicated were not only render'd unworthy of what the Church bestow'd on the Faithful, which was the true Effect of Excommunication, but likewise that it unmann'd, defam'd, and render'd them abominable; that they ought to be shunn'd as infected with the Plague, and depriv'd of Civil Society and Commerce; and several Papal Decretals were made for rendering them incapable of making Wills, Contracts, to sue at Law, adopt, or do any other legal Act; they could exercise no Office in the State, and a thousand other Things, of which perhaps we shall have occasion to treat more at large elsewhere.

'TIS incredible with what Terror and Dread these Censures affected the Minds, not only of the common People, but those of higher Rank, yea Princes themselves; and it was truly matter of Astonishment, that the Officers and Soldiers, Men otherwise addicted to all Wickedness, and without the Fear of God, and who did not stand in awe to offend Him by robbing their Neighbours, yet were so over-aw'd by the Dread of Excommunication, that they guarded the Goods of the Church with great Respect; and in these Times there was no surer way of preserving one's worldly Goods, than by putting them under the Keeping and Protection of the Apostolick See.

FROM this (as we have observ'd elsewhere) a large Field was open'd for augmenting the Temporal Possessions of the Church; for many People unable to preserve their Effects from being seiz'd by Force, a Thing too common by the Depravity of the Age, were induc'd to make them over to the Church, on Condition that they should still be Masters of their Estates, and hold them of the Church in Fief for a small Acknowledgment; for in these Times it was the Custom to convert Frecholds into Fiefs, by resigning them to the Prince who had given the Investiture. And of this sort of Fiefs call'd *Oblata*, there's mention made in our Feodal Books, and *Cujacius* treats of them at large. This secur'd Estates, as being under the Protection and direct Dominion of the Church, which had recourse to her Censures in case they were invaded; by this the Church had a prodigious Advantage, for tho' she receiv'd nothing during the Life of the Possessor but a small Quit-Rent, yet when the Male-Issue of the Feudatories fail'd, which often happen'd in these Times by reason of the continual Wars, and popular Seditious, the Estates fell to the Church.

THE *Normans* were no less terrified and over-aw'd by these Censures than others; for having but lately embrac'd the Catholick Religion, which they had in great Veneration, as their frequent Pilgrimages to the most noted holy Places both in the East and West demonstrated, and being greater Votaries of the Apostolick See than any other Nation, as we have seen by their Behaviour to Pope *Leo*; they were very unwilling to expose themselves to these terrible Thunder-bolts. *Nicholas II.* encourag'd by this, resolv'd to try them, and thinking to obtain by the Censures, what *Leo* could not do with Armies, he solemnly excommunicated *Robert* and his *Normans*.

HOWEVER these Thunder-bolts were thrown in vain; for the *Normans* as well as they, knew very well how to keep what they had acquir'd with so much Labour and Danger, and they thought it would be the Height of Baseness to yield what they were in Possession of by so much Toil; whatever Respect they had for the Popes and the Apostolick See, yet when the Question was to part with what they had got, they took Example from the Popes themselves, and were not easily persuaded to do it; and tho' they dreaded the Censures thunder'd out against them, yet not to that Degree as to part with what they had taken, because they reckon'd the Censures unjustly pronounc'd against them.

MATTERS then being brought to this pass, that neither Side was in a State of Tranquillity, both came to think seriously how to extricate themselves from so much Distrust and Anguish of Mind, by means of an Agreement that might be for their mutual Advantage.

ROBERT consider'd with himself, that tho' he was sure he could not be forc'd to quit his Conquests by the Power of the Popes, yet it was not convenient to have them for Enemies; for tho' as Matters now stood, they could get no Assistance from the Emperors of the West, nor other neighbouring Princes, yet he had been taught by long Experience, that as Opportunity should offer, they would not fail to give him Disturbance; and that the greatest Rubs his Nation had met with, had been more owing to the Popes than the *Greeks*. The Censures, yea rather the Misfortunes they had often brought upon other Princes, much terrified him, lest they might occasion a Revolt amongst the People, and especially those of *Puglia*, who were terribly afraid of them, and not as yet well settled; that his Conquests were but lately made in foreign Countries, where he stood more in need of Friends than Enemies; that the Party for his Nephew *Bacelardus* might be strengthen'd by getting Encouragement from the Popes, who were ready to take Advantage of all Opportunities, the rather, because they were of Opinion that he himself was an Usurper: In fine, he saw it necessary for him to have the Pope on his Side, not only on account of what he had already acquir'd, but much more for what he had as yet to conquer in the other Provinces, that by the Authority the Popes had assum'd, he might be confirm'd in the Possession of what he hop'd to conquer.

ON the other hand the Pope consider'd, that the *Normans* did not mind Excommunication; that they were a People who would part with nothing willingly; that neither the Power of the Church, nor the neighbouring Princes was able to constrain them, and no Succours were to be expected from the Emperors of the West, who were at Variance with the Popes on account of their Election and the Investitures; and tho' *Nicholas* in a Council held a little before in *Rome*, had found Means to satisfy *Henry*, yet Matters were like to come to an open Rupture betwixt him and the *Romans*; that in order to be able to maintain the Cause of the Clergy, the People of *Rome*, and the Popes, against the Emperor, it behov'd him to pitch upon some powerful and gallant Prince, who henceforward might be able to support them, because otherwise all their Designs would come to nothing; that he could pitch upon none fitter than *Robert*, who with his Forces would be able to oppose him effectually, and to restore that Prerogative to the Church of *Rome*, which the Emperors had usurp'd: In fine, that there might be a way found out of reconciling *Robert* to the Apostolick See, whereby it would rather reap Advantage than Detriment.

ON these Considerations both Parties were dispos'd by means of a Reconciliation to put an End to all Debates, and to restore Peace. *Robert* resolv'd to be before-hand with the Pope, and having retir'd to *Calabria*, sent him an Ambassador with generous Offers to satisfy him in whatever he desir'd, and for that End invited him to an Interview, with which he assur'd him he would have good reason to be pleas'd.

THE Pope, who desir'd no better, and which likewise answer'd his Ends, was very well pleas'd, and accepted the Proposal; he having resolv'd before to hold a Council for reforming in some measure the abominable Manners of the Ecclesiasticks, sent him Word, that he had appointed this Council to be held in *Melphis*, where he resolv'd to be in Person, and where they two being met together should adjust all Differences to their mutual Satisfaction.

THE Corruption of Manners in the Ecclesiastick State in these Times was excessive; for laying aside all Shame, they did not scruple to keep Concubines publicly in their Houses, as also the Children born of them, as *Peter Damian* with Grief relates. *Nicholas* made some Canons in the *Roman* Council against such Concubinage; but in these our Provinces this Vice had got such Footing, that neither Bishop, Priest, Deacon, yea nor the very meanest of the Clergy wanted their Concubines; therefore *Nicholas* this Year 1059 held a Council in the City of *Melphis*, wherein he condemn'd and detested that vile Custom, by imposing severe Punishment on the Fornicators, and he likewise depos'd the Bishop of *Trani*. But for all that, this wicked Practice could not be rooted out: it appear'd next to impossible to get the Priests to leave it off, whence, in the Councils held since, we see nothing so much

much inculcated, as to have the Priests to wean themselves from it, but always to no purpose; for the Use of Concubines was so publick in these our Provinces, and the Number of them so great, that they pretended Exemption from Secular Judicatories, and that they were not liable to the Penalties appointed by Secular Princes against Concubinage; that seeing they belong'd to Priests, they ought to enjoy the same Privilege with them. And 'tis surprizing, that *Charles II. of Anjou*, in his Time should ordain, that the Concubines of Priests should not be liable to forfeit the fourth Part of their Goods, as other Seculars were, tho' he did not think fit to exempt them from Secular Judicatories, a Privilege which the Priests claim'd.

THE Pope then being at the Council in *Melphis*, the famous *Robert* arriv'd in that City accompanied with Prince *Richard*, and all the *Norman* Nobility; after great Rejoicings and Entertainments, they came to the main Point.

THE *Normans*, for the greater Security of their Dominions, got the Popes engag'd to defend them, particularly against the Emperors, from whom they had taken them: *Puglia* and *Calabria* were not contraverted, having been taken from the Emperors of the East, and not from the Popes, who had no manner of Title to them. On the other hand, the Emperors of the West pretended, that what the *Normans* possess'd in these our Provinces, they held it of them in Fief, having been invested in it by *Henry II.* and that as Vassals they ought to acknowledge them for their Sovereigns; that *Richard*, who had robb'd *Landulphus* of the Principality of *Capua* ought to be reckon'd their Vassal, in the same manner as the *Longobard* Princes of *Capua* his Predecessors were, that Principality being subject to the Emperors of the West as Kings of *Italy*; they pretended the same Right over the Principalities of *Benevento* and *Salerno*, which *Robert* intended to invade. The Popes then were to engage themselves against those two powerful Enemies, whose Dominions were the subject Matter of this Treaty.

THEREFORE a Method was thought on, that would turn to both their Advantages. As we have said, there had been already a Custom introduc'd, that for the better Preservation of Estates, the Owners made them over to the Church of *Rome*, paid a small Acknowledgement, declar'd themselves Vassals, and swore Fealty. In these Contracts all the Advantage was on the Pope's Side, for they gave nothing away; on the contrary, besides the Oath of Fealty and Quit-Rent, in case of Failure of lawful and Male-Issue, the Estates devolv'd to the Church, and it was in the Pope's Power to invest others. Neither People nor Princes were at pains to inquire into this Right of Investiture, and by what Authority the Popes assum'd a Power to create Dukes and Counts, and oblige them to swear Fealty to them; it was sufficient to them if they were protected by Excommunications, which were so much dreaded, that their Enemies abstain'd from making War upon them in order to avoid the Censures of the Church. Besides they likewise saw the Popes were come to that pitch of Greatness, that they arrogated to themselves the Power of absolving Vassals from their Oaths, and likewise of deposing Emperors, and the greatest Monarchs in the World; so that they were the less surpriz'd at their giving the Titles of Counts and Dukes, when they presum'd to make the very Emperors of the West, and to transfer the Empire from one Nation to another.

BUT to fancy or imagine that Popes had not only a Power to give Investiture, and take Oaths of Fealty for those Lands that were made over to them, but also to do the same with respect to Provinces and Kingdoms not as yet conquer'd, is still more astonishing. As for those who were preparing to make such Conquests, it was an easy matter to persuade them of it, because they found their account in it, which not only encourag'd them in the Undertaking, but likewise secur'd them in the future Conquests, because if the former Possessors after the Conquest, should endeavour to recover their Right, they were sure to be expos'd to the Thunder-bolts of the Church.

IT was no hard Thing then to make an Agreement, when the Parties had nothing in view but to rob their Neighbours of their Rights, and to make their Advantage by the Bargain. There was no occasion to mention the Dominions taken from the *Greeks* and *Longobards* in the Agreement. Prince *Bacelardus* who had been robb'd by his Uncle, was not regarded in it; Prince *Landulphus* who had been expell'd *Capua*, was as little minded; but both Parties having an Eye to their own Interest and Designs, the Agreement was concluded in this manner; That *Robert* and his *Normans* should be absolv'd from all Censures; that the Dukedoms of *Puglia* and *Calabria*

briz should be confirm'd to him; and besides, when he shall drive the *Greeks* and *Saracens*, who possess'd the greatest Part of *Sicily*, out of that Island, the Pope should give him the Investiture of it with the Title of Duke; and in fine, that the Principality of *Capua* should be confirm'd to *Richard*, who had usurp'd it from *Landulphus*.

ON the other hand it was agreed, that *Robert* and *Richard*, and their Successors, should put themselves under the Protection of the Pope, who confirm'd to them the Possession of all the Dominions they had in *Italy*, and of *Sicily* when they should conquer it from the *Saracens*; therefore they swore an Oath of Fealty as Feudatories of the Holy See, to which *Robert* was oblig'd to pay yearly Twelve-pence of *Pavia* for each Yoke of Oxen, as *Leo Ostiensis* relates¹; and *Fr. Tolomeo* of *Lucca* adds, that this annual Tribute was not so much as demanded by the Pope, but that *Robert* oblig'd himself to pay it of his own Free-Will.

THIS Agreement was settled in *Melphis* in the Year 1059, and tho' some have written that it was likewise confirm'd in the Council held in this City; nevertheless it not being an Affair that concern'd the Council, which was only conven'd for reforming the Manners of Ecclesiasticks, others have not ventur'd to say it, but only that while the Pope was at this Council in *Melphis*, he receiv'd the Oath of Fealty from the *Normans*, and gave the Investiture. However that may be, 'tis most certain, the Treaty was very faithfully perform'd on both Sides; and *Robert* took the Oath of Fealty, which *Baronius* says he found in a Book in the Vatican call'd *Liber Censusum*, in which the Form of the Oath which *Robert* swore to the Pope is recorded: it begins thus; *Ego Robertus Dei Gratia, & S. Petri, Dux Apuliæ & Calabriæ, atque utroque subveniente futurus Siciliæ*. *Sigonius* observes, that the Pope did not confirm him Duke with the *French* Ceremonies us'd by the Dukes of *Normandy*, as already related, to wit, by putting the Ring on his Finger, the Cap on his Head, and girding him with the Sword; but after the *Italian* manner, by putting the Standard in his Right Hand, which made him Standard-bearer of the Holy Church; whence *Guiscard* from this Year began to use this Ducal Title; *Dux Apuliæ, Calabriæ, & futurus Siciliæ*.

SOME also say, that *Robert* at this Time restor'd the Cities of *Benevento* and *Troja* to the Pope, but without any Foundation of Truth; for at this Time the City of *Benevento* was in the Possession of *Landulphus* its Prince, and *Pandulphus* his Son, who had been now restor'd to their Principality, as the Cotemporary Author of the Chronicle of the Dukes and Princes of *Benevento* relates; and it was not restor'd to the Church of *Rome* by *Robert* till long after, when he had vanquish'd the *Longobard* Princes who held that Principality, and expell'd them their Dominions, as shall shortly be told. Neither is there any mention made in grave and ancient Writers of the Restitution of *Troja* to the Pope, seeing there is no Evidence that the Popes could ever have had any Right to it; for a few Years after the *Greeks* had built it, the *Normans* took it from them; and what confirms this the more, is, that at this Day we find *Benevento* only in the Possession of the Church of *Rome*, but we read no where, that ever *Troja* was under her Dominion.

THIS is the Foundation of the Right which the Popes pretend to have over the Kingdoms of *Naples* and *Sicily*; a Foundation tho' in those Times weak and tottering, nevertheless in process of time being grown more firm and fix'd, by the Cunning of the Successors of *Nicholas II.* it was able to support such great and lofty Buildings, that the Popes came to dispose of these Kingdoms at their Pleasure, and to transfer them from one Nation to another, as may be observ'd in the Course of this History.

THEY owe this Advantage, and this so considerable a Part of their Temporal Grandeur to the *Normans*, who, in order to engage them in their Defence, particularly against the Emperors of the East, who could plead that a great Part of what these Conquerors had made themselves Masters of, belong'd to them, or that they held it in Fief of the Emperors of the West, from whom they had formerly got Investiture, did not scruple to declare themselves Vassals of the Popes, that none might pretend to make War against them, without exposing themselves to the Censures of the Church.

¹ Ostiens. lib. 2. cap. 16. Hisdem quoque diebus. & Richardo Principatum Capuanum, & Roberto Ducatum Apuliæ & Calabriæ. atque Siciliæ confirmavit, cum Sacramento, fidelitate;

Romanæ Ecclesiæ ab eis primo recepta, nec non Investitione census per singulos annos, per singula bovm paræ, denarios duodecim.

THESE were the first Seeds, which being afterwards cultivated with skilful Hands, in process of Time, took such deep Roots, and from whence sprung such lofty Plants, that at last the Kingdom of *Sicily* was reckon'd the special Patrimony of *St. Peter*, and a Fief of the *Roman Apostolick See*. Whence our Writers believed, that the Church of *Rome* had invested the *Normans* therewith, as being her Patrimony, for which some quote the Donation of *Constantine the Great*, some that of *Pepin* and *Charles the Great*, and others those of other Emperors of the West. These Writers continued in this Darkeness through their Ignorance of History, till *Marinus Freccia*¹, by the Light thereof, discover'd the Cheat, and let the World see that these Investitures were grounded on nothing but Custom. And speaking of this Investiture of *Nicholas II.* and of others that follow'd afterwards, he did not scruple to say, *Ecclesia non dedit, sed accepit; non transtulit, sed ab alio occupatum recepit*; he pity'd his Kinsman *Matteo degli Afflitti*, who wrote, that *Constantine the Great*, gave this Kingdom to the Church, and said, *Affinis meus historicus non est, auditu percepit, &c.*

THIS first Investiture, with respect to the Person of *Robert*, comprehended only the Dukedoms of *Puglia* and *Calabria*, as *Gulielmus Pugliensis* sings².

*Robertum donat Nicolaus honore Ducali.
Unde sibi Calaber concessus & Appulus omnis.*

And as to *Richard*, the Principality of *Capua* only. But it was couch'd in such a Manner, that it might be interpreted to extend to all the other Provinces, which as yet had not been subjected by the *Normans*: *Robert* was likewise invested with *Sicily*, that was as yet to be taken from the *Greeks* and *Saracens*, who were in Possession of it. The same ought certainly to be understood with respect to the Principalities of *Salerno*, *Benevento*, *Amalphis*, *Naples*, *Bari*, *Gaeta*, and all that now makes up the Kingdom, as the Event prov'd; for they were no sooner conquer'd by the *Normans*, and the *Greeks* and *Longobard* Princes intirely expell'd, than the Popes gave the Investiture of them, with all the Pleasure imaginable, because, besides, that it cost them nothing, they found their account in it, more than the *Normans* themselves.

ON the other hand, the *Normans* were easily catch'd, for they saw the Advantages, which we have already taken Notice of, but were not aware of the Consequences, and excepting the small Acknowledgement of Quit-rent, the Sovereignty was lodg'd in them, and they govern'd their Dominions with a free and absolute Sway, as supreme and independent, and reckon'd themselves rather Tributaries, than real Feudatories of the Apostolick See; for in those Times, the Word *Liege-man* was not taken in the same Sense, as it is now by our Feudists, but denoted a sort of Confederacy and League, when the Inferior, by swearing Fealty, oblig'd himself to assist the Superior in his Wars, or to pay him a certain yearly Tribute or Quit-rent³. The same was practis'd among Princes themselves, witness *Robert* Count of *Namur*, to *Edward III.* King of *England*⁴; the Duke of *Guelder*, to *Charles* King of *France*, and *Philip* of *Valois* King of *France*, to *Alphonfus* King of *Castile*⁵.

THIS Custom was more frequent with respect to the Popes, on the foresaid account. The Kings of *England* oblig'd themselves to pay Tribute to the Apostolick See, which was exacted from that Kingdom, till the Reign of *Henry VIII.* and was call'd *St. Peter's Pence*; yea, there was not a Prince in *Europe*, who did not subject their Kingdoms to pay Tribute to the Church of *Rome*; so that *Cujacius* speaking of this Custom, which was become very frequent in those Times, said, *& qui non Reges olim?* The Popes at first were satisfied with the Quit-rent only, in order to make the Yoke seem easy; but in process of Time, made a Handle of it, to pave the Way to greater Pretensions, which they cunningly trump'd up, as occasion offer'd, as shall appear in the Course of this History.

¹ Freccia de Subfeud. lib. 1. pag. 53.

² Gul. Apul. lib. 2.

³ V. Pratejum lex juridic.

⁴ Froissard. hist. lib. 1. cap. 14.

⁵ V. Bodin. de Republ. lib. 1.



C H A P. I.

The Dukedom of Bari subjected by the Normans.

AFTER this Interview, which prov'd to the Satisfaction of both Parties, the Pope return'd to *Rome*, and *Robert* to *Calabria*, in order to reduce some other Towns that were as yet in the Possession of the *Greeks*, of which he soon made himself Master ; and perceiving that Count *Roger* his Brother, had behav'd himself with extraordinary Courage in these Expeditions, he left him in *Calabria* to compleat the Conquest thereof, which he did most gallantly, and he himself in the mean time went to *Puglia*, and contriv'd means how both to secure and enlarge his Conquests.

FOR this End he resolv'd to make the *Longobard* Princes his Allies, by marrying one of their Daughters, and finding that the Prince of *Salerno* was the most powerful, he sent Ambassadors to *Gisulphus* II. who had succeeded *Guaimarus* IV. his Father in that Principality; to desire his Sister in Marriage. Although the Match was honourable, yet *Gisulphus* made some Difficulty in it, as knowing it was the Genius of that Nation, to catch at all Advantages, and besides that it might be of dangerous Consequence, because at the same time that he sought his Sister, his Wife *Alverada* was still alive, by whom he had a Son the famous *Boemondus*. But he gave him to understand that he had divorc'd her, because she was his near Kinswoman, which at that Time was thought would not be dispens'd with by the Pope, as being rarely practis'd: *Gisulphus* durst not give him a Denial, for fear of breaking with him; whereupon he gave him his eldest Sister, nam'd *Sicelgaita*¹. At the same time he gave another Sister in marriage, nam'd *Gaidelgrima*, to another *Norman* Prince, and gave him for Portion with her, *Nola*, *Marigliano*, *Palma*, *Sarno* and some other neighbouring Places, which had never been subject to the Princes of *Capua*, but to those of *Salerno*². This was *Giordano* I. Son of *Richard* Count of *Aversa*, who, after having taken the Principality of *Capua* from *Landolphus*, the last of the *Longobard* Princes, had made *Giordano* his Son Prince of it. He had also made him Duke of *Gaeta*, as he himself was ; not but *Gaeta* had likewise its own particular Dukes under these two Princes, to wit, *Goffredo*, or *Loffredo Ridello*, in the Year 1072, and others ; but they were so call'd, just as *Pandolphus* was said to be Count of *Capua*, to whom Pope *John* VIII. had given it, though *Docibilis* was Duke of it, who was subject to *Pandolphus*, as *Goffredo* was at this Time to the *Norman* Princes of *Capua*.

MEAN while *Robert* set out on the bold Expedition into *Sicily*³, and after having, with his Brother *Roger*, made many Conquests there, which shall be related in a more proper Place, he return'd to *Calabria* with his new Spouse, and seeing the *Greeks* were still in Possession of *Bari*, *Otranto*, and some other Places of antient *Calabria*, he bent all his Thoughts on driving them out of that Corner, and especially out of *Bari*, where they had assembled all their Forces.

BUT before he set out for this Expedition, he was oblig'd to suppress a new Conspiracy, which *Goffredo* and *Gocelino*, two considerable *Norman* Cavaliers had hatch'd, under pretence of restoring *Bacelardus* the Son of *Umsfred*, to the County of *Puglia*, which *Robert* had robb'd him of. As soon as this noble Champion was appriz'd of it, he surpriz'd the Conspirators, imprison'd and punish'd many of them

¹ Ostiens. lib. 2. cap. 16.² Pell. in Stemm.³ Ostiens. loc. cit.

with the utmost Rigour, and put the rest to flight : *Gocelino* retir'd to *Constantinople* for Shelter amongst the *Greeks*, and *Goffredo* fled to a Castle ; and the unfortunate Prince *Bacclardus* run to *Bari*, from whence some time after, he went to *Constantinople* to beg Assistance of the Emperor *Constantinus Ducas*, who in the Year 1060 had succeeded *Isacius*.

BAR I had hitherto maintain'd itself under the Dominion of the Emperors of the East, and as Head of that Province, likewise continu'd to be the Seat of the chief *Grecian* Magistrates, for at this Time the Emperors of *Constantinople* had rais'd it to be the Metropolis of a new Principality, call'd the Principality of *Bari* ; it was formerly a Dukedom, and the *Greeks* had made *Argirus* Duke of it, and, according to their wonted Vanity, call'd it the Dukedom of *Italy*. They had drawn together all their Forces into this City, as the Place of greatest Defence; wherefore it was the Source of Sedition against the *Norman* Princes for many Years, and a safe Shelter for the Seditious ; which made *Robert* for a long Time consider how he might besiege it.

BUT the *Baresians* were no sooner appriz'd of the Designs of this Prince, than they sent to *Constantinople* to acquaint the Emperor, who being spurr'd on by *Gocelino*, immediately sent a new *Catapanus*, *Stephanus Pateranus*, or, as he's call'd, *Sebastophorus*, to defend the City. This new *Catapanus* being come to *Bari*, resolv'd to make a strong Defence ; in the mean time *Robert* assembled his Army, and not thinking it sufficient for the Siege of this Capital, he over-run the neighbouring Places, and ere he march'd to *Bari*, sat down before *Otranto*, which he harra's'd so much, that he oblig'd it to surrender ; thereafter having order'd many Ships to come from *Calabria*, he reinforc'd his Army with a good Body of Troops, and at last in the Year 1067, laid close Siege to *Bari*, both by Sea and Land ¹. This Siege was very remarkable, where there were many glorious Actions perform'd on both Sides, which the Design of my Work obliges me to pass over, and I do it the more willingly, seeing there are not wanting Writers, who give account of them at large ².

ACCORDING to *Gulielmus Pugliensis* ³, and *Leo Ostiensis* ⁴, this Siege lasted little less than four Years, and the Place was attack'd and defended with extreme Valour and equal Courage. The new *Catapanus* made an obstinate and gallant Defence, and the Besiegers, intrepid and bold Attacks ; and this Enterprize of the *Normans* would have prov'd unsuccessful, if *Robert's* Army had not been reinforc'd by his Brother *Roger*, who having made himself Master of a good Part of *Sicily*, sent him another Army to his Assistance. At last *Robert* overcame the Obstinacy of the Besieged, and oblig'd them to surrender that most important Place ; for in the Month of *April* in the Year 1070, the Gates were open'd, and they yielded at Discretion. Duke *Robert* made his Entry into the City, and treated the *Baresians* with all Humanity : He valued the *Catapanus*, and left it to his Choice, either to remain in *Bari* with his *Greeks*, and serve him, or to return to *Constantinople*, which last he embrac'd ; and after *Robert* had spent many Days in *Bari* in publick Feastings and Rejoycings, he imbark'd, and with a Fleet of 58 Ships, sail'd for *Sicily*, in order to besiege *Palermo* ⁵.

THUS did the famous *Robert* conquer *Bari*, a City that had so long maintain'd itself under the Dominion of the *Greeks*, and by various Turns of Fortune, sometimes taken, sometimes re-taken, was now for the last Time dismembred from their Empire, though the *Greeks* afterwards attempted to recover it, but in vain, for *Robert* kept Possession of it, and transmitted it to his Posterity. And thus did the Dukedom of *Bari* pass from the *Greeks* to the *Normans* under *Robert*, who created a new Duke to govern it. And thus by degrees the Way was pav'd to the Union of these Provinces under one single Person, which was happily compleated by *Roger*, who had the Glory to wear the united Crowns of the Kingdoms of *Sicily* and *Puglia*.

¹ Beatil. hist. di Bari, lib. 2.

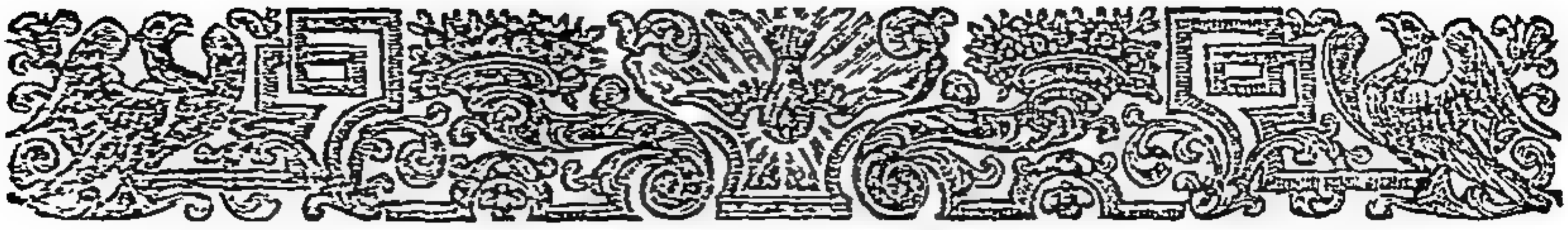
² Ostiens. loc. cit.

³ Goffredus Malaterra lib. 2. cap. 43.

⁴ Gul. Appul. lib. 2.

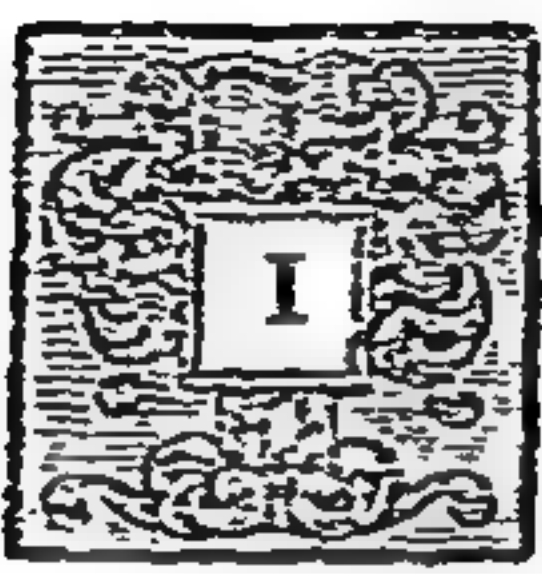
⁵ Malater. lib. 2. cap. 42.

⁶ Gul. Ap. lib. 2. Lupus Protosp



C H A P. II.

The Conquest of Sicily by the Normans.



IN the mean time Pope *Nicholas II.* died in *Florence* in the beginning of *July* in the Year 1061, whose Pontificate had lasted two Years and a Half¹, and the wonted Disorders and Tumults happen'd in *Rome* about the Election of his Successor. The famous *Hildebrand*, in order to quiet them, joyn'd with the Cardinals and *Roman Nobility*, and after three Months, elected the Bishop of *Lucca*, a Native of the *Milaneze*, who took the Name of *Alexander II.* The Emperor, who had not been consulted in the Election, being much offended, caus'd the Bishop of *Parma* his Chancellor, to be elected Pope, whom they nam'd *Honorius II.* in opposition to *Alexander*; and moreover, sent him to *Rome* with a good Army, to drive out his Rival. Whereupon the Jars betwixt the Popes and the Emperors of the West, broke out into open War and Factions, and each of them strove to increase his Party. Some of the greatest Prelates of the Church, and the most renown'd Divines of that Age were of the Emperor's Party, and supported his Cause; but the intrepid *Hildebrand*, with unheard-of Boldness and Vigour, oppos'd them all; and when the Archbishop of *Cologne* check'd *Alexander*, for daring to take the Papacy upon him, without the Consent of the Emperor, contrary to what had been formerly practis'd; told him to his Face, That to ask the Emperor's Consent, was a damnable and most corrupt Custom, and contrary to the Canons of the Church; that neither the Pope, nor the Bishops, nor the Cardinals, nor the Archdeacons, nor any Persons whatsoever, ought to comply therewith; that the Apostolick See was free, and subject to none; that *Nicholas II.* had acted the Part of a Fool, and the Church ought not to lose its Dignity through any Man's Folly; and that so great an Indignity, as to allow the Kings of *Germany* to make Popes, was by no means to be born with.

THEREFORE the Quarrels increas'd, and they became more exasperated against one another, but by the Cunning and Activity of *Hildebrand*, *Alexander's* Party grew strongest, and that of *Honorius* was depress'd, who, the same Year that he had intruded into the Papacy, was depos'd, and condemn'd in the Council of *Mantua*; but for all that, he never parted with the Pontifical Badges.

DURING the Pontificate of *Alexander II.* by reason of the Agreement made a little before with his Predecessor, there was no occasion of Dispute betwixt him and the *Norman Princes*; on the contrary, *Alexander* confirm'd to *Robert* what *Nicholas II.* had granted him, and whilst *Roger* was making Preparation for the Expedition into *Sicily*, he sent him a Standard for the Conquest of it; it being at that Time the Custom, as *Baronius* relates², that when the Popes had a Mind to encourage any Christian Prince to conquer a new Kingdom, they sent him a Standard, and declared him Standard-Bearer of the Holy Church. But at the same time that the *Normans* were paying all Respect to the Apostolick See, they serv'd their own Interest; in the mean time they did not neglect to leave Monuments of their Piety and Bounty towards the Churches, and particularly to the Monastery of *Monte Cassino*, while the Abbot *Desiderius* govern'd it, *Richard* Prince of *Capua*, made so large and noble Donations, that *Leo Ofiensis* and *Petrus Diaconus* relate, there never were

¹ *Offens. lib. 3. cap. 21.*

² *Baron. A. 1066. num. 2*

better and more agreeable Times for these Monks¹. This Prince, besides many Castles and Places in the Neighbourhood of that Monastery, gave it the Castle of *Teramo*, which, by the Rebellion of its Count, had been formerly forfeited *secundum Longobardorum legem*, as he says in his Charter, related by P. Abbot of *Noce*². He gave it many other Churches, for Churches then were Matter of Traffick, and amongst the rest the Church of *Calena*, situated in *Gargano* near the City *Vesti*; for according to the Division made in *Melpbis*, *Siponto* with *Monte Gargano* fell to *Richard's* Share. Therefore the Abbot *Desiderius*, tho' of *Longobard* Extraction, adhered to the *Normans*, and was their Dependent, and seem'd no ways uneasy at the Depression of the *Longobard* Princes, tho' formerly he had shewn himself to be of different Sentiments with respect to his Nation.

BUT this Prince *Richard*, hearing what Progress the *Normans* descended from *Tancred* of *Hauteville*, had made in *Puglia* and *Calabria*, and what they were now making in *Sicily*, thought it would be reckon'd want of Courage in him if he did not follow their Example: Spurr'd on by this Reflection, and not content with the Principality of *Capua*, which he had taken from *Pandulphus*, he resolv'd upon greater and more noble Undertakings. He design'd to take Advantage of the Jars which had arisen betwixt the Pope and the Emperor *Henry* for the Reasons above related, and therefore, without any Scruple, invaded *Campania di Roma*, and advanc'd near to *Rome* itself, in order to get the Start of *Henry*, who intended to go to that City to receive the Imperial Crown from the Hands of the Pope³. When he was in the Neighbourhood of *Rome*, he us'd all Means possible to get the Dignity of Patriciate from the *Romans*, which was then in the greatest Esteem, and wont to be the next Step to the Empire; but *Henry* being appriz'd of it, in all haste march'd to *Italy* with a great Army, and was join'd by *Goffredo* Marquis of *Tuscany*. The *Normans* knowing themselves to be inferior in Force, were oblig'd to give over the Undertaking, and retire out of *Campania*; and after some Skirmishes, at last, by the Interposition of the Pope, *Richard* made up Matters with *Goffredo*, and return'd to *Capua*.

THE Pope soon after having been invited by the Abbot *Desiderius* to consecrate the Church of *Monte Cassino*, which he had magnificently rebuilt, went thither with *Hildebrand* and many Cardinals, where he perform'd the Function with solemn Ceremony and Magnificence, at which ten of our Archbishops, and 43 Bishops assisted. And for making it the more splendid, he also invited all our Princes, as well *Norman* as *Longobard*, who possess'd these Provinces, as also the Dukes of *Naples* and *Sorrento*. *Gisulphus* Prince of *Salerno*, with his Brothers, and *Richard* Prince of *Capua*, with *Giordano* his Son, and *Rainulphus* his Brother, went thither; but what is worth our observing, and much to our Purpose is, that *Landulphus* Prince of *Benevento* was present at this Solemnity, as *Leo Ostiensis*, an Eye-Witness, and at that Time Library-Keeper of *Monte Cassino*, relates, which confirms what the Anonymous *Beneventan* wrote in the Chronicle of the Dukes and Princes of *Benevento*, that *Landulphus* was restor'd to the Principality of *Benevento*, and that it was long after that the Principality became extinct, when the City devolv'd to the Pope, and the rest of it to the *Normans*. *Sergius* Duke of *Naples*, and another *Sergius* Duke of *Sorrento*, were likewise present; for *Sorrento* was dismember'd from the Dukedom of *Naples*, to which it formerly was subject, as *Amalphis* had been long before; and these two Dukedoms were govern'd after the manner of Republics by their Dukes and Consuls, tho' they depended on the *Greek Empire*⁴, and *Amalphis* had been subjected to the Princes of *Salerno*. There were present likewise the Counts of *Marsi*, and many other Barons both *Longobard* and *Norman*, of which at this Time there was a great Number in these Provinces.

ONLY the famous Duke *Robert* was not there. He with his Brother *Roger*, was in *Sicily*, wholly intent on the Siege of *Salerno*. *Maniaces* with the Assistance of the *Normans* had in a great measure restor'd this Island, which had fallen under the Yoke of the *Saracens*, to the Empire of the East; but after the *Normans* were disoblig'd, and *Maniaces* was succeeded by Governors not equal to the Charge, it had been retaken by the *Saracens*, who had driven the *Greeks* out of all the strong Places, except *Messina*; but at last in the Year 1058, they were forc'd to abandon that City,

¹ Ostiens. lib. 3. cap. 17. & 18.

² Abb. de Noce ad Ostiens. lib. 3. cap. 18.

³ Ostiens. lib. 3. cap. 25.

⁴ V. Carol. Borrel. in vindic. Neap. Nobil. Peregrin. in Campan. circa fin.

and leave the whole Island to the Discretion and Power of these Infidels. *Robert Guiscard* with his younger Brother *Roger* invaded it, and after having subdu'd almost all the chief Cities, had only *Palermo*, the strongest and principal City of the Island to conquer, and on which the *Saracens* laid their whole Strefs; but these two gallant Champions laid so close Siege to it, that in less than five Months the *Saracens* were forc'd to surrender it to *Robert*, who with his Brother *Roger* made their Entry into the City with the infinite Acclamations of the People. As soon as *Robert* had conquer'd *Palermo*, in order to gain the Affection of the *Saracens*, he left it to their Choice, either to turn Christians, or to continue in their *Mahometan* Religion. It was at this Time that *Robert* invested ¹ *Roger* his Brother with all this Island, and created him Count of *Sicily*, for by his Prowess and excellent Conduct he had acquir'd it. He retain'd to himself the half of *Palermo*, of the Valley of *Demonæ*, and of *Messina*; and having left his Brother in *Sicily*, he return'd to *Puglia*, and stopp'd in *Melphis* ². Hence 'tis clear, that *Roger* did not seek Investiture from the Pope, because he held it of his Brother *Robert*.

THUS these two Princes, the one reigning in *Puglia* with the Title of Duke, the other in *Sicily* with that of Count, struck Terror into all their Neighbours. Some have believ'd, because *Robert* invested his Brother *Roger* with *Sicily*, who acknowledg'd that he held his Dominion and Title of Count of *Sicily* of him, that therefore this Island was subject to the Dukes of *Puglia*; and that the Royal Title of King of *Sicily*, which *Roger* afterwards got from *Anacletus* the Antipope, and which was confirm'd to him by *Innocent II.* as we shall relate, was meant of this our Kingdom, which was call'd the Kingdom of *Puglia*, and not of the Island of *Sicily* ³. Others on the contrary, such as *Inveges* ⁴, say, that this our Kingdom was subject to the Island of *Sicily*.

BUT from what we have said, and much more from what we shall observe, it will appear, that the Kingdom of *Puglia* was neither subject to that of *Sicily*, nor *Sicily* to *Puglia*, for each of them had its own particular Laws, and was govern'd by its proper Officers. 'Tis true indeed, when we consider that the *Normans* made themselves Masters of this Island, after they had conquer'd *Puglia* and *Calabria*, it may seem probable that it was reckon'd as an Accession to these Dukedoms, and consequently subject to the Dukes of *Puglia*; but seeing *Robert* resided in *Puglia*, and *Roger* in *Sicily*, and govern'd those two States independently of one another, it cannot be said positively that the one was subject to the other. And tho' when *Robert* died, *Roger* succeeded him in the Dukedoms of *Puglia* and *Calabria*, and fix'd his Royal Seat in *Palermo*, where the *Norman* Kings his Successors also had theirs, yet for all that the Kingdom of *Puglia* was not subject to that of *Sicily*, but both were govern'd as two distinct Kingdoms, and neither of them reputed a Province of the other, which we shall make clear in the Progress of this History.

MEAN while *Robert* return'd to *Melphis*, and was receiv'd with Acclamations and Rejoicings by all the Barons of *Puglia* and *Calabria*, who congratulated him as their Sovereign on his Conquest of *Palermo* ⁵. Only *Peter* the Son of the Count of *Trani* would never pay him that Respect, but affected an intire Independency, and therefore had refused him Assistance for the Expedition of *Sicily* ⁶. *Robert* therefore taking this in ill-part, order'd him to deliver up the City of *Trani*, and some other Towns subject to him; but *Peter* boldly refus'd to comply, which was the Cause of his Ruin, for *Trani* was besieg'd and soon taken; the other Towns that depended on him, such as *Bisceglia*, *Quarato* and *Giovenazzo* had the same Fate. However *Peter* retir'd to *Andria*, where he might have defended himself long enough; but wanting Provisions, and going into the Country with a strong Guard in order to get some, he was so unlucky as to be taken in his Return, by the Duke's Soldiers. *Robert* seeing him brought thus low, us'd him with all Tendernefs and Humanity, and obliging him only to take an Oath of Fealty, he generously restor'd all he had taken from him excepting *Trani*.

¹ Osthens. lib. 3. cap. 16. Sicque fratrem Rogerium de tota investiens insula, & medietatem Panormi, & Demonæ, ac Messanæ sibi retinens.

² Malaterra, lib. 2. cap. 4. V. Fazzel. hist. Sicul.

³ Tutino de Contestabili del Regno.

⁴ Inveges Istor. di Palermo, tom. 2.

⁵ Gul. Appul. lib. 3.

⁶ Idem.

Dux Petro suspectus erat, quia prorsus eunti. Ad fines Siculos vires adhibere negarat.

IN the mean time *Alexander II.* died in the Month of *April* in the Year 1073, who, while he was Pope had led a solitary and private Life, and had committed the Government of the Holy See to the famous *Hildebrand*; who, without minding the Emperor, immediately conven'd the Clergy and People of *Rome* in order to elect a Successor; and the same Day that *Alexander* died, he himself was proclaim'd Pope. *Hildebrand* desir'd the Emperor *Henry* to confirm his Election; but this Prince took some time to consider of it, and sent Count *Eberard* to *Rome* to take Information in what manner such a precipitate Election had been made. *Hildebrand* so much caref'd the Count, that he induc'd him to write in his Favour; and *Henry* seeing it would be to no purpose to oppose an Election already made, because *Hildebrand* was more powerful in *Rome* than he, consented to it. So he was ordain'd Priest, and afterwards Bishop of *Rome*, in the Month of *June* of the same Year 1073, and at his Ordination took the Name of *Gregory VII.*



C H A P. III.

Robert conquers the Principalities of Salerno and Amalphis.



ROBERT after having subdu'd *Sicily*, resolv'd presently to add the other Provinces that remain'd in our Country to his Dominions; and by a lucky Opportunity, which we shall relate, he was successful in the Conquest of the Principality of *Salerno* from his Kinsman *Gisulphus*.

THE *Amalphitans*, as we have said, having fallen under the Dominion of *Guaimarus* Prince of *Salerno*, had found his Government too severe, and in order to shake off the Yoke, had invaded the City, and together with the other Conspirators near the Sea-shore, cruelly murder'd him; but they were suppress'd by *Guido* his Brother, who, in the Space of five Days after the Tumults, recover'd the City, and restor'd it to *Gisulphus* his Nephew, the Son of *Guaimarus*. But for all that *Gisulphus* treated the *Amalphitans* much more harshly than his Father had done, therefore they resolv'd to have recourse to Duke *Robert*, that he would be pleas'd to intercede for them with his Kinsman, to use them with some Humanity and Tenderneſs. The Duke being mov'd with Compassion, sent Ambassadors to *Gisulphus*, begging him to forbear to treat the *Amalphitans* after so cruel a manner, but the Prince looking upon this Intercession as an impertinent Remonstrance, receiv'd the Ambassadors very coldly; and seeking an occasion to pick a Quarrel, pretended that the Coast from *Salerno* to the Port of *Fico* belong'd to him; and likewise declared, that he would have *Areco* and *Sancta Euphemia* restor'd to his Dominion, of which the Duke had made himself Master. *Robert* at first endeavour'd to gain his Kinsman by fair Means; and to accommodate Matters amicably; but *Gisulphus* refus'd to treat at any rate, perhaps trusting to the Assistance he expected from *Richard* Prince of *Capua*, who had espous'd his Interest, and was then at Variance with *Robert Guiscard*; who, that he might not have two Enemies to contend with, adjust'd Matters privately with *Richard*, and having made him very advantageous Offers, perswaded him to be on his Side against the Prince of *Salerno*². He likewise made a particular Treaty with the *Amalphitans*, and took them under his Protection, and having put a Garrison into their City, prepar'd to

¹ Malat. lib. 3. cap. 2.

² Gul. Appul. lib. 3.

lay Siege to the City of *Salerno* with his own Troops, and those of the Prince of *Capua*.

A L L those who had the Interest of *Gisulphus* at Heart, counsell'd him to ward off the Blow; and *Gregory VII.* who lov'd him as his Son, and *Desiderius* his great Friend, advis'd him not to break with *Robert*¹; but he being obstinate did not listen to them. However *Desiderius* did not desist, but knowing that *Robert* had already besieg'd *Salerno*, he engag'd Prince *Richard* to go with him in order to soften *Gisulphus*; but all to no purpose: On the contrary, he could not forbear declaring, out of an ill-grounded Pride, that he did not value the Duke's Friendship a Rush, and renounced it for ever.

ROBERT being highly offended, laid aside all fair Means, and besieg'd that City so closely, that at the End of five Months it was reduc'd to the utmost Necessity. Those who commanded the Place, perceiving they could hold it no longer, thought on their own Security². One of the chief Persons in the Place was *Bacelardus* Son of *Umsfred*, who, after having in vain expected Assistance from the Emperor of *Constantinople*, had return'd into *Puglia*, and us'd all Means to be reveng'd of his Uncle; but being afraid that if he should fall into his Hands, he would use him with the utmost Severity, he fled in the Night-time to *Sanseverino*, in the Neighbourhood, where he was receiv'd. The Duke wrote to Count *Roger* to come with all haste from *Sicily* to besiege *Sanseverino*, whilst he should put an End to the Siege of *Salerno*. But he soon made himself Master of the Place, for the Walls of the City were so batter'd down, that the Inhabitants came to invite *Robert* to enter at the largest Breach, to prevent the Misfortune to which a Place taken by Assault was liable. However *Gisulphus* did not surrender for all that, but defended himself in the Citadel; but being furiously attack'd by *Robert*, he was forc'd at last to shew as much Submission, as formerly he had shewn Pride; he yielded himself to the Clemency of the Victor, and of all Favours begg'd that of his Liberty, which was granted him; and having first retir'd to *Monte Cassino*, he afterwards put himself under the Protection of Pope *Gregory VII.* who assign'd him some Villages in *Campagna di Roma* to live in; nevertheless he continu'd to take the Title of Prince of *Salerno*, and Duke of *Puglia* and *Calabria*, as his Father *Guaimarus* had done, but not of *Sicily*, as by a Mistake we read in the Pedigree of the Princes of *Salerno* written by *Pellegrinus*.

THE Duke caus'd *Salerno* to be fortified anew, and march'd against *Bacelardus* to prevent his fortifying himself in *Sanseverino*. In a short time he join'd his Brother *Roger*, who had already attack'd the Place; so that being more closely besieg'd, it was oblig'd to capitulate; which made *Bacelardus* and his Brother *Hermanus* resolve to retire again to *Constantinople*, where these unfortunate Princes spent the rest of their Days in great Misery, and where after many Years they died.

THUS in the Year 1075, according to the Anonymous *Cassinensis*, *Fr. Tolomeo* of *Lucca*, and *Camillus Pellegrinus*, was the Principality of *Salerno* united to the Dukedoms of *Puglia*, *Calabria* and *Sicily*, under the famous Duke *Robert*, who also being Master of *Amalphis*, threaten'd likewise to subdue what remain'd of these Provinces to his Dominion. And thus were the *Longobard* Princes extinguish'd in *Salerno*; but that Nation was not quite extirpated; there were still many Families of *Longobard* Extract, both in the Principality of *Capua*, and in the neighbouring Countries³. There still remain'd *Guaimarus* Count of *Capaccio*, *Pandulphus* Count of *Corneto*, *Jordanus* Lord of *Castello*, *Corneto del Cilento* Nephew of Prince *Guaimarus*, *Astolphus* Son of Count *Gisulphus*, *Romualdus* Son of *Peter* Count of *Atemulfo*, *Castelmannus* Son of Count *Adelferius*, *Berengarius* Son of Count *Alphannus*, *John* and *Landulphus* Sons of Count *Ademarus*, surnam'd the Red, *John* Son of Count *Guaimarus*, *Gloriosus* Son of Count *Pandulphus*, who were still alive in the Years 1110 and 1114; and *Sicelgaita* Daughter of *Gloriosus*, and Widow of *Marinus Caccapete* of *Naples*, was still alive in the Year 1115⁴. So likewise *Pellegrinus* relates, that the Noble Family of *Porta* in *Salerno*, descended of the Counts *Guaiferius* and *Albertus*, who were of *Longobard* Extract, continu'd in a direct Line till the Year 1335, as is mention'd in the ancient Charters; as also we find in old Monuments many other *Salernitan* Counts for seven or eight Generations down to that Time, as

¹ Paul. Diacon. lib. 3. cap. 45.

² Malater. lib. 3. cap. 4.

³ Pellegr. in Stem. Princ. Salern.

⁴ Idem.

the same Author attests. And tho' it be next to impossible to find a Series of them in a direct Line, yet for all that the *Longobard* Blood is not quite lost in this Province; and perhaps at this Time is conceal'd under the coarse Cloths of Boors and Rusticks. This lets us see, that Noble Blood is of no Value, when Splendor and Riches have left it.



C H A P. IV.

The Principality of Benevento intirely subjected to the Dominion of the Normans, and the City of Benevento to the Church of Rome.



PRINCE *Gisulphus* being expell'd *Salerno* and *Analphis*, made *Gregory VII.* very much dread the Consequence of the Growth of the *Norman* Princes; but especially he was desirous to have *Gisulphus* restor'd, whom he so much lov'd, because by that Means he might be able to ballance the Power of those Princes, therefore he watch'd an Opportunity to bring it about. He was also encourag'd to set up another Party against *Robert*, and to take his expell'd Nephews under his Protection; but it was not long before *Robert* and his Brother *Richard* furnish'd him a large Field for Quarrels and Intrigues. These Princes, not content with having expell'd *Gisulphus* from *Salerno*, but seeing he had got Shelter in *Campania di Roma*, under *Gregory*, they resolv'd to pursue him even in that Place, and on that account to invade *Campania*; whereupon they immediately march'd their Army that way, and took Possession of a Part of *Marca d'Ancona*¹. But as soon as the News reach'd *Rome*, that these Princes had enter'd upon the Lands of the Church, *Gregory*, who of all the Popes was the least capable to suffer such an Affront, and who wanted nothing more than such an Occasion for driving out his Enemies, call'd a Council in *Rome*, and with publick Ceremony and Solemnity excommunicated these two Princes and their Adherents². But perceiving that they did not much mind these Thunderbolts, at the same Time he apply'd more effectual Means; he sent a good Army against them, which made them quickly retreat. The Duke and Prince, that they might not lose the Opportunity of making other Conquests elsewhere, came and besieg'd the Cities of *Benevento* and *Naples*. The Duke invested *Benevento*, and the Prince *Naples*.

THE City of *Benevento* was at this Time govern'd by *Landulphus VI.* This Prince, tho' he had been the Father of many Children, yet they had all died in his Life-time. *Pandulphus* whom he had made Partner in the Principality, had been kill'd in the Year 1074, by the *Normans* near *Monte Sarchio*; so that he surviving all his Sons, held the Principality till the Year 1077, but being full of Years and decay'd, after having reign'd 39 Years in *Benevento*, he ended his Days there in 1077, and leaving no Issue, the Succession of the Princes of *Benevento* fail'd in him. This is the Period of this Principality; such is the Instability of worldly Affairs. This Principality which above all others extended its Bounds the most, and in the Time of *Arechis* comprehended almost all that which is now the Kingdom of

¹ Paul. Diacon. lib. 3. cap. 45.

² Baron. in fine lib. Epist. Gregorii VII. | municavit Robertam Guiscardum Ducem Apuliæ
Celebravit Synodum Romæ, in qua excom- | & Calabriæ, & Siciliæ cum omnibus fautoribus
ejus.

Naples, at this Time was quite extinguish'd, which Misfortune did not happen to the Principalities of *Capua* and *Salerno*; for tho' the *Longobard* Princes fail'd in them, yet the Principalities continu'd long under the *Normans*; and tho' *Roger* form'd these Provinces into a Kingdom, yet he did not extinguish these Principalities; for among other Titles he took likewise those of Prince of *Capua* and *Salerno*, with which he also adorn'd his Sons. But that of *Benevento* was quite extinguish'd, for the City came under the Dominion of the Popes, and the other Lands and Cities of the Principality became subject to the *Normans*, which they added to the other Provinces they had conquer'd; wherefore in their Titles they did not retain that of Prince of *Benevento*, as being quite extinct.

THEREFORE on the Death of *Landulphus* VI. the last Prince of *Benevento* without Issue, *Gregory* laid Claim to the City as belonging to the Church of *Rome*. On the other hand *Robert*, who had made himself Master of many Towns of this Principality, resolv'd to reduce *Benevento* under his Dominion, as he had done those Towns which acknowledg'd it for their Head. Therefore committing the Charge of the Siege of *Naples* to *Richard* Prince of *Capua*, he took that of *Benevento* upon himself. But *Benevento*, by the Vigilance and Direction of *Gregory*, and *Naples* by the Bravery of its Citizens, who defended themselves gallantly, held out a long Time.

IN the mean time *Richard* was taken ill, and being reconcil'd to *Gregory*, and absolv'd from the Censures of the Church, died soon after. *Giordanus* his Son, who succeeded him, differing in Sentiments from his Father, immediately rais'd the Siege of *Naples*, and breaking the League his Father had made with *Robert*, join'd with the Pope. *Robert* likewise having left some Troops at the Siege of *Benevento*, had retir'd into *Calabria*; so that *Giordanus* taking Advantage of his Absence, in Confederacy with the Pope, push'd on Matters so far, that having receiv'd a great Sum of Money from the *Beneventans*, he immediately rais'd the Siege of their City, levell'd all their Works, and broke the Machines which *Robert* had prepar'd for reducing that City to his Obedience.

ROBERT was so much provok'd at this Behaviour of *Giordanus*, that he immediately return'd from *Calabria* into *Puglia*, where after the Reduction of *Ascoli*, *Monte Vico*, and *Ariano*, he march'd presently to the River *Sarno*, where he lay, in order to give him Battle; and they would actually have enagag'd if the Abbot *Desiderius* had not interpos'd, who manag'd Matters so effectually, and with so much Dexterity, that he pacified *Robert*, and got him to consent to a Peace, and made these two Princes as good Friends as formerly¹. *Desiderius* likewise reconcil'd *Robert* with the Pope, and was so much a Friend to both, that he went to *Rome* and got the Pope to absolve him from the Excommunication, and had the Glory to make Peace between these Princes, at the very Time, when by their Quarrels and Debates they were so exasperated against one another, that a bloody and cruel War seem'd unavoidable.

THUS the *Normans* being made Friends with the Pope, obtain'd Absolution from the Censure; and on the other hand *Robert* having reduc'd the Towns of *Monticulo*, *Carbonara*, *Pietrapalumbo*, *Monteverde*, *Genziano* and *Spinazzola* under his Obedience, had no mind to renew the Siege of *Benevento*, but left it intirely free to *Gregory*; from this Time this City began to be govern'd by the Church of *Rome*, which introduc'd a new Polity, and sent Governors to it, who, for the most Part were Cardinals².

THUS did the City of *Benevento* come under the Dominion of the Church of *Rome*, before these Provinces were united and form'd into a Kingdom; for which reason, the Popes in the Investitures they have ever since this Time given of the Kingdom of *Naples*, reserve to themselves the City of *Benevento*, as not comprehended therein, but independant on it, and subject to the Church of *Rome*; whence the *Beneventans* are reputed Foreigners, and not Natives of the Kingdom.

THUS we see how these our Provinces, that were subject to so many Princes, by Degrees came to be united in the Person of *Robert*, and at last under *Roger* Count of *Sicily*, were join'd and form'd into a Kingdom. Now there remain'd nothing for *Robert* to conquer but the small Dukedom of *Naples*. This Dukedom tho' it acknowledg'd the Emperors of the East for their Sovereigns, and it may be

¹ Pet. Diacon. Auc. lib. 3. cap. 45.

² Anon. in Chr. Duc. & Princ. Ben. n. 15.

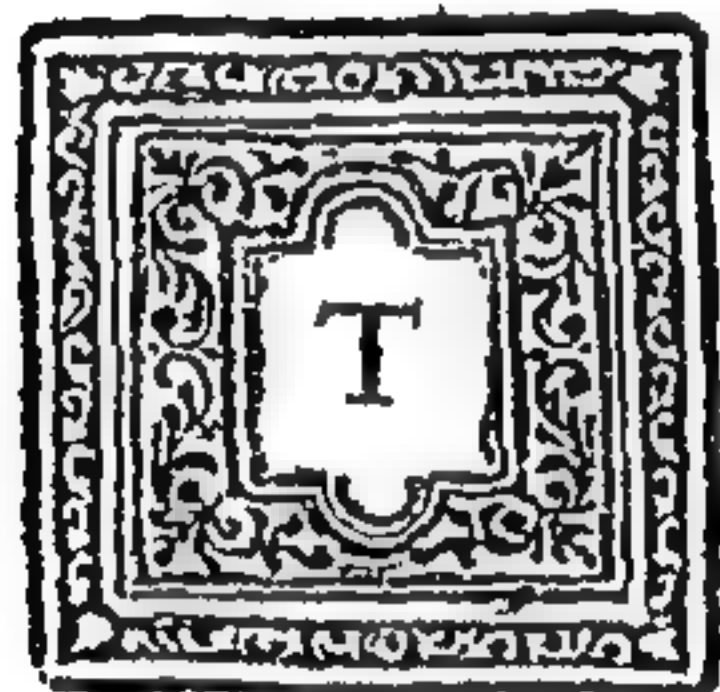
| apud Pellegr. Post cujus principis obitum, restituta est Civitas per Romanam Ecclesiam.

seen in the Writings of these last Times, that the Names of those Emperors were inserted in them, as may be observ'd in that quoted by *Summontes*, which we see is in the Name of *Alexius Comnenus*; nevertheless it maintain'd itself in the Form of a Republick, govern'd by its Dukes and Consuls, who by reason of the Declension of the *Greeks* in these Parts, had, in a Manner, thrown off all Dependence on the Emperors of the East. All the rest had been conquer'd by the *Normans*; by *Robert Guiscard*, *Puglia*, *Calabria*, the Principality of *Bari*, *Salerno*, *Amalphis*, *Sorrento* and the Lands of the Dukedom of *Benevento*: By *Richard*, the Principality of *Capua*, and the Dukedom of *Gaeta*, which City, though it had its particular Dukes, yet depended on the Prince of *Capua*.



C H A P. V.

The Debates which the Emperor Henry had with Pope Gregory, who had recourse to Duke Robert, and was by him reliev'd when besieg'd in Castle St. Angelo, by the Emperor's Army.



THE Peace which *Desiderius* had manag'd between the Pope and Duke Robert, was so seasonable for them both, that many Advantages resulted to each of them from it; but especially to Gregory, who otherwise must have been involv'd in great and insuperable Difficulties; for without the Assistance of Robert, he had certainly been crush'd by Henry. The Discords between him and the Emperor were come to that Height, that they broke out into an open Quarrel, and at last ended in Seditions, Wars and obstinate Schisms. The Emperor storm'd that the Pope had depriv'd him of the Right of Investiture, and that he had no Share in the Election of the Popes, and besides, was highly offended that the Countess *Mathilda* had made over many Lands and Castles in *Liguria* and *Tuscany* to the Apostolick See¹. Gregory on the other Hand, accus'd Henry, that for Money, and by his private Authority, he had invested Bishops and Abbots, and at first check'd him severely, but afterwards, in the Year 1076, he proceeded to Censures. Henry likewise offended at a saucy Embassy that Gregory had sent him, immediately call'd a Council in *Worms*, in which Gregory was accus'd of many Crimes and Enormities, and depos'd; afterwards he sent his Ambassadors to *Rome*, with contemptuous and reproachful Letters, commanding him to quit the Papacy. On the other hand, Gregory having call'd another Council in *Rome*, excommunicated all the Bishops who had consented to his Deposition in *Worms*; depos'd Henry from the Kingdoms of *Germany* and *Italy*, and absolv'd all his Subjects from the Oath of Fealty they had taken to him; forbidding them to pay him any more Obedience, and exhorting all Princes to rise in Arms against him. The Princes of *Germany* considering that it would be of dangerous Consequence to have any Quarrel with the Pope, now when he was engag'd in a War with the *Saxons*, persuaded the Emperor to make Peace with him, and at the same Time they solicited the Pope to come into *Germany*, that all Differences might be made up. Gregory pretended to be willing, but being arriv'd at *Vercelli*, he retir'd to *Canossa*, a Castle situated in the District of *Reggio*. Henry being hard put to it by the *Saxons*, de-

¹ Auctuar. P. Diac. in Ostiens. lib. 3. cap. 49.

sign'd at any rate to make Peace with the Pope, so that quickly passing the *Alps*, he came to *Canossa* and begg'd his Pardon¹. *Gregory* at first would not admit him, but after having made him attend Three Days bare-footed, at the Gate of the Castle, by the Intercession of the Pope's Creatures, and the Princes of the Empire, he at last granted him Pardon.

BUT *Gregory* knowing that *Henry*, on the account of the rough Usage he had met with, would be more irritated, and being appriz'd by *Matilda*, that the Emperor was setting a Trap to catch him, immediately return'd to *Rome*, where in the Year 1080, with greater Solemnity he excommunicated him anew, depos'd him from the Empire, absolv'd his Vassals from their Oaths, and forbad all Christians to obey him, and gave the Kingdom of *Germany* to *Rodolphus* Duke of *Suevia*, and exhorted all the Princes of *Germany* to elect him Emperor. When *Henry* heard that the *Saxons* had elected *Rodolphus* Emperor, in opposition to him, he left *Italy*, went to *France* and engag'd in Battle with *Rodolphus*; they fought gallantly, and there was terrible Slaughter on both Sides; but Night coming on, the Decision was reserv'd till the next Day, when the Battle was begun afresh, and at last *Rodolphus's* Army giving way, *Henry* obtain'd a compleat Victory. *Rodolphus* was kill'd in this Battle, but before he died, held up his bleeding Hand, in presence of his Captains, and said²; *You see this Hand; with this I swore to my Lord Henry, not to attempt upon his Life and Honour; but the Pope forc'd me to break my Oaths, and usurp that Honour which did not belong to me. What End I have brought my self to, you now see; and they who put me upon this, will find the Fruits of it.*

AFTER *Henry* had vanquish'd his Rival, he return'd into *Italy*, to revenge the Affront put upon him by *Gregory*; and having call'd a Council of Bishops, first in *Mentz*, afterwards in *Breslaw*, he caus'd *Gregory* to be depos'd, and in his Room the Archbishop of *Ravenna* was elected Pope, who took the Name of *Clement III.* from thence marching to *Rome* with a powerful Army, he drove out *Gregory*, and plac'd *Clement* in that See³, and would have him to crown him Emperor. In the mean time, *Gregory*, with his Adherents, had retir'd into Castle *St. Angelo*, where he could get no Assistance from the *Romans*, and none else were willing to succour him, because the Emperor's Forces were too many for them; one may easily guess in what a Consternation his Holiness was in. And besides, *Giordanus* Prince of *Capua*, and his *Normans*, being afraid that *Henry*, at the Head of so formidable an Army, would expel them that Principality, join'd with him against *Gregory*⁴, so that the Pope was reduc'd to a lamentable Condition.

HE had no other Remedy, but to have recourse to the renown'd *Robert*. But he was at too great a Distance to give him Relief: This Prince a few Years before, had given in Marriage one of his Daughters, nam'd *Helena*, to *Constantine* the Son of the Emperor *Michael Ducas*, a Prince of such Comeliness, and so well dispos'd, that the Princess *Anna Comnena* did not scruple to say, That he was the Master-piece of God's Creation. This Princess could not bridle the Passion she had conceiv'd against the Emperor *Michael*, for having bestow'd so accomplish'd a Son on the Daughter of a Man such as *Robert* was, whom, according to the Vanity and Haughtiness of the *Greeks*, she call'd a pitiful Robber, and unworthy to be allied with the Emperors of the East; but this unhappy Princess *Helena*, a few Years after, had fallen into the utmost Misery, for *Nicephorus Botoniates* having driven *Michael* from the Empire of the East, had confin'd all his Family to a Monastery, and, with unheard-of Barbarity, had castrated *Constantine*, the Husband of Princess *Helena*. Such an outrageous Injury was an Affront done to Duke *Robert*, who could do no less than interest himself in the Affair, and besides, he look'd upon this Occasion of carrying his Arms into the East, with a secret Pleasure.

FOR which Cause, he receiv'd very graciously a *Greek*, who appear'd at his Court, and who gave out that he was the Emperor *Michael*, and to gain the more Credit, he gave a particular Account of his Escape from the Monastery, to which he said he had been confin'd, for contracting Alliance with the *Normans*. The Duke caus'd extraordinary Honour to be paid his Personage, as if he had really been the Emperor⁵. Nevertheless many Lords, who had been at *Constantinople*, and seen *Michael*, could not be persuaded that it was he, or if it was, he was very much

¹ Auſtuar. P. Diac. lib. 3. cap. 49.

² Hemoldus Chronici Sclavorum lib. 1. c. 29.

³ Auſtuar. P. Diac. lib. 3. cap. 50 & 53.

⁴ Auſt. P. Diac. lib. 3. cap. 50.

⁵ Maiar lib. 3. Anna Comn. lib. 4.

alter'd. But *Robert* did not care to enter into the detail of the Matter, whether he was the real or a counterfeit *Michael*; it was the same for his Purpose. He pretended only to reconduct him to *Constantinople*, at the Head of an Army, and to restore him to the Imperial Throne, perhaps with Intention to take Possession of it himself, if he should find that this Person was not the real *Michael*. In effect it was thought to be a very good Handle, whereby he might the more easily draw in the *Greeks*, and have a plausible Pretence to concern himself in the Affairs of the Empire of the East: Whoever the suppos'd *Michael* might be, whom *Anna Comnena* calls a *Greek Monk*, nam'd *Rector*, *Robert* did not neglect to take Advantage of the Character he took upon him.

BUT when the Duke had made ready every thing necessary for so important an Expedition, he had Advice, that there had been a new Revolution in *Constantinople*, and that the Princess *Helena* had been set at Liberty, from the miserable Prison she had been shut up in; for *Alexius Comnenus* a little before, having been proclaim'd Emperor in *Thrace* by the Legions, had depos'd *Nicephorus Botoniates*, and caus'd him to be shav'd, and had enter'd Triumphantly into *Constantinople*, where having taken the Princess *Helena* out of the Monastery, he treated her very honourably; by so doing, he design'd to gain over Duke *Robert* to his Interest, whom he much esteem'd, and much more fear'd, lest he should oppose him in the Infancy of his good Fortune.

BUT all this did not put a Stop to *Robert's* Designs, who having every thing in Readiness for that Expedition, lost no Time in setting about it; so that having gone to *Otranto*, where he was to embark his Army, he first provided for the Government of his Dominions in *Italy*, which he left to *Roger*, surnam'd *Bursa*, his second Son, whom he had by *Sigelgaita* his second Wife, and at the same time, in presence of the People, declar'd him Heir of the Dukedoms of *Puglia*, *Calabria* and *Sicily*¹. This was a genteel and gallant Prince; he left him for Ministers, *Robert Count of Loritello* his Nephew, and Count *Gerard*, a Person of great Experience and known Integrity.

He embark'd with his Dutcheß *Sigelgaita*, who, like a Heroine, would follow her Husband at the Head of his Army. He likewise took along with him the valiant *Boemondus* his Son, whom he had by his first Wife *Adelgrita*, and some *Norman Barons*. In the Year 1081, being arriv'd at the Isle of *Corfu*, they landed and attack'd the Forts, in order to reduce that Island to their Obedience: *Alexius* being appriz'd of *Robert's* Motions, prepar'd an Army to suppress him; whence commenc'd so bloody a War, full of so great Events, that the Princess *Anna Comnena*, the Daughter of the Emperor *Alexius*, was induc'd to write the History of it, in which, though she strove to magnify the Actions of her Father, yet she could not mention *Robert*, without commending his extreme Valour and Magnanimity. My purpose obliging me to pass over so renown'd Adventures, I refer the Curious to the History of this Princess, and to what *Malaterra*, and *Gulielmus Pugliensis* have written of them. In short, after *Robert* had taken the City of *Durazzo*, he made himself Master of that Island, and aspiring to greater Matters, he carried his Conquests into *Bulgaria*, and made all that Country tremble at the Hearing of his Name, even to the Gates of *Constantinople*.

WHILST this illustrious Hero was engag'd in this War with *Alexius Comnenus*, he receiv'd pressing and earnest Letters from Pope *Gregory*², who at the same time congratulated him upon his Victories in the East, and represented to him the urgent Occasion the Apostolick See had for his Assistance, and the lamentable Condition he himself was in by *Henry's* Army. The Duke, before he left *Otranto*, had been appriz'd of *Henry's* Attempts, who had sent him Ambassadors, in order to bring him over to his Party; but *Robert* dismiss'd the Ambassadors immediately, and advis'd the Pope of it in such obliging Terms, as even to declare, that if his Troops had not been already embark'd, he would have led them to *Rome* himself; but tho' the State of his Affairs call'd him necessarily elsewhere, yet he had not neglected to

¹ Gul. App. lib. 4.
Advenit interea Coniunx, Comitesque rogati,
Egregiam Sobolem multo spectante Rogerum.
Accersit Populo, cunctisque videntibus illum
Hæredem Statuit, proponit & omnibus illum.

Jus proprium Latii totius, & Appula quoque,
Cum Calabris, Siculisque loca Dux dat habenda
Rogerio.

² Malater. lib. 3.

recommend the Interest of the Holy See to Count *Robert* his Nephew, and Count *Girard* his good Friend ¹.

BUT now that he was disingag'd from the Conquest of *Corfu*, and had carried his Victorious Arms into *Bulgaria*, hearing of the pressing Necessity, though he was successful in his Conquests, yet he left them off to go and give the Pope the Assistance he had promis'd him; and leaving the Command of the Army to his Son *Boemondus*, and the Count of *Brienna*, he embark'd for *Italy*, with a small Number of his People in Two Ships, and landed at *Otranto*.

HOWEVER desirous he was to march immediately to *Rome*, yet he could not do it so suddenly, but contented himself with sending a large Sum of Money to the Pope, while he should put an End to the Affairs of *Puglia*, that indispensably requir'd his Presence; for some Cities taking advantage of his Absence, had withdrawn themselves from his Obedience, and soon after his Departure from *Otranto*, the Inhabitants of *Troja* and *Ascoli*, had first of all begun to Mutiny, by refusing to pay the Tribute to his Son *Roger*, and some other Cities, and many Barons had follow'd their bad Example, and at the very Time that he landed in *Otranto*, *Goffredus* Count of *Conversano*, was going to besiege the City of *Oria*. But the Duke was no sooner arriv'd, than he dispers'd the Aggressors, who left the Attempt and took themselves to Flight. With the same Facility that he had prevented the Siege of *Oria*, he punish'd the City of *Canne*, by destroying it altogether, for being more obstinate in its Mutiny than the rest. These glorious Expeditions put an end to the seditious Commotions that just before had arisen.

NOTHING else would have stopp'd him from going to *Rome*, had it not been *Giordanus* Prince of *Capua*. This Prince, as we have said, having taken part with *Henry* against the Pope, Lorded it over *Campania* with his Troops, so that *Robert* was oblig'd to remove this Bar, in order to have free Passage to *Rome*: This valliant Champion not only drove away these Troops, but also laid Siege to *Aversa*, to get Possession of it. However *Giordanus* defended the Place gallantly; so that *Robert* seeing he could not expect to be Master of it so soon, and the Pope pressing for Relief, abandon'd the Siege, and march'd to *Rome*, where he found *Gregory* closely besieged in Castle St. *Angelo*, while the Emperor and his Anti-pope were enjoying themselves peaceably in the *Lateran* Palace. *Henry*, who had but a small Garrison with him in *Rome*, resolv'd to quit the City; on the other hand, *Robert* surrounded *Rome* with his Army, and early one Morning, drew near to the Gate of St. *Lorenzo*, which he observ'd to be worse guarded than the rest, and order'd Ladders to be apply'd to the Walls, and mounting thereon, immediately open'd the Gates to all the Army. He march'd through the Streets of *Rome* without any Obstacle, and coming to Castle St. *Angelo*, reliev'd the Pope, and conducted him honourably to the *Lateran* Palace ².

THE *Romans* of *Henry's* Faction were surpriz'd at so gallant an Action, and though afterwards they recover'd a little Courage, and had hatch'd a Conspiracy against the *Normans*, yet *Robert* immediately suppress'd it in such a Manner, that the *Romans*, terrified, resolv'd to beg Peace of the Pope, which he granted them.

THE renown'd *Guiscard* being disingag'd from so glorious an Expedition, and the Tumults quell'd, march'd his Troops out of *Rome* to return to *Puglia*; but *Gregory* not trusting as yet to the *Romans*, and afraid to expose himself another Time to their Insults, resolv'd to follow the Duke and his *Norman* Army. Therefore he left *Rome*, follow'd by the Cardinals and a great Number of Bishops, and after some Days stay in *Monte Cassino*, where they were splendidly entertain'd by the Abbot *Desiderius*, he retir'd into *Salerno*, without ever returning to *Rome*, whose Fidelity he always suspected.

¹ Gul. Appul. lib. 4.
Roberto Comiti committitur, atque Girardo,
Alter fratre Satus, fidissimus alter amicus.

² Aust. P. Diac. lib. 3. c. 55.

S E C T. I.

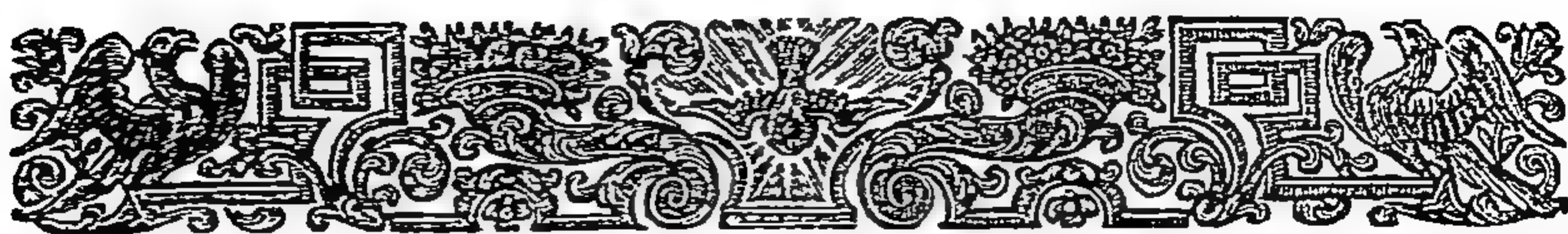
Investiture given by Gregory VII. to Duke Robert.

IN this Progress which the Pope made with Duke *Robert*, the Investiture which this Prince had got from *Nicholas II.* and *Alexander* his Predecessor, of the Dukedoms of *Puglia*, *Calabria* and *Sicily*, was renew'd by *Gregory*, as we read in the decretal Epistles ¹ of this Pope, and is dated from *Capperano*, a Place famous afterwards, for the Treason hatch'd there by the Count of *Caserta* against King *Manfred*. At this Investiture, the Greatness of Soul and the Intrepidity of *Hildebrand* deserve Admiration, who, notwithstanding the very signal and recent Favours he had receiv'd from *Robert*, yet though he was furrounded by the *Norman Army*, he would not consent to include in the Investiture, the Principality of *Salerno*, the Dukedom of *Amalphis*, and a Part of *Marca Firmana*, which *Robert* had conquer'd since the Investiture of Pope *Nicholas*, and which he was then in Possession of; but would only invest him with what his Predecessors *Nicholas* and *Alexander* had done, leaving out these other Places.

AND that from this Deed there might no Prejudice result to either Party, they both expressly reserv'd their Rights. *Robert*, by the Oath of Fealty he took to *Gregory*, promis'd to assist the Apostolick See, and to defend the Regalia, and the Lands of *St. Peter* against all Persons, and not to invade or seek to acquire them, expressly excepting *Salerno*, *Amalphis*, and part of the *Marca Firmana*, of which, as he says, *adhuc facta non est definitio*. On the other hand, *Gregory* declar'd in the Investiture, that he invested him only with what his Predecessors *Nicholas* and *Alexander* had granted him, adding, *de illa autem terra, quam iniuste tenes, sicut est Salernus, & Amalphia, & pars Marchiæ Firmanæ, nunc te patienter Substineo in confidentia Dei omnipotentis & tuæ bonitatis, ut tu postea exinde ad honorem Dei & Sancti Petri ita te habeas, sicut ut & te agere, & me suscipere decet, sine periculo animæ tuæ & meæ*. This shews how artful this Pope was, who at the same Time that he left *Robert* in suspense, would keep as it were, a Bridle in his Jaws, by making him depend upon himself and his Successors for the Investiture of these Places; and besides, would shew that it was the Prerogative of the *Roman Pontiffs* only, to take and give other Peoples Dominions, and to justify or disapprove of the Conquests of Princes at their Pleasure, by declaring them Just or Unjust as they thought fit; he likewise found out a very subtle Medium betwixt just and unjust Acquisitions, to wit, to support unjust Possessors *in confidentia Dei Omnipotentis*, that, according as they behav'd themselves towards the Church of *Rome*, so the Popes were to determine the Conquests to be just or unjust.

THUS we see, to what Pitch the Authority of the Popes, and the Stupidity of secular Princes, by standing so much in Awe of the Censures, were arriv'd in these Days; for fear of being depos'd, and having their Vassels absolv'd from their Oaths, they were at their Beck, and acknowledg'd their unbounded Authority, to avoid Seditions and destructive Revolutions in their Dominions, being terrified at the fresh Instance of the Emperor *Henry*, who saw a cruel War kindled in *Germany*, only because *Gregory* was not in his Interest.

¹ Vol. 3. Epist. Decretal. Greg. VII.



C H A P. VI.

The Conquests of Duke Robert in the East. His Death, and that of Gregory VII. soon after.



WHILST Robert was employing his Arms to so good Purpose in *Italy*, in the Service of the Apostolick See, he was amply rewarded by the prosperous Success which his renown'd Son *Boemondus* had in the East. This gallant Champion, at the same time that his Father had the Glory of driving the Emperor of the West from *Rome*, having engag'd in Battle with *Alexius Comnenus*, had likewise the Glory to put the Emperor of the East to flight in *Bulgaria*.

THE News which Robert had of this Victory, gain'd by *Boemondus* over the Emperor *Alexius*, gave him an earnest Desire of returning to the East, to accomplish what his Son had so prosperously begun. After he had given the necessary Orders to his Officers for the Government of his Dominions in *Italy*, he put to Sea with a considerable Fleet, and taking with him his other Son *Roger*, and many principal Barons, and joyning the *Venetian* Fleet betwixt the Island of *Corfu* and *Cephalonia*, he went to fight that of the *Greeks*, not inferior in Strength to his own. After they engag'd, the *Greeks* found themselves so hard press'd upon, that they were forc'd to fly. The *Normans* sunk many Gallies, dispers'd their Fleet, and taking more than 2500 Prisoners, triumph'd a second Time over their Enemies in the East¹. But the Corruption of the Air, which happen'd this horrid Winter, oblig'd the Troops to take some Rest, and such a contagious Distemper seiz'd the Army, that it destroy'd above Ten thousand of the best of it. And *Boemondus* catch'd it to that degree, that he was forc'd to return to *Italy* to breathe a better Air; and there are² who write, that this Sickness of *Boemondus*, was the Effect of the bad Arts of *Sigelgaita* his Step-mother, who had resolv'd to poison him, lest this Prince, after his Father's Death, should seize on the Dominions of *Puglia* and *Calabria*, in prejudice of her own Son *Roger*. Neither do they scruple to say, that when *Sigelgaita* was appriz'd that the Duke her Husband had made a Discovery of her malicious Designs, fearing he would take his Revenge, she resolv'd likewise to poison him, and that she actually did it the following Year, and fled with her Son and other Lords of her Party, and put *Roger* in Possession of the Dominions in *Italy*, in prejudice of *Boemondus*. However that may be, (for Authors who wrote at the same Time, and in the same Country where the *Normans* reign'd, report quite contrary Things of the Dutcheß *Sigelgaita*) after *Boemondus* was gone, the Duke sent his second Son *Roger*, to besiege *Cephalonia*, which a little before had rebell'd against him.

BUT whilst this invincible Hero was altogether bent on this Expedition, in the Month of *July*, he was seiz'd with a violent Fever, and oblig'd to retire to *Casopoliis*, a small Castle on the Promontory of the Island of *Corfu*, to be cur'd. *Sigelgaita* went immediately thither, but in the mean time the Fever was become so violent, that it soon put an End to his Days, in the Sixtieth Year of his Age.

¹ Anna Comn. lib. 5

² Oder. Vital. lib. 2

THIS Year 1085, will always be remarkable for the unfortunate and much-to-be lamented Death of this Hero, and of other two great Personages of *Europe*. It was unluckily to the *Normans* for the sad Loss of *Robert Guiscard*. It was lamentable to the Church of *Rome*, for the Death of the famous *Hildebrand*. And it was deplorable to *England*, for the Loss of the renown'd *William the Conqueror*, Duke of *Normandy* and King of *England*.

THE News of *Robert's* Death having reach'd the *Norman* Troops in the East, put the Army into such Consternation, that they did nothing but lament; and *Sigelgaita* and her Son *Robert*, in all haste, carried the Duke's Body into *Italy*. When they came to *Otranto*, they perceiv'd it was already begun to Putrify, which made them resolve to leave the Heart and Bowels there, and having imbalm'd the rest of the Body anew, they carried it to *Venosa*, the burying Place of all the other *Norman* Princes. The City of *Venosa*, as *William of Puglia* reports² (who here ends the Five Books of his *Latin Poem*) may be proud, above all the other Cities of *Puglia*, both for being the Place of *Horace's* Birth, and for preserving the Tombs of so many illustrious Captains. Here remain to this Day the Ashes of this Hero, whom we may deservedly surname the *Conqueror*. It was by his own Valour and Industry alone, that from a plain Gentleman, he rais'd himself to be a Sovereign, the most dreaded in *Europe*, capable not only to deal with the most powerful Princes of the World in his Time, but likewise to vanquish them, and give them Laws. His Virtues, and the Endowments both of his Body and Mind, were so admirable, that his greatest Enemies, such as the Princess *Anna Commena*, who, though according to the *Greek* Vanity, she spoke despicably of his Birth, nevertheless did not fail to attribute to him all those eminent Qualities, which are requir'd in a *Conqueror*. And though these great Actions of his were accompanied with too great a Passion for Empire, which often led him to use Cruelty and Dissimulation; yet these are the ordinary Imperfections, which no *Conqueror* ever was, or can be free of. As for the rest, his Affection for the Christian Religion, with the great Assistance he gave the Church of *Rome*, the Bounty he bestow'd on many Churches, and particularly on the Monastery of *Cassino*, cover'd these Defects from the Eyes of the World, and besides, they were generally defended as Maxims of human Politicks.

ROBERT reign'd four Years with the Title of Count of *Puglia* and *Calabria*; Twelve with that of Duke, and Fourteen with that of Duke of *Puglia*, *Calabria*, *Sicily*, and Lord of *Palermo*. He liv'd in *Italy* from 1047 to 1085, Thirty-nine Years, and left Two Sons by as many Wives. Some report, that to prevent Disputes about the Succession to his Dominions, he left by his Will, *Sicily* to his Brother *Roger*, with which he had invested him in his Life-time, with the Title of Count. To his eldest Son *Boemondus*, all that he had conquer'd in the East; and to his second Son *Roger*, by *Sigelgaita*, the Dukedoms of *Puglia* and *Calabria*, the Principality of *Salerno*, and all that he possess'd in *Italy*. 'Tis likewise said, that though he had treated his second Son better than the Eldest, as well because *Sigelgaita* was present at making the Will, who got her own Son preferr'd to her Step-son, as because *Boemondus* being born of his first Wife, whom he did not reckon a lawful one, as being too near akin to him, he thought *Roger* more lawfully begotten than *Boemondus*, and therefore preferr'd the one to the other. But, either he did not make a Will, as is question'd by some, or these his Sons were not contented with it; for *Roger* and *Boemondus* both pretended to succeed, and each of them had considerable Factions. But by the Cunning of *Sigelgaita*, who got *Roger* Count of *Sicily*, to favour his Nephew her Son, his Faction grew the strongest; so that having succeeded to the Dukedoms of *Puglia* and *Calabria*, and all the other Dominions of *Italy*, conquer'd by *Guiscard*, he began to take upon him the Government of these Provinces. And besides, *Roger* Count of *Sicily*, having kept a more strict Friendship with *Roger* than with *Boemondus*, for a further Testimony of his Kindness, had yielded many Places to him in *Calabria*, which Duke *Robert* had reserv'd for the Count of *Sicily*. Thus the Count having openly declar'd himself in *Roger's* Interest,

¹ Protospata, l'Anonymo di Bari, Orderico. La Cronica di Fossa nova, tom. 1. Ital. Sacr. Ughel. col. 46. la Cronica de Duchi di Benevento nell' historia Longob. del Pellegrino. La Cronica dell' Anonymo, Monaco di S. Sofia di Benevento. La Cronica Salernitano nella cit. hist. Longob.

l'Anonymo, Sigonio, Paninvinio, Gordonio & Pirri: All these make the Death of Guiscard to have happen'd this Year 1085.

² Gul. App.

Urbs Venulina nitet tantis decorata sepulchris.

³ Malater. lib. 3. cap. 42.

fought all Opportunities to support it against the Efforts of *Boemondus*, who often, but in vain, endeavour'd to disturb his Dominions.

THIS Year 1085 was likewise remarkable for the Death of the famous *Hildebrand* in *Salerno*, a Death very ominous and deplorable to the Church of *Rome*. She lost a Pope the most Daring and Intrepid of all that ever had possess'd that See; he did not stick at the most evident Dangers, where his Honour or Liberty were at Stake, in order to defend those Prerogatives and Pre-eminences which he reckon'd belong'd to the Apostolick See, against the greatest Kings and Monarchs of the Earth; and if he was persuad'd that what he took in Hand was supported by just Pretensions, he became more bold and forward than the Princes themselves. It was he, who raising his Crozier above Scepters and Crowns, as if his being Head of the Universal Church, had intitled him to be Monarch of the World, and King of Kings, and Emperor of Emperors; treated Princes, yea, the very Emperors, with so much Disdain and Haughtiness, that he did not scruple to excommunicate them, depose them from their Dominions, which he transferr'd to other Nations, and absolve their Vassals from their Obedience.

BY his seeming to be convinc'd that he had Power to do all this, and by his great Zeal for Justice, and the Defence of the Apostolick See, he gain'd the Applause of many, who reckon'd him a Zealous, Pious, Religious, and Just Man, a learned Canonist, a good Divine, and a bold Defender of the Ecclesiastical Rights and Liberties. To which were added some other Virtues, wherewith he was adorn'd, such as an austere Life, and an unwearied Application to the Interest of that See; his Compassion towards the Poor, his defending the Oppressed, and protecting the Innocent, acquir'd him the Fame of a Saint; so that tho' some of his contemporary Writers have given him a different Character, some calling him an Innovator, Ambitious, Cruel, Perfidious, Haughty, a Disturber of Kingdoms and Provinces, Author of Seditions, Slaughter, and cruel Wars, and who had a Mind to establish an intolerable Authority in the Church, as well in Spirituals as Temporals; yet there are others, according as their Interest led them, who have given him the Character of a Pope altogether zealous for the Service of God, wise, pious, and merciful; yea, a Modern Author gives to him, no less than to *Gregory I.* the Surname of *Great*, because to a certain Greatness of Soul, and Intrepidity of Mind, he join'd a holy Life and Conversation, above all the Princes of his Time. But none has drawn the Picture of this Pope better, or so much to the Life, as that judicious Painter, who drew it in the Church of *St. Severino* in *Naples*. We see there the Image of this Pope, amongst those of the other Pontiffs of the Order of *St. Benedict*, having in his Left-Hand the Crozier with Fishes, in the Right-Hand, lifted up in a lashing Posture, a prodigious Scourge, and under his Feet, Scepters, Imperial and Royal Crowns. And after having shewn *Gregory* to have been the Terror and Scourge of Princes, and to have trampled on Scepters and Crowns; being likewise willing to shew, that all this was very consistent with a holy Life, and Purity of Manners, he has written above his Head, in Letters a Cubit long, these Words; *Sanctus Gregorius VII.*

* Palavicin. hist. del. Conc. di Trent.





C H A P. VII.

Boemondus disturbs the Dominions of his Brother. Amalphis and Capua revolt. The Origine of the Crusades.

THE Death of *Gregory* occasion'd terrible Disorders in the Church of *Rome*, for the *Romans* being put to a puzzle about the Election of a Successor, by reason that *Gilbert* the Antipope had made himself Master of some Churches of *Rome*, and would have himself to be acknowledg'd for lawful Pope; at last, a Year after they determin'd to elect *Desiderius* the famous Abbot of *Cassino*, as *Hildebrand* himself had advis'd, that seeing it was necessary for the Good of the Church, to have a Pope of Weight and Influence with Secular Princes, they should not overlook *Desiderius*. But he oppos'd it, and stood out so obstinately, that in fine, by Force, and against his Will, they proclaim'd him Pope by the Name of *Victor* III. But he stubbornly persisting in his Refusal, it was thought necessary to call a Council in *Capua*, to which the *Norman* Princes were likewise invited, that they might use their Interest to get *Desiderius* to accept of the Papacy. *Roger* Duke of *Puglia* was at such Pains on this Occasion, that he brought him at last to accept of it; and having conducted him to *Rome*, turn'd *Gilbert* out of the Church of *St. Peter* by Force, and caus'd *Victor* to be ordain'd. *Hugo* Bishop of *Die*, Legate of *Gregory* VII. and promoted to the Archbishoprick of *Lyons*, pretended likewise to the Papacy; and he was one of those, who most of all oppos'd the Ordination of *Victor*. The *Romans* of *Gilbert's* Faction took Possession of the Church of *St. Peter* anew, and after many Acts of Hostility, *Victor* was oblig'd to retire to his Monastery of *Monte Cassino*, from whence in the Month of *August* he went to *Benevento*, in order to hold a Council, compos'd of the Bishops of *Puglia* and *Calabria*, in which he made an Harangue against *Gilbert*, and excommunicated him anew. He there also excommunicated the Archbishop of *Lyons*, and the Bishop of *Marseilles*, and renew'd the Prohibition against receiving the Investiture of the Benefices from the Hands of Laicks. But whilst *Victor* was holding this Council, he was taken ill, which made him in all haste return to *Monte Cassino*, where he died, the 16th of *September*, in the Year 1087, after having appointed *Otho* Bishop of *Ostia* his Successor.

THE Church of *Rome* therefore by the Death of *Victor*, fell into fresh Troubles about the Election of a Successor; at last the *Romans* elected *Otho* Pope, who was a *Frenchman* of *Chatillon*, in the Diocess of *Rheims*, and had been taken from the Monastery of *Clugny* to be a Cardinal, and had done signal Service to *Gregory* VII. who had sent him Legate into *Germany* against *Henry*. He was elected in a Meeting of Cardinals and Bishops held in *Terracina*, and nam'd *Urban* II.

THIS *Urban*, of all the Popes, had the greatest Love for the *Normans*; for observing that *Boemondus* took it in ill Part that *Roger* possess'd so many Dominions in *Italy*, and on his Return to *Otranto* commenc'd a War against his Brother, interpos'd, and made an Agreement betwixt them, on these Conditions, that *Boemondus*, besides what he possess'd, should have the Cities of *Maida* and *Cosenza*; but afterwards they exchange'd these Cities, and in place of *Cosenza*, *Boemondus* got *Bari*, and *Cosenza* continu'd to be Duke *Roger's*. This Year 1089, Pope *Urban*

went

went to *Melphis* ¹ in order to celebrate a Council, wherein he open'd the Project of the grand Crusade, and the League against the Infidels was concluded; Duke Roger went thither to pay his Respects to *Urban*, who confirm'd his Investiture, as his Predecessors had done to *Robert* his Father ².

IN the mean time, *Cosenza* having rebell'd, the Duke had recourse to the Count of *Sicily* his Uncle, who immediately reduc'd it; and it was at this Time that Roger, as an Acknowledgment for the many Favours he had receiv'd from his Uncle, gave him the half of the City of *Palermo*, where the Count began to build a Castle, which is now call'd the *Royal Palace* ³. Thus the one Roger reigning in *Sicily*, and the other in *Puglia*, in process of Time these came to be two distinct and separate Kingdoms, each of which was govern'd by its own Laws, Customs, and Officers.

COUNT Roger, who by the Death of his two Sons *Goffredus* and *Giordanus*, was very much afflicted, this Year 1093 had the Pleasure to have another Son born to him by the Countess *Adelaida* his last Wife, whom he call'd *Simon*; which put him in a Condition to go more deliberately to *Calabria* to suppress a new Disorder that had begun to break out in his Family.

DUKE Roger, his Nephew, had made an illustrious Alliance by marrying *Adala*, Niece of *Philip I.* King of *France*, and Daughter of *Robert* Marquis of *Flanders* ⁴. He had by her two Sons, *William* and *Lewis*, who were to be his Successors. But the Duke falling grievously sick not long after in *Melphis*, a Rumour had pass'd that he was dead; *Boemondus* who then liv'd in *Calabria*, thinking this a fit Opportunity, immediately takes Arms, and invades his Brother's Dominions; protesting nevertheless, that he did it in Favour of the Duke's Sons, till they should be of Age fit to govern. The Count of *Sicily*, who suspected this Zeal, and was offended at his daring to proceed thus without his Consent, went thither with a powerful Army, and was no sooner got there, than *Boemondus* was oblig'd to retire. In the mean time the Duke being restor'd to perfect Health, contrary to all Expectation, *Boemondus* went presently to *Melphis* to congratulate him, and to restore him all he had made himself Master of, justifying his Conduct as well as possibly he could.

BUT the Commotions did not end here; another much more dangerous was discover'd in *Amalphis*. Duke Roger trusting too much to the *Longobards*, out of the Regard he had for his Mother *Sigelgaita*, who was of that Nation, and Sister to the last Prince of *Salerno*, had without any Scruple committed the Government of his fortified Places to the very *Longobards*, from whom his Father and himself had taken them; among the rest he had given the Government of *Amalphis* to some chief Officers of the *Longobards*, who, resolving to take Advantage of the Disorders that had a little before happen'd in *Cosenza*; for the Duke and the Count his Uncle were employ'd in suppressing the Rebellion of the *Cosentines*; drove all the Duke's Partisans out of *Amalphis*, openly revolted, and refus'd to receive himself. The Duke being highly provok'd at such Treachery, in order to reduce the City, resolv'd to gain his Brother *Boemondus* by kind Usage, begging his Assistance, which he gave with all the Forces he could draw together from *Puglia* and *Calabria*; the Duke likewise invited Roger Count of *Sicily* to his Assistance; who this Year 1096 came with Twenty thousand *Saracens*, and an infinite Number of other Nations, to lay Siege to *Amalphis* ⁵. The Place was invested by these three Princes with all their Forces, and the Siege was so close, that had it not been thwarted by a very odd Conjunction, *Amalphis* had certainly surrender'd.

WHAT oblig'd them to raise the Siege, was a new Expedition that offer'd to *Boemondus* and his Soldiers, who remembering the Engagement they were under, in an instant left the Siege. This was the Publication of the first Crusade, the Contrivance of which is owing to *Urban II.* as first Author of it ⁶. *Urban* in the Year 1095, having assembled a Council in *France*, in the City of *Clermont*, excited all the Princes of *Europe* to undertake an Expedition to the Holy-Land; and so great was the Zeal of those Princes, who were likewise animated by *Peter* the Hermit, that in making Preparation for so glorious an Undertaking, they put all *Europe* in Confusion; but of all the Nations of *Europe*, the *Italians* and *French* manifested their

¹ Pellegr. ad Lupum Prot. A. 1039.

² Romuald. Arc. Sal. apud Baron.

³ Malat. lib. 4. cap. 17.

⁴ Idem, lib. 4. cap. 19.

⁵ Pellegr. ad Lup. A. 1096.

⁶ Malater. lib. 4. cap. 2.

Zeal most to take the Cross, and arm themselves for this Expedition. The Great Hugo, Brother of Philip I. King of France, Robert Duke of Normandy, Godfrey of Boulogne, Duke of Lorraine, and the Counts of Flanders and Toulouse, took Arms. But of all our Norman Princes, Boemondus, with his Nephew Tancred the Son of Duke Roger and Alberada his first Wife, according to Pirri and Summontes (for Ordericus Vitalis¹, and the Abbot of Noce² make Tancred to be the Son of a Sister of Boemondus) were the most forward. Boemondus, whether out of real Zeal, or Grief for his not being enough distinguish'd in Italy; or with a Design to go on in the Conquests which his Father and he had begun in the East, immediately left the Siege of Amalphis, put on a red Cross, got some purple Mantles, and with great Ceremony cut them into small Pieces, to provide his Soldiers with the like Crosses. His Example, and the great Pains he was at in promoting this his Devotion, made a great Number of People flock to him and Tancred, in order to follow them in this Expedition. But especially they were join'd by a great many Puglians, Calabrians, Sicilians, and those of other Provinces of Italy, so that they soon made up a great Army, and they all took an Oath in the Field, together with himself, that they should make no War against Christians, before they should have conquer'd the Country of the Infidels. Duke Roger seeing himself thus abandon'd before Amalphis, and that the new Crusade had robb'd him of the Flower of his Troops, was oblig'd to raise the Siege, notwithstanding it was so far advanc'd, which he pretended to do out of Zeal for the Christian Religion, though swell'd with Indignation and Resentment against Boemondus, who by no means could be persuaded to give him any further Assistance. Count Roger seeing himself likewise deserted by his Men, thinking it not proper to retard so specious an Expedition, had Patience, and return'd to Sicily very much vex'd³. On the other hand, Boemondus and Tancred having put themselves at the Head of their Puglians and Calabrians, and an infinite Number of other Nations, and embark'd at Bari, began their Voyage towards the East. Our incomparable Torquatus, by a Poetical Licence, makes Tancred Captain of Eight hundred Horsemen, which he supposes him to have brought with him out of Campania Felix near Naples; but at this Time this Province belong'd neither to Boemondus nor Tancred, so that he could not raise them there. Campania Felix at this Time was for the most Part subject to the Dukedom of Naples, and was govern'd by Sergius Duke and Consul under the Emperor Alexius Comnenus. Aversa, a new City, was in Possession of the Normans, who were of another Family, not of the Race of Tancred Count of Hauteville, of whom Boemondus and Roger were descended. And Capua had at this Time revolted from the Norman Princes; for tho' Prince Giordanus, who died in Piperno in the Year 1090, had left Richard his Son, an Infant, as Successor in the Principality⁴; yet the Capuan Longobards, as soon as they were appriz'd of the Death of Giordanus, enter'd into a Conspiracy against Richard and the Princess his Mother, and having taken Possession of the Forts of the City, drove all the Normans out of it; so that Richard and his Mother were forc'd to go to Aversa for Shelter, where they remain'd till they were assisted and restor'd to Capua, by the Duke of Puglia, and Roger Count of Sicily.

THIS famous Hero after he had rais'd the Siege of Amalphis, and return'd to Sicily, minded nothing but the firm Establishment of his Dominions in his own Family by illustrious Alliances. The greatest Princes of Christendom courted his Friendship and Alliance. Philip I. King of France, in the Year 1094 had sought his eldest Daughter, and the Year following the Second had been married to Conrade the Son of the Emperor Henry III. This Prince on account of the Jars betwixt Henry his Father and the Popes, had been persuaded by them to desert his Father; and he not only join'd the opposite Party, but carried Matters so far, that he did not scruple to take Arms against his Father; and being abetted by the Pope, he march'd to Italy, took Possession of many Places that depended on the Empire, and withdrew them from their Allegiance. Pope Urban, and the Countess Matilda finding no better way to support him, procur'd a Marriage betwixt him and a Daughter of the Count of Sicily, who was able to defend him against the Power of Henry⁵.

¹ Orderic. Vital. lib. 9. hist. Norm. Tancredus Odonis Boni Marchisii filius, & Comes de Rossivolo cum suis fratribus.

² Ab. de Noce Chr. lib. 4. cap. 11.

³ Malater. lib. 4. cap. 2. Dux in Apuliam secedit, Comes in Siciliam revertitur.

⁴ Paul. Diac. lib. 4. cap. 10.

⁵ Malater. loc. cit.

THE King of *Hungary* envying him on account of this Alliance, two Years after sent Ambassadors to demand another Daughter in Marriage for his Son *Alexandrus*. Roger accepted of the Match, and with great Pomp and Solemnity in the Year 1096 the Princess was conducted to her Husband. This extraordinary good Fortune of Roger's Family, got him the Surname of *Great Count*, which he now began to assume among his other Titles.

AUGUSTINUS INVEGES, besides these Reasons, relates, that Roger was mov'd to call himself *Grand Count*, because he had created his Son *Simon* Count of *Butera*; and the Use of Fiefs and Counties being already introduc'd into *Sicily*, and the Sons, Nephews, and the Count's Vassals being likewise adorn'd with these Titles; in order to distinguish himself from these, he began to subscribe himself with this new Title, *Magnus Comes Calabriae & Siciliae*.

BUT what most of all made the Power of Roger the Great Count of *Sicily* conspicuous, was the Expedition of *Capua*. *Richard* the Son of *Giordanus* having been expell'd *Capua*, had retir'd to *Aversa*, and not able of himself to recover *Capua*, begg'd his Assistance and Protection, promising him, as an Acknowledgment for such important Aid, to become his Liege-man, and do him Homage for his Dominions¹.

AND *Malaterra* adds², that besides the Promise of doing him Homage, he had likewise offer'd him *Naples* as a Reward, which City was yet to be conquer'd. And *Inveges*, very much to the Purpose, observes, that it was not known how *Richard* came by this Right thus to dispose of *Naples*, which at this Time was govern'd by its own Dukes in the Form of a Republick. The Count overjoy'd at these Offers, immediately assembled an Army, and march'd towards *Capua*, where the Duke of *Puglia* his Nephew, and *Richard* had already join'd to besiege it: Before he began the Siege, he caus'd all the neighbouring *Campania* to be ravag'd; afterwards he invest'd the City, and threaten'd to ruin the Inhabitants if they did not surrender³. *Urban II.* having heard of the Danger the *Capuans* were in, came to the Camp where these Princes were, in order to make Peace, and prevent the Ruin of that City. These Princes receiv'd him magnificently, and consented to refer their Interests to him, provided the Rebels would do the same, but these would not agree to it. Nevertheless *Urban* still thinking to bring them to reason, enter'd the City, but tho' they promis'd to comply, yet when it came to the Push, they absolutely refus'd to surrender. The Pope, sorry that he had stirr'd in their Behalf, return'd, and was indifferent whether they were ruin'd or not. Whereupon the Place was more closely besieg'd, and at this Time God Almighty shew'd himself signally propitious to the Count of *Sicily*; for the Countess *Adelaide* his Spouse, who had follow'd him in this Expedition, prov'd with Child. She was deliver'd of a Son in *Melito*, a City of *Calabria*, in the Month of *December* in the Year 1097, or as others relate, in *February* of the following Year: he was baptized by St. *Bruno* the Founder of the Order of the *Carthusians*, with whom, because of his great Sanctity, the Count was in strict Friendship; and it was he, who first establish'd that rising Order in *Calabria*, of which he continu'd always to be the Protector.

THE Child was nam'd *Roger*, and by his famous Atchievements was the first King of *Sicily*. *Fazellus* tells us that this Hero was born in *Salerno*; and *Pirri*, by anticipating his Birth two Years, says that he was born in *Sicily* in the Year 1095. The second Favour which Heaven bestow'd on Roger by the Intercession of St. *Bruno*, was his being deliver'd from a Conspiracy, which a *Greek*, nam'd *Sergius*, had hatch'd against him; for the Count having suppress'd this Conspiracy by the Death of the Conspirators, so terrified the Besieg'd, that the Place was immediately surrender'd, and restor'd to Prince *Richard*; who, by the Advice of the Count treated them with great Clemency, insomuch that he chose to reside in one of the Towers that was higher than the Citadel, into which he enter'd in Triumph; and being thus re-establish'd in the Principality of *Capua*, and owing this important Conquest to the two *Roger's*, in Token of his Gratitude, he did them all Honour, and as their Liege-man paid them Homage.

¹ Malaterr. lib. 4. cap. 26. Homo Apulizæ Ducis factus fuerat.

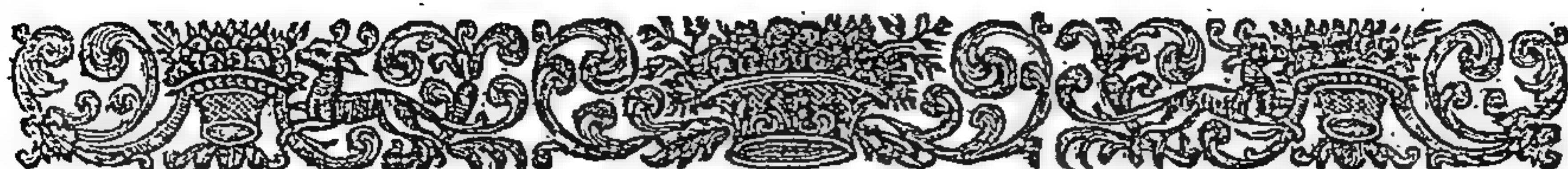
² Loc. cit. ad A. 1097. c. 5. Vice recompensa-

tionis Neapolim, quæ sibi similiter recalcitabat, si prævalere posset, fiducialiter concedens.

³ Petr. Diacon. lib. 4. cap. 10.

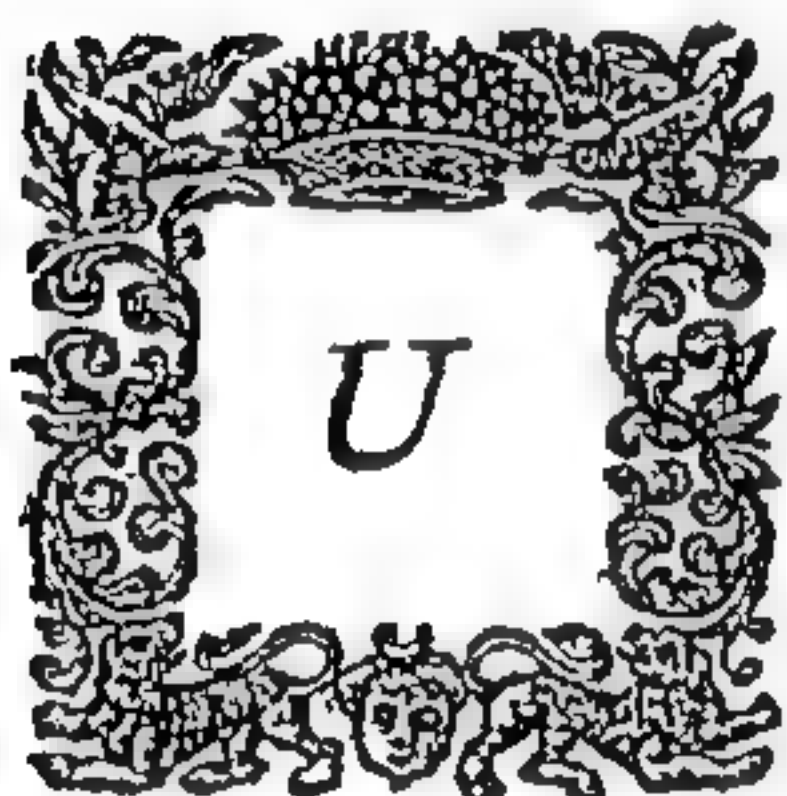
THESE two Princes having finish'd this Expedition, return'd together to *Salerno*, where they remain'd for some Time. The Duke of *Puglia* had a mind to make Choice of *Salerno* for his Royal Seat, before any other City in his *Italian* Dominions; as *Robert Guiscard*, when he conquer'd it, had resolv'd to make it a Metropolis City, in Imitation of Pope *John XIII.* who had made it such with regard to the Ecclesiastical Polity, therefore he made his longest stay in *Salerno*, whose Example his Successors afterwards follow'd. Here he entertain'd his Uncle with the Countess and their young Son, who succeeded him in his Dominions.

¹ Gul. App. lib. 6.



C H A P. VIII.

Urban II. makes Count Roger his Legate, whence the Monarchy of Sicily had its Rise.



URBAN II. came to *Salerno* to congratulate these Princes on the good Success of the Expedition to *Capua*; and being willing to shew his Gratitude for the many Services they had perform'd to the Apostolick See, he made Roger his Legate in *Sicily*. This Year 1098, and at this Congress, that Bull was made, the like of which is not recorded to have been granted to any other Prince of *Christendom*, by which *Sicily* boasts of her Monarchy, and pretends, that the Successors of Count Roger the Great, are Sovereigns in their Dominions, as well in Spiritual as Temporal Matters.

THERE was a Custom introduc'd by the Roman Pontiffs of sending their Apostolical Legates into diverse Provinces of the Christian World; and they were of different Sorts. Some of them who were most eminent, and to whom more ample and special Privileges were granted, were call'd *Legates a Latere*, because they were chosen out of the Consistory and College of Cardinals, who sat at the Pope's Side; and therefore *Ivo Carnutensis* in a Letter which he wrote to *Paschal II.*, calls them *Laterales*. Others were Bishops, or Deacons of the Church of *Rome*, and were sent by the Popes as their Legates to Emperors or Kings, who had no other Charge, but to manage the Affairs of the Apostolick See, and to take care of its Interest at the Courts of those Princes, and these by the Ancients were call'd *Apocrisarii*, or *Responsales*. But afterwards there was another Sort of Legates introduc'd, who were call'd *Provinciales*. These for the most Part were Bishops or Archbishops, to whom as Legates of the Apostolick See, there was great Authority and Jurisdiction given over the Provinces where their Sees were seated, and various Privileges granted which they could make use of with regard to their Provincials; and the Legation was often given to the See, and not to the Person. Thus the Archbishop of *Arles* was Primate and Legate of the *Gallia*, by Virtue of a most ancient Privilege granted to that See, and confirm'd afterwards by *Hormisdas*, and *Gregory I.* and the other Roman Pontiffs². Thus likewise the Archbishop of *Canterbury* was Primate and Legate of all *England*, by a Privilege granted to *Theobald* Archbishop of that City, and his Successors, by *Innocent II.*; so that in *England* they were

¹ Ivo, Epist. 109.

² Altes. rer. Aquit. lib. 4. cap. 5.

call'd *Legati nati*, as *Polydore Virgil* witnesseth ¹, because such a Privilege was granted to the See, and not to the Person. In like manner the Bishop of *Pisa*, and his Successors, were declar'd Legates of the Holy See in the Island of *Corfica*, by *Gregory VII.*

THESE Legantine Powers were given in some Provinces of *Christendom* to the Persons, and not to the Sees, by the Pope's appointing certain Persons as Legates in different Places. Thus *Leo the Great*, appointed *Anastasius* Bishop of *Thessalonica*, Vicar of the Apostolick See over the East and in the Regions of *Africa*. *Gelasius I.* set *Acacius* over *Egypt*. *Hormisdas* appointed *Salustius* Bishop of *Sevil* over *Bætica*, and *Lusitania*; and the same Pope constituted *Remigius* of *Reims*, his Vicar over the *Gallia*, without derogating from the Privilege of the Archbishop of *Arles*: The same *Hormisdas* chose *John* a Bishop, his Legate, for all *Spain*. *Vigilius* made the Bishop of *Locrida* for *Illyricum*, as *Gregory I.* had also done. *Martin I.* appointed *John* Bishop of *Philadelphia*, his Legate in the East against the *Monothelites*. And above all the other Countries, *France* had most of these Legates in the Times of *Charles Martel*, and *Charles the Bald*, and more in the Time we are now treating of, under *Gregory VII.* and *Urban II.* insomuch that by the Frequency of these Legantine Powers, the Rights and Privileges of Legate and Primate, belonging to the Archbishop of *Arles*, were in a great measure extinct; and the Popes not only sent thither Legates for taking care of all *Gallia*, but likewise sent particular Legates to certain Provinces of it, such as *Aquitania*, of which *Alteferra* ² gives us a great many.

LONG Experience hath shewn, that these Legates were an insupportable Grievance and Damage to the Provinces to which they were sent ³, for besides that they lessen'd the Authority and Jurisdiction of the Bishops and Metropolitans, by drawing all Causes to themselves, and frequently inquiring into, and taking Cognizance of the Causes of the very Prelates, they by their Avarice and Pride, so oppress'd the Bishops and the whole Ecclesiastical State, that the People, unable to bear them, had recourse to their Kings for Redress. For which Cause the Princes of *Europe* resolv'd to receive none, but whom they thought fit. There was an Agreement made betwixt *Urban II.* and *William King of England*, by which it was stipulated, that no Legate should be receiv'd into that Kingdom, but such as pleas'd the King ⁴. In *France*, they were so great a Grievance, that at last the Bishops resolv'd to supplicate the Pope, that he would be pleas'd to abolish them altogether for the Good of their Diocesses; and they actually obtain'd, that there should be no more sent, by which the Power of the Metropolitans and Primates of that Kingdom was restor'd, and Tranquillity establish'd. The Emperor *Frederick*, by an Edict, order'd, that they should not be received into *Germany* at any rate. In *Scotland*, there was a Law made in the Year 1188, which was approv'd of by the Popes *Clement III.* *Innocent III.* and *Honorius III.* prohibiting any Person whatever, to exercise the Legantine Power within that Kingdom, except *Scotsmen*; and we read of the like in *Spain*.

IN the Island of *Sicily*, the Popes were likewise wont to appoint these Legates, and we read ⁵, that Pope *Gregory I.* made *Maximinianus* Bishop of *Syracuse*, Legate of *Sicily*, by granting that Power to his Person, and not to the See ⁶. Neither were these our Provinces exempted, tho' so near to *Rome*; for we read in the Chronicle of *Leo Ostiensis* ⁷, that *Nicholas II.* after having made *Desiderius*, the famous Abbot of *Cassino*, a Cardinal, he likewise made him his Legate in all *Campania*, the *Principato*, *Puglia* and *Calabria*, though his Authority was restricted with regard to all the Monasteries and Monks of these Provinces, as is clear from the Words of the Privilege, recorded by the Abbot of *Noce*.

BUT *Urban II.* being desirous at this time to renew the Custom of making a Legate in *Sicily*, as his Predecessors had formerly done, nam'd the Bishop of *Traina*.

¹ Polyd. lib. 3. rer. Anglic.

² Rer. Aquit. lib. 4. cap. 5.

³ Jo. Salisburienfis lib. 15. cap. 16. & lib. 6. cap. 24. Sed nec Legati sedis Apostolicæ manus suas excutunt ab omni munere, quin interdum in Provinciis ita debaccantur ac Sathan ad Ecclesiam flagellandam a facie Domini. Provinciarum diripiunt spolia ac si Thesauros Cræsi

studeant comparare.

⁴ V. Hugo de Flavigni, & Eadmer. lib. 5. Hist.

⁵ Gregor. lib. 2. Judit. 10. Epist. 7.

⁶ Inveges lib. 3. Proinde supra cunctas Ecclesias Siciliæ te vice sedis Apostolicæ ministrare decernimus, quas non loco tribuimus, sed Personæ.

⁷ Ostiens. lib. 3. cap. 13.

The *Sicilians* took this in ill part, and Count *Roger* was much more offended at it, who having greatly distinguish'd himself by the many signal Services he had done the Holy See, in having expell'd the Infidel *Saracens* out of that Island, withdrawn all the Churches from the See of *Constantinople*, and restor'd them to that of *Rome*, and assisted the Church in her greatest Afflictions, thought he did not deserve such a Return. In a Congress held in *Salerno*, he complain'd of it to the Pope, and gave him to understand very plainly, how much he was dissatisfied, and that he was resolv'd not to bear it.

URBAN, who was sensible of the great Obligations he lay under to this Prince, from whom he expected greater Advantage to the Apostolick See, looking upon him to be his greatest Support against the Emperor of the West, did not slip so fair an Opportunity of obliging him. He not only gave him all Satisfaction as to this Point, by annulling the Legantine Power, which he had given the Bishop of *Traina*; but likewise conferr'd on the Great Count himself, all that Authority, which he had given to that Bishop as his Legate, by creating him, and his lawful Heirs and Successors, *Legati Nati* of the Apostolick See in that Island, promising never to appoint another against his Will, and that whatever he had to do by a Legate, should be perform'd by him, and his Successors, a Thing without any Precedent; and immediately the Privilege was drawn up in *Salerno* by *John*, Deacon of the Church of *Rome*, dated in the Month of *July*, the Seventh of the Indiction, and Eleventh Year of the Pontificate of Pope *Urban II*.

MALATERRA, a grave Writer of these Times, relates this Event, and gives us *Urban's* Bull, and here ends the four Books of his *Latin* History, of whom *Odericus Vitalis*¹, an antient Writer of *Norman* Affairs, writes thus; *De quorum (id est Ducis Roberti Guiscardi & Comitis Rogerii) probis actibus, & Strenuis eventibus Gotifredus Monachus cognomento Malaterra, hortatu Rogerii Comitis Siciliae elegantem libellum nuper edidit.*

THIS so notable a Writ, deserv'd to have been related at full Length; but seeing it regards the Polity of that Kingdom, and not of ours, we have contented ourselves with having given a succinct Account of what it contains, the rather, because there are not wanting Writers², who give it us intire, and it may be seen in the very Annals of *Baronius*.

THIS is the Foundation of the renown'd Kingdom of *Sicily*, by which the Successors of *Roger*, and especially the Kings of *Arragon*, to whom that Kingdom was subject for many Years, have kept Possession of so noble and eminent a Prerogative, in spite of all the Efforts and Disputes that have happen'd in process of Time concerning that Point. It was not thought an improper or strange Thing, to grant Legantine Powers to Princes, seeing the Popes themselves deem'd their Persons Sacred, because they were anointed with Holy Oyl, and reputed not simple Laicks; but also Sharers in the Priesthood; and if it was not thought incompatible with their Characters, to make them Canons of *St. Peter*, by admitting them into the Quire with Holy Vestments, and making them Partners in the other sacred Functions and Ceremonies; it ought not to seem strange, that they were vested with Prerogatives relating to Ecclesiastical Jurisdiction, and not to Orders.

ACCORDING to the Maxims of the Canon Law, and the Practice of the Court of *Rome*, we find in many Instances, that the Power of Jurisdiction is distinct from that of Orders; that this last is annex'd to the Priestly Office, and cannot be communicated to any who have not that Character. The Power of Ordination cannot be given to a Priest, nor that of Consecration or Absolution to a Deacon, because the Power of Ordination is inseparable from the episcopal Character, and that of Consecration, and Absolution from the Presbyterial; but as for the Power of Jurisdiction, it may be conferr'd on Persons who are not in Orders, and exercis'd over those who are in higher Orders than they to whom such Jurisdiction is granted. The Popes have not scrupled to practise this on many Occasions, by appointing simple Deacons to be their Legates and Judges in Matters of Faith, and Causes of Bishops; and likewise to represent them in Councils, and by giving Power to Abbots and Monks to exercise episcopal Jurisdiction; and, what is more surprising, Abbeſſes send dimissorial Letters, have their Archdeacons, and other Officers, and exercise whatever belongs to episcopal Jurisdiction; and in this our Kingdom we see at this

¹ Oder. vit. Hist. Norm. lib. 3. fol. 483.

² Fazzel. Rer. Sicul. Inveges lib. 3.

very Time, that the Abbess of the Monastery of *Conversano* exerciseth Jurisdiction over her Priests, and hath the Privilege of wearing the Mitre and Crozier, as the Bishops do. And *Charles II.* of *Anjou*, had his Place in the Quire of the Church of *St. Nicholas* in *Bari*, above all the other Canons, and was reckon'd one of their Body, and had Jurisdiction over all the Priests, as we shall relate in its Place.

'T IS not to our Purpose to enter into those Disputes that have arisen since, concerning this Point, nor into what hath been written by the *Spaniards*, and many other Authors, as Matters foreign to our Design. But I cannot forbear to say, that Cardinal *Baronius*, with much straining and little Argument, has the Assurance to impugn it in later Times, after that Kingdom had been in Possession of it for so many Ages. In the beginning of the Year 1605, he caus'd to be printed his XIth Tome of the Ecclesiastical Annals, and when he comes to relate this Fact, he inserts in his History, a very long Discourse against the Monarchy of *Sicily*, wherein with strain'd, and invidious Arguments, he leaves no Stone unturn'd, in order to overthrow it. But he is unpardonable, for having stuff'd his Discourse with so much Obloquy and Bitterness against many Kings of *Arragon* of glorious Memory, and especially *Ferdinand the Catholick*, counting them Tyrants, and who, under this Name of Monarchy, had resolv'd to introduce Tyranny into that Kingdom, which Book being brought to *Naples* and *Milan*, was suppress'd by the King's Ministers, and forbid to be sold, or kept, out of respect to *Philip III.* then reigning, whose Progenitors had been so unworthily treated by that Cardinal.

BUT *Baronius* resented this Prohibition of his Book so much, that being appriz'd of it, when, by the Death of *Clement VIII.* the See had become vacant, he immediately caus'd the College of Cardinals to be conven'd, and got them to make an Invective against those Ministers, and not content to have thus offended that Prince, would touch him in another no less tender Point, with respect to his Royal Jurisdiction; for in that Invective, those Ministers are plainly found fault with, as if by prohibiting his Book, they had incroach'd upon the Ecclesiastical Authority, as if it had not been lawful to Princes, for the Quiet of their Dominions, to prohibit such Writings. And after *Paul V.* had been elected Pope, on the 13th of *June* of the same Year, he caus'd a long Letter to be written to King *Philip*, full of heavy Complaints, that in Contempt of Ecclesiastical Authority, the King's Ministers in *Italy* had suppress'd his Book, which was a Privilege that solely belong'd to the Pope. Nevertheless, the Wisdom of that King was such, as to judge it better to answer with Facts, and allow the Prohibition publish'd by his Ministers to be in Force.

BUT the Cardinal could not forbear to insert in his XIIth Tome, which he caus'd to be printed in the Year 1607. a Discourse very little to the Purpose on the same Subject, inveighing with much Bitterness and Malice against Princes that took upon them to prohibit Books, not scrupling to say likewise, that they did it because the Books found fault with their Injustice. The Council of *Spain*, with their wonted Slowness and Irresolution, proceeded in this Affair leisurely; and were as little mov'd at this third Offence; but suffer'd other Three Years to go on, and in the Year 1610, the King made an Edict, condemning and prohibiting that Book in so severe a Manner, that it struck at *Baronius* as smartly, as he had struck at the Kings Progenitors. And in order to give it more Force and Credit, the Edict was publish'd in *Sicily*, with the Decree and Subscription of Cardinal *Doria*, and dispers'd Abroad in the World in Print. The Edict was sent to Count *Lemos*, at that Time Vice-Roy of *Naples*, who, on the 28th of *February* of the following Year, caus'd the Edict by which the Book was condemn'd, to be publish'd with great Solemnity. The Court of *Rome* was as much surpriz'd at this Edict, as at the Execution of it by the Cardinal, and the Proclamation with Sound of Trumpet in *Naples*. Nevertheless, they never minded that in *Spain*, and the Edict is in Force to this Day.

T HIS Dispute was renewed very lately, in a much more violent Manner; for Pope *Clement XI.* seeing the Kingdom of *Sicily* fallen into the Hands of the Duke of *Savoy*, thought it a fit Opportunity to take Advantage of the Weakness of that Prince; and carried the Matter to such Extremity, that in the Year 1715, he did not stick to publish a Bull, by which he abolish'd the Monarchy, and by another, establish'd a new Ecclesiastical Hierarchy in that Kingdom; but all these Efforts came to nothing, for the Bulls took no Effect, neither was there any Change or Novelty

Novelty introduc'd into that Island ; and much less when afterwards that Kingdom return'd to the most August *Austrian* Family.

ON this new Occasion, the celebrated Divine of *Paris*, *Lewis Ellies Dupin*, wrote in Defence of that Monarchy, wherein he not only shews the Inconsistency of what *Baronius* writes against it, but also that of the Pope's Bull. This Book was publish'd in the Year 1716, wherein he gives an exact Account of the Origine and Progress of this Dispute, and the Issue of this Quarrel, with so much Exactness and Learning, that I must give the Reader an account of what he has wrote on this Subject.

URBAN's Bull was directed to Count *Roger*, and his Successors, and comprehended only the Dominions which he possess'd at that Time, to wit, *Sicily*, and some Places he had in *Calabria*, whence he took the Title of *M. Comes Calabriae, & Siciliae*.

BUT Duke *Roger* had done as signal Service to the Apostolick See as the Count, so that it behov'd *Urban* to bestow his Favours on the Duke, who was present, whence we ought to believe, that at this Time, that Privilege, of which the ancient Canonical Gloss, and many of the most ancient Writers make mention, concerning the Collation of the Benefices of the Kingdom was granted.

THERE were frequent Councils conven'd at this Time, in order to deprive Secular Princes of the Power of Investiture, and at last in the *Roman* Council, celebrated by *Urban* in the Year 1099, a little before he died, all Abbots, Prelates and other Ecclesiasticks, were forbidden, under terrible Anathemas, to receive Benefices from Laick Hands. Notwithstanding which, the Princes still pretended, that they ought not to be reckon'd purely Laicks, nor could they be depriv'd of those Privileges, of which they had been for a long Time in Possession. That it was very reasonable, seeing they had founded and endow'd Churches out of their Patrimonies, they should have the Investiture of them ; that as formerly the People had a Share in the Election of the Ministers of the Church, it ought not to seem strange, if Princes, to whom all Power was transferr'd, could do it of themselves. That by so doing, they conferr'd no spiritual Power, their Grant being confin'd to the Temporality, though they follow'd the common Custom of using the Ring and Staff, when they granted Investitures ; which our Dukes of *Puglia*, with more Reason pretended to, who had erected many Churches in these Provinces from the Foundation, and out of Love for the Christian Worship, had endow'd them with great Riches. And besides, they had vanquish'd the Infidel *Saracens*, and restor'd all the Churches to the See of *Rome*, which formerly had been usurp'd by the Patriarch of *Constantinople*.

THE Popes, to avoid having any Dispute about this Point, with those Princes who were their Friends and Well-wishers, whom they had a mind to gratify, without doing themselves Prejudice, were often wont to grant them, by way of Privilege, what in Justice they claim'd ; and the Princes, minding only the present, and looking no further, accepted it. On the other hand, the Popes minded hereby to establish their Right, and according as Occasion should offer, to dispute or revoke these Privileges. The ancient Kings of *Sicily* gave Investiture of Ecclesiastical Benefices in all the Churches of the Kingdom of *Puglia*, as the antient Canonical Gloss¹ clearly witnesseth, which tho' it observes, that the Duke of *Puglia* gave Investiture of Benefices contrary to the Canon establish'd in many Councils, says, they did it by virtue of the Pope's Privilege, which he could bestow on Laicks ; and all our most antient Writers likewise, such as *Marinus Caramanicus*, *Andrea d' Ifernina*, and others², vouch the same. And *Frederick II.* defended himself by this Privilege, when he was blam'd for giving Investiture of the Churches of these Provinces at his Pleasure³ ; and complain'd that the Popes, notwithstanding this Privilege, attempted to diminish the Right which the Kings of *Sicily* had of electing Prelates, which could not be lessen'd by what *Innocent III.* had done, when *Constantia* govern'd, during his Infancy. But we shall have a more fit Opportunity to speak of this, when we come to treat of the Ecclesiastical Polity.

¹ V. Duaren. de Sacr. Eccl. Min.

² Gloss. cap. placuit in prin. & in cap. nemini Regum. 16. qu. 1.

³ Andr. de Ifernina in proem. Constit. Regni.

⁴ Naclerus generat. 41.

S E C T. I.

Urban holds a Council in Bari; his Death, and soon after that of Count Roger, and other Princes.

IN the mean time *Urban*, after a Conference with these Princes in *Salerno*, went to *Bari*, where he had summon'd a Council of *Greek* and *Latin* Fathers, in order to determine the Point concerning the Proceſſion of the Holy Ghost, from the Father and the Son, in which the *Greeks* did not agree with the *Latin* Church¹. There were present in this Council 185 Bishops; and St. *Anselm* Archbishop of *Canterbury* being then in *Italy* about the Affairs of his Church, likewise assisted in it. There were great Debates between the *Greek* and *Latin* Fathers about this Point; but St. *Anselm* convinc'd the *Greeks*, and it was determin'd according to the Belief of the *Latin* Church: Notwithstanding which the Schism did not end, but being maintain'd with great Heat by both Parties, the Division continu'd for a long Time between these two Churches, that it was not in the Power of Man to re-unite them.

URBAN having put an End to this Council went to *Rome*, and a few Months after the *Roman* Council lately mention'd, died there the same Year 1099. This Pope deserv'd to be reckon'd amongst the greatest that ever the Church of *Rome* had; he having held this See little less than twelve Years, did many noble Actions, and made himself famous over all the World by the Expedition to the Holy Land, of which he was the first Promoter. He of all the Popes had our *Norman* Princes in greatest Esteem, neither had he any Cause to complain of them, so that he lov'd them as a Father does his Children, and as much as in him lay stood up for their Interest. By his Death the Abbot *Rainerius* of *Tuscany* was elected Pope, who took the Name of *Paschal* II. and the same Year *Jerusalem* was taken, and the renown'd *Godfrey* of *Boulogne* elected King of it, and after his Death his Brother *Baldwin* succeeded him; in the mean time *Boemondus* having taken *Antioch*, made himself Prince thereof, which he transmitted to his Posterity.

THE Death of *Urban* was soon follow'd by that of the Great Count *Roger*, he being much advanc'd in Years, made the City of *Melito* in *Calabria* famous by his Death, which fell out in that City in the Month of *July*, in the Year 1101². He was much lamented by his Subjects, and a Monument was erected to him in the great Church of that City, which he had built, where his Bones are preserv'd to this Day. He liv'd Seventy Years, and reign'd Sixteen after the Death of his Brother *Guiscard*. He had many Wives, by whom he had had many Children, but only three Sons surviv'd him, which he had by his last Wife *Adelasia*, who with *Robert* of *Burgundy*, her Son-in-law, immediately took upon her the Government of the Dominions after her Husband's Death³. These three Sons were *Simon*, who dying soon after his Father, had not the good Fortune to succeed him in the County of *Sicily*⁴. *Godfrey*, surnam'd of *Ragusa*, of whom History makes no mention: Some⁵ believe him to be the Son of the first Wife *Erimberga*, and both he and his Brother *Giordanus* died before their Father. *Roger* II. was he to whom he left his Dominions in so flourishing and happy a Condition, who shortly after possess'd them with the Title of King, and whom Fortune so much favour'd as to unite the two Crowns of *Puglia* and *Sicily*, and put them both on his Head, and who likewise with Royal Title govern'd these our Provinces, as shall shortly be related. Count *Roger* also left two Daughters, *Matilda* and *Emma*; *Matilda* was married to *Raimulphus* Count of *Avellino*. For which Cause, during the Jars which afterwards fell out between *Roger*, the Emperor *Lothaire* II. and Pope *Innocent* II. *Raimulphus* was made Duke of *Puglia*, in Opposition to *Roger* his Brother-in-law by *Innocent* in the

¹ V. Pellegr. ad Lup. A. 1099.

² Lup. Protosp. A. 1101. obiit Rogerius Comes Siciliæ Mense Julii.

³ Malater. lib. 4. cap. 19. Romuald. Salern.

⁴ Alest. Telef. lib. 1. cap. 2. & 3.

⁵ Malater. lib. 3. cap. 10, 11, & 36. & lib. 4. cap. 14 & 18.

Year 1137. It was this *Matilda* that persuaded *Alexander* Abbot of *Teles* to write the History of her Brother *Roger*, which he declares in the first Book of it. *Emma* the other Daughter, was married to *Rodolphus Maccabeus*, Count of *Montescaglioso*¹; these Princes in those Days did not scruple to marry their Daughters or Sisters to their Barons, who for the most part were of the illustrious *Norman* or *Longobard* Blood, and were Masters of large Territories and rich Lordships. Those who make *Constantia* the Wife of the Emperor *Henry* to be the Daughter of this *Roger*, are greatly mistaken; she was Grandchild, and not Daughter of the Great Count *Roger*, being the Daughter of King *Roger* his Son, as shall be related.

THE Beginning of this twelfth Century, where we now are, was most lamentable, not only for the Death of the Great Count *Roger*, but of many other Princes that follow'd. Soon after, in the Month of *January* in the Year 1106, *Richard* II. Prince of *Capua* died, who leaving no Issue, *Robert* his Brother succeeded him in the Principality, and held it till the Year 1120, in which he died². In the Year 1016, in the Month of *August*, the Emperor *Henry* III. likewise died, to whom *Henry* IV. his Son succeeded, who being as great an Enemy to the Popes as his Father had been, dealt more harshly by *Paschal* II. and his Successors, than his Father had done by *Gregory* VII. He having a Mind more vigorously to maintain the Rights of Investiture, threaten'd to march into *Italy* with a powerful Army against *Paschal*. This Pope, to prevent so great Danger, came to *Capua* to solicit Prince *Robert* and Duke *Roger* to assist him against *Henry*; but *Henry* with a mighty Army being come into *Italy*, and arriv'd at *Rome*, whither the Pope was return'd, and with the Clergy and People of *Rome* had gone to meet him, caus'd the Pope and all his Company to be carried Prisoners to his Quarters, where he extorted the Rights of Investiture by Force, and besides oblig'd him to crown him Emperor with the wonted Rites and Ceremonies³. But as soon as *Henry* had left *Italy*, *Paschal*, in a Council held in the *Lateran*, annul'd and rescinded all these Acts, and had beforehand solicited the Duke of *Calabria*, the Prince of *Capua*, with other *Normans*, and even *Boemondus*, to join their Forces to assist the Church of *Rome* against the Persecution, which, he said, she suffer'd by *Henry*.

BUT the Death of these two Princes *Boemondus* and *Roger*, which happen'd on the Back of one another defeated all his Designs. *Boemondus* died this Year 1110 in *Antioch*, and his Body being brought to *Italy*, was buried in the Church of *St. Sabinus* in *Canosa*. He left a Son likewise nam'd *Boemondus*, who succeeded him in the Principality of *Antioch*, and his other Dominions. He also left a Daughter, and recommended them both to *Tancred* his Nephew.

BUT the Death of the renown'd Duke *Roger*⁴ was yet more deplorable to these our Provinces, which fell out in the Month of *February* of the Year 1111 in *Salerno*. He was much lamented, and buried with great Pomp in the great Church of *Salerno*, which his Father Duke *Guiscard* had built: He left no other Issue-Male but *William*, by the Dutches *Ala* his second Wife, who succeeded him in the Dukedom of *Puglia*, and his other Dominions.

DUKE *William* continu'd the same Friendship and Correspondence with the Pope, that his Father had done, neither did he fail to assist him in the Quarrels with *Henry*, which were carried on with greater Heat than ever. These Quarrels were become so imbitter'd, at this Time, that the Emperor *Alexius Comnenus* thinking to take Advantage of them, wrote to *Paschal* II. that if he would acknowledge him for Emperor of the West, he would send him powerful Assistance against *Henry*⁵. And in the mean while *William* having put his Dominions in a better Form, did not fail to require the Confirmation of the Investiture of the Dukedoms of *Puglia* and *Calabria*, as his Predecessors had receiv'd it. Neither was *Paschal* slack in granting it, which he did in the Year 1114, while he was celebrating a Council in *Cepperano*, whither *William* went to receive it⁶. But while this Pope was altogether bent on crushing the Power of *Henry*, being oppress'd with weighty and troublesome Cares, he fell sick, and on the 12th of *January* this Year 1118 ended his Days⁷.

¹ Pel. in Stem.² Idem.³ Idem, in Castigat. ad Anonym. Cassin.⁴ Idem, in Stem.⁵ P. Diac. lib. 4. cap. 46.⁶ Idem, lib. 4. cap. 49. Investivit de Ducatu Apuliæ & Calabriae⁷ Idem, lib. 4. cap. 64.

ALEXIUS Emperor of the East likewise died in the Month of *August* the same Year, to whom *Joannes Porphyrogenitus* his Son succeeded in the Empire. We shall be soon freed from the Trouble of taking notice of the Emperors of the East ; for having lost all they possess'd in these our Provinces, with little Hopes of ever recovering it, they had no more occasion to mind or concern themselves in the Affairs of these Countries. They had nothing left but the Shadow of Sovereignty over the small Dukedom of *Naples*, which also will soon be subject to the renown'd *Roger I.* King of *Sicily* and *Puglia*. This Dukedom was as yet govern'd by its Dukes and Consuls in the Form of a Republick, and at this Time *John* was Duke, who dying not long after, while *Porphyrogenitus* reign'd in the East, was succeeded by *Sergius* the last Duke of *Naples*. For *Naples* being afterwards subjected by *Roger*, tho' he did not alter the Form of its Government, nevertheless he made the Dukes as he thought fit, which Character he bestow'd on *Anfusus* one of his own Sons, as shall be related in a more proper Place.



C H A P. IX.

Quarrels between the Emperor Henry IV. and Pope Gelasius II. Investitures given by this Pope to our Norman Princes ; and a Schism between Callistus II. and Gregory VIII.



IN the mean time, after the Death of *Paschal*, the Clergy and People of *Rome* elected *Joannes Gaetanus*, a Monk of *Cassino*, his Successor, who took the Name of *Gelasius II.* ¹. As soon as the Emperor *Henry* heard of the Election, he march'd into *Italy* ; mean while he sent Ambassadors to *Gelasius*, with a Message, that if he was dispos'd to grant him what *Paschal* had done before, concerning the Investitures, he was ready to acknowledge him for Pope, otherwise he would chuse another. But *Gelasius* being obstinate, and seeing that the Emperor was advancing towards *Rome* with a strong Army, left this City, and accompanied with many Bishops and Cardinals, the Prefect of *Rome*, and many *Roman* Nobles, went to *Gaeta*, the Place of his Birth ; being as yet but Deacon, he was there ordain'd Priest, and by these Bishops and Cardinals that he had with him, and by the Archbishops of *Capua*, *Benevento*, *Salerno*, and *Naples*, in the Presence of many Princes and Abbots, he was consecrated Pope.

OUR *Norman* Princes, and especially *William* Duke of *Puglia*, *Robert* Prince of *Capua*, *Richard* of *Aquila*, and many other Barons of these Provinces, went all to *Gaeta*, and offer'd him their Assistance ². *William* and the Prince of *Capua* took the Oath of Fealty as Vassals of the Apostolick See, and got Confirmation of the Investitures in the same Manner their Predecessors had receiv'd them from other Popes. And 'tis to be observ'd, that the Princes of *Capua* paid Homage to the Pope in these Times, tho' they were Vassals to the Duke of *Puglia*.

BUT we must likewise observe, that *William*, not content with having had Investiture from *Paschal*, would also have it from *Gelasius*, from whom he could obtain no other but a Confirmation, still restricted to the Dukedoms of *Puglia* and

¹ P. Diac. lib. 4. cap. 64.

² Idem.

Calabria, the Pope carefully avoiding to extend it to the Principalities of *Salerno* and *Amalphi*, and all those other Dominions that had been subjected by the Dukes of *Puglia*. Thus we read it in the Copy of the Investiture, related by the Abbot of *Noce*¹, which *Gelasius* gave to *William*: *Quemadmodum Gregorius Papa tradidit illam Roberto Guiscardo Avo tuo; Et sicut Urbanus Papa eam Rogerio Patri tuo prius, Et postea tibi tradidit; sic Et ego trado tibi eandem terram cum honore Ducatus per illud idem donum, Et consensum.* But the Error that we find in this Copy, and the want of the Name, *Paschalis*, after the Word *postea*, deserve to be taken Notice of; for *William* never receiv'd Investiture from *Urban*, who died before his Father *Roger*, and *William* succeeded his Father in the Pontificate of *Paschal*, from whom he receiv'd it, and not from *Urban*, as *Petrus Diaconus* relates.

IN the mean time the Quarrels between the Pope and the Emperor became more irreconcilable; as soon as *Henry* understood that *Gelasius* was gone from *Rome*, he made *Mauritius* Archbishop of *Prague* to be elected Pope, who call'd himself *Gregory VIII*. On the other hand, *Gelasius*, as he came to *Capua*, excommunicated the Emperor, the Antipope, and all their Accomplices; and got *Robert* Prince of *Capua* to assemble his Troops in order to oppose *Henry*, and conduct him back to *Rome*. *Robert* having gather'd together a considerable Army, marches towards the Monastery of *Cassino*, with a Design to go from thence to *Rome* with the Pope, as he had promis'd him; but hearing that the Emperor with a superior Force was not far off, he would not leave *Cassino*, where having receiv'd *Henry's* Ambassadors, who advis'd him to retire, he gave over the Expedition, and return'd to *Capua*. So that *Gelasius*, after various Turns of Fortune, being abandon'd by the *Normans*, and unable to resist such a superior Force, resolv'd, with some Bishops and Cardinals, to go to *France*; and being arriv'd at the Monastery of *Clugny*, at last, wearied with so many carking Cares, and the Incommodities he had suffer'd in so troublesome a Journey, fell sick, and died there the 29th of *January* in the Year 1119, after having held that See, with so many Difficulties and Sufferings, only a Year and five Days.

THE Cardinals being depriv'd of so great a Pope, and not in a Condition to oppose *Gregory*, if they did not immediately provide a Successor, in that very Monastery elected *Guido* Cardinal Archbishop of *Vienne*, of Royal Race, being the Son of the Count of *Burgundy*, and near of Kin to the Kings of *France*, who took the Name of *Callistus II*. and went presently to *Rome*, where, with great Marks of Esteem, he was receiv'd by the Clergy, the Senate, and People of *Rome*. The Antipope *Gregory* and his Adherents left *Rome*, and fortified themselves in *Sutrio*, a Castle of great Strength by reason of its Situation.

IN the mean time *Callistus*, in order to eradicate this Schism, thought he had no other Remedy but to have recourse to the *Norman* Princes for Assistance, therefore he came to *Benevento*, where he was visited by Duke *William*, *Robert*, and all the Barons of the Neighbourhood, who all offer'd their Troops to lay close Siege to *Sutrio*. Soon after this Castle was so closely besieg'd, that it was forc'd to surrender: *Mauritius* thus falling into the Hands of Pope *Callistus*, he confin'd him close Prisoner in a strong Fort. Thus ended this Schism, and the Church began to enjoy some Peace.

BUT in the Year 1120, the Death of *Robert* Prince of *Capua*, from whom *Callistus* had receiv'd signal Service, put a Damp upon this Peace. This Prince left only one Son nam'd *Richard III*. who succeeded him in the Principality, and govern'd it a few Days only; for he had scarcely been consecrated according to the Custom of the *Norman* Princes of *Capua*, who us'd to be anointed with Holy Oyl by the Hands of the Archbishop, when he ended his Days in *Capua*, and leaving no Issue, he was succeeded by *Giordanus II*. his Uncle, Brother of his Father *Robert*².

GIORDANUS govern'd the Principality of *Capua* seven Years without Disturbance, to the Year 1127 in which he died. His Wife *Gaitelgrima* was Daughter of *Sergius* Lord of *Sorrento*, she had been married to him ever since the Year 1111, and had brought him *Nocera*, and many Places in the Neighbourhood subject to it, as her Portion. By this Wife he had *Robert II*. who succeeded him, and was the last Prince of *Capua* of the Race of *Ascettilinus*; for being expell'd his Principality by *Roger I*. King of *Sicily*, he had the Misfortune to see his Family lose that

¹ Ad Chronic. Cass. lib. 4. cap. 64.

² Pell. in Castigat. ad Anon. Cass. A. 1119.

Grandeur, which his Forefathers with fo much Prudence and Valour had maintain'd in it, as fhall be related when we come to the Reign of *Roger*.

IN the mean time Pope *Calliftus*, having in fome meafure quieted the Difcords, apply'd himfelf to put the Affairs of his See into the beft Order he could ; and above all, he endeavour'd to keep up the fame Correspondence and Friendfhip with *William* Duke of *Puglia*, that his Predeceffor had done. *William* fhew'd the fame Inclinations, for he defir'd to have the Investiture of the Dukedoms of *Puglia* and *Calabria* from *Calliftus*, as his Predeceffors had had it from *Gelaftus* and *Pafchal*, by making himfelf a Vaffal of the Apoftolick See, and receiving the Investiture with the Standard ; and *Calliftus* being come to *Troja*, he receiv'd him in that City with all Marks of Esteem and Refpect ¹ ; and in the Year 1121, when he came to *Salerno*, where *Roger* Count of *Sicily* likewise was, he was entertain'd by thefe Princes with all the Honour and Refpect imaginable ².

AFTERWARDS, in the Year 1123, he held a Council in the *Lateran* in order to redrefs many Diforders which had crept into his Church during the Quarrels with *Henry*, with whom he made Peace ; and after having with much Prudence fettled the Affairs of the Apoftolick See, at laft in the Year following 1124, he ended his Days in *Rome* ³, where he was much lamented ; and it was foon found what great Lofs the Church of *Rome* had in him ; for he was no fooner dead, than the Cardinals, divided into Factions, elected two Popes : Some of them chofe *Lambertus* Bifhop of *Oftia*, who took the Name of *Honorius* II. Others, *Theobaldus* Cardinal of *St. Anaftafia*, who was call'd *Celeftine* II. But this Schifm, which was fear'd might for a long Time give Difurbance to the Church, was furprizingly extinguish'd in an instant ; for *Celeftine's* Party, as the Weakeft, yielding to that of *Honorius*, join'd with him ; fo that the Diforders being at an End, *Honorius* was acknowledg'd and ador'd as true Pope.

¹ P. Diac. lib. 4. cap. 68.

² Pell. in Caft. ad Fal. Benev. 1121.

³ P. Diac. lib. 4. cap. 83.



CHAP. X.

Lothaire Duke of Saxony, by the Death of Henry, fucceeds in the Empire of the Weft. The Union of all thefe our Provinces in the Perfon of Roger Great Count of Sicily, by the Death of William Duke of Puglia.



THE Quarrels, which in the Year 1125, fell out in *Germany* on the Death of *Henry* IV. gave great Difurbance to the State of the Affairs of *Italy* : This Prince having left no Male-Issue, there arofe great Diffentions amongst the Princes of *Germany* about chufing a Succelfor ; two efpecially, with great Application aspir'd to the Empire ; *Conrade* the Nephew of *Henry*, and *Lothaire* Duke of *Saxony* ¹. The Princes of the Empire being conven'd in order to prevent the Confufions that might happen, were resolv'd to compromise this Election by the

¹ P. Diac. lib. 4. cap. 87.

Arbitrement of the Archbishop of *Mentz*, declaring, that the Person whom he should judge worthy of the *Roman* Empire, should certainly be elected. The Archbishop, who bore an implacable Hatred, not only against *Henry*, but against all his Family, without much deliberating, immediately excluded *Courade*, and proposing *Lothaire* as a most consummate Captain, pious and prudent, judg'd him the most worthy and fit that could be rais'd to the Imperial Throne; the Election was approv'd of, and *Lothaire* was proclaim'd Emperor. Thus by the Means and Cunning of this Prelate, the Empire went from the *Germans*, who had held it so many Years, to the *Saxons*, in the Person of *Lothaire*, whom some call'd III. others, with more Truth, II.

CONRADE, impatient of this Rebuff, and not able to bear that any other but himself had succeeded his Uncle, having drawn many Princes of *Germany* to his Party, got himself to be crown'd King of *Germany*. Thus did the Quarrels between these Princes begin, which at the long Run occasion'd many Disorders, and great Confusion in the Empire; but *Lothaire*, as being elected by the Majority, and, what was most material, consecrated by the Pope, was acknowledg'd for Emperor all over the West.

BUT whilst *Honorius* govern'd the Apostolical See, and *Lothaire* the Empire; whilst by the Death of *Jordanus*, *Capua* was govern'd by *Robert* his Son, and whilst *Sergius* the last Duke govern'd the Dukedom of *Naples*, the Death of *William* Duke of *Puglia* happen'd in *Salerno* this Year 1127¹; he had govern'd these Provinces, after the Death of his Father, the Space of sixteen Years².

THE Death of this Prince occasion'd at last all these our Provinces to be united into the Form of a Kingdom in one Person, and consequently a new Polity, and a more stable and perfect Form of Government to be introduc'd. For this Prince having left no Children, the Progeny of *Robert Guiscard* was extinguish'd³. There was none other that could succeed to his Dominions, but *Roger* Count of *Sicily* his Uncle, who was the Son and Heir of *Roger* the Brother of *Guiscard*. Neither could there be found at this Time, any other Prince so powerful, and so near of Kin, so expert in War, courteous and prudent, as the Great Count of *Sicily*; and Fortune presenting so considerable an Inheritance, he eagerly embrac'd the Opportunity. That he might not be prevented by others, *Roger* lost no Time in claiming the Possession of so great an Inheritance. Having immediately embark'd in a Fleet at *Messina*, he arriv'd unexpectedly at *Salerno*, where, according to the Custom and wonted Ceremonies, he got himself to be consecrated Prince of *Salerno*⁴, by the Archbishop of *Capua*. He went immediately to *Reggio*, where he was proclaim'd Duke of *Puglia* and *Calabria*; and made a Progress through these Provinces, and was receiv'd with Acclamations in all the Cities as their Sovereign.

AS soon as Pope *Honorius* understood that *Roger*, in so great haste, without his Knowledge, or so much as having sought Investiture from him, had taken Possession not only of *Puglia* and *Calabria*, but likewise of the Principality of *Salerno*, *Amalaphis*, and all the other Dominions, he was highly offended; and fearing that by so many Dominions being added to that of *Sicily*, the overgrown Power of *Roger* might at last come to oppress the Church of *Rome*, he began to withdraw his Affection from him, and to think of Means by which he might put a Stop to the Career of so great Prosperity. Whence his Successors, as we shall shew anon, finding that *Roger* had gloriously united the Crowns of *Puglia* and *Sicily* in his own Person, which the Dukes of *Puglia* his Predecessors could not accomplish, were always jealous of his Power, and turn'd over a new Leaf with him, and began to abhor him, and to put a thousand Rubs in his Way, in order to prevent his growing more powerful. But this Prince, by his Valour and Prudence, surmounted all Obstacles, and accomplish'd his Designs prosperously; for tho' the Princes of *Capua* were Vassals of the Dukes of *Puglia*, nevertheless that Principality was govern'd by *Robert II.* with full Liberty and Power. *Roger*, after having been invested with it by *Anacletus*, in the Year 1135, expell'd *Robert*, who was the last Prince, and usurp'd the Property of that great Principality to himself. The Dukedom of *Naples*, which was the last in

¹ Chron. Romualdi Arch. Salern. Falcon. Benevent. An. 1127.

² P. Diac. lib. 4. cap. 96. Pel. in Stem.

³ Idem, loc. cit. Atque in ipso omnis Roberti Guiscardi Familia, quæ ex ipso descenderat finita est.

⁴ Abb. Telefin. lib. 1.

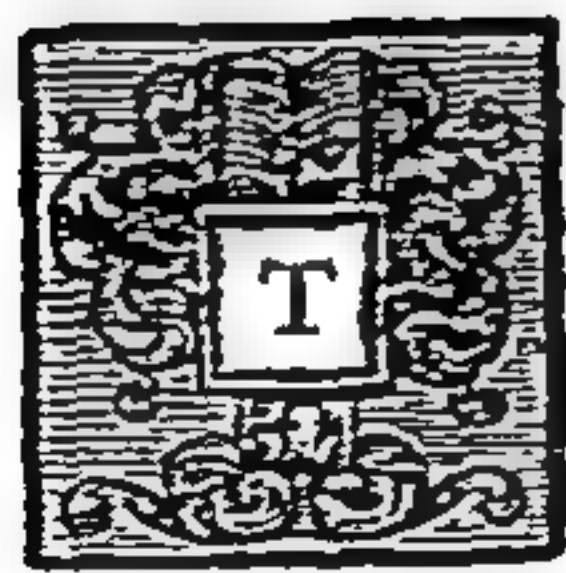
being subdu'd, and that for so many Ages had maintain'd its Liberty against the Power of the *Longobards* and *Normans*, at last in the Year 1139, was subjected to his Dominion: So that there remain'd nothing in these our Provinces that was not subject to *Roger*. And in this manner, having united all these Provinces in his own Person, and being arriv'd to such a Pitch of Greatness, he disdain'd the Titles of Count and Duke, and took that of King; and seeing he had appointed *Palermo* to be the chief City of *Sicily*, he fix'd his Royal Seat there. And having under his Dominion the Dukedoms of *Puglia* and *Calabria* (those Places also that had been left to Prince *Boemondus*) the Principalities of *Salerno* and *Capua*, the Dukedoms of *Amalphis*, *Naples*, and *Gaeta*, and the Principality of *Bari*, therefore in his publick Writs he took the following Titles: *Rex Siciliae, Ducatus Apuliae, & Principatus Capuae*. Which Titles were long made use of by his Successors, comprehending all these our Provinces, under the Title of *King of Puglia*, or of *Italy*.

BUT the famous Achievements of *Roger I.* King of *Puglia* and *Sicily*; how by his Prudence and Valour he surmounted the many Obstacles, which the Popes, and the Emperor *Lothaire* threw in his Way, in order to stop his growing Greatness; how with new Laws and Statutes he establish'd this Realm, and gave it a more perfect Form, shall be treated of at large in the following Book: In the mean time, it will be proper to premise a short Account of the Form and Disposition in which *Roger* found these our Provinces when he came to inherit them, not only with respect to the Number of their Barons, and the Ecclesiastical Polity; but especially with respect to the Laws and Learning which in this Age flourish'd in them.



C H A P. XI.

*The Longobard and Feudal Laws retain'd by the Normans.
Learning restor'd in their Kingdom by the Monks of Cassino;
and by the Arabs in Salerno:*



THE *Normans*, altho' by Right of Conquest, after they had subdu'd these our Provinces, they had it in their Power to impose what Laws and Form of Government on the conquer'd People and Places they thought fit; nevertheless allow'd the People to be govern'd by the same Laws and Institutes they formerly had; and even hitherto the *Normans* had imposed no new Laws upon them, as the *Longobards* did, but being well satisfied with the *Longobard* and *Roman* Laws, they not only allow'd their Subjects to retain their own Laws, but likewise conform'd themselves to them. The first who introduc'd new Laws, was King *Roger I.* as shall be shewn in the following Book.

THE *Feudal* Laws, which for the most part had their Rise from those of the *Longobards*, remain'd likewise intire as they were before, and the Laws of the Emperors which hitherto had been establish'd, were by the *Normans* no less regarded, and order'd to be observ'd. And the *Greeks* and *Saracens*, who knew nothing of Fiefs, having been expell'd *Puglia*, *Calabria*, and *Sicily*, the *Normans* introduc'd them into these Provinces, and that Island, as they had been in the rest of the Provinces that had continu'd longer under the Dominion of the *Longobards*. Whence the Number of Barons increas'd, and besides those that were in the Principalities of *Benevento*, *Salerno*, and *Capua*, the Counts of *Conversano*, *Trani*, *Lecce*,

*Lecce, Monopoli, Andria*¹, and many others, likewise started up in *Puglia*, and in *Calabria*, those of *Catauzaro, Sinopoli, Squilace, Cosenza, Tarsia, Bisignano, Girace, Melito, Policastro*, and many others.

AND these two Provinces retaken by the *Greeks* from the *Longobards*, though for a long Time they had had Experience of the *Greek* Government; nevertheless when conquer'd by the *Normans*, had the *Longobard* Laws immediately introduc'd into them, and all their Cities were govern'd according to their Usages; and even *Bari*, that was the chief Seat, first of the Deputies, and afterwards of the *Catapani*, was more observant of the *Longobard* Laws than all the other Cities, and the Customs of this City, are deriv'd from none other but these Laws; for which Cause *Roger I.* King of *Sicily*, after he had taken this City, being about to establish good Laws in it, was requested by the *Baresians*, to allow them to retain their own Customs, and particular Constitutions, which were taken from the *Longobard* Laws, their City having been long under the *Longobards*, such as *Ajo, Melus, Meraldizus, Grimoaldus*, and other Princes of *Longobard* Extraction; and *Roger* having read and commended them, ordain'd them to be observ'd, and even to our Time, they are in Force².

THE *Normans*, for very near a whole Century, from the Time they conquer'd *Puglia* to King *Roger I.* had so great a Regard for the *Longobard* Laws, and prefer'd them to all others, that they pass'd in these Provinces for the common Laws; and our Professors apply'd themselves to the Study of none other, for they had all Authority and Force in the Tribunals, and by them alone Causes were decided.

THE *Roman* Laws, as we have often observ'd, were only retain'd by way of Tradition; and they had remain'd amongst the common People (who are always last in laying aside the antient Usages) as old Customs, and not as written Laws. The *Roman* Jurisprudence, and the Books of *Justinian*, in which it was contain'd (like all other Learning) had been forgot, and were very little known in these Times, and these Parts; so far were they from being read.

BUT in this Place, we ought not to rob the Monks of *Cassino* of their deserved Praise, who were the first that endeavour'd to recover all sorts of Learning out of the Darkness wherein it had so long lain. The Care of the famous Abbot *Desiderius*, who being advanc'd to the Papacy, was nam'd *Victor III.* pav'd the Way to the Knowledge of some of *Justinian's* Books, and of others of different Professions. This renown'd Abbot, after having enlarg'd that Monastery with sumptuous Buildings, applied himself to find out many Books, in order to provide it with a well-stock'd Library; and the Art of Printing not being as yet brought into *Italy*, he with great Care, and much Expence, made a Collection, and caus'd them to be transcrib'd in a handsome Manner. Among other Books, there were *Justinian's* Institutions, and his *Novellæ*³: For these Books being very rare at this Time, were not in every Body's Hands, as now a Days, but, as Things very precious, were kept in some famous Library. The Church of *Rome* made most use of them, and also the Emperors of the East, sometimes, in making some of their Constitutions, referr'd to them. Although some Copies of this Emperor's Code, were to be found in *France* in these Times (which is clear from the Letters of *Ivo of Chartres*) and likewise in *Italy*, which is manifest from some Laws of the Emperors of the West, particularly of *Henry II.*⁴, and from the Decretals of some Popes, where some Laws of it are quoted; nevertheless few made use of it; even the very Professors neglected it, because it had not that Force and Authority in the Courts of Judicature, that it afterwards acquir'd.

THE Pandects had not as yet been discover'd in *Amalphis*, so that our Professors could have no Knowledge of them. Yet there were some Copies of them in *France*, which is clear from *Ivo's* Letters, in which some Laws of the Digests are frequently quoted⁵, for by reason of their famous Libraries, the Ignorance of these Books was not so great in *France*; and many Copies of the *Theodosian* Code, and its Compend, were likewise to be found there.

¹ Pellegr. in Castigat. ad An. Cass. A. 1132.

² Consuetud. Bar. in proemio. Romuald. Archiep. Salern. in Chron. Massilla. Bearil. hist. di Bari, lib. 2.

³ Chron. Cassin. lib. 3. cap. 63. Instituta Justiniani, Novellam ejus.

⁴ Constit. Henric. in L. L. Longobard. lib. 2.

tit. 67. l. 11. where he refers to the L. 25. C. de Episc. which is *Martian's*; and to the L. 2. C. de jurejur. propter calumn. which is *Justinian's*.

⁵ Ivo Epist. 46. Unde & in lib. Pandectarum continetur, quoting the L. 7, 11 & 13. D. de sponsalib. And in the 69. Epist. the L. 11 & 14. D. eud. tit. de sponsalib. are quoted.

WITH us, the Institutions, and *Novellæ* of *Justinian*, were to be found only in the Library of *Cassino*, so that the Use of them in these Times, was not so frequent in the Tribunals of the Cities of these our Provinces, as it is now.

THE *Longobard* were the only prevailing Laws, and each Tribunal decided its Causes according to them, and Successions, Wills, Contracts, the Punishment of Crimes, Confiscations, and all other Judgments were regulated by them. We have yet remaining amongst our antient Records, some Vestiges, that the Judges in their Sentences, laid great Stress on these Laws; and *Leo Ostiensis* ¹ relates, that the Process which began in the Year 1017. betwixt the Monastery of *M. Cassino*, and the Duke of *Gaeta*, and the Count of *Trajetto*, was decided both by the *Roman* and *Longobard* Laws. *Camillus Pellegrinus* ² quotes a Writ of *Richard II.* Prince of *Capua*, by which a Donation was made to the Church of *St. Michael the Archangel in Formis* of many Estates, and among others, of some that had fallen to his Grandfather by Confiscation, *secundum Longobardorum Legem*. And the same Writer ³ cites two Sentences, pronounc'd after these Times, the one in the Year 1149, in the Reign of King *Roger*, and the other in the Year 1171, in that of King *William*, which two Causes we see were decided by the *Longobard* Laws.

THE Judges in these Times, did not use so much Pomp and Ceremony in deciding Causes, as are observ'd now-a-days. Every City had its own Tribunal and Judges; and Processes were decided quickly, without much Noise: When there happen'd any Controversy concerning Marches, they went to the very Spot, and there decided the Cause immediately; the Parties were not allow'd to make Appeals to remote Tribunals, but to have their Controversies determin'd in their own Cities, and by their own Judges.

¹ Ostiens. lib. 2. cap. 35.

² Pellegr. in Stemm. Princ. Longob. pag. 238.

³ Pellegr. Hist. Princ. Longob. pag. 251 & 256.

S E C T. I.

The first Collections of the Longobard Laws; and their Glossators.

THE *Longobard* Laws having acquir'd so much Authority in these Times, particularly in these Provinces, all our Professors apply'd themselves to the Study of them; but no Person hitherto having collected into one Volume, both the Laws of the *Longobards*, and those that had been to this Time publish'd by the Emperors of the West, as Kings of *Italy*, for the Use of the Courts of Justice, and the greater Ease and Conveniency, both of Advocates and Judges; at last about this Time, all these Laws were collected into one Volume.

THE first Collection that we can find of these Laws, is that which is yet preserv'd in the Archives of the Monastery of the *Trinity of the Cave*, where in one Parchment Volume written in *Longobard* Letters, are inserted all the Edicts of the Kings of *Italy*, beginning from *Rotaris*, who was the first that gave written Laws to the *Longobards*. After *Rotaris's* Edict, that of *Grimoaldus* follows; the Laws of *Luitprandus* follow next; then those of *Rachis*, and lastly those of *Astolphus*, who was the last *Longobard* King that made Laws; for, as we have said, *Desiderius* his Successor, and the last of the *Longobard* Kings, being engag'd in continual Wars, had not Time to think of Laws. But, notwithstanding that *Charles the Great* had expell'd *Desiderius*, and the Kingdom of *Italy* had been translated from the *Longobards* to the *French*, nevertheless, the Dominion of the *Longobards* continu'd in these our Provinces, in the Princes of *Benevento*, who, after the Example of the *Longobard* Kings, establish'd many Laws, which, for a long Time, were observ'd in the Principality of *Benevento*, which in these Times comprehended almost all the now Kingdom of *Naples*; therefore the foresaid Compiler, who undertook this Labour for the Benefit of our Countrymen, inserted likewise in this Volume the *Capitularia* of *Arechis*, first Prince of *Benevento*, and those of *Adelchis* his Successor; and after having inserted some small Pieces of his own, he adds a short Exposition of some of the Laws, for the Use of the *Beneventans*, but more especially for the *Capuans*,

Capuans, for whom he declares he had undergone that Trouble; so that on that account, and some other Conjectures, *Camillus Pellegrinus*¹ suspects the Author to have been a *Capuan*. In this Collection he likewise adds some small Law Treatises of his own, under these barbarous Titles. *Quantas causas debet esse Judicata sine Sacramentum. Item quantas causas fieri debet per pugna Judicata. Memoratorium pro quibus causis filii ab hereditate Patris exheredati fieri debet.* The *Capitularia* of *Charles the Great*, *Pepin*, *Lewis*, and of the other Emperors, who were Kings of *Italy*, after the *Longobards* were expell'd by *Charles the Great*, conclude the Book.

T H I S is the most ancient Collection of the *Longobard* Laws that we have; made by a *Capuan*, whose Name we are ignorant of, which never being printed, is preserv'd in the Archives of the Monastery of the Cave. *Pellegrinus* supposes it to have been made in the Beginning of this eleventh Century, about the Year 1001, or soon after; for the Author inserts in it a List of the Dukes and Princes of *Benevento*, and of the Counts of *Capua*, and brings it down to the said Year, to *Adimarus* Prince of *Capua*. Besides he discovers that he knew *Pandolphus Capodiferro* Prince of *Capua*, who died in the Year 981. And this is both the first and most ancient Author that we can discover to have written Treatises on the Law adapted to these Times, in which all the Care and Study of our Professors were employ'd about the *Longobard* Laws.

T H E R E are different Sentiments concerning the Author of that other common Compilation divided into three Books, and distinguish'd into many Titles, which is now inserted in the authentick Volume. The Feudal Books, where many *Longobard* Laws contain'd in it are quoted, evince that it is ancient². Some³ believe it to have been made in the Time of the Emperor *Lothaire* III. or II. by *Petrus Diaconus* a Monk of *Cassino*, altho' for his own private Study, yet it was by the Persuasion of the same Emperor *Lothaire*; for 'tis evident, that *Petrus Diaconus* was his Lieutenant in *Italy*, and appointed Keeper of his Register, and Almoner of the Empire⁴. They infer it, from not seeing any Constitutions of the succeeding Emperors in this Compilation; for tho' in the last Editions of *Lindenbrogius* and the Vulgar, we read a Constitution of *Charles IV.* yet 'tis evident that was added afterwards, because it is not to be found in the Collection of *Melchior Goldastus*, which is more ancient than the Edition of *Lindenbrogius*; neither does that Constitution regard *Italy* in the least. *Struvius*⁵ adds another Conjecture, from seeing that some Copies bear the Name of *Petrus Diaconus*.

O T H E R S by opposite Arguments make it doubtful who the Author was. They think *Petrus Diaconus* was not, because in the Chronicle of the Monastery of *Cassino*⁶ he gives a particular Account of all the Works he had compil'd after he became Monk, and makes such an exact Catalogue of them, that he sets down the Proems he had made to some Books that were not of his own composing, and relates two Hymns he had made to St. *Justa*, and some Sermons, and other small Pieces; but makes no mention of this Compilation; whereas if he had been Author of it, he would not have fail'd to tell it with great Ostentation, seeing, when he had occasion to mention his own Works, tho' of little Moment, he did it with a great deal of Complacency. Add to this, that *Carlo di Tocco*, our most ancient Civilian, in the Proem he made to the Glosses of these Books, speaking of the Compilers, says, that they were so ancient, that he had not been able to learn their Names; and he flourish'd very near the Time of *Lothaire*, for he was alive in the Reign of *William* King of *Sicily*, and would have known if *Petrus Diaconus* had been Author of this Compilation.

H O W E V E R that may be, 'tis certain, that this second Collection divided into three Books, tho' poorly done, without Order of Time, and very confusedly, had better Fortune than the first, that was more Methodical, and in which, according to the Order of Time, all the Edicts of the *Longobard* Kings, and the *Capitularia* of the Emperors, who were Kings of *Italy*, were collected. This never having been printed, lies yet, buried in the Archives of the Monastery of the Cave: On the contrary, that of which *Petrus Diaconus* is said to be the Author, has been often

¹ Pellegr. in Append. lib. 1. hist. Princ. Longob. pag. 300.

² Lib. 1. Feud. 10. & lib. 2, 21, & 28. Struv. hist. Jur. Gothic. & Longob. §. 2.

³ Conring. de Orig. Juris cap. 23. Ædit.

Collec. Const. Legum Imp. in Proleg. Struv. loc. cit.

⁴ Chron. Cassin. lib. 4. cap. 125.

⁵ Struv. loc. cit.

⁶ Chron. lib. 4. cap. 66.

printed, sometimes separately, and sometimes with the Authentick Volume; and *Basilus Joannes Eriold* caus'd them to be re-printed in *Basil* in the Year 1557, with the *Salick, German, Saxon, and British* Laws, and likewise those of other Nations. *Melchior Goldastus* caus'd another Edition to be printed; and *Frederick Lindenbrogius* made it to be re-printed anew, and added it to the Code of the ancient Laws.

THE Credit and Authority which our Forefathers gave to these Books, were such, that all Law Suits were decided in the Tribunals according to them; therefore our most ancient Professors employ'd themselves in commenting and making Notes upon them. *Carlo di Tocco*, was the first, who with very long Glosses illustrated these Books. He was born in the Village of *Tocco*, near *Benevento*, from which, according to the Custom of those Times, he took his Surname; and following the Example of his Forefathers, and being the Son, as he says, of a Doctor of Law, when a Youth he went to *Bologna* to learn the Civil Law; and he had the good Fortune to have *Placentius*¹, *Joannes*², *Otho Papiensis*³, and *Bagarotto*⁴ for Masters, who had been Disciples of the famous *Irnerius*. Being return'd to the Kingdom, he was made a Judge in *Salerno*⁵; and while he was yet young, in the Year 1162, in the Reign of *William I.* was made Judge of the High-Court⁶. He was reputed the most famous Lawyer in his Time, and his Memory has been celebrated by his Successors.

THIS Lawyer had the same Reason to illustrate the *Longobards* Laws, as *Hermogenianus* and *Gregorius* had to compile their Codes. These two Lawyers perceiving, that the ancient Jurisprudence of the Heathen *Romans* was falling into Contempt by the new Laws of Christian Princes, resolv'd by their Codes to prevent this, and at least to preserve the *Roman* Law in Writings. So in the Reign of *William*, when the *Pandects* being already found in *Amalphis*, were begun to be taught in the Academies of *Italy*, the Lawyers of these Times, charm'd with the Elegancy of their Style, were induc'd to study them, and by that means they began to look upon the *Longobard* Laws as barbarous and unpolite, so that the Study of them was neglected. *Irnerius*, *Bulgarus*, *Martinus*, *Jacobus*, *Hugo*, *Pilcus*, *Rogerus*, and others had commented in their own Times on the whole Body of the Civil Law; and after their Example, all the rest left off the Study of the *Longobard* Laws. Wherefore *Carlo di Tocco*, to preserve the *Longobard* Laws from falling into Contempt, and to encourage the Study of them, after he had made himself Master of the *Pandects*, he made it his Business to explain and confirm the *Longobard* by the *Roman* Laws in his Glosses, which for the most part contain nothing but Quotations from the *Roman* Laws, in order to encourage the Professors to study them, and plead them with greater Advantage in the Courts of Justice, where the *Pandects* in his Time were of no Authority, as we shall shew in a more fit Place. This his Labour was so useful, and so much commended by Posterity, that it acquir'd Force and Authority little inferior to the Laws themselves; and *Andrea d' Isernia*, speaking of *Tocco's* Glosses on the *Longobard* Laws, says, *Plurimum in Regno approbatur*⁷. *Luca di Penna*, *Matteo d' Afflitto*, and others give them the same Commendation.

FOR the same Reason, in the Time of the Emperor *Frederick II.* when the *Roman* Law was in such Request as to engage all Professors to study it, who to their own Detriment, had forgot the *Longobard* Laws, by which alone they could carry a Point in the Courts of Justice: *Andrea Bonello da Barletta* wrote his Commentaries upon the *Longobard* Laws; where he takes Notice of all the Differences betwixt the two Laws, that for the future the Advocates might have no occasion to mistake, by minding only the *Roman*, and neglecting the *Longobard* Laws; for in pleading the *Roman* only, they had been often oblig'd to submit, and quit the Field to Professors of inferior Degree and Learning. Thus he says it happen'd once to a great Advocate, who with a great many Flourishes in defending a Cause, had cited many *Roman* Laws for his Client; and after he had harangu'd himself out of Breath, there started up a Pettifogger on the other Side, with the *Longobard* Laws under his Gown, which he produc'd in Court; and reading those that made for his Purpose,

¹ Carol. de Tocco glos. in l. 1. Longob. de Scandal. l. si quis 6. de eo qui pecul. lib. 1.

² L. Long. l. si quis puellam, de injur. mulier. l. si quis aliis, de Adulter.

³ L. si quis 4. de his, quæ a viro.

⁴ L. 4 de Ultim. volunt.

⁵ L. si quis cum altero, de Testib.

⁶ Ciarlant. lib. 4. cap. 13. Toppi de Orig. Trib. M. C. cap. 10.

⁷ Andr. de Iern. De his qui Feud. dar. poss. §. & quia.

obtain'd a Decree, to the great Shame of his Antagonist, who sneak'd off in Confusion.

ANDREA was Attorney-General under the Emperor *Frederick II.* and in great Esteem with this Prince, who by his Advice instituted the Court of *Capua*. He was a Lawyer of great Fame in his Time, and had in great Reputation by his Successors. *Andrea de Ifernia*¹ calls him an *able Doctor*; *Matteo d' Afflitto*², a *great Professor of the Law*³; and others mention him with great Encomiums. Besides this most useful and necessary Work, for the Knowledge of the Difference betwixt the two Laws, he compos'd other Commentaries upon the *Roman* Laws, often quoted by *Napodanus* and *Afflitto*; for, excepting these Authors, we do not find them quoted by any other, which makes us believe they have been mix'd with the Works of others, as his Comments on our Constitutions, by the Carelessness of the Transcribers were confounded with those of *Marino di Caramanico*, so as they can be but ill distinguish'd at this Time.

BIASE DA MARCONE, who liv'd in the Time of King *Robert*, and was his Counsellor and Favourite, likewise wrote Commentaries on the *Longobard* Laws⁴. He compos'd a large Volume, and *Marino Freccia*, as he says in his Book of Sub-Fiefs, had the Manuscript. *Francesco Vivio*⁵ calls him a Man of great Authority in the Kingdom, and especially for his Treatise of the Difference between the *Roman* and *Longobard* Laws; he was Contemporary with, and a Friend of *Luca di Penna*, and a Disciple of *Benevenuto di Milo* Bishop of *Caserta*, to whom he ow'd great Obligations for bringing him from Nothing to the Condition he was in. *Niccolo Boerio* likewise employ'd his Labour on these Laws. And in later Times, under the Emperor *Charles V.* *Giambattista Nenna di Bari*, a famous Lawyer of his Age, compos'd a Book upon these Laws, with an Alphabetical Explication of the abstruse *Longobard* Words, which he caus'd to be printed in *Venice* in the Year 1537. But in process of Time, the Force and Authority of these Laws declining, at last they came to be disus'd, so that our Professors minded them no more, and now they are quite laid aside.

¹ In Constitut. minorib. de Jure Balii.

² In eadem Constit. in princip.

³ Giarlant. del Sannio, lib. 4. cap. 26.

⁴ Viv Decis. 162.

⁵ Beatil. Hist. di Bari, lib. 4.

S E C T. II.

Learning reviv'd amongst us by the Means of the Monks of Cassinò.

IN the Beginning of this Century Mens Spirits being rouz'd from the Lethargy in which they had been in the preceding; apply'd themselves to Learning; and the Differences between the Emperors of the West and the Popes, and between the *Greeks* and the *Latins*, incited Men to apply their Minds to study, and gave occasion to those who were attach'd to one of the Parties, and who had any Capacity, to employ their Pens, and to shew their Parts. The Schism, which at this Time divided the *Greek* and *Latin* Churches, and particularly the Dispute about the Opinion concerning the Procession of the Holy Ghost, likewise excited Men of Learning to a more than ordinary Study, both of the Scriptures and Theological Writings. Some imitated the Ancients very near both in Style and Manner of Writing; but for the most part being ignorant of Languages and History, they favour'd of the Barbarism and Harshness of the preceding Century; and some fell into the dry and barren Dialectick Way. The Study of Divinity and other Sciences, which had been neglected in the foregoing Century, was reviv'd among us by the Monks, but especially by those of *Monte Cassino*. At the first every one was satisfied to follow the ancient Method, and to quote the Explication of the Fathers upon the Holy Scriptures; and did not treat of Points of Doctrine but slightly and casually. But towards the latter End of this Century, Lectures of Divinity on Points of Religion came in use; and sundry mysterious Questions were propos'd, and solv'd by way of Reasoning, in a Logical manner. The Books of *Aristotle* began to be known among the *Arabs*, who brought them to us; and our Divines thought they would be useful in

in the Disputes against the *Jews*, and the *Arabs* themselves, therefore they adapted them to our Religion, the Doctrine and Morals of which they explain'd according to the Principles of this Philosopher, and treated of the Doctrine of the Scriptures and Fathers after the Order and Rules of Logick and Metaphysics taken from his Writings. This was the Rise of *Scholastic Divinity*, which soon after became the Principal, and almost the only Study of our Monks and Schools.

THE Monks of *Cassino* distinguish'd themselves in this Age among us above all others; they applied themselves to these Studies, and with great Care kept up the *Scholæ Sacræ* amongst us, wherein the Catechism was carefully explain'd by able Divines, of which in these Times there was a great Number. Besides the famous Abbot *Desiderius* so remarkable in History, there was *Alfano*, who from Monk of *Cassino*, was afterwards made Bishop of *Salerno*, and compos'd many Works, of which *Petrus Diaconus*, and *Giovanna Baptista Maro* give us the Catalogue¹. There was *Alberico di Settefrati*, a Village situated in the Dukedom of *Alvito*, a Monk of *Cassino*, who likewise signaliz'd himself both by his Piety, and many Works which he wrote². *Orderisio* descended of the Counts of *Marfi*, whose Works *Petrus Diaconus* and *Maro* relate. *Pandulfo Capuano*, who flourish'd in *Cassino* under the Abbot *Desiderius* in the Year 1060, and who distinguish'd himself above the rest both in Sacred and Prophane Learning, as may be seen by the Catalogue of his Works, which *Petrus Diaconus* has left us³. The Monk *Amato*, *Giovanni* Abbot of *Capua*, of whom *Diaconus* and *Maro* discourse at large. *Petrus Diaconus* himself, and many others, who by their Works have left shining Monuments of their Worth.

THE Monks of *Cassino* not only signaliz'd themselves in these Studies, which in a manner was peculiar to them, but likewise distinguish'd themselves by good Literature; for the little Share of it that was amongst us in these Times, was confin'd to them, and whatever Knowledge there was of it in our Provinces was owing to them. For we observe in the Chronicle⁴ of that Monastery, that *Alberico* compos'd a Book of *Musick*, and another of *Logic*. *Pandulfo Capuano* wrote *de Calculatione*, & *de Luna*; and others upon the like Subjects, as may be seen in *Petrus Diaconus*⁵, and by the Catalogues of their Works which he compos'd; and others employ'd their Labour in seeking after Books of various Erudition and Sciences, and in transcribing them, as *Desiderius* did, who besides the Books belonging to Sacred and Ecclesiastical Affairs, caus'd to be transcrib'd, the History of the Romans and the *Goths*, written by *Jornandes*; the History of the *Longobards*, *Goths* and *Vandals*; the History of *Gregory of Tours*; that of *Josephus* the *Jew de Bello Judaico*; that of *Cornelius Tacitus*, and *Homer*. The History of *Erchempertus Cresconius de Bellis Lybicis*, *Cicero de Natura Deorum*, *Terence* and *Horace*. *Ovid's Fasti*, *Seneca*, *Virgil*, with the Eclogues of *Theocritus*, *Donatus*, and other Authors. Neither was the Care and Diligence of *P. Diaconus* less afterwards, who, besides his own Works, collected the Astronomy of the most ancient Books. He gave us a Compend of *Vitruvius de Architectura*; a Book *de generibus Lapidum præciosorum*, and many others, of which he made a long Catalogue.

¹ V. Toppi & Nicod. in Bibliot. Neap.

² V. Ciarlant. del. San. lib. 3. cap. 34.

³ P. Diac. de Viris illustr. cap. 26.

⁴ Chron. lib. 3. cap. 35.

⁵ De Viris illustr. Monac. Cassin.

S E C T. III.

Of the Schola Salerni, famous in these Times for the Study of Philosophy and Physic brought hither by the Arabs.

WE are not to think that the *Arabs* have always profess'd Ignorance, as is commonly believ'd, because they were *Mahometans*; there were amongst them Men of notable Knowledge, whose Writings would fill the greatest Libraries. More than Three hundred Years before this eleventh Century, they studied with great Application; and their Application was never greater than in these Times, when Learning was at the lowest Ebb with us, to wit, in the ninth and tenth Centuries.

Centuries. In whatever Country, by their so many Conquests they establish'd themselves, they cultivated the Study of two Things ; the one peculiar to them, regarded their Religion, or the *Alcoran*, and the Traditions which they ascribe to *Mahomet*, and to his first Disciples and Interpreters, from whom sprung the four Sects mention'd in the sixth Book of this History ; the other regarded that Learning which they had taken from the *Greeks*, which was but new, with respect to that of the *Mussulmans*, which was as old as their Religion.

THIS People, as we have related elsewhere, having subdu'd many Countries of the *Roman* Empire, and ravag'd many Provinces of *Asia*, amongst the Spoils and Booty they had made in *Greece*, by chance found some Books, and apply'd themselves with extraordinary Eagerness to the Study of Learning ; and they were so keen, that about the Year 820, they made the Calif *Almanon* demand of the Emperor of *Constantinople*, the best *Greek* Books, which when they had got, they caus'd them all to be translated into *Arabick*. But they made no use of the Poetical Works that were amongst those Books, because besides that they were written in a foreign Language, and of a quite different Taste from theirs, they had such Regard for their own Religion, as made them abhor Idolatry, and reckon it unlawful to read them, and defile themselves with so many Names of false Gods, and so many Fables, with which they were stuff'd. The same Superstition made them detest the Books of History, because they despis'd what was more antient than their Prophet *Mahomet*. As for Political Books, they certainly could have no use for them, because the Form of their Government was quite different from that of more free Nations : They liv'd under an Empire altogether Despotick, where they had no occasion to open their Mouths, but in order to flatter their Prince ; and could pretend to nothing, but to obey their Sovereign.

THEREFORE they found no other Books fit for their Use, but those that treated of Mathematicks, Physick, and Philosophy. But as they were neither seeking Politicks nor Eloquence ; so *Plato's* Lessons were of no Use to them ; because in order to understand him well, the Knowledge of the Poets, who treat of the Religion and History of the *Greeks* was necessary. Therefore having found the Works of *Aristotle*, *Hippocrates* and *Galen*, they studied them with great Application. *Aristotle's* Logicks and Metaphysicks pleas'd them wonderfully, which they studied with great Ardour and incredible Assiduity. They likewise apply'd themselves to his Natural Philosophy, particularly the Eight Books, which contain it only in general, whereas the special Physicks, which requir'd Experience and Observations, they did not reckon so necessary.

THEY had a particular Regard for Physick, and studied the Books of *Hippocrates* and *Galen* ; but they founded it chiefly on general Discourses on the four Qualities of the Temperature of the four Humours, and on traditional Remedies, without examining nicely into them, but mixing them with an infinite Number of Superstitions ; and no ways improv'd the Anatomy, imperfect as it was, which they had receiv'd from the *Greeks*. But as for Chymistry, if they were not the Inventors, at least they were the Improvers of it ; but they blended it with so many Extravagancies, that to this Day it has been no easy Matter to purge it ; they stuff'd it with so many vain Pretensions, idle Discourses, and superstitious Operations, as afterwards produc'd Quacks and Mountebanks. From the Study of Chymistry, they were easily led to that of Magick, and all Sorts of Divination, to which Men are naturally addicted, when they are ignorant of Natural Philosophy, History and true Religion. What much promoted these Delusions, was Astrology, which was their chief Aim in studying Mathematicks. In a Word, they cultivated this pretended Science under the Empire of the *Mussulmans*, with so much Eagerness, that it has always been the Delight of their Princes, who build their greatest Enterprizes on this weak Foundation. The same Calif *Almanon*, took in hand to calculate the famous Astronomical Tables, and it must be confess'd, that by his Observations, and the other useful Parts of Mathematicks, such as Geometry and Arithmetick, they are become very serviceable. Algebra, and the numerical Figures, are owing to them ; whereby Arithmetick is since become so easy. As for Astronomy, they had the same Encouragement, that induc'd the antient *Egyptians* and *Chaldeans* to apply themselves to it, because they inhabited the same Countries, and besides, had all the Observations of the Antients, together with those of the *Greeks*.

These People, making Incurfions into the Provinces of *Europe*, in the most barbarous and unciviliz'd Times, when Ignorance and Stupidity were at their Height; either by the Names of the famous Masters, under whom they had studied, or on account of the long Voyages they had made, or for the Singularity of their Opinions, gain'd great Credit and Respect in the Countries they came to; they made it their Business to distinguish themselves by some new Logical or Metaphysical Subtleties, and dwelt only on what was marvellous, rare and difficult, and neglected what was pleasant, convenient and useful. Therefore they were admir'd in *Europe*, and their learn'd Men had in great Esteem. The Books of *Mesues*, *Avicenna* and *Averroes*, the great Commentator *Rafis*, and many others, were in great Esteem and Reputation among us. And *Charles the Great* caus'd their *Arabick* Books to be translated into *Latin*, as also some *Greek* Authors, that had been translated by them into *Arabick*, in order to diffuse their Learning through all the Provinces of his Empire. Whence the *French* and other *Latin* Christians, learn'd from the *Arabs*, what the *Arabs* themselves had learn'd from the *Greeks*, to wit, *Aristotle's* Philosophy, Physick and the Mathematicks, but slighted their Language, History and Poetry, as the *Arabs* had slighted those of the *Greeks*. And we receiv'd this kind of Learning, thus corrupted by the *Arabs*: Their Philosophy was empty and useless, because widely different from true Natural Philosophy, which requir'd Experience and Observations: Their Astrology full of Delusion, and foolish Divinations; but above all, their Physick was stuff'd with Impertinence and Superstition.

THE first Books then on these Subjects, that were read and studied, were those of the *Arabs*, and on Physick, among others, those of *Mesues* and *Avicenna*; and the first that studied them, were the Clergy and Monks, for Learning was confin'd to them; and in these Times, they were the only Philosophers and Physicians. Whence we read, that in *France*, *Fulbert*, Bishop of *Chartres*, and the *Magister Sententiarum*, were Physicians: *Obizus*, a Religious of *St. Victor*, was Physician to *Lewis the Great*; *Richard*, a Monk of *St. Denis*, who wrote the Life of *Philip Augustus*, was likewise one. And in these our Provinces, the greatest Prelates, and the most famous Monks of *Cassino*, were the best Physicians, as we shall see; and this Profession was so ingross'd by the Ecclesiastical Order, that a Council held in the *Lateran* in the Year 1139, under *Innocent II.* look'd upon it as an inveterate Grievance, that the Monks and regular Canons, in order to enrich themselves, were profess'd Advocates and Physicians; and because the Council took only Notice of those religious Orders, Physick continu'd to be practis'd by the Clergy, for the Space of Three-hundred Years more.

IN the preceding Books of this History, we have shewn how many Occasions the Inhabitants of our Provinces had of corresponding with these *Arabs*, whereby they had Opportunities of learning these Sciences, especially when the *Saracens* were settled in *Garigliano*, *Puglia*, *Monte Gargano*, *Bari*, *Salerno*, *Pozzuolo*, and many other Places; so that in our common Language, there are many of their Words which continue to this Day, as was observ'd elsewhere; and there are yet preserv'd in *Pozzuolo*, four Marbles with Inscriptions in Relievo, of Oriental *Saracenic* Letters. Besides in these Times, there was great Communication with the *Arabs*, who were in Possession of more than the Half of *Spain*; and we had continual Intercourse with them by our frequent Voyages in these Times to the East, on account of the *Crusades*.

BUT as their Learning, and especially their Physick, took so deep Root in the City of *Salerno*, that this City above all others of our Provinces, was renown'd for the famous School founded there, yet, for any thing I know, none of our Writers has hitherto clear'd that Part of our History. Those, who believe the *Schola Salerni* to have been instituted, together with that of *Paris* and *Bologna*, by *Charles the Great*, are widely mistaken; for it has been demonstrated in this History, that *Charles* could not found an Academy in this City, because it was never subject to him: And when the Schools of *Paris* and *Bologna* are said to have been founded by *Charles the Great*, there were such obstinate Wars between him and Prince *Arechis*, that it was not possible to put an End to them, and *Arechis* had so well fortified *Salerno*, that it was look'd upon as the most secure Retreat of the *Longobard* Princes against the Power of *Charles* and his Sons.

THEREFORE this School must be of a later Date, nor was it at first authorized by the Laws of any Prince, nor had it the Name of an Academy, College or University, but that of a simple School. It began to be establish'd in *Salerno*, because the *Oriental* and *African* People had frequent Occasions of landing in this Maritime City. The *Saracens* visited it often in the Time of the last *Longobard* Princes, so that the *Arabs* had occasion to make long and frequent Stays in it. We have shewn in the preceding Book, that sometimes from *Africa*, and often from the neighbouring *Sicily*, they came on the Coast, and terrified the *Salernitans*, who, to prevent the Ruin of their City, their Fields and neighbouring Castles, not having Force of their own sufficient to repel them, often purchased their Peace with Sums of Money. And while the Officers appointed by the Prince collected the Contributions among his Vassals, the *Saracens* landed and convers'd familiarly with the *Salernitans*. Hence the *Salernitans* had an Opportunity to learn their Philosophy, but they apply'd themselves mostly to the Study of Physick, in which they became eminent; and it was not till the Time of *Guaimarus the Elder*, that the *Salernitans* were, by the gallant *Normans*, freed from being thus plagu'd by the *Saracens*.

BUT among others that made the *Schola Salerni* famous, *Constantinus Africanus* was one. He was born in *Carthage*, and by his Travels in many Parts of *Asia* and *Africa*, had learn'd amongst these Nations various Sciences; but above all, had applied himself to Physick and Philosophy. He had travel'd to *Babylon*, where he learn'd Grammar, Logick, Geometry, Arithmetick, Mathematicks, Astronomy, and the Physick of the *Chaldeans*, *Arabs*, *Persians*, *Saracens*, *Egyptians* and *Indians*; and after 39 Years Study in those Parts, he return'd to *Africa*. But the *Africans*, who could not bear to be eclips'd by his great Learning, resolv'd to murder him; of which *Constantine* being appriz'd, he embark'd in the Night-time, and arriv'd in *Salerno*, where he remain'd privately in the Disguise of a Beggar¹.

THE City of *Salerno*, as we have said elsewhere, being frequented by People of all these Nations, the King of *Babylon's* Brother, much about this Time, arriv'd in it; perhaps led by Curiosity to see this City, which *Robert Guiscard* had made a Metropolis, and the Seat of his Residence, and now, by the continual Traffick and Resort of all Nations to its Ports, it had become the Mart of the West. *Constantine* was discover'd by this Prince, who so extoll'd his excellent Endowments, that Duke *Robert* receiv'd him with all Respect imaginable, and did him all the Honour which was due to his Merit. Therefore he staid long in *Salerno*, where he had Leisure to promote the Study of Philosophy, and especially that of Physick, which was more cultivated there than any other Science: After having remain'd many Years in *Salerno*, he retir'd to *M. Cassino*, where he became Monk; and spent all the Time he was in that Monastery, in translating Books from different Languages, and composing many Treatises of Physick, of which *Petrus Diaconus*² gives us a Catalogue.

THUS the Reputation of the *Schola Salerni* increas'd, which in a great measure was owing to the Monks of *Cassino*, who much improv'd the Study of Physick. These Monks had apply'd themselves to this Study, from the Time of Pope *John VIII.* and *Bassacio* their Abbot, a most knowing Physician, compos'd some Books³, wherein he treats of the Qualities and Use of many Medicines, for it was not look'd upon in these Times, as unbecoming the Clergy and Monks to profess Physick: And in the City of *Salerno*, and elsewhere, the most remarkable and noble Personages were not asham'd to profess it. *Leo Ostiensis*⁴ relates, that *Alfano* Archbishop of *Salerno* was most expert in Physick, and that he made it his chief Business to cure the Sick. *Romualdus Guarva*, likewise Archbishop of that City, did not think it below him to profess it, as all the Noble *Salernitans* reckon'd it their greatest Honour to be learn'd in it, and to practise it, and this Custom continu'd in *Salerno* for many Years after; but some of a modern Taste, and unacquainted with the Customs of elder Times, think that the noble *Salernitan Giovanni di Procida*, the famous Promoter of the *Sicilian Vespers*, was not *Giovanni* the celebrated Physician, because forsooth, in their Opinion, it derogates from Nobility to profess Physick.

¹ Chron. Cass. lib. 3. cap. 35.

² Chron. Cass. lib. 3. cap. 35. V. Marum in notis ad P. Diac. de Vir. illustr.

³ V. P. Diac. de Vir. illustr. cap. 13. & ibi

Marum. V. Ab. de Nuce ad Chron. Cass. lib. 1. cap. 23.

⁴ Chron. lib. 3. cap. 7.

THUS

THUS the *Schola Salerni* was of greater Reputation than any School in *Europe*; recourse was had to the Physicians thereof, and Persons of greatest Distinction when taken ill, were carried thither to be cur'd; as was the celebrated Abbot *Desiderius*, as *Leo Ostiensis* relates, to be cur'd of an Infirmary occasion'd by much Watching and Abstinence. And 'tis likewise said, that some time after, *William the Wicked*, having fallen sick in *Palermo*, and the Disease still increasing, sent for *Romualdus Guérva*, Archbishop of *Salerno*, very knowing in Physick, to cure him; and tho' he order'd him very good Remedies proper for the Disease, yet he made use of none of them, but what he thought fit; for which cause his Death soon follow'd. We likewise read that the best Drugs were prepar'd in *Salerno*; and 'tis said, that *Sigelgaita* sent to *Salerno* for the Poison to poison her Son-in-Law, and *Robert* her Husband.

BUT what crown'd the Reputation of this School, was a Performance of *Giovanni di Milano*, a famous *Salernitan* Physician, which was approv'd of by the whole *Salernitan* School, and in their Name dedicated to the King of *England*, about the Time we are now treating of. Some perhaps may wonder why the *Salernitan* Physicians should be at the Pains to collect the Rules of Health in *Leonine* Verse, and dedicate the Work to a King at so great a Distance, and with whom they had no Communication.

BUT they will cease wondering when they recollect what has been related in the preceding Book of this History, concerning the Coming of the *Normans*, and the Sons of *Tancred* into these our Provinces, who were all descended of *Robert* Duke of *Normandy*; and consider, that when our *Normans* conquer'd *Puglia* and *Calabria*, and afterwards the Principality of *Salerno*, the other *Normans*, who had remain'd in *Neustria*, invaded *England* under *William* Duke of *Normandy*, and after a great many Victories about the Year 1070 subjected that Kingdom to the said *William*, who was therefore surnam'd the Conqueror. Thus Princes of the same Blood, and all of them descended of *Rollo* first Duke of *Neustria*, reigning in *Salerno* and *England*, it was very natural that there should be a Friendship and good Correspondence, both betwixt them and their Subjects.

HERE it will be proper to shew, to what King of *England*, and on what Occasion, the Physicians of *Salerno* in these Times, dedicated that Book. *William* Duke of *Normandy*, after having conquer'd the Kingdom of *England*, left three Sons, *William Rufus*, *Robert* and *Henry*. To *William* the Eldest*, he left the Kingdom of *England*; but he died without Children, when *Godfrey* of *Boulogne* and *Robert* were in the Holy Land. *Robert* whom the Father had appointed Duke of *Normandy*, after having given the Kingdom of *England* to *William Rufus*, resolving to accompany *Godfrey* in this Expedition, on his way to *Palestine*, came into *Puglia* in the boisterous Winter Season, and pass'd all that Winter of the Year 1096, with the *Norman* Princes of *Puglia* and *Calabria*, his Kinsmen, by whom he was entertain'd and caress'd with all Marks of Affection. The Spring coming on, he embark'd with the famous *Godfrey* for the Holy Land. *Jerusalem* was at last taken, but the Joy of this Victory was much abated by the sad News *Robert* had of the Death of his Brother *William*, without Children, to whom he ought to succeed. The Kingdom of *Jerusalem* was offer'd to him, but he refus'd it, resolving to return to *England*, to take Possession of that Kingdom, of which he was nearest Heir. In his Return he took these Provinces in his Way, and was receiv'd in *Salerno* by the Prince his Kinsman, with great Honour and Respect. And seeing he had receiv'd a Wound in his Right Arm at the Siege of *Jerusalem*, which by being ill cured, had turn'd to a Fistula, he consulted the Physicians of *Salerno* about the Cure of it. The Physicians observing that the Wound had been made by a poison'd Arrow, told him, that there was no other way to cure it, but by having the Poison suck'd out of it†. The pious Prince would not consent to that for fear of endangering the Person that should suck it; but the Princess his Wife, by a rare Instance of Love, did not scruple to expose herself to that Danger, and while *Robert* was asleep, suck'd out the Poison, and cur'd him. *Robert* afterwards would have these Physicians to prescribe him a Rule and a Diet for preserving the Health they had restor'd him; and for this End the Book was compos'd, which, tho' one of

* Capecelatr. hist. lib. 2. pag. 109.

* Here the Author is mistaken.

† Here again the Author is mistaken as to the Person, Time, and the Place. V. the Eng. Hist.

the Physicians was the sole Author, bears the Name of the whole School in the Title Page, as the Philosophical Works of the *Schola Conimbricensis* are attributed to that School. It was dedicated to *Robert*, whom they call King of *England*; not that this Prince was ever King of that Kingdom, but that in his Return from *Palestine*, in order to take Possession of it, as his Right, they made no Difficulty to call him King thereof. But his Brother *Henry* being in *England* when *William Rufus* died, took Advantage of *Robert's* Absence, invaded the Kingdom, and took Possession of it; and tho' *Robert* went thither with a great Army in order to recover it, yet he was defeated by *Henry*, and lost the Kingdom. In order to make this Book the more agreeable to that Prince, and that he might the more easily commit the Precepts of it to his Memory, it was compos'd in *Leontine* Verse, which was the best sort of Poetry of that Age; and besides, the *Norman* Princes took so much Delight in the Clink of such Verse, that all their memorable Actions were celebrated in that Rhime. All the Encomiums, Marbles, and Epitaphs that were made on these Princes were in this kind of Rhime; the Epitaph of their first Duke *Rollo* was such; as also all the others made on our *Norman* Princes. This famous Work was publish'd in the Year 1100, which being spread over all *Europe*, gain'd incredible Glory and Reputation to the Physicians of *Salerno*. It had many Commentators, and the most ancient was *Arnaldo di Villanova*, the famous Physician of *Charles II.* of *Anjou*. The two *James's* *Curius* and *Crellius* bestow'd likewise their Labours on it; and last of all *Renatus Moreau*, and *Zacharias Silvius*, explain'd it with their Notes. So that for many Ages, the *Schola Salerni* above all others was the most famous in the West.

THUS the first School, that after the Decay of the *Roman* Empire, and the Declension of the Academy of *Rome*, was instituted in these our Provinces, was that of *Salerno*; but with this Difference, that as in the Academy of *Rome* Physick was not much regarded, so in the *Schola Salerni*, by the Ignorance of the Age, all other Professions being neglected, Physick, which cannot be separated from Philosophy, was the principal Study; for those who first introduc'd it here, had no Taste for other Sciences, so that Physick and Philosophy were their chief Study. And because they learn'd it from the *Arabs*, who had the Books of *Hippocrates*, *Aristotle*, and *Galen*, in high Esteem; *Galen* for Physick was preferr'd to all others; and *Aristotle* for Philosophy, who with us for many Ages was reputed the Prince of Philosophers.

BUT in these Times this was only a plain School, because it was not founded by any Prince, neither for a long Time did the Princes make any Laws, that could intitle it to be an Academy, College, or University. The first that gave it Laws, was *Roger I.* King of *Sicily*, who among others made one *, by which he forbid any Person to practise Physick, until first examined and approved of by the Magistrates and Judges. But this School was more favour'd by *Frederick II.* who ordain'd, that none should presume to take the Title of Physician, or dare to profess Physick, before he was approved of by the Physicians of *Salerno* or *Naples*, and had obtain'd their Licence. And in later Times, the other Kings Successors of *Frederick*, and particularly King *Robert*, Queen *Joan I.* King *Ladislaus*, *Joan II.* and King *Ferdinand I.* conferr'd other Honours and Privileges on this School, and at last it was rais'd to be an Academy, and had the Privilege of conferring the Degree of Doctor, particularly that of Physick, in which it was most eminent, tho' afterwards other Sciences were taught there.

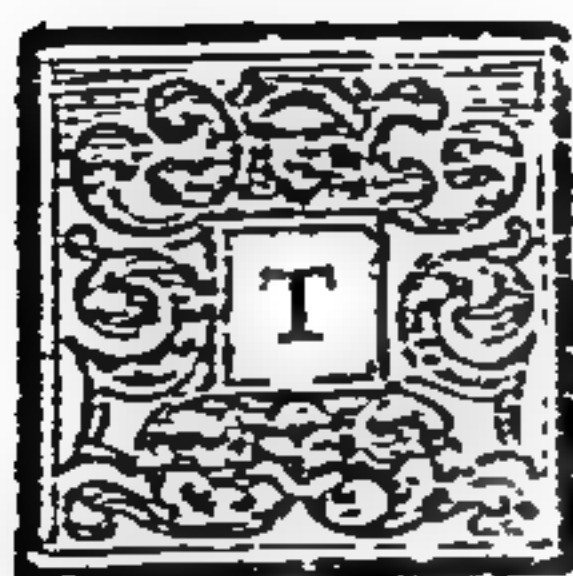
* Constit. Regn. l. 18. de probabili experient. Medicor.





C H A P. XII.

Of the Ecclesiastical Polity of these our Provinces during the whole eleventh Century, to the Reign of Roger I. King of Sicily.



THE Popes in this Century made a greater Figure than ever, and their Power, both in Temporal and Spiritual Things was come to a prodigious Height; they were no less dreaded by the People, than suspected by the Princes. The Deposition of the Emperor *Henry*, the Excommunications of Crown'd Heads, the Expeditions to the Holy Land, the Crusades, and the Disputes with Secular Princes about Investitures, made them more rich and powerful than the greatest Kings of the Earth; for by extending their Spiritual Authority over all the Churches of the West, their Power was almost become absolute in these Times, particularly during the Pontificate of *Gregory VII.* They sent Legates *a Latere* into all the Provinces of *Europe*, they sent Vicars from *Rome*, and call'd Bishops to *Rome* in order to give account of their Conduct; they confirm'd or disapprov'd their Elections; receiv'd Appeals from their Sentences, and Complaints from their Diocesans; and either decided them in *Rome*, or appointed Judges on the Spot. In short, they enter'd into the Detail of whatever pass'd in their Diocesses. They either drew all Causes to *Rome*, or appointed Delegates in the Places, who acted by their Authority.

THEY found means to introduce new Maxims and Notions of the Papacy, and to establish it as an Article of Faith, that the Pope had it in his Power to depose Kings and Princes from their Kingdoms and Dominions, and to absolve their Vassals from their Allegiance, if they (the Princes) did not obey their Commands; that the Pope was no less Prince and Monarch in Temporals than in Spirituals; and that all the Ecclesiastical State was intirely exempted from all Power and Jurisdiction of Secular Princes, as well in Temporal as Spiritual Things, and that not by Human, but Divine Right. And seeing in these Times, the Ecclesiasticks and Monks alone, and especially those of the Order of *St. Benedict*, ingross'd all the Learning to themselves, and the People were in profound Ignorance, therefore whatever the Monks and Priests put into their Heads, was receiv'd as an Oracle; so that, as *John Gerson* relates, the Pope was reputed a God, who had all Power in Heaven and Earth.

THE *Greek Church*, which did not agree in this with the *Latin*, and look'd upon the Pope, not as a Bishop, but an Emperor, proceeded to a more open Rupture, by separating herself altogether from the *Latin*; but because all our Churches, that had formerly been subject to the See of *Constantinople*, were by the *Normans* restor'd to that of *Rome*, that Church had no more Concern in our Affairs. Therefore henceforth we shall have no more occasion to mention the Patriarch of *Constantinople*, whose Authority, as well as the *Greek Empire*, was daily dwindling away. Our gallant *Normans* having expell'd the *Greeks* altogether out of *Sicily*, and these our Provinces, restor'd all the Churches to the Pope; and to make it evident what our Princes had done for the Church of *Rome*, *Nilus Doxopatrius*, who was then *Archimandrite* in *Sicily*, wrote a Treatise of the five Patriarchal Sees, and dedicated it to *Roger I. King of Sicily*, wherein, as we have related in the sixth Book of this

this History, he reckons up the Churches, that had been taken from the See of *Constantinople*, and restor'd to that of *Rome* by the *Normans*.

FOR these Reasons, and other signal Services done by the *Normans* to the Church of *Rome*, besides the Monarchy of *Sicily*, the Rights of Investiture were preserv'd intire in the Kingdom of *Puglia* to our Princes; and no Prelate, tho' elected by the Clergy and People, could be ordain'd without their Assent. Whence the Canonical Gloss says ¹, that this was practis'd in the Kingdom of *Puglia*, by a Power, which the Kings had from the Apostolick See. Whether it was for this Reason, or for many others related by us elsewhere on other Occasions, 'tis clear, that during the Reign of the *Normans*, in the Ordination of all Bishops and Prelates of these our Provinces, the Consent of the King was look'd upon as necessary, and without which all Elections were void. So we have seen, that Duke *Roger*, when he took the Church of *Rossano* from the See of *Constantinople*, and restor'd it to that of *Rome*, nam'd the Bishop that was to succeed to the Deceas'd; but because this Bishop was of the *Latin* Church, the People of *Rossano*, who were of the *Greek*, refus'd to submit to the Duke, if he did not give them a Bishop of their own Church, which he agreed to. And in the Election of *Elias* Archbishop of *Bari*, which was in the Year 1089, this same Prince gave his Consent, after which he was consecrated in *Bari* by Pope *Urban II.* ², which was likewise practis'd in the Election of the Bishop of *Avellino* in the Time of King *Roger*, when *Robert*, Great Chancellor of *Sicily*, consented to it in the Name of the King ³. And there are some ⁴ who have written, that among other Reasons which King *Roger* had to be disgusted at Pope *Innocent II.* and adhere to *Anaclet*, one was, that *Innocent* had been offended with him, because he made an ill use of that Share which he had in the Elections of Bishops and Abbots, by incroaching upon the Freedom of them; and Cardinal *Baronius* ⁵ likewise gives an account of the bad Use that *Roger* made of this Power; and that at one and the same Time he had given the Church of *Avellino* for Money, to three different Persons, according as they offer'd for it, and afterwards gave it to a fourth, who did not pretend to it; but *Baronius* was not well inform'd of this Fact, because it was not the King, but *Robert* his Great Chancellor, that excluded the three as guilty of *Simony*; for resolving to expose their Villainy, he made an Agreement with all the Three separately, and after he had receiv'd the Money, fairly bit them, and caus'd a poor Monk, of a good and holy Life, and who was not in the least seeking after it, to be chosen Bishop, as *John* of *Salisbury* Bishop of *Chartres* ⁶ relates. Not only our *Norman* Kings, but likewise the *Suevi* kept up this Privilege; whence, while *Frederick II.* was under the Guardianship of *Innocent III.* this Pope gave his Consent in all Elections, but it was *Vice Regia*, and as Guardian of the young Prince; as we shall shew in the following Books.

OUR *Norman* Princes likewise kept Possession of the *Regalia* in our Churches, in the same manner as they did in *France*; for after the Death of a Bishop, until a Successor was elected, all the Churches of the Kingdom, and particularly those that wanted Pastors, being in the King's Power, he dispos'd of their Revenues; and therefore it became a Custom, that as soon as the Bishop died, the King's Bailiffs took the Charge and Management of the Rents till the Church was provided, as the same King *Roger I.* declares in one of his Constitutions ⁷.

¹ Gloss. cap. placuit, in princ. & in cap. nemini Regum 16. qu. 17.

² Archid. Barenf. apud Baron. ad ann. 1091. Elesto Elia in Archiepiscopum Bari, voluntate, atq; consensu Duc. Rogerii, filii Duc. Roberti. Pellegr. in Lup. Protisp. ann. 1089.

³ Jo. Sarisbur. de Nugis Curialium. Cape-

celatr. hist. lib. 1. pag. 61.

⁴ Azorius Institut. mor. p. 2. l. 5. cap. 44. §. Innoc.

⁵ Baron. ad ann. 1097. tom. 11. fol. 694.

⁶ Jo. Sarisb. loc. cit. Capcelatr. loc. cit.

⁷ Constit. Regn. tit. de Administr. rerum Eccl. post mortem Prælat.

S E C T. I.

Monks and Temporalities.

OUR *Norman* Princes extended their Authority and Protection, not only to the Churches, but likewise to the Monasteries, which were daily erected under new Rules and Reforms. For seeing the Monastick Order had been greatly increas'd and enrich'd by the Piety of these Princes, it was reasonable that they should continue under their Care and Protection. The vast Riches and Privileges of the Order of *St. Benedict*, occasion'd a great Looseness of Manners among the Monks; the Reputation of their Sanctity was sunk, their Discipline intirely lost, and their Rules utterly neglected; for they intermeddled in the Affairs of State and War, frequented Courts, and concern'd themselves very much in all the Enterprizes of the Popes against Princes. Such Remissness stirr'd up many to imbrace a more austere Life, whence sprung the Establishment of new Orders, all which made Profession of following the Rule of *St. Benedict*, tho' they had some particular Customs and Usages.

IN the beginning of this Century, in *Italy*, *Romualdo* being resolv'd to lead a solitary Life, retir'd to the Solitudes of *Arezzo*, where he liv'd in the House of a certain Man, nam'd *Maldo*, and instituted a Congregation of Monks, who, from the first Place they liv'd in, were call'd *Camaldolese*¹. The Monasteries of this Order increas'd to a great Number all over *Italy*, and likewise got footing in these our Provinces. *Peter Damian* likewise instituted a Congregation of the like Kind; and *Giovan Gualberto* of *Florence*, having left his Monastery, in order to lead a more austere and regular Life, retir'd to *Vallombrosa*, and there laid the Foundation of a new Society.

BUT the *Carthusians*, instituted by *St. Bruno* in the Year 1086, made the greatest Progress among us. *Bruno* was a Native of *Cologne*, who while a Canon of *Rheims*, retir'd with Six of his Companions to the Solitude of *Chartouse*, which *Hugo* Bishop of *Grenoble* assign'd them. In the Year 1090, *Urban II.* invited him to come into *Italy*, where he retir'd to a Solitude in *Calabria*, call'd *la Torre*. The great Fame of his Sanctity, mov'd *Roger* great Count of *Sicily*, to contract a strict Friendship with him; and the Countess *Adelaide* his Wife, being deliver'd of a Son in *Melito*, he caus'd *Bruno* to baptize him: By his Intercession, *Roger* receiv'd signal Favours from Heaven, especially Deliverance from a Conspiracy, which *Sergius* the *Greek* had contriv'd; whereupon this Order was first establish'd among us in *Calabria*, and the *Norman* Princes bestow'd great Privileges and Riches upon them. The Kings of the House of *Anjou*, afterwards enrich'd a Monastery of theirs, founded on the Mount of *St. Anselm* in *Naples*, under the Name of *St. Martin*, from a little Church, which stood formerly there, dedicated to this Saint; and in process of Time, they arriv'd at the Height we now see them.

IN these Times, there were other Reforms under different Rules made in *France*, whence they afterwards reach'd us. Two Gentlemen of *Vienne*, *Gaston* and *Gironde*, who had dedicated their Persons and Estates for the Relief of those that were troubled with *St. Anthony's Fire*, and resorted thither to implore the Intercession of *St. Anthony*, gave Rise to the Order of *St. Anthony*, at first compos'd of some Laicks, and afterwards of Religious, who profess'd the Rule of *St. Augustin*. In the Year 1098, *Robert* Abbot of *Molesme*, retir'd to *Cistelle* in the Diocess of *Chalon* on the *Saone*, with some Religious, to the Number of Twenty-one; and founded a Monastery there, and left some Religious in it, when he return'd to *Molesme*. This Reform was approv'd of by the Pope in the Year 1100; and *Stephen Harding*, in the same Year 1100, was the first that brought this Order to perfection, and it became most flourishing.

¹ Sigon. de Reg. Ital. lib. 8. ann. 1009.

BUT with us in the beginning of the following Century, about the Year 1134, under Roger I. King of Sicily, a new and a more remarkable Reform of the *Benedictins* began, the Author of which was *Gulielmo de Vercelli*, who was likewise the Founder of the Order of the Friars of *Monte Virgine*, and for the Fame of his holy Life, was much belov'd by King Roger, and George of *Antioch* his High Admiral, and was esteem'd a Saint by many at Court, whither he frequently resorted about the Affairs of his Monks. Roger much favour'd his Order, and greatly enrich'd the Monastery newly founded by him in *Monte Virgine*, not far from *Naples*. *Giovanni di Nusco*, a Monk of his Order, who liv'd in his Time, and wrote this Saint's Life, which, as *Francisco Capecelatro*¹ testifies, is written on Parchment, and preserv'd in the Archives of the Monastery of *Monte Virgine*, got a special Grant from King Roger, engross'd in *Palermo* the 8th of *December*, in the Year 1140, in which the King, for the Welfare of the Souls of Count Roger his Father, of Queen *Adelaida* his Mother, and *Albiria* his Wife, gives to the Monks of *Monte Virgine*, the Church *St. Maria di Buffiana*, and likewise confirms by the same Writ, all the Possessions and Revenues which they possess'd at that Time, and all those, that for the Time to come should be granted them; which Grant is subscrib'd by Prince *William*, in the Name of his Father. In process of Time, the Order increas'd, and in the City of *Naples*, in the Street of the *Seggio di Nilo*, there was a new Monastery and a Church erected, which was afterwards enlarg'd by the famous Lawyer *Bartolomeo di Capua*, and where the Bones of *Matteo degli Afflicti*, another of our renown'd Lawyers, lie.

BUT 'tis worthy of Observation, that these Reforms of the Order of *St. Benedict*, sprung from the Looseness of Discipline and Manners, occasion'd by so great Riches, which corrupted all good Customs. But who would have believ'd that these very Reforms, chiefly founded on the Contempt of worldly Riches, would have been the Occasion of acquiring greater temporal Possessions to the Monastick State? Their credulous Votaries, edified by the austere Lives of the first Founders, and taken with their Sanctity, and the miraculous Stories they told them, did not fail very quickly, to heap Riches upon them, by making large Donations to the Churches, and new Monasteries that were daily erected; insomuch that in process of Time, they became as rich as those before the Reform; so that the Reforms wanted to be reform'd; for besides their old, they were still making new Acquisitions. And in the following Ages, it was astonishing to see new Orders start up, founded so much on the Contempt of worldly Riches, that on this very Account, they took the Name of *Mendicants*, and to the three Vows, added a Fourth, of living by Begging and Alms; but they no sooner found that the People, mov'd by the Austerity of their Lives, were inclin'd to enrich them, than Ways and Means were found to reconcile the Inclinations of the People with their Vows; so that in process of Time, the *Mendicant* Orders grew so Rich, as occasion'd Remissness, and new Reforms were thought on. But to what Purpose? The reform'd *Dominicans* kept to it for some Time; but afterwards they return'd to their former Ways. Among the *Carmelites* in the later Centuries, there was a more austere Reform made of Bare-footed *Carmelites*, who, at their first Institution, professed nothing but Poverty, and a total Abhorrence of worldly Riches; but afterwards, Means were contriv'd to make them capable of Succession, Inheritances, and all manner of Purchase, insomuch that among us, their Riches have amounted to what we now see. But what passes all Belief is, that in the Time of Pope *Paul IV.* there started up a new Order of regular Clergy, now call'd *Theatins*, who, by their Institution, were bound, not only to live a poor and mendicant Life, but to exceed all the other *Mendicants* in Austerity, by being forbidden, even to go about to ask Alms: And as the Lillies of the Field, and the Birds of the Air are cloath'd and fed, without Spinning, or any kind of Labour, so were they to rely on divine Providence; yet all that has avail'd nothing; because some have been so taken with them, as, in spite of their Teeth, to heap Riches upon them by large Donations and Inheritances; but they bore those Outrages patiently, and refus'd nothing; and there have likewise been Ways fallen upon, to make them capable of Legacies and Successions, and their Riches are increas'd to such a Pitch, that among us, they have rear'd up so magnificent and

¹ Istor. di Napoli lib. 1. pag. 52.

surprizing Edifices, as look more like Palaces than Monasteries, and surpass the stateliest Buildings of the most famous Cities in the World.

THESE were in this and the following Century, many other Opportunities, whereby the Ecclesiastical State made great Acquisitions. The chief was the Holy War; it was a surprizing thing to see, how passionately the Minds, not only of Princes, but of the common People, were bent on these Expeditions: The Devotion they had for those holy Places, but especially for *Jerusalem*, was so great, that, overlooking all Hardships, they expos'd themselves to the Dangers of very long Voyages, to Ambuscades and Robbers; the Inclemency and Rigour of the Seasons, Hunger and Thirst, and the want of all the Necessaries of Life, with Pleasure and Satisfaction; we are told¹, that *Fulk Count of Anjou*, went to *Jerusalem*, to be there lash'd by two of his Servants, with a Rope about his Neck, before the Sepulchre of our Saviour. From this we may easily imagine, how intent they were on going thither, and contributing to rescue those holy Places, out of the Hands of the Infidels. They did not value their Estates, Wives or Children; but Husbands and Fathers forsook every thing, sold what they had, enlisted themselves in this War, and cross'd the Seas; among us those of *Puglia* and *Calabria* distinguish'd themselves above all others, and who quitting their Houses, follow'd *Boemondus* and *Tancred*; even the very Women, without regard to their Children, sold what Goods were left them, for carrying on this War. The Popes and Bishops, by their Briefs, took under their Protection the Houses and Affairs of those, who, as Soldiers of Christ, had mark'd themselves with the Cross, and this brought that Increase of Riches to their Churches, which commonly attends Tutors and Guardians of Widows, Orphans and Minors; the secular Magistrates durst not pretend to protect any of them, for fear of Excommunications, which in these Days were fulminated unmercifully. Add to this, that *Eugenius III.* ordain'd, that any Person for this holy Expedition, had also Power to alienate Fiefs; and if the Lord of the Manor would not consent, the Churches, even in spite of him, could accept of them, which open'd a Door to vast Acquisitions.

THE Popes likewise made use of the Forces rais'd for the Holy Land, to whatever Purpose they pleas'd, whereby they much increas'd the temporal Power of the Church of *Rome*; and even the Pope's Legates, and the Bishops of the Places where such Armies rendezvous'd, employ'd them for augmenting the Temporalities of their Churches. But what enrich'd them most, was a Custom then introduc'd, that whoever could not go in Person to the Holy War, pay'd the Expences of the Voyage, for which he was not only absolv'd from the Vow, but likewise obtain'd Indulgences, and other Privileges, and this was look'd upon to be as good as if he had gone in Person. The Offerings and Contributions which were made by the Faithful, and especially Ladies, and others, that were unfit to serve in Person, came to a vast Sum. All this Money was not expended on the War; without doubt each Chieftain had his Share, and a considerable Part of it stuck to the Fingers of the Prelates, which much increas'd the Ecclesiastical Riches.

HENCE started up a new Sort of regular Orders, call'd *Military Orders*; these, though instituted for the Effusion of Blood, were so mightily encourag'd, that their Numbers, as well as their Wealth, became very great in a short Time. The first was that of *St. John of Jerusalem*, or *Hospitalers*, appointed for the Entertainment of Pilgrims, that travell'd to that City. The second was that of the *Templars*, instituted in the Year 1118; their Business was to provide for the Security of Pilgrims, and to fight those that offer'd to molest them. The last was the *Teutonic Order*, who profess'd to perform both these Offices: What immense Riches these Orders amass'd, especially the *Hospitalers* and the *Teutonicks*, is notorious to every Body.

IN imitation of these, those of *St. James*, and of *Calatrava* started up, which were instituted in *Spain* for the Benefit of those who went in Pilgrimage to *St. James* in *Galicia*; and for the like Reasons, other Orders were instituted in other Countries. This so fervent Zeal for these upstart Holy Places, very much cool'd the Devotion, which formerly was so very great, for those of *Monte Cassino*, and *Monte Gargano*; but inflam'd that for *St. Nicholas of Bari*, which was more frequented than any other, because of its Novelty.

¹ See Montagne's Essay, l. 1. c. 4.

IN these Times there were likewise other Means fallen upon, that very much contributed to the Increase of the Ecclesiastical Riches. The looking narrowly into the Matter of *Tythes*; the establishing the *First-fruits*, and the Privilege of *Sepulture*; and accepting every thing from every Body. The *Tythes* from voluntary, became now obligatory, and if they were not pay'd, they were exacted with great Severity, by the means of Censures; and it was establish'd, that not only the *Predial* should be pay'd out of the Fruits of the Earth, but likewise the *Mixt* of the Fruits of living Creatures; and also *Personal* of Man's Industry and Labour. And in process of Time, Pope *Alexander III.* about the Year 1170, determin'd, that Excommunication should be made use of for getting compleat Payment of the *Tythes* of Mills, Fishings, Hay, Wool and Bees; and that the *Tythes* should be paid before the Charges of gathering in the Fruits were deducted; and Pope *Celestine III.* in the Year 1195, appointed, that the *Tythes* not only of Wine, Grain, the Fruits of Trees, Sheep, Gardens and Merchandize; but likewise those of Soldiers Pay, Game and Wind-Mills, should be paid under Pain of Excommunication; for this, see the Decretals of the Popes. But all this did not serve the Canonists, they carried the Matter further, and taught, that the Poor were oblig'd to pay the *Tythes* of what they got by Begging; that Whores were bound to pay the *Tythe* of what they earn'd by Whoring, and other such Things that were impossible to be put in Practice.

TO the *Tythes*, were added the *First-fruits*, which were first instituted by *Alexander II.* in imitation of the *Mosaical Law*, by which they were impos'd on the *Israelites*: *Moses* did not appoint the Quantity, but left it to the Discretion of the Offerer. The Rabbins afterwards, as *St. Hierom* testifies, determin'd that it should not be less than the Sixtieth Part, nor more than the Fortieth; which has been well imitated by our Clergy in the most advantageous Manner, who having appointed the Fortieth Part, call'd it afterwards the *Fourth Part*.

The Emoluments accruing from burying the Dead, and other holy Offices, were very great: Formerly *Tythes* were settled on the Curates for administering the Sacraments, burying the Dead, and other Functions, and nothing else was paid for these Offices; but when afterwards some pious, rich Persons, thought fit to give something for burying their Friends, at last the Courtesy was turn'd into a Custom, and the *Quantum* was settled. Afterwards, when this came to be disputed, and the Laicks refus'd to pay any thing, because the *Tythes* were pay'd on that Account, the Clergy deny'd to perform the Functions, if they got not what was used to be paid. *Innocent III.* afterwards in the Year 1200, appointed that the Ecclesiasticks should perform the Functions, but the Laicks should be forc'd by Censures, to observe the laudable Custom of paying what was wont to be paid.

T H E R E was also another Novelty brought in, contrary to the antient Canons, which was of great Service in acquiring more Riches: It was forbid by the Canons, to receive any thing by way of Donation, or Testament from publick Sinners, sacrilegious Persons, those who were at Variance with their Brethren, Whores, and other such Persons; all these Impediments were remov'd, and every thing was accepted of from every Person, and even the greatest and most frequent Legacies and Donations, were left to the Churches by Whores, and Persons that bore their Relations a Grudge. In such manner did the Popes fall upon all Means to augment and preserve their Acquisitions; and the Clergy, for their own Interest, not only consented to this, but promoted it both by their Pens and Preachings.





T H E
CIVIL HISTORY
Of the KINGDOM of
N A P L E S.

B O O K XI.



ROGER, whom we shall shortly call I. King of *Sicily* and *Puglia*, having with so much speed, and without requiring Investiture from the Pope, taken Possession of these our Provinces, to which, by the Death of *William* without Children, he had succeeded, exasperated Pope *Honorius* in such a Manner, that it was not possible to pacify him, either by Embassies, or the Offer he made him of the City of *Troja* ; neither in fine, was the Fear of losing *Benevento*, able to move him. He excommunicated *Roger* Thrice¹ ; but finding these Thunder-bolts were thrown in vain, he had recourse to temporal Arms ; and in order to hasten the Expedition which he intended against this Prince, immediately went to *Benevento*, where he encourag'd many to take Arms and revenge the Affront, which he reckon'd he had receiv'd ; and when he got some Forces together, he march'd with all possible haste towards *Puglia*, where *Roger* with his Army was incamp'd. But this cunning Prince considering, that the Pope's Army compos'd of Troops, which some rebellious Barons had furnish'd him, could not continue long together, thought fit to forbear Hostilities, and let the Summer pass without coming to an Engagement. On the Approach of Winter, the Army dispers'd, and the

¹ Ab. Telefin.

Pope was left without Troops; so that giving over the Enterprize, he return'd to *Benevento*. Roger unwilling to keep up the Quarrel, apply'd anew to him for Peace, and both meeting upon a Bridge made on purpose over the River *Calor*, in the Year 1128¹; they agreed on these Conditions, that Roger, as his Predecessors had done, should swear Fealty to the Pope, and promise to pay the usual Quit-Rent; and on the other hand, that *Honorius* should give the Investiture of the Dukedoms of *Puglia* and *Calabria*, in the same manner as formerly; all which were perform'd². This Peace was of such Advantage to the Church of *Rome*, that soon after the *Beneventans* rebelling, Roger, who was then in *Puglia* with a good Army, march'd thither immediately, and reduc'd that City to the Obedience of the Church.

THIS Prince having settled the Affairs of these Provinces so much to his own Glory, and gain'd Pope *Honorius's* Friendship, retir'd to *Palermo*; and by his great Prosperity seeing himself Master of so many Provinces, he look'd upon the Titles of Great Count of *Sicily* and Duke of *Puglia*, as too low, and that he ought to assume that of a King, to which his Mother *Adelaida* push'd him most, who having been Wife of *Baldwin* King of *Jerusalem*, tho' afterwards repudiated, retain'd the Royal Title, and instigated her Son Roger to undertake the Conquest of that Kingdom; add to this likewise, his considering that those who anciently had govern'd *Sicily*, had the Title of Kings³, therefore he resolv'd to take this Title; and having made *Palermo* the Metropolis of the Kingdom, he would be call'd King of *Sicily*, of the Dukedoms of *Puglia* and *Calabria*, and the Principality of *Capua*; and in this manner he was proclaim'd King by his Subjects: In his Charters and publick Writs, these were the Titles he took, *Rex Siciliae, Ducatus apuliae, Principatus Capuae*. And seeing it was the Custom at this Time, for Kings to be crown'd and anointed by their Archbishops, he made himself to be crown'd King of *Sicily* and of *Puglia* by four Archbishops, to wit, those of *Palermo, Benevento, Capua*, and *Salerno*, in presence of the Chief Barons, many Bishops and Abbots, and all the Nobility and People; which Ceremony could not be perform'd more lawfully, prudently, and with greater Pomp; for Roger was become so great a Prince, that he could lawfully take the Title of King. Besides he had the good Will and Inclination of the People, which before the Custom of Kings being anointed by Bishops was brought in, was thought sufficient. And we have elsewhere observ'd, that *Theodorick the Ostrogoth* was thus proclaim'd King of *Italy*, and the *Longobard* Kings in the same manner. The Rites and Ceremonies were always different, as were the Nations, some us'd to raise the Elected upon a Shield, others made use of a Spear, and others had different manners of performing it⁴.

BUT it being the Custom at this Time, that this Solemnity was to be perform'd by Bishops, who put the Crown on the Head of the Elected, and anointed him with sacred Oyl, Roger did not fail to have it thus done; for having been proclaim'd King, not only of *Sicily*, but also of the Dukedoms of *Puglia* and *Calabria*, and of the Principalities of *Capua* and *Salerno*, which comprehended these our Provinces, he would have the four Archbishops, to whom by ancient Custom, it belong'd to anoint and crown their Princes, to perform the Ceremony; they by the Provinces, of which they were Metropolitans, representing *Sicily*, and all *Italy* on this Side of the *Tyber*, crown'd him in a manner with four Crowns at the same Time, to wit, the Archbishop of *Palermo* for *Sicily*, and our three Archbishops for all these Provinces, which anciently were comprehended in the Principalities of *Benevento, Capua*, and *Salerno*; which was not without a Precedent, for they could observe, that other Kings were wont to be crown'd with as many Crowns as they had Kingdoms; therefore they were not crown'd by one single Bishop, but by more, as *Hincmare* Bishop of *Rheims* writes of the Coronation of *Charles the Bald*, which was perform'd in *Metz* in the Year 869.

THEREFOR E the Coronation of Roger could not be more legally perform'd, neither had any Person cause to complain, that he thought this enough. But the Popes, as we have observ'd elsewhere, among their other bold Attempts, by which they sought to enlarge their Authority, had begun to pretend, that no

¹ Faico Benev.

² P. Diac. lib. 4. cap. 56.

³ Ab. Telef. Quia olim sub Priscis temporibus super hanc ipsam Provinciam Reges nonnullos habuisse traditur. And in the Bull or In-

vestiture of Innocent II. 'tis said, Regnum Siciliae quod utique prout in antiquis refertur historiis, Regnum fuisse, non dubium est.

⁴ V. Patric. de Marte Gallico.

Christian Prince could take upon him the Title of King without their Grant and Permission. And they were so much the more obstinate in this Claim, as they arrogated to themselves the very same Authority in the Election of the Emperors of the West, pretending, that without their Consent none could be rais'd to that Dignity; and they did not blush to say that the Empire, as well as all other Kingdoms, depended upon them, as *Clement V.* and *Adrian* believ'd. Yea, one of them writing to the Emperor *Frederick* himself, did not stick to say, that the Empire was a Gift (*Beneficium*) of the Popes, which *Frederick* resented in the manner that every Body knows, by obliging that Pope, in order to make him recant his Insolence, like a Pedant to explain the Word *Beneficium*, and in what Sense he had taken it. The Popes claim'd this Power as Vicars of Him *per quem Reges regnant*; and Princes even believ'd it, and persuaded themselves, that as the Kings of *Israel* were with great Solemnity anointed by the Prophets, so they ought to be anointed and crown'd by the Popes. Whence many Princes of *Christendom* did not scruple to pay Tribute, and become Feudatories to the Church of *Rome*. Thus *Ethelwulf* King of *England*, in the Year 846 went to *Rome*, and got his Title of King confirm'd by Pope *Leo IV.* and made his Kingdom Tributary to the Apostolick See, by paying a Penny *Sterling* yearly for each Family; and this Tribute, which was call'd *St. Peter's Pence*, continu'd to be paid until the Time of *Henry VIII.* And in succeeding Times, when Ignorance and Stupidity were at a greater height, other Princes follow'd this Example, and paid Tribute. In the Year 1178, *Alphonfus* Duke of *Portugal*, having got the Title of King from *Alexander III.* for his gallant Atchievements against the *Moors* of *Spain*, promis'd to pay Tribute. *Stephen* Duke of *Hungary*, the Dukes of *Poland*, *Aragon*, and other Princes did the same; infomuch that *Bodinus* himself¹ did not scruple to say, that the Kings of *Jerusalem*, *England*, *Ireland*, *Naples*, *Sicily*, *Aragon*, *Sardinia*, *Corfica*, *Granada*, *Hungary*, and the *Canary Islands*, were all Feudatories of the Church of *Rome*. And the cunning Popes, to preserve this Sovereignty over these Princes, tho' they were real Kings, and own'd as such by the People, and recogniz'd by the other Princes of *Europe*, when they found that they were indifferent whether they gave them these Titles or not, very easily bestow'd them, and they as easily accepted of them, without diving into the Secret that was hid under this Generosity; thus in later Times our *Neapolitan* Pope *Paul IV.* took it in his Head to erect *Ireland* into a Kingdom, and tho' *Henry VIII.* had made it one before, and the Title had been continu'd in *Edward*, *Mary* and her Husband, nevertheless the Pope, dissembling his Knowledge of what *Henry* had done, would have it to be thought that he had erected that Island into a Kingdom, that so the World might believe, that the Popes alone had Power to make and unmake Kingdoms; and that the Queen's Title was purely owing to the Pope, and not deriv'd from her Father. Our Forefathers saw the same practis'd with respect to the Duke of *Tuscany*, who got the Title of Great Duke from the Pope. And were this Power claim'd by the Popes only, perhaps it might be born with, but even the Archbishops of *Milan* assum'd the Authority of making the Kings of *Italy*, as we have shewn in the preceding Books of this History.

BUT on the other hand, it was no less strange to see the Emperors of the West set up their Claim, that they only had Power to make Kings, and erect States into Kingdoms; their Claim was founded on the Empire of the West's being restor'd in the Person of *Charles the Great*, and that they as Successors of this renown'd Emperor, had a Right to all the West; for if the *Roman* Senate took upon them in the popular State to make Kings, they thought they could much more do so. Above all others the Emperor *Frederick I.* had this Notion; he sent the Sword and the Royal Crown to *Peter* King of *Denmark*, giving him the Name of King as a Title of Honour only, reserving expressly (as *Trithemius*² relates it) the Sovereignty of his Country to the Empire, which was detrimental to the Empire itself; for on that account the Kings of *Denmark* took occasion by Degrees to withdraw themselves from their Obedience to the Empire, and in consequence of the Title of Kings, have made themselves absolute Sovereigns. The same Emperor gave the Title of King to the Duke of *Austria*; but his Fate was quite the Reverse of that of the King of *Denmark*, for he no sooner got this Title, with the same Reservation of Sovereignty, than he set up for himself, refus'd all Obedience to his Sovereign, and twelve Years

¹ V. Bodin. de Rep. cap. 6.² Trithem. cap. 17.

after was depriv'd of the Title of King, and forc'd to call himself only Archduke. This same Emperor likewise gave the Title of King to the Duke of *Bohemia*, with the like Reserve of Sovereignty ; in which there has been no Alteration since, as well by reason of the Smallness of the Kingdom in the Neighbourhood of the Imperial Seat, as because this King is an Elector.

WE have elsewhere observ'd, that *Cujacius* ¹ and some others believ'd, that *England* once acknowledg'd itself Feudatory to the Emperor, but that *France* never did. But the *English* give him the Lye ; and *Arthur Duck* ² says, that *Cujacius* wrote this without any Ground, for in the same Century that *France* shook off the Yoke of the Empire, *England* did the same, and the *Britons* are as independant of the Empire as the *French*.

THUS both the Pope and the Emperor claiming a Power to make Kings, and pretending that all Dominion depended on them, there arose an obstinate Dispute amongst our Doctors, according to their different Factions, some maintain'd the Opinions of *Clement* and *Adrian*, that the Empire, and all Kingdoms depended on the Pope ; others sided with the Emperor ; and *Bartolus* ³ a Stickler for the Rights of the Empire, was so stiff in his Opinion, and run into such Excess, that he did not scruple to pronounce him to be a Heretick, that would not own the Emperor for Lord of all the World ; for which he was check'd by *Covarruvias* ⁴, and other Writers, who look'd upon such a Proposition with Scorn.

BUT amidst this Variety of Opinions, while some maintain'd the one, and some the other Side of the Question ; they all agreed that the Sovereignty of the Christian World, depended either on the Pope or the Emperor. A Proposition as false, as repugnant to good Sense, and to what we observe in other Kingdoms and Monarchies ; for Sovereignty proceeds from nothing else, but either from Conquest, or the Submission of the People ; neither has the Pope, as may be observ'd in many Places of this History, as Successor to *St. Peter*, or as Vicar of Christ, any Right to pretend to it ; for the Power given to *St. Peter*, by him who declar'd that his Kingdom was not of this World, had no relation to an Earthly and Temporal, but to a Spiritual and Eternal Kingdom in Heaven, as we have fully demonstrated in the first Book, when we had occasion to treat of the Ecclesiastical Polity. And tho' now a-Days we see him Lord of so many States, and in Possession of many notable Prerogatives in the Dominions of other Princes, yet all is owing either to the Concession and Toleration of Princes, or to Custom, which by length of Time, and their exquisite Management and Cunning, has taken such deep Root, that in many Countries 'tis not possible to eradicate it, whereof our Kingdom is a very flagrant Instance, which became a Fief of the Church, by the voluntary Concession and Connivance of its Princes, who permitted the Popes to make many Incroachments, as we shall see in the Course of this History.

MUCH less can the Emperors of *Germany* pretend to this Power ; for the Kingdoms not conquer'd by *Charles the Great*, such as *Spain*, and many others, certainly continu'd real Monarchies, and independent of the Empire. Neither can the Empire of the West's being restor'd in the Person of this Prince, import any thing else, but that partly by Succession, and partly by Conquest, he made himself Master of so many Kingdoms and Provinces, that he could justly take the Title of Emperor ; and afterwards the many Kingdoms and Provinces, such as *France*, &c. which were lost by his Successors, return'd to the State they had been in before *Charles the Great* assum'd that Title ; and either by Conquest, or the Submission of the People, came under the Dominion of other Princes, and these, as real Monarchs and Kings, possess'd them independently ; but the *French* pretend, that *France* was so far from being a part of the Empire, that the Empire was rather a part of the *French* Monarchy.

THUS *Roger*, with respect to *Sicily*, which had never been conquer'd by *Charles the Great*, nor ever subjected to the Empire of the West, but rather to that of the East, had no occasion to have recourse to the Empire of the West, when he resolv'd to erect it into a Kingdom, as it anciently had been. And tho' the Emperors of the West were Sovereigns of the Provinces comprehended in the Dukedom of *Benevento*, when it was at its greatest Height, and were acknowledg'd as

¹ Cuj. l. 1. de Feud. tit. 2. §. & quia vidimus.

² Arth. de Auth. Jur. Rom. lib. 2. de Angl. num. 1.

³ Bartol. in l. hostes, de Captivis.

⁴ Covar. pract. quæst. 1. num. 2.

such by the *Longobard* Princes; yet the *Normans* afterwards lop'd off that Dukedom from the Empire of the West, as they did *Puglia* and *Calabria*, from that of the East, and govern'd them as independent of both these Empires. And tho' at first they had receiv'd the Investiture of *Puglia* from the Emperors of the East, yet, as we have seen, that was not regarded, because the *Normans* afterwards chose rather to be Feudatories of the Apostolick See, than of the Empire: Neither did the Emperors of the East mind it much. However, 'tis true, that both *Lothaire* and his Successors, when Occasions offer'd, did not fail to keep up their Pretensions to Sovereignty: Thus *Lothaire*, when *Rainulphus* wanted to be invested with the Dukedom of *Puglia* and *Calabria*, in Opposition to our *Roger*, pretended to invest him; and on the other hand, Pope *Innocent II.* pretended it belong'd to him to give the Investiture: In order to prevent Quarrels betwixt them, of which *Roger* the common Enemy would have taken Advantage; it was agreed that both should give Investiture, which they both perform'd with the Standard. And there was a Dispute betwixt *Innocent II.* and the same *Lothaire*, about the Principalities of *Salerno* and *Amalphis*, of which the Popes had not as yet given any Investiture; *Lothaire* pretended to give it, which the Popes strenuously oppos'd, upon which arose those Disputes, which our *Roger* made the best of to his own Advantage¹. And on account of the same Pretensions, in Times less remote from us, *Henry VII.* the first Emperor of the House of *Luxemburg*, summon'd *Robert* King of *Naples*, and Count of *Provence*, before his Tribunal at *Pisa*, because he pretended that the Kingdom of *Naples* was a Fief of the Empire; and having put him under the Ban of the Empire, and depos'd him, he invested *Frederick* King of *Sicily* with the Kingdom, who came into *Calabria* in order to conquer it, and took *Reggio* and many other Cities on that Coast. But *Henry* died soon after, so that the Expedition turn'd to no account, and *Frederick* being thus disappointed, return'd to *Sicily*.

BUT the Empire being now confin'd to *Germany*, the Emperors are look'd upon at this Time as simple Princes, who cannot so much as pretend to be Sovereigns even there, the Sovereignty being lodg'd in the Empire, as *Bodinus* has clearly prov'd; and other Princes being establish'd in their Kingdoms and Dominions, by a long Tract of Years, and altogether independent on the Empire, on good Grounds boast, that their States are true Monarchies, as doth our Kingdom of *Naples*, notwithstanding the Investiture which our Princes receive from the Popes, which Investitures do not in the least derogate from the Independency, Sovereignty, and Supreme Royalties, with which they are adorn'd, and by which they are reputed, as they really are, true Monarchs, as we shall shew in the Course of this History.

BUT let us return to the Coronation of our *Roger*: Tho' in those Times the Emperors of the West pretended to the Sovereignty of these our Provinces; yet the Popes had actually excluded them, and they had nothing left them but the bare Claim. The *Norman* Princes therefore did not think fit to take Investiture from them; neither had they any Thoughts about it. But on the contrary, the Authority of the Popes was so great in these Times, that Princes did not think they could assume the Royal, nor any other Title, without their Consent; the *Norman* Princes, especially *Roger*, seem'd to be persuaded of this.

AND there even are not wanting good Authors, who write, that *Roger* never took it upon him to be crown'd King, and to assume that Title, without the Permission and good liking of the Popes; and that he was not twice crown'd, first by his own Authority, in the Year 1129, and next by *Anaclet*, in the Year 1130; for which we desire no better Voucher than the most accurate *Pellegrinus*², who, from the Authority of *Falcon* of *Benevento*, and the Abbot of *Telesse*, maintains, that *Roger* made himself to be crown'd only once, and that by the Authority of *Anaclet*; for, by the Death of *Honorius*, which fell out in *February* in the Year 1130, a Schism having arisen betwixt *Innocent II.* and *Anaclet II.* both of them being elected Popes the same Day by opposite Factions; *Roger* was pleas'd to side with *Anaclet*, who, looking upon it as the most lucky Thing that could have happen'd to him, because being supported by so powerful a Prince, he should be able to withstand *Innocent's* Faction, deny'd him nothing that he could demand; so that *Anaclet* came to *Avellino* in the Month of *October* of the same Year; and appointed the Time and Place of the Coronation, and the same Month return'd to *Benevento*,

¹ P. Diac. lib. 4. cap. 17.

² Pellegr. in Castigat. ad Falc. Ben. A. 1130.

where he caus'd the Bull to be drawn up, as we read it in *Baronius*; and sent one of his Cardinals to *Sicily*, in order to crown him, which was accordingly perform'd in *Palermo*, in the Month of *December* of the same Year on a *Sunday*, being the Nativity of our Saviour, with great Solemnity and Pomp, which is describ'd by the Abbot of *Telese*, a contemporary Writer, and Eye-witness, and one of *Roger's* Favourites. *Falcon of Benevento*, *Petrus Diaconus*¹, all the Antients, and especially the Abbot of *Telese*², mention this as the only Coronation of *Roger*, without taking Notice of any other. And to tell the Truth, if there had been any, surely the Abbot of *Telese*, who wrote the Actions of this Prince so particularly, and those wherein *Anaclet* was concern'd, with so much Exactness, had no Motives to pass over the first in Silence, and conceal it out of favour to *Roger*. Neither would he have neglected to give an Account of the great Solemnity and Pomp, and the Consent of so many eminent Prelates and Lords, which are said to have been present at this first Coronation, celebrated at a Time, when there was no Schism in the Church; but when *Honorius*, by the Peace made with *Roger*, was in the most strict Friendship with him.

THE first we find that mentions this Coronation, so solemnly perform'd by four Archbishops, is *Pazzellus*³, from whom 'tis probable *Sigonius* had it. But these jumble many Things together with so little Coherence, that they deserve as little Credit. Others, in order to get this Story to be believ'd, alledge a Chronicle⁴ not as yet printed, of a certain *Maraldo*, a *Carthusian* Monk; but they don't tell how old it is; and *Maraldo* mentions only one Coronation. By these Arguments, and because all the Antients are silent, and make not the least mention of it, *Pellegrinus* is of Opinion, that *Roger* was only once crown'd, and that by the Authority of Pope *Anaclet*, whom, during that Schism, not only he and his Kingdoms look'd upon as true Pope; but a great Part of *Italy*, and the *Romans* themselves, as having been elected by the Majority of the Cardinals, tho' *Innocent* had been elected before him, but by the Minority. I know that *Inveges*, not satisfied with these Arguments of *Pellegrinus*, is of the contrary Opinion; he says, that *Roger* having been crown'd by his own Authority, as soon as *Innocent* was elected, he intreated him to confirm this Coronation by his Bull; but not being able to persuade *Innocent* to confirm it, he deserted *Innocent*, and had recourse to *Anaclet*, who gladly complied with his Request. However that may be, whether this was the first or second Coronation of *Roger*, 'tis certain, that this Prince thought he could neither securely nor lawfully assume that Title, nor erect his Dominions into Kingdoms, without the Permission or Confirmation of *Anaclet*, whom he look'd upon as true Pope, to whom he had made his Dominions Tributary, and from whom his Predecessors had receiv'd Investiture.

¹ Chr. Cass. lib. 4. cap. 7.

² Ab. Telefm. lib. 2. cap. 1.

³ V. Faz. Decad. 2. lib. 7.

⁴ Chron. M. S. di S. Stephano del Bosco.

S E C T. I.

The Investiture given by Pope Anaclet to Roger I. King of Sicily.

NOW when *Anaclet* had so great need of the Alliance and Friendship of *Roger*, he not only made him King, and order'd all the Bishops and Abbots of his Dominions to acknowledge him as such, and to take the Oath of Fidelity to him, but granted him a more ample Investiture, than ever his Predecessors Dukes of *Puglia* had been able to obtain; for besides investing him with *Sicily*, *Puglia* and *Calabria*, he likewise gave him the Investiture of the Principality of *Capua*, and

¹ Anaclet's Bull, Coronam Regni Siciliae, & Calabriae, & Apuliae, &c. Et Siciliam Caput Regni constituimus, &c. Donamus etiam, & auctorizamus tibi, & tuis heredibus Principatum Capuanum cum omnibus tenementis suis, quemadmodum Principes Capuanorum tam in presenti, quam in preterito tenuerunt. Honorem quoque Neapolis, ejusque pertinentiarum, &c.

which

which will appear strange, of the Dukedom of *Naples* also, as the Words of the Bull bear, and as *Petrus Diaconus* likewise relates them ¹.

THOUGH it was even very strange to see *Anaclet* give the Investiture of the Principality of *Capua* to *Roger*, when *Robert* its own Prince was in peaceable Possession of it; yet he could justify it, and it was excusable, because the Princes of *Capua* his Predecessors, had receiv'd the Investiture of that Principality from the Popes, and were reckon'd Feudatories of the Apostolick See, in the same Manner as the Dukes of *Puglia* and *Calabria* were, and seeing Prince *Robert* adher'd to *Innocent* his Enemy, he might well colour the Fact with such a specious Pretence. But as for the Dukedom of *Naples*, which depended on the Empire of the East, and was govern'd by its own Duke *Sergius*, in the Form of a Republick, under what Pretence *Anaclet* could do it, cannot truly be conceiv'd; and if even the *Neapolitans*, as is alledg'd, did side with *Innocent*, that gave him no Title to dispose of that Dukedom, to which he had not the least Claim. But the Popes in these Times got easily over these Considerations, when their Grandeur was at Stake; they were already accusom'd to give Investiture of other People's Countries, to which they had no Right, as they did of *Sicily*, and these our Provinces.

IT was not *Roger's* Business to examine narrowly into such Rights; he wanted but the Shadow of a Pretence, to conquer with his Arms, what the Pope gave him by Word and Writ; which he thought was sufficient to justify his Conquests, and which soon after he put in Practice; for he drove *Robert* out of that Principality, and made War upon the *Neapolitans*, and thus made himself Master of both these Dominions.

BUT perhaps it may be thought strange why *Roger* on this Occasion, was not likewise invested with the Principality of *Salerno*. The Reason was, because the Popes pretended that that Principality belong'd intirely to the Church of *Rome*, though it was not known by what particular Right. For which Cause *Gregory VII.* and all his Successors, always excepted it in the Investitures, as we have observ'd. And when *Lothaire* took it from *Roger*, and was resolv'd to appropriate it to himself, *Innocent* was offended, and complain'd sadly, that he should offer to claim as his own, what belong'd to the Church of *Rome*, which occasion'd Quarrels betwixt the Pope and *Lothaire*, as *Petrus Diaconus* relates ². The Investiture was given to *Roger*, his Children and their Heirs, *jure perpetuo*. And the Quit-rent agreed upon, was Six hundred *Schifati* yearly ³.

¹ P. Diac. lib. 4. c. 97. Petrus præterea Cardinalis Rogerio Duci Apuliæ coronam tribuens, & per privilegium Capuanum Principatum, & Ducatum Neapolitanum cum Apulia, Calabria, & Sicilia illi confirmans, Regemque constituens, ad suam partem attraxit.

² P. Diac. lib. 4. c. 117.

³ Bulla Anaclet. Concedimus igitur, donamus,

& auctorizamus tibi, & filio tuo Rogerio, & aliis filiis tuis secundum tuam ordinationem in Regnum substituendis, & hæredibus suis coronam Regni Siciliæ, & Calabriæ, & Apuliæ, &c. Tu autem censum, & hæredes tui, videlicet Sexcentos Schifatos, quos annis singulis Romanæ Ecclesiæ persolvere debes, &c.





C H A P. I.

Pope Innocent II. in Confederacy with the Emperor Lothaire, makes War upon King Roger. The Prince of Capua, and the Duke of Naples joyn Lothaire, and are defeated, and Roger takes Possession of their Dominions.



IN the mean Time *Innocent*, seeing that *Anaclet's* Faction, which *Roger* had joyn'd, was the most powerful, and that as he was the Son of *Petrus Leo*, a rich and potent Roman Citizen, he could not dispute the See with him in *Rome*, had privately, with some Cardinals that had elected him Pope, retir'd from *Rome* to *Pisa*, where he was receiv'd by the *Pisans*, with all the Marks of Esteem and Veneration as true Pope. *Pisa* in these Times was remarkable amongst all the Cities of *Italy*, for the Wealth and Bravery of its Citizens, and much more for its Power at Sea; here *Innocent* soon after imbarc'd in their Gallies, and went to *France*, in order to persuade King *Lewis* to take him under his Protection, against the Power of his Rival. Being arriv'd in *France*, he call'd a Council in *Reims*, where he excommunicated *Anaclet*, and all his Faction; but perceiving that the King of *France* could not give him that Assistance, which he then stood in need of, he got the Emperor *Lothaire* to espouse his Interest, in whom he found a greater Disposition and Readiness, than in *Lewis*. *Lothaire* had a mind to recover these Provinces, which he thought *Roger* had usurp'd from him; and laid hold of this Opportunity to induce the Pope to grant him the so much contraverted Investitures. And which, as *Petrus Diaconus*¹, a contemporary Author writes, he immediately got. *Baronius* gives this Writer the Lye, and says, That *Lothaire* did pretend to them, but was oppos'd by the Abbot of *Charavalle*, who advis'd *Innocent* not to give his Consent, and accordingly *Innocent* did refuse to give the Investitures, and *Baronius's* Voucher is the Writer of the Life of this Saint, which was *Barnardus de Bonavalle*, a much later Author.

HOWEVER that may be, *Innocent* got the Emperor to come presently into *Italy* with him, where they found *Anaclet* in Possession of St. *Peter's* Church; *Innocent* went to lodge in the *Lateran* Palace, and the Emperor with his Soldiers, took up his Quarters in the Church of St. *Paul*. In the mean time many Barons of *Puglia* that were disgusted at *Roger*, joyn'd *Innocent's* Faction. The most remarkable amongst them, were *Rainulphus* Count of *Airola* and *Avellino*; *Robert* Prince of *Capua*, and *Sergius* Duke of *Naples*. *Rainulphus*, though he was the King's Brother-in-Law, by having married *Mafhilda* his Sister, yet bore him a Grudge, because when he us'd his Sister ill, King *Roger* took her back, and sent her to *Sicily*, together with her Son *Robert*; at the same time he declar'd War against the Count, took *Avellino* and *Mercogliano*, and besides, *Richard* the Brother of *Rainulphus*, who had spoken indiscreetly of him, falling into his Hands, he order'd his Eyes to be put out, and his Nose to be cut off. To *Rainulphus*, *Robert* Prince of *Capua* joyn'd, as not well pleas'd with the King's Proceedings, who avowedly resolv'd to take his

¹ Chron. Cass. lib. 4. cap. 97.

Principality from him, of which he got *Anaclet* to give him the Investiture, though *Robert* was in Possession of it. *Sergius* Duke of *Naples*, for the same Reasons, entertain'd the same Jealousy, who, though while the King was in *Salerno*, after the Victory he had obtain'd over the *Amalphytans* (if we can give Credit to the Abbot of *Telesè*, for the Archbishop *Romualdus*, and *Falcon* of *Benevento*, mention no such thing at this Time) terrified at his Power, and great Bravery, came and subjected the City of *Naples* to his Dominion; nevertheless this Submission, if there was any such, took no Effect, for afterwards he resolv'd with all his Might, to maintain the Freedom of his City, and was a bitter Enemy to *Roger*, and associated himself with *Robert* and *Rainulphus* in the Interest of *Innocent*; and these Three, not content with having entered into this League, likewise stirr'd up many Cities of *Puglia* to revolt, and drew in with them many Barons, who took up Arms against their own Sovereign, and put every thing in Confusion on this side of the *Fare*. And the Boldness of these Conspirators increas'd, when they understood that *Lothaire* and *Innocent* this Year 1133, had enter'd *Italy* and were come to *Rome*, upon which they made ready for a new, and more vigorous Expedition against *Roger*; and to facilitate the Undertaking, Prince *Robert*, Count *Rainulphus*, and many other Barons of these Provinces, and a Multitude of other People went to *Rome* to drive *Roger* quite out of *Puglia*.

LOTHAIRE was crown'd at *Rome* by *Innocent*, in the Month of *June* in the Year 1133, with great Pomp, at which Solemnity many Dukes, Marquisses and other Barons of *Italy* were present, at whose Desire *Lothaire*, as his Predecessors were wont to do in *Roncaglia*, establish'd some Feudal Laws, and after *Conrad the Salick*, was the second that publish'd written Laws concerning Fiefs; and at this Time he confirm'd the famous Law of *Conrad*, about the Succession of Nephews and Brothers, of which we have made mention in the preceding Books, and exactly as we see it registred in the second Book of Fiefs¹, which was falsely attributed to *Lothaire* I. by *Molineus* and *Pelligrinus*, and what gave occasion to the Mistake, was the Carelessness of the Printers, who in place of *Innocent's* Name, had put that of *Eugen*, which the wise *Cujacius* observ'd. The most accurate *Pellegrinus* ought not to have question'd, that this Constitution was *Lothaire's*, for the Inscription is thus read; *Constitutiones Feudales Domini Lotarii Imperatoris, quas ante Januam B. Petri in Civitate Romana condidit*; as if *Lothaire* could not have establish'd this Law *ante januam B. Petri*, because *Otho Frisingensis*² writes, that the Palace of *St. Peter* was then in the Possession of *Anaclet*; for, either the Inscription may have been vitiated, and the Word *Eugen* put for *Innocent*, or even 'tis not improbable, that *Anaclet* may have permitted *Lothaire* to do it, since it was a Matter indifferent; and the rather, that we read in grave Writers³, that *Lothaire* was no sooner come to *Rome*, than he sent some prudent and religious Men to treat with *Anaclet*, in order to remove so grievous a Schism, during which Time he might well perform this Solemnity before the Gate of *St. Peter's* Palace.

ANDREA D'ISERNIA was no less mistaken in this Matter, who, on good Grounds, finding that these Constitutions could not bind these our Provinces, which had been intirely dismember'd from the Empire by *Roger*, could not imagine that among the Deputies of the other Cities of *Italy*, such as of *Milan*, *Pavia*, *Cremona*, *Mantua*, *Verona*, *Triviggi*, *Padua*, *Vicenza*, *Parma*, *Lucca* and *Pisa*, those also of the City of *Siponto* were present, as we read in that Constitution; for that City was then subject to *Roger*; so that he conjectur'd, either that the Place had been vitiated, and instead of *Syponti*, it ought to be read *Senarum*, or (which ought to be pardon'd in that rude Age in which he wrote) that there was another City in *Lombardy* or *Tuscany* nam'd *Siponto*. For it was no strange Thing for the Deputies of *Siponto* to be present, though this Meeting was held after these Provinces were separated from the Empire by *Roger*, who being now forc'd by the Rebellion of his Barons, to abandon *Puglia*, and retire to *Sicily*, in order to assemble his Troops, and suppress the Rebellion; could not hinder the *Sipontines*, who were Rebels among the rest, from going to *Rome*, especially when they heard *Lothaire* was on his Way to joyn them: Neither is it any Reproach to *Roger*, that his Vassals were forc'd to submit to a Constitution of his Enemy, as shall be related on another Occasion.

¹ Lib. 2. de Feud. tit. 19.

² Frising. lib. 7. cap. 18.

³ Capec. Latr. lib. 1. p. 14.

BUT all these warlike Preparations, and so many Enemies of Roger's joyn'd together, were not able to daunt this invincible Prince in the least; for returning from *Sicily* with a powerful Army, after alternate Fortune, sometimes losing, sometimes gaining, at last he dispers'd his Enemies: forc'd *Lothaire* to return to *Germany* without Success, oblig'd *Innocent* to retire, anew, to *Pisa*, where he celebrated another Council; crush'd the Pride of *Rainulphus* and *Robert*, suppress'd the Rebellion of the Barons of *Puglia*, and made the Province to submit: And all this Kingdom was now under his Dominion, except *Naples*, *Benevento* and *Capua*, and the Dominions of Count *Rainulphus*; he stay'd a little in *Salerno*, resolving to conquer these Cities, especially *Naples* and *Capua*, in order to which he return'd to *Sicily* to recruit his Army.

PRINCE *Robert*, who foresaw the Mischief that threaten'd him, left no Stone unturn'd to prevent it; he went to *Pisa*, and made a League with the *Pisans*, from whom he got a powerful Supply of Ships and Soldiers¹. He likewise brought over the *Genoese* and *Venetians* to joyn the *Pisans*; thence he return'd to the Principality of *Capua*, and from thence to *Naples*, where he was cheerfully receiv'd by *Sergius*, and Count *Rainulphus*, who had retir'd to this City. He laid before them the League, which he had newly concluded at *Pisa*, in the Presence of *Innocent*, with the *Pisans*, *Genoese* and *Venetians*, by which he had oblig'd himself to pay the *Pisans* Three thousand Pounds of Silver. This News was so very acceptable to *Sergius* and his Confederates, that immediately without delay, they took the very Plate out of the Churches of *Naples* and *Capua*, made up the Sum, and sent it presently to the *Pisans*.

BUT while they were thus strengthening their Confederacy, Roger with Sixty Gallies, return'd from *Sicily*, landed at *Salerno*, and immediately laid Siege to *Naples*; but this City defending itself with the utmost Bravery, he rais'd the Siege, and march'd towards *Capua*; and having taking *Nocera*, and many Castles in that Neighbourhood, he attack'd *Capua*, which immediately surrender'd². The King enter'd the City, and was honourably receiv'd, and with little Opposition, having conquer'd the other Places of that Principality, he return'd anew, and laid close Siege to *Naples*.

THUS in this Year 1135, Roger, after various Turns of Fortune, to his other Dominions, added the Principality of *Capua*, of which he had already got the Investiture from *Anaclet*. He soon after invested his Son *Anphusius* with it, by giving him the Standard with his own Hand, which was then the Ceremony us'd in giving Investiture, therefore the *Capuans* proclaim'd *Anphusius* their Prince, and swore Fealty to him. But 'tis well worthy of Observation, that the *Capuans* swore Fealty to *Anphusius*, *Salva tamen Regis, & filii ejus Rogerii (Ducis Apuliæ) fidelitate, qui ei in Regnum successurus erat*, as the Abbot of *Telesse* relates; for Roger having united the Principality of *Capua* to his Kingdom, though he had invested *Anphusius* with it, yet he would not suffer him to govern it independently of the Crown, himself, and his Son Roger Duke of *Puglia*, who had been declar'd his Successor in the Kingdom.

ROGER, by his first Wife *Alberia*, Daughter of *Alphonfus* King of *Spain*, had five Sons. The first, who was to succeed in the Kingdom, and whom therefore his Father had made Duke of *Puglia*, was nam'd Roger³; but he dying before his Father in the Year 1148, made room for his younger Brothers. 'Tis said that *Tancred*, who succeeded in the Kingdom of *Sicily*, was the Bastard Son of this Roger, as shall be told hereafter. The second was *Tancred*, to whom the Father had assign'd the Principality of *Bari*, or rather *Taranto*, because he had not then acquir'd the Principality of *Capua*, and he also died before his Father, or any of his Brothers in 1144.

THE third was this *Anphusius*, or as others call him *Alphusius*, whence *Hieronymus Zurita* supposes, he was call'd so from the Name of *Alphonfus* King of *Spain*, his Grandfather by his Mother; but *Wolfgangus Latius*⁴ is of Opinion, that 'tis a Gothic Name, deriv'd from *Idelfonsus*, and this from *Hildedrunzus* a Gothic Word, *a favore scilicet & amore fæderis*. This *Anphusius* was created Prince of *Capua* by

¹ Falco. Benev.

² Abb. Telefin. lib. 3. cap. 27. P. Diac lib. 4. cap. 97.

³ Pell. in Stemm.

⁴ Wolf. Lat. de migrat. gent. lib. 10.

Roger this Year 1135, who soon after, in 1139, having got *Naples* added to his Dominion, likewise made him Duke of *Naples*, according to *Pellegrinus*; but he had the same Fate with his other Brothers, for in the Year 1144 he died likewise before his Father.

THE fourth was *William I.* who, after the Death of *Anphus*, was by his Father created Prince of *Capua*, and Duke of *Naples*; and his other Brother *Roger* dying afterwards, he was made Duke of *Puglia* in his Place; at last in the Year 1151, his Father made him his Colleague in the Kingdom, and he was crown'd and declar'd Successor; and accordingly on his Father's Death he succeeded, and for many Years held the Kingdoms of *Sicily* and *Puglia*; for *Henry* another Brother died young in his Father's Life-time, before *Roger* his elder Brother.

ROGER had other Wives, *Sibylla* a Sister of the Duke of *Burgundy*, by whom he had no Children, that can be found in the best Writers; *Beatrix*, by whom he had *Constantia*, who being design'd for great Things, after various Turns of Fortune became Wife of the Emperor *Henry IV.* and brought him the famous *Frederick II.* whose Achievements shall be the Subject of a part of this History. And there are some who to these three Wives of *Roger* add a fourth, who they say was N. Sister of *Anaclet*, of the Family of *Pier Lione*; and likewise a fifth nam'd *Ariolda*, a Daughter of the Count of *Marfi*.

BUT whilst *Roger* kept *Naples* besieg'd, and attack'd it by Sea, perceiving by the extraordinary Bravery of the Citizens, that it would not easily surrender, he left the Care of the Siege to his Captains, and return'd to *Salerno*, where he embark'd in his Fleet, and went to *Sicily*, in order to return the following Spring to attack it with a greater Army, as *Alexander* Abbot of *St. Salvatore della Valle Telesia* relates, who here ends the four Books of his *Norman Latin History*.

IN the mean time *Robert* Prince of *Capua* had gone to *Pisa* for Assistance; but he was too late, for at his Return he found *Capua* was already taken, and all his Efforts to regain it afterwards were in vain; so that seeing himself in a desperate Condition, he return'd anew to *Pisa*. *Sergius* Duke of *Naples*, likewise seeing his City in such Distress, and afraid he should be undone if he got not immediate Relief, embark'd also for *Pisa*, in order to get Assistance; but not able to obtain any, return'd to *Naples* much afflicted.

BUT Prince *Robert* having found Pope *Innocent* in *Pisa*, was spurr'd on by him to go into *Germany*, in his own and the Pope's Name to beg Assistance of the Emperor *Lothaire*. Being arriv'd in *Germany*, he was courteously receiv'd by the Emperor, who sent him presently back to *Pisa*, and assur'd him that he would come into *Italy* the Year following, to rid the Church of *Rome* of the Schism, and to restore *Robert* to his Principality. In these Times *Bernard* Abbot of *Claravalle*, both on account of his Learning and good Life, had acquir'd a great Fame of Sanctity over all *Europe*; so that he was in no less Esteem with the Emperor, than with Pope *Innocent*, and his Advice was of great Weight; and *Innocent* during this Schism had taken care to get him on his Side against *Anaclet*: 'Tis not to be doubted but he was one of the most powerful and effectual Instruments in favour of *Innocent*, and who taking his Part with Ardour, did him great Service. He did not fail in these Conjunctions to write moving and pressing Letters to the Emperor *Lothaire*, that both as Defender and Advocate of the Church, he would go into *Italy* to crush the Pride of the Schismatics, and take Revenge of *Roger*. And his Zeal carried him so far, that in one Letter which he wrote to *Lothaire*, he did not stick to call *Roger* an Usurper, and that he had unjustly usurp'd the Crown of *Sicily*, as *Anaclet* had the See of *St. Peter*: *Cæsaris est, said he to Lothaire, propriam vindicare Coram ab Usurpatore Siculo. Ut etiam constat Judaicam sobolem sedem Petri in Christi occupasse injuriam; sic procul dubio omnis, qui in Sicilia Regem se facit, contradicit Cæsari*; as if *Roger* had taken *Sicily* from the Empire of the West, and *Lothaire* was to look upon himself as another *Octavianus Augustus*, with regard to all the Provinces of the World.

HOWEVER these Invitations were so powerful, that at last *Lothaire* was persuaded to go a second time into *Italy* with a greater Army, resolving to suppress the Schism, and drive *Roger* out of these Provinces; therefore he wrote to *Innocent*, that on the Festival of *St. James* this Year 1136, he would leave *Germany*². Pope *Innocent* sent this News immediately to *Sergius* Duke of *Naples*; and Prince *Robert*

¹ Orderic. Vital. Carol. Dufresne in Stem. ad hist. Comnen.

² Falc. Beney.

with five Ships loaded with Provisions went to relieve *Naples*, which was suffering a dreadful Famine, being so closely block'd up, that Provisions could not enter at any part by Land. Prince *Robert* having assur'd *Sergius* and the *Neapolitans* of the Emperor's coming, return'd immediately to *Pisa*, and from thence he went to meet *Lothaire*, whom he found already on this Side of the *Alps*, on his way to *Cremona*.

S E C T. I.

Lothaire comes a second Time into Italy, and defeats Roger's Army.

IT was in the Month of *November* of this Year 1136, that the Emperor came to *Roncaglia* (which as we have formerly said, is situated upon the *Po*, not far from *Placentia* ¹) and according to the Custom of his Predecessors, call'd an Assembly of all the States, as well the Ecclesiastick, such as Archbishops and Bishops, as that of the Nobles, such as Dukes, Marquises, Counts, and other Barons, and likewise the Magistrates of the Cities of *Italy*; where at their Request, by a Constitution, he establish'd some other Feodal Laws, which chiefly regard the Prohibition of alienating Fiefs. We have this Constitution in the second Book of Fiefs ²; and also in the third Book of the *Longobard* Laws ³. Neither can *Pellegrinus* ⁴ himself deny it to be this *Lothaire's*, which is a convincing Argument, that the Compiler of the *Longobard* Laws, join'd thereto the Constitutions of the Emperors as Kings of *Italy*, beginning from *Charles the Great*, down to this last *Lothaire* (for that of *Charles IV.* was added a long time after this Compilation) because the other Emperors who held the Empire of the West after *Lothaire*, and who frequently came into *Italy*, establish'd other Laws at *Roncaglia* concerning Fiefs; the Compilers of the Feodal Customs in the Time of *Frederick I.* did not add them to the *Longobard* Laws, but to the Body of Feodal Customs, whence arose a new Body of Laws call'd *Feodal*, which at last was by *Cujacius* divided into five Books, as we shall shew in its proper Place.

ROGER had never been so furiously attack'd as now when *Lothaire* came the second Time into *Italy*; in the twinkling of an Eye he lost the finest Provinces of his Kingdom, such as those on this Side of the *Fare*; at the coming of *Lothaire* the Hopes of his Enemies increas'd, and the Malecontents grew bolder, and broke out into open Rebellion; for at first *Lothaire* being appriz'd of the Straits to which the City of *Naples* was reduc'd, and that the Citizens were dying in their Houses and in the Streets of Famine, did not fail to send Letters and Ambassadors to *Sergius* and the *Neapolitans*, encouraging them to continue to defend themselves for a short time, and that he would come to their Relief. And indeed it was not long before he march'd towards *Puglia*, and being come to the River *Pescara*, he pass'd it, and subdu'd *Termoli*, with many Places of that Province; and being arriv'd in *Puglia*, took the City of *Siponto*, and so terrified the People of *Puglia*, and put them into such a Consternation, that all the Cities as far as *Bari*, where-ever *Lothaire* went, submitted to him.

IN the mean time *Innocent* had now left *Pisa*, and gone to *Viterbo* to meet the Emperor, who, hearing of the Pope's being in that City, immediately sent *Henry* his Son-in-Law, with three thousand Soldiers, to bid him endeavour to conquer the Strong-holds of *Campagna di Romana*, and to restore the Principality of *Capua* to *Robert*, because he was to march another way, in order to conquer the other Provinces of *Puglia* from *Roger*; whereupon *Innocent* with another Army came to *St. Germano*, which immediately yielded to him. From thence having march'd to *Capua*, and there being none to resist him, he presently made himself Master of that City, and restor'd both it and the Principality to *Robert* ⁵. And afterwards he march'd to *Benevento*, where, after a short Dispute, the *Beneventans* surrender'd to him. From thence he went into *Puglia* in quest of *Lothaire*, who had already taken

¹ Otho Frising. in Trid. lib. 2. cap. 12. Gunther, lib. 2.

² L. 2. tit. 52. prohib. Feud. alien. per Loth.

³ LL. Longob. tit. ult. lib. 3.

⁴ Pellegr. ad Anonym. Cassin. A. 1135.

⁵ P. Diac. lib. 4. cap. 105.

Bari, and only wanted to take its strong Castle, which *Roger* had built, and provided with a strong and brave Garrison; but at last it being taken, the Emperor and *Innocent* march'd against *Melphis* of *Puglia*, and having besieg'd it for some Time, at last they became Masters of it.

IT was this Year 1137, that *Lothaire*, after taking *Puglia* from *Roger*, had a mind to create a new Duke of it, and for that end caus'd a Parliament to be conven'd in *Melphis*, to which he invited all the Barons of that Province, wherein he propos'd the Creation of this new Duke; and in the mean time sent his Armies to besiege *Salerno*. On this Occasion there arose terrible Disputes about this Creation¹; *Innocent* pretended, that as his Predecessors had invested the *Normans* with the Dukedom of *Puglia*, so now when it was taken from them, he had a Right to invest others². On the other hand, *Lothaire* pretended that these Provinces depending on the Empire of the West, the Emperor had a Right to give the Investiture of them³, as the Emperor *Henry* had actually invested the *Normans* with them. The Dispute came to such a height, that had it not been for fear that *Roger* the common Enemy should take Advantage of it, it would have ended in an open War. Therefore Expedients were fallen upon, whereby neither the Rights of the Empire, nor those of the Church were to suffer any Prejudice; and it was agreed betwixt them that the new Duke should be invested by them both⁴. *Rainulphus* Count of *Avellino*, a *Norman* by Nation, and not a *German*, as *Sigonius* believ'd⁵, a Kinsman of the King's, and Son of Count *Robert*, who was descended from the old Count *Rainulphus*, Brother German of *Richard* I. Prince of *Capua*, was elected.

RAINULPHUS then was created Duke of *Puglia*, and receiv'd the Standard, as a Symbol of the Investiture, from the Hands both of the Pope and Emperor. And *Falcon* of *Benevento* adds, that on the fifth of *September*, the same Pope *Innocent* anointed *Rainulphus* as Duke of *Puglia* in the Cathedral Church of *Benevento*, at which were present the Patriarch of *Aquileja*, many Archbishops, Bishops and Abbots. Thus did *Roger*'s two most bitter Enemies, who had distinguish'd themselves in Favour of *Lothaire* and the Pope, receive the Rewards of their Zeal and Labours; *Robert* was restor'd to the Principality of *Capua*, and *Rainulphus* was advanc'd to a higher Dignity. *Sergius* with his *Neapolitans* still stood out the Siege of their City with unheard-of Constancy, in the Midst of terrible Calamities and Want; therefore *Lothaire* and *Innocent* resolv'd to march towards *Naples* with all their Forces, but their Armies being about *Salerno*, they had a Mind first to take that City, and thereafter to raise the Siege of *Naples*; and in the mean time they might expect the long-look'd for Succours from *Pisa*, without which that City could get no Relief by Sea, and without which they were not able to reduce *Amalphis*, and the other maritime Places in the Neighbourhood. In the Interim the *Pisans* with a hundred arm'd Vessels, as they had promis'd, arriv'd most opportunely at *Naples*, and having landed a Reinforcement and Provisions, which put this City out of Danger of being forc'd to surrender, the Emperor order'd them to sail immediately for *Amalphis*, to reduce that City with the neighbouring Places, and accordingly they set sail with forty Gallies, and took *Amalphis*, *Scala*, and *Ravello*, where they got a great Booty, and reduc'd them to the Emperor's Obedience.

¹ Idem, lib. 4. cap. 106.

² Idem.

³ Otho Frising. in Chron.

⁴ Sigon. de Reg. Ital. lib. 11.

⁵ Falc. Benev.

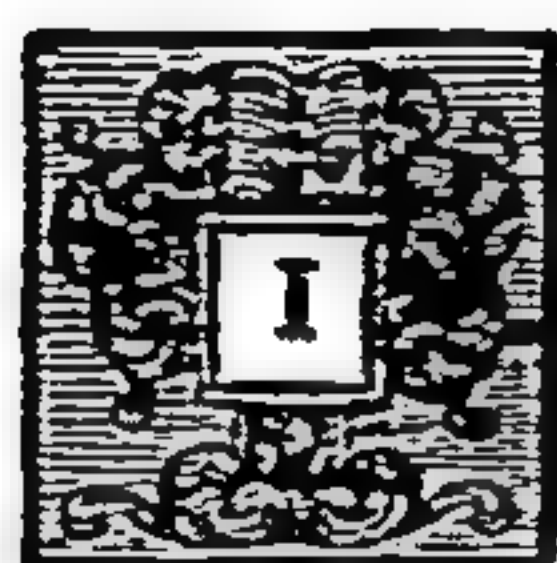
⁶ Pellegr. in Stemm.





C H A P. II.

The Pandects found in Amalphis. The Roman Jurisprudence, and the Books of Justinian reviv'd in the Academies of Italy.



IT was upon this Occasion, that the City of *Amalphis*, tho' it had been taken by Force, became more renown'd in the succeeding Ages, than all the other Cities of *Europe*; for a Citizen of *Amalphis* had found out the Mariner's Compass, and now on this Occasion this same City had the additional Glory of the Emperor *Justinian's* Pandects being found in it, which some believ'd, was the very same Copy that this Emperor had caus'd to be compil'd. The Copies of this Volume were in a manner lost, because of the many Collections of the *Basilica*, and for many other Reasons which we have mention'd in the seventh Book of this History; only in *France*, as we have observ'd elsewhere, there were still some Copies handed about; for we see that *Ivo* of *Chartres*, who flourish'd in the Time of *Paschal II.* about the Year 1099, in his Letters often quotes the Laws of the Pandects¹. But all Memory of them had been lost in *Italy*; only, as we have said, his Code, Institutions and *Novellæ* were known, which was owing more to the Care of the Popes and Monks, who were then the only learn'd Men, than to any thing else.

I N D E E D we see many Laws of the Code quoted in the Decretals of the Popes, such as those of *Gregory III.* and other Popes²; the Institutions and *Novellæ* were better known, for we have seen, that the famous Abbot *Desiderius* preserv'd the Copies of them in the Library of the Monastery of *Monte Cassino*; but the Pandects, which was the finest Part, and contain'd the Beauty and Politeness of the *Roman* Laws, were little known among us. 'Tis as yet a Question whether part of them was not preserv'd in *Ravenna*. *Guido Pancirolus*³ relates the Opinion of some, who believ'd that the Pandects were found in an ancient Library in *Ravenna*, and which being offer'd to *Lothaire*, he found them to be the genuine Work of the Emperor *Justinian*, and order'd that they should be publickly explain'd in the Schools. But the same *Pancirolus* look'd upon the Opinion of those to be better grounded, who write, that *Justinian's* Code was found in *Ravenna*, and not the Pandects, which this Year 1130, on the abovemention'd Occasion were found in *Amalphis*. This Glory then is owing to *Amalphis* not far from *Naples*, not to *Melpbis* in *Puglia*, as some on the other Side of the *Alps* have written, who were not well acquainted with the particular Places and Cities of these our Provinces, therefore have often mistaken and confounded the one City with the other; as on the other hand, they have said, that the Council celebrated in *Melpbis* in *Puglia*, in the Year 1059, was held in *Amalphis*. Some others, perhaps out of Love to their native Country, have not stuck to say, that the *Pisans* found them when they reliev'd *Naples*; and having taken them from the *Neapolitans*, carried them to *Pisa*: 'Tis strange that *Summontes* should give into this Conceit, repugnant to all History; and *Franciscus* hath inserted it among other Dreams with which he stuff'd his History. And a Modern Writer of *Puglia* likewise dream'd, that the Pandects were neither found in *Amalphis* nor *Naples*, but in *Molfetta*, for no other Reason but the Similitude of the Name, and that *Molfetta*

¹ Ivo Epist. 46, 69, &c.

² Cap. lator, de Pignor. where the Pope refers

to l. qui filios 6. C. quæ res pignor. oblig. pos.

³ Pancir. de Clar. LL. Interpr. lib. 2. cap. 13.

was the Place of the Writer's Nativity: Thus to this very Time (as the native Countries of *Homer* and *Tasso* are contended for) many Cities dispute the Glory of this Invention.

N O T to mention the ancient Annals, those who have seen in the Course of this History how famous the *Amalpbians* were for Navigation, and their great Commerce with the Eastern Parts and *Greece*, which those Cities that aspir'd to this Glory had not, will think it very reasonable, that among other Things which the *Amalpbians* brought to their City from the East, they may likewise have brought the Pandects, so rare a Book, and in which the Beauty of the *Roman* Laws was contain'd; and 'tis commonly said¹, that an *Amalpbian* Merchant in a Voyage to the East bought them there, and at his Return made a Present of them to his native Country. Neither is it question'd, but that the *Pisans*, among the other Booty which they got in *Amalphis*, found the Pandects, and that as a Reward for the Trouble they had been at in this Expedition, they only begg'd this of the Emperor *Lothaire*, who willingly granted their Request; so that being carried by them to *Pisa*, they got the Name of *Pandectæ Pisanæ*, which Name they had little less than three Centuries, till the Year 1416, when the War broke out betwixt the *Pisans* and *Florentines*: *Guido Caponio*, a *Florentine* Captain, having besieg'd and taken *Pisa*, and found the Pandects, as a great Part of his Triumph carried them to *Florence*, where, with great Veneration, and as a Thing of vast Value, they are now preserv'd in the Library of the *Medici*, divided into two Tomes; so that tho' formerly they were call'd *Pisanæ*, they are since call'd *Florentinæ*. *Plotius Grifus*, and *Rainerus Grachaia* a *Pisan*, and a most ancient Historian, who wrote *de Bello Tusco*, more than 300 Years ago, confirm the same; and *Plotius* tells us, that he had in his Custody an ancient Instrument of this Donation which *Lothaire* made of the *Amalpbian* Pandects to the *Pisans*. See *Sigonius*², *Raphael Volteranus*, *Angelus Politianus*³, *Antonio Gatto*⁴, *Francesco Taurello*⁵, *Arthurus Duck*⁶, and all other Writers, down to *Burcardus Struvius*⁷, who is the last of the Moderns that confirms it.

T H O' *Lothaire* had yielded a Thing of so great Value to the *Pisans*, yet being a learn'd Prince, and especially a prudent Law-giver, he did not fail to look into the Pandects, and perceiving that the Beauty of the *Roman* Laws was contain'd in them, resolv'd that they should no longer remain in Darkness, but be brought to light for the Benefit of Mankind. There is a great Dispute betwixt those of *Bologna* and other Writers, whether *Lothaire* establish'd by an Edict, that the Pandects should be publicly read in *Bologna*, or that they should be taught there with the other Books of *Justinian*, by *Irnerius* for private Use. The Doctors of *Bologna* say, that *Lothaire* order'd *Irnerius*, who read Philosophy in *Bologna*, to explain them publicly, which he began to do in the Year 1128, but then the Pandects had not been found in *Amalphis*. *Conradus Uspersensis* after having related the History of *Lothaire*, says, that *Irnerius* explain'd them at the Desire of the Countess *Mathilda*; and in the Arguments of the History of *Bologna*, which are attributed to *Carolus Sigonius*, we read, that the Countess *Mathilda* had order'd *Irnerius* in the Year 1102, to explain the Pandects, and that he there made the first Glosses on them. But *Burcardus Struvius*⁸ looks upon what *Conrade* relates of the Countess *Mathilda*'s having impos'd this Task on *Irnerius*, in the Reign of *Lothaire*, as fabulous; for 'tis certain, that *Mathilda* died in the Year 1115, before *Lothaire* was Emperor; and the same *Sigonius* likewise confutes what *Conrade* says, for the same Reason⁹. Whence *Struvius* believes, that those Arguments which we read at the End of the History of *Bologna*, could never be the Work of *Sigonius*, who in his History of the Kingdom of *Italy*, plainly asserts the contrary, and checks *Conrade* who wrote it.

T H E R E F O R E the most grave Authors condemn these Accounts as fabulous, and tell us, that *Irnerius* never explain'd the Books of *Justinian* in the School of *Bologna*, neither by the Authority of the Countess *Mathilda*, nor the Command of *Lothaire*, but for his private Study, and to please his own Ambition.

¹ Copece latr. lib. 1. hist. p. 35.

² Sigon. de Regn. Ital. lib. 11. p. 270.

³ Polit. Miscel. cap. 41.

⁴ Ant. Gar. hist. Gymnas Picin. c. 2. p. 92.

⁵ Taurel. in Præfat. PP. Flor.

⁶ Arth. lib. 3. cap. 5. num. 13.

⁷ Struv. hist. Jur. Just. restau. c. 5. §. 8.

⁸ Idem, §. 10.

⁹ Sigon. de Regn. Ital. lib. 12. p. 272. In eo tamen aperte falsus, quod Matildis rogatu id suscepisse muneris ait, quæ multo ante Lothari Imp. e vita migravit.

IRNERIUS in these Times, when the Jurisprudence and other Learning began to revive, was look'd upon as one of the best Lawyers. *Germany, Milan and Florence*, all lay claim to him as their Country-man ; he first apply'd himself to the Study of Philosophy and Humanity, such as they were in these Times, and 'tis thought he made a Voyage to the *Levant*, and studied in *Constantinople* ; from thence he return'd to *Ravenna*, where he taught and acquir'd the Reputation of a Man of great Learning. But afterwards he left *Ravenna*, and was invited to *Bologna*, where he taught Philosophy. There had been a School establish'd in *Bologna*, in which the Jurisprudence was taught, whereof *Pepo* was a Professor ; and there having arisen a Dispute among the Professors about the Word *As*, signifying Twelve Ounces, *Irnerius* thereupon apply'd himself to the Study of *Justinian's* Books, and became so famous a Professor of Law, that he eclips'd the Fame of *Pepo*. He studied *Justinian's* Code, Institutions and *Novellæ*, and these last he adapted to the Laws of the Code, in order to shew wherein the latter differ'd from the former ; he likewise made his first Glosses on these Books ; and he was the first, who in the Year 1128, commented on the *Roman* Laws. Those who write that in this Year there had been another Copy of the Digests found in *Ravenna*, besides that, which was handed about in *France*, say, that *Irnerius* before the Pandects were found in *Amalphis* (which *Angelus Politianus*¹ believ'd to be *Justinian's* own Copy, notwithstanding the Dissent of *Andreas Alciatus*², and *Antonius Augustinus*³, though 'tis certain that all other Copies are taken from it, as being the most antient⁴) employ'd his Labour likewise on the Digests, and taught them in *Bologna* with the other Books of *Justinian*, where he made his first Comments. But others, who deny that, and say, that the first Copies of the Pandects that appear'd in *Italy*, were taken from those of *Amalphis*, maintain, that *Irnerius* explain'd the Digests in that Academy after they had been found in *Amalphis*, but not by the Command of the Emperor *Lothaire*, but for his own private Study, as he had before explain'd the other Books of *Justinian*, and other Learning, without the Emperor's Order. Neither had that Academy been instituted in these Times by *Lothaire*, nor do we read, that he commanded the Books of *Justinian* to be explain'd and taught there, as *Fredericus Lindenbrogius* affirms⁵ ; and *Hermanus Conringius*⁶ subjoyns, that if *Lothaire* had commanded such a Thing, and had had the School of *Bologna* so much at Heart, when the Pandects were found in *Amalphis*, he would have made a Present of them to the Professors of *Bologna*, and not to the *Pisans*.

BUT though we read no particular Edict of *Lothaire* concerning this Matter, yet 'tis not to be doubted, but that this Prince favour'd those Studies, and that the School of *Bologna* flourish'd more in his Time than formerly, for *Irnerius* had made a prodigious Progress in the *Roman* Laws ; so that those Studies came to be cultivated and promoted, and many applied themselves to them, insomuch, that the School of *Irnerius* produc'd able Doctors, who either by their Pleading, or their written Comments, illustrated the Laws of *Justinian*, and excited not only the Academy of *Bologna*, but also all the other Academies of *Italy* to study them. Whence arose *Martinus* of *Cremona* : *Bulgarus*, who in the Time of *Frederick Barbarossa* was so famous in *Bologna* : *Hugo* and *Jacobus Uginus*, *Roger*, *Otho*, and *Placentius*, who were so renown'd in the Academy of *Montpelier* in *France* ; a Disciple of *Bulgarus*, nam'd *Pileus*, who was famous in *Bologna* and *Modena*, for his *Quæstiones Sabbathinæ* ; *Albericus* of *Ravenna*, and his Disciple *Azon*, who was the chief Lawyer of his Age, and Master of our *Roffredo Beneventano*, *Balduino*, and many others.

'TIS generally believ'd that from the Books of *Justinian* being thus revived in the Academies of *Italy*, and from the School of *Irnerius*, the Solemnities practis'd afterwards in creating of Doctors had their Rise, which are attributed to *Irnerius*, who, by the Authority of *Lothaire*, bestow'd the Degree of Doctor on the Professors, and 'tis said, that he was the first who declar'd *Bulgarus*, *Uginus*, *Martinus* and *Pileus*⁷ Doctors. And *Acerbus Morena*⁸ relates, that *Irnerius* being on his Death-bed, his Scholars accosted him, and ask'd, whom he would recommend to be

¹ Polit. lib. 10. Ep. 14.

² Alciat. dispunct. lib. 3. cap. 12.

³ August. Emendat. lib. 1. c. 1.

⁴ Struv. hist. jur. cap. 5. §. 10.

⁵ Lindenbrog. in Prolegom. in Cod. LL. Antiq.

⁶ Conring. de Orig. Jur. Germ. cap. 21.

⁷ V. Iterum de Gradib. Academicis, cap. 3. §. 9.

⁸ Morena de reb. Laudens. apud Leibnittum, tom. 1. pag. 118.

their Master after his Death, to whom he nam'd *Bulgarus*, *Martinus*, and *Hugo*, but they chose *Jacobus*, and made him their Doctor. But *Itterius* ¹, and *Conringius* ² reckon, that the Solemnity of conferring the Degree of Doctor in Academies, took its Rise from the *French*, from whom the *Italians* had it.

SIGONIUS ³, *Arthur Duck* ⁴, and others believ'd, that *Lothaire*, besides having commanded the Books of *Justinian* to be read in the publick Academies, order'd them to be pleaded in the Tribunals, and the Judges to neglect the *Longobard* Laws, and give Judgment according to them. But their Opinion has no Foundation in History, for we read of no Edict of *Lothaire's* commanding it, which would have been necessary, and there is not a Contemporary Historian that mentions it; so that the gravest Writers ⁵, and *Lindebrogius* ⁶ at large, confute their Error. What clearly convinceth us of the contrary, is, that the *Longobard* Laws were kept up in *Italy*, and especially in these our Provinces long afterwards; and according to them, Law Pleas were decided in the Tribunals, only the *Roman* Law was by Tradition observ'd amongst the Country People; neither in those Times were the Books of *Justinian* quoted, for they had not as yet acquir'd any Authority in the Courts, as by degrees they afterwards did, rather by Custom and the Dint of Reason, than by the Law of any Prince.

BUT if there ever had been a Law for that Purpose, 'tis sure, it could have been of no Force in our Provinces, that were under the Dominion of *Roger*, *Lothaire's* Enemy. *Roger*, as we shall see anon, soon recover'd all these Provinces which *Lothaire* had invaded, and overcame all his Enemies, and re-united the Provinces to his Kingdom of *Sicily*, and establish'd it in the Form of a true Monarchy, which obey'd no other Laws but those of the *Longobards*, and what others he made afterwards. And this was not only during the Empire of *Lothaire*, and his own Reign, but likewise continu'd in the Times of the *Norman* Kings his Successors, who being still at War with *Conrade*, and *Frederick I.* who succeeded *Lothaire*, never allow'd their Laws to be observ'd in these Provinces; and in Fact, as shall be seen by and by, Law Pleas were not decided by the *Roman* Laws contain'd in those Books, but by the *Longobard*, and the *Roman* Laws, which by way of Tradition, were retain'd by these People. Neither was there with us any Opportunity of reading these Books in our publick Schools, for till the Time of *Frederick II.* a great Favourer of Learning, and who introduc'd it into *Naples*, we had no Academies, and it was not till later Times, we being the last in following the Example of the other Cities of *Italy*, that the Study of those Books began in these Provinces, and they were quoted in the Courts more through Strength of Reason, than as Laws, as will be seen in the Course of this History.

¹ Itter. Loc. cit. cap. 4. §. 25.

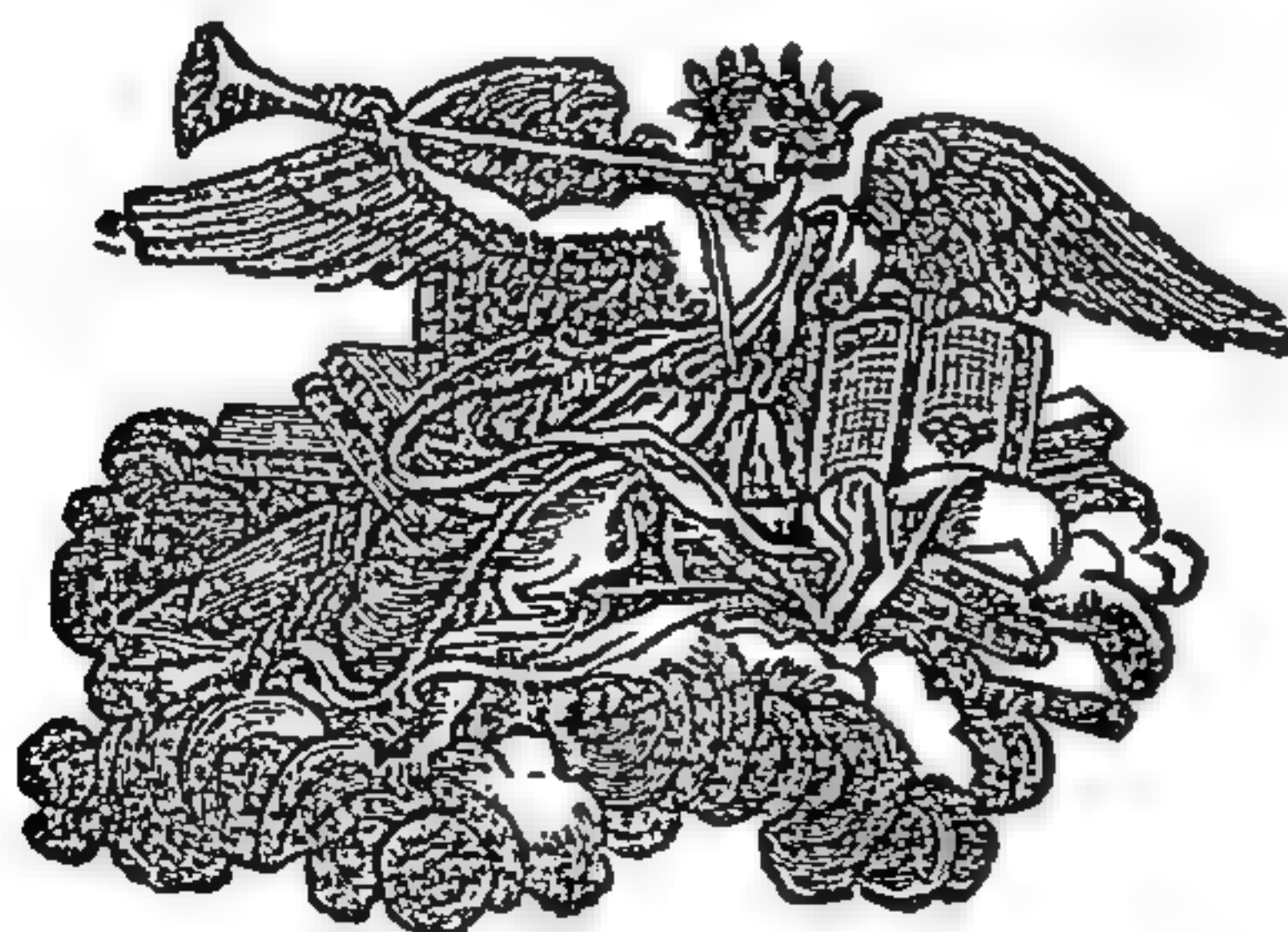
² Conring. de Antiquitate Acad. diss. 14. p. 124.

³ Sigon. de Reg. Ital. lib. 11.

⁴ Arth. de usu & author. Juris Civ. l. 1. c. 14.

⁵ V. Struv. Hist. Jur. Just. restaur. cap. 5. §. 10. Stokmans Decis. 1. num. 18.

⁶ Linden. loc. cit.





C H A P. III.

King Roger prosecutes the War against Innocent. Anaclet dies ; and soon after the Emperor Lothaire, and Rainulphus Duke of Puglia likewise dye. Roger recovers the Cities which he had lost ; and all these Provinces with the Dukedom of Naples, submit to his Dominion. Innocent is made Prisoner, and Peace concluded betwixt him and King Roger, to whom he grants the Investiture of the Kingdom.



MALP.HIS and the neighbouring Places being taken by the *Pisans*, *Lothaire* order'd them to sail to *Salerno*, and call'd Duke *Sergius* from *Naples*, and Prince *Robert* from *Capua*, to go on the same Expedition, and sent Duke *Rainulphus* with a Thousand *Germans* ; all which being join'd, they laid close Siege to *Salerno*.

THIS City was defended by *Robert*, King *Roger's* Chancellor, without any other Troops but only Four hundred Soldiers, with some Barons of the neighbouring Castles ; but the Fidelity and the Love of the *Salernitans* to *Roger*, supplied the want of a strong Garrison ; these People who had been long under the Dominion of this King, were most faithful to him. To this was added, their Gratitude for the many Favours which they had receiv'd from this Prince, who lov'd and valu'd them above all his other Subjects, and amongst all the other Cities of this Kingdom, he had chosen *Salerno* for the Residence of his Court ; and as in *Sicily* he had fix'd his Abode in *Palermo*, so when his Affairs call'd him into these Provinces, he kept his Court in *Salerno*. Therefore they defended themselves against the Besiegers with much Bravery, insomuch that the *Pisans* having Proof of their Courage, in order to get the better of their Resolution, caus'd a Machine to be made for making a Breach in the Walls of the City, which so terrified the *Salernitans*, that they began to despair of being able to defend it any longer ; and when the Pope and Emperor came to the Siege, they sent Messengers to the Emperor, and submitted to him, on Condition, that the foreign Soldiers should have leave to go whither they thought fit, whereupon some went away, and others with the Barons and Captains, retir'd into the Castle of the City, and maintain'd it gallantly for their Master. The *Pisans* understanding that the *Salernitans* had surrender'd to the Emperor, and had been receiv'd by him without communicating the Matter to them, highly incens'd at such a Contempt, immediately burnt the Machines, which they had made for taking *Salerno*, and made ready their Vessels in order to return to *Pisa* ; and they would actually have been gone, had it not been for the Pope, who much valu'd their Alliance, and who with Intreaties and large Promises, stopp'd them ; but this Discord prevented the taking of the Castle, which therefore continu'd to be at *Roger's* Devotion.

THE taking of *Salerno* occasion'd greater Discord betwixt the Emperor and *Innocent*, who pretended that this City belong'd to the Church of *Rome*, and though hitherto it was not known by what particular Right, nevertheless it was known that *Gregory VII.* would on no account invest *Roger*, nor any of his Successors with it, because of the Claim

Claim of the Apostolick See to this City; but *Lothaire* strongly opposing such a Claim, made *Innocent* to yield ¹, for this cunning Pope was unwilling to break with him, lest *Roger* should take advantage of it. However *Innocent* was highly offended, and the Bond of Friendship which had united them hitherto, began to slacken.

AT last (thinking their Expedition was over) *Innocent* and *Lothaire* left these our Provinces, and the Emperor leaving *Rainulphus* his General, with many other Officers, to oppose *Roger*, and maintain the Conquests he had made, went with the Pope to *Rome*, and from thence by the way of *Tuscany* march'd straight for *Germany* ². But *Roger*, who all this Time had given way to the Fury of so many Storms, was waiting an Opportunity to recover all he had lost, and as soon as he heard that *Lothaire* had left *Campagna*, he assembled a great Army in *Sicily*; and hearing that he was in *Rome* on his way to *Germany*, in all haste sail'd for *Salerno*, where he landed his Army ³. This City presently surrender'd to its old Master, and from thence he went to *Nocera*, which with all the Towns in the Neighbourhood belonging to *Rainulphus*, immediately submitted to him. He afterwards march'd to *Capua*, and being furiously inrag'd at Prince *Robert*, who had been the chief Instrument of *Lothaire's* coming into *Italy*, he took it by Force, and it suffer'd a terrible Pillage. From thence with his victorious Army he march'd to *Avellino*, and after taking this City with all the Places round it, he advanc'd to *Benevento*. The *Beneventans* being terrified at *Roger's* Success, likewise submitted to him, and quitting the Party of *Innocent*, to whom they had sworn Fealty a little before, in order to please the King, they sided with *Anaclet*. *Roger* from *Benevento*, march'd to *Monte Sarchio*, which presently yielded; from thence entering into *Puglia*, with much Bravery he subjected many Cities of it. Duke *Rainulphus* hearing that *Roger* was come into *Puglia*, assembled 1500 gallant Soldiers which he drew out of *Bari*, *Trani*, *Melphis* and *Troja*, with whom he march'd against *Roger*, being resolv'd rather to die with his Sword in his Hand, than basely to submit to his Enemy.

IN the mean time *Innocent* was appriz'd of *Roger's* Progress, and the Emperor being at a Distance, he knew there was no great stress to be laid on Duke *Rainulphus*, nor the Emperor's Officers, therefore he resolv'd to send *Bernard* Abbot of *Clavalle*, to the King, with a Commission to treat of Peace, and reconcile the King and the Duke; but *Bernard*, who in these Times was in great Esteem, both for his Learning and holy Life, not succeeding, the King and the Duke came to a Battle, which was gallantly fought, and *Roger* came off with Loss; but not minding this Defeat, he retir'd to *Salerno*, where he recruited his Army, in order to invade *Puglia* anew. However the Abbot of *Clavalle* continued to treat with the King about a Peace betwixt him and the Pope, and at last he obtain'd, that *Innocent* should send three Cardinals, and *Anaclet* as many, to lay both their Claims before him, and then he would determine what he should think most equitable. Accordingly *Innocent* sent Cardinal *Aimerico* Chancellor of the holy Church, and Cardinal *Gherardo*, both of them Men of great Reputation, and the Abbot *Bernard*; and *Anaclet* likewise sent three of his Cardinals, to wit, *Matteo* his Chancellor, *Gregorio*, and *Pietro Pisano*, a Man in these Times look'd upon to be very eloquent, learn'd and well skill'd in the Holy Scriptures ⁴. When they came to *Salerno*, the King heard them for several Days, and then conven'd all the *Salernitan* Clergy, and a good Number of his own People, with the Archbishop *William*, and the Abbots of the Monasteries, and took the Matter into Deliberation, and after canvassing it thoroughly, *Roger* fell on Means to prolong, and, according to *Falcon* of *Benevento*, spin out the Time of the Meeting, in order to amuse *Innocent*, and Duke *Rainulphus* by this Treaty, that in the mean Time he might make up the Losses he had sustain'd, and draw together a new Army. The Abbot of *Bonavalle*, and Cardinal *Baronius* relate the Fact otherwise than *Falcon*, who was a Contemporary Author. They say that *Bernard* and *Pietro Pisano* only treated about this Accommodation with *Roger*, and though *Pietro* was convinc'd by *Bernard's* Reasons, yet the King obstinately refus'd to agree with *Innocent*, insomuch that he oblig'd

¹ P. Diac. lib. 4. cap. 117. Quæ res inter Pontificem, & Cæsarem disentionem maximam ministravit, Papa dicente, Salernitanam Civitatem Romanæ Ecclesiæ attinere; Imperatore, è contra, non Pontifici, sed Imperatori pertinere debere, dicente.

² P. Diac. lib. 4. cap. 126.

³ Falc. Ben. Audiens Rex Rogerius Imperatorem viam redeundi arripuisse, exercitu convocato, Salernum venit.

⁴ Sigon. de Regn. Italiæ, lib. 12. Insigni pro ea tempora eloquentia, singularique doctrina.

the Abbot of *Claravalle* to leave *Salerno*, and return to *Rome*. However that may be, *Roger* without coming to any Conclusion, departed, and imbarc'd in his Fleet for *Sicily*, in order to return into *Puglia* with a greater Army.

BUT while he was in *Sicily*, *Anaclet* very opportunely died in *Rome* the seventh Day of *January* this Year 1138, whose Death put an end to this Schism that had disturb'd the Church for eight Years. The Sons of *Peter Leo*, and the other Adherents of *Anaclet*, inform'd the King of the Death of their Pope, and ask'd his Advice whether it was proper to chuse a Successor. *Roger*, whose Business was to keep up the Faction, in order to suppress *Innocent's* Party, order'd a Successor to be immediately chosen; and accordingly *Anaclet's* Party join'd together, and elected *Gregorio Romano* Cardinal of the Holy Apostles, to whom they gave the Name of *Victor IV*. But such was the Diligence of the Abbot *Bernard*, that by his Persuasion, both *Victor* and the Cardinals that had elected him, submitted to *Innocent*; and *Victor* having stripp'd himself of the Papal Ornaments, laid them at his Feet, which put an end to the Schism: Whereupon the *Romans* were so well pleas'd with *Bernard*, that to do him Honour, they gave him the Name of Father of their Country; but he was so Self-denying, and had such an Aversion for the Honours of this World, that he left *Rome*, and return'd to his Monastery of *Claravalle* in *France*. *Petrus Diaconus*², who here ends his Addition to the Chronicle of *Leo Ostiensis*, relates the Story otherwise; he says, that *Innocent* brib'd the Sons of *Peter Leo* and their Adherents, and brought them over to his Party; so that the Cardinals that had elected *Victor*, destitute of all Assistance, out of cruel Necessity submitted to *Innocent*. Even taking this for granted, there are some who free him of the Crime of Simony, such as the Abbot *de Nuce*, by alledging some other the like Examples.

INNOCENT seeing the Affairs of *Rome* thus settled, and all Discord at an end, bent all his Thoughts on the War of *Puglia* against *Roger*; for which end he went to *Albano*, and assembled a great Army to join Duke *Rainulphus*: On the other hand the King having likewise assembled his Troops, pass'd over from *Sicily* to *Puglia*, in order to subject the rest of the Cities of that Province to his Dominion. Duke *Rainulphus* did not fail to oppose him, but in vain, so that the King was fully resolv'd to besiege *Melphis*, but it was so well defended, that he could not take it, but all the Castles in the Neighbourhood submitted to him, after which he return'd to *Salerno*, and from thence went anew to *Sicily*.

THIS same Year 1138, the Emperor *Lothaire* died in the *Valle di Trento*; a Prince, who besides his military Qualifications, and many Virtues, was a great Encourager of Learning and Justice, and deserves to be extoll'd above all others, for having in his Time restor'd the Splendor of the *Roman Laws* in *Italy*, and allow'd them to be taught in the publick Academies there. Which was the Cause that in process of Time they afterwards recover'd so much Authority, and became so resplendent, that they eclips'd all the Laws of other Nations, and deservedly have the first Rank in all Academies, and by them the most knowing Part of the World is guided. And above all other Princes he deserves immortal Praise from all Lovers of the Civil Law.

THESE arose terrible Disputes amongst the Electors of the Empire about the Election of a Successor. *Conrade* Duke of *Suevia*, *Lothaire's* Nephew, and *Henry* Duke of *Bavaria*, his Son-in-Law, set up for it; but at last *Henry* being excluded, *Conrade* was rais'd to that sublime Dignity, and was acknowledg'd as Emperor by the Dukes, Princes, Marquises, and all the Great Men of the Empire; for the Right of electing was not as yet confin'd to Seven only, as it was afterwards³.

ON the other hand *Innocent*, who had nothing so much at Heart, as to suppress *Roger's* Party, in the Beginning of the Year 1139 conven'd a Council in *Rome*, and excommunicated *Roger*, and all those who had been of *Anaclet's* Faction⁴. But not long after *Innocent* receiv'd a terrible Blow; for on the last Day of *April* the Count of *Avellino* and Duke of *Puglia*, who had harra's'd the King his Brother-in-Law with a cruel and continual War, was taken ill and died in *Troja*, and was buried in the Cathedral Church of that City, and much lamented by the Bishop *William* and the Citizens.

¹ Falc. Benev. ad A. 1138. Vita S. Bernardi.

² Lib. 4. cap. ult.

³ P. Diac. lib. 4. cap. 127.

⁴ Falc. Benev. A. 1139 Ortho Frisingens.

THE welcome News of the Count's Death coming to King Roger, he look'd upon the War as at an end ; so that having immediately assembled his Army, he cross'd over to *Salerno*¹, conven'd all the Barons that were in his Interest, and went to *Benevento*, from whence he march'd and took many Places belonging to the Count of *Ariano*, who fled to *Troja*, and thereafter he subjected all the Cities and Castles of the *Capitanata*. The King, as we have said, had several Sons by his first Wife *Alberia*, of which Roger was the Eldest, therefore he created him Duke of *Puglia* ; he striving to imitate the Bravery of his Father, who had gone to the Siege of *Troja*, subdu'd all the other Places of *Puglia*, both Inland and Maritime² ; only *Bari*, which was gallantly defended by the Prince *Giaquinto*, held out ; so that despairing to force it to surrender, he resolv'd to go and join his Father, who was encamp'd round the City of *Troja*. This City was defended by the Count of *Ariano*, who had gone thither with a good Body of Troops, and defended it so obstinately, that the King was oblig'd to raise the Siege, and join'd his Son, and march'd to *Ariano*, where he prepar'd many Machines in order to take it.

IN the mean time Pope *Innocent* hearing the sad News of the Death of Duke *Rainulphus*, and the prosperous Success of the King in *Puglia*, unwilling to leave these Places without Troops, conven'd his Army, and putting himself at the Head of it, left *Rome*, and march'd to *St. Germano*. Roger, by this Expedition of *Innocent's*, being diverted in the Midst of his good Fortune, endeavour'd, rather than to come to a Battle with him, to soften him by Proposals of Peace, for which end he sent Ambassadors, offering to be at his Devotion. The Ambassadors were courteously receiv'd by *Innocent*, who sent two Cardinals to Roger, inviting him to come to *St. Germano* in order to conclude a solid Peace. The King had then return'd to the Siege of *Troja*, and having receiv'd the Cardinals with much Respect, rais'd the Siege, and with the Duke his Son went immediately to *St. Germano* ; they continu'd to treat about this Affair for the Space of eight Days³ ; but *Innocent* being obstinately resolv'd to have the Principality of *Capua* restor'd to Prince *Robert*, to which the King by no means would consent, the Treaty was broke off, and the King left *St. Germano*. The Pope hearing of his Departure, march'd with his Army to *Castello di Galluccio*, and laid close Siege to it, which the King presently getting Notice of, return'd in all haste, and on a sudden arriv'd at *St. Germano* ; the Pope, and Prince *Robert*, who was with him, being catch'd napping, were so terrified, that without any Delay, they rais'd the Siege of *Castello di Galluccio*, in order to shelter themselves in some secure Place ; but the King immediately sent his Son the Duke of *Puglia*, with a thousand brave Soldiers, to lie in wait and attack the Pope on his March. Which Project succeeded so well, that the Pope's Army was defeated and put to flight, and *Innocent* himself, to his great Reproach and Shame, with his Chancellor *Almerico*, many Cardinals, and other Men of Note, were carried Prisoners to the King, only *Robert* Prince of *Capua* made his Escape ; the victorious Soldiers plunder'd the Pope's rich Baggage, and found a great Sum of Money.

IN this unlucky manner have all the Expeditions of the Popes against our Princes terminated, and such has always been the Fruits of their laying aside their own Character, and taking upon them that of Secular Princes, by marching at the Head of Armies, with a Helmet in the Place of the *Tiara* *, and a *Cuirass* instead of a Stole and Dalmatick.

* Triple Crown.

THIS remarkable Event fell out on the Twenty-first of *July* in the Year 1139⁴, as the most exact *Pellegrinus*⁵ well proves, contrary to what *Baronius* and *D. Francisco Capecelatro* have written, who, not understanding this Place in *Falcon*, writes that *Innocent* was made Prisoner on the tenth of this Month. Neither must we omit in this Place to say, with the same *Capecelatro*, who is the most exact Writer of the History of the *Norman* Kings, of all the Moderns, that those who write that *Innocent's* Defeat and Imprisonment happen'd in the Beginning of his Reign, and was the Cause of the Schism, are grossly mistaken ; for the Contemporary Authors, and those who shortly after have transmitted these Facts to Posterity, place them in this Year, and in the manner we have related, such as the Chronicle of *Falcon*, a most ancient

¹ Falc. Benev.

² P. Diac. lib. 4. cap. 129. Præter Barum, Trojam, atque Neapolim, omni Terram quam facile amiserat, facilius cepit recuperare.

³ Falc. Benev.

⁴ Idem. A. 1139.

⁵ Pellegr. in Castig. ad Falc. Ben. A. 1130.

Writer of *Benevento*; the Anonymous *Cassinensis*, the Histories of Archbishop *Romualdo*, and of *Otho Frisingensis*, and the many Letters written on this Subject by *St. Bernard* Abbot of *Clarevalle*; from the Authority of such grave and ancient Writers, *Cardinal Baronius*, the said *Capetelatro*, and the incomparable Critick in our Affairs *Caullus Pellegrinus*, place them in this Year.

BUT the Affection of the *Normans* for the Apostolick See, was as flagrant in this Imprisonment of *Innocent*, as in that of *Leo*; tho' *Roger* according to the Laws of War could have treated *Innocent* in the same manner as he could have done any other Secular Prince that was his Prisoner; yet being ignorant of the Distinction of two Persons in one Pope, he paid him all the Honours and Respect which are due to the Vicar of Jesus Christ; he sent Ambassadors to beg him Pardon, and intreat him to be reconcil'd with him. *Innocent* more overcome by this piece of Generosity and Greatness of Soul in *Roger*, than by his Arms, willingly consented to his Request; and four Days after¹, on the Feast of *St. James*, the Peace was concluded in *Benevento*. The Pope for his Part, absolv'd *Roger* and all his Adherents from the Excommunications he had thunder'd out against them; upon which the King with his Son *Roger* went and threw themselves at his Feet, and acknowledg'd him lawful Pope, and swore Fealty upon the Evangelists, both to him and all the Popes his Successors, lawfully elected, and became their Vassals, by promising to pay the usual Quit-Rent of 600 *Schifati* yearly, and to restore *Benevento*. On the other hand the Pope deliver'd him the Standard, as the Custom was then, invested him with the Kingdom of *Sicily*, the Dukedom of *Puglia*, and the Principality of *Capua*, and acknowledg'd him King, and confirm'd him in all those Honours and Dignities belonging to a King.

THIS Investiture was transcrib'd from the Registers of the Library of *St. Peter* in *Rome* by *Cardinal Baronius*, and is inserted in his Annals; in which there are many Things worthy of Observation. First *Innocent* says, that he, following the Footsteps of his Predecessors, and having before his Eyes the Merits of *Robert Guiscard*, and *Roger* his Father, who with so much Toil and Labour had extirpated the *Saracens*, implacable Enemies of the Christian Name, out of *Sicily*, reckon'd them worthy of immortal Glory; therefore he confirm'd to *Roger* the Kingdom of *Sicily*, with which his Predecessor *Honorius* had invested him, with the Prerogative of King, and all other Honours and Royal Dignities; and subjoins the Reason why *Roger*, the Possessor of that Island, ought to be advanc'd to the Title of King, and *Sicily* made a Kingdom, because that Island formerly had the Prerogatives of a Kingdom, and its own Kings to govern it, according to the Abbot of *Telese*; these are the Pope's Words, *Regnum Siciliae quod utique, prout in antiquis refertur historiis, Regnum fuisse, non dubium est, tibi ab eodem Antecessore nostro concessum cum integritate honoris Regii, & dignitate Regibus pertinente, Excellentiae tuae concedimus, & Apostolica auctoritate firmamus*; by which we may see, that the Popes, among their other Prerogatives, look'd upon that of erecting or re-establishing Kingdoms and Kings, to be one, and especially *Sicily*, with which *Roger's* Predecessors had been invested by the Apostolick See.

INNOCENT confirm'd the Investiture of the Dukedom of *Puglia*, which had been given *Roger* by his Predecessor *Honorius*; and that of the Principality of *Capua*, tho' Prince *Robert* was still alive, who was divested of it; and tho' formerly this Pope had so vigorously endeavour'd to have it restor'd to him, yet now he gives the Investiture of it to *Roger*, adding: *Et insuper Principatum Capuanum integre nihilominus nostri favoris robore communimus, tibi que concedimus: Ut ad amorem, atque obsequium B. Petri Apostolorum Principis, & nostrum ac successorum nostrorum vehementer adstringaris*; and thus he pretended to justify *Roger's* Title to this Principality, acquir'd only *jure Belli*; and for no other end, but that *Roger* and his Successors might be the more Subservient and Obsequious to the Apostolick See, just so as *Gregory VII.* declar'd in his Investiture.

¹ Anon. Cassin.

S E C T. I.

The Dukedom of Naples, Bari, Brindisi, and all the other Cities of the Kingdom submit to Roger.

IT is well worth our Observation, that in this Investiture there is no mention made of the Principality of *Salerno*; for the Popes, tho' 'tis not known by Virtue of what Title, have always pretended that this Principality belong'd to the Apostolick Sec, as well as that of *Benevento*. Neither is the Dukedom of *Naples* mention'd in it; so that they were much mistaken, who wrote that *Innocent* likewise invested *Roger* with *Naples*: We cannot but wonder when we read in the History of *Naples* at last publish'd by *P. Giannetasio* ¹, that from this Time, *Naples*, from being a free Republick, became subject to the Dominion of *Roger*; and the Author, as it were, lamenting the Fate of his Country, by the Concern he shews for its having lost its Liberty, accuses *Innocent* for allowing of it, seeing that City belong'd to the Empire of the East; as if, supposing the Fact true, it had been a new Thing for the Popes to give Investiture of Dominions that did not belong to them; and this appear'd to be a Novelty to him, tho' he was not surpriz'd to see the Popes give the Investiture of *Puglia* and *Calabria* to the *Normans*, which Provinces they had taken from the *Greeks*, and to which they had no better Title than to the Dukedom of *Naples*. This Dukedom was acquir'd by the *Normans*, not by the Investiture given them by the Popes, but by the Right of Conquest, and the Submission of the *Neapolitans*, as shall be related by-and-by. Only in *Anaclet's* Bull, after the Investiture of the Principality of *Capua*, there is added, *Honorem quoque Neapolis, ejusque pertinentiarum*; which meant nothing but the Honour of Dukes of *Naples*, by leaving the City in its former State and Polity; and 'tis *Petrus Diaconus* ² alone, who writes, that *Anaclet*, besides the Principality of *Capua*, invested *Roger* with the Dukedom of *Naples*; but after *Roger* had made Peace with *Innocent*, he no longer minded what *Anaclet* had done; so that he pretended no other Right to the Dukedom of *Naples* but that of Conquest, and the Submission of the People, in the same manner as he did to *Amalphis*, *Gaeta*, the Principalities of *Taranto* and *Salerno*.

BUT let us return to where we left off: *Roger*, after having made this Peace, freely left the City of *Benevento* to the Pope; but while he was in that City, the *Neapolitans*, terrified at *Roger's* Success, came and subjected their City to his Dominion, as their Duke *Sergius* had formerly done. This Duke, if we may give credit to *Alexander* Abbot of *Telesse*, had subjected the City of *Naples* to *Roger* many Years before; but afterwards repenting of what he had done, join'd with Prince *Robert* and Count *Rainulphus*, *Roger's* Enemies, and carried on a long War with him; afterwards he sided with *Roger*, and while he was fighting under his Banner, in the Battle which *Roger* lost near *Salerno*, he, together with many Barons belonging to *Rainulphus*, was kill'd.

THIS Year 1139, the *Neapolitans* having experienc'd *Roger's* Valour, subjected themselves intirely to his Dominion; and by the Death of *Sergius*, being left without a Duke, with the King's Consent they elected his Son *Roger* ³. *Inveges* proves *Roger* to have been elected Duke, and not *Anfusius*; *Pellegrinus* will have it to be *Anfusius*. However that may be, altho' this Dukedom was subjected to *Roger*, nevertheless he would not allow of any Alteration in the Form of its Government and Polity; the same Magistrates, and the same Laws were continu'd, and he confirm'd all those Prerogatives and Privileges which it enjoy'd when, under the last Dukes, it intirely renounc'd all Allegiance to the Empire of the East, and took the Form of a Republick; therefore we observe, that even after *Roger*, to the Year 1190, according to *Capaccio* ⁴, or whoever may be the Author of the *Latin* History of

¹ Hist. Neapol. lib. 11.

² P. Diac. lib. 4. cap. 97.

³ Falc. Benev. In his diebus Cives Neapolitani venerunt Beneventum, & Civitatem Neapolim

ad fidelitatem Domini Regis tradentes, Ducem filium ejus duxerunt, & ejus fidelitati colla submitunt.

⁴ Capac. lib. 1. cap. 12.

Naples, there have been other Dukes, such as *Sergius*, and a certain *Aliernus*, in whose Time, that Privilege related by *Marinus Freccia*, and which is likewise mention'd in the said *Latin History*, was granted to the Merchants of *Amalphis* who liv'd in *Naples*. However *Roger* did not leave *Naples* at full Liberty, like a free and independent State, as some have believ'd. They founded their Belief on what *Falcon* of *Benevento* relates, to wit, that *Roger*, after having taken *Troja* and *Bari*, the Year following 1140, return'd to *Naples*, where he was receiv'd with Acclamations, and with so great Pomp and Solemnity by the *Neapolitans*, that never any King nor Emperor had ever been treated there with so much Honour; that the next Day he rode through the City, and afterwards went in a Boat to *Castel di S. Salvatore*, situated in a little Island in the Sea, close by *Naples*, which is now call'd *Castel dell' Uovo*, on account of its Shape; and while he was there, he sent for the Citizens of *Naples*, with whom *De libertate Civitatis, & utilitate tractavit*, which are *Falcon's* Words; by which being deceiv'd, they believ'd that the *Neapolitans* treated there with *Roger* about the Freedom of their City; whereas the King, as the most accurate *Pellegrinus* demonstrates¹, treated of nothing else but the Immunities and Franchises which the *Neapolitans* pretended to, and which *Roger* presently granted them; and *Capaccio* might have shunn'd this Error by the very Privilege which he quotes, where the *Neapolitans* granting Liberty to the Merchants of the Dukedom of *Amalphis*, who liv'd in *Naples*, meant nothing by Liberty, but a certain Sort of Franchise and Immunity, such as these Words import: *Ut sicut ista Civitas Neapolis Privilegio libertatis præfulget, ita & vos Negotiatores, Campsores, sive Apothecarii in perpetuum gaudeatis*; but what Liberty does the Privilege mean? *ut nulla conditio, de personis, vel rebus vestris, sive hæredum, & successorum vestrorum negotiatorum in Neapoli habitantium requiratur; sicut non requiritur de Civibus Neapolitanis*.

THEREFORE *Roger* did not leave the Dukedom of *Naples* altogether free and independent; tho' he continu'd the same Laws and Magistrates, and the same Form of a Republick, which imported nothing else but the Community, and not the chief Power, as was observ'd in the first Book of this History, exactly in the same manner that *Theodorick* left it, when he ordain'd that it should enjoy the very same Privileges it had; by which 'tis clear, that *Roger* left to the Nobility and People, who were design'd by the Title of *Ordines, Electi, or Decuriones*, the Jurisdiction with regard to the *Annona*; but as for the Administration of Justice, the King imitated *Theodorick* in sending *Comites* to take Charge thereof, as was done in all the other Cities and Castles of the Kingdom.

HOWEVER *Roger* did not use any other City of his Kingdom so mildly and favourable as he did *Naples*; for besides leaving their Privileges intire, he gave to each Cavalier five *Moggia* * of Land, with five Husbandmen; he likewise promis'd them greater Rewards, if they continu'd faithful according to the Oath they had sworn to him, and kept the City in Peace and Tranquility under his Government². 'Tis surprizing to find that *Fazzellus*³, not content with having confounded the Things, Times, and Persons concerning these Facts, likewise adds out of his own Brain, that after this Peace had been concluded betwixt *Innocent* and *Roger*, he, *Roger*, made his Entry into *Naples* with great Acclamations, and that Day created a hundred and fifty Knights, and continu'd there for two Months feasting and diverting himself, not only contrary to all History, but also to what *Falcon* of *Benevento* hath related concerning these Facts.

ROGER likewise shew'd his Affection for the *Neapolitans* in another particular; for in order to know the Largeness of the City, he caus'd the Circumference of the Walls to be measur'd in the Night-time, which he found to be 2363 Paces; and the Day following he assembled the Inhabitants, and in a kind manner ask'd them, If they knew what was the Circumference of their Walls? and they answering No, the King told them: At which they were both surpriz'd and convinc'd of his Affection⁴.

SUCH is the Vicissitude of worldly Things, that this City, which, with respect to other Cities of these Provinces in *Roger's* Time, was of so small Compass, at this Day surpasses all the rest, and is not only become the Metropolis and Head of so large a Kingdom, but is one of the most famous and remarkable Cities in the World.

¹ Pellegr. ad Falc. Ben. A. 1140.

² Idem.

³ Fazzel. poster. decad. lib. 7.

⁴ Capec. Lat. hist. lib. 1. pag. 50.

BUT before *Roger* made his second Entry into *Naples*, amidst so much Acclamation and Rejoycing, he had recover'd all the Province of *Capitanata* to his Dominion ; he had taken *Troja* the Head of it, into which City he never would enter, though *William* the Bishop, and the Citizens by their Messengers, had begg'd of him to come ; but he answer'd, that whilst the Traitor *Rainulphus* continu'd amongst them, he would not see them : The *Trojans*, afraid of the King's Displeasure, immediately caus'd the Sepulchre of *Rainulphus* to be open'd, his Body taken out, and dragg'd through the Streets of the City with a Rope about his Neck, and afterwards thrown into a dirty Puddle ; this sad Catastrophe coming to the Knowledge of his Son the Duke of *Puglia* and *Naples*, he went in quest of his Father's Corps, and manag'd Matters so, that *Rainulphus* was again buried¹.

AFTER this Expedition he had likewise taken *Bari*, and put Prince *Giaquinto* to death ; and returning afterwards to *Salerno*, had possess'd himself of the Estates of all those who had been his Enemies, and banish'd them out of his Dominions ; he sent *Roger* Count of *Ariano*, with his Wife, Prisoners to *Sicily*. He intirely drove out *Tancred* Count of *Conversano*, took *Brindisi*, and all his other Towns, so that he was forc'd to fly to *Jrusalem*. And thus with so sudden and surprizing good Fortune, having recover'd all these Provinces to his Dominion, he went over to *Sicily*, from whence he sent Judges and Governors to each Province, that the subjected People might enjoy a settled Peace, and besides he establish'd new Laws for the Good of the Realm, of which Laws we shall shortly discourse. And in the beginning of the Year 1140, having assembled a new Army, he sent it under the Command of his Son Prince *Anfusus*, to subject that Part of *Abruzzo* situated on the other side of the River *Pescara*, which belong'd to the Principality of *Capua* ; where the Prince on his arrival, took many Places, and destroy'd all that made Resistance. Into which Province the King soon after likewise sent Duke *Roger* with a good Body of Troops, who having join'd his Brother, they intirely subjected all those Parts to the very Borders of the State of the Church, and assur'd the Pope, who was in Pain, that they had no Design to disturb his Dominions in the least. In the mean time the King with his Army had return'd to *Salerno*, and from thence to *Capua*, and, in order to make the Pope easy, he recall'd his Sons, and afterwards march'd to *Ariano*, where he call'd an Assembly, which was the first that this King held in *Puglia*, where the two States, *viz.* the Barons, and Bishops and Prelates met, for putting the Affairs of that Province in a better Condition. Thereafter he caus'd new Silver Money mix'd with a great deal of Copper, to be coin'd, which was call'd *Ducats* ; and another lesser, call'd *Follare*, altogether of Copper, which he order'd to pass for the third Part of a *Romasino*, which was worth Twelve Grains and a Half of the common Copper-money, current at this Time ; and Eight *Romasini* made one *Ducat* of his Coin, and under severe Penalty he forbad the Currency of the antient Money in his Dominions, though much better than his own, to the great Detriment of his Subjects, and of all *Italy*. Afterwards he march'd to *Naples*, where he treated the *Neapolitans* with that Generosity and Kindness, we have lately mention'd ; and from thence he return'd to *Salerno*, and imbarc'd in his Fleet, and directed his Course for *Palermo*, leaving the Government of *Puglia* to Duke *Roger*, and that of *Capua* to Prince *Anfusus*, according to *Falcon* of *Benevento*, who here puts an End to his History, as *Alexander* Abbot of *Telese* had done a little before.

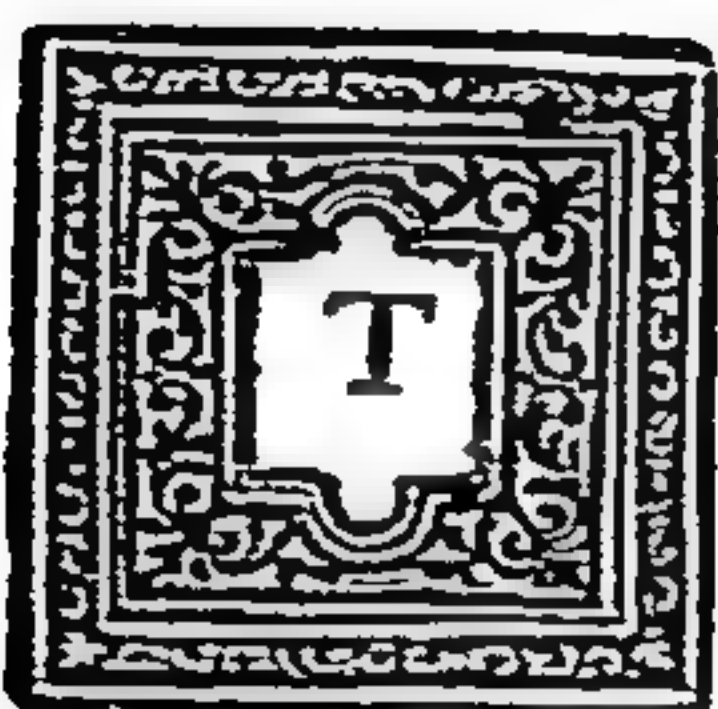
THUS *Roger*, after having by his Valour and Conduct overcome so many, and such powerful Enemies, firmly united all these Provinces under the Dominion of one single Person. They were now in no Danger of being any more attack'd by foreign Enemies, or disturb'd by intestine Commotions, for by his Valour he settled a most firm and lasting Peace ; so that the Wars being at an End, he had Leisure to establish his Kingdom in a better Form, and to provide it with new Laws, and wholesom Regulations, that it might vie with all the other Kingdoms in the West.

¹ Falc. Benev.



C H A P. IV.

The Kingdom is establish'd, and modell'd with new Laws and Officers.



THUS was the Kingdom establish'd, and these Provinces, to wit, the Dukedoms of *Puglia* and *Calabria*, the Principalities of *Taranto*, *Capua* and *Salerno*; the Dukedoms of *Bari*, *Naples*, *Sorrento*, *Amalphis* and *Gaeta*, the two *Abruzzi*, and in fine, all the Countries on this Side of the *Tyber* to the *Sicilian* Streights, formerly divided into many Dynasties, and subject to several Princes, are now united in one large and noble Monarchy, under the Dominion of one single Person.

BUT the *Sicilians* on good Grounds pretend, that as yet these our Provinces were not united in the Form of a Kingdom by it self, and independent of their Kingdom of *Sicily*. They affirm, that they still depended on *Sicily*, and particularly on *Palermo* the Metropolis, where the Royal Palace was, and the chief Officers of the Crown, who had the Government of these Provinces resided.

AND truly, if the first Rise of this Kingdom, and *Anaclet's* Bull, which was the first Foundation of it, be consider'd, 'tis clear, that one only Kingdom was establish'd, which comprehended *Sicily*, as the Head, and *Calabria*, *Puglia* and the other Provinces on this side of the *Phare*, as Members; these are the Words of the Bull; *Et Siciliam Caput Regni constituimus*. Whence we likewise see, that *Roger's* first Titles were King of *Sicily*, of the Dukedom of *Puglia*, and Principality of *Capua*; as if all had been but one Kingdom, comprehending both that Island, and the other Provinces on this Side of the *Phare*. This is evident from the Constitutions of *Frederick II.* compil'd by *Pietro delle Vigne*, where he not only means the Island, but all the other Provinces on this side of the *Phare*; and yet more evident from the Constitution *Occupatis*¹, where *Frederick* assigning to each City of the Kingdom of *Sicily*, one single Lord Chief Justice, and one Judge, he excepts three Cities only, to wit, *Naples*, *Capua* and *Messina*, to each of which, by reason of their Bigness, he sent more, and calls *Naples* and *Capua*, Cities of the Kingdom of *Sicily*. And *Andrea da Barletta*, who was Contemporary with *Frederick II.* says, that by ancient Custom, in *Regno isto Siciliae*, the Laws of the *Longobards*, derogated from those of the *Romans*, and calls the Kingdom of *Sicily*, what is now the Kingdom of *Naples*, which cannot be understood to be the Island of *Sicily*, where the *Longobards* never had footing, and where their Laws were never observ'd. Whence we are convinc'd, that the Popes did not introduce a Novelty, by taking the Kingdom of *Sicily* not only for that Island, but for all the other Provinces on this Side of the *Phare*, of which it was compos'd; but what explains best how much this Kingdom of *Sicily* comprehended, are the Investitures given afterwards to the Princes of *Anjou* in these Words, *Regnum Siciliae citra, & ultra Pbarum*; and the first who made use of this Formula, was *Clement IV.* who in the Year 1265, investing *Charles of Anjou* with the Kingdom of *Naples* and *Sicily*, call'd it *Regnum Siciliae citra, & ultra Pbarum*, and he was the first Pope, who, for the greater clearness,

¹ *Constit. Occupatis lib. 1.*

made use of this Distinction, not but that before him, both the one and the other Realm were understood by *Regnum Siciliae*; whence *Fazzellus*¹, *Arniseus*², and others, unjustly make the Popes Authors of this Formula, as if, contrary to the antient Description of *Italy*, and all the old Historians, and Geographers, of which *Fazzellus* gives us a long Catalogue, who by *Sicily* understood the Island only, they had resolv'd to transfer this Title to the other Provinces on this Side of the *Phare* likewise.

THE same Stile was us'd by the subsequent Popes: and *Gregory XI.* not content with that, in the Year 1363, having made Peace betwixt *Joan* Queen of *Naples*, and *Frederick III.* King of *Sicily*, in his *Diploma*, calls *Naples* the Kingdom of *Sicily*, and *Sicily Trinacria*. And *Martin* King of *Sicily*, likewise in his *Diploma*, calls the Kingdom of *Naples*, *Siciliam citra Pharum*, and *Sicily*, *Siciliam ultra Pharum*; and at last these two Kingdoms being united in the Person of *Alphonfus I.* he was the first, who made use of the Title of *Rex utriusque Siciliae*; which Title his Successors, who possess'd both these Kingdoms, retain'd.

THE *Sicilians*, who pretend that these Provinces under *Roger*, were dependent on the Kingdom of *Sicily*, make use of this Argument, that when *Roger* made *Palermo* his Royal Seat, all the chief Officers of the Crown, on whom the lesser ones, both of the Island and these our Provinces depended, likewise resided there. And 'tis matter of Fact, that after this glorious Prince, in Imitation of *France*, from which he had his Origine, introduc'd into his own Kingdom the High Constables, High Chancellors, Lords Chief Justices, High Admirals, Lords High Chamberlains, Great Protonotaries, and Lords High Stewards: These Supreme Officers of the Crown attended his Royal Person in *Palermo*, and particular Justices, Chamberlains, Constables and Chancellors were sent into these our Provinces, and each of them govern'd a Province³, and were all subordinate to those Seven who remain'd at Court, and therefore were first call'd Masters Justices⁴, or Masters Chancellors, and afterwards High Justices, High Admirals, and High Chancellors; and therefore in *Sicilia Sacra*⁵, we find a Writ dated in the Year 1142, likewise recorded by *Camillo Tutini*⁶, wherein the famous *George* of *Antioch*, *Roger's* High Admiral, calls himself *Georgius Admiratorum Admiratus*; and the so much renown'd *Majone di Bari*, King *William's* High Admiral, in a Letter of this King's to Pope *Adrian IV.* is call'd *Majo Magnus Admiratus Admiratorum*; and he himself in his Writings sign'd *Majo Magnus Admiratus Admiratorum*⁷, as we shall relate more fully, when we come to treat of these Officers.

BUT the Arguments on the other Side, which prove that these Provinces remain'd a distinct Kingdom, and independent of that of *Sicily* under *Roger*, are no less strong and convincing. As soon as *Roger* had made Peace with *Innocent*, he little regarded what *Anaclet* had done by his Bull; 'tis certain that the Dukedom of *Puglia*, under which Name, in the Time of the *Normans*, all *Italy* on this Side of the *Tyber* was comprehended, and the County of *Sicily*, were both erected into Kingdoms, the one independant upon the other; and as by the Writers of this Twelfth and subsequent Centuries, the one was call'd the Kingdom of *Puglia*, or of *Italy*, so the other was call'd the Kingdom of *Sicily*; and their Kings took the Title of *Puglia*, or *Italy*, as well as that of *Sicily*. And the Royal Seat in these Provinces, in those Times, was in *Salerno*; and likewise the City of *Bari* was once reckon'd the Metropolis, *Regiam Sedem*, & *totius Regionis Principem*, as *Marinus Freccia* terms it⁸. Whence came the Fable, that the Kings of *Puglia* were wont to be crown'd in *Bari* with the Iron Crown, so that *Bergeus* in his *Siriade* of *Bari*, says⁹;

————— *Primi unde insignia Regni*
Sceptraque, purpureosque habitus, Sacramque Tiaram,
Sumere tum Reges, Siculique, Italique solebant.

¹ Fazzel. de reb. Sicul. dec. 1. lib. 1. cap. 2.

² Arnif. tom. 1. pag. 519. & 566. num. 6.

³ Anonym. Cassin. anno 1208. Constitutis Magistris Justiciariis Apuliæ, & Terræ Laboris Comite Petro Celano, & Richardo Fundano, &c.

⁴ Camil. Pellegr. in Castig. ad Anonym. Cassin. anno 1208.

⁵ Sicil. Sacr. tom. 3. fol. 275.

⁶ Tutin. dell' Uffic. del. G. Ammir.

⁷ Beatill. Hist. di Bari lib. 2. pag. 108.

⁸ Freccia de subfeud. lib. 1. p. 43. num. 6.

⁹ Alberto Bononiens. in Descript. Ital. Regione X. fol. 224. Beatil. Hist. di Bari, lib. 1. and in the Life of St. Nicolo di Bari.

WHAT is allowable in a Poet, who, perhaps, meant the ancient *Tarantine* Kings, or a feign'd Story, is not pardonable in Historians', who tell us, that the *Norman* and *Suevian* Kings of *Puglia* were crown'd in *Bari* with a Crown of Iron: That the Emperor *Henry* and *Constantia* his Wife, and *Manfred* likewise were crown'd there. Which are all fabulous Stories; for, as shall be shewn in the Course of this History, and which *Inveges*² proves, these Princes were crown'd in *Palermo*, and not in *Bari*. And *Marinus Freccia*³ (whom *Beatillus* ought to believe, and not differ from him without Reason) says, that not having read in any Writer, that the Kings of *Puglia* had been crown'd in *Bari*, in the Year 1551 he went to that City, and inquir'd concerning this Coronation at the People of *Bari*, who were surpriz'd at the Question, as a new Thing, they never having had any Tradition that ever such a Solemnity had been perform'd in former Ages in their City.

BUT tho' those Kings were not crown'd in *Bari* the Metropolis of *Puglia*, nor in *Salerno* the Royal Seat of the *Normans*, but in *Palermo*, yet they valu'd themselves as much upon the Title of Kings of *Puglia* or *Italy*, as upon that of *Sicily*. Amongst the Monuments of our Antiquity, we have as yet many Charters, in which King *Roger*, and *William* his Son, are so intitled. In the third Tome of *Sicilia Sacra*, there is one in which *Roger* takes this Title: *Rogerus Rex Apuliæ*, &c. And in others related by *Ugbellus* we read the same; and *Augustinus Inveges*⁴, who look'd upon these Provinces as Members of the Kingdom of *Sicily*, by the many Charters which he himself relates, wherein the like Titles are found, might have given up the Question; and in the Archives of the Monastery of the Trinity of the Cave, we have seen a *Diploma* of King *Roger's* dated in the Year 1130, the first Year of his Reign, which has the golden Seal appended to it, wherein *Roger* thus intitles himself: *Rogerus Dei Gratia Siciliae, Apuliæ, & Calabriae Rex, Adjutor Christianorum, & Clypeus: Filius, & hæres Rogerii magni Comitis*; whence, in the Decretals of the Popes⁵ our Kings were call'd *Kings of Puglia*.

BUT a *Diploma* related by *Falcon* of *Benevento* deserves more Consideration, wherein this Title is given to *Roger*; *Rogerus Dei Gratia Siciliae & Italiae Rex, Christianorum Adjutor & Clypeus*. Here, in order to avoid the Mistakes into which many have fallen, 'tis worthy of Observation, that *Puglia*, which was always understood to be that Part of *Italy* on this Side of *Rome*, which is wash'd by the *Adriatick* Sea, and which in the Description of *Italy* comprehended only the tenth Province of it, was afterwards, according to the usual Vanity of the *Greeks*, by them call'd *Italy* absolutely; for they being formerly possessed of all *Italy*, and having afterwards very near lost all the other Provinces of it, except *Puglia*, they gave it the Name of *Italy*, that at least by retaining the Name, they might have the Vain-glory to call themselves Masters of *Italy*. Thus we have seen, when they had lost the ancient *Calabria*, and possess'd only *Abruzzo*, and a part of *Lucania*, that they might not diminish their Titles, they continu'd still to appoint Governors of *Calabria*, and sent them to reside in *Reggio*, where they govern'd *Abruzzo*, and that Part of *Lucania* which was left them, and call'd those Countries *Calabria*, which Name they retain to this Day. For this reason *Lupus Protospata* calls *Argirus* Prince and Duke of *Italy*, surely not meaning *Italy* according to its largest Extent, surrounded by both the Seas and the *Alps*, but only *Puglia*, of which *Bari* was then the Head. The same Writer likewise in the Year 1033, calls *Constantinus Protospata, Catapanus Italiae*⁶.

THIS is further prov'd by a *Greek Diploma*, which in the Year 1253, in the Time of the Emperor *Courade*, King of *Sicily*, was translated into *Latin*, and may be seen in *Ugbellus*, in which (these Provinces not being as yet erected into a Kingdom, when this Instrument was drawn up) Count *Roger* is thus intitled: — *Hoc est Sigillum factum a Rogerio Duce Italiae, Calabriae, & Siciliae*; where we clearly see, that by *Italy* the *Greeks* meant only *Puglia*. And in the Life of *St. Nilus*, which was translated from the *Greek* into *Latin* by *Cariophilus*, we read, that *Nicephorus regebat utramque Provinciam, Italianam, & Calabriam nostram*, meaning nothing else by *Italy*, but only *Puglia*, which was then possess'd by the *Greeks*; and in like manner *Charles* of *Anjou*, by the *Greek* Writers, and particularly *Nicephorus Gregora*, is always call'd *Rex Italiae*, but by the *Latins* *Rex Apuliæ*. Yet this *Greek* Idiotism

¹ Inveges hist. di Palerm. tom. 3.

² Freccia loc. cit. num. 4.

³ Inveges hist. Palerm. tom. 4.

⁴ Cap. veritatis de Jurejur.

⁵ V. Pellegr. ad Lup. Prot. A. 1042.

⁶ Ughel. tom. 9. Ital. Sacra, pag. 671.

of calling *Puglia, Italy*, was not only us'd by the Writers of that Nation, but likewise by our *Latin* Authors, as may be seen in *Falcon of Benevento*, who, speaking of the taking of the Castle of *Bari* by the Emperor *Lothaire*, says, *De tali tantaque Victoria tota Italia & Calabria, Siciliaque intonuit* ¹.

THUS while *Puglia* was in the Possession of the *Greeks*, it got the Name of *Italy*, by which was only meant that single Province; but afterwards, when *Puglia*, under the *Normans*, eclips'd all the other neighbouring Provinces, they all came under its Denomination. The Reason was, because the *Normans* first conquer'd *Puglia*, and made the Name of it resound through all the West; so that the Names of the other Provinces being in a manner forgot, especially by Foreigners, the Name of *Puglia* came to denote all *Italy* on this Side of the *Tyber*, and all those Provinces which now make up the Kingdom of *Naples*; as the Eastern People of *Asia*, because of the glorious Actions of the *French* there, call all the Western People *Franks*, which Glory is not new to that Nation; for in the Time of *Otho Frisingensis*, by reason of the frequent Expeditions to the Holy Land, where the *French* made themselves most famous, we read in this Author, that the Eastern People, and especially the *Greeks*, call'd all the People of the West *Franks* ². Therefore *Roger's* taking the Title of *Rex Apuliæ*, ought not to be understood of *Puglia* taken in a strict Sense, but of all that now makes up our Kingdom, in which Sense many Writers take it, as may be seen in *Petrus Bibliothecarius* in the Life of *Paschal*, and in many others ³. This is the Reason why our Writers call it the Kingdom of *Puglia*, before the Popes gave it the Name of *Sicily* on this Side of the *Phare*, or that in latter Times it got that of *Naples*.

THEREFORE, as the *Greeks* had given the Name of *Italy* to *Puglia*, which then comprehended only one Province, it was more reasonable to give that Title to all the other Provinces on this Side of the *Tyber*, which now went under the Name of *Puglia*; and it was a more plausible Thing for *Roger* to call himself King of *Italy*, than of *Puglia*, both because it was a more lofty and specious Title with which the Kings of the *Goths* and *Longobards* had been adorn'd; and because there is no Instance of any King of *Puglia*, without going back to the most ancient Kings of the *Dauni*, *Lucani*, and *Taranto*, of whom *Freccia* treats at large, but to very little Purpose. *Roger* therefore thought fit to take the Title not only of King of *Sicily*, but likewise of *Italy*, meaning by *Italy* only, that Part of it on this Side of the *Tyber*; and the Authors of these Times meant the same, exactly in the same manner, as when by the Provinces of *Italy* these only were denoted, which were under the Government of the Prefect of *Italy*, and not those which were under the Prefect of the City of *Rome*, altho' they were comprehended in the Description of *Italy* taken in its largest Extent.

BY which 'tis evident, that by *Roger's* taking not only the Title of King of *Sicily*, but likewise that of *Italy* or *Puglia*, two Kingdoms were establish'd independent of one another, and not one only, and these our Provinces were not reckon'd a Part of the Kingdom of *Sicily*.

THIS is likewise evident from their peculiar Laws; for these our Provinces, even after they were erected into a Kingdom, own'd no other Laws but the *Longobard*, which Laws were of no Authority nor Use in *Sicily*, which had never been in the Possession of the *Longobards*, because that Nation never had any Naval Forces, so that their Power never reach'd beyond the *Phare*. Thus each Kingdom had its peculiar Laws, according to which it was govern'd, independent of the other; and each of these Provinces had its Lord Chief Justice, with his Tribunals; nor were the Causes which were decided therein, carried by Appeals to *Palermo*, as to a Tribunal superior to all others, but were determin'd there as the last resort, as we shall shortly relate in a particular Manner, when we come to treat of the Officers of the Crown.

AND if we do not find amongst our ancient Records, that *Roger*, or any of his *Norman* Successors, were wont to send any Viceroy to the Kingdom of *Puglia*, to take the Government of all the Realm, as was practis'd afterwards in later Times by the Princes of other Nations; no other Reason can be given for it, but that *Roger*, and the two *Williams* his Successors were wont to come often and reside in *Salerno*, and likewise, because their Custom was to create their Sons either Dukes of *Puglia*,

¹ V. Pell. ad Lup. A. 966.

² Otho Frinf. lib. 7. cap. 4.

³ V. Pell. ad Cast. Fal. A. 1117.

or Princes of *Capua* or *Taranto*, and to intrust them with the Government of these Dukedoms or Principalities, in the same manner as *Roger* did, who having retir'd to *Palermo*, left the Government of these Provinces to his two Sons, *Roger* Duke of *Puglia*, and *Anfusus* Prince of *Capua*.

AND as 'tis true, that the Kingdom of *Puglia* was independent of that of *Sicily*, and had its particular Laws and Magistrates, so likewise it cannot be denied, that the Laws which *Roger* made at this Time, and the supreme Officers of the Crown, which he introduc'd after the manner of *France*, were common to both; and 'tis evident, that the Officers of the Crown were appointed as well for the one as the other Kingdom; which was observ'd until the Island of *Sicily* revolted from the Kings of the Family of *Anjou*, and submitted to the Kings of *Arragon*, as we shall see in the Course of this History.



CHAP. V.

Of the Laws of Roger I. King of Sicily.



ROGER, by his surprizing good Fortune, having in this manner become so great and powerful a King, overcome his Enemies, and reduc'd the rebellious Provinces under his Obedience, resolv'd, by the Means of many useful and provident Laws, to bring them into a State of Tranquillity, in which, by reason of so many and continual Wars, they had not been for a very long Time.

THESE Provinces, as has been often said, had been govern'd by the ancient *Roman* Laws, now in a manner abolish'd, and rather preserv'd by Tradition, as old Customs, than as written Laws. The *Longobard* were the prevailing Laws, which continu'd amongst the *Normans* in full Force, and were religiously observ'd; and tho' the *Pandects* had been found in *Amalphis*, and were begun to be read in some Academies of *Italy*, and particularly in *Bologna*, by the Industry of *Irnerius*, and *Justinian's* Code and *Novellæ* were pretty well known; nevertheless *Roger* would not suffer these Books to be of any Authority in his Dominions; but the *Longobard* Laws were in full Force, and they alone prevail'd in the Courts of Justice, and by them all Causes were decided; of which we have a flagrant Instance, for at this very Time, in the Year 1149, there having arisen a Suit at Law, betwixt the Monastery of *S. Michael the Archangel ad Formam*, near *Capua*, and *Pietro Girardi* of *Madaloni*, the Monks of that Monastery pretending, that the said *Pietro* had taken Possession of some Lands within their Bounds, and which, they said, belong'd to the Monastery; the Cause was first tried by *Richard* and *Leo* Judges of *Madaloni*, and was afterwards decided by them and the Judges of *Capua*, as *Ebolo* the King's Chamberlain had appointed; and after having view'd the contraverted Lands, produc'd the Writings, and examin'd some Witnesses, the Sentence was pronounc'd in Favour of the Monastery. The Process was carried on and decided according to the *Longobard* Laws, and the Instrument of that Decree drawn up *ad futuram rei memoriam*, after the Custom of that Time, may be read in *Pellegrinus*, in his History of the *Longobard* Princes^{*}.

BUT this prudent Prince now perceiving that his Kingdom, by reason of the many Disturbances and Revolutions that had happen'd, stood in need of new Laws for

^{*} Pelleg. pag. 211.

repairing the many Disorders which so many and continual Wars had occasion'd; resolv'd to establish them; and tho' before his Time *Robert Guiscard*, and Count *Roger* his Grandfather, had introduc'd some commendable Customs, of which we have no other Record left us, but what we read in *Hugo Falcandus*¹; yet he was the first, who, in imitation of *Rotaris* King of the *Longobards*, establish'd Laws, which he publish'd by an Edict in the Kingdoms of *Sicily* and *Puglia*, that those Laws might be observ'd as well in the one as the other, and be common to both Kingdoms. These are the first Laws of the Kingdom that were commonly call'd *Constitutions*; and these, together with those of *Frederick II.* his Grandchild, and of the other Kings his Predecessors, were collected into one Volume by *Pietro delle Vigne*, as shall be seen at large when we come to treat of this Collection. *Roger* took the same Method to establish them as the *Longobard* Kings had done; to wit, in the publick Assemblies of the States of Barons, Officers, Bishops, and other Prelates. *Augustinus Inveges*² is of Opinion, that *Roger*, when in the Year 1140, before he went a second Time to *Naples*, having stopp'd at *Ariano*, held the first Assembly of Barons, Bishops, and other Ecclesiastical Prelates there, and made those Constitutions which we have amongst those of *Frederick II.* which were common to all his Dominions, contrary to the Opinion of *Ramondetta*³, who, through Mistake, thought that they were not made for the Island of *Sicily*. And *Falcon* of *Benevento*⁴ relates, that in this Assembly he likewise publish'd an Edict, by which he forbid the Currency of a certain *Roman* Money call'd *Romasina*; in place of which he caus'd another new Money to be coin'd, and to which, as is said, he gave the Name of *Ducato*, and one of them was worth eight *Romasinas*, and had more Copper than Silver in it; he likewise caus'd the *Follari* to be coin'd, so that not only the *Tarini* of *Amalphis*, but these new Pieces were current in the Kingdom.

OF the Laws of this Prince, we have only Thirty-nine scatter'd up and down in the Volume of Constitutions, compil'd by *Pietro delle Vigne*, by the Command of *Frederick II.* and the first is that which we find in the first Book, under the fourth Title *De Sacrilegio Regum*. By which it was reckon'd Sacrilege to censure the Actions, Councils, and Deliberations of the King; which *Roger*, retaining almost the same Words, took from the Law of the Code under the Title *De Crimine Sacrilegii*, wherein the Emperors *Gratianus*, *Valens*, and *Theodosius* establish'd the same; *Roger* instead of the Name of Emperor, put only that of King. Where 'tis worthy of Observation, that the Laws of *Justinian's* Code were of no Force or Authority in the Dominions of *Roger* in his Time; but he would have the Laws which he took out of that Code, to be observ'd as his own, and not as the Laws of a foreign Prince, in the same manner as the *Gothish* Kings of *Spain*, altho' they had taken many Laws from *Justinian's* Code; yet they would have their own Code, and not that of *Justinian* to be of Authority in their Dominions.

WE have that other Law of this Prince under the following Title *De arbitrio Regis*, wherein he order'd the Judges at their Pleasure to moderate those Laws which punish'd sacrilegious Persons so severely, provided that they had not pull'd down Churches, or violently broke them open, or in the Night-time had stole the sacred Vessels, and other Ornaments of the Churches, in which Cases capital Punishment was to be inflicted.

SUMMONTES will have it, that the third Law of *Roger* was the following, under the Title *De Usurariis*, and so likewise will his Translator; but 'tis a manifest Mistake, for it's not *Roger's*, but *William II's*. his Nephew; for it's ordain'd by this Law, that Processes concerning Usury brought before his Courts of Justice, should be decided according to the last Decree publish'd by the Pope in the Court of *Rome*, which cannot be understood but of the Decree made by Pope *Alexander III.* in the *Lateran* Council, which was held in the Time of *William II.* and not of *Roger*, as shall be more fully explain'd, when we come to treat of the Laws of that Prince; whence in the correct Editions, this Constitution begins with *Gulielmus*, and not *Rogerius*.

¹ Hug. Falc. speaking of William I. Ut his, aliisque perniciosis legibus antiquatis, eas restituat Consuetudines, quas Avus ejus Rogerius Comes a Roberto Guiscardo prius introduxas, observaverit, & observari præceperit.

² Inveg. hist. Palerm. tom. 3.

³ Ramond. lib. 1. c. 46.

⁴ Falc. Benev. Monetam suam introduxit, unam cui Ducatus nomen imposuit, octo Romasinas valentem, quæ Magis ærea, quam Argentea probata tenebatur: Induxit etiam tres follares ærcos Romasinam unam appæriatos.

THE Third is that which we read under the Title *De raptu, & violentia monialibus illata*, by which the Ravishers of Virgins consecrated to God, tho' not veil'd, even under Promise of Marriage, were to be punish'd capitally: This was likewise taken from *Justinian's Code* ¹, where that Emperor establish'd the same.

WE read two other Laws under the Title *De Officialibus Reip.*; by the first it was ordain'd, that Officers, who, during the Time of their Administration, should imbezzle the Publick Money, were to be punish'd capitally. By the Second it was ordain'd, that Officers, who by their Negligence should occasion the Loss or Diminution of the Publick Treasure, were to be imprison'd, and oblig'd to make up the Damage out of their own Estates, the King, out of his Royal Goodness, remitting what other Punishment they deserv'd.

WE have the Sixth under the Title *De Officio Magistrorum, Camerariorum, & Bajulorum*, whereby the Justices, Chamberlains, Castellans, and Bailiffs, are order'd to be careful in assisting the Officers of the Customs, and Receivers of the Publick Revenues, and to give them their Advice, and be aiding to them as often as they shall be requir'd; which in the same Words was renew'd by *William* under the Title *De Officio Secreti*.

THE Seventh is plac'd under the Title *De Restitutione Mulierum*, in the second Book; for that which we read in the first Book, under the Title *De Advocatis Ordinandis*, tho' it bears the Name of *Roger*, nevertheless it's *Frederick II's*, as is clear by the Style and the Matters it treats of; whence in some correct Editions, we read not *Rex Rogerius*, but *Idem*, denoting *Frederick* Author of the preceding Law. By this Law *Roger* orders his Officers, upon urgent and proper Occasions to relieve Women in great Distress; which being very general and obscure, *Frederick II.* explain'd the Cases in which they were to assist Women, so that this Emperor publish'd another Constitution, which we read under the Title *De integrum restitutione Mulierum*: In the second Book, he says, *Obscuritatem legis Divi Regis Rogerii Avī nostri de restituendis Mulieribus editam declarantes, &c.*

THE Eighth and Ninth plac'd under the Title *De Pœna Judicis, qui male judicavit*: In the former he condemns the Judges to be branded with a Mark of Infamy, and their Goods to be confiscated, and to lose their Office, if they shall judge wrongfully and deceitfully against the Laws; and if ignorantly, the Punishment is left at the King's Pleasure. In the latter, if for Money they shall condemn any Person to Death, they are to be punish'd capitally.

THE Tenth, which we have under the first Title *De Juribus rerum Regalium*, of the first Book, deserves more Consideration than all the rest, for it's the first Feodal Law establish'd in the Kingdom by our *Norman* Princes. The first who publish'd a written Law concerning Fiefs and their Succession, was, as we have said, the Emperor *Conrade the Salick*. The Emperor *Lothaire* publish'd some others, and one amongst the rest, much to the same Purpose with this of *Roger's*, *De Feudo non alienando*; but tho' *Roger* suffer'd the Laws of the Emperors of the West, down to *Lothaire*, as also all the *Longobard* Laws continu'd in that Volume, to be observ'd in his Dominions, even after they were withdrawn from, and independent of the Empire, yet he would never suffer the Laws of *Lothaire*, his Enemy, to be of any Authority in his Kingdom; therefore, tho' *Lothaire* in the Year 1136, had publish'd a Law at *Roncaglia*, by which Feudatories were forbid to alienate their Fiefs, which being of no Force in the Kingdoms of *Sicily* and *Puglia*, *Roger*, in order to take Care of his Royal Rights, was oblig'd to establish a particular Law, by which he strictly prohibited not only all the Counts, Barons, Archbishops, Bishops, Abbots, and all others whoever, that held Fiefs or Royalties, how great or small soever they might be, to alienate, give, sell, either in whole or in part, or in the least to diminish them; and he likewise extended this Prohibition to the Princes, who were then his own Sons, to wit, *Roger* Duke of *Puglia*, *Ansfusus* Prince of *Capua*, and *Tancred* Prince of *Taranto*; for at this Time, as *Hugo Falcandus* ² relates, none could aspire to the Title of Prince or Duke, excepting the King's Sons; and therefore *Roger*, in this Constitution calls them *Principes nostros*. And this is that Constitution so much commended by *Frederick*, and which he afterwards extended to all other Contracts, Alienations, Transactions, Arbitrations, and *Excambions*, giving Power to those, who, without his Consent and Liberty,

¹ L. Raptus, C. de Raptu vir.

² Falc. fol. 69, & 70.

should make Alienations, to revoke them *proprio jure*, which still continues to be practis'd at this Day, and is quoted by our Barristers, who have a great Regard for this Constitution of *Frederick's* ¹, it begins, *Constitutionem Divæ memoriæ Regis Rogerii Aui nostri super prohibita diminutione Feudorum, & rerum Feudalium ampli-antes, &c.*

THE Eleventh, which we read under the third Title of the same third Book; deserves no less Consideration; for by it we see that it has always been lawful for Princes to restrain, and hinder their Subjects from taking any Orders, when it was a Detriment to the Commonwealth, or the King's Royalties. So we see that *Constantine the Great* prohibited those that were Rich to do so; and the Emperor *Mauritius* hinder'd his Soldiers from turning Monks, of which *Gregory the Great* so much complain'd, though he did not look upon it as a Thing not in the Emperor's Power to command; but that it was of pernicious Consequence, out of worldly Respects, thus to put a Restraint on the godly Motions of the Soul. *Roger* by this Law, moderating another of his Constitutions, by which all Plebeians in general, without the Permission of their Masters, were forbid to take Orders; establish'd, that only those Plebeians could not take Orders, who were tied to personal Service, such as the *Ascriptitii*, Ploughmen, and such like; but those that were oblig'd to serve on account of their Holding, or Estate, wherewith they had been invested, could do so even without the Leave of their Superiors; but in such Case, they were first to resign their Estate, and then take Orders.

ROGER's twelfth Law, under the Title *de dotario constituendo*, likewise relates to Fiefs, and is the Second that this Prince publish'd about them. In this, Barons and other Feudatories, notwithstanding the Prohibition of Alienating, are allowed to settle a Dowry on their Wives, answerable to the Fiefs they possess, and according to their Number and Quality. Counts and Barons, who hold several Castles, are allow'd to assign one of them for a Dowry to their Wives, provided it be not that Castle, from which the Barony or County takes its Name. Thus it shall not be lawful for the Count of *Caserta* to give *Caserta* for a Dowry; but another Castle of his County; whence our Authors ² have learnt, that the giving a simple Assent, never extends to the Head of the Barony or County.

THE Thirteenth, which we have under the Title *de Matrimoniis contrahendis* ³ likewise deserves Consideration. By it we see plainly, that in *Roger's* Time it was not look'd upon as an improper Thing for Princes, to establish Laws concerning Matrimony; of which *Giovanni Launojo* has taken Notice in his Treatise; *Regia in Matrimonium potestas* ⁴; neither has he neglected that of *Frederick II.* which begins, *Honorem nostri Diadematis*, agreeable to this of *Roger's*. The Popes had not as yet assum'd to themselves this Authority, which afterwards by *Innocent III.* ⁵, and more by some of his Successors was look'd upon as peculiar to them, and which they usurp'd from the secular Princes. The *Theodosian* and *Justinian* Codes are full of those Laws, and till the Times of *Theodorick* and *Luitprand*, Kings of *Italy*, we read, that secular Princes not only made Laws concerning the Manner and Form of contracting Marriages, but likewise regulated the Degrees, in which they were forbidden, and it was the Prerogative of Princes to dispense with them; and *Cassiodore* in his Books, has left us the Form of such Dispensations. *Roger* in this Law order'd, that Marriages, after Betrothing, and the Priest's Blessing, should be solemnly and publickly celebrated, and altogether prohibited clandestine Marriages, insomuch that the Sons born of such Marriages, were not to be reputed lawful, nor could they succeed to their Fathers, neither by Testament nor *ab intestato*; and the Daughters were to lose their Portions, as if neither Portion nor Marriage could proceed from Contracts enter'd into against his Law. Nevertheless he did not subject Widows to the Rigour of this Law; neither did it take place with regard to Marriages contracted before the Publication of it. *Frederick II.* afterwards put another Restraint upon the Counts, Barons, and all the other Feudatories, that they could not marry without his Consent; and Women being allow'd to succeed to Fiefs, the Barons were forbidden to give their Daughters, Grandchildren or Sisters in marriage without his Approbation, that the Fiefs might not be transmitted to strange Families,

¹ Constit. Regn. lib. 3. tit. 5.

² Afflic. decil. 265. 2. col. Loffr. in paraphr. c. 8. col. 3. in prin. & in cons. 39. num. 30.

³ Constit. lib. 3. cap. 1.

⁴ Laun. 3. par. art. 2. cap. 8.

⁵ C. Inhibitio de Clan. despons.

of whose Fidelity it concern'd the Prince to be well satisfied, as he order'd it in the Constitution *Honorem nostri Diadematis*, under the Title *de Uxore non ducenda sine permissione Regis*.

ANDREA D'ISERNIA, who was a Guelf, and therefore a Detrafter of *Frederick's* Actions, writing under the Kings of the Family of *Anjou*, in an Age wherein other Maxims prevail'd, and blaming *Frederick*, to the Words *Honorem nostri Diadematis*, adds, *imo destructionem animæ istius Frederici Imperatoris prohibentis per obliquum matrimonia instituta a Deo in Paradiso*. As if it had not belong'd to the Oeconomy of the Prince to make Laws concerning Matrimony, and more especially that of his own Barons¹, and often to put a Stop to it, when it was evident that it would prove prejudicial to the State, occasion'd intestine Broils betwixt noble Families, and bred Factions; of which our Authors, and among the rest *Francesco Ramos*², have treated at large. And besides 'tis certain, that *Frederick* was not the first, who establish'd this Law, he found it in his Kingdom, and its first Author was *William* surnam'd the *Wicked*. The Barons did not complain of the Law, but of the bad Use that *William* made of it, for this Prince, that the Fiefs might devolve to himself, either never gave his Consent to the Marriage of their Daughters, or delay'd it till they were old and past Child-bearing, of which, according to *Hugo Falcando*³, the Grandees of *Sicily* not only complain'd, but on that very account rais'd a Rebellion against *William*. This Law was observ'd in *Sicily* till the Reign of King *James*, who in a Parliament held there, caus'd it to be abolish'd⁴. And with us it continued to the Reign of *Charles II.* of *Anjou*, who in one of his *Capitula*⁵, establish'd in the Plain of *St. Martin*, reform'd it.

NEITHER is Roger's fourteenth Law less remarkable, under the Title *de Administrationibus rerum Ecclesiasticarum post mortem Prælatorum*; for we find in it many considerable Matters. First, what Roger says is well worth our Notice, that all the Churches of his Kingdom, and particularly those that want Pastors, were under his Protection. Secondly, that seeing according to an uninterrupted and never contraverted Custom, after a Prelate's Death, the King's Officers took the Care and the Administration of the Revenues, until the Church was provided; if these Officers did not perform their Duty according to the Directions given them; he thought fit to make a Law, by which he order'd, that after the Death of Prelates, the Officers were no more to have the Administration and Care of Churches; but that they should be committed to three of the best, most faithful and discreet Persons of the Church, who were to have the Charge and Direction of them till they should be provided; in the mean time they were to distribute the Incomes, one Part to those that serv'd the Cure, and the other for the Fabrick, or other Necessaries of the Church; and when the Pastor was elected, the Remainder was to go to him, or he was to have an Account how it was laid out. The *Spolia*, introduc'd since by the Court of *Rome*, were not known then, and would have been look'd upon as tending not only to the Ruin of Ecclesiastical Discipline, but of the good Government of Kingdoms; all belong'd to the Church, and was laid out for the Use thereof, and the Remainder was reserv'd for the Successor. There were no Nuncios, nor Collectors, nor Commissaries, to plunder the Prelate's House before his Breath was well out⁶. Whence our Kings, as well as those of *France* boast of their *Regalia*, which among others, King *Conrad* claim'd⁷; and have always taken care that the Revenues of Churches should not be put to wrong Uses, and have often order'd them to be sequestrated for the Repair of the Fabricks, and therefore made many useful and wholesome Laws to that Effect, witness *Ferdinand I.* of *Arragon*, King *Frederick*, the great Captain, the Duke of *Alcala*, and others, as may be seen in *Chioccarello*⁸.

¹ V. Andreas disput. Feud. cap. 3. §. 8. num. 46.

² Ramos ad L. Jul. & Pap. lib. 3. cap. 49, 50 & 51.

³ Hug. Falcand. Hist. Sic. Filias suas innuptas domi toto vitæ tempore permanere; nec enim inter eas absque permissione Curie matrimonia posse contrahi; adeoque difficile permissionem hanc hæcenus impetratam, ut alius quidem tunc demum liceret nuptui dare, cum jam omnem

spem sobolis fenestris ingruens substulisset; alias vero perpetua virginitate damnatas sine spe conjugii decessissent.

⁴ Cap. Regn. Sicil. cap. 22. in Matrimoniis.

⁵ Cap. Item Statuimus, de Matrim. contrah.

⁶ V. D. Juan. Chumacero y Carillo, Memorial. c. 8, 9. numb. 61.

⁷ Diploma Conradi apud Math. Paris in Hist. Anglic.

⁸ Chioc. tom. 17.

NEITHER ought we to neglect that which *Andreas d'Isernia*¹ observ'd upon this Constitution of *Roger*, which he erroneously believ'd to be *William's*, saying, that when it was establish'd, it appear'd to be just and regular, because the Volume of the Decretals was not then compil'd; and that tho' *Roger* made this wholesome Law, yet afterwards, the Canonists would not receive these Laws of secular Princes, *etiam si pro eis condantur, quia nolunt, ut ponant falcem in messum alienam*. But before the Volumes of the Decretals came forth, it was not preposterous in Princes to establish such Laws, and particularly our Princes, who having founded almost all the Churches in the Kingdom out of their own Patrimony, it was but just, that they should be under their Power and Protection.

WE have *Roger's* fifteenth Constitution in the third Book, under the Title *de Prohibita in terra Demanii constructione Castrorum*. Whereby he forbids any Person whatsoever, to build Castles or Forts, under Colour of better Defence, within the King's Demains; but that those of the King, or his Royal Protection, were to be their Security. The Sixteenth, is under the Title *de injuriis curialibus personis irrogatis*, by which, in punishing Offences, the Judges are order'd to have a special Regard to the Persons against whom they are committed, by whom, in what Place, and at what Time; and if they are done against his Officers, he declares the Offence not only as done them, but likewise his Royal Dignity to be offended.

THE seventeenth Law, which is under the Title *de probabili experientia Medicorum*, is the first that was establish'd among us, in order, as much as possible, to prevent those Mischiefs, occasion'd by the Ignorance of Physicians. Formerly the most prudent *Romans* look'd upon the Choice and Approbation of Physicians, as not belonging to the *Præsides* of the Provinces, but to the *Decuriones* of the Cities, for the Reason which *Ulpianus*² elegantly expresseth in these Words; *Ut certi de probitate morum, & peritia artis, eligant ipsi, quibus se, liberosque suos in ægritudine corporum committant*. By this Law *Roger* ordain'd, that none should practise Physick, but those who shall first present themselves before his Officers and Judges, in order to be examin'd, and declar'd qualified for that Employment, and if any should be so bold as to practise Physick without this Examination, they are to be imprison'd, and to have their Goods confiscated. *Frederick II.* explain'd this Law of his Grandfather more at large, and establish'd many other Laws concerning Physicians, by which the *Schola Salerni*, was erected into an Academy, as also that of *Naples*, where this Prince was pleas'd to found another more famous and renown'd, as shall be related when we come to treat of the Actions of this glorious Emperor.

We likewise read under the Title *de nova militia*, another Constitution of *Roger's*, which is the Eighteenth, by which he forbid the inrolling of any Persons in the Army, if they were not of military Extract; and likewise allow'd none to be Judges, or Notaries, but those whose Fathers had been of the same Profession. *Frederick* confirm'd this Law by the following Constitution, and also added, that no Person of mean Extract could exercise these Offices, nor serve in the Army, if by the Father's Side he was not descended of Soldiers. However 'tis true, what *Bartholomew* of *Capua* attests, that in his Time these Constitutions were not observ'd in the Kingdom of *Sicily*, though he had heard that such was the Practice in *France*, which *Roger* would imitate. And *Summontes* very appositely observes, that this Constitution was *Frederick's* and not *Roger's*, as the Inscription in the vulgar Edition bears, by which it's evident, that by this, *Frederick* confirms that of his Grandfather *Roger*, for the preceding is mention'd in these Words, *contra prohibitionem divæ memoriæ avi nostri*. Besides, this is confirm'd by what *Ricardo da S. Germano* relates in his Chronicle, wherein he says, that amongst the other Constitutions which *Frederick* made in the Parliament held at *St. Germano* in the Month of *February*, of the Year 1232, that *de Militibus* was one; as *Tutini dell' Origine de' Seggi* also observes³.

THE Nineteenth, is that which we have under the Title *de Falsariis*, by which those who should counterfeit or alter the King's Writs, or Seal, are to be punish'd capitally. The Twentieth is under this Title, *de eudentibus monctam adulterinam*,

¹ And. d'Isernia non erat compilatum volumen Decretalium. Et quamvis utiliter statuat pro Ecclesiis, tamen Canonistæ non recipiunt

leges Principum secularium, etiam, &c.

² Ulp. lib. 1. D. de decr. ab ord. faciend.

³ Tutin. Orig. de Seg. cap. 14.

whereby not only the Coiners of false Money were to be punish'd with Death, but likewise those who should knowingly receive it, or in any Manner consent to so great a Crime. The Twenty-first is under the Title *de razione monetæ*, by which those are likewise punish'd with Death, and their Goods confiscated, who shall be so bold as to clip, or in any manner diminish the Gold or Silver Coin.

WE afterwards read Seven other Laws dispos'd under as many different Titles, by which Forgers are condemn'd to various Punishments. The first excuses those who ignorantly shall make use of false Writs. The second punishes with *pœna falsi* those who shall imploy false Witnesses. The third condemns to the same Punishment, those who conceal, raze or cancel publick Deeds. The Fourth, deprives those of their paternal Inheritance, who cancel or conceal their Father's Wills, in order to succeed them *ab intestato*. The Fifth declares, that the Quality of the Person aggravates, or lessens the *pœna falsi*. The Sixth inflicts capital Punishment on those who shall have or sell Poison, or hurtful Medicines, to distemper one's Senses; and the Seventh declares, that they shall not go unpunish'd, who shall give Love-potions, or hurtful Food, altho' no Harm should follow; which Constitutions were afterwards approv'd of by *Frederick*, and more fully explain'd in the following Titles.

By the following Laws of this Prince, we clearly see among his other Virtues, how much he had at Heart the Chastity and Honour of Women. By the Twenty-ninth, which we have under the Title *de pœna Adulterii*, Husbands cannot pursue their Wives before a Judge for Adultery, if they shall allow them, in their own Presence, to commit lascivious and lewd Actions with their Gallants; and in the Thirtieth, which follows under the Title *de probibita quæstione fœminæ*, not only Infamy, but severe Punishment is to be inflicted on Husbands that shall suffer their Wives to commit Adultery.

THE other Six that follow are no less to be commended; by the first he prohibits modest Women to converse with Prostitutes; to whom nevertheless no Violence is to be offered. By the Second, *de repudiis concedendis*, the Husband is allow'd to demand a Bill of Divorce against his Wife, provided he has just Cause to accuse her of Adultery. By the Third, *de Lenis*, Bawds and Pimps, are to be punish'd in the same Manner as Adulterers. The Fourth, confirm'd afterwards by *Frederick*, is terrible against Mothers, who prostitute their Virgin Daughters; for, besides their being punish'd as Bawds, their Noses are to be cut off; it ends with these serious Words; *Castitatem enim suorum viscerum vendere, inhumanum est, & crudele*: But if any Daughter shall have prostituted herself, and the Mother only give her Consent, the Punishment is left to the Discretion of the Judge. By the Fifth, under the Title *de pœna Uxoris in adulterio deprehensæ*, the Husband is allow'd to kill both the Wife and the Adulterer, provided he find them in the Act, and do it without delay; and by the Sixth, under the Title *de pœna Mariti ubi Adulter causæ fugit*, it is enacted, that if the Husband suffer the Adulterer to escape, and shall keep the Wife, he is to be punish'd as a Pimp, unless he could not prevent his Escape.

ROGER having thus by these Laws secur'd Womens Virtue, was no less careful of the Security of Men; for which End we read other Three of his Laws, which are the last we have of this Prince, and compleat the Number of Thirty-nine. By the first, under the Title *de venditione liberi hominis*, he who shall knowingly sell a free Man, is condemn'd to Slavery. By the Second, under the Title *de incendiariis*, those, who maliciously shall set Fire to another Man's House, are to suffer capital Punishment. And by the last, the same Punishment is inflicted on any Person, who, by coming down a steep Place, shall loosen and tumble down a Stone, or a Branch, by which a Man is killed, and does not cry out, or give Advertisment; the Rigor of which was afterwards moderated by *Frederick* in one of his Constitutions.

THUS did Roger, by these provident and useful Laws, settle and re-establish his Kingdom. And tho' some of these Laws concern'd Marriage, Divorce, Church Government and the Clergy, yet Princes were not thought to exceed the Bounds of their secular Authority, when they made them. Those Complaints were not as yet heard of, which the Popes made afterwards concerning the Breach of their Ecclesiastick Immunities, and that it was *mittere falcem in alienam messem*, for Princes to make such Laws. But it was not long before they put in their Claim, which was
done

done by Piece-meal, till Gregory IX. put the last Hand to it, by reducing into one Body all the Rescripts which made for the *Roman Grandeur*, and wresting to general Use, those that were intended for a particular Place, and perhaps for one single Case only, and publish'd the Decretal, which laid the first Foundation of the *Roman Monarchy*. Thus in our Kingdom, to the antient *Roman Laws*, retain'd rather as Customs, than written Laws, and to the *Longobard Laws*, Roger added his Constitutions, which, without respect to the *Roman* and *Longobard*, were reputed particular Laws; whereas the former were common and general ones.

S E C T. I.

Of the particular Feodal Laws of this Kingdom.

BUT, as we have said elsewhere, Baronies and Fiefs being multiplied in these Provinces, as they were likewise over all *Italy*, a new Law call'd the *Feodal* also started up. This was at first introduc'd into the Cities of *Italy* by the Customs of the *Longobards*, which were various and different, according to the several Usages of each City; so that the Feodal Law at first, could only be said to be the unwritten *Longobard Law*, whence some have wittily call'd it the *Child of Time*, introduc'd into *Italy* by the *Longobards*, not by Writ, but Custom; it prevail'd afterwards to that Degree, that *Conrad the Salick* first thought fit to add it to the written Laws; as the other Emperors his Successors, after his Example did; so that the common Feodal Law was made up of the Feodal Customs introduc'd by the *Longobards*, and the written Laws of the Emperors; and when other Countries came to adopt it, it was first receiv'd in *Italy*, and afterwards over all *Europe*. And for this Reason, with respect to Fiefs, there was no Difference betwixt those who liv'd under the *Longobard Laws*, and those who were govern'd by the *Roman*; for the *Romans* knew not what Fiefs were, and when a *Roman* was invested with a Fief, he was oblig'd to observe the *Longobard Law*, by which Fiefs were regulated, seeing nothing could be gather'd from the *Roman*.

AS this *Jus commune Feudale*, was equally observ'd over all *Italy* before Roger's Time, so it had Force and Authority in these our Provinces. But now that Roger had form'd them into a Kingdom, and withdrawn them from the Empire, as this prudent Prince had added his own Laws, particularly adapted to his own Dominions, to the common *Roman* and *Longobard Laws*, so likewise he would add to the common Feodal Law, some particular Feodal Laws of his own, which were to be observ'd in his Kingdom, and among his Constitutions which are yet extant, there are Two concerning Fiefs. The two *Williams* his Successors, following his Example, added other Feodal Laws; and lastly, *Frederick II.* establish'd many more, which we read in the Volume of Constitutions; whence in our Kingdom the *jus commune Feudale*, contain'd in the Feodal Books, is not the same with our particular Feodal Law, which began by Roger, and afterwards enlarg'd with many Constitutions, Pragmaticks, &c. by *William* and *Frederick*, and other Kings, came to be what we now see it, as we shall shew in a more fit Place. But we are to observe, that *Frederick II.* being both Emperor and King of *Sicily*, those Constitutions of his, which we find in the Feodal Books, belong to the *jus commune Feudale*; and those which are in the Volume of our Constitutions, to the *jus Feudale particulare* of the Kingdom of *Sicily*.

ROGER then, as he was the first, who added new Laws to the *Roman* and *Longobard*, so he was likewise the first, who, to the common Feodal Law, added new particular Feodal Laws in his Kingdom, by which a new Method of succeeding to Fiefs contrary to the *Longobard Laws*, was introduc'd; and it was on this Account, that the new *jus Francorum* was brought in, whence with us, that Distinction of Fiefs, *de jure Longobardorum*, & *Francorum*, became so famous.

AMONG the other good Qualities of this Prince, that Custom of informing himself of the Laws and Usages of other Nations, is much applauded by Writers, and what he thought commendable, he introduc'd into his Kingdom; but he lov'd no Nation so much as the *French*, from which he was descended; therefore he chose

to introduce all those Usages, and Customs which he observ'd in that most flourishing Realm, into his own new Kingdom; for the same Reason, as we shall shew anon, he brought into it the Seven Officers of the Crown as they were in *France*; but being too great a Lover of the *French*, he gave Jealousy and Uneasiness to his Subjects of *Sicily* and *Puglia*, who saw themselves neglected and Foreigners preferr'd¹.

HENCE, as we have said, the Fiefs *juris Francorum* had their Rise in our Kingdom, for *Roger* often sending to *France* for Captains and *French* Soldiers, and that Nation being look'd upon as superior to all others for military Valour, he made use of them in all his difficult Expeditions; and *Hugo Falcandus* says, *Transalpinos maxime cum ab Normannis Originem duceret, sciretque Francorum gentem belli gloria cæteris anteferri, plurimum diligendos elegerat, & propemodum honorandos*. And this Custom was also kept up afterwards by the Two *Williams* his Successors; but in the beginning of the Reign of *William II.* the *French* were in so great Favour at his Court, that he did not stick to make a *Frenchman* his High Chancellor, whence that Nation grew so numerous in his Court, that it gave great Offence to the Natives².

THUS it happen'd, that those Captains fighting gallantly under the Banners of *Roger*, and the two *Williams*, were by them invested with many Fiefs, so that they forsook *France*, and settled their Families in these Provinces; but did not relinquish their own Customs which they had brought from Home; and till the Time of *Frederick II.* they were allow'd to have their Causes tried in the Courts of Justice, according to the Laws and Customs of their own Country, among which the most considerable was, that the eldest Son succeeded to the Fiefs, exclusive of all the other younger Brothers, contrary to what was very imprudently practis'd by the *Longobards*, who divided their Fiefs amongst all their Sons, to the Decay both of their Families and Fiefs; and was the chief Cause of their Ruin in these Provinces, as we have formerly observ'd. Over all *France*, as *Otho Frisingensis* and *Cujacius* witness³, it was wisely ordain'd, that the eldest Sons only should succeed to Fiefs, as the sure way to preserve the Grandeur of their Families. Accordingly all those *French* Captains and Soldiers, that were invested with Fiefs in these Provinces, kept up that Custom; and *Roger* and the two *Williams*, not only allow'd of it, but likewise of all their other Laws; insomuch that *Frederick II.* in order to avoid the Confusion which those so different Laws occasion'd in this Kingdom, was forc'd to establish a special Constitution, under the Title *de jure Franc. in judic. Subl.* by which he revok'd that Privilege of using their own Customs; and by that his other famous Constitution *Monomachiam*, he abolish'd that barbarous Custom of Duelling, which they practis'd.

HOWEVER he did not forbid, but approv'd of as very commendable, their Custom, whereby the eldest Son succeeded to the Fiefs; whence it came to pass, that with us all Feudatories were distinguish'd by Franks, and *Longobards* by Franks, meaning those who succeeded to Fiefs *jure Francorum*, and by *Longobards*, those who according to the antient Usage, admitted all their Sons to succeed to their Fiefs. The *jus Francorum* therefore, was look'd upon as a special Law, with respect to the *jus Longobardorum*, which was the common Law, insomuch that *Andrea d'Isernia*⁴ writes, that he who call'd himself a Frank, and therefore not oblig'd to divide with his Brothers, but alledg'd a special Law for it, was bound to prove it, because it was commonly presum'd, that every Man was to be govern'd according to the *jus commune* of the *Longobards*, which appointed Fiefs to be divided amongst Brothers.

THIS special Law then of succeeding to Fiefs after the Manner of the *French*, was introduc'd into the Kingdom by *Roger*, who not content with having establish'd so wholesome Laws in his Kingdom, and having introduc'd new Customs and Usages from *France*; he would likewise bring in the Chief Officers of the Crown according to their Usage, and other new Dignities, to make his Kingdom the more Majestick.

¹ Hug. Falcand.

² Ibid.

³ Cujac. lib. 1. de Feud. tit. 9. in fin.

⁴ And. Iser. in Const. prolequentes.



C H A P. VI.

Of the Officers of the Crown.

AFTER the sublime Dignity of *Maire of the Palace* was sunk in France, in the Line of *Hugh Capet*, it was thought both convenient and necessary to suppress and extinguish it intirely, it having been most pernicious to the Princes, as may be seen in the Reign of *Chilperick*. The Suppression of this high Dignity gave Rise to four other great Offices, which had formerly been swallow'd up in that of the *Maire of the Palace*, who was therefore call'd Chief of Chiefs, and Duke of Dukes; and very justly liken'd to the *Præfectus Prætorio* under the last Roman Emperors. All Causes relating to War, Peace, Justice, the Finances, and the King's Household were brought before him: In fine, he was Superintendent-General of all the Officers of the Kingdom, without Exception.

THEY who executed these four Offices were call'd *Officers of the Crown*, they were dignified with the Title of High, and acknowledg'd no other for their Head and Superior, but the King himself; but the High Constable was Intendant-General of War, and had the Command of the Armies in the Field. The High Admiral was Head of the Naval Forces, who in War and in Peace had the Command at Sea. The High Chancellor was the Chief Minister of Justice, and Head of all the Officers of Peace, and the Magistrate of Magistrates, on whom depended all the Judges and Protonotaries, and all the other inferior Chancellors. The High Treasurer, or Chamberlain, was Head of the Chamber of Accounts, and supreme Officer of the Finances; and the High Steward was Judge of the King's Household, and had the Government thereof.

ALL these were call'd Officers of the Crown, or Kingdom, because they did not concern themselves with the Service of the King's Person, but with that of the Kingdom; and Roger, as soon as he had establish'd his Kingdom, introduc'd these Officers, together with the lesser subordinate Ones. Formerly these our Provinces had no such Officers, but the Offices were perform'd by different Persons under other Titles; and tho' the *Goths* had some Knowledge of them, as may be seen in *Cassiodore*, from whom 'tis thought the *French* took them; yet these having been driven out by the *Greeks*, and the *Greeks* by the *Longobards*, we find that neither of them made use of such Officers, while they govern'd these Provinces'. The *Greeks* govern'd them by *Stratici*, and *Catapani*; whence there is yet some Vestige among us of these Officers. In *Salerno* the Title of *Stratico* is still kept up, as also in *Messina*. In *Puglia* the *Catapani* were very famous, whence a Province of this Kingdom retains the Name of *Capitanata* from the Title of this Magistrate. The *Greeks* had other Officers, such as the Masters of the Horse, by whom the Dukedom of *Naples* was long govern'd. They had Patricians; the *Protospata*, and many others; but never those abovemention'd. Only there are some who say, that the Office of Protonotary was originally *Greek*, but of that we shall speak in its Place.

THE *Longobards* certainly had no such Officers, they divided their Governments first into *Castaldati*, over each of which they put a *Castaldo*, to whom belong'd both the Affairs of War and Justice. Afterwards they created Counts, who

' Marin. Trecc. de Subfeud pag. 21. a ter.

at first were only Officers, and not Lords; each having the Government of a County committed to him, till in process of Time that began to be alter'd, and from Offices they were converted into Fiefs and Lordships, as we have observ'd elsewhere.

THEREFORE it was the *Normans*, and especially the renown'd *Roger*, who, after he had united his Dominions into a large and potent Kingdom, thought fit to introduce those Offices, which in other Kingdoms, and particularly in *France*, were look'd upon as peculiar to the Royal Crown, and as so many Lights made it shine the brighter.

S E C T. I.

Of the High Constable.

THE High Constable, according to the general Opinion of Writers, and justly, was exalted above all the rest, and held the first Place. At the first Institution, he was call'd by the *French*, the King's Great Master of the Horse; and therefore by *Aimon*¹ he is call'd *Regalium Præpositus Equorum*, as his Title in *Latin Comes Stabuli* likewise imports, and which we frequently meet with in ancient Books. *Caronda*² quotes many Passages; *Loyseau*³ is of the same Opinion, contrary to that of some Moderns, and especially *Cujacius*⁴.

HE has two great Prerogatives; the one as Keeper of the King's Sword, for at his Promotion to this high Dignity, the King delivers him his naked Sword into his Hands, upon which at that Instant he swears Fealty, and does Homage, just so as is related of the Emperor *Trajan*, who giving his naked Sword to *Sura Licinius*, *Præfectus Prætorio*, said these remarkable Words to him: *Accipe hunc ensen, ut si quidem recte Reip. imperavero pro me, sin autem secus, in me utaris*. Therefore the Badge of this Dignity is a naked Sword, as our *Torquato Tasso* has well express'd it in the Person of the High Constable of *Egypt*, whom he places in that Assembly on the King's Right-Hand, as having the first Place above all the other Officers of the Crown, and gives him the naked Sword for his Badge.

*A Sword was put into the Worthiest's Hand
Naked, an Emblem of austere Command.*

THE other Prerogative is, that in the Armies he has the Command over all Persons, even the Princes of the Blood; appoints the Quarters, Disciplines the Troops, distributes the Centinels; the Marshals, and all other inferior Officers take their Orders from him: In fine, he has the supreme Command of the Armies while they are in the Field.

BUT he exercises all this Authority and high Command in the Army only when they are in the Field, not when in Garrison, nor does it extend to the Governors of Provinces; so that they are in the Wrong, who make the High Constable's Power the same with that of our present Viceroys, who not only have the Command of the Armies in the Field, but likewise in Garrison; and all Governors of Provinces, and other Officers of the Crown, as well at Land as at Sea, are subject to them: But 'tis evident, that the Prerogatives of the High Constable are lodg'd in the Viceroys; for all Things relating to War belong to them, and they dispose of the Armies in the Field, and all the Generals and Marshals obey them; but when the Viceroy is out of the Kingdom, and none other deputed by the King, the High Constable, on sudden Emergencies, and when Necessity requires it, may take his Authority upon him, and exercise his ancient Jurisdiction, according to *Marinus Freccia*⁵.

THE first Constable that we find amongst the ancient Records in the Reign of *Roger*, was *Roberto di Bassavilla*, Count of *Conversano*⁶. He was the Son of another

¹ Aimon lib. 3. cap. 7.

² Caron. in the 1st Book of his *Pandects*, cap. penult.

³ Loyl. Book 4. Of the Officers of the Crown,

cap. 2. num. 15.

⁴ Cujac. L. un. de Comit. & Tribun. Sclar.

⁵ Frec. de Subfeud. de Offic. M. Comeft. n. 23.

⁶ Ug. Falc. hist. Sicil. fol. 21.

Robert, likewise Count of *Conversano*, and of *Judith* Sister to *Roger*; he was employ'd by *Roger* in all his difficult Undertakings, and on account of his great Skill in military Discipline, deserv'd to be rais'd by this Prince to that high Dignity. In the Reign of *William I.* he made himself more renown'd, and by this Prince was invest'd with the County of *Loritello*; but afterwards, he joining in Rebellion with some other Barons, put the Kingdom all in Confusion, whereupon *William* stripp'd him of this Dignity, and gave it to *Simon* Count of *Policastro*, his Cousin, who was the second Constable, of whom we shall have occasion to discourse more at large in the Reign of *William*; and in the Time of *William II.* *Robert* Count of *Caserta* was Constable¹.

IT IS worthy of Observation, that these Constables (as also all the other supreme Officers) who were at first call'd *Maestri Contestabili*, and afterwards *Magni Contestabili*, were common both to these our Provinces, and to *Sicily*, till that Island was taken by the Kings of *Arragon* from those of *Anjou*; and tho' our Barons were frequently rais'd to this Dignity, because of their large Counties, and their Relation to the Princes themselves, who at this Time did not think it below them to marry into their Families, and the great Figure they made above all the Barons of *Sicily*, yet they resided on their own Estates; but when the *Norman* Kings fix'd their Royal Seat in *Palermo*, they regularly resided at Court with the King, who employ'd them in the most important Affairs of State. Therefore there's no occasion to confound them with the lesser Constables, who were sent to a particular Province, to whom either the Government of some City was committed, or the Command of some Regiments of Horse or Foot was given; for tho' these were likewise call'd Constables, yet their Office was very different from and much inferior to that of the Great Constables, who were call'd *Regni Comestabuli*. Thus in the Chronicle of *Not. Riccardo di S. Germano*, written in the Time of *Frederick II.* we read, that *Philippo di Citero, erat Comestabulus Capuæ*. And in later Times we find many Charters recorded by *Tutini*², in which the Constableship was restricted to the Government of one City only, and to one particular Duty; so we frequently find in the Writs of the Royal Archives of *Zecca*, *Henricus Comestabulus Foggiaë*; and in some Instruments of the same Archives, we also read; *Franciscus Garis Comestabulus Viginti quatuor Balestrarum*; and elsewhere, *Franciscus de Diano Comestabulus Peditum*.

SO likewise the King's Masters of the Horse are call'd *Comestabuli Regii Hospitii*. And in like manner the Captains of the Soldiers that were in each Province of the Kingdom, whom we now call Captains of Batallions, got the Title of Constables. Therefore we find *Pietro della Marra* Constable of *Terra di Lavoro*; *Guglielmo Ponticciaco* Constable of *Basilicata*; *Mattia Gesualdo* Constable of *Principato*; *Gualtieri del Ponte* Constable of *Capitanata*; *Adamo Morerio* Constable of *Terra d'Otranto*; and *Gentile di Sangro* Constable of *Apruzzi*.

DURING the Reign of the Family of *Anjou* this Office lost nothing of its ancient Splendor; on the contrary, according to *Marino Freccia*, *Charles I.* of *Anjou* was wont to give it with the same Prerogatives, and in the same manner that it was given in *France*, and ordain'd it to be just so exercis'd in his Kingdom of *Sicily*. And *Charles II.* his Successor establish'd many Statutes, recorded by *Tutini*, concerning the Great Constables, to whom he subjected all the Marshals of his Kingdom. But now this Office, for Reasons which shall be related in the Progress of this History, is no more than a bare Title of Honour, its Authority for the most Part being lodg'd in the Person of the Viceroy; the Great Constables have only the Precedency in Parliament, and other solemn Occasions, with some other Marks of Distinction, such as to be cloath'd with Purple and Ermine, and to wear a little Cap; but tho' they enjoy these Honours, yet they have lost the Salary formerly annex'd to them.

¹ Notitia Judicati apud Pellegr. pag. 256.

² Tutin. dell' Offic. de Contest. nel. prin.

S E C T. II.

Of the High Admiral.

AMONGST the Offices of the Crown that of High Chancellor ought to have the second Place, as it hath in *France*, or as that of Lord Chief Justice hath now with us; but two Reasons induce me to treat of the High Admiral next to the High Constable; the first, because of the great Resemblance of the two Offices; for both of them having the Direction of War, the one at Sea, and the other at Land, I am inclin'd to treat of the High Admiral before I proceed to the Officers of Peace and Justice; the other more prevalent Reason is, because in the Time of these *Norman* Kings, the Dignity of High Admiral was esteem'd superior to that of High Chancellor, or any other Civil Officer; for these Kings were so powerful at Sea, that they came to be renown'd and dreaded over all the East, and carried their victorious Flags to the very Gates of *Constantinople*, and made surprizing Conquests in *Africa*, insomuch that their Empire over the Seas was greater and more considerable than over the Land; whence it came to pass, that in the Time of *Roger*, and the two *William's* his Successors, the High Admiral of *Sicily* was the highest Post that any could be rais'd to. So that we find the famous *Majone di Bari*, who in *Roger's* Time was High Chancellor, was afterwards made High Admiral by King *William*, who had a great Esteem for his Person; and *Hugo Falcandus* relating the State of the Court in the Beginning of the Reign of *William II.* when *l'Eletto di Siracusa* was High Chancellor, and *Riccardo Mandra* High Chamberlain of the Household, says, that *Matthæus Notarius cum sciret Admiratum se non posse fieri, ob multam ejus nominis invidiam, Cancellariatum totis visibus appetebat.*

IF we consider the Business and Duty of this Office, there's no doubt of its being very ancient, for it was known amongst the *Romans*, and more among the Eastern People bordering on the Sea; and in ancient *Gaul*, in *Cæsar's* Time we frequently read of the *Præfetti Maris*, amongst whom *Bibulus* was eminent. But indeed we do not find the Title of Admiral among the *Romans*; and I agree with those, who take this not to be a Word of *Provence*, as *Alunno*¹ believ'd, but a *Saracen* Word, as *Fazzellus*², *Pietro Vincenti*³, and *Tutini*⁴, from many Passages in History very well prove; for the *Saracens* were very powerful at Sea, whence we frequently meet with this Title of Admiral in their Histories; and when they infested the Sea-Coast of the East, and a great Part of the West, such as *Spain*, *Africa*, and *Sicily*, they had many Sea Generals, whom they call'd *Admirals*.

THE *Greeks* likewise had such an Office, and the last Emperors of the East, in order to oppose the Power of the *Saracens*, were also necessitated to have Naval Forces; and 'tis very probable, that it was the *Greeks* who first introduc'd them into these our Provinces, for in the latter Times there being nothing left them, but many Cities on the Sea-Coast, such as those of *Calabria*, and part of *Lucania*, *Amalphis*, *Naples*, and *Gaeta*, they were oblig'd to have Naval Forces to defend them against the *Saracens*, who had taken *Sicily* from them; and these Cities on this Side of the *Fare* were likewise in Danger of having the same Fate. And 'tis certain the *Amalphitans* became very powerful at Sea, and most expert in Maritime Affairs, insomuch that they were a strong Bulwark to the *Greeks*, who put their greatest Confidence in them as to Sea Affairs; and as we have already observ'd, they improv'd the Art of Navigation to that Pitch, that besides their frequent Voyages over all the Eastern Parts, they were look'd upon as Umpires of all Maritime Controversies; and as in the Time of the *Romans*, the *Rhodians* exceeded all other Nations in Naval Affairs, insomuch that the *Rhodian* Laws were a Rule to all the Nations of the Empire, by which all Disputes about Sea Matters were decided; so with us, all Quarrels and Debates concerning Navigation were determin'd by the Laws and Customs of the *Amalphitans*; and *Marinus Freccia*⁵ witnesseth, that even in his Time, all such Pro-

¹ Alun. Fabr. del mon. num. 542.² Faz. lib. 6. post Decad.³ Vinc. Teatr. de G. Ammir. nel. princ⁴ Tutin. dell' Offic. dell' Ammir. nel princ.⁵ Frec. de Subfeud. lib. 1. de Offic. Admir. num. 8.

cesses were decided by the *Amalbitan* Laws. Whence it came to pass, that the *Amalbitans* being wholly bent on Navigation, and expert in Naval Affairs, at last *Flavio Gisia*, an *Amalbitan*, and a Man of great Knowledge, in the Reign of *Charles II.* of *Anjou*, found out the Mariner's Compass, so necessary in Navigation.

BUT now that the *Normans* had expell'd the *Saracens* out of *Sicily*, and the *Greeks* out of these our Provinces, in order to defend themselves against the Invasion both of the one and the other, they were likewise oblig'd to have a Naval Force. And what Progress the *Normans* made therein, especially in the Time of the renown'd *Roger*, and the two *Williams*, is very evident from the History of their Reigns. Therefore the Office of High Admiral in these Times was look'd upon as most honourable and illustrious; whence the Number of their Fleets being very great, it was thought fit to have many Admirals, and the first and chief of all was call'd *Ammiraglio degli Ammiragli*, the Admiral of Admirals.

HE therefore had the most eminent Privileges as to his Command at Sea, that could be imagin'd; he commanded at Sea both in Time of Peace and War; it was his Business to have the Inspection of the Building of the King's Ships and Vessels, and to see them repair'd, and dispos'd of for the Good of Commerce; to keep the Harbours over all the Kingdom in good Repair, and the Sea-Coast obedient to the King; and all the other Admirals of the Provinces and Harbours, the *Protontini*, Calkers, Boat-Swains, Carpenters, and all the other inferior Sea-Officers were under his Direction¹.

AT present our High Admiral retains the Jurisdiction, both Civil and Criminal, over all the Officers that are subordinate to him, and over all Sea-faring Persons²; for which end he has a particular Tribunal, where the Judges appointed by him, administer Justice to all under his Command, and there are special Laws establish'd for Sea Affairs, by which all Suits relating thereto are decided; and as with respect to Fiefs, we have a new Body of Feudal Laws, so likewise with respect to Sea Affairs, we have a new Body of Sea Laws, of which we shall treat by-and-by. The Admiral with us has for his Coat of Arms a Ship Lanthorn, which was borne of old by the High Admiral of *France*, who has now laid the Lanthorn aside, and bears the Anchor³. He wears a Purple Robe, and in Parliament sits on the King's Right-Hand, after, and next to the High Constable.

THE first we meet with in the Reign of *Roger* is *Giorgio Antiocheno*, who for his eminent Virtues, and Skill in Maritime Affairs, was invited from *Antioch*, and by this Prince made High Admiral, and was consulted by *Roger*, as well in his Land as Sea Expeditions⁴: It was the Custom of this glorious Prince, to invite from different Parts of the World, not only famous Warriors, but also learn'd Men. This great Captain gain'd many Victories in *Greece*, and carried *Roger's* victorious Banners to the Port of *Constantinople*. He rescu'd *Lewis* King of *France*, who while he was returning from *Palestine*, had been taken by the *Greeks*, and was to have been deliver'd to the Emperor of *Constantinople*; for having rencounter'd the *Grecian* Fleet, he fought it, and soon set the *French* King at liberty, who was honourably receiv'd by *Roger* in *Sicily*, from whence he return'd to *France*. He was the first, who in publick Writs sign'd himself *Georgius Admiratorum Admiratus*, as we see in the Writ quoted by *Tutini*; for as there were many Fleets, it was fit to have as many Admirals in different Parts of the Kingdom, so the first rightly stil'd himself the Admiral of Admirals.

THE next we find in the Reign of this Prince, is *Philip* the Eunuch; and, as *Claudianus* tells us, that *Eutropius* from an Eunuch was rais'd to be Consul, so *Philip* was made High Admiral by *Roger*. *Philip*, according to *Romualdus* Archbishop of *Salerno*⁵, was brought up from his Youth in *Roger's* Household; he was just such another as *Eutropius*, and by covering his Vices under the Cloke of Virtue, he insinuated himself so much into the King's Favour, that he was thought worthy to be made Steward of the King's Household; afterwards the King having a Mind to make an Expedition into *Turky*, for taking *Bonna*, pitch'd upon *Philip* to manage that War; and in the Year 1149, made him High Admiral, who having a strong Fleet under his Command, took the City, and with a great Booty return'd in

¹ Freccia lib. 1. loc. cit. num. 1.

² V. Tapp. de Jur. Regn. de Offic. M. Adm. num. 2. Tass. de Antef. ver. 3. obs. 3. Tribun. 3. n. 221.

³ Loyseau des Offic. de la Cour. cap. 2.

⁴ Chr. Romual. Gaarna M. S.

⁵ Idem.

Triumph to *Sicily*; where he remain'd for a long time ; but afterwards, seeing himself rais'd to such a Pitch of Grandeur, he could no longer conceal his being of the *Saracen* Religion, which he had hitherto cloak'd under the Appearance of a Christian ; he soon discover'd that he abhorr'd the Christians, and had a great Value for the *Jews* and *Mahometans*, by frequently sending Messengers with Presents to *Mecca* to the Tomb of the Impostor *Mahomet*. Roger having discover'd this Treachery, and being afraid, that if he did not punish his Villany, the *Saracen* Religion might again get footing in that Island, out of which with so much Pains and Trouble he had driven the perfidious *Saracens*, punish'd him severely ; for having caus'd the Learn'd Men, and Barons of his Council to be conven'd, *Philip* was condemn'd to be burnt, and accordingly the Sentence was publickly put in Execution before the Royal Palace.

AFTERWARDS, in the Reign of *William*, this Office of High Admiral was bestow'd on the famous *Majone di Bari*, whose Exploits, so far as they have relation to the Design of this History, shall be treated of at large in the following Book. *Majone* being rais'd to the first Honours of the Kingdom by *William*, exercis'd the Office of High Admiral more haughtily and independently. He likewise, as being so call'd by the King, sign'd himself *Majo Admiratus Admiratorum*, having supreme Authority, and chief Command over all the other Admirals of the Kingdom.

WE have before observ'd, that in the Times of the *Normans* and *Suevi*, till this Kingdom was divided from that of *Sicily*, and this last subjected to the Family of *Arragon*, by the famous *Sicilian Vespers*, there was one High Admiral who had command over all the other Admirals of the Provinces of both Kingdoms, contrary to the Custom of *France*, where, when *Provence* was join'd to that Kingdom, there were four Admirals, one in *Guienne* ; another in *Bretagne* ; a third in *Provence* ; who tho' he had not the Title of Admiral, but General of the Gallies, as now with us in *Naples*, nevertheless he had the same Power with the Admirals ; so that there was nothing left to the ancient Admiral, but only the Coast of *Normandy* and *Picardy*, with the Title of Admiral of *France* indefinitely¹ ; but the High Admiral of *Sicily* had the Command of all the other Admirals, therefore he was call'd *Admiratus Admiratorum* ; for in all the other Parts of the Kingdom, on both Sides of the *Phare*, not only the Provinces, but even the Cities had their particular Admirals, all subordinate to the Chief and High Admiral. In short, there were many Admirals in these our Provinces at the same Time, which is clear from the Chronicle of *Cassino*², where some of them are frequently mention'd ; and an Admiral resided almost in every Maritime City, these formerly were made by the King, and had the Charge of the King's Wood and Ships, and in the latter Times of the Family of *Anjou*, they were call'd *Protontini*, and administred Justice to all Seafaring Persons, who liv'd in these Cities, and on these Coasts. *Tutini* quotes several Writs, in which many are call'd Admirals of different Maritime Cities, such as *Landulfo Calenda* Admiral of *Salerno*, *Lisolo Serfale*, and many others. Thus our *Norman* Kings establish'd their Empire, not only at Land, but likewise at Sea, and appointed diverse Officers, to whom the Government and Security of the Sea, Harbours, Commerce, Navigation, and Traffick were committed ; therefore they took care also to make many Laws, which in process of Time became a new Body of Laws ; and like as, besides the *Jus commune Feudale*, we had a *Jus particulare Feudale*, so besides the *Jus commune Navale*, we had a *Jus particulare Navale* calculated for these our Provinces.

¹ Chron. Romuaid. M. S.

² Lib. 3. cap. 44.

S E C T. III.

Of the Naval Laws.

THE *Romans* had no other Naval Laws but what they learn'd from the *Rhodians* ; for the *Rhodian* Laws were so famous, as to be known over all that vast Empire ; and the Emperors *Tiberius*, *Adrianus*, *Antoninus*, *Pertinax*, and *Lucius Septimus Severus* made many Laws approving of them, and giving them Force and Vigour

Vigour through all the Empire; whence came the *Jus Navale Rhodianum*, taken from the eleventh Book of the Digests¹, which, after it had a long Time lain buried in the Library of *Francisco Piteo*, was at last publish'd. But after the Emperors of the East having fix'd their Residence in *Constantinople*, a City wash'd by the Sea on three Sides, found their Empire began to decline, they laid greater Stress on their Sea than Land Forces, and thought their Fleets a greater Security for the Provinces of their Empire, which for the most part border'd, or were surrounded by the Sea, than their Land Armies; for which reason we have many Laws concerning Sea Affairs, Commerce, the Security of Harbours and Navigation, made by the last Emperors of the East, which were partly collected by *Leunclavius* and *Petrus Peckius*, and partly by the incomparable *Arnoldus Vinnius*, who likewise exercis'd his noble Genius about these Laws, and made his Observations on *Peckius*.

BUT these Laws of the Emperors of the East underwent the same Misfortune with all their other Collections. According to *Marino Freccia*², it was from the *Amalphitans* that we learn'd our Naval Laws; neither is it unlikely, that the *Amalphitans*, by reason of their frequent Voyages, and continual Traffick they had with the Eastern Nations, learn'd them from the Laws of those Emperors, or rather from long Experience, and the Risque they run at Sea. And seeing at the same Time the *Catalans*, the *Arragonians*, the *Pisans*, the *Genoese*, and the *Venetians* had become powerful at Sea, and famous by their Voyages to the Eastern Parts, and elsewhere, as well as the *Amalphitans*, therefore a new Body of Statutes and Customs came to be fram'd, which now being abridg'd into a small Volume, is to be had every where, intitled, *Il Consolato del Mare*, whence Sea-faring Men are guided in deciding their Controversies; which producing so good Effects, is approv'd of by all Princes, and the Rules thereof are as well observ'd as their own Laws and Statutes.

THESE *Capitula*, of which the *Consolato del Mare* is compos'd, were approved of by the *Romans*, *Pisans*, *Lewis* King of *France*, the Count of *Toulouse*, and many other Princes and Sovereigns; and the Kings of *Arragon*, and Counts of *Barcelona* added others to them; and *Arnoldus Vinnius* is of their Opinion, who relate, that this Collection was made in the Time of *St. Lewis* King of *France*. It was afterwards printed in *Venice* by *Giovambatista Pedrezano*, who gave it this Title, *Il libro del Consolato de Marinari*, and dedicated it to *M. Tomaso Zarmora*, then Consul in *Venice* for the Emperor *Charles V.*; it was afterwards, in the Year 1567, re-printed in *Venice*, and is now to be found every where; and in the Tribunal of the High Admiral of our Kingdom has all Force and Authority.

BUT our Princes, not content with this, made particular Laws for this Kingdom concerning Maritime Affairs. The Emperor *Frederick II.* besides those inserted in the Code³, made many Rules concerning the Office of Admiral, by which are prescrib'd his Charge, his Duty, and how far his Authority ought to be extended. In the Time of the Kings of the Family of *Anjou*, many other *Capitula* were added to them, by which his Authority was limited after a new manner, as may be observ'd in those made by *Charles II.* of *Anjou* for *Philip* Prince of *Achaia* and *Taranto*, his fourth Son, when he made him High Admiral, which are transcrib'd by *Tutini*. Afterwards the *Arragon* Kings added many other Things to the *Capitula* of their Predecessors, which the High Admiral was to observe; and *Ferdinand I.* added many for *Roberto S. Severino*, Count of *Marsico*, when in the Year 1460. he made him High Admiral, likewise related by *Tutini*. And in the Times of the Family of *Austria*, many Pragmaticks were publish'd concerning this Office, of which we shall have occasion to treat in their Place.

SUCH and so great was the Dignity of High Admiral, and his Charge so vast in former Times, that in order to regulate it, so many Rules were necessary, as at last produc'd a new Law, call'd *Naval*. But this noble Office began to lose its Lustre in our Kingdom in the Time of *Marino Freccia*, and much more in later Times, and now there's scarcely any Vestige of its Grandeur remaining besides

¹ Digest. tit. 9. Nautæ, Caup. Stab. tit. 1. de Exercitoria act. Ad L. Rhodiam de Jactu. tit. 9. de Incend. ruin. Naufrag.

² Freccia de Subfeud. de Offic. Admirat. n. 7. Hinc in Regno non lege Rhodia maritima de-

cernuntur, sub tabula quam Amalphitanam vocant, omnes controversiæ, omnes lites, ac omnia Maris discrimina, ea lege, ea sanctione usque ad hæc tempora finiuntur.

³ Cod. de furtis Collat. X. L. Navigia quoque.

Honour and Pre-eminency, with a separate Tribunal depending on it, and Jurisdiction over Sea-faring Men. The Causes of this Declension will be understood in the Course of this History, where it will be seen, that while our Kings were powerful at Sea, and while the *Normans*, the *Suevi*, and especially the Kings of the House of *Anjou* maintain'd a strong Naval Force, the Office of High Admiral made a shining Figure; but when afterwards the Fleets were diminish'd, and the Kingdom came under the Dominion of the House of *Austria*, and a new Model and Form of Government was introduc'd, depending on that of *Spain*, this great Authority vanish'd, and was partly lodg'd in the Generals of the Gallies, though not with the same Power and Authority that the High Admiral had.

S E C T. III.

Of the High Chancellor.

THE Order which I observe in treating of the Officers of the Crown, and placing the High Chancellor next to the High Admiral, contrary to what other Authors have done, ought not to be look'd upon as disorderly. I know that *Marino Freccia* gives this Office the last Place, though without any Reason, since he himself in Parliaments, and other publick Assemblies, gives it the Sixth Place, and ranks this Officer before the High Steward, who sits not at the King's Side, but at his Feet. Others however put him in the Sixth Place after the great Prototary; and both they and *Freccia* give the second Place to the Lord Chief Justice, next to the High Constable.

However the *French* rank the High Chancellor next to the High Constable, and I say, that both of them have done very well in observing this Order. The High Chancellor of *France* is very different from what the High Chancellor of *Sicily* was in the Time of the *Normans*, and even the High Chancellor of the Kingdom of *Naples* differs widely, especially if we consider the Times in which *Freccia* and the other Authors wrote, and more if we look to our own Times.

DIGNITIES rise and fall at the Pleasure of Princes; as the Prince is the Fountain of all Honour, so he appoints the Rules; and as *Georgius Codinus*¹ very appositely says of the Officers of the King's Household, he may alter both Things and Names, and exalt and abase as he pleases.

THE Chancellor among the *French* was the same with the *Quæstor* among the *Romans*, as *Symmachus*² and *Cassiodorus* describe him; *Quæstor es, Legum conditor, Regalis Consilii particeps, Justitiæ Arbitrator*. Therefore he was the Chief in Matters of Justice, as the Constable in those of War: The first of all the Officers of Peace, and chief Magistrate.

T H E R E are various Opinions concerning the Etymology of the Word Chancellor. The antient Glossator says, it's deriv'd from the Duty of this Officer, whose Business it is to examine all Petitions that are given to the Prince, to mark those that are fit to be presented, and to cancel the Impertinent, by drawing with a Pen cross

^{* Cancelli.} Lines after the Manner of * Lettices. But this is a very strange Etymology, that gives the Chancellor his Title from the Thing which he undoes, rather than from what he does. *Cassiodorus*³, and *Agathias* derive it better, who take it à *Cancellis*; for it being this Officer's Business to have Inspection of the Dispatch of all the Prince's Rescripts, to hear all those, who present Petitions to him, to prevent his being crowded by the People, and at the same time that he might be seen by every Body, he was wont to stand within a Bar, as was the Custom in *Rome* and *France*; whence *Tertullian* used to say; *Cancellis non adoro, subsellia non contundo*.

F O R which Reason he has the King's Seal for his Badge, whence he is likewise call'd by the *French*, Keeper of the Seal, because all special Grants and Dispatches from the King pass through his Hands, which he seals; and he gives Commissions, and Pensions to all Offices, which he may either refuse or delay, as he thinks fit, by

¹ Codin. cap. 2. num. 5. Langleo. 7. semest. 7. | ³ Cassiod. lib. 11. Ep. 6.

² Sym. Epist. 17. lib. 1.

not sealing them. Whence *Torquato* gives the High Chancellor of *Egypt* the Seal for his Badge :

The Seal he bears, his Office to denote.

T H E R E F O R E he enjoys many notable Prerogatives ; he presides in the Council of State in the Civil Affairs of the Kingdom.

H E dispatches the King's Edicts, and all his other Orders. He has the Inspection of Justice, and is Judge in all Disputes concerning Offices and Officers, regulates their Precedencies, and determines what is the Duty of each Magistrate, that one may not inroach upon another.

T H E S E were the great Prerogatives of the Chancellors of *France*, whence *Roger* took them, and of the Kingdom of *Sicily* in the Time of the *Normans*. Two principal Dignities, which in a manner vied with that of the Princes themselves ; so that next to the Constable, the Chancellor had the second Place.

T H E first Chancellor we meet with in the Reign of *Roger*, is *Guarino Canzolino*, much celebrated in *Petrus Diaconus* his Appendix to the Chronicle of *Cassino* ² ; *Roger* imploy'd him in the most weighty Affairs of State, and gave him the Superintendency and chief Command of these our Provinces. 'Tis said, that *Guarino* being jealous that the Monks of *Cassino* would joyn *Lothaire's* Party, had at last resolv'd to assault their Monastery by Force, for which end he had order'd a Body of Soldiers, and some warlike Machines to be brought from *Benevento*, *Puglia*, *Calabria*, and the *Basilicata* ; but soon after falling sick in *Salerno*, and being at the Point of Death, with his last Breath cry'd out ; *Alas ! Benedict and Mauro, why do you kill me ?* Whence *Petrus Diaconus* ³ relates, that at the same Instant *Crescenzio Romano*, a Monk of that Monastery, in a terrible Fright and Trembling, said to the Monks, that he had seen a Vision, in which there appear'd to him a horrible Lake all on Fire, the dreadful Waves of which reach'd to the very Sky ; among which he saw the Soul of the High Chancellor tofs'd up and down ; that he likewise thought he saw two Friers on the Bank of the Lake, and being ask'd by the Eldest of the Two, if he knew who it was that was so tofs'd by the Waves ? answer'd no ; and that the Frier declar'd to him, that it was *Guarino's* Soul that was condemn'd to be punish'd in such a manner, for having troubled the Monks of *Monte Cassino* : That he then ask'd the Frier who he was ? who answer'd, that he was Frier *Benedict* ; upon which *Crescenzio* awak'd, and the Vision disappear'd.

T H E next who exercis'd the Office of Chancellor in *Roger's* Time was *Robert*, of *English* Extract ⁴. *Roger*, as has been already observ'd, in the Government of his Dominions, always made use of Ministers of great Learning and Prudence, which he invited from distant Countries ; and as he rais'd *George* of *Antioch* to be great Admiral, so likewise he call'd this famous *Robert* out of *England*, whom he not only imploy'd in the most important Affairs of State, and to whom he committed the Defence of *Salerno*, when it was besieg'd by *Lothaire*, the Prince of *Capua*, and the *Pisans* ; but likewise gave him the Government of *Puglia* and *Calabria* ; and he was so renown'd for Wisdom and Integrity, that *John* of *Salisbury*, Bishop of *Chartres* ⁵, relates an Adventure which deserves to be taken Notice of in this History. Whilst the Chancellor govern'd *Puglia* and *Calabria*, the Church of *Avellino* happen'd to be vacant by the Death of her Bishop. For the Election of a Successor, it was necessary to have the King's Consent, as was the Custom in all Cathedral Churches : *Robert*, who was to give it in the King's Name, was earnestly solicited for it by many ; amongst the rest there were three strong Pretenders, an Abbot, an Archdeacon, and a Lay-man belonging to the King's Household, who had a Brother that was a Clergyman ; they all made great Offers to *Robert*, each of them promis'd him a vast Sum of Money if he would make him Bishop whom they should name ; the Chancellor, who had a mind to expose their Villainy, made a Bargain with each of the Three separately, giving them to understand, that he

¹ Agat. lib. 5.

² Petr. Diac. lib. 4. cap. 98 & 101. Capecelatr. lib. 1. pag. 22.

³ Petr. Diac. lib. 4. cap. 102.

⁴ Capecelatr. lib. 1. pag. 60.

⁵ Jo. Sarisb. lib. de Nugis Curialium, Capecelatr. loc. cit.

would do what each of them desir'd : After they had given Pledges and Security for what they had promis'd, the Day appointed for the Election came ; *Robert* having conven'd the Clergy of *Avellino*, with many Archbishops, Bishops, and other Prelates and Persons of Distinction, told the Fraud which the three Candidates had a mind to commit ; they were all Three rejected as guilty of Simony, by the unanimous Suffrage of all the Assembly, and the Money agreed upon was exacted as a Punishment for their Crime ; then *Robert* got a poor Frier of a good and holy Life, who had no such View, to be elected Bishop.

THE third High Chancellor we find in the Reign of *Roger*, is the so much renown'd *Giorgio Majone*. He was born in *Bari* of very mean Parentage ; but by Nature endow'd with a wonderful Eloquence and Wit, and being but the Son of a poor Oyl-Merchant ¹, he found means to get a Place at Court in the Royal Chancery, where King *Roger* first made him his Notary ; after having gone through other petty Offices of the Chancery, he was made Vice-Chancellor, and at last High Chancellor, and was so much in Favour with this Prince, that during all his Life he employ'd him in the most weighty Transactions of his Kingdom ; and after *Roger's* Death, he was so belov'd by *William* his Son and Successor, which rarely happens, that, besides having made him High Admiral, he intrusted him with the Government of the Kingdom. Under the Two *Williams*, the chief Personages of these Times held this Office, viz. the Elect of *Syracusa*, and after him *Stephano di Parzio* Archbishop of *Palermo*.

THUS the Dignity of this high Office was as great in *Sicily* under the *Normans*, as in *France* ; neither was it in less Esteem in the Courts of other Princes. But afterwards it was rightly judg'd in Princes to lessen so many and eminent Prerogatives, by reassuming them to themselves from whence they sprung ; of which we have a very notable Instance in the Chancellor of the Holy See of *Rome*. In old Times, this See had a Chancellor, whose Authority was so great, that he vied with the Pope himself ; on which account it was exercis'd by the chief Personages ; and it was the next Step to the Papacy. Thus Pope *Gelasius II.* according to the Epitaph compos'd by *Pietro Pittaviense*, before he was Pope, *Archilevita fuit, & Cancellarius Urbis* ; and 'tis likewise said, that *Alexander II.* was Chancellor of the *Roman* See when he was elected Pope.

BUT after *Boniface VIII.* saw the Authority of the Chancellor at such a pitch of Greatness, that, as many Writers relate ², *quasi de pari cum Papa certabat*, he abolish'd this Office of Chancellor in *Rome*, and assuming it to himself, appointed only a Vice-Chancellor there ; whence this Office of Vice-Chancellor in *Rome* acknowledgeth none superior to it in the same Sphere, seeing the Chancellorship is lodg'd in the Pope ; and whereas this Office was formerly given to such as were not Cardinals, when Cardinals came to get it, they still retain'd the Name of Vice-Chancellors, though that of Chancellor be abolish'd ; just so as that Cardinal who is Head of the Pope's Datary, is call'd Prodatary, and Vicedatary, though he acts not in the Place of another Minister superior to him, for both the Chancery and Datary are lodg'd in the Pope.

FOR the very same Reason the Vice-Chancellor is mention'd only in the *Sixth Decretal* ; as is taken notice of in the *Gloss* ³, and by *Gomes* on the Rules of the Chancery ; though *Onuphrius Panvinus*, in his Book *de Pontificibus*, says, that from the Time of *Honorius III.* there were no more Chancellors in *Rome*, but only Vice-Chancellors.

THIS supreme Office of great Chancellor had the same Fate in our Kingdom ; for in the Time of the Catholick King, and of the Emperor *Charles V.* the Chancery was in the King's Person ⁴, and therefore a new Tribunal was erected, still call'd the Chancery, and manag'd by Regents, call'd Regents of the Chancery, who perform all the Duties formerly incumbent on the High Chancellor, for they subscribe the Petitions that are presented to the Prince, and the special Grants, and dispatch the King's Edicts and Orders. They are Judges of Differences amongst Officers, decide their Precedency, and prescribe to each Magistrate his Duty ; the Chancery

¹ Ugo Ezzand.

² Zabarelli. in Clem. Romana de Electionib. Freccia lib. 1. de Offic. M. Cancel. num. 4.

³ Gl. Pram. Sanctio, §. Romanæ, verb. Vice-Cancellarius.

⁴ Freccia lib. 1. de M. Cancel. num. 29.

is lodg'd in them, and they have the Charge of the Records and Registers, and all that formerly belong'd to the High Chancellor; therefore they have a Secretary, and many other inferior Officers, who are call'd Officers of the Chancery; of which we shall discourse in another Place, when we come to treat of this Tribunal.

THAT Office, which is now in the Family of the Princes of *Avellino*, depends on the Chancery; for their Prerogatives are restricted purely to the College of Doctors, and they have only Power to confer the Degree of Doctor, and for that end to call a Convocation of Doctors, in order to examine the Candidates, to approve of, or reject them, and to do other Things thereunto belonging; for with us it does not belong to the Universities to confer the Degree of Doctor, but to the Prince who has lodg'd this Power with the High Chancellor and his College. There were many such Chancellors in *France*, such as the Chancellor of the University of *Paris*, which of old was an Office of so great Importance, that *Boniface VIII.* on account of the great Affairs he had in *France*, and that he might have a particular Authority over that University, especially with respect to the Divines who receive their Degrees, Benediction and Commission, to preach over all the World, from the Chancellor, usurp'd it to himself; but after *Boniface's* Death, the University of *Paris* left no Stone unturn'd to recover this Office, insomuch that it was restor'd them by *Benedict XI.* his Successor; and to prevent the like Usurpation in Time to come, it was annex'd to a Canonship of the Cathedral Church of *Paris*.

FOR this Reason *Morino Freccia* treating of these Offices, and having an Eye only to what was practis'd in his own Time, ranks the High Chancellor last of all; for now-a-days the great Chancellor, who is look'd upon as one of the Seven Officers of the Kingdom, is only a Shadow of what this Office was formerly: He enjoys but one of the many Prerogatives that of old adorn'd that Dignity, which is now in a manner abolish'd, and all its Privileges and Pre-eminences lodg'd in the King, who therefore has erected a new supreme Tribunal in its Place, call'd the *Court of Chancery*, administred, as we have said, by Regents.

HOWEVER we must not omit, that in the Times of the Emperor *Frederick II.* and King *Charles of Anjou*, though this Office was much decay'd in its antient Splendor, yet it retain'd Jurisdiction over all the Clergy of the King's Palace, and all his Chaplains: *Marino Freccia*² is much surpriz'd to find a Laick have Jurisdiction over the Clergy, seeing both by Divine, Canonical and Imperial Laws, they are exempted from Laick Jurisdiction; so that he endeavours to explain what he reckon'd a Paradox, by saying, that this Kingdom being a Part of *St. Peter's* Patrimony, 'tis to be believ'd the Kings have been invested with this Prerogative by the Apostolick See, therefore they are to be look'd upon as Ministers and Delegates of that See. Neither ought this to seem strange, says he, because the Kings are not to be consider'd as mere Laicks, seeing they are anointed, and were also Priests of Old. And not content with this, he adds, that *Frederick*, and especially *Charles*, were authoriz'd by the Apostolick See, to appoint a Judge over all the Clergy of the Royal Household; and that afterwards, it seeming very unbecoming and unhand-some for a Laick to exercise Jurisdiction over the Clergy, *Alphonfus I.* appointed one of his own Chaplains to be Judge, who exercis'd Jurisdiction over all the other Chaplains and Clergy of the Royal Chapel, and was therefore call'd Chaplain Major, and that by Permission of the Apostolick See; so that the High Chancellor had no longer such Jurisdiction, all being left to the Chaplain Major.

BUT *Freccia* had no Reason to be so much surpriz'd, for in these Times the Chaplain Major was subordinate to the High Chancellor, and assisted in the Chancery; for in *France*, according to *Peter de Marca*³, the same was practis'd under the *Carlovingian* Race; when the Maires of the Palace presided in the Royal Palace in Matters of State, and the Chaplain Major, likewise call'd Archchaplain, in Ecclesiastick and Spiritual Matters, who, as *Hincmare* informs us, *Vice Regis in consessu Episcoporum & Procerum jus dicebat, nisi causæ gravitas exigeret Regis præsentiam*. And it was not in the Time of *Alphonfus I.* of *Aragon*, that this Pre-eminence was disjoin'd from the Office of High Chancellor, but long before, when *Charles I.* of *Anjou* had fix'd his Royal Seat in *Naples*, and appointed one of his Chaplains as

¹ Loyseau des Offic. loc. cit.

² *Freccia* de subfeud. lib. 1. d. Off. M. Canc. num. 24 & 25.

³ *Marca* de Concord. lib. 4. cap. 7. num. 3. & lib. 8. cap. 14. num. 6:

Judge, who exercis'd Jurisdiction independently on the High Chancellor, over all the other Chaplains and Clergy of the Royal Chapel; whence he got the Title of *Protophain Royal*, or *Master of the Royal Chapel*, and at last Chaplain Major; of which Office, and such like, introduc'd by *Charles I. of Anjou* into his Royal Palace at *Naples*, we shall treat in his Reign.

T H U S in process of Time, the great and many Prerogatives of this Officer being lodg'd in the King's Chancery; the High Chancellor retains no other Power, but that of conferring the Degrees of Doctor of Law, Divinity, Philosophy, and Physick, and the Superintendency of the College of Doctors¹. Nevertheless he has the Honour to wear Purple, to sit in Parliament, and other publick Assemblies where the King is present; but in the sixth Place on the King's Left Hand next to the great Protonotary, and he is also counted among the Seven Officers of the Crown.

¹ V Tappia de jure Regn. tit. de Offic. M. Cancel. n. 9. Tassone de Antef. ver. 3. obs. 3. n. 271 & 285.

S E C T. IV.

Of the Lord Chief Justice.

A L T H O U G H in *France* the Office of Lord Chief Justice was subordinate to the great Chancellor, who was the Magistrate of Magistrates, and Head of all the Officers of Justice, and in the Reign of *Roger* his Authority was not so ample; nevertheless *William* his Successor having appointed the Tribunal of the High Court, and *Frederick II.* having afterwards by many Constitutions, establish'd, that the Chief Justice who presided in this Tribunal, should be Head, and Supreme over all the other Justices of the Provinces, this Office came to be look'd upon not only as one of the chief and greatest of the Kingdom, but to have the second Rank next to the great Constable; for which Reason he sat next the King on his Left Hand, cloathed in Purple, and had the Standard for his particular Badge; of which with us there remains as yet some Vestige; for when Sentence is to be put in Execution upon a Person condemn'd to die, this Standard is display'd from a Balcony, in token of the Chief Justice's Authority. By how much the more the Tribunal of the High Court was exalted by *Frederick II.* who made it the Supreme and Superior to all the other Courts of the Kingdom, where not only civil and criminal Causes were to be discuss'd, but likewise the Feodal relating to the Baronies, Counties, and all Appeals from the Courts of the other Justices of the Provinces, even those delegated by the King, and subjected all the Dukes, Princes, and all the other Barons of the Kingdom to its Jurisdiction; and besides gave it Power to take Cognizance of Crimes of High Treason: So much the more was the Lord Chief Justice rais'd above the other Officers of the Crown, and deservedly call'd *Chief Justice*; and therefore *Frederick* in one of his Constitutions¹ calls him *Luminare Majus*, on account of the Lustre with which he eclipseth the other inferior Justices, so that when he visits the Provinces, their Office ceases.

W E are to observe, that from this Time of the *Norman* Kings began that Division of the Provinces, that in a great measure continues to this Day: They were not then call'd Provinces, but *Giustizierati* from *Giustizieri*, the Justices who govern'd them²; as in the Time of the *Longobards*, the *Castaldati* were so call'd, from the *Castaldi*, who had the Government of them. In effect, in the Time of King *William II.* *Tancred* Count of *Lecce*, was Justice of *Puglia*, and *Terra di Lavoro*; Count *Pietro Celano*, and *Riccardo Fondano* were also Justices of the same Provinces³. Thus in later Times we frequently meet with in the Registers recorded by *Tutino*⁴, that when these Justices were sent into the Provinces, they were not

¹ Constit. honorem, lib. 1.

² Pellegr. in differ. Duc. B p. 73.

³ Pell. ad An. Cass. anno 1208.

⁴ Tutin. de Maestr. Giustiz. in princ.

call'd *Chief Justices*, but only Justices of the Provinces which they govern'd, in order to distinguish them from the Chief Justice of the Kingdom. Thus *Giovanni Scotto* was call'd Justice of *Apruzo*, and *Guglielmo Sanfelice*, Justice of *Terra di Lavoro*, whence those Governments got the Name of Provinces, such as the *Justiziarato* of *Calabria*, *Puglia*, *Terra di Lavoro*, and others, which are now call'd Provinces; and even in these same Times of the *Normans* and likewise of the *Suevi*; one Province was frequently govern'd by two Justices, as in the Time of *William II.* *Luca Guarna* and *Filippo da Camarota* were both Justices of *Salerno* at the same Time. And in the Year 1197 we find¹, that *Roberto di Venosa*, and *Giovanni di Frassineto* were both Justices of *Terra di Lavoro*². But Matters were afterwards put upon a better Footing by *Frederick II.* who for each Province appointed but one Justice, who was to have one single Judge, and one Notary, whom we now call *Mastrodatti*, as was establish'd in the Constitution *Occupatis* in the first Book. This was continued by the Kings of the Family of *Anjou*, who, to each Province sent only one Justice, whom we now call President.

In the Reign of *Roger*, we find only one Chief Justice in the Archives of the Monastery of the *Trinity* in *Venosa*, and in an Instrument recorded by *Tutino*, we read, that in the Year 1141. *Errico Ollia* was Chief Justice. *Ego Henricus Ollia Dei Gratia Regalis Justitiarius*; but in the Reigns of the Two *Williams* his Successors, many are mention'd by *Romualdus* Archbishop of *Salerno*, and in the Chronicle of *Notar Riccardo da S. Germano*; such as *Roberto Conte di Caserta*, *Ruggiero Conte d'Andria*, and *Luca Guarna*, as shall be related in the Reigns of these Princes; whence they are mistaken, who believe that this Office was introduc'd into the Kingdom by *Frederick II.*: For though this Emperor, by means of his many Constitutions relating to this Office, regulated and put it upon a better Footing, yet he was not the first that introduc'd it, which is evident from these very Constitutions. There were other Laws publish'd afterwards, in the Reigns of the Kings of the Family of *Anjou*, concerning this Office of Chief Justice, and we have many Constitutions of *Charles II.* concerning his Jurisdiction and Duty; but being to discourse more at large of this Officer, when we come to treat of the Tribunal of the *Curia Vicaria*, we shall therefore refer it to that Place; for in process of Time, under the *Aragon* and *Austrian* Princes, other Tribunals were erected; and as that of the High Court lost its antient Authority and Dignity, so likewise the Chief Justice was in a great measure stript of his Splendor and Prerogatives, insomuch that now he enjoys no more than a bare Title of Honour, with the Privileges common to other Officers of the Crown, only on publick and solemn Occasions, he sits next to the High Constable, and wears Purple.

¹ In the Archives of the Carthusians in Capria
Instrum. Sig. V. 1197.

² Ricc. di S. Germ. Cron. 1.

S E C T. V.

Of the High Chamberlain.

OUR High Chamberlain or Chief Officer of the King's Chamber of Accounts, was the same with the High Treasurer of *France*, or Superintendant of the Finances. He had the Charge of the King's Person and Household, provided Cloaths for him and his Children: Saw the Centinels rightly plac'd about the Court, dispos'd of the Ushers, cloath'd the King's Household, kept the Jewels, the Gold, the Silver; the Silk and Woollen Robes. But his chief Business was to receive all the Money that was sent to the King's Treasury; to have Jurisdiction over all the other Treasurers of the Kingdom, all the Receivers of the Revenues and Customs, and the Officers belonging thereto, whom he could put in or turn out as he saw Reason. And seeing, as in *France*, when Treasurers were sent to the particular Provinces, it was thought necessary to erect a supreme Tribunal of the Finances, to which all the inferior Tribunals were accountable; so with us a new supreme and general Tribunal of the Finances was erected, the Head of which was the High Chamberlain,

Chamberlain, to whom, all the particular Treasurers of the Provinces, Toll-gatherers, Officers of the Customs, Receivers of the Revenues, and all others, were to be accountable, therefore he was call'd the Chief Officer of the Chamber of Accounts, which is much the same with the *Comes sacrarum largitionum* among the Romans; and as they had many *Quæstores pecuniarum*, so likewise with us there were many Under-Treasurers, Chamberlains, Toll-gatherers, Custom-House Officers, and others, whose Business it was to collect the King's Money. In the Reigns of *Frederick II.* and of the Kings of the House of *Anjou*, this Tribunal was govern'd by the Masters of Accounts, in the Court of the King's Mint; they were call'd Masters of Accounts, because their greatest Business was to take care that the Under-Chamberlains, Treasurers, Custom-House Officers, and others, should give account of their Administration, and to receive from them an Account of what Money they receiv'd and sent to the King's Treasury.

G R E A T Privileges and Prerogatives were given to these Masters of Accounts by King *Lewis* of *Anjou*, and Queen *Joan I.*¹; and they were likewise call'd Masters of Accounts of the High Court; and how illustrious a Dignity this was in the Times of the Kings of the House of *Anjou*, may be seen by the Personages who bore these Employments; for we read, that the famous *Andrea d'Isfernia*, the renown'd *Niccolo Alunno d'Alife*, and other eminent Civilians in the Reigns of King *Charles II. Robert*, and other Kings their Successors, were Masters of Accounts.

A F T E R W A R D S when the Family of *Arragon* came to reign, *Alphonfus I.* annex'd to this Tribunal one created by himself, call'd *Summaria*, which was govern'd by four Presidents that were Lawyers, and two private Men, besides one who presided over all in place of the High Chamberlain, and therefore was call'd his Lieutenant². For which Cause this Tribunal was more eminent, and had greater Authority; for besides the Care of the Royal Demefne, it was vested with that of Feodal Causes, which formerly belong'd to the High Court. From hence arose the Name of *Camera Summaria*, and Presidents of the *Summaria*; the Denomination (not to amuse ourselves with the specious Etymologies of *Summa rei*, or *Rationis*, as *Luca di Penna*³ dreameth, who was follow'd by *Marino Freccia*⁴, for which he was check'd by *Moles*) was taken from their summary Examination of the Accounts made up by the Masters of Accounts. And as the *French* call this Tribunal the Chamber of Accounts, or of the Finances, so with us, for the same Reason, it's call'd *Camera della Summaria*. Which is evident from a Privilege granted by the same King *Alphonfus*, inserted in our Statutes⁵, where the King plainly says, that this Tribunal is call'd *Summaria, quod rationes ipsæ in Camera per Præsidentes, & Rationales ibidem ordinatos SUMMARIE viderentur*; of which we shall have Occasion to discourse more at large, when we come to treat of the Institution of this Tribunal in the Reign of *Alphonfus I.*

T H O' this supreme Office of High Chamberlain, according to *Freccia*, was put upon a better footing, like that of *France* by *Charles I.* of *Anjou*; yet it was not he that first introduc'd it, for it was known among our *Norman* and *Suevian* Kings; and many Chamberlains are mention'd during the Reigns of these Princes, and particularly in that of *Roger*; but Length of Time having bereav'd us of their Names, we have not been able to record them. Yet in the Time of *William I.* his Successor, among others, we find, that *Gaito Joario* was High Chamberlain of the King's Household; after whose Death *Gaito Pietro* an Eunuch succeeded in that Office, both of them *Saracens*⁶. The Word *Gaito*, in the Language of these People, was the Name of an Office, and signifies Captain⁷. And in the Reign of *William II.* we read, that *Gaito Riccardo* was High Chamberlain of the Household⁸; and that *Gaito Martino* had the Charge of the Revenues of the Custom-House. And under the same King, we likewise find mention made of the Chamberlains of *Calabria*, who resided in *Reggio*, among these we find *Giovanni Colomeno*, of whom we shall have occasion to speak in the Reign of this Prince⁹. Thus also in the Times of their

¹ V. Capece Galeot. resp. fisc. 1. num. 51.

² Costanzo hist. lib. 18.

³ Luc. de Penna l. si quando la 3. C. de Bonis vacantib. lib. 10. col. 2.

⁴ Freccia de Subfeud. de Offic. M. Camer. num. 4. V. Surgent. de Neap. illustr. cap. 7.

num. 2. & 3. & cap. 26. num. 24. in fin. vers. dicta est autem Summaria.

⁵ Pragm. 1. de Offic. Procur. Cæsar.

⁶ Ugo Falcand.

⁷ Capece latr. lib. 2. pag. 107.

⁸ Idem, lib. 3. pag. 119.

⁹ Idem, pag. 128.

Suevian Successors, and in the Constitutions of *Frederick* ¹ we read many Laws, both concerning the Office of High Chamberlain, and other Officers, as may be seen in *Toppi*.

CHARLES of *Anjou* reduc'd this Office into a better Form, after the same Method with that of *France*, by establishing one sole High Chamberlain, whom all the other Chamberlains of the Provinces were to obey, and to whom they were all accountable, as supreme Officer of all the Finances. And this Prince left us many written Laws and Establishments concerning the Duty of this Officer, by framing a particular Regulation for his Office, in doing of which he could not forbear to make use of the *French* Terms; for he ordain'd that it should be in the Power of the High Chamberlain to depute, substitute, and correct the *Graffieri*, or Clerks, whose Business it was to write and note, as that of the Comptrollers to inspect and observe that there was no Fraud in the Collections. He appointed likewise *Maestri degli Arresti*, Masters of Arrests; whence this *French* Term has continu'd among us to this Day; and therefore we say, *gli Arresti della Camera*, which they call the Decisions and Decrees of their Parliaments ².

IN after Times the High Chamberlain began to lose these his so great Prerogatives, but it was not so with the Tribunal of the *Camera della Summaria*, which had its own Presidents and Accomptants, and was govern'd by his Lieutenant, who, tho' call'd so, was made by the King, and not by the High Chamberlain; whence it came, that tho' this Tribunal was put upon an equal footing with the other supreme Tribunals of the Kingdom, yet the High Chamberlain is now no more than a bare Title of Honour, neither does he concern himself with the Affairs of this Tribunal, nor has he any Thing to do with the Revenues of the *Camera Summaria*; but all is manag'd by the Lieutenant and his Officers, who are accountable to the Viceroy, who is in place of the King, there being a particular Treasurer who has the Charge of the King's Money. Nevertheless he retains his Prerogatives, as well in sitting on the King's Left-Hand, next the Chief Justice ³, in the fourth Place, as at solemn Marriages, and other publick Occasions, in wearing purple Robes, and he is reckon'd one of the seven Officers of the Crown, and till of late he had the Emoluments.

¹ Constit. si quando ferte, sub tit. de forma qualiter, sint locandæ res Fiscales. Constit. ² V. Freccia loc. cit. num. 11. & 12. ³ Idem, num. 21. & 22.

S E C T. VI.

Of the Great Protonotary.

PIETRO VINCENTI has written a small Treatise concerning the *Protonotaries* of the Kingdom, wherein he has given us rather a long Catalogue of those who have exercis'd this Office, than describ'd their Business and Charge. The Protonotary, or *Logotheta* with us, certainly had his Rise from the *Greeks*, as the Word itself testifies; nevertheless this Office was known among the *Romans* under another Name. In the Empire, as Head of the Notaries, he was call'd *Primicerius Notariorum*, and was honour'd with the Proconsular Dignity; and after he had exercis'd his Office two Years, he became *Illustris*. In the ancient Empire he had three Sorts or Degrees of Notaries under him, which are plainly describ'd in the *Theodosian Code* ¹. The first were call'd *Tribuni Prætoriani*, & *Notarii*; and as *Cassiodore* ² witnesseth, were call'd *Candidati*; and were of the same Dignity with Counts. The second were plainly nam'd *Tribuni* & *Notarii*; these were of equal Dignity with the *Vicarii*. Lastly, the third were call'd *Notarii Familiares*, or *Domestici*, who were of Consular Rank and Dignity.

BUT 'tis needless to confound these Notaries with those now a-days, whom the *Romans* call'd *Tabelliones*, whose Office and Employment were quite different, as shall be related. Neither are we to confound the Office of Great Protonotary, in the

¹ Cod. Th. l. 2. §. de Primic. & Notar.

² Cassiodor. lib. 4. epist. 3.

Times of our *Norman* and *Suevian* Kings, and of those of the Houses of *Anjou* and *Aragon*, with that of the Viceprotonotary at this Time, which is solely confin'd to the making of Notaries, and *Judices Chartularii*.

THE Office of Great Protonotary in the Times of these Kings, was so eminent, that in a great measure it resembled that of *Primicerius Notariorum* among the *Roman*. These, as *Cassiodorus* ¹, and *Gotofredus* ² describe them to us, were of the Prince's Council, and acted therein as Secretaries; the Imperial Answers and Decrees pass'd thro' their Hands, and the Orations of the Emperors to the Senate, were frequently deliver'd by the *Primicerius*: In short, he was the Prince's Secretary, with whom he trusted all his Secrets and Designs, and therefore by his Office he was constantly oblig'd to attend him, and see his Imperial Commands dispatch'd. For which Cause he had under him these three Degrees of Notaries, which were form'd into a Body or College, and were much the same with the present Secretaries of State, or of the King's Cabinet, or Household, of whom we shall treat in the Reign of *Charles II.* of *Anjou*.

SUCH was the Office and Power of the Great Protonotary in the Times of the abovemention'd Kings. His chief Business was not to make Notaries, and *Judices Chartularii*, but constantly to attend the King's Person, receive the Petitions and Memorials that were to be presented to him; give Audience to those who had recourse to the King, and give the King account of what had pass'd: All Letters Patent pass'd thro' his Hands, and were drawn up by him. All new Constitutions, Edicts, and Statutes made by the King, were penn'd and seal'd by the Protonotary. Whatever the Prince resolv'd or decreed in Council, or elsewhere, he couch'd it in Writing, either in the Form of a Sentence, Decree, Letters Patent, or Special Grant ³. And we see to what a Pitch of Eminency this Office was rais'd in the Reign of *Charles II.* of *Anjou* ⁴, when it was exercis'd by *Bartolomeo di Capua*, thro' whose Hands the most weighty and important Affairs of the Crown pass'd.

BUT as in process of Time, the Tribunal of the *Curia Vicaria* depress'd the High Justice, and reduc'd him to the Condition he is in at present, so the Erection of the Council of *Sancta Clara*, in the Time of *Alphonfus I.* King of *Aragon*, almost quite eclips'd the Great Protonotary; for tho' *Alphonfus*, when he vested the President of this Council with the same Power, declar'd, that he did not mean by that to inroach upon the Prerogatives of the Great Protonotary; and tho', either he or his Viceprotonotary was admitted to preside in that Council, and frequently hear Causes as well as the President; nevertheless by Degrees this Office was afterwards reduc'd to a meer Title of Honour, and the Protonotary excluded from that Council; for being oblig'd to be always present in Person, and not having Power to elect a Viceprotonotary without a new Grant, which the King refus'd, the Viceprotonotary was no more made by him, but directly by the King, as is still practis'd. Besides, when the Great Protonotary was elected by the King, with great Solemnity he took Possession of his Place in the Council of *Sancta Clara*, and was present with the President and all the other Counsellors at all the Sentences and Decrees that were given; and at last the King made the President of that Council Viceprotonotary: Thus these two Offices were united in the same Person, as shall be related more at large in the Reign of *Alphonfus I.*

IN process of Time, when the great Barons were advanc'd to this Office, and no Regard had to Lawyers, as in the Time of *Bartolomeo di Capua*; the Great Protonotaries, as Persons of high Quality, in a manner disdain'd to go in Person to the Council of *Sancta Clara*, the Viceprotonotaries went; and these being no more made by those, but by the King, the Great Protonotaries at last came to be excluded altogether out of that Council. On the other hand, the Presidents of the Council, whose Authority was very great, excluded afterwards the Viceprotonotaries from all the Prerogatives which formerly they had, as representing the Person of the Great Protonotary; so that their Authority came to be restricted to the sole making of Notaries, and *Judices Chartularii*, &c. which they still have.

BUT tho' the Office of Viceprotonotary was thus restricted, yet the making of Notaries and the *Judices Chartularii*, the examining their Privileges and Protocols

¹ Cassiodor. 6. var. 3. 10. & 16. & 11. var.

² Goth. 1. 1. 2 C. Th. de Primic. & Notar.

³ Freccia de Subfeud. de Offic. Logot. & Proton. num. 1. & 2.

⁴ Idem. num. 17.

brought great Emoluments, which occasion'd grievous Disputes betwixt the Great Protonotaries, who pretended they belong'd to them, and the Viceprotonotaries, who being appointed by the King, appropriated all to themselves; and *Marino Freccia*¹ relates a bitter Dispute that aroſe in his Time betwixt the Duke of *Castro-villari* Great Protonotary, and the famous *Cico Loffredo* Viceprotonotary. At present all these Disputes are over; for the Viceprotonotary holding his Office of none but the King, enjoys all the Profits, and now the Office of Great Protonotary is only a bare Title of Honour, without any Emoluments, but he still retains the Honour of Purple Robes, and his Seat in Parliament on the King's Right-Hand next the High Admiral.

BUT it must be observ'd, that the present Notaries, who are made by the Viceprotonotary, bear no Resemblance with those Notaries mention'd in the *Theodosian* Code, and by *Cassiodorus*, who, as we have said, resembled more the Officers of the King's Secretary or Chancery Offices, who have the Charge of the King's publick Acts and Writs, than the present Notaries, whose Business relates only to the Deeds and Writs of private Persons, tho' their Office be of a publick nature. These are more like the *Tabelliones* of the ancient *Romans*, whose Office was very much the same, with this one Difference, that the present Notaries perform the Office both of the *Tabularii* and the *Tabelliones*.

AMONG the *Romans*, those who were appointed to keep the publick Archives, where the Publick Instruments and Records were preserv'd, were call'd *Tabularii*, because the Place where these Things were kept was call'd *Tabularium*, and the *Greeks* call'd it *Grammatophylacium*, or *Archium*²; and the Care of these Places was often committed to publick Slaves, that is, such as were bought with the publick Money of the Cities or Provinces; and these *Tabularii* being publick Slaves, could not only act, covenant, acquire, and in their Names take Possession for the Publick, but likewise for private Persons³. The Emperor *Arcadius* afterwards turn'd out these publick Slaves from the *Tabularia*, and order'd that the *Tabularii* should be Freemen⁴, who, as publick Persons, could covenant for others, in the same manner as a Magistrate⁵. But the Office of these *Tabularii* was only to take care of the publick Instruments and Records in the Archives, and as publick Persons to act and covenant for others.

THE *Tabelliones* were those who indited and wrote Testaments or last Wills, and drew up Contracts, making them publick Instruments in the Presence of the *Tabularii*⁶, which were afterwards given to the *Tabularii* to be kept. These *Tabelliones* were likewise call'd *Nomici*, that is to say, *Juris studiosi*, because in order to be skill'd in drawing up and writing these Instruments and Testaments, it behoved them to have some Knowledge of the Laws⁷. Some interpret the Word *Nomicus*, viz. *Legitimus*, because he made all Deeds lawful. However that may be, 'tis certain, that the *Tabelliones*, whom we now call *Notaries*, were quite different from the *Tabularii*, who had the Charge of the Archives; and seeing they were distinguish'd by *Justinian* in his *Novellæ*⁸, 'tis needless to confound them, as *Accursius*⁹, *Goveanus*¹⁰, and *Forcatulus*¹¹ have done.

NEVERTHELESS these two Employments were afterwards united in our Notaries; for as formerly the *Tabelliones* wrote the Instruments in the Presence of the *Tabularii*, who preserv'd them in the Archives, it was afterwards brought into Practice, that the Instruments or Testaments were wrote in the Presence of the *Tabelliones*, without having recourse to the *Tabularii*, and the *Tabelliones* made Protocols of them, and kept them in their own Houses, not in the Archives. Whence, by confounding these two Offices, a Notary was look'd upon as a publick Person, that could covenant for other People, as the *Tabularii* did.

THEREFORE the Office of Notary came to be in greater Esteem and Credit; so that when Princes made them, there were certain Laws enacted concerning them, and many Qualifications requir'd, such as Integrity, a good Reputation, Fidelity, and Knowledge; a fair Hand, and a ready Conception, in order to

¹ Freccia loc. cit. num. 22.

² Budeus in annot. reliquis in PP.

³ V. Aulis in Comment. ad tit. de verb. obiig. cap. 2. qu. 2.

⁴ L. generali, C. de Tabular. lib. 10.

⁵ Institut. §. cum autem, de Adopt.

⁶ Novel. 44. de Tabel. Nov. 97. de Instrum.

caut. lib. 1. C. Th. de Crim. falsi.

⁷ Nov. 66. §. 1. in princ.

⁸ Idem 44.

⁹ Accur. l. si Pupillus absens, D. Rem. Pupil. Salv. fore, & l. non aliter, D. de Adoption.

¹⁰ Govean. 2. lect. 10.

¹¹ Forcat. Dialog. 98. num. 3.

couch in Writing, the Articles agreed upon betwixt Parties; they were to be Close, Freemen, Christians, and Natives of the Places where they were to officiate, that they might know the contracting Parties. And this Office requiring the utmost Fidelity, with us of old, the Nobility were not ashamed to exercise it; and, as once it was not below the Nobility, particularly those of *Salerno*, to practise Physick, so likewise many Noblemen of our *Sedeli* * did not think it below them to be Notaries formerly; *Marino Freccia* ¹ declares, that he has seen many Instruments, Records, Inventories, and other ancient Documents, written by the Hands of noble Notaries, whose Families, he says, he would not name, for fear of displeasing their Posterity. Whence 'tis a Rule among us, that the Office of Notary does not derogate from a Man's Nobility, and that Notaries are not reckon'd among Tradesmen ².

* Certain Tribunals in the different Wards of the City of Naples.

¹ Freccia de Subfeud. lib. 1. tit. de Offic. Logot. num. 14.

² V. Tap. de Jur. Regn. de Offic. Notar. num. 6, 7, 8.

S E C T. VII.

Of the High Steward.

AS upon the Suppression of the Maires of the Palace in *France*, four new Offices, with respect to War, Justice, the Finances, and the King's Household had their Rise; for War, the High Constable; for Justice, the High Chancellor; for the Finances, the High Treasurer, chief Officer of the Chamber of Accounts; and for the King's Household, the Great Master of *France*, of old call'd the *Count of the Palace*, that is to say, Judge of the King's Household, who had the Government thereof.

IN the same manner in the Kingdom of *Sicily*, besides the Officers already mention'd, in imitation of *France*, the Great Master of *Sicily* was created, and also by a *French* Word call'd *Siniscalco*, or Steward of the King's Household, of which he had the Charge, and furnish'd it with all Sorts of Provisions; it was likewise his Business to provide Corn and all other Fodder for the King's Horses, to take care of the Forests, and the Game reserv'd for the King's Diversion, to have Inspection over the King's Domesticks, and other Servants, whom he had Power to correct and punish, except the Chamberlains, who were of the King's Bedchamber, and who undress'd and put the King to Bed, and all Privy Counsellors were also exempted from the Jurisdiction of the High Steward ¹.

THEREFORE he was Judge of the King's Household, and the whole Family of the Royal Palace was under his Care, as also all the other inferior Officers, who according to their several Employments had different Names, whence there sprung many Offices that were not Offices of the Crown, but of the Royal Household.

IN the Time of the *Normans* we find there were High Ssewards, call'd so, because they were at the Head of, and commanded all the other inferior Stewards of the King's Household; and tho' we cannot discover from Records who was *Roger's* High Steward, yet in the Reign of *William I.* his Successor, we find *Simone* a Kinsman of the famous *Majone*, was High Steward, whom *Pellegrinus* also mentions ², and to whom *William* gave the Government of *Puglia* ³; so that without doubt this Office, as well as the rest, was introduc'd among us by the *Normans*.

'TIS likewise evident, that in the Time of the Kings of the House of *Anjou*, particularly of *Charles II.* this Office was put on a better Footing, according to the Establishment of this Office recorded by *Freccia*; whence sprung those lesser Offices of the King's Household in *Naples* depending on the High Steward; and the Reason was, because *Charles I.* of *Anjou*, having fix'd his Royal Seat in *Naples*, the High Steward distinguish'd himself above all the other Officers of the King's Household, which were many; therefore in the Time of these Kings of the House of *Anjou*, we

¹ Freccia de Subfeud. lib. 1. de Offic. M. Seneical.

² Pellegr. in Notitia Judicati, pag. 257.

³ Capececiatt. lib. 2. pag. 77.

often find mention made of the Stewards of the King's Household, of the King's Masters of the Horse, his Masters of the Pantry, Grooms of the Stables, Chief Querries, Masters of the Household, Masters of the Stud, Masters Oeconomists, and the *Senescalli Regii Hospitii*, as we read in the Time of Queen *Joan I. Phibillus Gaetanus Reginalis hospitii Senescallus*; and in the Time of *Charles III. Nobilis vir Bartholomæus Tomacellus miles Regii hospitii Senescallus*; and under King *Ladislaus* we find *Paolino Scaglione* High Steward to this King, and others mention'd by *Tutino*¹. So likewise there were other Officers of the King's Household under the High Steward, such as the Master Cook, the Master Butcher, the Judge of the King's Household, the King's Chamberlains, his Huntsmen, Birdcatcher, Falconer, and others, of whom we shall have occasion to discourse more at large in the Reigns of these Princes.

BUT as in the Time of the Kings of the House of *Anjou*, the High Steward on account of so many Officers that were under him, was at his highest Pitch of Grandeur, and his Prerogatives were still continu'd to him under the Kings of the House of *Arragon*, because they also made *Naples* the Place of their Residence; so afterwards, when this Kingdom came under the Dominion of the House of *Austria*, and *Naples* was no more the Seat of the Kings, the Prerogatives of the High Steward were much diminish'd, and many of the abovemention'd Officers of the King's Household suppress'd, and at last for the same Reason it was reduc'd to a bare Title of Honour, without Function or Office.

BY this Suppression, many of these Offices that depended on the High Steward came to be more esteem'd, and to be reckon'd (tho' none of the seven Offices of the Crown) at least among the Chief of the Kingdom, no ways subordinate to others, such as the Master of the King's Studs, his chief Huntsman, who has the Overseeing of all the King's Huntsmen, his Forests and Game; and others, of whom we shall have occasion to speak in a more fit Place. 'Tis worthy of Observation, that in the *Notitia Imperii* there are to be found Officers that have some Resemblance with each of those we have hitherto nam'd; but as for the chief Huntsman, 'tis in vain to expect such a one among the *Romans*, for their Emperors had no Inclination for Hunting, as our Kings had, who look'd upon that Exercise as proper for Warriors, such as they were, who often went in Person at the Head of their Armies; they reckon'd that by going a Hunting they made themselves acquainted with the Situation and Position of the Mountains, Valleys, Hillocks, Plains and Rivers, which, generally speaking, have the same Positions all the World over.

THUS at present among us, by the long Absence of our Kings, who have their Royal Seats elsewhere, the Office of High Steward is in a manner extinct, and only continues to be a Title of Honour; yet on some Occasions, such as in Parliaments, and at publick Solemnities, he retains his Prerogatives and Pre-eminences; he wears Purple Robes, and sits in the last Place at the King's Feet, and is reckon'd one of the seven Officers of the Crown.

THUS did *Roger* establish his Kingdom, and such were the Laws and Polity which he introduc'd, and the Officers by whom the Kingdom was manag'd, which after so much Labour he brought to a solid State of Tranquillity. But his heroick Spirit, not content with having establish'd the Monarchy in this manner, was wholly bent on acquiring new Kingdoms and Provinces, tho' situated in the more remote and distant Parts of *Africa*.

¹ Tutin. degl' Offic. del. Regn. in. princ.





C H A P. VII.

Roger's Expedition into Africa. His Virtues and Death.

IN the mean time Pope *Innocent*, after he had govern'd the Church of *Rome* for the Space of Fourteen Years, on the 24th Day of *September* in the Year 1143, died in *Rome* much afflicted with the Trouble which the *Arnaldists* and *Romans* gave him, who had undertaken to restore their native Country to its antient Liberty, and to re-instate the antient Senatorian and Equestrian Orders, and to humble the Ecclesiastical State, on which account they had continual Broils with this Pope.

GUIDO CASTELLO a Cardinal, by the Title of *St. Mark*, was elected in his Room, and proclaim'd Pope by the Name of *Celestine II.* who had scarcely been Six Months in the Chair, when he became jealous of *Roger's* Greatness, and endeavour'd to break the Peace made by his Predecessor with this Prince; but he was prevented by Death on the 8th Day of *March* in the following Year 1144. The Cardinals elected *Gerardo Cacciaemico da Bologna*, Cardinal of the Holy Cross, his Successor, who took the Name of *Lucius II.*

THIS Pope, treading in the Footsteps of *Celestine*, was ill pleas'd with *Roger*; and this Prince, endeavouring to make him his Friend, they had an Interview in the Monastery of *Cassino*; but not coming to an Agreement, by reason of the Obstacles which the Cardinals threw in the Way, the King in a hostile Manner entered the State of the Church, took *Terracina*, and many other Places in the *Campagna di Roma*¹. This made the Cardinals immediately remove the Obstacles, and the Pope soon came to an Agreement, and having granted *Roger* many Prerogatives, *Terracina* and the other Places were restor'd to him again. Then it was, that this Pope, in order to the better establishing of the Monarchy of *Sicily*, besides what *Urban II.* had confer'd on *Roger*, granted him the Ring, the Sandals, the Scepter, the Mitre and the Dalmatick, and promis'd not to send any Person as Legate into *Roger's* Dominions but such as should be acceptable to him², (tho' *Sigonius*³ says, that these Ornaments were granted to *Roger* the following Year 1145, by *Honorius III.* and not by Pope *Lucius II.*) whence our Kings value themselves in being not only Lords in Temporals, but likewise in Spirituals in *Sicily*; and indeed on the Money which *William I.* caus'd to be coin'd, on one Side we see the King crown'd with a Crown of four Rays, the Verge in his Hand, with the Dalmatick or Stole Cross-wise on his Breast, and seated on the Royal Throne with the Sandals on his Feet⁴.

THE *Arnaldists*, who continu'd to plague *Rome* under the famous *Arnaldo da Brescia* their Head, who had been condemn'd by *Innocent II.* in the *Lateran Council*, accus'd *Lucius* before *Conrade* King of the *Romans*, that for a great Sum of Money, he had granted *Roger* his Enemy these Prerogatives, and had enter'd into a Confederacy with him⁵.

ROGER return'd afterwards to *Palermo*, and this very Year *Anfusus* Prince of *Capua* his Son, died, which Principality *Roger* gave to *William*, whom he also made Duke of *Naples*; and who afterwards succeeded him in his Dominions.

¹ Pellegr. in Anon. Cassin. anno 1143. Cron. di Folionova, ann. 1144.

² Otho Frising. de reb gest. Frid. lib. 2. cap. 27, 28.

³ Sigon. de Reg. Italiæ lib. 11.

⁴ Inveges lib. 3. hist. Paler.

⁵ Otho Frising. de gest. Frid. lib. 1. cap. 27, 28. Et Siculus dedit ei multam pecuniam pro detrimento vestro, & Rom. Impetii.

*Augustinus Inveges*¹; and *Camillus Pellegrinus*² relate, that *Tancred* his second Son, Prince of *Bari* and *Taranto*, died either in the Year 1142 or 1143, and that *Anfusus* his third Son, died this Year 1144. Roger this same Year return'd to *Capua*, where he call'd the first general Meeting; for that which a little before he had call'd in *Ariano*, consisted only of the Prelates and Barons of *Puglia*: His Son *William*, with the Archbishops, Bishops and Abbots, with many Counts and Barons, were present in this Meeting; in which many provident Laws were made for the good Government of the Kingdom, and many Law-Suits were compounded, and particularly one that had arisen betwixt *John* Bishop of *Aversa*, and *Walter* Abbot of *St. Lorenzo*, in the same City, about the fishing of the Lake of *Patria*³; the Writ of which is recorded by *Chioccarelli*⁴.

IN the Year 1145, Pope *Lucius* II. died in *Rome*, and the Cardinals elected *Bernard* Abbot of *St. Anastasius*, Disciple of *St. Bernard*, his Successor, who took the Name of *Eugene* III. who, notwithstanding that the *Romans* and *Arnaldists* continued to disturb him, hearing that the Affairs of the Christians in *Palestine* grew worse and worse, resolv'd to relieve those Holy Places, and, by his Letters, and the Persuasion of *St. Bernard*, the Emperor *Conrad*, and *Lewis* King of *France*, were mov'd to go with a great and powerful Army to the Holy Land. Roger would not enter into this Confederacy, because the Intent of it was to preserve the Kingdom of *Jerusalem* to *Baldwin* III. and, as we have said, he had always been push'd on by *Adelaida* his Mother, to conquer it for himself; so that having settled his Dominions in a solid and lasting Peace, and being of a heroick Spirit, and covetous of Dominion, he resolv'd to extend his Conquests to other more remote Parts. Therefore he made every thing ready for an Expedition into *Africa*, and having order'd a great Fleet to rendezvous in *Sicily*, he embark'd in it, and steer'd for the Kingdom of *Tunis*, and having attack'd that King, he made himself Master of the Cities of *Tripoly*, *Stace* and *Cassia*, and so harass'd him in other Parts of the Kingdom, that he forc'd him to buy his Peace for a yearly Tribute⁵, which continu'd to be pay'd for the Space of Thirty Years, both to himself and his Son *William*; whence, according to *Inveges*⁶, the Church of *Tripoli* in *Africa* was made Suffragan to that of *Palermo*. Roger, proud of having made the King of *Tripoli* Tributary to him, took for his military Motto, which he caus'd to be engraven upon his Sword, this Verse,

Appulus, & Calaber, Siculus mihi servit, & Afer.

HE likewise carried his victorious Arms into *Greece*; for the Emperor *Callo-Joannes* dying about this Time, was succeeded in the Empire by his Son *Emanuel*, who sent Ambassadors to the King, desiring to enter into Alliance with him by Marriage, and Roger, that it might take Effect, sent Ambassadors to *Constantinople*; but the perfidious *Greek* changing his Mind, and amusing them for some Time, caus'd them to be put in Prison; which so irrag'd Roger, that he order'd a strong Fleet to be conven'd at *Otranto*, and sent it with a great many of his Barons into *Greece*, under the Command of *George* of *Antioch* his High Admiral, who having taken the City of *Mutine*, fell upon the Island of *Corfu*; and from thence he sail'd into the *Morea*, and scowering along into the Gulf of *Saronico* near *Cancrea*, a Port belonging to *Corinth*, he destroy'd all that Country with Fire and Sword; from thence he went and ransack'd all *Achaia*, and ruin'd *Thebe*, and committed Hostilities in all Places of the *Negropont* and *Bæotia*; from whence, besides the rich Booty, he carried off with him the chief Workmen of the Silk Manufactures, and brought them to *Sicily* and these our Provinces, which Art had never been known in *Italy* before this Time; and had not the *Venetians*, who, at the Request of the Emperor *Emanuel*, came to his Assistance with Sixty Gallies, oblig'd him to return to *Sicily*, he would have carried his victorious Banner to the Walls of *Constantinople*.

BUT all these Triumphs were imbitter'd by the Death of *Henry* his Fifth Son, there being now none left of so many Sons, but only Two, Roger Duke of *Puglia*,

¹ Inveg. Hist. Pal. tom. 3.

² Pellegr. part. 1. in stem. Pr. Capuæ.

³ Capececlatr. hist. lib. 1. pag. 53.

⁴ Chioc. de Archiep. Neap. A. 1118. in Marin.

⁵ Anon. Cassin. ann. 1145. Fr. Tolom. di Lucca Chron. tom. 3. Hisp. illustr. fol. 375.

⁶ Inveg. hist. Paler. tom. 3.

and *William Duke of Naples* and Prince of *Capua*. *Camillus Pellegrinus* says, that *Henry* died when he was very Young: but he is much mistaken; for he was the Son of Queen *Albira*, who died in the Year 1134, and 'tis certain that *Henry* was at that Time a Youth at least of 14 Years old. And what added to his Grief, was, that he discover'd that this Year 1149, the Emperor *Conrad* had enter'd into an Alliance with the Emperor *Emanuel* to his Prejudice, and soon after in the same Year, *Roger Duke of Puglia* died¹. Therefore the King resolv'd to marry again, and took to Wife *Sibilla*, Sister to the Duke of *Burgundy*; but this Princess died the Year following 1150 in *Salerno*, and was buried in the Church of the *Trinity of the Cave*, where her Tomb is to be seen to this Day².

¹ Romuald. in Chron.

² Anon. Cassin. Anno 1150, Obiit Sibilla

| Regina, & Rex Rogerius constituit Gulielmum Ducem filium suum Apuliæ Regem.

S E C T. I.

The Coronation of William I. and the Deaths of Pope Eugen, and the Emperor Conrad, who was succeeded by Frederick Barbarossa.

RÓGER, being thus left alone, made *William* his Colleague, and caus'd him to be crown'd and anointed King of *Sicily* the same Year 1150, which Ceremony was perform'd in *Palermo* by *Hugo*, Archbishop of that City; whence *Inveges* says¹, that though the Family of *Caravella* claim it as their Right to crown the Kings of *Sicily*, nevertheless the *Palermitans* dispute it with them, and say, that 'tis the Prerogative of their Archbishop. However that may be, in all Writs the Years of *William's* Reign are computed from 1150, in which his Father made him his Colleague. And *Roger*, *Sibilla* having died so soon without leaving Children, married anew, and took to Wife *Beatrice* the Sister of Count *di Retesta*; this Queen after *Roger's* Death, being left big with Child, brought forth *Constance*, whom *Henry* of *Suevia* married when she was Thirty Years of Age, and by whose Right he afterwards became King of *Sicily*, as shall be related more at large in its Place; so that those Authors are grossly mistaken, who have written, that this *Constance* was a Nun; whence we may see, that what's told of *Roger* his having consulted the Abbot *Gioachimo*, concerning his Prophecy relating to *Constance*, is a meer Fable; but some Authors, such as *Vilani*, tell the Story of his Son *William*.

THE Year following 1151, the Emperor *Conrad* died in *Germany* in the City of *Bamberg*, not without Suspicion of having been poison'd by *Roger's* Means, who had still been his Enemy, (as all the Kings of *Sicily* had been to the Emperors) neither had the famous *Peter*, Abbot of *Clugny*, been able to reconcile *Conrad* and *Roger*. His Nephew *Frederick Duke of Suevia*, surnam'd *Barbarossa*, a gallant and wise Prince, was elected his Successor, whose Exploits shall be recorded in the following Book.

THE Year following 1152, Pope *Eugen*, after having restor'd Tranquillity in *Rome*, where he had been joyfully receiv'd, likewise died, and Cardinal *Conrad* a Roman, in the Year 1153, was elected in his Room, and took the Name of *Anastasius IV*.

IN the mean time *Roger*, after having, by the Means of his Captains, conquer'd the City *Hippon* in *Africa*, famous for having been the See of the Great *Augustine*, laid aside any more Thoughts of War, took up his Residence in *Palermo*, and spent the Two remaining Years of his Life in erecting perpetual Monuments both of his Magnificence and Piety; for besides a stately Palace which he built in *Palermo*, and a noble Royal Chapel dedicated to St. *Peter*, and another Church in *Messina*, dedicated to St. *Nicholas*, he founded a noble Church to *Nicholas Bishop of Mira*.

IN the Year 1078, as we have said, the Bones of this Saint had been transported to *Bari*; and now on account of the Liquor which was seen to drop out of them, were become the Wonder of the World: The Fame of the Prodigy increas'd, and

¹ Inveg. hist. Pal. tom. 3.

in these Times this Church and *Bari* grew so famous in the East, that it drew Veneration from the very Emperors of *Greece*, as may be seen in the *Novellæ* of the Emperor *Emanuel*, wherein so notable a Miracle is mention'd. *Roger*, out of Devotion, went frequently to *Bari*, most graciously confirm'd the Customs or Laws of that City, and erected this magnificent Church there, and declar'd it to be his Royal Chapel: he would not have it to be subject to the Archbishop of the City, but absolutely to the Pope, and instituted a Prior and many Canons in it: He enrich'd it with great Revenues, Castles and Farms, as may be seen by an Inscription on Marble in that Place; though *Beatillo*, who wrote the History of the City of *Bari*, and the Life of this Saint, mentions no such thing; but gives the Church and Priory a more antient and different Rise. Some will have it, that *Charles* of *Anjou* instituted that Priory, and declar'd this Church his Chapel Royal; of which we shall have occasion to discourse in another Place.

ROGER gave likewise many noble Ornaments both of Gold and Silver, and the Inheritance of many Lands to St. *Matthew's* Chapel in *Salerno*; and some rich Presents to the Monastery of the *Trinity of the Cave*; and though he did not think fit to make use of Violence to oblige the *Saracens* and *Jews* that were in *Sicily* to turn Christians, yet he was at great Pains to bring it about.

BUT this Prince, after having, by his notable Exploits, made himself so famous and renown'd in the World, in the Month of *February* of this Year 1154, fell sick in *Palermo*, and died in the 58th Year of his Age: A short Life for so many noble Actions perform'd by him; whose Death was soon followed in the Month of *December* of the same Year, by that of *Anastasius*; and *Adrian IV.* was elected in his Room.

ROGER was truly a great and illustrious Prince, whose magnanimous Exploits rais'd him to be one of the most powerful and greatest Kings in the World, who not only struck Terror into the Emperors of the West, but also into those of the East; and by his Conduct rais'd his Kingdom in the midst of these Two potent Empires: He was no less prudent in Council, than brave in the Field, unshaken in Adversity, and moderate in Prosperity. An equal Admirer of gallant and learned Men, whom he invited from the most remote Countries, and rais'd to the first Honours of his Kingdom. He was judicious in making new Laws, and govern'd his Dominions with the utmost Justice. He had a great Affection for the *French*, his Forefathers having been of *French* Extract. He left notable Monuments of his Piety; and tho' some have charg'd him with Cruelty towards his Enemies and Rebels; yet he was not to be blam'd for that, seeing he was oblig'd to make use of all those Means which are proper and necessary to a Prince, who was to establish a new Kingdom.

I KNOW that St. *Bernard*, and the Emperor *Emanuel* spoke of him as a Tyrant and Usurper; but the first, who was of *Innocent's* and *Lothair's* Faction, spoke the Sentiments of that Party; which was evident, for no sooner had *Roger* made up Matters with *Innocent*, than the Title of Tyrant and Usurper vanish'd; whence we have many Letters of the same *Bernard* written to *Roger*, full of Encomiums on him. And our modern *Neapolitan* Historian, says, that *Roger*, after this Peace, of the worst, became the best of Men; for in the Opinion of Writers of this Kidney, he's a wicked Prince, who, in order to preserve his own Rights and Royal Prerogatives, opposes the Popes; and he's a good Prince, who, to curry Favour with them, cringes, and is at their Devotion. As for the Emperor *Emanuel*, no other could be expected from him, because he was his mortal Enemy, as all the *Norman* Princes were to the Emperors of the East, on account of the continual Wars they had with one another; thus, the Princess *Anna Comnena* calls the famous *Robert Guiscard* a Robber, because of the cruel War which he made on *Alexius Comnenus* her Father.

I likewise know, that some blame this Prince for having join'd the Faction of *Anaclet* the Anti-Pope, and rejected *Innocent*; but they ought to consider, that by blaming *Roger* for this, they accuse at the same Time almost the whole Catholick World, that then look'd upon *Anaclet*, and not *Innocent*, to be the true Pope.

¹ Capecelatr. lib. 1. pag. 59.

² Camil. Pellegr. ad Anon. Cassin. A. 1154.

| Capecelatr. hist. lib. 1. pag. 59.

They were both created the same Day, and tho' *Innocent* was first elected, yet *Anaclet* had the greatest Number of Votes ; and the Suffrages of those Cardinals, who after they had elected *Anaclet*, went over to *Innocent's* Faction, could be of no stead to him. Though the People of *Rome*, and the chief Men of that City at first stuck by *Innocent*, nevertheless they afterwards publish'd to the World by several Manifestoes, that since they had come to the Knowledge of the Truth, they own'd *Anaclet* for true Pope. The Monks of *Monte Cassino* with their Abbot, acknowledg'd him as such: Many Cardinals, Bishops and the chief Prelates of the Church, sided with *Anaclet*; and many Princes and Kingdoms did the same; and before the Council of *Eftampes*, a City betwixt *Paris* and *Orleans*, which decided in Favour of *Innocent*, *France* was very uncertain what Side to chuse. *Henry* King of *England* was afraid to own *Innocent* for Pope, and till St. *Bernard* satisfied his Conscience, he never would acknowledge him'. And though *Germany* was for *Innocent*, yet it was more owing to *Lotbair*, than to the want of Scruple of Conscience. It was a hard Matter at this Time to discover Truth amidst so many and opposite Factions under which it was disguis'd; and the World was witness to a most deplorable Tragedy. *Innocent* excommunicated *Anaclet* with his Adherents; and *Anaclet* excommunicated *Innocent* with his Followers: *Bernard* and *Peter* of *Pisa* contended with one another, and both of them were reckon'd equally wise and learned. Many Disputes arose amongst the gravest Divines of those Times, insomuch that by the Arguments of both Sides, the People were confounded. In which Circumstance, as St. *Anthony*², speaking of the Schism which fell out betwixt *Urban* VI. and *Clement* VII. very much to the Purpose, said, tho' we must believe, that as there is but one Catholick Church, so likewise she can have but one Head; nevertheless if through Schism, more Popes than one happen to be elected at the same Time, our Salvation do's not depend upon believing absolutely this one or that one to be true Pope; but that one of them who has been lawfully elected, must be such; and we are neither oblig'd to inquire narrowly, nor to know which of them has been lawfully elected; and the People are to be guided in that by their Superiors and Prelates; whence this same Writer does not condemn St. *Vincent Ferreri* or his own Order, for having spent almost his whole Life-time in *Avignon*, where *Benedict* XIII. kept his Court, and whom he acknowledg'd to be the true Pope, tho' the *Italians*, and many other Nations, look'd upon him as an Apostate and Schismatick, and especially in so intricate and doubtful a Case; and many things may be said to be lawful while doubtful; but not when the Truth is set in a clear light. If any thing derogates from the Worth of this Prince, it is, that after almost all the World had acknowledg'd *Innocent* as true Pope, and even after *Anaclet's* Death, he obstinately stood it out, and got others to be elected in his Room; but 'tis very clear he did so for Reasons of State, and not of Religion: By this Behaviour he had a mind to humble *Innocent* his implacable Enemy, by keeping up the opposite Faction, whereby *Innocent* might be forc'd to be friends with him. But that did not take with the obstinate Pope, who must needs put himself at the Head of an Army, in order to crush *Roger*. But it happen'd quite otherwise, for the Pope was taken in the Battle and made Prisoner. This Action made *Roger's* Piety more conspicuous, for tho' he had it in his Power to treat him according to the Laws of Victory, yet he then pay'd him Respect, and acknowledg'd him for the Vicar of Christ, and would make Peace with him, and he was afterwards the greatest Defender that the Church of *Rome* had against the Incroachments both of the Emperors of the East and West; as the famous *Robert Guiscard* had been, and the Two *Williams* his Successors were.

THIS Prince, by his so many Wives, left no Children but *William*, who succeeded him in the Kingdom, and *Constantia* his posthumous Daughter: He foresaw, that though he left him Heir to his Dominions, he would not inherit his Virtues: To his great Grief he had lost all his other Sons, and Death had snatch'd away the best, and left the worst; he had made *William* his Collegue, that he might learn of him the Art of Government.

BY the four Concubines which at different Times he had had, he left some Children. It was an Error in *Fazzellus* to write, that *Tancred* Prince of *Bari* or *Taranto*,

¹ Auth. Vitr. S. Barnardi.

² Anton. 3. par. lib. 22. cap. 2. tit. 2.

was the Son of one of *Roger's* Concubines¹; for, as we have said, he was his lawful Son, by *Albiria* his first Wife. Neither was that *Tancred*, who was fourth King of *Sicily*, Son to this King *Roger*, but he was his Grandchild by *Roger* his eldest Son, Duke of *Puglia*, so that 'tis uncertain what Children *Roger* left by his first Concubine. By the Second he had *Simon*, to whom by his Will he left the Principality of *Taranto*; but King *William* his Brother took it from him, and gave him the County of *PolICASTRO*. The Third was Mother of *Clementia* Countess of *Catanzaro*, who was first married to *Hugo di Molino* Count of *Molise*, and afterwards *Matteo Bonello*, Son-in-Law to the High Admiral *Majone*, courted her. The Fourth was Mother of her, whom Queen *Margaret* the Wife of *William I.* married to *Henry* her bastard Brother, who got with her the County of *Monte Scaglioso*.

WE are not to be surpriz'd to find this religious Prince keep Concubines in his Palace; for in these Times Concubinage was not so ignominious as at present. Formerly among the *Romans*, as we have observ'd elsewhere, it was look'd upon as a lawful Conjunction, and the Concubines were in a manner Wives, and Concubinage was call'd *Scimmatrimonium*. And when Priests could marry, they were allowed to keep one of the Two, either a Concubine, or a Wife, as we read in the first Council of *Toledo*. Thereafter, the *Latin* Church not allowing Priests to marry, though the *Greek* Church did, there were many Councils held for prohibiting the Use of Concubines likewise, which Custom requir'd the Labour of many Ages to extirpate it, as we have said on another Occasion; but Concubinage continu'd amongst Laicks for many Ages; and tho' in the East, *Leo* by one of his *Novellæ* forbid it altogether, as *Constantinus Porphyrogenitus* afterwards did, yet in the West the *Longobards* and many other Nations continued to practise it; and *Cujacius* writes, that even in his Time, some People in *France* towards the *Pyrenean* Mountains retain'd it. The *Normans*, who were exact Observers of the Laws and Customs of the *Longobards*, likewise kept it up; so that we must not wonder at *Roger's* keeping Concubines while he was a Widower; for none, except the *Jews* and *Turks* (who reckon'd Polygamy lawful) were ever allow'd to have a Wife and Concubine; or two Wives, or two Concubines at the same Time.

IN After-times, Concubinage was prohibited by the Civil Law, and by many Councils afterwards it was declar'd unlawful; so that it is not now, as formerly, a lawful Conjunction, but scandalous and opprobrious; and to keep a Concubine, is look'd upon at present to be as great a Crime, as to commit Adultery, Incest, or any other wicked Lust. Thus Time changes Things, and what was formerly honest and lawful, becomes shameful and blame-worthy.

¹ Inveges lib. 3. Hist. Paler.





THE
CIVIL HISTORY
Of the KINGDOM of
NAPLES.

BOOK XII.



THE Reign of *William I.* was not so much confounded and disturb'd by the Power of a foreign Enemy, as by the intestine Commotions of his Barons; and it was more remarkable for the Plots and Conspiracies against his own Person, and the Great Men of his Court, than for Wars and Battles. The Occasion of so much Mischief was, that he undervalu'd the Actions of his most worthy Father, and suffer'd his Court, which his Father had reform'd and put on a good Footing, to go to ruin, partly by banishing, and partly by imprisoning those Persons whom *Roger* had most esteem'd. For having indiscreetly rais'd *Majone di Bari* to the chief Honours

of the Kingdom, and made him his High Admiral, he likewise intrusted him with the whole Government of the Kingdom; he was so dear to him, that when he was surly and austere to others, he was open and serene to him; which so much offended the principal Barons, that they withdrew their Affection from him to that Degree, as turn'd the Kingdom topsy-turvy, as shall be related by-and-by.

AS soon as his Father was dead, tho' he had reign'd in company with him little less than four Years, he caus'd all the Prelates and Barons of the Kingdom to be assembled, and made himself to be solemnly crown'd anew in *Palermo*, on *Easter* Day this same Year 1154. And soon after this great Solemnity, the Birth of his second Son *William*, by Queen *Margaret* his Wife, Daughter of *Garfias II.* King of *Nicar*, was celebrated with great Magnificence and Feasting; for his eldest Son

Roger was born while his Grandfather was alive¹. There were no other Princes of the Blood in the Royal Family but Roger and William II. both Infants. Their Aunt *Constantia*, the posthumous Daughter of Roger, was still a Child. *Tancred* and *William*, the Sons of Roger Duke of *Puglia*, tho' but Youths, for Reasons of State, were kept Prisoners in the Royal Palace in *Palermo*: Thus *William* was left alone at the Age of 34 Years, without the Assistance or Advice of Kinsmen, to govern the Kingdoms of *Puglia* and *Sicily*, and the other Provinces and Cities of *Greece* and *Africa*.

THEREFORE the High Admiral *Majone*, who was endued with Talents fit to raise a private Man to be a Prince, had free scope for imposing on the King, and governing his Dominions without Controul. He was of a ready and piercing Wit, and fitted for the hardiest and most difficult Undertaking; fluent in Speech, exceeding generous, a most cunning Dissembler, and greedy of Command; for which end he had his Thoughts always employ'd in contriving how to arrive at the highest Pitch of Dignity and Honour; but he conceal'd all under a serene and chearful Countenance: he spent whole Days with the King on the Affairs of State, and the most secret Transactions were intrusted with him alone, and his Advice was solely acceptable and rely'd upon. His Authority gain'd him Friends and Partisans, to whom, at his Pleasure, he gave the Government of Provinces, Castles, and military Employments; and *William* was so much his Bubble, that whatever he was pleas'd to ask was immediately granted: In order to remove all Obstacles that possibly could stand in his way, he pretended to be in Love with the Queen, and sully'd her Virtue, by gaining to his Interest all the *Saracen* Eunuchs, Keepers of the Royal Palace. In short, he was the Director of the Kingdom; he was so forward to raise his own Family, that he advanc'd one of his Brothers, and one of his Sons, both of them nam'd *Stephen*, to the chief Military Employments, and made the Son of one of his Sisters, call'd *Simon*, High Steward of the Kingdom, and married one of his Daughters to *Matteo Bonello*, one of the principal Barons of the Kingdom; and he caus'd to be registred by the Monks of *Monte Cassino*, in a Book wherein the Deaths of Popes, Emperors, Kings, Sovereign Dukes, and such like Personages were recorded, the Days on which *Leo* and *Curazzo*, his own Father and Mother, formerly very mean Persons, died, in these Words; *Curazza Mater Madii magni Admirati Admiratorum obijt VII. Kal. Aug. & Leo Pater Admirati Admiratorum obijt VI. id. Septembris*². And Cardinal *Laborante*, who in these Days was reckon'd the most knowing and learned Man that flourish'd in *Rome*, having compos'd a Book, *De Justis, & Justitiæ rationibus*, which is to be seen at this Time divided into four Parts, he dedicated it to this *Majone*, as to the most renown'd and remarkable Personage in *Europe* at this Time.

HE being arriv'd to this Pitch of Grandeur, bethought himself how he might at last accomplish his Design of usurping the Kingdom; and finding that he had nothing else to do but to dispatch out of the Way all those who were able to obstruct it, he employ'd all his Thoughts how to ruin them.

THOSE that he thought were most likely to baulk him, were *Simon* Count of *Policaastro*, the bastard Son, as we have said, of King Roger, *Roberto da Bassavilla* Count of *Loritello*, *William's* Cousin-German, and *Eberard* Count of *Squillace*, who were all Men of consummate Virtue, who could neither be brib'd nor cozen'd; and he was convinc'd, that while they were alive, all his Labour would be in vain. He began then to contrive their Ruin; and being sensible that *Hugo* Archbishop of *Palermo* was a fit Person to communicate his Design to, and be his Accomplice, by whose Assistance he should the more easily be able to bring his Project to bear; for the Archbishop was a subtle and bold Man, both fit for any great Undertaking, and greedy of Command; therefore the Admiral began to sound him by Degrees, by insinuating, that if once the King were dispatch'd, as being a Man both unfit for Government, and wicked, they might then easily take the young Sons into their Charge, by which Means they would be Masters of all, till the Children should be of Age. He would not discover his Resolution of usurping the Kingdom, for fear that the Heinousness of the Crime might surprize him, hoping, that if he were once Tutor to the King's Children, nothing could stop him from putting his Designs in Execution. Therefore he enter'd into a strict Friendship with the Archbishop, and they

¹ Inveges lib. 3. hist. Paler.

² Libro Mortuale di Monte Cassino.

mutually swore to assist one another, happen what would; and the Admiral order'd Matters so, that the Archbishop became one of the King's Confidents and Creatures, in order to approve or disapprove of the King's Actions, how wicked soever, as he thought fit.

THESE were the Foundations which *Majone* laid for supporting the lofty Fabrick of his Ambition: In the mean Time new Opportunities offer'd; which the Admiral seasonably laid hold of in order to ruin his Rivals, and those who were able to obstruct his Design. Pope *Anastasius*, as we have said, had died in *Rome*, and *Adrian IV.* an *Englishman*, had been elected in his Stead. This Pope was offended at *William's* having caus'd himself to be crown'd in *Palermo* without asking his Consent, which the Popes pretend to be necessary to the Coronation of their Feudatory Princes, and the King having heard of *Adrian's* Election, sent Ambassadors to confirm the Peace which he had made with his Predecessor, but the Pope dismiss'd them without concluding any Thing. *William* went afterwards from *Palermo* to *Messina*, and from thence to *Salerno*, and while he was there, *Adrian* sent Cardinal *Henry* with Letters to him, who not only would not receive them, but order'd the Cardinal immediately to depart his Kingdom; the King was likewise offended because the Pope in his Letters did not give him the Title of King, but only *Lord of Sicily*, pretending that he could not give him that Title, because he had been crown'd without his Permission and Authority¹. But *William*, who took it as an Affront to be oblig'd to ask of the Pope what was in his own Power, after having celebrated the Feast of *Easter* in *Salerno* this Year 1155, and created *Ascleettino* Archdeacon of *Catania* High Chancellor, and Governor of *Puglia*, in a bitter Passion order'd him to assemble a strong Army to besiege *Benevento*, lay waste all its Territories, and take it in spite of the Pope. On the other hand *Adrian* excommunicated the King, who, besides having commanded the Chancellor to besiege *Benevento*, likewise order'd that none of the Bishops of his Kingdom should acknowledge the Pope, nor be consecrated by him. Then, he left *Salerno*, and accompanied, with *Majone*, return'd to *Palermo*.

MEAN while the Chancellor, after having laid waste the Territory of *Benevento* to the very Walls of the City, endeavour'd to surprize it, but it being bravely defended by the *Beneventans*, who put their Archbishop to Death, because he had been discover'd to be a secret Friend and Partisan of *William's*, the Chancellor was forc'd to lay close Siege to it: During the Siege, some Barons not satisfied with the present Government, and besides spurr'd on by the Pope, deserted the Army, and threw themselves into *Benevento*, and others, without Leave, left the Camp; for which Cause, the Army being divided, the Siege was rais'd². *Robert* Count of *Bassavilla*, full of Rage return'd to *Puglia*, for he having been to wait upon the King while he was in *Salerno*, by the Means of *Majone* was so coldly receiv'd, that the King did not so much as speak to him. The Chancellor with that part of the Army that had stuck by him, and some new levied Soldiers, march'd into *Campagna di Roma*, where he took and burnt *Cepparano*, *Basucco*, *Frusinone*, *Arce*, and other neighbouring Places; and afterwards in his marching back to the Kingdom, he caus'd the Walls of *Aquino*, *Pontecorvo*, and other Castles belonging to the Monks of *Monte Cassino*³ to be demolish'd, and besides, he turn'd out all the Monks of that Monastery, because they were Partisans of the Pope, excepting twelve, which he left to take care of the Church, and return'd to *Capua*, where he remain'd in Company with Count *Simon*, in order to be at hand for the Defence of the Kingdom, and to prevent any Commotion of the Barons, who were cruelly vex'd at the Admiral's Power, which was so great, that it was a hard matter to distinguish whether he or *William* was King of *Sicily*; but more especially to prevent a new Storm that was threatening; for it was rumour'd aboad, that the Emperor *Frederick Barbarossa*, with a great Army, was on his march from *Germany* to *Italy*.

¹ Romuald. Arc. di Salern. Eo quod in literis Apostolicis, quas Regi portabat, Papa cum non Regem, sed Willel. Dom. Siciliae nominabat.

² Hugo Falcand. Capetelarr. lib. 2.

³ Anon. Cassin. in Chr. fol. 141.

S E C T. I.

The Emperor Frederick I. enters into a League with Emanuel Comnenus Emperor of the East, and with the Pope makes War against King William.

FREDERICK, as his Predecessors had been, was an implacable Enemy to the Normans, and as *Lothaire, Henry, and Conrade* had oppos'd *Roger*, so he bent all his Thoughts on driving *William* out of *Puglia* and *Sicily*, looking upon him as an Usurper of the Provinces of the Empire. No Emperor had ever conceiv'd such high Thoughts of the Empire restor'd by *Charles the Great* in the West, as he did; for he look'd upon himself to be another *Octavianus Augustus*, and that all the Provinces which were formerly under that vast Empire, whether in *Asia, Africa*, or in any other more remote Part of the World, belong'd to his Empire, and that therefore he had sufficient Right to expel the Invaders; for *Saladin* had no sooner made himself Master of many Places of *Syria*, than he immediately declar'd War against him, and by a thundering Letter threaten'd him, if he did not restore those Places, which Letter is recorded in the Annals of *England* by *Roger*, and *Matheæ Paris*, in which among other Brags and Rodomantados, he tells him, that he could not but know, that both the *Æthiopias, Mauritania, Persia, Syria, Parthia*, where *Marcus Crassus* died, *Judea, Samaria, Arabia, Chaldaea*, and *Egypt* itself, where *Anthony* fell in Love with *Cleopatra, Armenia*, and a multitude of other Places were subject to his Empire. But *Saladin* answer'd him with no less Haughtiness and Pride, as may be seen in his Answer recorded by the same Writers. 'Tis likewise known, that no Emperor before him, was seiz'd with the Whim of creating so many honorary Kings as he did; for he sent the Sword and Royal Crown to *Peter* King of *Denmark*, the Dukes of *Austria* and *Bohemia*, to whom he gave the Title of Kings, as we have related in the preceding Book.

AND this Vanity of believing himself to be Lord of all the World, and of particular Cities and Places, was of so pernicious Consequence to him, that when, according to these Notions (fomented by the fawning *Martin* the Civilian) he was imposing severe and rigorous Laws upon the Nobility and Cities of *Italy*, all *Lombardy* revolted, which occasion'd the Ruin of *Milan*, as we shall see anon.

BY the same airy Notions he look'd upon *William* as an Invader and unjust Usurper both of *Puglia* and *Calabria*, therefore he employ'd all his Thoughts and Power in order to drive this Enemy from his Throne; but considering that of himself he could not bring it to bear, for tho' he could bring an Army into the Field sufficient to conquer *Puglia*, yet for want of Sea Forces, it was impossible to undertake any Thing against *Sicily*; therefore the preceding Year 1154, after having call'd a Dyet at *Ratisbon*, he had sent Ambassadors to the Emperor *Emanuel Comnenus* to solicit an Alliance with him against *William*¹. *Emanuel* was as jealous of the Growth of the Normans as *Frederick*, for they had not only possess'd themselves of *Sicily*, but had likewise got footing in *Greece*, and had extended their Conquests to the very Gates of *Constantinople*. *William* found himself betwixt two powerful Enemies, united and confederated together. It was truly a very unaccountable Thing to see *Frederick* on the one hand boast, that *William's* Dominions belong'd to his Empire of the West; and on the other hand *Emanuel* threaten'd, that he and his Romans would never desist from making War in *Italy*, until it, and the whole Island of *Sicily* were restor'd to his Empire, from which they had been wrested². *Frederick* likewise found Means to get the *Pisans*, who were then powerful at Sea, to enter into this League against *William*; who being also involv'd in a War with the Pope, and jealous of the Loyalty of his Barons, was seiz'd with such a Consternation and Melancholy, that abhorring to see any Person, he was always shut up in his Palace, where he only convers'd with *Majone* and the Archbishop, from whom he learnt how the Affairs of his Dominions went, not as was fitting, but as best suited with their Designs. And in the mean while, *Majone* perceiving that he could not expect

¹ Sigon. de Regn. Ital. p. 237.

² Jo. Cinnamus hist. Comnena, lib. 4.



a more fit Opportunity than the present for accomplishing his deep Designs; he made the King believe that the Count of *Loritello* had retir'd to *Puglia*, on purpose to get himself made King, by Virtue of a certain Testament of *Roger's*, wherein 'tis said, that he should succeed in case his Son *William* was not found fit to govern his Dominions; and therefore he ought to order *Ascleettino* to invite him to *Capua*, and upon his Arrival to make him Prisoner, and send him under a strong Guard to *Palermo*. But the Count immediately suspected this Invitation, and afterwards having discover'd the Trick, he refus'd to obey the Chancellor, who commanded him in the King's Name, to deliver over his Soldiers to Count *Buemondo*, and in a great Passion told him, it was the Order of a Fool, or a Traytor, and forthwith left *Puglia*, and with all his Men went to *Abruzzo*. *Majone* not content with this, at the same Time resolv'd to ruin Count *Simon* likewise, by artfully sowing Dissention betwixt the Count and the Chancellor, and a Mutiny happening among the Soldiers, he represented the Matter at Court, not as it really was, but as he thought fit, adding, that the Count was the Occasion of those Tumults, and that there was a secret Correspondence, by Letters, carried on betwixt him and Count *Robert*, about Affairs of great Consequence; this was enough to make the King believe that the Counts *Simon* and *Robert*, with many others, were in a Plot against him, in order to dethrone him; whereupon *William*, who was always jealous of his nearest Kinsmen, invited Count *Simon* to *Palermo*, and without giving him Time to alledge any Thing in Defence of his Innocence, he caus'd him to be shut up in Prison, which rais'd Indignation in every Body against the Admiral, by whose Means all these Mischiefs were brought about.

AT this very Time it happen'd, that the King, either on account of a violent Fit of Sickness, or for some other Reason, shut himself himself so close up in his Palace for several Days, that he could neither be seen nor spoke to by any Person, except by the Archbishop and *Majone*; which made it to be rumour'd abroad in his Dominions, that he had died of Poison given him by the Admiral. This Report being spread in *Puglia*, occasion'd terrible Commotions, insomuch that many Provinces immediately revolted; for Pope *Adrian* taking Advantage of the Opportunity stirr'd up the Barons of *Puglia*, and those whom *William* had expell'd, to rise in Arms all of a sudden¹. They had such an Aversion to the King on the Score of *Majone*, that it was no hard matter to bring about a Rebellion; therefore *Calabria*, *Puglia*, and *Terra di Lavoro* were immediately imbroil'd in a cruel War, and full of Tumults and Sedition. Count *Robert* having assembled a great Army in the Neighbourhood of *Abruzzo*, surpriz'd many of the Maritime Cities of *Puglia*, as far as *Taranto*, and having taken *Bari*, with the Consent of the Citizens, he caus'd the Castle built by *Roger* a few Years before, to be demolish'd; and besides, together with the Pope, prevail'd upon the Emperor to join them, by promising to restore *Puglia* to the Empire of the East. *Emanuel* sent a good Army commanded by gallant Officers, and a great Sum of Money to *Brindisi*; for which end they repair'd the Harbour of that City, whither *Emanuel* resolv'd to send more Troops.

THE Report of the King's Death occasion'd the like Commotions in *Terra di Lavoro*; for *Robert* the exil'd Prince of *Capua*, who hitherto had led a private Life in *Sorrento*, which *Roger* had wink'd at, whence he was also call'd *Robert of Sorrento*², wanted not to be spurr'd on by the Pope, but came quickly to *Capua*, and took Possession of his ancient Inheritance, and soon after he not only intirely subjeeted all the Cities of his own Principality, but having likewise march'd into *Puglia*, he subdu'd all the rest, excepting *Melphis* and *Troja*. And the King's Affairs were in such a bad Situation in the Country of the *Picentini*, and *Terra di Lavoro*, that nothing remain'd under his Obedience but the Cities of *Amalphis*, *Naples* and *Salerno*, and a few Forts and Castles, for *Riccardo dell' Aquila* Count of *Fondi*, had taken *Sessa* and *Tiano*, and the Count *Andrea da Rupe Canina* had possess'd himself of *Alife*.

IN the mean Time the Fear of greater Troubles increas'd; for the Emperor *Frederick* had come from *Germany* to *Rome*, where he had been receiv'd with great Pomp, and solemnly crown'd in *St. Peter's Church* by Pope *Adrian*; and before his Coronation, the Pope had made him promise, that besides his marching into *Puglia* against *William*, which, out of Enmity, he would have done without being desir'd,

¹ Inveges, lib. 3. hist. Paler.

² Camil. Pel. in Stem.

he should likewise depose the Senators of *Rome*, and reduce that City, as formerly, under his, the Pope's, Obedience. But *Frederick* could neither perform the one nor the other, for not only the Plague had seiz'd his Army, but he was oblig'd to return to *Germany*, and on his march to quell the Commotions that had arisen, in some Cities of *Lombardy*, and now that he was crown'd, he made no account of his Promises, only he animated the *Pisans* to send their Fleet against *William*.

ALTHO' the Pope had been thus bubbled by *Frederick*, nevertheless he was no ways dishearten'd, but was resolv'd to make the best of this favourable Juncture; for having assembled a great Army, the best way he could, and put himself at the Head of it, he enter'd the Kingdom, and immediately Count *Andrea di Rupe Canina*, and the Malecontent Barons join'd him; he was likewise join'd by *Robert*, now Prince of *Capua*, who march'd into *Terra di Lavoro*, and from thence to *Benevento*, where he was honourably receiv'd: On the other hand the Emperor *Emanuel* resolving to be reveng'd of the Injuries he had receiv'd from *Roger*, upon his Son *William*, had sent *Paleologus*, *Cominatus*, *Sebastus*, and other renown'd and brave Captains, with a good Body of Troops, and a large Sum of Money into *Puglia* to *Robert's* Assistance; and besides he had sent the Pope Word, that he would assist him to ruin *William* altogether, provided he would put him in Possession of three Maritime Cities of that Province, with which Reinforcement Count *Robert* carried on a terrible War in *Puglia*, and had already possess'd himself of a great Part of it.

SUCH was the deplorable State to which these our Provinces were reduc'd in this Year 1155. Tho' the King was appriz'd of all these Mischiefs, yet they were not sufficient to oblige him to shake off his Indolence, which had so glued him to the Pleasures of a Court, that his being coop'd up in his Palace, had given Rise to the false Report of his Death; for *Majone*, disguising his own inward Trouble with a chearful Countenance, did not discover his Fear to the King nor the Archbishop, only he thought fit to desire the King to write to those who had continu'd Loyal to him, that the Report of his Death was false, and invented by his rebellious Subjects, against whom he order'd them to take Arms.

BUT tho' the Commotions of these Provinces occasion'd by *Majone*, were not sufficient for rousing the King out of so long and deep a Lethargy, yet those which were rais'd in *Sicily*, and soon after in the very City of *Palermo* were; for Count *Giuffredi*, having discover'd *Majone's* Conspiracy, tho' the King would not give credit to it, revolted; and the *Sicilians*, on account of the Admiral's Tyranny, rising up in Arms, possess'd themselves of *Butera*; and the Citizens of *Palermo* making a terrible Uproar for the unjust Imprisonment of Count *Simon*; all these and other Things join'd together, at last rous'd the King to that Degree, that, forsaking the Pleasures of his Court, and exposing himself to the greatest Dangers, he pacified the Tumults in *Palermo*, by setting Count *Simon* at Liberty, and recover'd *Butera*; and having restor'd that Island to its former Quiet, he resolv'd to go in Person to *Puglia*, in order to subdue his rebellious Subjects, and restore Peace in that Kingdom; for which end he went to embark at *Messina*, where he was met by the Chancellor, of whom Count *Simon* made heavy Complaints to the King, for not defending *Terra di Lavoro* as he ought to have done; the Chancellor boldly endeavouring to defend himself, was not heard, but immediately put in Prison, where some Years after he ended his Days. *William* having assembled an Army the best way he could, left *Messina*, landed in *Puglia*, and in the Beginning of this Year 1156 incamp'd at *Brindisi*¹; from thence he sent the Elect of *Catania* to make Peace with the Pope, by offering him advantageous Conditions; but by the Means of some Cardinals who were Partisans of the Emperor *Frederick* he was dismiss'd without concluding any thing; whereupon the King, seeing there were no Hopes of an Agreement, without any more ado, boldly invested *Brindisi*, where the *Greeks*, and the greatest Part of his rebellious Barons were: He besieg'd it so closely, that *Roberto da Bassavilla*, who commanded the City, being terrified, fled to *Benevento*, and the King so annoy'd that City with continual Attacks both by Sea and Land, that at last he took it, and made all the *Greeks*, with their Officers, and the rebellious Barons, with their Followers, Prisoners, of which last he caus'd a great many to be hang'd, and the Eyes of others to be put out; he likewise got the rich Spoils of the

¹ Inveges, lib. 3. hist. Paler.

Greeks, and a great Sum of Money which they had brought with them for the Occasions of the War¹.

THE King with his victorious Army march'd afterwards to *Bari*, whose Citizens seeing that neither the Pope, nor the Count, who had been the Promoters of the Rebellion, sent them Assistance, resolv'd to surrender themselves to the King's Mercy; and in order to mitigate his Wrath, they went disarm'd to meet him and ask his Pardon; but *William* observing the Ruins of the Castle, which his Father *Roger* had built there, and which the *Baresians* had demolish'd, answer'd them, *I shall not spare your Houses, because you have had no Regard for mine*²: He then order'd, that within two Days they should all depart with Bag and Baggage; which being put in Execution, he likewise caus'd the Walls of the City to be demolish'd to the very Foundation, and the Houses to be pull'd down and levell'd with the Ground. Thus was *Bari* destroy'd, which for its Richness, the Nobility of its Citizens, Populousness, the Beauty of its Palaces, and the Strength of its Walls, of all the other Cities of *Puglia* was the first, and once the Seat of the greatest Personages of *Greece*. This may convince us of the Error of those, who will have *Bari*, in the Time of *Queen Constantia*, and *Manfred*, to be reckon'd a Royal Seat, where these Princes were crown'd; for *Bari*, after this Misfortune, was reduc'd to some Villages, and it was long after that it recovered the Face of a City. Thus we see the Vicissitude of worldly Things, and how these Changes serv'd to raise *Naples* above all the other Cities of this Kingdom; for tho' *Salerno* was at this Time in being, yet not many Years after we shall find this City likewise ruin'd and destroy'd, by the Hatred which *Henry* the Husband of *Constantia* bore it.

THE King afterwards took *Taranto*, and all the other Places of that Province, which Count *Robert* and the Greeks had taken Possession of; and from thence he march'd to *Benevento*, whither Pope *Adrian* with his Cardinals, and a great Number of Barons had fled, to which Place he laid close Siege, and so harass'd that City, that the Pope, without the least Regard for the Barons of the Kingdom whom he had involv'd into these Difficulties and Dangers, seeing the Peril he himself was in, for not having accepted the advantagious Conditions of Peace which *William* had offer'd him, sent three Cardinals his Legates, to beg Peace of him. These were *Ubaldo* Cardinal of *Sancta Praxide*; *Giulio* Cardinal of *St. Marcello*; *Rolando* Chancellor of the Holy Church, and Cardinal of *St. Mark*³; and as *Gregory II.* wrote three Letters to *Pepin* in the Name of *St. Peter*, so they in the Name of the Prince of the Apostles, begg'd of *William* to forbear disturbing the Pope any more, and to preserve intire the Rights of God's Church.

¹ Capececlatr. Hist. lib. 2.

² Anon. Cass. anno 1156.

³ Guliel. Tirio apud Baron.

S E C T. II.

Articles of Peace settled with Pope Adrian, and Investiture given by him to King William; whereupon a Peace with the Emperor Emanuel follow'd.

THE Legates were courteously receiv'd by the King, who willingly heard the Proposals of Peace which they laid before him, and he on his Part appointed Five Plenipotentiaries for settling the Articles. These were the High Admiral *Majone*, *Hugo* Archbishop of *Palermo*, *Romualdus* Archbishop of *Salerno*, *William* Bishop of *Calano*, and *Marinus* Abbot of *Monte Cassino*; who meeting with the Three Cardinals, agreed on the Articles of Peace, as they are recorded by *Baronius*, and as we shall relate them by and by; in which Peace the Barons were not only not comprehended, but all of them excluded, and it was only made betwixt the Pope and the King.

THEN *William* coming to the Church of *St. Mark*, which is without the Walls of *Benevento*, on his Knees at the Pope's Feet, receiv'd Absolution from the
by-past

by-past Censures, and on his Part in Presence of many Cardinals, Barons, and a multitude of other Spectators, did Homage to the Pope for the Kingdom, and swore Fealty; *Otho Francipane* read the Words of the Oath, and the Pope putting the Crown upon his Head, gave him Investiture, first by delivering to him one Standard for the Kingdom of *Sicily*, then another for the Dukedom of *Puglia*, and a Third for the Principality of *Capua*.

THE Investiture, which Pope *Adrian* at this Time gave to *William*, was the most ample, and by far the most advantageous of all that ever had been by other Popes given to the *Norman* Princes; for he not only invested him with the Kingdom of *Sicily*, the Dukedom of *Puglia*, and Principality of *Capua*, with all their Dependencies, as other Popes had done; but *Adrian* did what *Gregory VII.* and his Successors on no account would ever yield to, which was to invest *William* likewise with *Salerno*, *Amalphis* and *Naples*, with their Appurtenances, with *Marca*, and all the other Lands which he possess'd. This Investiture was not only given to *William*, but also to his Son *Roger*, whom his Father the preceding Year 1155, when he was but four Years of Age, had created Duke of *Puglia* and *Calabria*, and to all his Heirs, whom he by a voluntary Destination shall appoint to succeed him in the Kingdom; these are the Words of the Writ of Investiture, likewise recorded by *Baronius*; *Profecto vos nobis, & Rogerio Duci filio nostro, & hæredibus nostris, qui in Regnum pro voluntaria ordinatione nostra successerint, concedetis Regnum Siciliae, Ducatum Apuliae, Principatum Capuae, cum omnibus pertinentiis suis; Neapolim, Salernum, & Malphiam cum pertinentiis suis; Marchiam, & alia quæ ultra Marsicam debemus habere, & reliqua tenementa, quæ tenemus a prædecessoribus nostris hominibus Sacrosanctæ Ecclesiæ jure detenta, & contra omnes homines adjuvabitur honorifice manutenere.* The King for his Part, promis'd to pay the Pope for *Puglia* and *Calabria*, Six hundred *Schifati*, and for *la Marca* Five hundred, as Quit-rent.

ON this Occasion there were many Articles agreed upon concerning Appeals, Elections, and other Things touching the Ecclesiastical Polity and Government of the Kingdom of *Puglia*. As for Appeals, it was stipulated, that if any Clergy-man in *Puglia*, *Calabria*, and the Lands of the Neighbourhood, shall have occasion of Complaint concerning Ecclesiastical Affairs, against another Clergyman, and which cannot be redress'd by the Chapter, Bishop, Archbishop, or other Ecclesiastical Person of that Province, it shall be lawful, if he shall think fit, to appeal to the Church of *Rome*. That if the Necessity or Advantage of the Church shall require it, Translations from one Church to another may be made. That the Church of *Rome* may freely perform Visitations and Consecrations in the Cities of *Puglia* and *Calabria*, and the adjacent Places, excepting however the Cities in which the King or his Heirs may happen to be at the Time, to which their Consent must be had. That the Church of *Rome* may freely send Legates into *Puglia* and *Calabria*, and the neighbouring Places, who are to behave themselves moderately, without invading or wasting the Possessions of the Church.

THAT in *Sicily* likewise, the Church of *Rome* may make Visitations and Consecrations; and that if the King or his Successors, shall call Ecclesiastical Persons from *Sicily*, either to be crown'd by them, or for other Affairs, they are to answer the Call, and he may oblige those he shall think fit to stay with him. As for other Matters, the Church of *Rome* shall have the same Privileges in *Sicily* that she has in the other Parts of the King's Dominions, excepting as to Appeals, and the Privilege of sending Legates, which shall not be sent without the Desire of the King or his Heirs. The *Roman* Church shall retain in the Churches and Monasteries of the King's Dominions, all that she retains in other Churches, such as the wonted Consecrations and Benedictions, and they shall pay to her the usual and establish'd Taxes.

CONCERNING Elections, it was settled, that the Clergy being conven'd, are to elect a Person whom they shall judge worthy, and to conceal him, until they divulge him to the King, who shall approve of him, unless he find him to be in a Confederacy with Traitors and Enemies to the King and his Heirs, or for any other Cause, whereby he thinks him unworthy of his Assent. Such were the Articles of this Peace sign'd at *Benevento* in the Month of *June* 1156, and as they concern the Ecclesiastical State, we shall have occasion to mention them in another Place.

THE Barons of *Puglia*, contrary to all their Expectations, seeing themselves thus deserted by the Pope, and left a Prey to the King's Wrath, were so terrified, that they

they immediately made their Escape. Count *Roberto da Bassavilla*, and Count *Andrea da Rupe Canina*, with some others, fled to *Lombardy*, and shelter'd themselves under the Emperor *Frederick's* Protection, who imploy'd them in the War which at that Time he had with the People of the *Milaneſe*; but *Robert* Prince of *Capua* with his Followers, likewise endeavouring to make his Escape out of the Kingdom, in passing through the Territories of *Riccardo dell' Aquila* Count of *Fondi* his own Vassal, where he thought himself safe, was taken with all his Men as he cross'd the *Garigliano*, and deliver'd up to the King¹; by which Piece of Treachery Count *Riccardo* was restor'd to *William's* Favour; but he did not escape the Infamy of his Treachery. The Prince with one of his Sons, and a Daughter, at the Admiral's Desire, were sent Prisoners to *Palermo*, where the Prince had his Eyes put out, and soon after died in Prison. Such was the End of *Robert* Son of *Giordano* II. Prince of *Capua*, descended of the most noble Blood of the *Normans*, after he had so often lost and recover'd his Principality, which was altogether extinguish'd in him, and united to the Kingdom of *Puglia*, as it continues to this Day: Another Son of his nam'd *Giordano*, after this Misfortune of the Father, fled to *Constantinople*, and put himself under the Protection of the Emperor *Emanuel*, who afterwards sent him Ambassador to *Alexander* III. in the Year 1166, as shall shortly be related².

AFTER all these Matters were over, the Pope went to *Compagna di Roma*, and the King having defeated the *Greeks*, banish'd some of his Enemies, imprison'd others, and put the rest to death, or restor'd them to Favour, gave the Government of *Puglia* to *Simon* the High Steward, Brother-in-Law to *Majone*, and having thus quieted the Tumults of the Kingdom, he return'd to *Palermo*.

WILLIAM was no less successful in the War which shortly after he made with the Emperor *Emanuel*; for he equipt a great Fleet, and gave the Command of it to *Stephen*, *Majone's* Brother, who fought that of the *Greeks* on the Coast of *Peloponnesus*, and obtain'd a compleat Victory over them. *Emanuel* was so much struck with this Victory, that he was desirous of Peace with *William*, and having sent Ambassadors to him for that end, it was at last concluded, and all the *Greeks* that were in *Sicily* were set at liberty, and though hitherto neither *Emanuel*, nor any of his Predecessors by any means could be brought to give *William* the Title of King, nevertheless from this Time forward he acknowledg'd him as such³; and this Peace was made so firm and solid, that 'tis certain from this Time forth there were never any Wars heard of betwixt the *Normans* and the Emperors of the East.

THUS *William* having restor'd Tranquillity in his Kingdom, and made Peace with the Pope, and the Emperor of the East, in these first Years of his Reign, he acquir'd the Title of Great; and there was good Reason to hope, that this Peace would have been durable, if it had not been disturb'd by *Majone*; for the King attributing all these prosperous Events to his Conduct and Prudence; the Admiral was arriv'd at that pitch of Greatness, that he seem'd rather to be King, than Admiral of *Sicily*; which gave fresh Provocation to the Malecontent Barons to hatch those Plots and Tumults, of which we shall give an account by and by.

¹ Camil. Pel. ad Anon. Cass. ann. 1156. Ugo. Falcan.

² Acta ejusdem Pontificis apud Baron. Camil. Pel. in Stem.

³ Jo. Cinnam. de reb. gest. Jo. & Emanuel. Comn. lib. 4. Paulo post, & Regem cum appellavit, cum prius non esset.





C H A P. I.

The Emperor Frederick, being offended at the Pope for the Peace he had made with William, return'd anew into Italy. Held a Diet in Roncaglia, and restor'd the Regalia in Italy.

IN the mean time the Emperor *Frederick*, being inform'd by the Counts *Robert* and *Andrew*, and others of the King's Rebels, who after the Conclusion of the Peace, had fled to *Lombardy*, that the Pope by secret Articles had made Peace with *William*, and excluded all others, was very much offended at *Adrian*, and complain'd of him to all the German Princes and Prelates; whereupon the Bishops of *Germany* did not stick to write a Letter to the Pope on that Subject, wherein among other Things they upbraided him with this Peace¹.

AND the Emperor himself in a Letter to *Eberard* Archbishop of *Saltzburg*², complain'd of this Peace; and therefore from this Year 1158, declar'd himself as much an Enemy to the Pope, as he was to *William*, and being afraid lest these two joined together should abolish the Authority of his Empire in *Italy*, he began to be more severe upon the Cities of *Lombardy*; for which end he resolv'd to go to *Italy* as he did, but full of high-flown and extravagant Notions; and being arriv'd in *Lombardy*, after having defeated the People of the *Milanese*, and subjected their City of *Milan*, according to the Custom of his Predecessors, he summon'd a Diet in *Roncaglia* for settling the Articles of Peace, and taking the State of that Province into Consideration. It was at this Time, that *Frederick* on his March, passing by a fine Castle, ask'd whose it was? and being told who the Owner was, some of his Flatterers said, It's your own, Sir, for the Dominion of the whole World, and even of private Possessions, belongs to the Emperor: Some of the Emperor's Retinue, who could not bear such impudent Flattery, objected against the Answer; insomuch that it occasion'd a great Debate, which the Emperor order'd to be decided by the wise Men, and Lawyers of the Cities of *Lombardy*.

SOME Years before, during the Empire of *Lothaire*, the Pandects having been found in *Amalphis*, and, as we have said, *Irnerius* having imploy'd all his Skill in explaining, and publickly teaching them, his School had bred up many, who, after his Example, gave themselves wholly to the Study of the Pandects, and the other Books of *Justinian*. Whence it came to pass, that in the Cities of *Italy*, many, encourag'd by the Novelty, Elegancy, and Wisdom of these Laws, imploy'd all their Study in learning them; so that from *Irnerius's* School, as from the *Trojan* Horse, came forth many Civilians, and the Study of the *Roman* Jurisprudence was most frequent, and Scholars and Professors were equally numerous; but seeing this Study began in an Age of Ignorance, when without the Help of other *Latin* Books, the *Roman* History and Learning, these Laws could not be well understood; they who first taught them, without these Means, fell into many childish Errors, not through their Fault, but that of the Age; for some of them were Men of admirable Genius, and

¹ Epist. apud Inveges lib. 2. hist. Paler. Hæc & alia utpote de concordia Rogerii, & Willielmi Siculi, & aliis quæ in Italia factæ sunt conventionibus, quæ ab ore Imperatoris audivimus, &c.

² Inveges loc. cit. neque eam pacem tenere, neque ea teneri vellemus; quoniam ipse prior violasset in Siculo, ipse sine nobis reconciliari non debuisset.

tho' Learning and History have been eclips'd, yet the World was never quite destitute of Men of good Parts; for Nature is a punctual Observer of her own Laws, and has distributed Endowments with an impartial Hand.

FOR these Reasons it being found in some Laws of the Pandects, that the Emperor *Antoninus* ¹, call'd himself Lord of the Universe, and that *Ulpianus* ² writes, that as the People of *Rome* could give the Slaves of private Men their Liberty, so it was likewise in the Power of the Emperor to do the same; and it being also found in the Code ³, that *Justinian* said, every thing belong'd to the Prince; these Civilians believ'd that the same might be said of *Frederick*, so it was an easy Matter to persuade him, that he was Lord of the whole World, and consequently of the Right of private Persons. In these Times many Civilians had been brought up at *Irnerius's* School; such as *Placentino* in *Montepessulo*, who was the first that taught the *Roman Jurisprudence* in *France*. *Bagarotto*, and *Giovanni Basiano*, flourish'd in *Bologna*, and *Antonio Lyo* in *Padua*; but there were four Civilians in *Bologna*, who distinguish'd themselves above all the rest, and for their Learning made themselves so famous, that the Emperor *Frederick* made them of his Council, and took their Advice in his most weighty Deliberations, and, according to *Radevicus* ⁴, made them his Assessors, as the antient *Roman Emperors* did by our Civilians.

THESE were *Bulgaro*, a Native of *Pisa*, who at first taught Law in *Bologna*, and by the Emperor *Frederick* was made Prefect of that City: *Ugolino*, who likewise flourish'd in *Bologna*, and was Author of the Tenth Collation, and Collector of the Books of Fiefs, and the Constitutions of *Conrade*, *Lothaire* and *Frederick*, which he annex'd to the Ninth Collation of the Authentick, as shall be told by and by. *Martino*, likewise famous at this Time, who wrote some Glosses on the Pandects, which were afterwards call'd into Question, and rejected; and *Giacomo*, who was also of *Frederick's* Council. There were likewise at this Time other two in *Milan*, to wit, *Oberto de Orto*, Great Advocate in the Court of *Milan*, and *Gerardo Negro*, or, as some call him, *Cagapisto*; these two compil'd the Feudal Customs, which, with the other Laws of the Emperors concerning Fiefs, they put in writing, as shall be told.

THE Emperor being come to *Roncaglia*, *Bulgaro* and *Martino* were appointed to dispute this Case: *Bulgaro* condemn'd the Flatterers; but *Martino*, whether out of Fear or Love, sided with *Frederick*, and said that the Emperor was not only Lord of all the World, but of every thing belonging to private Persons; and the Emperor being of the same Opinion, the Dispute was determin'd in *Martino's* Favour ⁵. Whence it came to pass that the Civilians of later Times maintain'd *Martino's* Opinion, and *Bartolo* did not stick to say, that whoever believ'd otherwise was a Heretick.

THIS Dispute might easily have been decided according to *Seneca*, by distinguishing betwixt private Right and publick and sovereign Empire: This positive Decision in *Frederick's* Favour, was the Occasion of most pernicious Consequences both to him and all *Lombardy*; for founding on this Maxim, he impos'd very severe Laws and Conditions, both on the Nobility and Cities of *Lombardy* in this Diet. He prohibited all Assemblies, and City Corporations, and especially the Power of electing Magistrates, and, contrary to former Custom, put Officers of his own making to govern the Cities: he impos'd severe Penalties on the Cities, and those who should contravene these Laws; and gave them Peace on very rigorous and severe Conditions, as may be seen in his Constitution which he made in *Roncaglia*, inserted in the fifth Book of Fiefs ⁶.

BUT he did not long enjoy the Fruits of this Peace, for he was no sooner return'd to *Germany*, than *Lombardy* revolted, so that he was forc'd to come back to *Italy*, and besiege *Milan*, which, after a long Siege, and a gallant Defence, was at last taken and utterly ruin'd, and reduc'd to a Village, and all *Lombardy* being subdued, underwent a terrible Slavery.

¹ L. Deprecatio, D. ad L. R. de jactu.

² Ulp. L. Barbarius, D. de Off. Prætor.

³ L. Bene à Zenone, C. de Quadrien. præscript. omnia Principis esse.

⁴ Radevicus L. 2. de gest. Frid. c. 5. Cujac.

lib. 1. de Feud. tit. 12. Alteserra lib. 3. cap. 14.

⁵ Gloss. in. L. bene a Zenone, & in præfat. dig.

⁶ Constit. hac ædificati de pace tenenda, L. 5. Feuda.

IT was at this Time, that, besides his having more strictly than *Lothaire*, forbid the Alienation of Fiefs by his Constitution ¹ which we read in the Feodal Books, he resolv'd to restore the *Regalia* and *Fiscalia*, which had been long forgot, and in Disuse in *Italy*; for which end he oblig'd the Bishops, Nobles and Cities of *Italy* to set them on Foot again, and restore them to him ².

IT was decreed, that all contain'd in the *Roman Division in bona Communia, Publica, Universitatis, & Nullius* should belong to the Prince, and nothing remain to others, but what they had an exclusive Right in. Therefore Princes claim the Property of the Sea, navigable Rivers, Streets, Fields, Walls and Ditches of Cities, and generally every thing that comes not under Commerce, and even that, when it has no Owner. And though *Frederick* did not reckon up all these in his Constitution *de Regalibus*, nevertheless he mentions the most remarkable and considerable *Regalia*, such as the publick Buildings and Armories, which he calls *Armannie*, High-ways, navigable Rivers, and those by which they are made Navigable, and all the Profits arising from the Navigation of them. Harbours, Toll, Money, Fines, waif Goods, the *Augariæ* and *Parangariæ*, the Use of Ships and Carts, extraordinary Collections, Silver Mines, Salt-pits, Mines out of which Pitch is dug, for according to *Pliny* ³, Pitch is Fossile, Fishings, Game, Treasure, the making of Magistrates, for administering Justice and other *Fiscalia*, which he does not mention in the Constitution, wherein he names only the Principal, which for a long Time had been in Disuse in *Italy*.

WHENCE it came to pass, that what *Frederick* did in *Italy*, was imitated by other Princes in their Dominions, such as our *William*, who not content with what *Frederick* had establish'd concerning Treasurer, conformable to *Adrian's* Constitution; which was, that if a Treasure was found by Accident, either in a publick or religious Place, the Half should belong to the Finder: He made a more severe Law, that in whatever Place, and in what Manner soever found, all should belong to the King; of which Constitution, when we come to treat of the other Laws of this Prince, we shall take notice.

FREDERICK having reduc'd *Lombardy* into such Slavery, and being lifted up with high, whimsical Notions, was disgusted at the Pope for having made Peace with *William*, which was like to turn to a Quarrel in good Earnest; for the Bishop of *Leudun* as he was returning from *Rome* to *Germany*, was, by the Emperor's Order, made Prisoner: *Adrian*, who valued himself as much upon being Pope, as *Frederick* did upon being Emperor, wrote some Letters to him by Cardinal *Rolando* Chancellor of the Holy Church, and *Bernardo* Cardinal of *St. Clement*, in which he admonish'd him to set the Bishop at liberty, and among other things, he put him in mind of the Favours he ow'd him, and besides that he held the Empire as *Beneficium Ecclesiæ Romanæ*. One may easily imagine with what Spite and Indignation *Frederick* receiv'd such a Wipe: He was in such Rage and Fury, that he not only refused to comply with the Pope's Demand; but inveigh'd so bitterly against him, that he was forc'd to send other two Cardinals to pacify him, and to retract what he had written, by saying, that by these Words he did not mean, that the Empire was a Fief of the Church, but that the Word *Beneficium* imply'd only *pro bono, & facto junctum* ⁴. These Cardinals had much ado to pacify him; and though shortly after, a new Quarrel happen'd betwixt them, because *Frederick* frequently hinder'd the Pope's Ministers from gathering in the Ecclesiastical Revenues, and besides, he would have a certain *Guido* to be elected Bishop of *Ravenna*; nevertheless after various Treaties, they were once more made Friends.

BUT *Adrian* died soon after in *Alagna*, in the Month of September 1159 ⁵. His Death occasion'd new Troubles and Commotions in *Rome*, by a Schism in electing a Successor; for the greatest part of the Cardinals elected Cardinal *Rolando* Chancellor of the Holy Church, who took the Name of Pope *Alexander III.* and at the same time *Giovanni Pisano* Cardinal of *St. Martin*, and *Guido da Siena* Cardinal of *St. Calistus*, with the Assistance of *Otho* Count of *Placentia*, and Count *Guido*, *Frederick's* Ambassadors, who were then in *Rome*, elected *Octavianus* Cardinal of *St. Cecilia* Anti-pope, and gave him the Name of *Victor IV.* and they had the Bold-

¹ Const. Frid. de Feud. non alien. lib. 5.

² Guntherus. Abbas Vespbergenfis. Radevicus
³ c. 41. & 4. cap. 5.

⁴ Plin. hist. lib. 16. cap. 12.

⁵ V. Sigon. de Regn. Ital. lib. 12. anno 1158.

⁶ Gul. Tit. de bello Sacr. lib. 13. Radavic. de
vita Frid. Imp.

ness to besiege *Alexander*, with the College of Cardinals in *St. Peter's* Tower ; for what with Money, and what with the Emperor's Favour, the Anti-pope had made many Friends in *Rome* : Whereupon *Odone Frangipane* and other noble *Romans*, inrag'd at such an Indignity, reliev'd the Pope and Cardinals, and convey'd them out of *Rome* to a Place of Safety, and after the usual Manner *Alexander* was solemnly crown'd ; and *Octavianus* remain'd in *Rome*, whither *Alexander* in the second Year of his Pontificate return'd ; but seeing he could not stay there in Safety, because of the Anti-pope's Power, having left *Gialio* Bishop of *Præneste* his Legate, he went to *Terracina*, in order to take Shipping for *France*.



C H A P. II.

The Barons of the Kingdom of Puglia conspire against Majone. Matteo Bonello kills him ; and a new Conspiracy is hatch'd, in order to dethrone King William, and to set Roger his Son, a Child of Nine Years of Age, upon the Throne.



IN the mean time King *William*, in opposition to the Emperor *Frederick* his Enemy, no sooner heard of *Alexander's* Election, than he sent his Ambassadors to pay him Homage, and acknowledge him for the true and lawful Pope ; and understanding afterwards that the Pope had a mind to go to *Terracina*, in order to imbarc for *France*, he sent four Gallies well arm'd to that City, to be at the Pope's Command, in which he and the Cardinals imbarc'd, and were advanc'd but a little way from the Harbour, when a violent Storm overtook them. This Alliance and Friendship betwixt *William* and *Alexander* was of such Advantage to the King, that it sav'd him from a mischievous Plot, which *Majone* was hatching against him, for *Majone*, still intent how to effectuate his ambitious Designs, by the means of wicked Men, endeavour'd to corrupt *Alexander* with a great Sum of Money, that, after the Example of *Zachary*, he might remove *William* from the Kingdom as useless and wicked, hated by the People, and unfit for such a great Charge, and invest him with it, just so as *Chilperic* was serv'd in *France*, who was dethron'd, and *Pepin* put in his Room¹. But Pope *Alexander* perceiving the Villany of *Majone*, and his Thirst after Government, abhor'd his Impudence : This horrid Enterprize, being nois'd abroad, and divulg'd in *Sicily* and *Puglia*, hasten'd his Ruin ; for it being publickly said, that the Admiral had either put the King to death in his Palace, or had imprison'd him, or confin'd him to some Island, in order to usurp the Kingdom, many Cities of *Puglia* furiously inrag'd at such a Report, began to mutiny². The first was *Melphis*, to which soon after some other Cities join'd, and firmly resolv'd neither to obey the Letters, nor any Orders sent by *Majone*, nor to admit within their Bounds any Officers sent by him. Many Counts and Barons, who were jealous of the Tyrant's Power, made the same Resolutions, and ingag'd themselves to use their utmost Efforts for putting the Admiral to death, and never to lay down their Arms till he was either dead or banish'd. For which end a great Band of arm'd Men over-run all *Puglia* and *Terra di Lavoro*, to oblige the other

¹ Hugo Falcand. Ut amoto Rege Sicilia, Admiratus in ejus loco succederet. Baron. ad

² Hugo Falcand.

Cities to join them, which they actually did. The Heads of this Association were *Gionata di Valvano* Count of *Consa*, *Boemondo* Count of *Mancello*, *Filippo* Count of *Sangro*, *Ruggieri da Sanseverino* Count of *Tricarico*, *Riccardo dell' Aquila* Count of *Fondi*, *Ruggieri* Count of *Cerra*, and Count *Gilberto*, the Queen's Cousin, to whom the King had lately given the County of *Gravina*¹. Besides these *Mario Borrello*, a Man of admirable Eloquence, got the City of *Salerno*, wherein he resided, and had many Followers, to join them, and the City of *Naples* likewise did the same. Count *Andrea di Rupe Canina*, who liv'd in *Campagna di Roma*, hearing these Reports, enter'd into *Campagna*, took *Aquino*, *Alife*, and *S. Germano*, Cities situated on the Skirts of *Monte Cassino*, and having march'd up the Hill, boldly attack'd the Monastery, but was repuls'd by those within².

IN the mean Time the King being appriz'd of this Association of the Barons and Cities of the Kingdom of *Puglia*, was grievously offended, for he had such a tender Love for, and Confidence in *Majone*, that he could never be persuaded of his Villany, and treasonable Design to rob him both of his Life and Kingdom; therefore by particular Messengers and Letters he expressly commanded the associated Barons and Cities to give over their Undertaking, because he was convinc'd of the Admiral's Fidelity, and that he aim'd at nothing but his Service; but these Messengers and Letters were of no Effect, for believing them to be of the Admiral's dictating, they plainly declar'd to the King, that they would by no means suffer themselves to be govern'd and commanded by *Majone*. No less was the Admiral hated by the *Sicilians*, who being nearest the Danger, durst not discover themselves as yet, tho' they lik'd the Commotion of the Barons of *Puglia*.

NOW the Admiral, contrary to his Expectation, seeing the Power of the Conspirators daily increasing, began by all Means possible to put a Stop to it; he got the King to write to the Cities of *Amalphis* and *Sorrento*, which continued as yet in their Allegiance to him; he did the same to *Taranto*, *Otranto*, *Brindisi*, and *Bari*, admonishing them not to give ear to such Reports, nor to believe the Stories of these treacherous Counts, nor to embark themselves in company with his Rebels. But these Letters were as little minded, because they look'd upon them as design'd for the Service of *Majone* the Traytor, and not for the King's. *Majone* likewise wrote to his Brother *Stephen*, who was President of *Puglia*, boldly to oppose the Designs of Count *Robert*, and by large Promises to gain a Party. Besides he sent the Bishop of *Mazzara* Ambassador to *Melphis* in *Puglia*, in the Name of the King to reclaim that People; but the Bishop acted quite contrary, for he encourag'd them to persist in their Undertaking against the Tyrant, by telling them more of his Villany than they knew. Upon which *Calabria*, following the Example of the neighbouring *Puglia*, likewise began to rise in Arms, which struck greater Terror into *Majone*; whereupon he bethought himself of sending a Man of such Authority as might be able to quell all these Commotions, and after mature Deliberation, he judg'd *Matteo Bonello* to be fittest for such a Business. *Bonello* was a Man of noble Blood, and extremely rich; but what he most excell'd in, was the Beauty of his Countenance, his Strength of Body, and great Courage; therefore he was not only famous and remarkable in *Sicily*, but likewise in *Calabria*, where he had most noble Kindred; and, on account of his so great Endowments, was much belov'd by the Admiral, who design'd him for a Husband for one of his Daughters, yet an Infant³. But his inconstant, rash, and changeable Temper, and his Self-conceitedness, eclips'd all these noble Talents; and tho' *Bonello* was so much belov'd by the Admiral, yet he hated the Admiral mortally, because, that he might get him to marry his Daughter, he had put a Stop to his Marriage which he intended (disdaining the mean Birth of the Admiral) with *Clementia* Countess of *Catanzara*, bastard Daughter, as is said, of King *Roger*, and Widow of *Ugone di Molino* Count of *Molise*, whom *Bonello* lov'd exceedingly, on account of her Beauty, and she was no less enamour'd with him; so that *Majone* standing in the way of their mutual Affection, was mortally hated by them both.

IN the mean Time *Bonello* having receiv'd the necessary Orders for his Departure, and taken Leave of the King, pass'd the Straits of *Messina*, and went to *Calabria*, where on a set Day, in a Meeting of the Barons of the Province, he endeavour'd

¹ Capeceolat. lib. 2.

² Hugo Falcand,

³ Idem.

by many Arguments (dissembling the Sentiments of his Heart) to persuade them, that the Admiral was innocent of all the Crimes laid to his Charge. But *Ruggerio di Martorano* of the Family of *Sanseverino*, a Man of great Knowledge, and much esteem'd, rose up, and in the Name of all the rest answer'd him with so much Force and Energy, that he not only brought him over to their Party, but likewise imbolden'd him, by telling him that he was the fittest Person to recover all their Liberties, by putting the Tyrant to Death, the Result of which would be, that they would all concur to get his Marriage with the Countess of *Catanzaro* accomplish'd; whereupon he enter'd into their Measures, and firmly promis'd, that in a short Time he would dispatch the Admiral out of the Way.

BUT a very weighty Incident hasten'd *Majone's* Ruin; for he having prepar'd every Thing in order to murder the King, and the Day appointed for such a fatal Tragedy drawing near, he resolv'd first to consult the Archbishop about proper Methods to prevent an Insurrection of the People when the Fact should come to be divulg'd, and likewise how they were to govern the Kingdom afterwards¹; whereupon great Disputes arose betwixt them, for the Admiral pretended that the Guardianship of the King's young Children, and the keeping of the Treasures, and all the Royal Palace ought to be intrusted to him; on the contrary, the Archbishop claim'd all these to himself, because, said he, by that Means the People would not mutiny, as they certainly would do, if they should see the Admiral take the Charge of the Royal Family, for they would be apt to suspect that the Children would be murder'd, seeing every Body was persuaded that he aspir'd to the Kingdom; which could not be suspected in Prelates, or other Ecclesiastical Persons, who aim not at any such Thing, therefore of Necessity the Children and Treasure must be put into their Hands; but the Admiral flatly oppos'd it, as a Thing quite contrary to his Intentions, and said, that he did not deserve such Treatment at his Hands, seeing he had rais'd him to such Grandeur: In fine, after some bitter Words, they parted declar'd Enemies. Whereupon the Archbishop was soon after in Disgrace at Court, for the Admiral persuaded the credulous and covetous King to force the Archbishop to pay him 700 Ounces of Gold, which he ow'd him; the Archbishop perceiving that all these bad Offices proceeded from *Majone*, began to hate him in earnest, and of dear Friends they became bitter Enemies, and fought to do one another all the Mischief in their Power. The Admiral resolv'd to poison the Archbishop, who, aware of his Design, was on his Guard, and at the same Time exhorted the Great Men, Soldiers, and common People to rise and put *Majone* to Death. In the mean Time *Matteo Bonello* return'd to *Palermo*, and having made the Admiral, who was now begun to be jealous of him, easy, by giving him to understand that he had soon quieted the Commotions of *Calabria*, he went privately to wait upon the Archbishop, who was lying sick a Bed, and gave him an Account of what had pass'd till that Time, the Archbishop advis'd him to put his Design immediately in Execution, because Matters of such Importance being delay'd, were in Danger of being discover'd; whereupon *Bonello*, fully resolv'd, wanted nothing but a fit Opportunity to strike the Blow; and Fortune conspiring to hasten the Admiral's Death, it was not long before a convenient Occasion offer'd.

MAYONE had caus'd Poison to be given to the Archbishop by one of his Domesticks, whom he had corrupted with Gifts and great Promises, which had occasion'd his present Sicknefs; but because the Poison had been weak, he was afraid that by proper Remedies he might recover his Health; and impatient that he should be so long a dying, he caus'd another much stronger Potion, and of a quicker Operation to be prepar'd, of which he took a Vial, and went to visit the Archbishop, and having plac'd himself near the Bed, began to ask him how he did; and then told him, that if he would follow the Advice of his Friends, he should soon recover his Health, for he had a Medicine, which out of Love to him he had caus'd to be compos'd in his own Sight, and had brought it along with him; but the Archbishop perceiving the Trick, told him, that his Disease had brought him so low, and his Stomach was so weak, that he not only abhorr'd all Potions, but with Difficulty could take any Food; yet notwithstanding this Answer, the Admiral, seeming not to understand that the Archbishop had discover'd the Treachery, impudently press'd him to take the Potion; but he reply'd, that he would refer the taking of it to another

¹ Hugo Falcand.

Day; then they began to talk together with much Confidence and Affection, and sought to betray and destroy one another with brazen-fac'd Dissimulation, and as Fortune would have it, they both obtain'd their Ends; for *Majone* by the Archbishop's means was murder'd that same Night, as we shall presently relate, and the Archbishop died soon after of the Poison formerly given him by the Admiral's means, tho' he had the Satisfaction to see his Enemy die before him. While the Archbishop was discoursing with the Admiral, he sent the Bishop of *Messina*, who was sitting by him, to tell *Matteo Bonello*, that this Night would be a fit Time for putting his Design in Execution; whereupon *Bonello*, already resolv'd upon the Crime, assembled some arm'd Men, and having encourag'd them, he posted them in different Places, that *Majone* might not escape any where, and he himself, with a good Number of them, lay in wait for him at the Gate of *St. Agatha*, thro' which he would probably pass in returning to the Royal Palace; and having acquainted the Archbishop that all was in Order, and Night come on, he expected the Admiral, who at last took Leave of the Archbishop, and departed. But immediately some of his Attendants perceiving the Snare that *Bonello* had laid for him, turn'd back and acquainted *Majone* with it, who terrified with the imminent Danger he was in, order'd them to tell *Bonello* to come and speak with him; but *Bonello*, finding that he was already discover'd, had no mind to dally, drew his Sword, attack'd him briskly, and said, *I am come here to kill thee, and by thy Death to put an end to thy Wickedness, and to dispatch out of the World an Adulterer and Defiler of the King's Bed*; the Admiral put by the first Thrust that *Bonello* made, but was run through and dispatch'd with the Second¹, his numerous Attendants leaving him without offering the least Resistance. Thus ended the ambitious Designs of *Majone da Bari*, High Admiral of *Sicily*, who, being of a very mean Extract, was by Fortune rais'd to great Honour; and, if I may be allow'd to compare small Things with great, he very much resembled *Sejanus*. Both of them being born of mean Parentage, by means of their Patrons liv'd long in great Splendor; both of them capable of the greatest Villainy, were Enemies to the Royal Family, and the Nobility of their Master's Dominions; both of them Adulterers and Defilers of the Royal Bed, with the Consent of their Masters Wives; the one got the Son of his Emperor to be murder'd, and the other (tho' he could not bring it about) design'd to murder his King; both of them endeavour'd to usurp their Masters Dominions, which themselves govern'd, and both of them came to an unlucky End, tho' the manner of their Deaths was different; for *Tiberius*, by his own Penetration having found out the Treason, caus'd *Sejanus* to be put to Death by the Hands of the common Hangman; and *Majone* through the Stupidity of *William*, who minded nothing, was kill'd by Conspirators, who could no longer bear his Villany.

IN the near Time *Bonello*, not knowing what the King would do, nor thinking himself safe in *Palermo*, retir'd to *Cacabo* his own Castle, and there fortified himself and Followers; the People of *Palermo* hearing of the Admiral's Death, discover'd the extreme Hatred they bore him, and began to tear his dead Carcass to pieces, some stabbing it, others, with a thousand ignominious Reproaches, deriding it. It being now late in the Night, King *William* was surpriz'd at the unusual Noise he heard, but *Odone* his Master of the Horse having told him all that had pass'd, he was grievously offended, and said, that if the Admiral had fail'd in his Duty to him, it was his Business, and no Body's else, to punish him; and the Queen, out of the Love she bore the Adulterer, being more offended than the King, was terribly inrag'd against *Bonello* and the other Conspirators. But the King, afraid of greater Disturbance among the *Palermitans* on this Occasion, and lest they should insult the Relations of the Deceas'd, and plunder their Houses, and those of the Admiral, order'd a strong Body of arm'd Men to guard and walk Rounds in the City. The next Day the King took care to appoint *Errico Aristippo* Archdeacon of *Catania*, and one of his Favourites², a Man of peaceable and mild Disposition, and very learn'd in the *Latin* and *Greek* Languages, to exercise the Office of High Admiral, till he should dispose of it otherwise, by whose Advice the Affairs of the Kingdom began to be manag'd; and the new Admiral and Count *Silvestro* having discover'd to the King the Conspiracy which *Majone* had hatch'd against him, were at great Pains to allay the mortal Hatred he had conceiv'd against *Bonello*, but he could never be per-

¹ Anno 1160. Camil. Pellegr. in Castigat. ad Anon. Cassin.

² Hugo Falcand.

suaded to pardon him, till among *Majone's* Treasure, the Scepter, the Crown, and the other Ensigns of Royalty were found ; which being evident Proofs of his Villany, the King was pacified, and immediately caus'd the two *Stephens*, one of them the Brother, and the other the Son of *Majone*, with *Matteo* the Notary, his intimate Friend, to be put into Prison, and likewise order'd all the Deceased's Treasure, that could be found, to be carried to the Royal Palace, and caus'd *Andrea* the Eunuch, and many others of the Admiral's Domesticks to be put to the Torture, and threaten'd *Stephen* the Son with the same, if he did not discover where the rest lay conceal'd ; by their Information a great Sum of Money was found in the Custody of the Bishop of *Tropea*, which being demanded by the King, was deliver'd. Afterwards *William* sent Messengers to *Cacabo* to tell *Bonello*, that now, being appriz'd of the Admiral's Villany, he was oblig'd to him for having put him to Death, and therefore he might come very safely to him. *Bonello* upon this Message, trusting to the Love of the Barons and People, and the Assistance of his Followers, came immediately to *Palermo*, where he was met by a vast Multitude both of Men and Women, who with great Demonstrations of Joy welcom'd him, and conducted him to the Royal Palace, where he was kindly receiv'd by the King, and restor'd to his Favour. And having taken Leave of the King, he was honourably accompanied by the greatest Men of the Court, and the same Crowd of People to his own House ; and he became so famous and renown'd, not only in *Palermo*, but over all *Sicily*, that he gain'd the Love and Esteem of every Body.

BUT see the Instability of worldly Things, this his so great Happiness, soon became his Ruin ; for the Eunuchs of the Royal Palace, who, together with the Queen, had been Partners in *Majone's* Conspiracy against the King, much displeas'd at *Bonello's* Prosperity, and afraid lest some Time or other he should call them to account, began by several Means to put him in Disgrace with the King, and make his Power to be suspected by him, by telling him that *Bonello* had a mind to be Master of *Sicily*, and for that end was currying Favour with the Barons and People ; and for carrying on the same Design, had unjustly murder'd the Admiral, who was the Person that had the King's Safety and Interest most at Heart, all being manifest Untruths that were laid to his Charge ; and that the Crown and other Royal Ensigns, found amongst his Treasure, had been provided by the Admiral in order to be presented to his Majesty the ensuing Month of *January*, as a new Year's Gift¹. The King, by being addicted to the Pleasures of a Court, and an unactive Life, was become so indolent and stupid, that, excepting the Pains he took to gather Wealth, which made him lay heavy Taxes upon his Subjects, and got him the Name of *Wicked*, he was quite another Man than he had been formerly ; and was now so foolish and credulous, that it was an easy matter to make him believe all that was laid to *Bonello's* Charge, so that he began to hate him, and to believe that he had murder'd *Majone*, in order the more easily to take away his Life. And tho' it was easy for the King to crush *Bonello*, yet seeing the *Palermitans*, who were still in a State of Commotion, and not quite pacified, had such a Regard for him, he thought fit not to meddle with him. However he began to require a great Sum of Money of him, which for a long Time had been owing to the Crown, and never demanded of him, as being *Majone's* Son-in-Law. Therefore *Bonello* seeing himself all of a sudden su'd for an old Debt, that had been quite forgot, and that he was rarely call'd to Court, and had not the same Reception there as formerly, began to be surpriz'd, and to revolve in his Mind what could be the Occasion of so sudden a Change ; and what increas'd his Jealousy and Fear, was to see *Adinolfo* the Chamberlain, formerly a Creature of *Majone's*, much in Favour with the King, and that both he and his other Enemies impudently shew'd him the Hatred they bore him. And about this Time the Archbishop dying of the Poison given him by the Admiral, *Bonello* was both depriv'd of his Advice and Assistance, and more avowedly persecuted by his Rivals ; all which he look'd upon to be evident Marks that the King had alter'd his Mind with respect to him, and that therefore his Enemies had the Assurance to lie in wait for his Life. Wherefore he resolv'd to acquaint *Matteo Santa Lucia*, his Cousin, and many other *Sicilian* Barons, who being invited by his Letters had come to *Palermo*, with the whole Matter ; he told them that the King, instead of rewarding him for saving his Life, by killing the Admiral, was now, at

¹ H. Falc. ut eadem in Kal. Januarii strenarum nomine, juxta consuetudinem ei transmitteret.

the Instigation of the Queen and the Eunuchs, pressing him to pay an old Debt, and persecuting him to that Degree, that he was in Danger of his Life ; therefore he begg'd of them not to desert him in such a dangerous State, but to associate themselves with him for defending him against his Enemies. This Speech of *Bonello* wrought more upon the Barons than he could have expected ; for finding them all at his Disposol, after various Consultations, they concluded to strike at the Head of all these Mischiefs, either by putting the King to Death, or in Prison, and making his Son *Roger*, a Boy of nine Years of Age, King, who, on account of the Virtues that began to appear in so tender an Age, like his Grandfather, could not fail to prove an excellent Prince ; but not thinking it fit to take so weighty an Affair upon themselves alone, they brought over to their Party, *Simon* the bastard Son of King *Roger*, who mortally hated his Brother, for having taken from him the Principality of *Taranto*, which his Father had left him, and in lieu thereof given him the County of *Policastro*. They likewise brought over *Tancred* the Son of *Roger* Duke of *Puglia*, who, tho' a little Valetudinary, yet was a Man of great Judgment and Courage, and kept in a manner Prisoner in the Royal Palace by *William* ; and they also ingag'd to be of their Party, *Roger* Count of *Avellino*, the King's Cousin by his Grandmother *Adelasia* ; and their Design of making the Infant *Roger* King, was to let the *Sicilians* see that they had no mind to deprive *William's* Children of the Kingdom, but himself who was a Tyrant. Having brib'd *Gavaretto*, who kept the Keys of the Prisons, and who was often intrusted by *Malgerio* with the Charge of the Castle, they agreed, that on a fix'd Day all the Prisoners should be set at Liberty, provided with Arms, and acquainted with the Signal that was agreed upon, when every Thing was ready for putting their Design in Execution. After this *Bonello* went to his Castle *Misfretto*, not far from *Palermo*, to lay up Provisions there, and in some other Places belonging to him, whither they might retire in case of any cross Accident, and forbad his Associates to do any Thing, but lie snug till his Return ; and if any Thing of Moment should happen, he desir'd to be acquainted by Letters, and he would immediately return with a strong Body of arm'd Men. Whilst *Bonello* was thus employ'd in the Country, it happen'd that one of the Conspirators discover'd the Matter to a Soldier his Friend, by thinking to ingage him in the Plot ; the Soldier being let in to the whole Design, thank'd his Friend, and said he would consider of it till the next Day, when he would give him his Answer ; immediately the Soldier went to another of his Friends, who happen'd to be one of the Conspirators, to whom he told the Story with Indignation, and said, to prevent such a piece of Villany, which would be a lasting Infamy upon the *Sicilians*, he was resolv'd to discover the whole to the King. This Friend of his, dissembling the Matter, seem'd much offended at such a Thing, but he went immediately to Count *Simon*, and the other Heads of the Conspiracy, and told them what had happen'd through the Indiscretion of one of their Friends, and that they had best consider that Night what they were to do, because the next Morning the King would be appriz'd of the whole Matter. Therefore terrified at their imminent Danger, and not having Time to acquaint *Bonello*, they resolv'd to put their Design immediately in Execution ; for which end they sent Word to the Keeper of the Prisons, to set all the Prisoners at Liberty the next Day, because they could delay no longer ; the Keeper return'd them answer, that it should be done against Three a Clock next Day, when the King would be in the Chamber of Audience, conferring with the Admiral Archdeacon of *Catania*, on the Affairs of State, where, without any Noise or Resistance, they might either kill or imprison him as they thought fit ; this so distinct and faithful Answer of *Gavaretto*, put new Life into the Conspirators, who had been much dishearten'd, partly on account of *Bonello's* Absence, and of those that had gone with him to *Misfretto*, and partly because they were forc'd to do in a hurry, what, after mature Deliberation, and in a proper Time, they had resolv'd to execute.

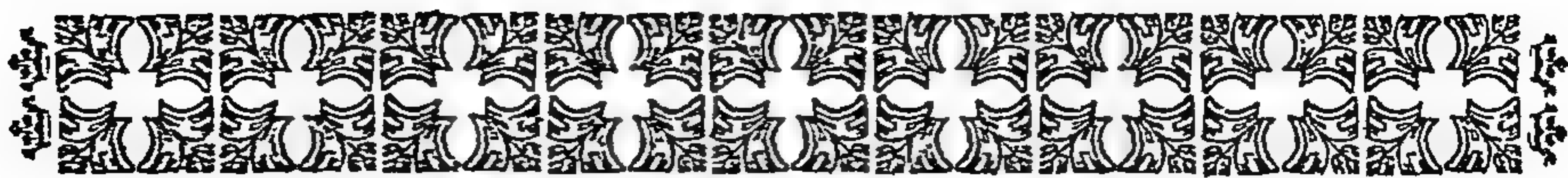
THE next Day *Gavaretto* at the Hour appointed punctually perform'd his Part, for he set at Liberty *William* Count of *Principato*, with all the other Noblemen, whom he had before provided with Arms, and conducted them to the Place where he had posted the other Conspirators, and Count *Simon* their Head, who having been bred up in the Palace, knew all the Apartments of it, so that he went directly to that where the King was discoursing with the Admiral. But the King seeing Count *Simon* his Brother, and *Tancred* his Nephew advancing towards him, was much offended that they should offer to come into his Presence without his License, and wonder'd

wonder'd how his Guards came to let them pass; but when he saw that they were follow'd by a great Body of arm'd Men, perceiving what they would be at, and struck with the Fear of Death, he had a mind to make his Escape, but was quickly seiz'd, and while they were reproaching him with his Tyranny, he observing *William* Count of *Lefina*, and *Roberto Bovenfe*, bold and cruel Men, ready to fall upon him with their drawn Swords, begg'd those that held him not to suffer him to be murder'd, for he would immediately renounce the Kingdom. Had it not been for *Riccardo Mandra*, who stept in betwixt them, and calm'd their Fury, they certainly would have put him to Death; his Life being thus sav'd, he was shut up into close Prison, and having put a Guard upon the Queen and her Children in their own Apartment, they search'd and plunder'd the Palace of all the precious Jewels and rich Furniture, not sparing even the Honour of the Queen's Maids¹. They kill'd all the Eunuchs that came in their Way, they went to the City, where they plunder'd the rich Merchandizes of the *Saracens*, that were either in their Shops, or the Custom-House. After all this was over, Count *Simon* with his Followers took *Roger* Duke of *Puglia*, *William's* eldest Son, carried him out of the Palace, and to shew him to the People, mounted him on a white Horse, and marching through the Streets of *Palermo*, with chearful Voices they proclaim'd him King, which, out of Respect to his Grandfather, was answer'd with loud Acclamations of the People; but his Coronation was delay'd till *Bonello*, who was hourly expected, should arrive. *Walter* Archdeacon of *Ceffalu*, the Child's Preceptor, publicly inveighing against the Cruelty and other Misdeeds of *William*, told the People, that they ought to swear to obey Prince *Simon*, who would govern the Kingdom till the young King should be of Age; by *Walter's* Means many swore such an Oath, others refus'd to do it, tho' none had the Boldness to oppose the Conspirators, because some of the Bishops, who were then in *Palermo*, and had great Authority in the Kingdom, openly approv'd of these Proceedings; and others by their Silence gave their Consent to them: The Commonalty being told that the whole had been brought about by *Bonello's* Means, were easy. But seeing he delay'd to come, *William* Count of *Principato*, and *Tancred* Count of *Lecce*, went to *Mistretto* to bring him and the arm'd Men that were with him to *Palermo*, lest the *Palermitans* should change their Mind, and set the King at Liberty, as they afterwards did.

AFTER they had waited three Days, the King still in Prison, and had no Tidings of *Bonello*, *Romualdo* Archbishop of *Salerno*, *Roberto* Archbishop of *Messina*, *Riccardo* Elect of *Syracusa*, and *Giustino* Bishop of *Mazza*, began to encourage the *Salernitans* to set him at Liberty, saying, it was a very ugly and shameful Thing to suffer their Sovereign to be so ignominiously used, and the Treasure laid up by the good King, for the Defence of the Kingdom, to be thus robb'd and wasted². These Words, spoken at first in Presence only of a few, were soon spread abroad amongst the Commonalty; whereupon, as if they had been call'd from Heaven, or led on by a brave Captain, they took up Arms, and besieg'd the Palace, requiring those within at their Peril immediately to set the King at Liberty. The Conspirators astonish'd and confounded at so sudden a Change, began at first to make a gallant Defence, but finding it would be to no purpose for a handful of Men to pretend to stand out against an inrag'd Multitude, out of cruel Necessity they had recourse to the King, whom they took out of Prison, and capitulated with him for Liberty to go where they should think fit; then they conducted him to a Balcony to be seen by the People. But the *Palermitans* seeing their King in that Condition, became more furious, and by all Means resolv'd to break open the Gates, and be reveng'd of the Conspirators, who would certainly have been put to Death, if the King had not beckon'd to them with his Hand, telling them that they had given sufficient Proof of their Loyalty in setting him at Liberty, and that they might lay down their Arms, and allow those who had made him Prisoner, to go freely where they pleas'd, because he had consented to it; upon which they all obey'd, and left the Passage out of the Castle free; the Conspirators march'd out, left *Palermo*, and retir'd to *Cacabo*.

¹ Hug. Falcand.

² Idem, Indignum esse, satisque miserabile, Regem a paucis Prædonibus turpiter captum, | in carcere detineri, neque Populum id debere pati diutius.



C H A P. III.

King William being set at Liberty, takes upon him again the Government of the Kingdom. The Death of Roger his eldest Son. New Commotions in Palermo and Puglia, which at last are quieted by the Death of Bonello, and of the other Conspirators.



HIS Adventure was the Cause, in a short Time, of great Mischiefs to *Sicily*, for not only a great many noble Barons lost their Lives on that account, and a great Part of the Royal Treasure was purloin'd, but Duke *Roger* likewise, who had hitherto given notable Indications that he would prove an excellent Prince, died; for during the Tumult of the People, having rashly thrust his Head out of a Window that fac'd those who were besieging the Palace, he was wounded with an Arrow, shot, as was then commonly reported, by *Dario* the King's Porter; however, the Wound would not have prov'd Mortal, had it not been, that the King, his Father, seeing him go merrily along before him after he had been set at Liberty, vex'd that he had been preferr'd to him, and not minding that his Son had had no Hand in it, struck him unmercifully with his Foot on the Breast: *Roger* having told his Mother what had happen'd, died soon after.

THE King being sensible of the shameful Action, and his other Misfortunes, forgetful of his Dignity, stripp'd himself of the Royal Garments, lamented his wretched Condition, and almost distracted, did nothing but mourn bitterly, open'd his Doors to whoever was pleas'd to enter, and related to them his Misfortunes, which drew Tears even from his Enemies. But at last, by the Advice of his intimate Friends, and many Prelates who had come to comfort him, he order'd the People to be assembled in the Court of his Palace, whither he went down, and first gave them Thanks for their Loyalty; then exhorted them to continue in their Fidelity; and taking all that had befallen him as a just Punishment which God had deservedly afflicted him with, said, from that Time forth he was resolv'd to lead a better Life; but his Grief and Tears hindering him to proceed, *Riccardo* Elect of *Syracusa*, a Man of great Learning, and wonderful Eloquence, explain'd more fully to the People what the King had said, who, in Testimony of his good Will towards them, granted them at that Time many Privileges and Immunities, which was a Thing so much the more agreeable, as it was given when they least expected it.

WHEN *Bonello* receiv'd the News of the King's being set at liberty, he was inwardly vex'd and displeas'd, though he pretended the contrary, because he had no hand in it, and the King also temporizing, us'd the like Dissimulation, yet his being at *Cacabo* with so many Barons, could no longer be dissembled; for Count *Simon*, *Tancred* Count of *Lecce*, *William* Count of *Lessina*, *Alexander* Count of *Conversano*, *Ruggiero Sclavo*, and all the rest that had imprison'd the King, had join'd *Bonello* at *Cacabo*, and had a good Body of arm'd Men with them; therefore *William* sent Messengers to *Bonello* to demand what that Meeting and those Soldiers meant, and whether he was imbark'd in the Designs of the Conspirators, and how he came to shelter them in his Castle? to which Message he answer'd, That it would be the Height of Cruelty in him to expose so many great Men, who had had recourse to him, to his

his Indignation, and that he could not forbear to tell him, that if he would narrowly examine his own Actions, he would be surpriz'd, how so many illustrious Men have been able to bear the Yoke of the many grievous Laws he had impos'd upon them, for destroying their Liberty; especially that Law which obliges their Daughters to live in perpetual Virginity, they not being allow'd to marry till they are past child-bearing, that the Fiefs may devolve to him; so that if he had a mind that he, *Bonello*, and the Conspirators should live peaceably, he must abrogate those Laws which had been lately made for depriving them of their Liberties, and restore those commendable Usages, introduc'd into the Kingdom by his Forefathers *Roger Count of Sicily*, and the famous *Robert Guiscard*, otherwise they would endeavour to do themselves Justice by Force of Arms¹. This bold Answer much displeas'd the King; who immediately sent them Word, that he would rather chuse to lose both his Life and Kingdom, than out of Fear of them, yield to what they requir'd; but if they would lay down their Arms, and be at his Devotion, they might ask any reasonable thing, and he would grant it them. To which they would by no means consent, but march'd straight to *Palermo*, which put the Citizens into a terrible Fright, because they would probably hinder Provisions from coming to the City. On the other hand, the King having assembled a good Body of Troops, laugh'd at what they could do; yet for Peace sake, he sent anew to *Bonello*, *Roberto da S. Giovanni*, a Canon of *Palermo*, a Man of a bright Character, and untainted Loyalty, who wrought so effectually and dextrously, that he brought both Parties to an Agreement, by which the King pardon'd the Conspirators, and gave them arm'd Gallies to transport themselves out of the Kingdom, whereupon some of them with Count *Simon*, went to *Greece*, and others to *Jerusalem*. The King restor'd *Bonello* to favour, and likewise pardon'd *Roger Count of Avellino*, as well because he was very young, as at the Request and Tears of his Grandmother *Adelasia*, the King's first Cousin, who lov'd him dearly, he being the only remaining Heir of this County; and he kept *Riccardo Mandra*, who had sav'd his Life, near his own Person, and created him High Constable of *Sicily*². But the Misfortunes of *Sicily* did not end here; for *Ruggiero Sclavo*, Son of Count *Simon*, and *Tancred Count of Lecce*, with many others of their Associates, who would not enter into the Agreement with the King, began to possess themselves of many Towns, and to lay Waste all the Country about *Syracusa* and *Catania*. Which Proceedings struck Terror in the Court, and the King being persuaded that all was done by *Bonello's* Directions, shut him up in Prison; and though the *Palermians* at first made an Uproar, and endeavour'd to set him at liberty; yet the fickle Mob, afraid of the King, soon lost Courage, and minded him no more, for *Bonello* being put in a dark Prison under Ground, had his Eyes put out, the Sinews above his Heels cut, and was condemn'd to perpetual Imprisonment, where, soon after, lamenting his Misfortune, he died of Grief. The King likewise crush'd the other Conspirators, and in a short time quieted *Palermo* and all *Sicily*.

WILLIAM now wanted to quell the Commotions of *Puglia*, rais'd by some Barons, who had been Partisans of the Admiral *Majone*, and especially *Roberto di Bassavilla Count of Loritello*, who, joining with the Counts *Gilberto* and *Boemondo*, possess'd himself of many of the King's Towns in *Puglia* as far as *Oriolo*, a Castle situated on the Confines of *Puglia* and *Calabria*. From thence he went to *Terra di Lavoro*, where he endeavour'd to be Master of *Salerno*; but that not succeeding, he march'd to *Benevento*, which immediately surrender'd; from thence returning to *Puglia*, he took *Taranto*. *Calabria* was likewise in Confusion, where all the most powerful Barons were Enemies to the King, and sided with Count *Roberto*, among the rest *Clementia Countess of Catanzaro*, in order to oppose the King, had reinforc'd *Taverna* with a strong Garrison. *William* finding all the Provinces of the Kingdom of *Puglia* in this Condition, in order to suppress these Commotions, resolv'd to go thither at the Head of a good Army; and before he set out, under a sham Pretence, he sent for *Ruggiero Sanseverino*, call'd *di Martonaro*, a Baron much respected in *Calabria*, whom he look'd upon to be his bitter Enemy, because he had

¹ Hug. Falcand. Ut his, aliisque perniciosis legibus antiquatis, eas restituat consuetudines, quas Avus ejus Rogerius Comes a Roberto

Guiscardo prius introductas, observaverit, & observari præceperit.

² Hug. Falcand. Panormi retinens, militibus suis Comestabulum præfecit.

stuck close by *Bonello* in the late Troubles, and for that Crime only, caus'd him to be imprison'd, and his Eyes to be put out.

IN the mean time he went to *Calabria*, and laid close Siege to *Taverna*, and tho' the Countess *Clementia* with her Mother, and *Alferio* and *Tommaso* her Uncles, together with the Inhabitants, defended themselves gallantly, yet it was taken at last, and destroy'd, and the Countess with her Mother sent Prisoners to *Palermo*, and *Tommaso* and *Alferio* were immediately hang'd. Count *Roberto* hearing that *Taverna* was taken, went presently to *Taranto*, and having encourag'd the Citizens to make a stout Defence, and put a new Garrison in the Town, in order to shun *William's* Army he went immediately into *Abbruzzi*. But *William* march'd strait to *Taranto*, and soon made himself Master of that City, and caus'd some of Count *Roberto's* Soldiers, whom he found there, to be hang'd. He recover'd all the Places of *Puglia* and *Campania*, as fast as he had lost them. Then hearing, that *Roberto di Bassavilla* with a Part of his Forces, had march'd into *Abbruzzi*, he presently sent *Riccardo di Soria* with a good Body of Troops to make him Prisoner; but he being appriz'd of it, fled the Kingdom, and went to the Emperor *Frederick* in *Germany*. The other Barons seeing the King so successful, likewise fled, some to *Romagna* and some to *Abbruzzi*. *Ruggieri dell' Aquila* Count of *Avellino*, also made his Escape, for tho' the King had formerly pardon'd him, yet he had incur'd his Displeasure in marrying, without his Consent, the Sister of *Guglielmo da Sanseverino*, who, for the same Reason, likewise fled to shun the King's Resentment. After all this was over, the King went to *Salerno*, which he grievously oppress'd, by extorting a great Sum of Money from the Inhabitants; from thence he embark'd and return'd to *Palermo*. Thus *William* by his Severity, having restor'd Peace in his Dominions, wearied with the past Troubles, resolv'd for the future to lead a more peaceable and quiet Life; and having committed the Government of his Kingdom to *Matteo Notajo di Salerno*, and *Henry* Bishop of *Syracusa*, an *Englishman*, he gave himself up to the Ease and Pleasures of a Court, and never minded the Affairs of his Kingdom any more.



C H A P. IV.

After the Death of Victor the Anti-pope, Alexander III. is acknowledg'd for true Pope, and returns to Rome; and King William, after having appeas'd some Disturbances that happen'd in his Palace, in the Year 1160, dies in Palermo.



URING these Commotions in the Kingdoms of *Sicily* and *Puglia*, others much more remarkable happen'd in *France* and *Italy*, betwixt Pope *Alexander* and the Emperor *Frederick*; for *Alexander*, after having continued some time in *Alagna*, went to *Genoa*, and from thence took Shipping and went to *Provence*: *Victor* the Anti-pope, who stay'd in *Segna*, hearing of *Alexander's* Departure, went immediately into *Lombardy* to *Frederick*, to acquaint him that *Alexander* had gone to *France*: The Emperor no sooner heard of it, than, being afraid lest *Lewis* King of *France* should receive him as true Pope, he sent *Henry* his Ambassador to *France*, to desire an Interview with *Lewis* near *Avignon*, for settling the Affairs and reforming the Abuses of the Church. The Emperor seeing that the Anti-pope had not so strong

strong a Party as *Alexander*, resolv'd on this Occasion to endeavour to get them both depos'd, and to make a new Pope, lest *Alexander*, his open Enemy, at last should be acknowledg'd by all for true Pope; *Lewis*, a simple Man, and easily impos'd upon, was persuad'd, with a small Retinue, to come to the appointed Place, and *Frederick*, with a great Army, arriv'd the Day following, which very much perplex'd both the Pope and the King, who were too late in finding out his deceitful Intention; and they would have been in a sorry Condition, if *Henry* King of *England*, a gallant and most religious Prince, who had smelt *Frederick's* Designs, had not landed in *France* with a strong Army to relieve *Alexander* and *Lewis*. This seasonable Arrival of an Army, equal to that of *Frederick*, baulk'd his Design, in so much that after various Conferences, the Emperor, angry at his Disappointment, went to *Germany* with his Anti-pope; and *Alexander* having escap'd this Danger, was acknowledg'd and respected by the Kings of *England* and *France*, and all their Kingdoms, for true Pope. And having accompanied these two Kings to *Paris*, he compos'd some Differences that were between them, and got them to enter into a League and Fellowship. *Alexander* this Year 1163, assembled a General Council in *Tours*, in which all the Bishops of *England*, *Scotland*, *France*, *Spain* and *Ireland*, with some *German* Prelates, were present, wherein he re-establish'd many Things, and reform'd some Abuses with respect to Church Government. In the mean time the Anti-pope, for all that the Emperor could do, was not own'd by the *German* Bishops; so that he return'd to *Italy*, and went to *Lucca*, where he died soon after. Nevertheless the Schism was not at an end, for by the means of *Rinaldo*, *Frederick's* Chancellor, another Anti-pope quickly started up, which was *Guido da Crema*, who took the Name of *Pascal III.* The *Romans* having heard of the Death of the Anti-pope, immediately sent Ambassadors to *France* to invite *Alexander* back, begging him to return to *Rome*, where they would receive him with all the Affection and Respect imaginable; whereupon the Pope being sensible that his Presence was necessary in *Rome* for the Good of the Church, took Shipping, and escaping the Snares which the *Pisans*, at the Emperor's Desire, had laid for him with their Gallies in order to make him Prisoner, he arriv'd safely at *Messina*, with all his Cardinals and the Archbishop of *Mentz*: As soon as King *William*, who was then at *Palermo*, had Notice of his Arrival, he sent his Ambassadors to wait upon him, and in his Name to offer him rich Presents, and five arm'd Gallies, in which he embark'd, and first went to *Salerno*, and from thence in the same Gallies arriv'd in the *Tyber*, and landed at *St. Paul's Church*, whither all the People and Clergy of *Rome* came to meet him, and in great State convey'd him to the *Lateran Palace*.

BU T while *William* thought himself secure from all Danger, by an unforeseen Accident, he was like to lose his Life; for some few Prisoners, in Despair of ever obtaining their Liberty, through the Malice of *Matteo Notajo*, who prov'd as cruel and tyrannical as *Majone*; and wearied with the Uneasiness and Horror of a Prison, made an Attempt to make their Escape, or put an End to their Miseries. For which end, having brib'd the Keepers, at a Time when the Palace was least frequented, they got out, and though they were but a few, they boldly attack'd the Door-keepers of the Palace, and having enter'd, put all in Confusion, and endeavour'd to seize the King, or his Children; but a great Number of Soldiers with *Odone*, the King's Master of the Horse coming on the Noise, after a small Resistance, they were at last all put to Death one after another, and their Bodies expos'd to be eaten by the Dogs. This Adventure made the King very uneasy, and considering that the Prisoners of the Castle had put him twice in Danger of his Life, he caus'd those that remain'd to be taken out, and carried to the Castle on the Seashoar, and other Forts of the Island. And after this he gave himself up to such Ease and Quiet, that he expressly forbid his Domesticks to acquaint him with any thing that could give him the least Disturbance; so that his Ignorance of the Affairs of his Kingdom encourag'd *Gaito Pietro*, and the other Eunuchs of the Palace grievously to oppress and abuse the *Sicilians*, both in their Persons and Goods, whence they took Occasion to call the King, *William the Wicked*, which he was found so much the more to deserve, by how much better his Successor prov'd. The King altogether addicted to his Pleasures, bethought himself that his Father

¹ Romuald. Achiep. de Salern. in Cronic. apud Baron.

Roger had built two stately Palaces in *Palermo*, therefore he resolv'd to build a Third, that should far exceed those of his Father, not only in Magnificence and Nobleness of Structure, but likewise in the Fineness of the Gardens, and the Beauty of the Fountains and Fish-ponds which surrounded it on all Hands. But this Work was scarcely finish'd, when Death, which puts an end to all human Designs, prevented his Enjoyment of it; for in the Year 1166, the beginning of *Lent*, he fell sick of a Flux, which troubled him extremely; whereupon he devoutly took the Sacraments of the Church, reliev'd many Prisoners, and likewise remitted a new Tax which he laid upon the Cities and Lands of *Puglia*; and having call'd for all the great Men of his Court, and the Archbishops of *Salerno* and *Reggio*, he made his Will, by which he left *William* his eldest Son Heir of his Kingdom, and to *Henry* his other Son he confirm'd the Principality of *Capua*, with which he had formerly invested him¹; and he left the Queen Regent of the Kingdom, till the Sons should be of Age; and he enjoin'd her, that in all Affairs of State, she should take Advice of the Bishop of *Syracusa*, *Gaito Pietro* and *Matteo Notajo*; and the Disease increasing, he call'd for *Romualdo Guarna* Archbishop of *Salerno*, his near Kinsman, who, according to those Times, was very knowing in Physick, and though he prescrib'd many Medicines proper for his Disease, yet he would take none of them but those that pleas'd himself, which hasten'd his Death, for on the *Saturday* before the Octave of *Easter*², he was seiz'd with a violent Fever, which soon after carried him off at the Age of 46, after he had reign'd Sixteen Years, two Months and three Days, from the Time of his being crown'd King of *Sicily*, when his Father was still alive.

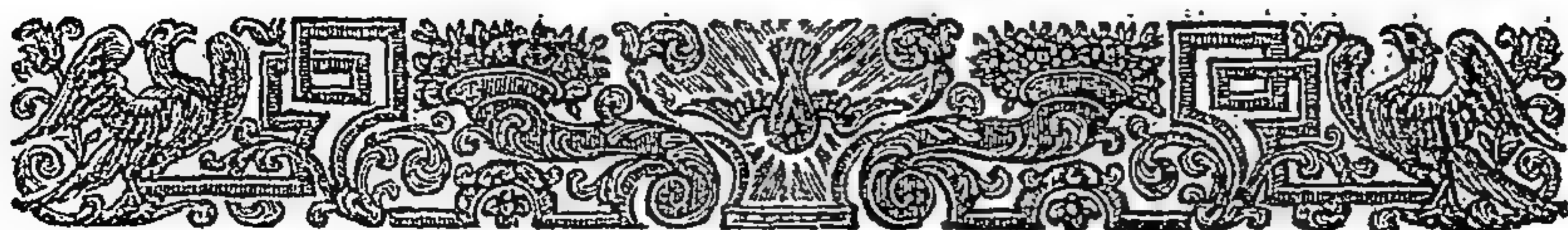
THE Queen being afraid lest the sudden News of the King's Death might occasion some dangerous Commotion amongst the *Palermitans*, caus'd it to be conceal'd, till the Arrival of the Barons who had been already sent for to be present at the Coronation of the new King. After it had been hush'd up for a few Days, the Death of the Father, and the Reign of the Son were publish'd at the same Time; and the Corps was honourably carried to St. Peter's Chapel, where, for three Days successively, the funeral Solemnities were pompously and magnificently celebrated, at which all the Barons and Bishops that were in *Palermo* were present; and in process of Time the Corps was transported to the Church of *Montreale*, which the King his Son caus'd to be built, where the Queen made a stately Tomb to be erected, which is to be seen at this Time without any Inscription.

WILLIAM, according to *Romualdo*, was a Prince of a noble and graceful Aspect, exceeding covetous, and most intrepid in War: He often vanquish'd his Enemies both by Sea and Land; but in Peace was very indiscreet, and beyond measure a Lover of Ease, and indolent. His Inclination to Cruelty, and his too great Desire of heaping up Money, and his Lavishness in spending it, made him appear wicked in the Eyes of the People: As for the rest, he esteem'd and caress'd his Friends, and rais'd them to great Honours, and liberally rewarded them: On the other hand, he was a bitter Persecutor of his Enemies, many of which he put to a cruel Death, and others he banish'd: He was very Religious, and a Lover of Divine Worship, and he had a great Regard for the Popes, with whom he had no Disputes, excepting in the beginning of his Reign with *Adrian*.

¹ Pellegr. in Castigat. ad Anonymum Cassin. | in the Month of May. Fazzello says, it was the
anno 1172. ex Hugone Falcando, & Romualdo. | 5th of May.

² The Chronicle of Fossanova says, that it was





C H A P. V.

The Laws of King William I.

ALTHO' some of this Prince's Laws seem'd grievous to his Subjects, on account of the great Desire he had to heap up Riches; nevertheless all the rest were very good and useful, insomuch that *Frederick II.* caus'd them to be inserted in the Volume of his Constitutions, compil'd by *Pietro delle Vigne*, and order'd them and those of *Roger* to be observ'd. We have Twenty-one of the Laws of this Prince in the Volume of the Constitutions, which must be distinguish'd from those which *William II.* publish'd afterwards, that they may not be confounded, as some Writers have done, who have taken them all to be *William I.*'s.

THAT, which we read in the first Book, under the Title *de Usurariis puniendis*, and which, in some Editions, bears in the Rubrick the Name of *Roger*, and in some others that of *William*, as we have said, is neither *Roger's*, nor, as *Andrea d'Isfernia*, *Afflicto*, and some of our Writers have believ'd, *William I.*'s. It was publish'd long after by *William II.* his Son; for this Law ordains, that all Causes concerning Usury, that shall be brought before his Court, be decided, and determin'd according to the Pope's Decree lately publish'd in *Rome*, meaning the Decree which was made against Usurers in the *Lateran Council*, celebrated in *Rome* by *Alexander III.* and inserted by *Gregory IX.* in his *Decretals*¹; so that *William I.* cannot be the Author of it, for this Council was celebrated by *Alexander* in the Year 1180, according to *Antonio d'Agostino*, or, as the most accurate Writers say, in 1179, when *William the Wicked* was dead, who, as we have seen, died in the Year 1166, and *William II.* was reigning in *Sicily*, who, altogether differing from his Father, hated Usurers and their abominable Pelf, and would have Usury to be judg'd by the Canons of the *Lateran Council*, and not by the Civil Law. 'Tis worthy of Observation, that in these Times the secular Judges took Cognizance of the Crime of Usury, and it did not belong to the Ecclesiastical Judges, as they afterwards pretended; for *William* only ordain'd, that his Judges should decide such Causes not by the Civil Law, but according to that Decree, which, without this Constitution, would not have been obligatory upon his Subjects, because the Ecclesiastical Canons had not as yet acquir'd that Force and Authority in the Courts of Justice, which, by long Custom, they afterwards obtain'd in the new Dominions of Christian Princes; but that they might be observ'd in the Tribunals, and have the Force of Laws, the Prince was forc'd to command it.

IN like Manner the other Constitution, which we read in the same first Book, under the Title *Ubi Clericus in Maleficiis debeat conveniri*, ought to be attributed to *William II.* and not to *William I.* This, with another, which we read in the third Book, under the Title *de Adulteriis coercendis*, was made by *William II.* at the Desire of *Walter* Archbishop of *Palermo*², by which the Persons of the Clergy of his Kingdom, with respect to criminal Matters, were exempted from secular Jurisdiction, and subjected to that of the Church, which was to judge them according to the Canons and Ecclesiastical Laws; excepting only the Crimes of Felony, and

¹ Decret. lib. 5. tit. 16. cap. 6.² Tutia degli Ammir. pag. 41.

those, which for their Heinousness, concern'd the King's Majesty, the Cognizance of which he would have to belong to his own Courts.

NEVERTHELESS the other Constitutions which follow in the same first Book, under various Titles, are *William I's*. We have the first under Title 59, by which Officers are forbid to imploy others to officiate for them in their Employments, and particularly the Lord Chief Justice, and other inferior Justices were not to appoint Deputies for exercising their Offices, and the Offenders were to be punish'd capitally. The second is under the Title *De juramentis non remittendis a Bajulis*, whereby any of these Officers, who, out of Favour, or for Money, dispensed with the Oaths, or other Proofs in Law Suits, which by the Judges they had been order'd to take, were fin'd in a Pound of Gold. The third under the Title, *De Officio Magistri Camerarii*, was made to prevent Confusion amongst the Officers, and to inform each of them of their Duty in their several Stations. By which Constitution it was ordain'd, that the High Chamberlain should take Cognizance in Civil Matters only, and not in Feodal, which belong to the High Court, and the Chief Justices; and that the Differences that might arise betwixt Bailiffs and Tax-gatherers under his Jurisdiction, should be decided by him; and that Appeals of Causes decided by the ordinary Judges, should be brought before him, whose Decrees he might either confirm or annul, as he should think just: From whom there was no Appeal to the Chief Justice as formerly, but only to the King.

THE Fourth, under the same Title, orders the High Chamberlain, with the Advice of the Bailiffs to make Assizes of all vendible Things, in every City and Place under his Jurisdiction.

THE Fifth, which we read under the Title *De Officio Secreti*, is Local, and regards the Province of *Calabria*, whereby it is ordain'd, that the Office of Secretaries and Tax-gatherers of that Province should be perform'd by the Chamberlain thereof. And in the Sixth, which follows, the said Secretaries and Receivers of the Rents are particularly injoin'd to have a watchful Eye on the Treasures that should be found, and to apply them to the King's Use, and to take Care of all Shipwrecks, because if the Masters of the Vessels were dead, and had no lawful Heirs, the Goods belong'd to the King. And they were likewise to take Care of the Goods of those who died Intestate, and had no lawful Successors, and to give the third Part of the Price of their hereditary Estate to the Poor, to pray for the Soul of the Deceas'd, and all the rest was to be apply'd to the King's Use.

THE Seventh, under the same Title, ordains the Justices, Chamberlains, Castellans and Bailiffs, to be diligent in assisting and advising the said Secretaries and Receivers, in every thing that was for the King's Advantage.

THE Eighth, which we read under the Title *De præstando Sacramento Bajulis, & Camerariis*, deserves to be minded; for the King prescribes to the Chamberlains and Bailiffs, how they ought to administer Justice to his Subjects. He ordains them to administer it according to his own Constitutions, and those of his Father Roger, and wherein those fail'd, according to the approv'd Customs of his Dominions, and lastly, according to the common *Longobard* and *Roman* Laws; which is a Proof, that in this Prince's Time the *Longobard* Laws were in Force, and observ'd in this Kingdom, and were look'd upon to be as much the common Laws, as the *Roman* were. Whence it came that the first Works which we have of our Lawyers, are upon the *Longobard* Laws, and that *Carlo di Tocco*, Contemporary with this *William*, who, in the Year 1162, made him Judge of the High Court¹, was at the Pains to comment upon them; in doing of which he made use of the Pandects, and others of *Justinian's* Books: not that these had acquir'd the Force of Laws in this Kingdom; but because the *Longobard* Laws were not reputed so barbarous and unpolish'd, seeing many of them were conformable to the Laws of the Pandects, which had inhand'd the Study of many, who began to despise the *Longobard* Laws. Neither did *William* mean any other thing by the common *Roman* Laws, but those that, before the Pandects were found in *Amalphis*, had continu'd by Tradition amongst our Country-People; for tho' in the other Cities of *Italy*, as being publickly taught in their Academies, they began to be quoted in the Courts of Justice, yet hitherto in these our Provinces, there being as yet no publick Schools till the Time of *Frederick II.* they not only had not acquir'd any Authority of Laws, nor were quoted in the Courts; but

¹ Top. de Orig. M. C. cap. 10.

they were not so much as taught, and explain'd, as they were in *Bologna*, *Milan*, and the other Cities of *Italy*; and Causes were for the most Part decided according to the *Longobard* Laws, as is clear from those two Sentences formerly mention'd by us, and recorded by *Pellegrinus*, the one in the Reign of King *Roger*, the other in that of *William II.* And this is so certain, that it was not so much as allow'd to have recourse to the Laws of the *Pandects*, when the *Longobard* fail'd; which is evident from the Commentaries of the said *Carlo di Tocco*, wherein he has this Question, As the Child succeeded to the Mother, whether, or no, could the Mother succeed to the Children? he says, that the *Longobard* Laws have establish'd nothing on this Head, whence the Mother, as a *Cognate*, ought to be excluded; for according to these Laws the *Agnates* only succeed, and that therefore a new Law behov'd to be made to make her capable to succeed to her Children, just as was practis'd amongst the *Romans*, who, in order to make a Mother capable to succeed, were forc'd to establish it by a *Senatus consultum*. What need then would there have been of this new Law, if the Defect of the *Longobard* Laws could have been supplied by the Laws of the *Pandects*? In the Time then of this *William*, the common Laws of the *Romans* were not those that were contain'd in the *Pandects*, but those that had continued among the People, which, after the *Roman* Empire was extinct, they kept up rather as ancient Usages, than as written Laws, the Books of *Justinian* not being known in these Provinces for many Ages after, and it was very long before they recover'd their ancient Authority and Force in them, which was owing rather to Custom than any Constitution of a Prince commanding it, as shall be clearly seen in the Course of this History.

WILLIAM's ninth Constitution, which we read under the same Title, runs all upon the Duty of the High Chamberlains and Bailiffs. It prescribes the Number of Bailiffs and Judges in each City and Place of the Province, and orders the Chamberlains not to put these Offices to Sale, but to give them to deserving and faithful Persons, over whom they were to have a watchful Eye, and observe their Proceedings; and to see that Justice was faithfully administred, and the Provinces well govern'd.

THE Tenth, which we have under the Title *De quæstionibus inter Fiscum & Privatum*, ordains the High Chamberlains to take Cognizance of all Causes, excepting Feodal, both Personal and Real, betwixt the Exchequer and private Persons, with the Assistance of the Justices, in the Presence of the Attorney General.

THE Eleventh, under the Title *De cognitione Causæ coram Bajulis*, gives Power to the Bailiffs to take Cognizance, within their Jurisdiction, of all Civil Causes, as well Personal as Real, excepting Feodal Causes; and to take Cognizance of petty Larceny, and other lesser Crimes, which were not punishable with Mutilation of Members.

THE Twelfth, which we read under the Title *De fure capto per Bajulum*, orders the Bailiffs, when they have taken any foreign Thief, to deliver him over with the Goods into the Hands of the Justices; and if he belong to the District, they are likewise to deliver him over to the Justices, but his moveable Goods are to be consign'd in the Hands of the King's Treasurer of that Place.

THE Thirteenth, under the Title *De Bajulorum Officio*, enjoins the Bailiffs to see that a just Price be put upon vendible Things, and irremissibly to exact the Fines of those who shall sell contrary to the Assizes, or who shall be found to have false Weights and Measures.

THE Fourteenth, under the Title *De pœna negantis depositum, vel mutuum*, punishes severely Pawnbrokers, or those who refuse to restore to the Owners, Goods lent or pledg'd.

THE Fifteenth, under the Title *De Clericis conveniendis pro possessionibus, quas non tenent ab Ecclesia*, deserves more Attention than all the rest. In it is decided, that if the Clergy be sued for any Possessions, Tenements, or other Goods belonging to their Patrimony, which has not come to them by the Church, but some other way, such Causes fall under the Cognizance of the Secular Court of the Place where the Possessions are situated, tho' they should object against it; only the Secular Judges are forbid to seize on their Persons, or imprison them; but they are to put their Sentence vigorously in Execution against the Goods in Question. At the Time

¹ Carol. de Tocco in l. si Sorores 25. verb. si propinqui in fin. de Succes. lib. 2. tit. 14.

that this Law of *William's* was publish'd, it seem'd to be no ways irregular or extravagant; nor even since, in the Time of *Marino Caramanico*, an ancient Commentator on these Constitutions, who found no Fault with it. But in after Ages, when the Canon Law of the Decretals began to instil other Maxims into the Minds of our Lawyers, it appear'd to be very odd and monstrous. *Andrea d'Isernia*, who wrote in these Times, did not stick to say that such a Constitution was good for nothing; but ought to be look'd upon as null and void, as levell'd against Ecclesiastick Persons, and the Immunity of the Church. He adds, that the Legislator is mistaken, that considers the Quality and Circumstances of the Goods, and not of the Person, forasmuch as Goods take their Quality from the Persons, and these are sued, and not the Goods. He likewise calls those ignorant, who say that the Pope and the Church of *Rome* approv'd of these Constitutions; for he says the Confirmation does not appear, and tho' it should appear in general Terms, yet it could not be said that the Pope had approv'd of this Constitution, and if he had been requir'd to approve of it in particular, he would have refus'd to do it. But from what we have said in the preceding Books, when we had occasion to treat of the Ecclesiastical Polity, we may easily perceive how little Truth is in what *d'Isernia* advances.

THE Sixteenth, which is the last of this Prince, by *Pietro delle Vigne* plac'd in the first Book of the Constitutions of the Kingdom, under the Title *De Officio Castellatorum*, contains nothing else, but an Order to the Castellans, and their under Officers, not to exact any Thing from Prisoners that have not remain'd a Night in Prison; and if they did remain a Night, they were to pay half a *Tarine*, and no more.

WE have none of King *William's* Laws in the Second Book, but in the Third we first meet with the Seventeenth, under the Title *De Dotariis constituendis*, whereby 'tis ordain'd, that Wives, after the Death of their Husbands, in order to secure their Dowries to the Heirs, shall swear Fealty to the Lords of the Baronies of whom their Dowries are held.

THE Eighteenth, which has for Title *De Fratribus obligantibus partem Feudi pro dotibus sororum*, allows Brothers who have no moveable or hereditary Goods, to mortgage a Part of the Fief for Portions to their Sisters; and moreover, if they have three or more Fiefs, to give one of them for that same Purpose; but in all these Cases, when either the Fief is mortgag'd, or alienated, or set apart for the Sisters Portions, the King's Consent must always be obtain'd. And besides, Matrimony cannot be contracted without his Assent and Permission, otherwise all is void and null; which, as we have said, gave Occasion to the Barons of the Kingdom to complain of the grievous Yoke impos'd upon them by this Law, which hinder'd their giving their Daughters or Sisters in Marriage without the King's Assent; but for all that, *Frederick*, for the Reasons we have already alledg'd, when we had Occasion to treat of *Roger's* Laws, would confirm it; for the Law was not grievous in what it prescrib'd, but in the bad use which *William* made of it, who, out of Covetousness to have the Fief devolve to himself, was inflexible, and would not give his Consent to such Marriages, whence proceeded those Complaints and Troubles which happen'd in the Reign of this Prince.

THE Nineteenth Law of *William*, under the Title *De Adjutoriis exigendis ab hominibus*, deserves to be carefully minded; for in it we meet with many Things worthy of Observation. First it checks the Covetousness of the Prelates, Counts, Barons, and other Feudatories, who, upon the most trifling Occasion, extorted exorbitant Subsidies from their Vassals; whence *William*, being resolv'd to ease them from this Oppression, settles the Cases wherein they could justly claim them. The Cases are these. I. For ransoming their Superior, when taken by the Enemy fighting under the King's Banner. II. When the Superior had a mind to inroll a Son in the Army. III. When he was to give his Daughter or Sister in Marriage. IV. When he was to buy some Place, that would be of Service to the King, or his Army. The Cases which he establishes, wherein the Prelate can justly claim Subsidies from their Vassals, are likewise very remarkable. I. For their Consecration. II. When they shall be call'd by the Pope to assist at any Council. III. For the Service of the King's Army, if they are in it. IV. When they shall be sent for by the King; where 'tis to be observ'd, that in these Times it was never call'd in Question if Princes could send for Prelates, nor did they make any Difficulty to obey such Calls, as they began to do in later Times; tho' in our Kingdom our Princes have

have always maintain'd that Power, and expell'd those who dar'd to disobey. V. If they shall be sent by the King any where for his Service, which frequently happen'd, for they were employ'd in the Affairs of the Crown. And Lastly, When the King had occasion to lodge upon their Lands. In all these Cases the Prelates were allow'd to exact Subsidies from their Vassals, but 'tis subjoin'd in the same Constitution, that they ought to do it moderately.

THAT other, which we read under the Title *De Novis ædificiis*, tho' in some Editions it bears the Name of Roger, and in others that of William, yet 'tis plain, that it belongs neither to the one nor the other. The Author of it was Frederick II. which is evident from these Words, *ab obitu divæ memoriæ Regis Gulielmi consobrini nostri*, by which Frederick means William II. who was his first Cousin, as being Son of William I. Brother of Constantia the Mother of Frederick.

THE Twentieth, under the Title *De Servis, & ancillis fugitivis*, by which William prohibits the entertaining of Servants who have deserted their Masters; and in case they be taken, he ordains them to be deliver'd up to their Masters, if they be known; if not known, he orders them to be deliver'd over to the Bailiffs, who are immediately to send them to his, the King's High Court, otherwise the Transgressors, even the Bailiffs themselves, are liable to lose their whole Substance, which is to be applied to the King's Use; but Frederick in the Constitution *De Mancipiis*, gives a Year for the Masters to recover them after they are sent to the High Court.

THE last, under the Title *De pecunia inventa in rebus alienis*. If these Laws which we have hitherto mention'd shew this Prince's Greediness to heap up Riches, and to impose so many pecuniary Mulcts, whereby he might enrich his Treasury, this, which we are now going to give account of, makes it much more evident. From the Year 1161. William had made Laws, that whoever should find a Treasure, it was to belong to the King¹. In this he ordains, that whoever should find Gold, Silver, precious Stones, and other such like Things, that were not his own, should immediately carry them to the Justices, or Bailiffs of the Place where they were found, who were presently to transmit them to his High Court, otherwise they were to be punish'd as Robbers. Declaring likewise in general, that whatsoever shall be found in his Kingdom, the Owner of which cannot be found, shall belong to himself. He would have what follows to be thought an Act of Piety, to wit, that if in the Space of a Year, any Person shall prove that he was the true Owner of the Goods found, they were to be deliver'd to him, but after that Time was expir'd, they were his own. Frederick II. in the following Constitution approves of the Law, and adds only this, that the found Goods were to be kept by the Justices and Bailiffs of the Counties where they were found, because he thought it was unjust to oblige the Owners to go to the High Court to prove that they were theirs, because it might cost them perhaps more than the Value of the Goods.

THESE are the Laws of William I. which Frederick was pleas'd to retain and add to his own, and those of his Grandfather; for the other, which we read under the Title *De Adulteriis coercendis*, whereby, if no Violence has been us'd, it is remitted to the Ecclesiastical Judges to take cognizance of the Adultery, with which the Empress Constantia comply'd by her Letter recorded by Ughellus, is neither Roger's nor this William's, but William II. his Son's, which will be clearly seen when we come to treat of the Laws of that Prince.

SOME likewise say, that it was William who first instituted the Tribunal of the High Court; neither is it to be doubted, that in the Year 1162. Carlo di Tocco, who commented on our Longobard Laws, was one of the Judges of this High Court. But as that is true, so neither can it be denied, that the High Court in King William's Time, was that which he erected in Palermo, the Place of his Royal Residence, but not that, which in the Reign of Frederick II. and that of Charles I. of Anjou, was establish'd in Naples. In William's Time Naples was no more look'd upon than any other City of the Kingdom; but Salerno, and Bari (before it was demolish'd) were the top Cities. And tho' some say that this Prince fortified Naples with two famous Castles, viz. the Capuan against the Aggressors by Land, and that of Uovo against those by Sea; yet others will have Frederick to be the Founder of them: But none can deny that Frederick II. began by Degrees to make this City the Head and Metropolis of all

¹ Bardi, tom. 3. Cron. fol. 333.

the rest, as well by introducing the University, as the High Court and Mint, afterwards call'd *Camera Summaria* ; and that it was not a Royal Seat before the Reign of *Charles I. of Anjou*, when all the Affairs of the Kingdom were transacted in *Naples*, which at last rais'd it to be the Head and Metropolis of all the other Cities, as shall be seen in the Course of this History.

IN the Time of the last *Norman* Kings, there was not a City in these Provinces, that could be said to be the Head of the rest. Each Province had its own Justices, Chamberlains, and other particular Officers, none of which intermeddled with the Affairs of the others. Neither was the Number of Provinces in these Times increas'd to twelve, as it was afterwards (if we may believe *Sorgente* ¹) in the Time of *Frederick*, but our Country was divided into Districts, according to the Justices that were sent to govern them ; whence they took the Name of *Giustizierati*, or Jurisdictions, and afterwards into Provinces, and govern'd by *Præsides*, which will be better understood in the following Books of this History.

¹ Surg. Neap. illustr. cap. 24. n. 2.





THE
CIVIL HISTORY
Of the KINGDOM of
NAPLES.

BOOK XIII.



THE Death of *William I.* and the Accession to the Throne of *William II.* his Son, made the whole Kingdom easy ; for the graceful Behaviour, and Generosity of the Youth, so gain'd him the Love and good Will of every Body, that even those who had been his Father's bitter Enemies, resolv'd to be most faithful to him, being satisfied that the Death of the Father had put an end to all their Troubles, and that they ought not to impute the Tyranny of the Father to the innocent Youth. In the mean time Queen

Margaret his Mother, having assembled all the Prelates and Barons of the Kingdom, caus'd him to be solemnly crown'd in the Cathedral Church of *Palermo*, by *Romualdo* Archbishop of *Salerno* : At which Solemnity, besides the Prelates and Barons, a vast Number of the Inhabitants of the City were present, and after the Coronation was over, with great Marks of Love and Gladness, accompanied him to the Palace. And the Queen, because of his tender Age, not yet Twelve Years of Age compleat, who had taken the Charge of the Government of the Kingdom upon herself, in order to rivet in the People the Love they bore her Son, caus'd all the Prisoners to be set at Liberty, and order'd all those that had been banish'd by the King her Husband to be recall'd, and among
the

the rest *Tancred* Count of *Lecce*, and remitted many heavy Taxes that had been impos'd upon the People, for which end she wrote to all the Chamberlains of *Puglia*, not to exact for the future that insupportable Burden, call'd *Redemptionis*, which had reduc'd these Provinces to the utmost Despair¹. She restor'd to their Baronage, those who had been depriv'd of it, and granted it to many others, and with a liberal Hand, made many Donations to sundry Churches.

BUT her having, contrary to the last Will of her Husband, indiscreetly advanc'd *Gaito Pietro*, and made him Superior in the Government to *Matteo Notajo*, and the Elect of *Syracusa*, by giving him the whole Charge of the Kingdom, occasion'd new Disturbances at Court; for the other Courtiers envying his Greatness, presum'd too much upon the King's Youth, and little minding the unsettled Government of a Woman, they began to make a Revolution in the King's Family, which was carried on by the Advice of *Gentile* Bishop of *Agrigento*, who having ingratiated himself with the Archbishop of *Reggio*, contriv'd the Ruin of the Elect of *Syracuse*, and at the same time brib'd *Matteo Notajo*; and they put Matters into such Confusion, that *Gaito Pietro* was forc'd to fly for Protection to the King of *Morocco*. But these Quarrels (after various Turns, which *Falcando* gives us at length) being over, and the Elect standing his Ground, soon after Ambassadors from *Emanuel* Emperor of the East arriv'd in *Palermo*, to renew the Peace with the young King, and offer him *Emanuel's* only Daughter in Marriage, and the Empire for her Portion; the Ambassadors were kindly receiv'd, and the Peace renew'd; but the Marriage could not then be concluded, on account of the many Difficulties that occur'd in the Treaty.

IN the second Year of *William's* Reign some Troubles happen'd both in *Sicily* and *Puglia*, not occasion'd by foreign Powers, but by the Quarrels of the Courtiers, and some Barons, who got the High Chancellor *Stefano di Parzio*, Son of Count *di Parzio*, a Kinsman to the Queen (who had invited him out of *France*, and, after many Turns, had given him the Charge of the Government) to persuade the King to leave *Palermo*, and go to *Messina*, where he would be at hand to settle Matters in *Puglia*. But these Commotions in *Sicily* and *Puglia* were but Trifles, and easily suppress'd, in comparison of those in *Lombardy*, and of the War ready to break out betwixt Pope *Alexander III.* and the Emperor *Frederick Barbarossa*; for both *Sicily* and *Puglia* were soon restor'd to a peaceable State. The Eyes of every Body were now fix'd upon the Emperor *Frederick*, who, with a great and powerful Army had march'd into *Italy*, to make War upon Pope *Alexander* and the *Romans*, who, in a disorderly Manner, charging a Body of *Frederick's* Army too boldly, were routed, a great many kill'd, and as many taken Prisoners, the rest with Difficulty having got within the Walls of *Rome*. The Pope, and all the People were in great Perplexity, and the Emperor, who had already taken *Ancona*, hearing of this Victory, and being determin'd to march into *Puglia*, came with the rest of his Army directly to *Rome*², and having made a brisk Attack upon the Gate of Castle *St. Angelo*, he afterwards assaulted *St. Peter's* Church, but not being able to take it easily, he set fire to it; which so terrified those within, that they immediately surrendered, and *Alexander*, struck with Fear, quitted the *Lateran* Palace, and fled to the House of *Frangipani*, where he with all the Cardinals fortified themselves in a Tower of the *Chartulary*.

THE Emperor the *Sunday* following, at a solemn Mass in *St. Peter's* Church, caus'd himself to be crown'd with the Royal Crown, by his Anti-pope *Odone da Crema*, and the *Monday*, being the Feast of *St. Peter in Vinculis*, the same Anti-pope crown'd him with the Imperial Crown, together with his Wife *Beatrice*.

OUR *William* maintain'd the same Friendship and Correspondence with the Pope, as his Father had done, insomuch that *Alexander* was not in the least offended that *William* had been crown'd without his Knowledge, which his Predecessors would not have taken in good Part; and having heard of the great Straits the Pope was in, and *Frederick's* Resolution to march into his Kingdom of *Puglia*, immediately dispatch'd from *Messina*, where he now was, two of his Gallies with a great Sum of Money to *Alexander*, in order to bring him from *Rome*; the Gallies unexpectedly arriving in the *Tyber*, much comforted the Pope, who, unwilling as yet to leave the City, kept the King's Ambassadors with him for Eight Days, and then sent them

¹ Hug. Falcan.

² Baron. ad an. 1167.

back to their Master with a sincere Acknowledgment of so-seasonable a Relief. He gave part of the Money to the *Frangipani*, and part of it to *Pier Leoni*, that thereby they might be enabled the more resolutely and bravely to defend the City. But perceiving afterwards, that the Emperor was resolv'd to turn him out of the Papacy, and that the *Romans* began to stagger, having put on a Pilgrim's Habit, with a few of his Followers he left *Rome*, and fled to *Gaeta*, whither being soon follow'd by his Cardinals, he re-assum'd the Pontifical Habit, and went to *Benevento*.

BUT soon after, *Frederick* was forc'd to return to *Germany*, for his Army being seiz'd with a deadly Pestilence, in the Space of eight Days, the greatest Part of his Soldiers, and the principal Barons that he had brought along with him died, amongst which were *Frederick* Duke of *Bavaria*, Count *Vaston*, *Bercard* Count of *Arlemonte*, the Count of *Sesia*, *Reinald* Archbishop of *Cologne*, with his Brother, and the Bishop of *Verdun*; so that he arriv'd in *Germany* with a small Number.

IN the mean Time new Troubles and Commotions had arisen in *Sicily*, still occasion'd by the Courtiers, and the old Domesticks of the King's Household, which, not being to the Purpose of our present History, we willingly pass over in Silence; so much the rather, that they have been minutely transmitted to Posterity by *Ugone Falcano*, and with great Care lately collected by *Francesco Capecepatro*, in his History of the *Norman* Kings, and by *Agostino Inveges* in his History of *Palermo*. At this same Time happen'd likewise the famous Conspiracy of the *Sicilians*, against *Stefano di Parzio* the Chancellor, whom they oblig'd at last to leave *Palermo*, and fly to *Palestine*, where he died: The History of this Conspiracy is written by *Peter* of *Blais*, Archdeacon of *Battona*, a most renown'd Man, who came out of *France* to *Sicily*, with *Stefano*, and was for a Year the young King's Preceptor, and then his Secretary and Counsellor; and being elected Archbishop of *Naples*, his Enemies took that Opportunity to get him to be remov'd from Court, upon which he renounc'd the Archbishoprick. Being Valetudinary he continued some Time in *Sicily* after the Chancellor's Departure; and tho' he was intreated by *William* to spend the rest of his Days there, promising still to have a great Regard for him, yet such was the Abhorrence he had to the *Sicilians* and their Ways, and their ill Usage of the Chancellor, that by no means could he be persuaded to stay. He was one of the most learned Men of this Age, and we have as yet many of his Works, and a Volume of Letters¹. *Ugone Falcano*, a *Sicilian*, having begun his famous History from the Death of King *Roger* in the Year 1154, brings it down to this present Year 1170. where *Peter* begins his learn'd History of fifteen Years, with so much Elegancy, that 'tis surprizing, how, in so rude Times, he could write so politely.

IN this Interim died in *Rome*, *Guido da Crema*, the Antipope, call'd *Pascal* III. who, by the Means of the Emperor *Frederick*, had been created in the Place of *Ottavianus*; and his Faction, not willing to submit to *Alexander*, this Year 1170. immediately chose a Third, who was a certain *John* Abbot of *Strumi*, a *Hungarian*, whom they call'd *Callistus* III. tho' *Alexander*, who staid in *Benevento*, was then acknowledg'd for true Pope by all Christians, excepting the Emperor and some of his *Germans*. *Alexander* left *Benevento* and went to *Rome*; but the *Romans* being offended with him, because he had receiv'd into Favour the Count of *Tusculo* their declar'd Enemy, would not receive him, whereupon he return'd to *Gaeta*, where he remain'd for a long Time; from thence he went to *Alagna*, where he fix'd his Residence.

IN the mean Time the Emperor *Emanuel* sent new Ambassadors to King *William*, who concluded a Marriage betwixt him and *Juramutria* their Emperor's Daughter, and fix'd the Time for conducting her by Sea to *Puglia*; and the King, with his Brother *Henry*, Prince of *Capua*, soon after went to *Taranto* to receive the Bride; but the perfidious *Greek*, for what Reason 'tis not known, slighting the contracted Marriage, did not send the young Lady. Some² make no mention of this Fact, but say, that *William*, in order not to disgust the Pope, refus'd this Marriage. However that may be, *William* left *Taranto*, and went to *Benevento*, from whence he sent the Prince his Brother, who had been taken ill, to *Salerno*, from thence to go to *Palermo* in the Gallies for the Recovery of his Health, which did not avail him, for he was no sooner arriv'd, than he died, in the Thirteenth Year of his Age, Anno 1172. He was with great

¹ V. Chiocar. de Archiep. Neap. anno 1168. P. Tirin. tom. 3. in S. Script. in indice auct.

² Pirri, according to Inveges, lib. 3. hist. Pal. Rex nec Emmanuelis Græci Imperatoris filiam, Icoramutriam nomine, ducere voluit.

Pomp interr'd in the Sepulchre of his Grandfather *Roger*, in the Cathedral of *Paërmo*, and from thence some Time after transported to the Church of *Monreale*, where his Tomb is to be seen at this Time ¹.

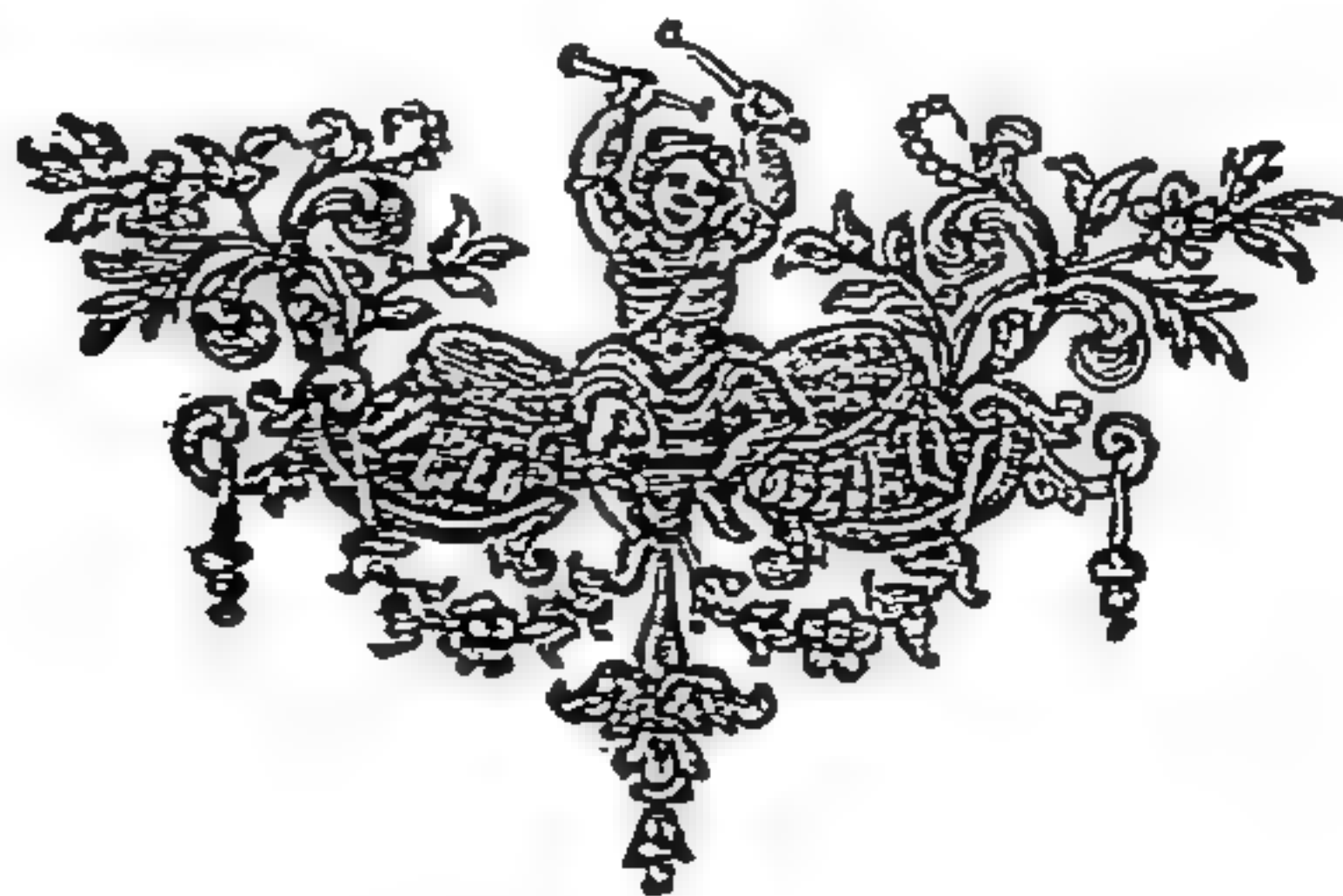
IN this *Henry* ended the *Norman* Princes of *Capua*, who held this Principality 114 Years, reckoning from the first, who was *Richard* Count of *Aversa*, in the Year 1058, to this *Henry* Son of *William* I. in this Year 1172, when their Succession fail'd; for *William* II. having no Sons, he could not continue the Custom of his Father and Grandfather *Roger*, who made one of their Sons Prince of *Capua*; and tho' 'tis probable that King *Tancred* would have continued the same Custom, yet wanting Children, and being involv'd in Wars, and living but a short Time after, could not do it. And the Kings his Successors, abolish'd this Principality and Dynaſty altogether; for tho' in the Publick Deeds they kept up the Name of Principality, which was continu'd to be practis'd to the Year 1435. in the Reign of Queen *Joan* II.²; nevertheless, excepting the Name, the Principality was quite extinct, and those who afterwards possess'd *Capua*, were neither in Dignity nor Dominion to be compar'd with these Princes.

HENRY's Death very much afflicted *William*, who soon after went to *Sicily*, where having assembled a strong Army, he gave the Command of it to *Gualtieri di Moac*, afterwards his Admiral ³, and sent him to *Alexandria* in *Egypt*, to assist the Christians against *Saladin*. And this King resolving to out-do his Predecessors in Piety, employ'd a Part of the Treasure which they had heap'd up, in building a magnificent Church upon an Eminence call'd *Monreale*, not far from *Palermo*, which he beautified with Marble and *Mosaick* Work; and having endow'd it with great Revenues, consisting of many Cities, Castles, and rich Farms, and furnish'd it with rich Vestments, and costly sacred Utensils, he dedicated it to our Lady, under the Name of *Santa Maria Nova*, and gave it to the Fathers of the Order of *S. Benedict*. Neither ought we to forget in this Place, that the first who had the Charge of this Church were the Monks of the Monastery of the Cave, who were invited from our Provinces to *Sicily* by *William*; and who, on account of their great Sanctity, were much respected by the *Norman* Princes, especially King *William*. This Church soon became famous, for besides the Sanctity of the Monks employ'd in Divine Services there, by the Advice of *Matteo* Great Protonotary of *Sicily*; now, according to *Riccardo da S. Germano*, Vice-Chancellor of the Kingdom, *William* obtain'd of Pope *Alexander* III. that the said Church should be subject to no Archbishop, Bishop, or any other Ecclesiastical Person, but to the Pope alone, and afterwards got it to be erected into an Archiepiscopal See by Pope *Lucius* III. *Matteo* did all this out of Spite to *Walter* Archbishop of *Palermo*, in whose Jurisdiction this Church was, who in process of Time knew well how to revenge himself, as shall be told. The first Archbishop of *Monreale*, was *William* a Monk of the Monastery of the Cave, who had formerly been Prior of it. This Place, on account of this famous Church, drawing many People to live in it, in a short Time became a renown'd and rich City; and at this Time its Prelate is one of the richest and most considerable in *Sicily*.

¹ Camil. Pellegr. in Stem. Princ. Cap. Norm. & in Castig. ad Anonym. Cassin. anno 1172.

² Idem, in Dissert. in 3 par. in Append.

³ Capecelatr. hist. lib. 3.





C H A P. I.

William II's. Marriage with Joan, Daughter of Henry II. King of England. The Emperor Frederick's Army defeated by the People of the Milanese; whereupon the Emperor made Peace with Pope Alexander III.

IN the mean Time the Emperor *Frederick* of *Suevia* had march'd again into *Italy* with a great and powerful Army, and begun a cruel War in *Lombardy*; and while he was carrying on this War with alternate Success, considering that the King of *Sicily* was very powerful, he endeavour'd to break off the Friendship betwixt him and the Pope, and to get him to enter into an Alliance with himself; for which end he sent *Tristan* his Chancellor, this Year 1176. to offer *William* his Daughter in Marriage, and to persuade him to enter into a perpetual League ¹. But the King considering, that this Marriage and this Peace would be very disagreeable to *Alexander*, and detrimental to the Affairs of the Church, rejected the Emperor's Offer. *Frederick* highly inrag'd at this Rebuff, immediately wrote to *Germany* for a Reinforcement of Soldiers for subduing the *Lombards*, who were making a brave Resistance, and order'd *Tristan* his Chancellor to attack the Kingdom of *Puglia* with his Army. In the Beginning of the Summer *Philip* Archbishop of *Cologne*, with many other great *German* Barons, and a strong Body of gallant Soldiers, join'd the Emperor near the *Alps*, and march'd towards the *Milanese*, in order to burn and destroy that Country; but being met by the Army of the Confederates, a cruel and obstinate Battle ensu'd, in which the *Germans* were defeated, and the greatest Part of them kill'd, and *Frederick* being dismounted, was in great Danger of his Life, and with much ado, with a few of his Men, got into *Pavia*, where he found the Empress, who not having heard any News of him for four Days, had given him over for Dead, and was bitterly lamenting the Loss of him ². *Tristan*, who had come to attack *Puglia*, and was encamp'd about the Village of *Celle*, being met with by *Tancred* Count of *Lecce*, who had been recall'd from Exile, and was in great Favour with the King, and *Roger* Count of *Andria*, with many other Barons, and a good Body of the Natives of *Puglia*, was repuls'd, and forc'd to return without being able to do any Thing.

I**N** the mean Time *William*, who had been disappointed in his Marriage with the Daughter of the Emperor of the East, and had refus'd the Daughter of the Emperor of the West, being now Twenty-three Years of Age, and left alone, began seriously to think of Marriage; so that by the Advice of the Pope, he sent *Elia* Bishop of *Troja*, *Arnulfo* Bishop of *Capaccio*, and *Florio Camerota* the Justice, to *Henry II.* King of *England*, to demand *Joan* his Daughter in Marriage; the Ambassadors were kindly receiv'd by the King, who having conven'd his Barons in Parliament, with their Advice he consented to the Demand, and concluded the Marriage ³. And the Lady immediately set out, accompanied with the Archbishop

¹ Romuald. Arch. de Salern. apud Baronium :
Ut ipse Imperatoris filiam in uxorem acceptam,
cum eo pacem perpetuam faceret.

² Sigon. de R. Ital. anno 1176.

³ Roger. Hovenden's *Annals* of England.

of *Tork*, and other *English* Lords as far as the City of *S. Egidio*, where she was receiv'd by *Alfano* Archbishop of *Capua*, *Riccardo* Bishop of *Syracusa*, and *Roberto* Count of *Caserta*, with Twenty-five Gallies, under the Command of *Gualtieri di Moac* Admiral, and conducted to *Naples*, where they celebrated the Feast of *Easter*. But the young Lady loathing the Sea, went by Land through *Salerno* and *Calabria*, and having pass'd the Straits of *Messina*, landed at *Palermo*, where she was magnificently receiv'd by the King her Husband, and the Marriage being solemniz'd, she was crown'd Queen of *Sicily*.

IT was at this Time that the Archbishop of *Palermo*, who had perform'd all these Functions, taking hold of this favourable Juncture, begg'd of the King, that the Crime of Adultery might be punish'd by the Bishop of the Diocese where it was committed, and that the Prelates might take Cognizance of the Offences of the Clergy; so that at his Request that Constitution was made by *William*, which we read in the Volume of our Constitutions, under the Title *De Adulteriis coercendis*, which by a Mistake of our Writers is attributed to *William I.* his Father. But if we may give credit to *Inveges*¹, who has recorded a Privilege granted by *William* some Years before, datèd in *April 1172*, and directed *Comitibus, Justiciariis, Baronibus, & universis Bajulis, qui sunt in Parochia, & Diœcesi Archiepiscopatus Panormi*, by which the King ordains, that the Crime of Adultery be tried within the Jurisdiction of *Walter* Archbishop of *Palermo*. And indeed in the Reign of Queen *Constantia*, we find, that the Cognizance of this Crime belong'd to the Ecclesiasticks, which afterwards came to be diffus'd, and they had only the Cognizance of the Crimes of the Clergy of their own Diocesses.

AT this Time the Kings were wont to appoint Dowries for their Wives, so that *William* appointed Queen *Joan* her's; and in the Supplement made by the Abbot *Giovanni*, to the Chronicle of *Sigisbert*, we have the Writ appointing this Dowry², wherein the Cities of *Monte S. Angelo* and *Vesti*, with their Tenements and Appurtenances, are granted to this Queen for her Dowry; and besides, the King gave her the Estate of Count *Gaufrido*, to wit, *Lefina, Pescici, Vico, Caprino, Varano, Ischitella*, and all that the Count had in the County of *Monte S. Angelo*. She likewise got *Cadelaro, Santo Chierico, Castel Pagano, Bisentino, and Conaro*. As also the Monastery of *S. Giovanni* in *Lama*, and the Monastery of *Santa Maria di Pulsano*, with all the Tenements which the said Monasteries held in the foresaid County of *Monte S. Angelo*.

THE Emperor *Frederick*, after having receiv'd so great an Overthrow from the People of the *Milaneſe*, began seriously to consider, that he was not able to maintain a War against the *Lombards*, when he had both the Pope and King *William* his Enemies; therefore, at the earnest Desire of his Barons, who protested that they would no longer follow him, if he did not reconcile himself with the Pope; he plainly, without any Fraud, resolv'd to make Peace with *Alexander*; and because the Negotiations of this Peace, and the Pope's going to *Venice*, are variously related by the Modern Writers, who having stuff'd their Histories with many Fables, have pav'd the Way for Painters to take the same Liberty, therefore we shall trace the most accurate Writers; and especially the most exact *Capecelatro*, and *Agostino Inveges*, who have more narrowly than others, search'd after these Events in contemporary Authors, and particularly from the History of *Romualdo* Archbishop of *Salerno*, who was present at the Treaty as King *William's* Ambassador; and it ought not to seem tedious, if we give a minute Narrative of these Transactions, as they really happen'd, because they will be found not to be extraneous or foreign to our Purpose, but rather very proper or pertinent to it.

THEREFORE *Frederick* being resolv'd to make Friends with *Alexander*, sent his Ambassadors to *Alagna*, the Place of his Residence, to ask Peace of him; the Ambassadors were the Bishop of *Magdeburg*, the Archbishop of *Mentz*, the Elect of *Worms*, and the Protonotary of the Empire, four Men of great Worth, and who had been often employ'd in such Affairs. These having laid open their Commissions to the Pope, after various Conferences, which lasted fifteen Days, at last in a manner adjusted the Differences betwixt him and their Master; but when they insisted that all the Differences betwixt the Emperor and the People of the *Milaneſe*, and the Cities of *Lombardy*, might be made up, they found they could not put the last

¹ Inveg. hist. *Palerm.* tom. 3. A. 1172.

² V. Hovenden Ann. Angliæ. *Capec.* hist. lib. 3.

Hand to the Peace, without the Presence of the Emperor, and Deputies of the said Cities; therefore it was concluded, that the Pope should go immediately to *Lombardy*, to have an Interview with *Frederick*, and that free Passage, and a Safe-Conduct should be given by each Party, to all that had a mind to go to the Place where the Meeting should be appointed, and to remain there, and depart at their Pleasure, without any Molestation. For which end the Pope sent Cardinal *Ubaldo* Bishop of *Ostia*, *Rinaldo* Abbot of *Monte Cassino*, Cardinal of *S. Marcellino*, and *Pietro* of the Race of the Counts of *Marfi*, to take the Oath of the Emperor, and of the Confederates, that they would observe the Safe-Conduct, and to agree upon a Place for the Interview; and it was appointed by both Parties to be in the City of *Bologna*. The Pope likewise sent his Legates to desire King *William* to send some of his Barons in his Name to be present at this Interview; because he did not intend to conclude a Peace with the Emperor, if he, who had been so steadfast a Supporter of the Interest of the Church, was not also comprehended¹; upon which Message, the King presently sent *Romualdo* Archbishop of *Salerno*, Author of this Relation, and *Ruggerio* Count of *Andria*, High Constable, to be present in his Name at all that should be transacted. Then the Pope left *Avagna*, and by the Way of *Campania* came to *Benevento*, and from thence went to *Siponti* and *Vesti*, where, with many Cardinals, and the said Ambassadors, he took Shipping in the Gallies ready prepar'd for him by King *William*, and had a pleasant Voyage to *Venice*, where being honourably receiv'd, he was lodg'd in the Monastery of *S. Niccolo del Lito*, and the next Day was conducted by the Doge and the Patriarch, and a great Number of Bishops, with a vast Multitude, to the Church of *St. Mark*, and from thence went to the Patriarch's Palace, which had been magnificently prepar'd for his Lodging and Entertainment.

THE Emperor *Frederick* hearing of the Pope's Arrival in *Venice*, sent thither the Bishop of *Magdeburg*, the Elect of *Worms*, and his Protonotary, to desire that he would be pleas'd to pitch upon another Place for the appointed Interview, because he, the Emperor, had a great many Enemies in *Bologna*. To which *Alexander* answer'd, That that Place had not only been fix'd upon by him, the Emperor, but also by the Ambassadors of both Parties, and by all the confederated *Lombards*, therefore, without the Consent of all, he could not alter it; but, that the common Peace might not be retarded, he caus'd all the Deputies to be conven'd in *Ferrara*, whither he likewise went himself, and call'd a Meeting in the great Church dedicated to *S. George*; where, in the Presence of them all, he made a long Speech about the Affairs of Peace. And the Emperor having sent seven Ambassadors, the Pope appointed as many Cardinals, and the confederated *Lombards* deputed the Bishops of *Turin*, *Bergamo*, and *Como*, the Elect of *Asti*, *Gerardo Pesce* a *Milanese*, *Goezzo* a Judge of *Verona*, and *Alberto Gammara* a *Brescian*, who, after various Disputes, at which King *William's* Ambassadors were also present, with common Consent agreed, that the Interview should be in *Venice*.

THE Pope immediately dispatch'd *Ugone da Bologna*, and Cardinal *Ramieri*, with some *Lombards* to the Doge, and People of *Venice* (the Government being then lodg'd in the Nobility and People, and not as now in the Nobility only²) to desire them to engage themselves, that he, and all those in Company with him for treating of a Peace, might freely enter their City, remain in it, and depart at their Pleasure, without suffering any Damage or Detriment in the least, and that they would not suffer the Emperor to enter without the Pope's Consent; the *Venetians*, without taking much Notice of the last Part of the Demand, granted *Alexander's* Request, and he immediately left *Ferrara*, and return'd to *Venice*. Now the Congress for a Peace was open'd, but many Difficulties and Differences arising, it was not likely to be easily concluded; therefore the Pope, that the Trouble they had already been at might not prove fruitless, propos'd, that there should be a Truce with the *Lombards* for six Years, and with the King of *Sicily* for fifteen; to which the rest agreeing, the Emperor's Consent was only wanting to finish it; and the Chancellor having gone to the Emperor with this Proposal, at first he rejected it; but he afterwards consented, upon Condition that the Pope should restore to the Empire the Estate of the Countess *Mathilda*, which *Alexander* would by no means agree to; thus was the

¹ Romual. Archiep. Salern. Nequaquam cum Imperatore sine Rege Wil. pacem facere.

² V. Lo Squittinio della liberta Venera di M. Vellero.

Time spun out ; for the Emperor was at *Pomposo*, near to *Ravenna*, and a great deal of Time was spent in sending Messengers on every Incident that happen'd, and waiting their Return ; therefore, at the Request of the Chancellor, and the rest of the Emperor's Ambassadors, the Pope consented that *Frederick* should come to *Cbiozza*, a Place distant only Fifteen Miles from *Venice*, and that without his Liberty he should come no nearer. But *Frederick* was no sooner arriv'd at *Cbiozza*, than some of the Populace of *Venice* went to wait upon him, and tell him not to delay to come to the City, because by his Presence the Peace would be concluded to his Advantage, and they would do their utmost to let him in.

IN the mean time the Pope had sent his Legates to *Cbiozza*, to tell the Emperor, that if he was resolv'd to make a Truce for Six Years with the *Lombards*, and for Fifteen with King *William*, they would take his Oath, and then with his Blessing he might come to *Venice*. But *Frederick*, pleas'd with what the Populace had offer'd him, and waiting till they should perform their Promise, pretended that it was a new Proposal, and requir'd Time to be consider'd ; thus from Day to Day he delay'd giving his Answer ; so that the Cardinals suspecting that the Emperor was hatching some Trick, were so much puzzled, that they knew not what was fit to be done ; and the Populace of *Venice*, resolving to perform their Promise to *Frederick*, assembled in the Church of *St. Mark*, mutinied against the Doge, and cried out, that it was a shameful Thing, to suffer the Emperor to be scorch'd with the Heat of the Season, tormented with Gnats and Fleas, by not allowing him to enter *Venice*, which Injury would stick in his Stomach, and some time or other be retaliated upon them and their Children ; and therefore the Republick ought immediately to invite him to come, and they would have it so ; the Mob having thus spoken with great Boldness, the Doge answer'd them, that the Senate had sworn to the Pope, that the Emperor should not be suffer'd to enter *Venice* without his Consent ; but this Excuse not weighing with the Mob, he was forc'd to give way to them, and to send some of their own Number to tell the Pope, that they had a Mind to bring the Emperor into *Venice* ; accordingly they went, and finding the Pope asleep, without a moment's Delay, irreverently awak'd him, and having insolently told him their Errand, it was with great Difficulty that the Pope could persuade them to delay the Emperor's coming till the next Day.

THE News of this Fact was quickly spread over all the City, and the *Lombards* and others, who were there negotiating the Peace, afraid, that if the Emperor should come into *Venice* against the Pope's Will, he would make them all Prisoners ; and now distrusting the Faith of the *Venetians*, they all left that City, and went to *Trivigi*. But King *William's* Ambassadors, nothing startled at what had happen'd, went immediately to the Pope, and bid him take Courage and be afraid of nothing, for they had four well arm'd Gallies, with which they would carry him, in spite of the *Venetians*, whither he thought fit, and this would be a Warning to him not to trust to the *Venetian* Faith another Time ; then they went to the Doge's Palace, where having found him with a great many *Venetians*, they began to upbraid them with the Favours their Master had done them, which did not deserve such Usage, and said, if they had known that they were to allow the Emperor to come into their City without the Pope's Leave, they would have return'd to give their Master an Account of the Wrong done him, who knew how to do himself Justice. But the Doge little minded this menacing Speech, though he endeavour'd to soften the Ambassadors with smooth Answers, by assuring them, that they needed not to be afraid of the Emperor's coming ; yet they return'd to their Lodgings in great Wrath, and at parting told the Doge, that they would use all Means to get their Master to revenge himself suitably to the Injury done him ; and order'd the Gallies to be ready to depart next Morning. This Conversation being told amongst the *Venetians*, frighted them terribly, for they were afraid that if the Ambassadors should go away in such Disgust, King *William* would imprison all the *Venetians* that were in his Dominions. Therefore a great Number of those who had Relations in *Puglia*, in a tumultuous Manner, went to the Doge, and told him, that for pleasing the Emperor, from whom they reap'd no Advantage, it was not fit to incense the Ambassadors, and their Master King *William*, from whose Dominions they drew so great Profit, which would indanger both the Lives and Estates of their Relations, who were settled there ; moreover they desir'd the Doge to let them know, who they were
that

that had advis'd to allow the Emperor to come to *Venice*, before he had concluded the Peace with the Pope, that they were ready with their Arms to revenge it.

THE Doge and Senate, finding this obstinate Resolution, and fearing that if the Citizens should once take up Arms, the Result would be Sedition, sent some Persons of Distinction to beg of the Pope to pardon the Trouble he had met with, and by all means keep *William's* Ambassadors from departing: But these seeming fix'd in their Resolutions, notwithstanding the Intreaties of the Pope and the Doge, occasion'd, that the next Morning a Proclamation, by order of the Republick, was publish'd on the *Rialto*, forbidding the Emperor's coming into the City so much as to be mention'd by any Person, till the Pope should first order it.

AS soon as *Frederick* was appriz'd of this at *Cbiozza*, seeing himself disappointed, he began to speak more favourably of the Peace to the Cardinals that were with him; and besides, the Chancellor, and the other *German* Barons having told him plainly, that it was necessary to make Peace with *Alexander*, and to acknowledge him for lawful Pope; they at last persuaded him to send *Henry* Count of *Dieffa*, with the Cardinals to *Venice*, to promise upon Oath, that as soon as he should enter the City, he should swear and confirm the Truce with the Church, the King of *Sicily*, and the *Lombards*, exactly in the same Terms, as it had been stipulated by the Deputies of both Parties.

THIS being executed by the Count, the *Venetians*, by order of the Pope, went with Six Gallies to wait on the Emperor, and conducted him to the Monastery of *St. Nicolas*, and the next Day *Alexander* hearing of his being come, went with all the Cardinals, King *William's* Ambassadors, and the *Lombard* Deputies, to the Church of *St. Mark*, and sent three Cardinals to *Frederick*, to absolve him, and all his Barons from the Censures of the Church. Then the Doge, with the Patriarch, accompanied by all the chief Noblemen of *Venice*, went to *St. Nicholas's* Church, and having taken the Emperor aboard of their Gondolas, in great Pomp, conducted him to *St. Mark's* Church; where a great Multitude had conven'd to see this famous Sight: And *Frederick* as soon as he landed, immediately fell down at *Alexander's* Feet, who was sitting in his Pontificalibus, amidst the Cardinals and other Prelates, in the Portico of the Church, and laying aside the Loftiness of Imperial Majesty, he threw off his Mantle, and prostrated himself before him, with his Body extended on the Ground, humbly adoring him: At which Action the Pope being mov'd, with Tears in his Eyes, rais'd him from the Ground, kiss'd and bless'd him; and then the *Germans* singing *Te Deum*, they both enter'd the Church; from thence, after having receiv'd the Pope's Benediction, he went to lodge in the Doge's Palace, and the Pope, with his Followers, return'd to his former Lodging.

THUS in the beginning of *August* of this Year 1177, the Truce betwixt *Frederick* and the *Lombards* for Six Years, and betwixt him and King *William* for Fifteen, was concluded, ratified and sworn to, not only by *Frederick*, but also by the Count of *Dieffa*, and Twelve Barons of the Empire, in the Name of *Henry* his Son. On the other Side, it was likewise sworn to by the Archbishop *Romualdo*, and *Ruggiero* Count of *Andria*, King *William's* Ambassadors, who promis'd that their Master should ratify it in two Months Time, and it was also sworn to by Twelve of his Barons: For which end *Frederick* sent Ambassadors to *Sicily*, who arriv'd at *Barletta* the Ninth Day of *August* this Year 1177, from thence they went to *Palermo*, and were honourably receiv'd by the King, who in his Name deputed *Ruggiero dell' Aquila*, and Eleven other Barons, to fulfil his Oath; and the Deputies of the Cities of *Lombardy* having taken the same Oath, the Congress broke up, and every one return'd joyfully to their own Lodgings.

THE Peace betwixt the Pope and *Frederick* being thus settled, the News of it soon reach'd the Anti-pope's Faction, who likewise yielding, came and threw themselves at *Alexander's* Feet, renounc'd the Schism, and were graciously receiv'd into his Favour: And *John* Abbot of *Strumi*, the Anti-pope, by his Faction call'd *Callistus* III. the Year following 1178, having left *Monte Albano*, whither he had retir'd, came to *Tuscolo*, whither the Pope had gone from *Venice*, and also prostrated himself at his Feet, and ador'd him as true Pope, which put an end to the Schism that had lasted for Seventeen Years running; and the Pope created *John*, Archbishop and Governor of *Benevento*, where soon after he died of Grief.

IN the mean time the Pope and Emperor had left *Venice*, the Emperor, who went first, had gone to *Ravenna*, and the Pope being conducted by four *Venetian* Gallies,

Gallies, landed at *Siponto*, and from thence by the way of *Troja* and *Benevento*, went to *Alagna*: And shortly after, being invited by the *Romans*, on the Feast of *St. Gregory*, he made his Entry into *Rome*, and was receiv'd with great Pomp. And the Emperor, after a short Stay at *Ravenna*, went to *Lombardy*, and from thence to *Germany*.

THUS ended these Transactions, which are variously reported by the Modern Historians, and particularly by some *Sicilians*, who have so stuff'd their Volumes with innumerable fabulous Stories, that *Agostino Inveges* himself, a *Palermitan*, gives no manner of Credit to them. I could find no better Voucher for such Facts, than *Romualdo* Archbishop of *Salerno*, of Royal *Norman* Blood, and a Prelate of great Worth, who, as King *William's* Ambassador, was personally present at all the Transactions, and who, in his Chronicle, has transmitted them to Posterity, and deserves to be more credited than any other Writer on that Subject.

S E C T. I.

The Dominion of the Adriatick Sea.

ALL that Story then, of *Alexander's* going to *Venice* in the sham Habit of a Pilgrim, is Fabulous; and what is yet more ridiculous, is, that he continued there for a long Time disguis'd, and serv'd as a Cook. And what these Writers make *Alexander* say to *Frederick*, when he prostrated himself at his Feet, and *Frederick's* Answer, was no less absurd. The Sea-fight, which they have invented betwixt the *Venetian* Fleet, and that fictitious one of the Emperor, who, at that Time, had no Naval Forces, and their having made *Otbo* his Son Admiral, who, according to *Sigonius*, could be no more than five Years of Age, and a Thousand other forg'd Adventures, unhappily maintain'd by *Cornelio Frangipane*, in that *Allegation*, which is now printed in the sixth Tome of the Works of *P. Paolo* the *Servite*, are all Dreams.

AND what they have written of Pope *Alexander's* having granted on this Occasion to the *Venetians*, the Dominion and Keeping of the *Adriatick* Sea, from whence the Solemnity of marrying that Sea every Year on *Ascension* Day, has its Rise, is no less Romantick; as if it had been in *Alexander's* Power to give the Dominion of the Seas, as other Popes pretended to give that of the Land; such Extravagance is not to be credited of *Alexander*, who was very moderate, and knew very well the Bounds of his Power, and if *Frederick* was averse to him, and had often Disputes with him, it was only because he unjustly would not acknowledge him to be true Pope; and the Cities of *Lombardy* taking advantage of this Discord, gave Rise to so many Quarrels and Mischiefs wherewith the Church of *Rome* was miserably afflicted for Seventeen Years.

THIS Truth was well known to that most grave Historian *Guicciardini*¹, who likewise writes, that this Grant of *Alexander's* is not to be found in History, nor supported by any Testimony, but that of some *Venetians*, which, being in their own Cause, and of such Consequence to them, deserves no Credit. But the *Venetians* who are more wise, and knowing in the Transactions of past Times, have even rejected this false Opinion of their Country-men, and their famous Divine and Counsellor of State *Fra. Paolo* the *Servite*, in his Treatise of the Dominion of the *Adriatick* Sea, has endeavour'd at large to prove, that the *Venetians* are Lords of the Gulf, not by the Grant of *Alexander*, or other Popes or Emperors, but by a Title coetaneous with the Republick, and by the Lawyers call'd *Pro de relicto*; pretending, that the last Emperors of the West being diverted by various Undertakings, and wanting Naval Forces to defend the Gulf, abandon'd it, and did not trouble themselves about the Possession of it, whence it came to pass, that the *Venetians* growing afterwards powerful at Sea, and finding the Gulf without a Master, possess'd themselves of it, and have ever since maintain'd the Dominion of it against all Opposers.

¹ Guicc. lib. 8. hist. Ital.

BUT allowing the Dominion of the Sea, like that of the Land, to be acquirable, and not repugnant to Nature, as the incomparable *Hugo Grotius* argues at large in his *Mare liberum*; and granting what *John Selden* writes to the contrary in his Book, which in opposition to *Grotius*, he intitled *Mare clausum*; our Forefathers, surely on better Grounds, claim'd the Dominion of the *Adriatick* Sea, as belonging to the Kings of *Sicily*, and not to the Republick of *Venice*, by a much better Title than the *Venetians* pretend to; for no Prince ever abandon'd that Gulf, but always had it in his Head to recover it when lost, as soon as he found himself able to compass it; the *Normans* had conquer'd it from the *Greeks*, who, upon the declining of the Western Empire, were Masters of all those Gulfs that surrounded these our Provinces; and 'tis beyond all Controversy (as is clear from the preceding History) that to the Time of *Charles the Great*, the *Greek* Emperors were Masters of the *Adriatick*, and frequently sent their Fleets thither, to maintain their Dominion in *Puglia*, against the Invasion of foreign Nations; yea, the *Venetians* often join'd with the *Greeks* against *Charles the Great*, and *Pepin* his Son, who were seeking to wrest from them the Dominion of the *Adriatick*; and *Pepin* was once so inrag'd against the *Venetians* for assisting the *Greeks* with Men and Money, that after having chas'd them out of the *Adriatick*, and destroy'd their Fleet, he pursu'd them to the very furthest Creeks of the Gulf, and took a great Part of their City, which was then made up of many small Islands; and the *Venetians* would have been utterly ruin'd, and subjected to the Dominion of *Pepin* King of *Italy*, if *Charles the Great*, his Father, had not disapprov'd of it, given them Peace, and laid the Blame of their Confederacy with the *Greeks* on the Dukes, and not on the *Venetians*¹.

THIS War however prov'd very advantageous to the *Venetians*, for a great Part of those People that liv'd upon the Banks of the many Channels and Shores (which were subject to *Venice*, and were Parts and Members of that City) leaving their Habitations, came and settled upon Sixty small Islands about *Rialto*, which being join'd together by Bridges, in Time became a great and magnificent City, where the supreme Authority was lodg'd in the Dukes and Senate.

THE *Normans* having afterwards driven the *Greeks* out of *Sicily*, *Puglia* and *Calabria*, 'tis not to be doubted but our Princes, at their Pleasure, scour'd the *Adriatick* Sea with strong Fleets; for, not to mention a Hundred other Instances, in the Year 1071, when the famous Duke *Robert Guiscard* was invited by his Brother *Roger* to come to his Assistance, in the Siege of *Palermo*, he, as *Lupus Protospata* writes², went with a powerful Fleet of 58 Ships, and cross'd the *Adriatick*. And after all these Provinces came under the Dominion of the *Normans*, the famous King *Roger I.* not content with such great and boundless Conquests, became much more powerful at Sea than the Emperors of the East themselves, and carried his victorious Flag not only into *Dalmatia*, *Thrace*, and to the very Gates of *Constantinople*; but his powerful Fleet cross'd over to *Africa*, where he conquer'd both Cities and Provinces. There was not a Prince in the World in his Time, that was superior to him in Naval Forces, with which he had frequent Occasions to fight against those of the Emperor of the East (who was also powerful at Sea) and always came off victorious. His Power at Sea may likewise be known, by the many Fleets which he maintain'd; for one Admiral not being sufficient to have the Charge of them, he was forc'd to make many, over which he put one, who was therefore call'd *Admiratus Admiratorum*; such as *George* of *Antioch*, High Admiral in the Reign of *Roger*, and *Majone* in that of his Son *William*. And so great was the Power of these *Norman* Kings in those Days at Sea, that there was no Harbour in their Dominions, that (besides the Provincial Admiral) had not other inferior Officers subordinate to the Admirals, whose Business was to oversee the Building and Repairing of the Ships and other Vessels, and to assign them Stations for the Protection and Freedom of Commerce, and Security of the Sea Ports along all the Coasts of their Dominions; and there being many Harbours on the Coast of *Puglia*, which is of the greatest Extent on the *Adriatick*, (in which the Fleets from *Sicily* were wont to shelter themselves) that Gulf, in the Reigns of *Roger*, the Two *Williams*, and their Successors, was alwas guarded by the Ships and Fleets of these Kings; but the Ports most frequented in Time of Naval Expeditions, were those of *Vesti*, *Barletta*,

¹ V. Paul. Emil. de reb. Franc. lib. 3.

² Anno 1071. mense Julii. Dux transieavit Adriatici Maris pelagus, perrexitque Siciliam cum 58 navibus.

Trani, Bisceglia, Molfetta, Giovenazzo, Bari, Mola and Monopoli, besides those of *Brindisi, Otranto, Gallipoli and Taranto*, almost all in the *Adriatick*; the Pilgrimages to the Holy Land, were often made from the *Adriatick*. The Fleets of the Emperors *Frederick* and *Henry*, stopp'd in the Ports of the *Adriatick*; and the Army for *Syria* was transported from thence, and in fine, all the Expeditions to *Greece* and the *Levant*, went from this Gulf.

AND though in the Reigns of the Princes of the Family of *Anjou*, the Power of the Kings of *Sicily* was not so great, yet the Two *Charles's* of *Anjou*, and the other Kings of that Race maintain'd powerful Fleets at Sea, insomuch that they had the Command of that Gulf at their Pleasure.

IN later Times, and particularly under the Kings of the *Aragon* Family, when our Sea Forces were much decreas'd, and on the contrary, those of the *Venetians* much increas'd; the *Venetians* having the Freedom of the Gulf, without being disturb'd by the Fleets of any neighbouring Prince, pretended to the Dominion of it, and took upon them to give Laws to those who navigated it; not to suffer arm'd Fleets to enter it; to claim all Prizes taken in it, and that none could carry on Commerce there without their Permission; and by the Weakness of the neighbouring Princes, they came to that Height of Boldness, as not to suffer other Fleets to navigate the Gulf, insomuch that to the great Reproach of the *Spaniards*, when *Mary*, the Sister of King *Philip IV.* was to be married to *Ferdinand* King of *Hungary*, the Emperor's Son, and came to *Naples* with a great Number of Gallies, and a Pomp suitable to such great Princes, in order with the same *Spanish* Fleet to pass thro' the *Adriatick* for *Trieste*; the *Venetians*, that it might not incroach upon their pretended Right to that Sea, oppos'd it so stiffly, as to tell the *Spaniards*, if they would not accept of their Offer, to convoy them with their Fleet, they might depend upon it, that the Queen must fight her Way through their Fleet to her Wedding; they were forc'd shamefully to submit, and the Queen, by the way of *Abruzzo*, went to *Ancona*, where she was receiv'd by *Antonio Pisani* with Thirteen light Gallies, and landed at *Trieste*¹. To this low Pass were our Sea Forces reduc'd in the Reigns of the late Kings of *Spain*; but with regard to the preceding Ages, and especially the Time of the *Norman* Kings, those of *Sicily*, on better Grounds, could boast of the Dominion of that Sea, than the *Venetians*. Whence with us, amongst the Manuscripts of the Royal Prerogatives, recorded by *Chioccarelli*², we find one of the controverted Points is, whether the Dominion of the *Adriatick* Sea belong'd to the *Venetians*, or to the Kings of *Naples*.

¹ Nani Historia Veneta, lib. 8. A. 1630.

² Chioc. in Indice, tom. 21. v. 21. 5





C H A P. II.

The Expedition of the Sicilians into Greece. The Marriage of Constantia to Henry King of Germany. The Death of King William, and his Laws.



BUT to return to our *William*, there are very few of this wise King's Actions remaining upon Record; for Archbishop *Romualdo's* History ending here, and there being no other Authors of these Times, excepting the Chronicle of the Anonymous Monk of *Cassino*, which is preserv'd in *Monte Cassino*, on which *Camillus Pellegrinus* made some Notes; and some short Passages written by *Riccardo da S. Germano*, *Roberto del Monte*, and *Nicetas* a Greek Author; all the other Actions of this glorious King, for the Space of Eleven Years, are almost buried in the Darkness of Antiquity. Some Things with great Care, have been search'd into by *Capecelatro*, and the most accurate *Inveges*, whom we shall follow as the best Vouchers.

I N the mean time Pope *Alexander* being fix'd in *Rome*, resolv'd in some measure to remedy the by-past Disorders, for which end, in the following Year 1179, according to the Anonymous Monk of *Cassino*, and *Pellegrinus*¹, he conven'd a Council in the *Lateran* Church, wherein were present Three hundred Bishops, besides Abbots, and a great number of other Prelates². In this Council many Heresies that had crept in amongst Christians, were condemn'd: Many Decrees were made for suppressing the Covetousness of those, who lent Money upon Usury, by fixing lawful Interest; and many others for remedying the late Confusions in the Church of *Rome*.

BUT the next Year 1180, *Alexander* bent his Thoughts upon a more glorious Enterprize: He wrote to all Christian Princes, Bishops and Prelates of the Church, exhorting them to go to *Palestine*, and recover the Holy Land from *Saladin* the *Soldan* of *Babylon*, a wise and gallant Prince, who had succeeded his Father *Saracón*, and was opposing the Christians of these Parts. *Henry* King of *England*, and *Philip* King of *France*, first prepar'd great and numerous Armies for this Expedition; but *Alexander*, who, to his Praise, had mov'd the Christian Princes to this Undertaking, did not see it put in Execution, for about the End of the following Year 1181, in the Month of *September*, he died in *Rome*, after he had been Pope for Twenty-two Years. He was succeeded by *Ubaldo da Lucca*, Cardinal of *Ostia*, who took the Name of *Lucius* III.

TH E Emperor *Emanuel* had died a little before in *Constantinople*, and was succeeded by *Alexius* his Son. In the mean Time our *William*, for Reasons recorded by *Roberto del Monte*³, having made a Truce for Ten Years with the King of *Morocco*, in the Year 1183, came from *Palermo* to our Provinces, where he visited *Monte Cassino*, and by the Way of *St. Germano* and *Capua*, return'd to *Palermo*⁴.

ABOUT this Time was born in *Assisi*, a City of *Umbria*, *Francis*, whose Father was *Pietro Bernardone*, a Man of a mean Condition; this *Francis* acquir'd the Fame of a great Saint, and founded the Order of *Minor Friars*, which prov'd so prolifick a Plant, that in process of Time it fill'd our Kingdom with so many

¹ Pellegr. in Castig. ad Anon. Cassin. A. 1179.

² Guliel. Tirio lib. 21. cap. 26.

³ Robert. de Monte ad ann. 1180:

⁴ Pell. ad Cast. Anon. Cassin. anno 1182.

Monasteries of that Order, that their Number was not inferior to that of the Order of *S. Benedict*, of which we shall have Occasion to discourse, when we come to treat of the Ecclesiastical Polity of this Century.

SHORTLY after, this same Year 1183. Queen *Margaret* died in *Palermo*, who being a Lady of great Wisdom, had had a large Share in the Government of the Kingdom, both during the Reign of her Husband, and that of her Son. She was by the Order of *William* buried with great Pomp in the Church of *Monreale*, lately built by him, close by her two Sons *Roger* and *Henry*. She was a Lady of extraordinary Piety, for she not only founded an Abbey on the Skirts of Mount *Etna*, but enrich'd it with many Possessions, and gave it to the Monks of *S. Benedict*; she also gave a kind Reception to the Adherents of *Thomas* Archbishop of *Canterbury*, who had been banish'd by the King of *England*.

IN the mean Time *Saladin* bore hard upon the Christians in *Palestine*, and with continual Wars had reduc'd them to a very miserable Condition; whereupon *Baldwin*, and the other Princes that were there, sent the Patriarch of *Jerusalem*, the Archbishop of *Tyre*, and other Ambassadors to *Rome*, to solicit a sudden and powerful Assistance against so cruel an Enemy. The Ambassadors were kindly receiv'd by Pope *Lucius*, who sent them to *Henry* King of *England*, and *Philip* King of *France*, who, together with *William* King of *Scotland*, and many great Lords and Barons of *France* and *England*, took upon them the Cross, and made every Thing ready for a Voyage to *Syria*. But while the Pope was daily pressing their Departure, he was seiz'd with a severe Sickness, and died in *Verona* the 7th of *December* in the Year 1185, and was honourably buried in the Cathedral of that City, and quickly succeeded by *Lamberto Crivello*, a *Milanese*, who call'd himself *Urban III*.

MEAN while great Insurrections and Tumults happen'd in *Constantinople* against the *Latin* Inhabitants, by the Means of *Andronicus the Tyrant*, who resolving to deprive *Alexis* of the Empire, enter'd the City with an Army, furiously attack'd the *Latins*, and with Fire and Sword, sparing neither Age nor Sex, he cruelly burnt them, together with their Habitations; and the Churches, Priests and Monks had the same Fate. This cruel and barbarous Usage of the *Latins* excited our *William's* Resentment; for the Tyrant, not content with these Barbarities, had caus'd the Youth *Alexis* to be strangled with a Bow-string, and had taken Possession of the Empire; therefore *William*, this Year 1185, assembled a great Army in *Sicily*, of which he appointed Count *Tancred* General, who was afterward the fourth King of *Sicily*, and sent it against the *Greeks*, in a Fleet commanded by *Margaritone* his Admiral, who took and pillag'd *Durazzo*, *Thessalonica*, and many other Places, where the inrag'd *Sicilians* committed all manner of Cruelty, without regard to any Thing, *Andronicus* not daring to come out to oppose them, and put a Stop to so much Mischief. The *Greeks* seeing themselves so barbarously treated by the *Sicilians*, and that *Andronicus* did not seem to be much concern'd about their Miseries, began to hate him to that pitch, that they rais'd a Mutiny in *Constantinople*, and immediately depos'd him; and the incens'd Mob, who never stop till they have gone to the utmost Excess, not content with having depos'd him, flew upon him, and put him to a shameful and cruel Death. *Isachius Angelus* immediately took Possession of the Empire, and having assembled the *Greek* Forces the best way he could, attack'd the *Sicilians* with such Fury, that, according to *Nicetas Coniata*, a *Greek* Writer, he put them to flight, and drove them out of *Greece*.

BUT the Want of Children very much afflicted King *William*; for being now nine Years married to Queen *Joan*, and she still barren, he began seriously to think of the Mischiefs his Kingdom would be expos'd to after his Death, if before-hand he did not provide a Successor. There was no lawful Issue of the *Norman* Kings left, but *Constantia* the posthumous Daughter of his Grandfather King *Roger*; as for *Tancred*, whom many Years before he had recall'd from *Greece*, and invested with the County of *Lecce*, which belong'd to *Robert* his Mother's Father, he made no account of him, but look'd upon him as a Bastard, tho' he was the Grandson of *Roger*; yet, as we have said, was not born in lawful Wedlock. Therefore this Princess was courted by many; and *Sigonius* says, that this same Year 1185, the Emperor *Frederick*, who in the Year 1177. had enter'd into a fifteen Years Truce with *William*, sent to demand her in Marriage for his Son *Henry* King of *Germany*. *William*, who had lost all Hopes of having Children, and being advis'd by *Gualtieri* Archbishop of *Palermo*, consented to the Match; the Archbishop hatching Mischief against

against *Matteo* Vice-Chancellor of *Sicily*, by whose Means the Church of *Monreale* had been substracted from his Jurisdiction by King *William*, as we have said, thought this would be the only way whereby he might be able to crush *Matteo* his Rival, as *Riccardo da S. Germano* observes; for the Dominion of the Kingdom being to go to another Family with *Constantia*, it was his Business to have the Marriage, already agreed to, concluded with *Henry* of *Suevia*, King of *Germany*, who when he should come to be King of *Sicily*, would be thankful to him for the Favour, and turn out *Matteo*. In a Word, he brought Matters so about, that at last he got *William* to conclude the Marriage with *Henry*; and this Year 1186, being 32 Years of Age, she was conducted from *Palermo* to *Milan*, where *Henry* was, and where the Marriage was celebrated with great Pomp and Magnificence.

BUT this being a Piece of History which the Modern Historians have intermix'd with many Fables, in order to set it in a true Light, it will be proper to discover all their Errors. Some say that *Constantia* was many Years a Nun in the Monastery of *S. Salvatore* in *Palermo*, being put there by her Father *Roger*, by reason of a fatal Prophecy of the famous Abbot *Giovachino Calabrese*, who, while she was yet a Child, said, that on her account there should be a great Fire kindled in *Europe*, that would prove the Ruin of her Family.

OTHERS, considering that this Story clash'd with what the Authors of these Times with one accord have written, that *Constantia* was born after *Roger's* Death, so that the Abbot *Giovachino* could prophecy nothing concerning her at *Roger's* Desire before she was born, say, that the Prophecy was made at the Desire of her Brother *William*, and not of her Father; and that her Brother being afraid of the unlucky Prediction, in order to frustrate it, shut up the Child in the foresaid Monastery.

BERNARDO GIUSTINIANO² Nephew of *S. Laurence*, says, that the King married *Constantia* to *Henry*, by the Instigation and Command of Pope *Alexander III.* whereas *Alexander* died in the Year 1181. *S. Antoninus* Archbishop of *Florence*³, writes, that *Constantia* being grown old in the Monastery, Pope *Clement III.* in order to exclude *Tancred* from the Succession of the Kingdom, and to gratify *Henry*, caus'd her to be privately taken out of the Monastery, and dispensing with her Vows, married her to *Henry*, whereas *Clement III.* was not elected Pope till the Year 1188. *Fazzello* commits a greater Blunder, when he says, that the Instruments and Decrees of Pope *Celestine* for dispensing with *Constantia's* Vows of Virginity, are as yet to be read in the *Roman Archives*, and Publick Decrees; whereas *Celestine* was not elected Pope till the Year 1191, and this Pope always stood up for *Tancred* in Opposition to *Henry*, as we shall relate by-and-by. But these fabulous Stories deserve no Credit, since the Authors of these Times make no mention of such Facts, which they ought not to have conceal'd.

UGONE FALCANDO, having occasion twice to make mention of *Constantia*, one of the Times he speaks of her as being educated and brought up in the Royal Palace, not in a Monastery: *Sic & Constantia primis a cunabulis in deliciarum tuarum affluentia diutius educata, tuisque instituta doctrinis, & moribus informata, tandem opibus suis barbaros ditatura ditescit.* And in another Place of his History, telling, that when the People of *Messina* revolted against *Odono Querello*, and kill'd him, they believ'd that the Chancellor *Parzio's* Faction had a mind to marry *Constantia* to *Gaufrido* the Chancellor's Brother, to give him a handle to possess himself of the Kingdom, he says, *Et Constantiam Rogerii Regis filiam uxorem ducere, inde sibi dandam occasionem existimans, ut videretur Regnum Justius occupare;* he speaks nothing of her being a Nun, which he ought to have mention'd in both Places, if there had been any such Thing.

THE Abbot *Arnoldo* a contemporary Author, who gives us a particular Account of the pompous and magnificent Celebration of this Marriage in *Milan*, makes not the least mention of these Facts. Archbishop *Romualdo, Nubricensis*, the Appendix to the Abbot of *Usserg*, nor Pope *Innocent* in the third Book of his Letters, wherein he frequently mentions *Constantia*, speak nothing of her being a Nun; for had it

¹ Gio. Villani hist. 4. c. 19. Franc. Petrarca in lib. Augu. Bocacio de Clar. Mulier. Tolo-
meo di Luca, Fr. Alberto, Paolo Reggio, Faz-
zello, Mourolico, S. Antonio Archiv. di Fio-

renza, and others, recorded by Inveges Anno 1154 & 1185.

² In vita B. Laur. apud Surium in 8 Januarii.

³ Antonin. par. 3. tit. 19. c. 9.

been no more but the Indecency of the Action, and as a Thing not usual, that a Nun should marry, they were oblig'd to take some Notice of it. And 'tis plainly inconsistent to say, that this Marriage was made with the Pope's Consent; forasmuch as the Pope was for *Tancred's* having the Kingdom; and he was so far from disapproving of the *Sicilians* having crown'd him King, that he presently gave him the Investiture of it, as shall be related.

GOFFREDO DA VITERBO, an Eye-Witness, speaking of *Constantia*, on account of the Peace made betwixt the Emperor and the *Lombards*, says, she was the posthumous Daughter of her Father, and that she was married to *Henry* at thirty Years of Age: These are his Verses;

*Fit Regis Siculi filia sponsa sibi,
Sponsa fuit speciosa nimis, Constantia dicta,
Postuma post patrem materno ventre relicta,
Jamque tricennalis tempore virgo fuit.*

And reckoning that *Roger*, according to the Abbot *Roberto* and *Fazzello*, died in the Year 1154, and that she was born after her Father's Death; when she married, she could be no more than Thirty-one Years of Age. And according to *Inveges*, who says, that this Marriage was concluded in the Year 1185, she was only Thirty Years old.

AND in fine, *Riccardo da S. Germano*, whose Chronicle *Baronius* never saw, speaking of this Marriage, says plainly, that *Constantia* was brought up in the Royal Palace, and not in the Monastery of *S. Salvatore*, and makes no mention of her being a Nun; and says, that she was married to *Henry* by Means of the Archbishop *Gualtieri*, and not of the Pope: These are his Words, *Erat ipsi Regis Amita quædam in Palatio Panormitano, quam idem Rex, de consilio jam dicti Archiepiscopi, Henrico Alamannorum Regi filio Federici Romanorum Imperatoris in conjugem tradidit.* Which Author adds, that by the Advice of the same Archbishop, *Constantia* was appointed to be the undoubted Heiress of the Kingdom of *Sicily*: *Quo etiam procurante factum est, ut ad Regis ipsius mandatum, omnes Regni Comites Sacramentum præstiterint, quod si Regem ipsum absque liberis mori contingerit, amodo de facto Regni tanquam fideles ipsi suæ Amitæ tenerentur, Et dicto Regi Alemanniæ viro ejus.* Whereupon the King sent *Constantia* from *Palermo* to *Rieti*, accompanied with a great Train of Counts and Barons, where King *Henry's* Ambassadors with great Pomp receiv'd her, and conducted her to *Milan*, where she was receiv'd by the Emperor *Frederick* her Father-in-Law, and the Marriage was celebrated with great Splendor in the Gardens of *S. Ambrose* this Year 1186.

WILLIAM having thus concluded this Marriage with *Henry*, believ'd he had brought his Kingdom to a settled State; but it was soon disturb'd by the unhappy News of *Saladin's* Success in *Syria*; for having assembled a vast Army, he took the City of *Tiberias* in a trice, and then attack'd the Christian Army, which he defeated, and put to Flight, and made himself Master of the Holy Wood of the Cross. He made the King of *Jerusalem* Prisoner, and kill'd a great many of the Knights Templars and Hospitalers, and many Soldiers: *Fr. Terrico* Great Master of the Templars, the Count of *Tripoli*, and *Rinaldo da Sidone*, with a few Soldiers, escap'd with Difficulty by flight. By this Victory the Soldan was enabled to take *Arcon*, *Cæsarea*, *Nazareth*, *Bethlehem*, and all the neighbouring Places, and lay close Siege to the City of *Tyre*; and soon after having divided his Army, he march'd with a good Body of it to the Holy City of *Jerusalem*, which he took the fourth Day of October 1187. Such are the unspeakable Judgments of God; this City, which with so much Glory was reliev'd from the shameful Slavery of the Infidels by *Godfrey* of *Boulogne*, and other illustrious Italian, German, and French Captains, now, after the Space of Eighty-seven Years, returns again into the Hands of the Barbarians, without Hopes of ever being freed from their grievous and cruel Dominion.

THE Calamities of the East did not end here, but, to the great Detriment of the Christians, *Saladin* enter'd into a League with *Isachius Angelus* Emperor of *Constantinople*, who having got in a Present from *Saladin* all the Land of Promise, engag'd to assist him in the War with a hundred Gallies, and to stop all the *Latins* in their Passage to make War in *Syria*; Pope *Urban* upon hearing the fatal News of the Loss of *Christ's* Sepulchre, and the Holy Wood of the Cross, of the taking of *Jerusalem*,

Jerusalem, and of *Soliman's* League with the Emperor of *Constantinople*, was so grievously afflicted, that these Things should have happen'd in his Time, that he was seiz'd with a violent Sickness, of which in a few Days he died in *Ferrara* the 16th of *November*¹, exactly forty Days after the taking of *Jerusalem*; and the next Day *Alberto* Cardinal *di S. Lorenzo* in *Lucina*, and Chancellor of the Holy Church, born in *Benevento* of the Family of *Morra*, was created Pope, and took the Name of *Gregory VIII*. This most religious Pope did nothing during his short Reign, but sollicite the Christian Princes to go to *Palestine* with a strong Army to assist the Christians; and while he was intent on so commendable a Work, he died in *Pisa*, having govern'd the Church not quite two Months; and twenty Days after his Death, in the same City, *Paolino Scolari* a Roman, of mean Parentage, Cardinal of *Palestine*, was elected Pope, and took the Name of *Clement III*.

THIS Pope, following the Footsteps of his Predecessors, wrought so effectually to get Relief sent to the Holy Land, by confirming the Indulgences granted for that end by Pope *Gregory*, that thereby, and his own Diligence, and that of *William* Archbishop of *Tyre*, who had gone to *France*, an Assembly met betwixt *Gisors* and *Trie*, in which were present *Philip* King of *France*, *Henry* King of *England*, with the Prelates and Barons of their Kingdoms, and *Philip* Count of *Flanders*, who having taken the Cross from the Hands of the Archbishop of *Tyre*, in the Year 1188. they set out upon so holy and glorious an Expedition; and for a Mark of Distinction among themselves, King *Philip* and his *Frenchmen* wore a Red Cross, and *Henry* and his *Englishmen* a White, and Count *Philip* with his *Flemish* took a Green. The Emperor *Frederick* no less willing to shew his Piety on this Occasion, was reconcil'd with the Pope, with whom he had had some Difference, and from the Hands of *Henry* Cardinal of *Albano* took the Cross, in order to go to *Palestine*, and made such Dispatch, that he was the first that went thither.

IT ought not to seem strange, that among so many Princes exhorted by the Popes to go to *Jerusalem*, our King *William* is not so much as mention'd, who, on account of the Richness of his Dominions, and their Vicinity to *Greece*, with which they had frequent Communication, and especially his powerful Sea Forces, was best enabled of all other Princes to go upon this Expedition; but (as Archbishop *Romualdo*, speaking of him to the Emperor at *Venice*, said) he was continually employ'd in so laudable a Work, by assisting with his Gallies the Pilgrims going to the Holy Sepulchre, and sending Relief to the Faithful, who were fighting there; so that there was no occasion to press him to a Work which was his constant Employment.

ON this Occasion 'tis said, that *Frederick*, before he went to *Palestine*, wrote that threatening Letter, full of serious and weighty Expressions, to *Saladin*, commanding him immediately to restore the Places unjustly possess'd by him in *Syria*; and that *Saladin*, with the like Haughtiness, answer'd all the Boasts and Menaces where-with his Letter was stuff'd, mocking both him and his Confederates. Both which Letters may be read in the Annals of *England*, written by *Roger* and *Mathew Paris*, and likewise inserted by *Capecelatro* in his History of the *Norman Kings*. Whatever Truth may be in these Letters, 'tis certain, that the Emperor having assembled an Army of a Hundred and fifty thousand Men, and a Fleet of Fifty-five Ships, the Year following set out for the Holy Land, but through the Treachery of the Greek Emperor (who, besides the League made with *Saladin*, was afraid that *Frederick*, by pretending to go to *Palestine*, might have a Design to take *Constantinople*, as had been falsely foretold by *Dositheus* the Monk) he was a whole Year in getting thither, having suffer'd grievous Hardships and Obstacles in passing through *Greece*, by the wonted Rapacity and Treachery of the *Greeks*.

BUT behold, a new, and unexpected Misfortune put *William's* Dominions in a terrible Convulsion and Disorder. This Prince, being scarcely come to the Age of Maturity, and who had govern'd his Dominions with so much Prudence and Justice, was seiz'd with a grievous Sickness in *Palermo*, in the Flower of his Age, not as yet Thirty-six Years compleat, and died in the Month of *November* this Year 1189², after he had reign'd Twenty-three Years. He was buried with great Pomp in the

¹ Inveges makes him die the 20th of October 1187.

² Riccardo da S. Germano fixes his Death in this Year, where he begins his Chronicle. A tem-

pore quo Gulielmus Rex Siciliae obiit. Pontificatus Clem. Anno 2. And Gulielmus Neobrigensis Anglus likewise writes, Guliel. Siciliae Rex mortuus est Anno 1189.

Church of *Montreale*, at the Foot of his Father's Tomb. 'Tis not possible to express the Grief of his Subjects, who by his many and excellent Virtues had enjoy'd Peace and Plenty. Every Man was at liberty to speak his Mind freely. The Taxes were not exorbitant, as in the Time of King *William* his Father; insomuch that not only *Frederick II.* but in later Times *Charles II.* of *Anjou*, in settling Peace and Tranquility in their Dominions, order'd that they should not be burden'd with Taxes, but be as easy in that Respect as they were in the Reign of this good King *William*. He not only exceeded in transcendent Virtues all the Kings of his Time, but likewise *Robert Guiscard*, and *Roger* his Grandfathers, Princes of great Renown. He, was according to *Riccardo da S. Germano*, the Flower of Kings, the Glory of Princes, the Mirror of the *Romans*, the Honour of the Nobility, the Support of Friends, the Terror of Enemies; the Life and Soul of the People; the Protector of the Poor and Strangers, and the Sanctuary of the Oppressed. His Reign was remarkable for the Regard that was had to the Laws and Justice; every Body was satisfied with his Lot, there was Peace and Security every where, the Traveller was not afraid of Robbers, nor the Seafaring Man of Pirates. But his Death proved very fatal and lamentable to his Dominions; for in the Reign of his Successor, *Henry* of *Suevia*, they suffer'd infinite Calamities, which serv'd as so many Foils to *William's* happy Reign. He having had no Children by *Joan* Daughter of *Henry* King of *England*, left his Aunt *Constantia* his Successor, to whom, and her Husband *Henry*, he had made the Barons take an Oath in an Assembly held for that Purpose in *Troja* of *Puglia*.

¹ Roger Hovenden in Annal. Anglic. apud Baron.

S E C T. I.

The Laws of King WILLIAM II.

ALTHO' *Pietro delle Vigne* has left us but few Laws of this Prince, in the Collection of our Constitutions, which he made by *Frederick's* Order, yet they are all good and prudent.

THE First is that which we read in the first Book under the Title *De Usurariis puniendis*, wherein he commands, that Points relating to Usurious Contracts shall be decided according to the Decrees lately made in *Rome* by Pope *Alexander* in the *Lateran* Council; so that this Constitution is not *William I's* but *II's*. as we have already observ'd in treating of his Father's Laws.

THE Second, which we find in the same Book under the Title *Ubi Clericus in Maleficiis debeat conveniri*, is the same *William's*. It was, as we have said, made at the Desire of the Archbishop of *Palermo*, by which he orders the Crimes of Ecclesiasticks, with regard to their Persons, to be judg'd by their Ordinaries according to the Canons and Canon Law, excepting the Crimes of Felony and such like, which are to be judg'd by the King and his High Court.

THE Third and last of that King's Laws, is that which we read in the third Book, under the Title *De Adulteriis coercendis*. This was likewise made by *William* at the Request of the Archbishop of *Palermo*. By it the Cognizance of the Crime of Adultery, if no Violence was us'd, is likewise referr'd to the Ordinary of the Place; which for a long Time was in Force, and observ'd in both the Kingdoms of *Sicily*; and in the Reign of *Constantia* we have a Writ, recorded by *Ughellus*, by which she orders the same. But in process of Time it has been disus'd and laid aside; and now, with us, the Crime of Adultery, whether by Violence or otherwise, is judg'd by the Secular Judges, and the Ecclesiasticks are not to look upon it as a Crime belonging to a *Forum mixtum*, as shall be shewn more at large, when we come to treat of the Ecclesiastical Polity of the later Ages.

THESE are the few Laws which are left us of this wise and good Prince, in whose Reign the Laws of *Justinian's* Pandects were of no Force or Authority, but the *Longobard* prevail'd, and Law Suits were decided according to them in the Courts of Justice. The most accurate *Pellegrinus* has left us a notable Instance of this, which he had dug out of the Rubbish of Antiquity, to wit, the Instrument

of

of a Sentence given in the Time of this *William* in the Year 1171, in a Dispute betwixt the Citizens of *Sessa*, and the Bishop and Citizens of *Teano*, about a Watergang; which was decided in Favour of the Citizens of *Sessa*, according to the *Longobard* Laws, which *Pellegrinus* took the Trouble to mark on the Margin.

THE Death of *William* was soon after follow'd by that of the Emperor *Frederick*, who, after he had surmounted so many Obstacles thrown in his Way by the *Greeks*, and fought and defeated the *Turks* in many Engagements, took by Storm, and gave up to be plunder'd, the City of *Iconium*; but being come to the lesser *Armenia*, and incamp'd on a *Saturday* in the Evening in a Place call'd *Faradine*, the *Sunday* following, the fourth of *June*, he continu'd his March towards the River *Calep*, whither with great Difficulty in crossing terrible-high Mountains, he reach'd that Day; and after he had din'd upon the Bank of the River, in a pleasant Valley, tir'd with the Trouble of continual Battles, and a whole Month's March, he had a Mind to refresh himself a little by bathing and swimming in the River; therefore he strip'd himself naked and went into the River, which was both deep and rapid, and was unfortunately drown'd; his Body was taken up, and carried to *Germany*, where he was buried with his Ancestors. But the Archbishop of *Tyre*, follow'd by *Sanfovino*¹, gives a more probable Account of his Death; that in passing this River *Frederick's* Horse stumbled, and he being old and unweildy, was stunn'd with the Fall, but was catch'd hold of by his Servants, and carried ashore, where he soon died, and was buried in *Tyre*: 'Tis very unlikely that an Emperor stricken in Years, would indecently strip and throw himself into the River, and run the Hazard of being drown'd.

THUS died this glorious Prince, whose Death was a great Loss to the Christians of *Palestine*, and our Religion in those Parts; and here we see how incomprehensible the Judgments of God are; for as he had already begun by a successful Course of Victories, so he not only would have compleated the Recovery of all those Places, which *Saladin* had lately taken, but also have carried the Christian Religion to more remote Countries where the Cross of Christ was not known; but being a Supporter of the Schism against *Alexander III.* and a Persecutor of the other Popes, he became a Nuisance to the Church of God, and by a fatal and untimely Death, was snatch'd from the Faithful, even when he was engag'd in this Expedition, so pious and serviceable to the Christian Cause.

FREDERICK, (laying aside that Whim of his being Lord of the Universe, as the ancient *Roman* Emperors fancied themselves to be, which was owing to our Lawyers, and made his Government seem grievous and uneasy to the Cities of *Lombardy*, and the Popes) was a great and gallant Prince, and a Lover of Learning, and the learned Men of his Time. Whence the Study of the Law was then so much in Vogue, and so many Civilians appear'd in *Italy*, that being taken with the Novelty and Elegancy of the *Pandects*, and the other Books of *Justinian*, they began to explain them in the Academies; and *Ulricus Uberus*² writes, that *Frederick Barbarossa* was the first who not only granted to the Academies, Power to take Cognizance of the Causes, but likewise a Jurisdiction and Power over their Members and Students. And he had the Civilians in so great Esteem, that in imitation of the ancient *Roman* Emperors, he consulted them in his most weighty Affairs, and made them of his Council, and frequently made them Governors and Consuls of many Cities of *Italy*.

¹ Sanfovino delle cose di Constantinopoli, lib. 5. Nicetas Coniates fol. 74. a ter.

² Ulric. Uber. lib. 3. de Jur. Civit. c. 3.
³ Auth. habita, C. ne filius pro patre.





C H A P. III.

Of the Compilers of the Feodal Books, and of their Commentators.

AT this Time was made by the Civilians of *Milan* that Collection of the Feodal Books, which in process of Time acquir'd so much Authority and Force in *Europe*, and all the Academies and Tribunals in the Christian World, that it was look'd upon as a Part of the Civil Law: these Feodal Books, which, with the *Novellæ* of *Justinian*, make up what is now call'd *Decima Collatio*, were added to the *Roman Laws*; not that they are truly a Body of the Civil Law, as *Giasone*, *Bartolus*, and some others of our Doctors thought them to be, for which *Molineus* has censur'd them¹; but because their Authority was so great, that they deserv'd to be put on a Level with the *Roman Civil Law*.

BUT seeing this Part of the Law has not been handled by our Writers with that Care it deserv'd, forasmuch as an infinite Number of Disputes have arisen among them on that Head, by not knowing how to distinguish the Times when these Books acquir'd the Force of Laws in these our Provinces; therefore it will be necessary to handle this Subject in this Place, with all the Exactness our weak Parts are capable of, and to give an Account of the Fate of these Books in the latter Ages, and finish what we have to say on this Head.

IT may be easily gathered from the preceding Books of this History, that after Fiefs were introduc'd into *Italy*, there were no written Laws concerning them before *Conrade the Salick*. They were regulated according to the Usages and Customs of the Places; and seeing, as in other Things, the Customs of the Places were various and different, so it happen'd with respect to Fiefs, that in one Place of *Italy* they were regulated one way, and in another after a different manner. Thus in *Cremona*, *Pavia*, and *Milan*, a Vassal could alienate his Fief without the Consent of his Lord, but in *Mantua*, *Verona*, and some other Places they could not do so without the Consent of their Superior².

IN *Placentia*, if a Superior gave Investiture of a Fief to one, with this Condition, that it should descend to his Successor, during the Vassal's Life he could not invest another with the same Fief; but the Practice was different in *Cremona* and *Milan*.

IN the Kingdoms of *Sicily* and *Puzlia*, our Kings had particular Customs relating to Fiefs, different from those of the Cities of *Lombardy*. These Customs were set down in certain Books, which, by a corrupt Word, were call'd *Defetarii*, and were kept by the King in his Palace; and when *Palermo* mutinied in the Time of *William I.* and the Royal Palace was plunder'd, among other Losses which *William* lamented, that of these Books was one; and because *Matteo Notajo* was most expert in these Books, and had them almost all by Heart, among other Reasons that brought him out of Prison, one was, that he being well skill'd in the Affairs of the Court, and the Royal Chamber, he could easily make up the Loss of these Books, in which, as *Falcando* says, *Terrarum, Feudorumque distinctiones, ritus, & instituta Curiae continebantur*; which he actually did. And *Inveges*³, from the Authority of the same *Falcando* relates, that King *William I.*'s Favourites, who manag'd the Affairs of his Court, such as *Riccardo* Elect Bishop of *Syracuse*, *Silvesiro* Count of

¹ Molin. ad Consuet. Paris. tit. de Fiefs, |
num. 24.

² Cujac. lib. 1. de Feud.

³ Inveges Anno 1162. hist. Palerm. tom. 3.
Marfi,

Marfi, and *Errico Aristippo* Archdeacon of *Catania*, being ignorant of the Distinction of the Lands, Fiefs, Usages, and Institutes of the Court, and of the Books of the Feodal Customs, which were call'd *Defetarii*, all which were now lost, persuaded the King to take *Matteo Notajo* out of Prison, and restore him to his former Office; for he being Old, and having always been a Favourite of, and Assistant to *Majone*, had great Skill in the Customs of the Kingdom, and could compose *novos Defetarios*.

AND in this manner had they gone on in the Cities of *Lombardy*, and the Kingdoms of *Sicily* and *Puglia* till the Time of *Frederick I.* To these Customs *Conrade the Salick*, and other Emperors, added Constitutions of their own concerning Fiefs, as we have formerly observ'd, which were not as yet collected into a certain Volume. Therefore in the Time of *Frederick*, some Lawyers of *Milan*, without any Command, resolv'd to collect these Customs and Constitutions, in order to transmit them to Posterity; and having, though confusedly, collected the Usages of divers Cities of *Lombardy*, they at first made up two Books of them; to which, according as these Customs came either to be approv'd of, or enlarg'd, or retrench'd by Imperial Constitutions down to their Time, they added the Heads and Contents of them, with their own Interpretations; but not the intire Constitutions.

AUTHORS differ about the Names of these Lawyers. Before *Cujacius* our Writers commonly believ'd that *Oberto de Orto*, Attorney General and Consul of *Milan*¹, was Author of this Collection, who, with the Assistance of *Gerardo del Negro*, alias *Capagisto*, likewise Consul of *Milan*, and a notable Lawyer, undertook this Work.

BUT the incomparable *Cujacius* has very well prov'd that *Oberto* was not the Author of the first Book, for in it we find some Opinions that displeas'd *Oberto*, and which he rejected. And because those Opinions are attributed to *Gerardo del Negro*, *Cujacius* takes him to be the Author of the first Book, and not *Oberto*. Some, and among the rest *Montanus*², not satisfied with *Cujacius's* Conjecture, maintain, that though *Gerardo*, or whatever Anonymous Person was Author of the first, yet 'tis certain that *Oberto* was Author of the second Book, which he compil'd for the private Instruction of his Son *Anselmo*.

BUT seeing this second Book, according to the antient Division, contain'd not only the Opinions of *Oberto*, but also of other Lawyers of these Times, which were contrary to those of *Oberto*, 'tis not credible that *Oberto* was the sole Author of all that Book; for which Cause we are much indebted to the Industry and great Care of *Cujacius*, who, to remove that Confusion, has divided it into more Books. Our antient Lawyers had some Thoughts of doing the same, but they forbore to do it, lest it should occasion Confusion in the Citations; for seeing this Work was divided into two distinct Books, the Citations would not have answer'd, if it had been divided into more.

BUT so trifling a Reason did not weigh with *Cujacius*, who very prudently divided the Second into four Books. Thus according to this Division, the first Book is *Gerardo's*; the Second, to the Twenty-fifth Title, is *Oberto's*. The rest of the Titles are divided into two other Books; the third Book begins from Title 23, where, *Obertus de Orto, Anselmo filio suo salutem*. The Fourth begins from Title 25, *Negotiam tale est*, and 'tis clear from this very 25th Title, that it has been compil'd by different and uncertain Authors, in which *Cujacius* and *Montanus* agree. And in the fifth Book, he adds all the Constitutions of the Emperors, relating to Fiefs, of which we shall have occasion to discourse hereafter.

¹ Otho Frising. de reb. gest. Frid cap. 12. lib. 2. feud. tit. 35. juxta antiq. Compilar. | ² Montan. in Prælud. feud. ad. L. Imperialem, num. 3.

S E C T. I.

Of the Use and Authority of these Books in our Provinces.

THESE Books compil'd by the *Milanese* Lawyers, had not the Force of Laws in our Provinces, nor any other Part of *Europe*, till in process of Time they were authoriz'd by the Custom of the People, rather than by the Constitutions of any

any Prince ; and their Authority was never absolute, excepting in Cases not repugnant to the particular Laws and Customs of the Nations.

'TIS very certain, that with us they did not acquire this Authority in the Reign of *William*, nor any of his *Norman* Successors. They were compil'd about the Year 1170, as the most accurate *Francesco d'Andrea* ¹ very well proves, and not about the Year 1152, which was the first of the Empire of *Frederick I.* according to *Arthur Duck* ² ; when there was a cruel War betwixt our King *William* and *Frederick* ; and when all manner of Commerce was stopp'd betwixt us and the *Lombards*, on account of the intestine War, that from the Time of *Lothaire*, continu'd betwixt our Princes and the Emperors of *Germany*, and which was not at an End, till the Year 1177, when the Fifteen Years Truce, lately mention'd, was concluded betwixt *William* and *Frederick* ; and these Kingdoms having their proper and peculiar Customs set down in the Books call'd *Desetarii*, there was no Necessity to have recourse to the *Longobard* Usages, when they had their own, whereby Fiefs were regulated.

'TIS probable that these Books were not known to our Lawyers till after the Year 1187, when *William the Good*, for the Quiet of his Subjects, concluded the Marriage betwixt his Aunt *Constantia* and *Henry* King of *Germany* ; which remov'd all Ground of Quarrel with the Emperor of the West ; but was not sufficient to prevent more cruel and obstinate Wars ; for after *William's* Death, which soon follow'd, the Barons of the Kingdom, who hated *Henry's* Government, because he was a Foreigner, elected *Tancred* to be their King, who got the Investiture of the Kingdom from the Pope, as we shall relate. Wherefore we may reasonably believe, that these Books began to be known among us, when *Henry*, in the Year 1194, made himself Master of the Kingdom by Right of his Wife *Constantia*, after having driven out the *Normans*.

THEY were then well known among us ; but had not acquir'd any Authority as Laws ; nor even when *Frederick II.* his Son publish'd his Constitutions, which he order'd to be compil'd by *Pietro delle Vigne* ; nor when the Pandects and other Books of *Justinian*, were, by his Order, read in our Schools (after the University was resettled in *Naples*) as they were in other Cities of *Italy* ; for our Authors are in a Mistake, who, on the Authority of *Odofredo* ³, maintain, that these Books owe their Authority to *Frederick II.* as the first Emperor that approv'd of them, and sent them to the Professors of Law in *Bologna*, to be read publickly in the Schools, and that he commanded *Ugolino* to make the *Decima Collatio*.

OUR Writers are in the wrong to impute this to *Odofredo*, who never wrote, that *Frederick* sent the Feodal Books to *Bologna* ; and what occasion was there to send them to *Bologna*, seeing they had been known in that City for many Years, and the *Bolognians* not only read them, but *Bulgarus* had written his Glosses upon them there, where he was a Professor of Law in the Time of *Frederick I.* who made him Prefect of that City ? a Man well known in all the other Cities of *Lombardy*, as being a Native of that Country ; and many *Italian* Writers before the Time of *Frederick II.* besides *Bulgarus*, had already begun to comment upon them, such as *Pileus*, and others mention'd by *Arthur Duck* ⁴, and *Andrea d'Isernia* ⁵.

ODOFREDO in the Place quoted, writes only, that *Frederick II.* sent to the Doctors of *Bologna*, not the Feodal Books ; but his own Constitutions, and those of the Emperors of the West, after *Justinian*, that as *Irnerius* had inserted in the Code the *Novellæ*, that seem'd to be newly added or corrected ; so these Doctors were to do the same by these Constitutions, and to add them to the Code, not to the Feodal Books, under such Titles as should best suit them ; and accordingly they met at *St. Petronio*, and extracted many Things out of these Constitutions, which they added and adapted to the Laws of the Code under fit Titles : Whence we read in the Code, besides the *Authenticæ* of *Irnerius*, the *Auth. Cassa*, & *irrita*, C. de *Sacr. Eccl.* taken out of the Constitution of the same *Frederick*, de *Statut.* & *Consuet.* The *Auth. Sacramenta puberum*, C. si *adver. vendit.* taken out of the Constitution of *Frederick I.* de *pace tuenda*. The *Auth. habita*, C. ne *filius pro patre*, taken out of another Constitution of the same *Frederick I.* de *privil. bonor. art.* and some others ⁶.

¹ Andr. in disp. Feud. cap. 2. §. 5.

² Arth. de Jur. Feud. lib. 1. cap. 6. num. 5.

³ Odofr. in Auth. cassa, C. de Sacros. Eccl.

⁴ Arthur. lib. 1. cap. 6. num. 13.

⁵ Andr. in Prælud. num. 25.

⁶ Pancirol. Thes. var. lect. lib. 1. cap. 50. Auth. omnes peregrini. C. comm. de Success. Auth. Item quæcunque communitas, & Auth. Statuimus, C. de Episc. & Cleric. & alia, quæ postea remotæ fuere.

And

And this was the sole Charge given by *Frederick* to the Professors of *Bologna*. But *Odofredo* adds, that afterwards *Ugolinus*, one of these Professors, out of a Whim of his own, to the Body of *Justinian's Novellæ*, already divided into *novem Collationes*, whence it was call'd *Nona Collatio*, added the Feodal Book, and having collected all these Constitutions of the Emperors concerning Fiefs, inserted them in that Book, according to the Order they are now in, and which our Forefathers therefore call'd *Decima Collatio*; and *Odofredo* likewise declares, that in his Time, few had dispos'd these Constitutions in the manner *Ugolino* had done.

HENCE those are in a Mistake, who believe, that *Frederick II.* gave Authority and the Force of Law to the Feodal Books, and that from his Time they had acquir'd such Authority in our Kingdom, and other Dominions: For the most part all our best Writers have demonstrated, that they were not receiv'd by any Constitution of *Frederick*, or any other Prince; but that it far'd with them as with *Justinian's* Books: All their Authority was owing many Years after to the Use and Custom of the People, and the Connivance of Princes, who allow'd them to be publickly taught in the Academies, commented by their Lawyers, and quoted in their Courts of Justice; as *Molineus*¹, who is look'd upon as the *Papinian* of *France*, well proves; but yet he censures *Odofredo* unjustly, as if he had led the rest into an Error, whereas this Author never said, that *Frederick* gave the Force of Law to these Books, nor that *Ugolino* collected them by his Order; as also he wrongfully blames *Bartolus*², as if he had been the first, that had call'd *Ugolino's* Collection, *Decima Collatio*. This Appellation is very antient, and was commonly in use more than a Hundred Years before *Bartolus*, who declares so himself, and that all other Writers call'd it so before him.

ITS being call'd the *Decima Collatio*, and in process of Time, by the Custom of the People, getting footing in the Dominions of other Christian Princes, did not gain it such Authority as to be able to overthrow, and derogate from the Institutes, and peculiar Laws of these Nations; for it was receiv'd and approv'd of in so far only, as it did not clash with their own Municipal Laws and Customs. So *Cujacius* attests, with regard to the Kingdom of *France*, where these Feodal Laws were receiv'd, as they were practis'd in *Italy*; but they were not repugnant to the Laws and Customs of that Kingdom; just so as the *Romans* made use of the *Rhodian* Laws, which, with respect to maritime Affairs they imbrac'd, *Nisi qua in re juri publico Pop. Roman. adversaretur*, as the Emperor *Antoninus* testifies. And in our Kingdom especially, though it was one of the largest and most famous Parts of *Italy*, this *Collatio* did not take Place, till after *Frederick* had publish'd his Constitutions, and caus'd them to be collected by *Pietro delle Vigne*, many of which regarded Fiefs, and all Things belonging to them. But *Frederick* did not receive, nor approve of them; but in so far as they were not repugnant to the Constitutions, or in Matters not provided for, or omitted in the Constitutions; so that with us the Authority of the Constitutions took Place first, and then that of the Feodal Books, as was the Case of the *Longobard* Laws, with respect to *Justinian's* Books; but we observe, that after the Constitutions were publish'd in the Year 1231, there was a great Debate in the High Court amongst our Lawyers, whether or not these Feodal Books had the Force of Laws with us, even in what was not repugnant to our Constitutions, as is at length taken notice of in the Gloss³; whence we may gather, that even in these Times, it was doubtful, whether these Books had acquir'd the Force of Laws, and if that was uncertain, they were not look'd upon to be on a Level with the Laws. And if *Roffredo*⁴ *Beneventano*, who flourish'd in the Time of *Frederick II.* speaking of these Feodal Customs, said, *Servari in Regno Apuliæ*, it was only because he was of that Opinion, contrary to the Sentiments of the other learn'd Men of the Kingdom; besides, 'tis not denied, but that in these Times they were observ'd, not as having the Authority of Laws, but of Reason, and in so far as they did not clash with our Constitutions.

BUT as that is true, so 'tis likewise most certain, that after *Frederick's* Time, under his Successors, and especially the Kings of the Family of *Anjou*, it was no

¹ Molin. Consuet. Paris. tit. 8. rubr. num. 103.

² Bart. in L. si quis vi, 17. sect. differentia, num. 4. D. de acqu. possess.

³ Gloss. in Constitut. Ut de Successionibus de Success. Nobil. verb. injuriam nullus, vers. nec dicant aliqui.

⁴ Roff. Beney. in his Quæst. Sabatina.

longer disputed, it being evident, that they had acquir'd all their Force and Authority, in so far as they were not repugnant to our Constitutions ; and they acquir'd the same in all the other Dominions of *Europe*, with respect to their Constitutions ; and the Popes likewise gave them the same Force and Authority in their Ecclesiastical Tribunals ; but in process of Time, the Study of that part of the Jurisprudence was so much cultivated and esteem'd, that ours exceeded all the Lawyers of other Nations, both on this and the other Side of the Mountains ; and to this Day our Kingdom boasts, that the Laws concerning Fiefs never were, nor are yet so well understood, as by our Lawyers. We have an evident Testimony of this in the Dispute betwixt our *Andrea d'Isfernia* and *Baldus*, who, being call'd to *Naples* by Queen *Joan I.* to a Consultation with *Andrea*, he expos'd his Ignorance so much in Feodal Matters, that he lost his Reputation, and in order to recover it, was forc'd in his old Age, to apply himself to that Study ¹. And we have seen by Experience, since, that the most hard and difficult Questions that ever could arise concerning that Matter, have never been handled so subdely, and with such Nicety and Learning, as by our Authors. And no other Nation can boast of having had so many Writers on that Subject, as the Kingdom of *Naples*.

¹ V. Card. de Luca de Emphyteusi, disc. 70. num. 12.

S E C T. II.

Authors, who have illustrated the Feodal Books.

THOSE that first began to illustrate these Books were, *Bulgarus, Pileus, Ugo linus, Corradino, Vincenzo, Goffredo*, and others ¹ ; but afterwards *Giovanni Colombino* out-stripp'd them all, insomuch that *Jason* says ², that none after him had the Boldness to comment upon these Books.

SOME have taken the Trouble to make Abridgements, and particular Treatises concerning Fiefs, and the first were *Pileus, Giovanni Fasoli, Odofredo, Rolandino*, the Two *Giovannis, Blansaco* and *Blanco, Goffredo, Giovanni Lettore, Martino Sili mano, Giacomo d'Arena, Giacomo de Ravanis, Ostiensis, Pietro Quessueal*, and *Giacomo Ardizzone*, and afterwards *Zazio, Rebuffo, Ametone, Rosental*, and an infinite Number of modern Authors.

BUT among all those, who have illustrated the Feodal Books with ample Commentaries, our Lawyers have excell'd. 'Tis true, *Giacomo di Belviso* was the first ; but our *Andrea d'Isfernia*, who, about the End of the Reign of *Charles II.* who died in the Year 1309, wrote such copious Commentaries upon Fiefs, that he not only eclips'd him, but also all those that before him had written on that Subject. *Baldo da Perugia*, after he had profess'd the Civil Law Forty-seven Years, likewise wrote Commentaries upon the Feodal Books, and shortly after *Giacomo Alvarotto da Padova, Giacobino di S. Giorgio*, and *Francesco Carzio* the Younger, did the same ; but our *Matteo degli Afflitti* obscur'd their Fame. He wrote his Commentaries upon these Books under *Ferdinand I.* when, for a publick Salary, and with universal Applause, he was teaching in our University the whole Feodal Books, with the Commentaries of *Isfernia*, which none other has ventur'd to do, neither before nor since ; and he began to write his Commentaries in the Year 1475, when he was Thirty-two Years of Age, as he himself testifies ³ : I take notice of this, to prevent People's being led into a Mistake by *Camerarius*, as our Writers were, by saying that *Afflitto* wrote these Commentaries in his extreme old Age, when he could not well understand *Isfernia's* Meaning ; a Failing very unjustly imputed to this famous Lawyer : For, besides that he wrote in the Flower of his Age ; if he had even written these Commentaries when he was Eighty Years old, no Fault could have been found in them. He died in the Year 1523, and was buried in *Naples* in the Church of

¹ Pancirol. Thes. var. lect. lib. 1. c. 90.

² Jason. in Prælud. Feud.

³ Afflit. tit. de Feud. dat. in vim leg. commiss. lib. 1. tit. 22. num. 49.

Monte Vergine, where we read on his Tomb, *That tho' he was loaded with Tears, yet his Judgment was so strong, that he was as capable of writing to the Day of his Death, as ever he had been.* His Domesticks caus'd the Tomb to be erected, and this Inscription put upon it, to shew the Malice of his Enemies, who represented him to the King, as so old, that his Judgment had fail'd him, which made the King remove him from the Dignity of Counsellor of *St. Clare*, so that he died without the Gown, therefore in his last Will, he is not nam'd Counsellor, but simply Doctor. And as he exceeded all the Commentators on the Feodal Books, we must not here forget the Character which the incomparable *Francesco d'Andrea* gives him¹, who did not stick to say, that of all those that wrote Commentaries on Fiefs, both before and after him, few can be compar'd, but none prefer'd to him.

AFTER these great Men, some others appear'd among us, such as *Camerarius*, *Sigismondo Loffredo*, *Pietro Giordano Ursino*, *Bammacario*, *Revertero*, *Pisanello*, *Montano*, and a great many more, of whom it would be troublesome to make a longer Catalogue; so that no other Nation can boast of so many Writers on Feodal Matters, as the Kingdom of *Naples*.

BUT among the Foreigners, the incomparable *Cujacius* deserves all Praise. He was the first that encourag'd this Part of Learning, when others despis'd it as barbarous; and whereas formerly it was deform'd and unpolish'd, he, with the help of the most valuable Books and Writers of these Times, gave it a more noble and elegant Dress; insomuch that other learn'd Men, who before slighted it as barbarous, became now fond of imploying their Parts upon it, after his Example, such as *Duarenus*, *Hottomannus*, *Utejus*, and others of noble Genius; whence we now see it explain'd and illustrated, as well by the Professors of the Civil as of the Feodal Law.

CUJACIUS at first increas'd the Feodal Books with Fragments and Chapters, and divided them into Five, as we have already mention'd. Before him *Antonio Minuccio di Prato Vecchio*, a Lawyer of *Bologna*, at the Command of the Emperor *Sigismund*, about the Year 1430, had dispos'd these Books into another Form, and divided them into Six, which he offer'd to the University of *Bologna*, in order to have this his Work confirm'd by *Sigismund*; but it does not appear that the Emperor did so; for want of which Confirmation, it was not universally receiv'd, therefore the University begg'd anew of the Emperor *Frederick III.* to confirm it, which he did; whence these Books came to be read publicly in the Academy of *Bologna*; but they never acquir'd publick Authority: This Work was afterwards publish'd by *Joannes Schelterus*². *Cujacius* made another Collection altogether new, which he not only very carefully put into better Order, and restor'd the true Reading; but also with uncommon Erudition commented upon them, and explain'd their true Meaning. And, above all, he swell'd the fifth Book with many Imperial Constitutions, which had been neglected by *Ugolino*, and rang'd them into better Order.

¹ Andr. in disput. pag. 47.

² V. Struv. Hist. jur. Feud. cap. 8. sect. 23.

S E C T. III.

Imperial Constitutions relating to Fiefs, and Frederick I's Laws.

THE first who publish'd Laws concerning the Succession to Fiefs, as we have often said, was *Conrad the Salique*. *Henry IV.* and *Lothaire III.* made some; but of all the Emperors none enacted so many as *Frederick Barbarossa*; and *Cujacius* ends his Book with this Emperor's Constitutions; so that tho' in the vulgar Editions we also find some of *Frederick II.* yet they have nothing to do there; for we have no Constitutions of *Frederick II.* as Emperor, concerning Fiefs, tho' there be very many of his as King of *Sicily*; but these not being Imperial, are not to our Purpose. Those Constitutions of *Frederick II.* which we read at the End of the second Book of Fiefs, according to the antient Collection, under the Title *De Statutis, & Consuetudinibus circa libertatem Ecclesiae editis, &c.* have nothing to do with Fiefs;

Fiefs; so that they are wrong plac'd there, and for that Reason *Cujacius*¹ says, he did not put them with the other Feodal Constitutions, as not being to the Purpose; for the same Reason those two of *Henry VII.* plac'd under the Title of *Extravagant*, ought not to be plac'd there.

OF all these Emperors, none made so many Feodal Constitutions as *Frederick I.* of which we have Eight.

THE first is under the Title *De Feudis non alienandis*, where three or four Causes are assign'd, whereby a Fief may be lost, and wherein the Alienation of Fiefs is more strictly prohibited than by that Constitution of *Lothaire*. The second, under the Title *De jure Fisci*, or *de Regalibus*, restores the *Regalia* in *Italy*, which were lost by *Disuse*, of which we have spoken in the foregoing Book. The third, under the Title *De pace tenenda*, belongs to the publick Peace of *Germany*, whence 'tis call'd by the *Germans*, *Frid-brief*; and it was publish'd in *Ratisbon* after the intestine Wars betwixt the Princes of *Germany*; for the Dutchie of *Saxony* and *Bavaria*, taken by the Emperor *Conrad* from *Henry the Proud*, were at an end; and seeing there are some things in it relating to Fiefs, Barons, and the publick Peace, it's reckon'd amongst the Feodal Constitutions of this Prince. The fourth, is under the Title *De incendiariis, & pacis violatoribus*, which *Cujacius* took from the Abbot of *Usparg*, and which likewise concerns the publick Peace of *Germany*, and orders something about Fiefs; besides, as *Cujacius* observes, our Forefathers were wont to join all those Constitutions relating to the publick Peace with the Feodal, though Fiefs were not mention'd in them, because they could not enjoy Peace, but by the Fidelity and Steadiness of the Vassals. The fifth, under the Title *De pace componenda, & retinenda inter Subjectos*, relates to the publick Peace of *Italy*, and was made in *Roncaglia* with the People of the *Milanese*, at the End of the first War which *Frederick* had with them, of which we have spoken in the preceding Book. The sixth, under the Title *De pace Constantiae*, likewise concerns the Peace of *Italy*. This last was publish'd in *Constance* in the Year 1183; for *Frederick* being now wearied of the so many Wars he had had with the *Lombards*, resolv'd to call a Diet in *Constance*, in order to settle all Matters there. Many Princes and Barons, with a Multitude of Deputies, mention'd in this Constitution, were present at this Diet, in which many Articles were agreed upon, and the Conditions, with respect to the Services to be perform'd by the Cities of *Lombardy* to the Emperor, stipulated, and none other were to be put upon them: *Frederick* by this Constitution yielded some *Royalties* to the said Cities, and kept others, especially *Fodrum & Investituram Consulum, & Vassallorum*, and honour'd *Opizo* with the Title of Marquis of *Mala-spina*.

LASTLY, two Constitutions of the same Emperor follow *De Jure protimiseos*, to which Right, in *Cujacius's* Opinion (whatever our Professor *Marinis*² may say of it) the *Agnati* had as good Pretensions, as the Lord of the Fief, therefore he inserted these Constitutions in the Fifth Book of Fiefs; to which he likewise added a *Greek Novella* of *Romanus Lecapenus*, Emperor of the East, which treats of the same Right, whence *Frederick* took what we see establish'd in his first Constitution concerning the *Jus protimiseos*. Here we must observe, that this Constitution *Sancimus de jure protimiseos*, by a gross Error in our Doctors, is believ'd to be *Frederick II's*, and upon that Supposition they dispute whether it ought to be reputed Imperial, or a Constitution of our Kingdom, made only for the Kingdoms of *Sicily* and *Puglia*; and some maintain that as such it has the Force of a Law in our Kingdom. The Mistake proceeds from seeing it join'd to the other Constitutions of our Kingdom³; and likewise because they have seen, that *Matteo d'Afflitto*, who commented on our Constitutions, has made a particular Comment upon the said Constitution, for the most part taken from one not printed, formerly made by *Antonio Caputo di Molfetta*, from which, as *Giovan-Antonio de Nigris*⁴ says, without telling from whom, *Afflitto* took so much, as greatly swell'd his Work; so that seeing it commented by our antient Writers, they took it for a Constitution of our Kingdom. The Error is most palpable, and inexcusable; and we cannot but

¹ Cujac. lib. 5. de Feud.

² Marinis lib. 1. cap. 233. num. 3.

³ V. Capitularia Roberti, in fine.

⁴ De Nigris in Comment. ad Capitul. Regni in fine, in Constit. Sancimus.

wonder that the Cardinal of *Luca* ¹ fell into it, who believing that this Constitution was *Frederick II's*, starts a Thousand idle Questions, which for want of Foundation, fall to the Ground of themselves ; for it was not publish'd by *Frederick II.* but by *Frederick I.* who had no Power to make Laws in the Kingdoms of *Sicily* and *Puglia*, consequently could not oblige King *William's* Subjects to accept it. Indeed it afterwards acquir'd the Force of Laws with us, not by the Authority of the Legislator, but by the Use and Custom of the People, who after a long Tract of Time receiv'd it, just so as it far'd with the Pandects and the other Books of *Justinian*, and likewise with these Feodal Books ; whence at present, 'tis in full Force in the Kingdom, but not in the City of *Naples*, where a particular and peculiar Custom relating to that Matter prevails. The other Laws of *Frederick I.* as well the *Military*, establish'd in *Brescia* in the Assembly of the Princes of the Empire, in the Year 1158 as *Civil*, since they have no relation either to Fiefs, or us, we willingly omit them, for every Body may find them in *Goldastus* ², who has collected them all.

¹ De Luca de Servitutib. disc. 68.

² Goldast. tom. 1. pag. 268. & tom. 3. pag. 330.





THE
CIVIL HISTORY
Of the KINGDOM of
NAPLES.

BOOK XIV.



THE Death of *William the Wicked*, and the Accession of his Son to the Throne, quieted the Disorders and Mischiefs into which the Kingdom was involv'd, so the afflicting and lamentable Loss of *William II.* brought greater and more cruel Disasters upon it. Our Country never saw more wretched Times than those which happen'd from the Death of this good Prince, to the Reign of *Frederick II.* who, by his Virtue and Greatness of Soul, was able to crush the Disturbers of the Kingdom, and restore it to a more peaceable and settled State.

WILLIAM having died without leaving any Issue, made way for many Pretenders to the Crown, though in his Life-time he had declar'd his Aunt *Constantia* Heiress of the Kingdom; and in an Assembly held for that Purpose in *Troja*, had caus'd his Vassals to take an Oath of Fealty to her and her Husband *Henry*; nevertheless the *Sicilians* abhorring the Dominion of *Henry*, as a foreign Prince, and he being at a great Distance in *Germany*, with his Wife *Constantia*, they began to look out for another to succeed to the Throne, and had all their Eyes upon *Tancred* Count of *Lecce*. The Barons of the Kingdom, and the Friends of the Royal Family, were altogether by the Ears on that account; for all those who were of the Blood Royal, or had great Baronies, not yielding to one another, aspir'd to the Crown^a; and those of lower Degree

^a Ric. di S. Germ. Post Regis obitum, omnes inter se ceperunt de Magioritate contendere, & ad Regni solium aspirare, & oblit. jurisjurandi, quod fecerant, &c.

adhering to the most powerful, turn'd the Kingdom upside down ; so soon was the Oath of Fealty sworn to *Constantia* and *Henry* in *Troja* forgotten.

T H E R E are some who write ¹, that Pope *Clement* III. seeing the lawful Issue of the *Normans* fail'd, pretended that the Kingdom, as his Fief, had devolv'd to the Church of *Rome*, and for that end had assembled his Troops, in order to reduce it to his Obedience. But that is a very ill-contriv'd Story ; for at this Time the Popes had set up no such Claim ; they went on by short and leisurely Steps, and were at this Time satisfied with the Investiture, for they well knew, that in process of Time, and as lucky Opportunities should happen, they would reap greater Advantage, which accordingly fell out in the Reigns of *Innocent* IV. and *Clement* IV. which these two Popes improv'd. The present Situation of Affairs would not allow of it, because the Power of the Pretenders, such as *Henry*, was great ; the Minds of the *Sicilians* were altogether bent on *Tancred*, and the Chief Barons aspir'd all at the Kingdom for themselves. The Pope had none to assist him, and of himself he was not able, wanting both Men and Money, so that *Clement* could undertake nothing. And the Pope was so far from such Thoughts, that he no sooner heard that the *Sicilians* had advanc'd to the Throne, and crown'd *Tancred*, than he immediately dispatch'd the usual Investiture ; for he look'd upon it to be more for his Purpose to have *Tancred* to be King of *Sicily*, than *Henry*, who was King of *Germany*.

B U T the *Sicilians*, and especially those who were of *Matteo* the Vice-Chancellor's Faction, in Opposition to the Archbishop *Gualtieri*, freed from the Fear of the Friends of the Royal Family, proclaim'd *Tancred* King ; and the Vice-Chancellor's Faction having join'd them, in order to crush the Archbishop and his Party, who were for *Constantia*, they set *Tancred* on the Throne, and immediately he came to *Palermo*, where with great Acclamations he was publicly proclaim'd King, and in the Beginning of this Year 1190 ², with great Solemnity crown'd. The *Sicilians*, not content with this, forthwith sent an Express to the Pope, who, in order to fix him the better on the Throne, sent him the wonted Investiture ; which *Neubrigenfis*, *Riccardo da S. Germano*, and the Chronicle of *Monte Cassino* assert for Truth. The grateful King made *Matteo* High Chancellor of the Kingdom, and his Son *Riccardo* Count of *Ajello*.

T A N C R E D, as we have said, was the bastard Son of *Roger* Duke of *Puglia*, eldest Son of *Roger the Elder*, first King of *Sicily*, begot on a Daughter of *Robert* Count of *Lecce* ; for Duke *Roger* frequenting Count *Robert's* House, and seeing his Daughter young and handsome, they fell in Love with one another ; and it was not long before they tasted the Sweets of their Love, and went on in that manner till she became twice with Child, and brought forth *Tancred* and *William* ³. But *Roger* exceeding in the Embraces of his beloved Mistress, fell grievously sick, which made his Father call him Home, and finding the Cause of his Illness, he was highly offended with the Count, believing it was all his Doings ; and *Roger* dying soon after, the King so persecuted the Count, that he was forc'd to fly to *Greece*, and the King kept the two Children shut up in his Palace like Prisoners, where they continued till *Bouello's* Conspiracy against *William* I. when they went to *Greece*, where *William* the younger of the two died, and *Tancred* was afterwards recall'd by *William* II. who receiv'd him very graciously, and invested him with the County of *Lecce*, which was his Grandfather's by the Mother.

S O M E have written ⁴, that Duke *Roger* at last obtain'd leave from the King his Father to marry his beloved Mistress, but was prevented by Death, and that there was nothing wanting to make it a lawful Marriage, but the Ceremony of the Church, for mutual and lawful Consent had preceded ; whence *Tancred* ought not to be reputed a Bastard, but lawfully begotten ; and therefore King *William the Good* invested him with the County of *Lecce*, which was his Grandfather's, and Pope *Clement* gave him the usual Investiture of the Kingdom. But these Accounts, as having no solid Foundation, are look'd upon by the most grave and exact Writers as fabulous ; and *Clement* gave him the Investiture, not on account of his Legitimacy, but in Opposition to *Henry*. Whence *Frederick* II. always reckon'd the Acts

¹ Platin. ad Clem. III. Gio. Vill. lib. 4. c. 19.

² Ric. da S. Germ. Tunc vocatus Panormum Tancredus est, & per ipsum Cancellarium coronatus in Regem : Romana Curia dante assensum.

³ Ugo Falcand. Nobilissima matre genitus, ad quam Dux ipse consuetudinem habuerat.

⁴ Giacomo-Antonio Ferrari related by Summonte.

of these Princes, to wit, *Tancred* and *William III.* his Son, as null and unlawful, and as made by Usurpers and Invaders of the Kingdom, which after the Death of *William II.* by Right of Succession, and the last Will of *William II.* belong'd to his Mother *Constantia*.

CONSTANTIA's being a Woman was no Bar to her Succession; for tho' in *Italy* before *Frederick II.*'s Time, Women as well as the Dumb and Deaf were excluded from the Succession of Fiefs, to which only Males had a Right, to prevent the Fiefs going from the Lance to the Distaff; nevertheless the *Normans* (notwithstanding the different Opinion of the *Longobards*) did not look upon Women as incapable of succeeding to the Crown; so much the rather, because the Succession being regulated by the Pope's Investiture, in which both Male and Female are comprehended, the Investiture is given to the Heirs and Successors indifferently; therefore the *Normans* allow'd both Males and Females to succeed; and the first Investiture given by *Innocent II.* to *Roger* runs thus, *Rogero illustri, & glorioso Siciliae Regi, ejusque hæredibus in perpetuum*; and that given by *Adrian IV.* to *William I.* is more clear, *Hæredibus nostris, qui in Regnum pro voluntaria ordinatione nostra successerint*; and so of all the rest since. Therefore *Frederick II.* was always wont to call the Kingdom of *Sicily* his Hereditary Dominion, by the Right of his Mother *Constantia*; for the Succession of Kingdoms was never regulated by the same Maxims and Laws with Fiefs, as the incomparable *Francesco d'Andrea* in his learned Treatise about the Succession of *Brabant* has sufficiently prov'd; whence Males and Females without Distinction have succeeded in the Kingdoms of *Sicily*, excepting, that in latter Times in the Reigns of King *Alphonfus*, and the other *Arragonian* Kings, because of the Mischiefs occasion'd by the two Queen *Joans I.* and *II.* it was design'd to have been altered, as shall be taken notice of in its Place. Such has been the Custom not only of *Sicily* and *Puglia* for many Ages, but almost of all the other Kingdoms of *Europe*, which, on that account, is call'd by the People of *Asia*, and other Eastern Nations, *the Kingdom of Women*; not only because the *Europeans* honour and adore them like Idols, contrary to the Custom of the Orientals, but also because they see them rais'd to the Thrones of the greatest Monarchies and Kingdoms. But tho' the *Normans* excluded Women from the Succession of Fiefs, yet their Kings frequently invested them with Baronies and Counties, as in *Ugo Falcando*, we find that *Clementina* the natural Daughter of *Roger I.* was invested by her Father with the County of *Catanzaro*.

TANCRED then had no other Title to support him but the Voice of the People, who had proclaim'd him King, and set him on the Throne of *Sicily*; but many Barons, by the Means of the Archbishop *Gualtieri* did not acknowledge him, and especially those of the Kingdom of *Puglia*; so that *Tancred* was forc'd to use his utmost Efforts to gain them to his Interest. He had married *Sibila*, Sister to *Riccardo* Count of *Cerra*¹, to whom he sent a great Sum of Money, to raise Men for suppressing those that stood out against him; and at the same Time by fair Means and Rewards endeavour to win the Favour of the Natives. *Riccardo* manag'd Matters so well, that in a short Time he rais'd a good Army, with which he subjected the Barons of *Principato* and *Terra di Lavoro*, plunder'd and ruin'd the Castles belonging to the Monastery of *Monte Cassino*, and made the Abbot *Roffrido* take an Oath of Fealty. But the Cities of *Capua* and *Aversa* defended themselves. And *Roger* Count of *Andria*, and High Constable (the same whom *William* sent Ambassador to *Venice*) by no means would yield to *Tancred*; but being provok'd that he had been prefer'd to the Crown before him, went, with *Riccardo* Count of *Calvi*, and many of his Followers, and a good Body of arm'd Men, to observe *Riccardo* Count of *Cerra* and his Army, and to prevent his taking Possession of *Puglia*; and wrote to *Henry* in *Germany* to come and take Possession of the Kingdom of *Sicily*, which by Right belong'd to his Wife, but was unjustly possess'd by the Count of *Lecce*. The Archbishop *Gualtieri* wrote likewise to *Henry*, giving him account of what had pass'd in *Sicily*; but *Henry* delaying to come or send an Army, *Tancred* came to our Provinces, and successfully subjected the greatest Part of *Puglia*, notwithstanding the Opposition of Count *Roger*.

IN the mean Time *Henry* sent *Henry Testa*, Marshal of the Empire, with a strong Army into *Italy*, who arriving after *Tancred* had made himself Master of the

¹ Ric. di S. Germ.

greatest Part of *Puglia*, by the Way of *Aquila* enter'd *Terra di Lavoro*, where he burnt and destroy'd all the Places he took; and having join'd Count *Roger*, march'd immediately to *Puglia*, where he likewise demolish'd many Castles, and among the rest *Corneto* belonging to the Abbot of *Venosa*, because he was of *Tancred's* Faction. But the King's Army, not willing to venture a Battle in the open Fields, fortified themselves in the City of *Ariano*, and some neighbouring Castles, and very wisely spun out the Time, till the Enemy's Army dwindled away to nothing; for *Henry Testa* having for some Time laid Siege to *Ariano*, in the very hottest Time of the Summer, what with the scorching Heat, and the Want of Provisions, his Soldiers fell sick and died, and at last, to prevent the total Ruin of his Army, he was forc'd to raise the Siege, and, without having done any Thing remarkable, return to *Germany*.

BUT *Roger* Count of *Andria*, trusting too much to his own Strength, would keep up the War; and having garrison'd the Castle of *S. Agata*, retir'd to *Ascoli*, where he resolv'd to defend himself against the Count of *Cerra*, who, upon the marching off of the *Germans*, had ventur'd to take the Field, follow'd him close at the Heels, and besieg'd him there; but not able to win him over, either by fair Means or Force, he had recourse to Fraud, and one Day having given him his Parole of Honour, desir'd to speak with him without the City, where he laid a Snare for him, made him Prisoner, and cruelly murder'd him. Then he march'd and besieg'd *Capua*, whose Citizens being terrified at the Death of *Roger*, too rashly surrender'd; for *Henry* King of *Germany*, whose Interest they had espoused, was now enter'd *Italy* with a great Army, in order to conquer the Kingdom.

IN the mean while, after the Death of *Henry* King of *England*, *Richard* his Son and Successor, and *Philip* King of *France*, with strong Fleets had left their Dominions in order to go to *Palestine*; and tho' by different Courses, about the End of *September* both of them arriv'd at *Messina*, where, the Winter coming on, they were forc'd to remain till the following Spring. Besides, King *Richard* had a mind to stay to make up some Differences that had happen'd betwixt Queen *Joan* his Sister, Widow of King *William*, and *Tancred* King of *Sicily*, which he agreed, and *Tancred* promis'd to give in Marriage one of his Daughters, as soon as she was of proper Age, to Prince *Arthur*, the King of *England's* Nephew, *Richard* having no Issue of his own, with Twenty thousand Ounces of Gold for her Portion¹.

AT this Time the Fame of *Giovacchino Calabrese*, a *Cistercian* Monk, Abbot of *Curatio*, and reputed a Prophet, was spread over all *Europe*; for which Cause *Richard* was curious to converse with him, but by his Discourse the King found him to be only a prating Fellow, and the Issue of this Expedition was the Reverse of what he had prophesied. However, he was a Man of great Vivacity, subtle Wit, and very sly, and the most knowing of the Age in the Holy Scriptures; and from the Skill he had in them, with his ready Wit, impos'd upon the People, and pass'd for a Prophet. From the infinite Number of Books which he wrote, and all of them with specious and extravagant Titles, it may be seen, that among the Divines of these Times, he was reputed a Man of great Penetration and Learning². Tho' he attack'd *Peter Lombard*, a Man likewise famous in these Times, call'd *Magister Sententiarum*, whom he treated very unhandsomely, and in one of his Books which he wrote against him, did not stick to call him a Heretick and Fool; yet, because *Peter's* Opinions were all Catholick, and did not deserve to be so branded by *Giovacchino*, *Innocent III.* in the *Lateran* Council condemn'd the Abbot's Book, and pronounc'd them Hereticks who should dare to defend that part of the Book which was levell'd against *Peter*.

NEVERTHELESS, on account of his great Penetration and Parts, he was look'd upon by learned Men to be very ingenious, and gifted with a Spirit, if not of Prophecy, at least of Knowledge, which was the Opinion of *William* Bishop of *Paris*, who flourish'd about the Year 1240. And *Dante*³ makes no Difficulty in placing him in Paradise, and making him a Prophet.

There Raban is, and by his Side do's shine
The good Calabrian Abbot Giovacchine,
Full of prophetick Fire, and Light Divine.

¹ Ep. Regis Angl. ad Clem. III. apud Baron.

² V. Nicod. in Addit. Bibliot. de Toppi.

³ Dante Parad. canto 12.

And he was likewise reckon'd a Prophet by *Matteo Palmieri* in his Chronicle, and by *Sisto Sanese*, *Henricus Cornelius Agrippa*, *Paleotto*, and many others recorded by the Author of the Appendix to the Library of *Toppi*.

IN the mean time *Henry* King of *Germany*, on the News of the Death of *Frederick Barbarossa*, his Father, who, as we have said, died in the lesser *Armenia*, desirous to gain the good Will of the *Germans*, restor'd to *Henry* Duke of *Saxony*, and to every other Person, whatever his Father had taken from them; and after he had thus settled the Affairs of *Germany*, he sent Ambassadors to *Rome* to Pope *Clement*, and the Senators of the City, acquainting them, that he had resolv'd to come to *Italy*, in order to receive the Imperial Crown the *Easter* following; but while they were looking for him, Pope *Clement* died the Fourth Day of *April* 1191, and *Henry* arriv'd soon after, when *Giacinto Bubone*, a *Roman*, nobly descended, and 85 Years of Age, had succeeded *Clement*, and taken the Name of *Celestine III.* who, with the usual Solemnity, in *St. Peter's Church*, crown'd *Henry* Emperor, together with his Wife *Constantia*.

KING *Tancred* went again from *Palermo* to *Puglia*, where he call'd a Parliament of his Barons, and settled the Affairs of his Kingdom, and then went to *Abruzzo*, where he defeated Count *Rainaldo*, and forc'd him to submit. From thence he went to *Brindisi*, and concluded a Marriage betwixt his eldest Son *Roger*, and *Irene*, sometimes call'd *Urania*, Daughter of *Isaac* Emperor of *Greece*², and soon after, the young Lady came from *Constantinople* to *Brindisi*, where the Marriage was celebrated with great Pomp. *Tancred* likewise caus'd *Roger* to be crown'd King of *Sicily* in that City; whence *Inveges* observes³, that this was the first King of *Sicily* that had been crown'd any where but in *Palermo*; and after the Coronation was over, and the Castles of *Evandro* and *Guglielmo* were given to *Roffredo* Abbot of *Monte Cassino*, *Tancred* return'd joyfully to *Palermo*.

BUT the Emperor *Henry* was no sooner crown'd in *Rome*, than he assembled his Army, and accompanied with *Constantia*, by the Way of *Campania*, he attack'd the Kingdom in order to conquer it; but *Celestine* us'd his utmost Endeavours to disappoint him, and was very much offended, that he should make War upon *Tancred*, who had been invested with the Kingdom by his Predecessor *Clement*⁴. But *Celestine's* Endeavours were all in vain, for the *Germans*, being come to the Castle of *Acre*, a very strong Place on the Borders of the Ecclesiastick Estate, took it in an Instant by Storm: Which Action, as it hearten'd and encourag'd the Emperor's Army, so it put a Damp upon the Courage of the Natives; for *Sorella*, *Atino*, and *Colle*, were so terrified, that they surrender'd without being attack'd; and *Roffredo* Abbot of *Monte Cassino*, who was lying sick, and the Inhabitants of *St. Germano*, took an Oath of Fealty to the Emperor, who, with *Constantia*, soon after, went to visit that Monastery. As they advanc'd further, the Counts of *Fondi* and *Molise*, submitted, and in *Terra di Lavoro*, *William* Count of *Caserta*, and the Cities of *Teano*, *Capua* and *Aversa*, likewise submitted; they found no Resistance, till they came to *Naples*, whither the Count of *Cerra* had retir'd, and the Citizens continuing firm in their Allegiance to *Tancred*, were prepar'd to make a bold Defence. *Naples* was at this Time govern'd by *Aligerno*; and though the *Neapolitans* own'd *Tancred* for their Lord, as they had done all the *Norman* Kings his Predecessors, yet they still retain'd the same Form of Government which they had, before *Roger* made their City free. *Henry* having sent the Empress *Constantia* to *Salerno*, which had now come under his Obedience, closely besieg'd *Naples* on all Sides, but by no Means was able to take it, because it was not only bravely defended by the Count of *Cerra*, and the *Neapolitans*, but likewise the *Germans*, in the excessive Heat of the Season, by eating Fruit, and the unhealthful Air of these marshy Places, began to die in great Numbers, and among the rest, the Archbishop of *Cologne*, whose Body was carried to be buried in *Germany*; and at last the Emperor himself fell sick, and finding he was not like to succeed in his Undertaking, order'd all the Neighbourhood to be pillag'd, all the Fruit-Trees to be burn'd, and the Siege to be rais'd. And having left *Constantia* in *Salerno*, and a Captain, nam'd *Mosca* in *Cervello*, Governor of the Castle of *Capua*, *Diepoldus* a *German*, Governor of the Castle of *Acre*, and *Corrado di Marlei* of the Town of *Sorella*, and taken Hostages

¹ Chron. of Fossa nova.

² Ricc. da S. Germ.

³ Inveges lib. 3. Hist. Palerm.

from the Citizens of *St. Germano*, whom, with the Abbot *Roffredo* he took with him, he set out for *Lombardy* on his Way to *Germany*.

THE Count of *Cerre* having heard of *Henry's* Departure, immediately with his Soldiers, and many *Neapolitans*, march'd out of *Naples* and went to *Capua*, which presently surrender'd, where he kill'd a great Number of *Germans*, and laid Siege to the Castle, which, for want of Provisions, *Mosca in Cervello* not being able to maintain, surrender'd, and with all his Garrison was allow'd to march out¹. Then the Count took *Atino*, *Aversa*, *Teano* and *S. Germano*, with all the Villages belonging to the Abbacy of *Monte Cassino*; and having solicited *Adenolfo de Caserta*, the Dean of the Monastery to surrender, he could, neither by Intreaties nor Force, prevail with him. He afterwards subjected *Riccardo Mandra* Count of *Molise*, and gave the Government of *S. Germano* and *S. Angelo*, to *Teodico Masnedam*. *Riccardo* Count of *Fondi*, who had bought *Sessa* and *Teano* from the Emperor, terrified at these prosperous Successes, deserted his Dominions, and fled to *Campagna di Roma*; and *Tancred* having a Mind to gratify *Aligerno* for his good Service, in defending *Naples*, gave him the County of *Fondi*, forfeited by *Riccardo*.

BUT this Run of good Fortune no ways frightened *Adenolfo* Dean of *Cassino*, who, notwithstanding that Pope *Celestine* had excommunicated him, and likewise interdicted his Monastery², obstinately stood out, and adher'd to the Emperor's Party. On the contrary, the *Salernitans*, in order to curry Favour with *Tancred*, deliver'd up the Empress *Constantia*, whom he very generously and honourably receiv'd in *Palermo*, and not long after, at the Desire of the Pope, he set her at Liberty, and with many Presents, accompanied with *Egidio* Cardinal of *Aragon*, sent her to *Germany* to her Husband³.

NEVERTHELESS the War was long carried on with doubtful Success in *Terra di Lavoro*; for *Adenolfo* Dean of *Monte Cassino*, having assembled some Troops of his own, with a few *Germans*, recover'd all the Places belonging to his Monastery; and the Emperor having sent back the Abbot *Roffredo*, with Count *Bertoldo*, and a good Body of *German* Soldiers, they join'd the Dean, and made notable Progress; and Count *Bertoldo* having enter'd the Kingdom with many *German* and *Florentine* Soldiers, put all *Campania* and the County of *Molise* in terrible Confusion, demolish'd the City of *Venafro*, and the Castles in the Neighbourhood, and made many of *Tancred's* Soldiers Prisoners.

WHILE our Kingdom was thus ravag'd, *Richard* King of *England*, who with *Philip* King of *France* had gone to *Palestine*, and taken *Acon*, having fallen out with King *Philip*, was the first that capitulated with *Saladin*, and made a Truce for Three Years, which they concluded in the Year 1190; and having given the Title of King of *Jerusalem* to his Nephew *Henry*, and to *Guido* of *Lusignan*, to whom that Kingdom of right belong'd, the Island of *Cyprus* in place of it, he sail'd with his Fleet from that Coast, in order to return to his own Country; but being overtaken with a terrible Storm in the *Adriatick* Sea, he had like to have been drown'd, and with difficulty got ashore with a few Followers. And travelling privately thro' *Germany* for *England*, near to *Vienna* he was betray'd by some of his own Domesticks, and made Prisoner by the Duke of *Austria*, and deliver'd to the Emperor his Enemy, who, notwithstanding all Means us'd for his Redemption, kept him a Year and near Two Months Prisoner, at last for a great Sum of Money, set him at Liberty, to return to his own Kingdom. In the mean time Pope *Celestine* had excommunicated both the Emperor and the Duke of *Austria* for this Fact, and pretended that he could not absolve them until they had restor'd the Money extorted from the King for his Liberty; so that they, by no Means willing to part with it, died thus excommunicated.

BUT to return to our own Kingdom, Count *Bertoldo* pursuing his Conquests in *Terra di Lavoro*, and the County of *Molise*, and multitudes of the Natives, who long'd for the *German* Government, joining him daily, oblig'd *Tancred*, lest the whole Kingdom should revolt, to leave *Palermo*, and return to *Puglia*, where he

¹ Ricc. da S. Germ. Imperator Regnum intrat mense Martio, Papa prohibente, & contradicente. Arnaldo Lubbecense likewise writes, that Henry's coming to *Puglia*, animum D. Papæ non parum offenderat, quia Rex *Tancredus* a sede Apostolica jam ibi ordinatus fuerat.

² Ricc. da S. Germ.

³ Idem. Adenulphus Casertanus Decanus Cassinensis, pro eo quod in partes non cessit Regis, a Celestino Papa excommunicatus est, & Monasterium Suppositum interdicto. Idem. Roger. Hovenden in Annal. Anglor. Chronic. de Fossa Nova apud Baron.

assembled a strong Army, and march'd to engage the Count¹; and meeting one another under *Montefusco*, they were just going to engage; but the King being advis'd, that it was not fit to risk his Royal Person in Battle with *Bertoldo*, shunn'd fighting²; upon which the Count, whose Army was inferior in Number to that of the King, was overjoy'd, left *Montefusco*, and return'd to the County of *Molise*, where he besieg'd the Castle of *Monte Rodano*, and during the Siege, was kill'd by a Ball thrown out of the Castle from a Machine, which was all the Artillery us'd in these Times; and in his Place the *Germans* chose *Mosca in Cervello* their Leader. And *Tancred* likewise march'd from *Montefusco*, and re-took the Castle of *S. Agata*, and all the Places of that Province, and from thence he went to *Terra di Lavoro*, where the Count of *Caserta*, and the City of *Aversa*, with some other Places, soon submitted to him. And having thus reduc'd to his Obedience, the Borders of *Puglia* and *Campania*, he return'd to *Sicily*; but before his Departure, he left no Stone unturn'd to bring over *Roffredo* the Abbot of *Cassino* to his Party, though in vain, for, as if he had foreseen what was to happen, neither the Intreaties of the King, nor the Threats of the Pope, were able to make him desert the Emperor.

BUT *Tancred*'s Prosperity was very short-liv'd, for soon after his Return to *Palermo*, *Roger* his eldest Son, fell sick, and in the Vigour of his Youth was snatch'd away by untimely Death, without leaving Issue. This grievous Loss struck the King his Father to that degree, that shortly after, having caus'd his second Son *William*, to be crown'd³, he likewise, by the Violence of his Grief, fell so ill, that no Remedy being found equal to his Distemper, he departed this Life in the Year 1193, according to *Riccardo da S. Germano*, a Contemporary Writer, and with great Pomp was buried in the Cathedral Church of *Palermo*, under the same Tomb with his Son *Roger*, as he had order'd before his Death.

THIS Prince's Reign was so very short, and full of Troubles and Commotions, that he had not Time to settle his Kingdom with good Laws; for he was so involv'd in the Affairs of War, that he had not Leisure to think of those of Peace; therefore we have none of his Laws; and if he had made Laws, *Frederick II.* would not have suffer'd them to be join'd with those of *Roger* and the Two *Williams*. For he look'd upon *Tancred* and his Son *William*, who succeeded him, to be Usurpers, and would not allow any of their Grants, Privileges or Donations, as done by Tyrants, to be of Force, or to take Effect⁴; as the Emperor *Justinian* did by the *Gothish* Kings, for he approv'd of all the Acts and Deeds of *Theodorick* and *Athalarick* his Son, but not of those of *Theodatus*, *Vitiges*, and the other Kings their Successors, whom he took to be Tyrants, and Usurpers of the Kingdom of *Italy*.

TANCR ED, by *Sibilia da Medania*, the Daughter of *Robert* Count of *Cerra*, Brother Uterine of *Ruggerio da Sanseverino*, the Son of *Trigiso Normanno*, had the Two Sons above-mentioned, and some Daughters; of which only *Albirnia* and *Mandonia*, surviv'd the Father, and who, with their Brother *William*, and their Mother *Sibilia*, were long kept Prisoners in *Germany* by *Henry*, as shall be related; and according to *Inveges*⁵, he had another nam'd *Constantia*, the Wife of *Pietro*, who was Uncle to the Doge of *Venice*.

¹ Pellegr. Cast. in Anon. Cassin.

² Ricc. da S. Germ. Quod honor sibi non erat cum Bertholdo congregi.

³ Idem, Rex ipse in Siciliam remeavit; ubi ordine naturæ præpostero Rogerius filius ejus, qui coronatus in Regem fuerat anno 1191. viam

est universæ carnis ingressus, & frater ejus Gulielmus in Regem successit ei.

⁴ Constit. Instrumenta, tit. 27. & Constit. Privilegia, tit. 28. lib. 2.

⁵ Inveg. lib. 3. Hist. Palerm.





C H A P. I.

William III. King of Sicily, succeeds to his Father Tancred. The Emperor Henry makes War upon him, dethrones him, and takes him Prisoner.



TANCR ED was succeeded by his Son William III. whom his Father, after the Death of his Brother Roger, had caus'd to be crown'd King of Sicily; upon the News of which, Henry resolv'd to return to Italy, in order to conquer the Kingdom, for he judg'd (*Tancred* being dead) that there was nothing could prevent his Success in the Undertaking.

For which end he sent his Army to the Sea Coast of the Kingdom, and he himself, with his German Friends, the Count of *Fondi*, and many native Barons, who met him on the Borders of the Ecclesiastick State, by the way of *St. Germano*, went to *Monte Cassino*, where he was honourably receiv'd by the Abbot *Roffredo*.

FROM thence having enter'd *Campania*, and all the neighbouring Places surrendering to him, except *Atina*, *Rocca Guglielmo*, *Capua* and *Aversa*, which neither surrender'd, nor were attack'd, he went towards *Naples*. Before *Henry* came, the *Neapolitans* had agreed with the *Pisans*, whom he had taken care to send with a good Fleet, to surrender, so that upon his Arrival, the Gates were open'd to him.

FROM *Naples* he march'd and laid Siege to *Salerno*; the Citizens, conscious of their Villany in delivering up *Constantia*, and afraid that *Henry*, out of Revenge, would ruin their City, resolv'd to defend themselves; but not able to resist so great an Army, the City was taken by Storm, and cruelly plunder'd; as for the Inhabitants, some of them were kill'd, some put in Prison, and the rest banish'd; thus was this noble City left desolate. Such was the Fate of the most magnificent Cities of this Kingdom; *Benevento*, when it came under the Government of the Church of *Rome*, lost all its ancient Splendor and Glory; and whereas formerly it was the Head of a vast Principality, afterwards its Territories reach'd only a few Miles without the Walls. *Bari*, by the Indignation of *William I.* was destroy'd; and *Capua*, upon the declining Hand, had lost its antient Lustre. It ought not then to seem strange, if from the Decay of these renown'd Cities, we shall shortly see *Naples* start up, and, by the Favour of *Frederick II.* and yet more by that of *Charles I.* of the Family of *Anjou*, become the Head, and Metropolis of so vast and noble a Kingdom.

THUS did *Henry* triumph in these Provinces, and with the like Success enter'd *Puglia*, which, without any Resistance, he totally subdued: From thence he sent his most trusty Friend the Abbot *Roffredo* into *Sicily*, and gave him Power, in his Name, to receive all the Places that were willing to submit. As the Abbot pass'd through *Calabria*, the Cities and Castles of that Country strove which of them should open their Gates to him first, and when he cross'd the Straits, *Messina*, *Palermo*, and almost all the other Cities of that Island, without making the least Opposition, submitted.

QUEEN *Sibilia* seeing the Disloyalty of the *Sicilians*, and afraid of herself and Children, left the Royal Palace, and retir'd to the Castle of *Calatabellotta*, a

¹ Ricc. da S. Germano.

very strong Place, and able to make a good Defence; and in the mean Time the *Palermians* invited the Emperor, who had now come over to *Sicily*, to make his Entry into their City. But *Henry* not willing to lose Time in besieging *Calatabelotta*, resolv'd to gain his Ends by Fraud, whereupon he sent Messengers to the Queen, to tell her, that if she would give up the Kingdom, she should have the County of *Lecce* to herself, and the Principality of *Taranto* to her Son *William*; the Queen seeing herself deserted by every Body, accepted the Offer; and the Emperor soon after, having with great Pomp made his Entry into *Palermo*, the poor unfortunate *William* came, and at his Feet surrender'd the Crown of *Sicily*, as the Chronicle preserv'd in *Monte Cassino*, and *Riccardo da S. Germano* relate.

THUS did these Kingdoms go from the *Normans* to the *Suevi*, not by Conquest, as the *Normans* had taken them from the *Greeks* and *Longobards*, but by Succession, in the Person of *Constantia*, the last of the lawful Race of the *Normans*. 'Tis true, this Title would have been of no stead to *Henry*, if he had not back'd it with his Arms; but it cannot be denied, that his Son *Frederick*, in his Constitutions frequently declares, that he held the Kingdom by no other Right but that of Succession. Therefore he calls the Kingdom of *Sicily*, *Hæreditarium Regnum*¹; and in another Constitution, *Hæreditas pretiosa*².

HENRY having triumph'd over his Enemies, and subjected the Kingdoms of *Puglia* and *Sicily*, in order to fix himself in them; very imprudently, had recourse to Cruelty and Rigour; for after he had rewarded the Abbot *Roffredo*, and given to his Monastery the Castle of *Malveto*, and restor'd to it *Atino*, and *Rocca Guglielmo*, he caus'd a General Assembly to be conven'd on Christmas Day, in the Royal Palace of *Palermo*, where having signified to those present, that by Letters from *Pietro* Count of *Celano*, he had been advertis'd of a Conspiracy hatching against him, contrary to the Articles agreed on, and the Protection given, he imprison'd *William* the late King, Queen *Sibilia* and her Daughters, *Niccolo* Archbishop of *Salerno*, with *Riccardo* Count of *Ajello*, and *Ruggiero* his Brothers, all three Sons of *Matteo* the High Chancellor, whom he hated mortally, because, as we have said, it was he that perswaded the *Sicilians* to make *Tancred* their King; but *Matteo* being now dead, he vented his Passion upon his Sons. He likewise caus'd the Bishops of *Trani* and *Ostuni*, with many other Prelates and Barons, to be seiz'd; and persisting in his Cruelty, he barbarously caus'd many of them to be burn'd, some hang'd, and the Eyes of others to be put out, and the unfortunate *William's* Testicles to be cut off. Pope *Celestine* upon hearing of this Cruelty, and likewise at the Desire of *Eleonora* Queen of *England*, the Mother of our Queen Dowager *Joan*, who wrote to the Pope for that Purpose³, sent an Apostolick Legate to expostulate this unheard-of Cruelty with him; but the Emperor undervalu'd all these Advices: And *Roger Howenden*, in his Annals, adds, that not content with having wreak'd his Barbarity upon the Living, he did not spare the Dead; for he caus'd the Bodies of King *Tancred* and his Son *Roger* to be rais'd, and the Royal Crowns with which they had been buried, to be taken away, saying, that they wore them by Usurpation. The Emperor *Henry* his Son, was of the very same Opinion; and therefore annul'd all the Acts, Privileges and Donations, and all other Contracts made in the Names of these Princes, looking upon them as Tyrants and Usurpers, and not lawful Princes, but he always call'd *Roger* and *William* his Predecessors.

BUT this Year 1195, while *Henry* was thus employ'd in *Sicily*, *Constantia* left *Germany*, and on her way to *Sicily*, in the City of *Esi* in *Marca d'Ancona*, brought forth a Son, who, perhaps, as a Presage of what was to happen, or rather an Inducement to Virtue, was call'd after his two Grandfathers, *Frederick* *Roger*, by some, *Roger Frederick*. This Hero, according to the Chronicle of *Monte Cassino*, *Riccardo da S. Germano*, and *Albertus* Abbot of *Stade*, was Born this Year 1195⁴, and in this obscure City of *Marca d'Ancona*; so that the Place of his Nativity had a great Resemblance with that of his Death, which was *Florentino*, likewise an obscure Place of *Puglia*. *Inveges*⁵, who by all means will have him to have been born in *Palermo*, follows the Opinion of the Moderns, contrary to that of *Riccardo da S. Germano*,

¹ Constit. Cum hæreditarium Regnum nostrum Siciliæ, cujus præclara hæreditas, &c. lib. 3. tit. 23.

² Lib. 1. in Proëm. Cum igitur Regnum

Siciliæ nostræ Majestatis hæreditas pretiosa, &c.

³ Epist. apud Baron.

⁴ Pellegr. in Chron. Cass. Anno 1195.

⁵ Inveg. lib. 3. hist. Paler.

and

and the most antient Writers; and upon a false Supposition, that *Constantia* and *Henry* had been crown'd in *Palermo* in the Year 1194, it appears incredible to him, that she could be brought to Bed in *Esi* the Year following. And he is certainly in the Right on it, but *Constantia* did not go to *Sicily* till this Year 1195, as these antient Historians relate. He was born when his Mother *Constantia* was but 37, or at most 39 Years of Age; and being born amidst the Inconveniencies of a Journey, that he might not be expos'd to greater Dangers, his Mother gave him to be nurs'd by the Dutcheſs of *Spoletto*, and the Care of him was committed to her and *Alberto*, by some call'd *Corrado*, Duke of *Spoletto*, and Count of *Aſſiſi*, her Husband¹, who three Years after caus'd him solemnly to be baptiz'd in the City of *Aſſiſi*, in the Presence of fifteen Bishops, and many Cardinals, and he was nam'd *Frederick Roger*, after his Great-Grandfathers. This Solemnity in Presence of so great a Number of Cardinals, and other Prelates, after so long a Delay, and the idle Story spread amongst the Common People, of his being a Supposititious Child, gave Rise to that fabulous Story written by *Granzius*, in a Book which he compos'd concerning the Metropolis of *Saxony*, from whom other Modern Writers have taken it, that the Empress, by reason of her old Age, being past Childbearing, and according to these Writers 55, or as some of them will have it, 60 Years of Age, was brought to Bed of *Frederick* in a Tent on the Middle of the Market-Place, in Presence of all the Women of the Town, that had a mind to see her; and that in order to remove all Suspicion, on her way to *Palermo*, she travell'd with her Breast naked, and expos'd dropping Milk, as the Author of the Preface to the *Capitula* of the Kingdom of *Sicily* does not stick to write. For removing the Suspicion the Vulgar had conceiv'd, that the Child was Supposititious, Pope *Celestine*, before he would invest *Frederick* with the Kingdom of *Sicily*, was forc'd to make *Constantia* swear, that he was begotten by her Husband *Henry*; and the Reason of this Oath, was not that she was look'd upon as past Childbearing for old Age, but to smother the Report of the Imposture spread among the Vulgar; and when *Marcovaldus d'Amenuder*, was making War against *Frederick* in *Sicily*, he wrote to Pope *Innocent*, who had succeeded *Celestine*, that he would clearly prove the Imposture; the good Pope, who thought the Mother's Oath sufficient Proof, would give no Ear to *Marcovaldus*, but rejected his Offer. Whence proceeded the Story afterwards of *Constantia*'s being so old, that she was past Childbearing when she brought forth *Frederick*, and of her being bred up from a Child in the Monastery of the Greek Nuns of *S. Basil* in *Palermo*, with other fabulous Stories, which we have already disprov'd.

IN the mean Time the Emperor *Henry*, after he had invested *Mosca in Cervello* with the County of *Molise*, which had been taken from *Mandra*, who, being expell'd the Kingdom, died soon after, resolving to return to *Germany*, went to *Puglia*, and call'd an Assembly, where *Constantia* was present, who shortly after return'd to *Sicily*, and *Henry* set out for *Germany*, and carried *William* and all the Prisoners abovenam'd along with him, whose Liberties Pope *Celestine* had in vain solicited. He likewise took with him all the Gold and Jewels he could lay hold of; and robb'd the Treasure and Furniture of the Royal Palace, consisting of Vessels of the purest Gold and Silver, Foot-stools, Bedsteads, and Tables of the same Metal, and Cloth of Gold and Purple, amass'd by the former Kings; with which he loaded a Hundred and fifty Beasts of Burden. Thus did the *Sicilians* see the Spoils of their Kingdom carried off like those of a conquer'd People, by a foreign and rapacious Enemy. These and greater Miseries which the *Sicilians* suffer'd by the *Germans*, and *Henry* their Master, *Ugone Falcando*, in the Preamble to his History dedicated to *Pietro* Archbishop of *Messina*, laments and describes at large.

AFTER *Henry* was gone for *Germany*, *Riccardo di Medania* Count of *Cerra*, Brother-in-Law to the late King *Tancred*, on his way to *Campania di Roma*, whither he was going to shun *Henry*'s Cruelty, being betray'd by a Fryar, was made Prisoner by *Diepoldus Alemannus*, who kept him closely shut up in the Castle of *Arce*, till the Emperor should return to *Italy* in order to deliver him up to him. In the mean Time *Henry* sent the Bishop of *Worms* his Ambassador, who was no sooner arriv'd at the City of *Naples*, accompanied with the Abbot *Roffredo*, and many Soldiers,

¹ A. & Inn. III. Apud Baron. Anno 1197. Conrado nomine Suevo, qui antea creatus fuerat Dux Spoleti & Comes Assisii, uti fidelissimo sibi

subdito, & amico, gentili suo, atque Ducissæ ejus Conjugi.

both Natives and *Germans*, than he caus'd the Walls of the City to be levell'd with the Ground; and according to *Riccardo da S. Germano*¹, *Capua* had the same Fate. And the Emperor having assembled a vast Army in *Germany*, consisting of *Suevians*, *Bavarians*, *Franconians*, and other Nations, to the Number of Sixty thousand, under pretence to send them on an Expedition beyond Sea, but in reality, according to *Arnoldus Lubecensis*, to exterminate all the *Normans*, and particularly those, who had sided with King *Tancred* against him, he came into *Italy*, and after some Days stay in *Ferentino*, he march'd to *Capua*, where having caus'd all the Barons to be conven'd to hold a General Assembly, *Diepoldo Alemanno* deliver'd up to him Count *Riccardo*, whom he shamefully caus'd to be tied to a Horse's Tail, and dragg'd through all the most dirty Streets, and at last hung up by the Feet; and after he had liv'd for two Days in this Torment, the Emperor order'd a *German* Buffoon to tie a Rope, with a great Stone made fast to it, about his Neck, and in this manner he was cruelly strangled². Then the Emperor held his Parliament, and laid a Tax upon all the People of the Kingdom, and made *Diepoldo Alemanno* Count of *Cerra*, and sent *Oddo*, *Diepoldo's* Brother, to besiege *Roccaficca*, to which *Rinaldo* and *Landolfo*, two Brothers of the Family of *Aquino*, had fled to defend themselves against so cruel an Enemy, and then he went to *Sicily*, where he caus'd all the *Normans* to be put to Death after cruel and different manners, not sparing the very Children; and to be reveng'd of those *Normans* of the first Rank, and Royal Blood, who had had a hand in the Crowning of King *Tancred*, he caus'd Crowns to be nail'd to their Heads, till in that cruel manner they died. He likewise imprison'd *Margaritone* a famous Captain, Duke of *Durazzo*, Prince of *Taranto*, and High Admiral, and order'd his Eyes to be put out, and his Testicles to be cut off.

THE Empress *Constantia* seeing her Husband treating her *Normans* in this barbarous and cruel manner, and his wicked Inclination bent to extinguish her Royal Race, not able to bear such malicious Doings, revolted from him³; and having combin'd with the Chief Men of the Kingdom, and laid hold of the Royal Treasure, she rais'd an Army against him; whereupon the Barons became more bold, openly revolted, and kill'd all the *Germans* that fell in their way, and they would not have spar'd the Emperor himself, if he had not fled and taken shelter in a strong Castle. But he resolving to go to a more secure Place, was so besieg'd on all Sides by the *Sicilians*, that, not able to make his Escape, to extricate himself from the Danger he was in, he agreed to whatever Conditions his Wife should be pleas'd to impose upon him; she order'd, that upon his being set at Liberty, notwithstanding the Marriage Contract, he should immediately repair to *Germany*. But he, unwilling to put a Stop to the foreign Expeditions which he intended, order'd Matters so, that at last he was reconcil'd to his Wife and the disaffected Barons; whereupon he imbark'd his great Army in a numerous Fleet for *Syria*, which struck great Terror into *Alexius Angelus*, who had dethron'd his Brother *Isaac*, and was now Emperor of *Constantinople*; for having sent Ambassadors to tell *Alexius*, that he must restore all the Country which King *William* had formerly conquer'd in *Greece*, which reach'd from *Epidaurus* to *Thessalonica*, or pay him what Tribute he should impose upon him; the *Greek* Prince, terrified at the Power of the Emperor *Henry*, durst not refuse the Condition offer'd; but only begg'd to have the yearly Payment moderated; and sent some Persons well skill'd in such Matters over all his Empire, to collect all the Gold that could be got, not only from private Men, but also from the Churches, and not to spare the Sacred Vessels, and the Sepulchres of the Dead, in which, according to the Custom of those Times, great Sums of Money were laid in Honour of the Persons buried therein; till they had made up fifteen Talents, the Sum demanded by *Henry*.

WHILE these Matters were transacting in *Greece*, the Imperial Army set sail for the East, and was commanded by *Conrade* Bishop of *Idelma*, and Chancellor of the Empire, who in the Emperor's Absence had govern'd in *Sicily*, and after a prosperous Voyage landed at *Acon* in *Palestine*.

ABOUT the same Time, when the Emperor was besieging *Castel Giovanni*, which had revolted, being taken ill, he retir'd to *Messina*, where his Sickness increas'd to that Degree, that soon after, on the 29th of September 1197, he

¹ Ricc. da S. Germ.

² Cron. de Fossa nov.

³ Roger. Hovenden. Annal Anglor.

departed this Life¹; his Cruelty made the News of his Death not only acceptable to the Emperor of *Constantinople*, who dreaded him much, but likewise to all the People of *Sicily* and *Puglia*.

HENRY, according to *Goffredo da Viterbo*, was a Man of a genteel and noble Appearance, but his wicked Actions shew'd him to be of a faulty Disposition of Mind, cruel, perjur'd, and faithless, most covetous of Money, and an Enemy to the Popes, by whom he was excommunicated for making *Richard* King of *England* Prisoner, and taking Money for his Ransom, and for seizing *Niccolo d' Ajello* Archbishop of *Salerno*; and dying under the Censures of the Church, he was not buried in holy Ground. But from his last Will, which was afterwards found, and as soon as he fell sick, his having sent the Bishop of *Bethune* to King *Richard*, with the Money he had paid for his Ransom², it's evident that he repented him of his by-past Misdeeds.

AFTER his Death, the Empress *Constantia* immediately sent the Archbishop of *Messina* to the Pope, to beg of him to allow her to bury his Body in the Church; and likewise, that he would give Orders to raise the Siege of *Marca di Guarniero*, wherein *Marcwaldus* of *Menuder*, a *German*, and Chief Justice of the Empire, was closely besieg'd by the *Romans*; and that moreover, he would cause her Son *Frederick* to be crown'd King of *Sicily*, and give him the usual Investiture³. To the first Request, the Pope answer'd, that the Emperor's Body could not be buried till all Matters were accommodated with the King of *England*. To the Second, that *Marcwaldus* could not be reliev'd without the Consent of the *Romans*; and to the Third, that *Frederick* should be crown'd King of *Sicily*, provided his Brethren the Cardinals would likewise give their Consent: When they consented, the Coronation was order'd to be perform'd, upon Payment of a thousand Marks of Silver to the Pope, and as much to the Cardinals; and besides, the Pope oblig'd *Constantia* to swear upon the Holy Evangelists, that *Frederick* was born in lawful Wedlock contracted betwixt her and *Henry*.

THE Emperor before he died made a Will, part of which is recorded by *Baronius* in his Annals, which he says he gathered from the Life of Pope *Innocent* sent him by Cardinal *Carlo de Conti*, found by him in the Archives of *Avignon*, while he was Legate there, written in a very antient Character; and it bears, that this Will was found among the Baggage of *Marcwaldus* after he had been defeated by the *Romans*, not in *Marca d' Ancona*, but in a Battle which we shall have occasion to mention in the following Book. And this Testament, full of Piety, shews that he repented him of his by-past Faults, and since he could make no other Reparation for them at the Point of Death, it lets us see that he was willing they should at least be mended by his Heir. By Virtue of which Will, according to *Roger Hovenden's* Annals of *England*, the greatest Part of *Tuscany*, which he and the preceding Emperors had taken, to wit, *Acquapendente*, *Santa Crispina*, *Monte de Falisci*, *Radicosano*, and *S. Quirico*, with all their Territories and Jurisdictions, and many other Places depending on the Pope, were restor'd to the Church by *Constantia*.

MATHEW PARIS likewise relates, that *Henry* left to the Friars of the *Cistercian* Monastery, Three thousand Marks of Silver out of the Money paid by King *Richard* of *England*, in order to make Censers for all that Order, but that the Abbot refus'd the Present, as unjustly acquir'd.

AT last Matters being adjusted with *England*, the Pope consented that *Henry's* Body should be buried, which was accordingly done in the Cathedral Church of *Palermo*, under a rich Tomb of Porphyry, which is to be seen at this Day. His Army, which not long before his Death arriv'd in *Palestine*, under the Command of Bishop *Conrade*, hearing of his Death, and that *Saladin's* Son was come into *Palestine* against them, were so struck with the bad News, that though the Soldiers were dispos'd to stand their Ground and fight gallantly, yet all the principal Officers, except the Bishops of *Verdun* and *Mentz*, shamefully fled; the Bishop of *Mentz*, by Order of the Pope, went afterwards and crown'd the King of *Armenia*, who had earnestly desir'd it.

¹ Ricc. da S. Germ. Rog. Hoven. Ann. Ang. Cron. di Fossa Nova. Pirri in festo S. Michaelis.

² Rog. Hoven. Annal. Ang.
³ Idem, Ann. Ang.

BUT now, after all these Transactions, Pope *Celestine*, after he had govern'd the Church Seven Years, died in *Rome* the Sixth Day of *January*, in the Year 1198, and *Giovanna Lotario*, Cardinal of *St. Sergius*, of noble Birth, not above Thirty Years of Age, of a most courteous Behaviour, and the greatest Scholar and Lawyer of his Time, was elected in his Place, and call'd *Innocent III.*



C H A P. II.

*The Empress Constantia takes the Government of the Kingdom.
Her Death ; and an End of the Royal Race of the Normans.*



IN the mean time the Empress *Constantia*, seeing how much the *German* Soldiers, and their Commander in Chief *Marcovaldus*, a Man of a dissolute Life, extreamly Cruel and Rapacious, were hated by her Subjects, for the Quiet of her Kingdom, dismiss'd them, with Orders to march forthwith out of *Puglia* and *Sicily*, and never to return without her Liberty¹ ; whereupon they all march'd away, and *Marcovaldus* went to the County of *Molise*, which *Henry* had given him on the Death of *Mosca in Cervello*, and that he might not be molested by the inrag'd Natives, or stopp'd by *Pietro* Count of *Celano*, or the Cardinals, who stay'd in the Kingdom, the Empress gave him a safe Conduct or Pass ; and having left *Castellains* in the Forts of the said County, he went to *Marca d'Ancona*, of which he had been made Marquis by *Henry*, where he remain'd till *Constantia* died, and then return'd to *Puglia*, where he did much Mischiefe, as shall be told.

AS soon as *Innocent III.* was crown'd Pope, he left no Stone unturn'd to get Queen *Sibilia*, her Son *William*, and her Daughters, *Niccolo* Archbishop of *Salerno*, his Brothers, and the other *Sicilian* Barons and Natives, set at Liberty ; for though the Emperor was dead, yet they were still kept Prisoners in *Germany* ; and for that end he sent Three Letters, the first directed to the Archbishops of *Spires*, *Strasburg* and *Worms*, wherein he enjoin'd them to excommunicate all those who had a Hand in keeping the Archbishop of *Salerno* Prisoner, if they did not forthwith set him at Liberty, and send him honourably to *Rome* ; and likewise to excommunicate the whole Province in which he was Prisoner : the Second was to the Bishop of *Sutri*, and the Abbot of *St. Anastatius*, ordering them to absolve *Philip* Duke of *Savoy*, *Henry's* Brother, from the Excommunication he had incurr'd, for having invaded and possess'd the Estate of the Church, provided he would procure the Liberty of the foresaid Prelate : and the Third was to the said Bishops and Abbot, injoining them, that if Queen *Sibilia*, *William* and his Sisters, and all the other Prisoners were not reliev'd from Prison, to excommunicate all those that should detain them, and interdict their Baronies². Therefore Duke *Philip*, who had married *Irene* the *Greek*, Widow of young *Roger* King of *Sicily*, mov'd with Compassion for these unfortunate Ladies, and also in Obedience to Pope *Innocent*, set them at Liberty, and sent them to the Pope in *Rome*, except *William*, who had died a little before in Prison ; but what became of them afterwards, and of *Walter* Duke of *Brenna*, who married one of these Ladies, and with arm'd Force enter'd *Terra di Lavoro*, shall be related in the following Book of this History. The Archbishop of *Salerno*,

¹ Ricc. da S. Germano.² Gesta Inn. III. V. Baluz. Epist. Inn.

and the Counts *Riccardo* and *Ruggiero* his Brothers, likewise got their Liberty, return'd to *Salerno*, and liv'd long after.

I N the mean time the Empress caus'd her Son *Frederick*, who was still in the Hands of the Duke of *Spoletto*, to be conducted to *Sicily* by the Counts of *Celano* and *Loreto*; and shortly after she demanded of the Pope the Investiture for herself and *Frederick*, which he stiffly refus'd, not willing to give it in the same Manner that Pope *Adrian* gave it to *William I.* and though *Constantia* offer'd to reward him liberally, yet he was unmoveable, unless Four Articles, of which we shall speak hereafter, formerly stipulated with King *William*, were annull'd, to which the Queen consented, and got the Investiture of the Kingdom for herself and Son, from the Hands of the Cardinal of *Ostia*, who went to *Palermo* as Legate of the Holy Church, where he crown'd them both, and took their Oath of Fealty, and a Promise of a yearly Quit-rent of 600 *Schifati* for *Puglia* and *Calabria*, and of 400 for *Marfia*. *Baronius* has recorded this Investiture, wherein are the following Words: *Quoniam Regnum Siciliae in Apostolicae sedis fide adhuc permansit, & Rogerius quondam pater tuus, & Willielmus frater, & Willielmus nepos Reges Apostolicam Sedem, & Praedecessores nostros summa constantia coluerunt, &c. contedimus Regnum Siciliae, Ducatum Apuliae, & Principatum Capuae, Neapolim, Salernum, Amalfim, Marfiam, cum iis quae ad horum singula pertinent.* 'Tis likewise recorded by *Chioccarelli*¹ and *Rainaldo*², and related by *Innocent III.* himself in one of his Letters³. *Innocent* also wrote a Letter or Brief, prescribing to her the Method she was to observe in the Election of Bishops over all her Dominions, much restricting that Authority, which by virtue of the antient Privileges and Agreements, made betwixt *William I.* and Pope *Adrian*, the Kings of *Sicily* had in these Elections; of which we shall have occasion to discourse, when we come to treat of the Ecclesiastical Polity: Wherefore *Frederick II.* was wont to complain, that *Innocent* had trick'd his Mother when he was a Child; but that he would not in the least suffer the antient Rights and Privileges of the Kings of *Sicily* to be diminish'd; which made him odious to the Popes, and was one of the Causes of the many Jars and Wars, with which *Europe* was long afflicted, as shall be related in the following Books of this History.

B U T the Empress *Constantia*, the last of the lawful Heirs of King *Roger*, falling sick in *Palermo*, departed this Life on the Fifth Day of *December 1198*. She was buried in the Cathedral Church of the same City, under a Tomb of Porphyry, close by her Husband, and the Inscription, according to *Baronius*⁴, ingraven by the Direction of a certain *Ruggiero Paruta*, a Canon of *Palermo*, not well acquainted with the Truth of her History, contains the fabulous Story of her being a Nun, and old when she was married to *Henry*.

C O N S T A N T I A, by most wicked and pernicious Advice, in her last Will, which she made Two Days before she died, left the Care and Guardianship of her Son and his Kingdom to *Innocent III.* This Deed not only occasion'd terrible Disorders, and pav'd a Way for the Popes in many Things, to incroach upon the Kingdom, as may be seen in the following Book; but likewise was the Foundation of their other pretended Claim of their being Administrators of the Kingdom, during the Minority of the Kings, even though they were not appointed Guardians by the preceding Prince, they pretending that it belongs to them by Right, as direct Lords, which *Clement IV.* actually made a special Condition in the Investiture which he gave to *Charles* of *Anjou*; and in the Course of this History we shall find many Disorders and Debates in this our Kingdom, on account of these Pretensions.

T H U S in *Constantia*, ended the Royal Race of the *Normans*, which, from the Year 1130, when *Roger* assum'd the Crown in *Palermo*, had gloriously govern'd the Kingdoms of *Puglia* and *Sicily* with Royal Title, the Space of Sixty-eight Years: Princes, who, for their noble and commendable Actions, are worthy of glorious and immortal Memory, who, in the middle of Two Empires, establish'd in *Italy* the most powerful and noble Kingdom that was in these Times in all *Europe*; and under *Roger*, and the Two *Williams*, made both the West, and the utmost Parts of the East to tremble. However, the *Norman* Blood was not quite extinguish'd in these our Provinces. There remain'd many Barons and *Norman* Counts, who, for

¹ Chioc. tom. 1. MS. jur.

² Raynal. ad ann. 1198. num. 67.

³ Inn. Ep. tom. 1. lib. 1. fol. 203.

⁴ Baron. ad Ann. 1198.

⁵ Riccardo da S. Germano, Inn. Epist. lib. 1. Epist.

a long Series of Years transmitted their Counties and illustrious Blood to their Posterity ; and on good Grounds, some of our Barons at present boast of their Descent from so renown'd and noble a Stock. And at the same Time we see how so famous a Kingdom, after the Death of *Constantia*, the last of that illustrious House, pass'd from the *Normans* to the *Suevi*. With the Death of *Constantia*, after we have related the Ecclesiastical Polity of this Century, we shall put an End to this Book, for the great and glorious Actions of *Frederick* her Son, calling us to more noble and famous Enterprizes, will furnish very ample and bright Matter for the following Books of this History.



C H A P. III.

The Ecclesiastick Polity of these our Provinces throughout all the Twelfth Century, to the Reign of the Suevi.



IN this Century the Ecclesiastick State made a more shining and bright Figure than ever. The Popes, exalted above all the Kings of the Earth, extended their Power over all Kingdoms and Provinces ; and the very Kings thought it their greatest Honour to own themselves their Vassals, and render their Kingdoms tributary to the Apostolick See ; for the Popes had made themselves Sovereigns in *Rome*, and disclaim'd all Dependence upon the Emperors ; and they made good their Pretension of making Emperors. *Rome* was become the general Court, to which not only all Ecclesiastical, but also Civil Causes, from all the Dominions of *Europe* were carried, and the Princes, with great Submission, were at the Beck of the *Roman Pontiffs* ; and in the Time of *Innocent III.* the Papacy was at its highest pitch of Grandeur. For the most part Councils were call'd by the Popes, or their Legates, wherein they made such Regulations, as they judg'd most conducive to their Grandeur ; and the Bishops were only to give their Consent. Appeals of all kinds, and from all Persons, were become so frequent, that there was no Affair whatsoever, but was immediately carried to *Rome*. The Popes had, for the most part, ingross'd the conferring of Bishopricks, because they were Judges of the Validity of Elections, though these belong'd to the Clergy, as the Ordinations did to the Metropolitans. For this end they exalted the Dignity of the Cardinals to that degree, that they were look'd upon not only as superior to Bishops, but also to Patriarchs and Primates ; and especially they confin'd the Power of electing the Pope to them. In order to demonstrate their unlimited Power, and at the same time to make advantage by it, there was nothing could happen, for which Dispensations were not easily obtain'd at *Rome*, which so enervated the Ecclesiastical Discipline, that it provok'd *St. Bernard* to declaim against the Abuse of these Dispensations, as one of the great Corruptions introduc'd into the Church.

BUT above all, what rais'd the Papacy to the Pinacle of its Glory, was, that all Disputes that happen'd betwixt the Princes of *Europe*, and Controversies among the greatest States, were referr'd to *Rome*, to be decided by the Pope, of which the many Letters and Decretals of *Innocent III.* are flagrant Proofs. The Kings of *England*, *France* and *Spain*, paid most profound Obedience to that See. The most important Affairs of their Kingdoms were manag'd by Prelates. In the Kingdoms of *Puglia* and *Sicily*, the Archbishops of *Palermo*, *Salerno*, *Messina*, *Catania*, and many other Ecclesiasticks, had the Direction of the most weighty Affairs of the

Crown. The most conspicuous Embassies were intrusted to them; and they had the Charge of the King's Household. They were of the King's Council, and gave their Advice in Matters of the greatest Consequence.

THEFORE they neglected the spiritual Government of their Churches, and only minded the Affairs of State, and acquir'd to their Churches Jurisdictions, Prerogatives and Honours, but especially temporal Riches; and by the Favour of Princes, their judicial Power was enlarg'd; for the Bishops being commonly of the King's Council, was the Cause of a vast Addition to the Authority of the Episcopal Courts; and we have seen, that the Archbishop of *Palermo* obtain'd from King *William*, that the Ecclesiastical Judges should take Cognizance of the Crime of Adultery; and the Empress *Constantia* Queen of *Sicily*, directed an Edict to the Counts, Justices, Barons, Chamberlains and Bailiffs of the Diocess of *Penne*, in which she expressly prohibits them to take Cognizance of the Crimes of Adultery, but to leave them to the Ecclesiastical Jurisdiction; and if there had been Violence made use of in committing the Crime, the Ecclesiastical Judge was to take Cognizance of the Adultery, and the secular Magistrate of the Violence, which we read in the Edict dated in *Palermo*, in the Year 1197, and recorded by *Ughellus* in his *Italia Sacra*¹. Besides, the Ecclesiasticks as more learn'd than the Laicks, were look'd upon as more fit, and better qualified to administer Justice, whence the People were easily induc'd to submit to them as Judges, and moreover, the Church not having the Power to condemn to Death, nor even to Fine, every body, in order to be more gently treated, did not only not decline, but desir'd to be subject to her Judgment. But what most contributed to the Increase of their Power, was, that Kings, Princes and Judges did not mind their judicial Power, looking on it rather as burdensome than lucrative; because they officiated Gratis, and could exact no Emoluments from the Parties, as now a Days. And more than that, when there happen'd any Struggle about Jurisdiction, the Ecclesiasticks fulminated Excommunications, as may be inferr'd from a Custom then among us, of excommunicating all those who oppos'd the Jurisdiction of the Church, every *Sunday* at Mass.

THUS the Authority of the Spiritual or Episcopal Courts arriv'd at its Height: The Bishops at first, charitably interpos'd their good Offices, in making up Differences among the Faithful, by way of amicable Composition; afterwards, by the Favour of Princes, they acquir'd Jurisdiction, and a Privilege to administer Justice to contending Parties: In process of Time, to ease themselves of this Trouble, they appointed Officers to administer Justice, and erected Tribunals with proper Judges, and constituted Clerks or Notaries to ingross their Proceedings; and in fine, thinking it too burthensome to teach the Mysteries of the Christian Faith, or administer in holy Things themselves, they establish'd Professors of Theology, to teach in the Cathedral Churches; and thus freeing themselves from the Performance of their sacred Offices; they gave themselves up intirely to Secular, Political and State Affairs. Hence it was necessary to provide the Episcopal Court with a new Body of Ecclesiastical Laws; this gave Rise to *Gratian's* Decree, for the better establishing the Ecclesiastical Jurisdiction, and the Papal Grandeur.

¹ Ughel. in Appendice tom. 7. de Episc. Pennens. p. 1327. Judicetur ab ipsa Ecclesia de ipso Adulterio, quod spectat ad Judicium ipsius Ecclesiae; & de eo quod spectat ad Judicium | Curiae nostrae de insultu, & violentia, judicetur ab ipsa Curia nostra, &c. Dat. Panormi ann. 1197.

S E C T. I.

New Collections of Canons, and Gratian's Decree.

THE Collections, which were made in the preceding Century, were the first, wherein the Canons are distributed according to the Subjects; but were almost all polluted with the many fabulous Stories of *Isidore* inserted among them. *Burcardus* Bishop of *Worms*, compos'd one divided into Twenty Books, which he intitled

intitl'd *Magnum Canonum Volumen* ¹. There's another attributed to *Anselm* Bishop of *Lucca*; but though it bears his Name, yet another must have been Author of it; for it contains some Decrees of *Urban II.* and of other Popes his Successors, who liv'd after *Anselm* ². There's another of *Adiodatus* Cardinal of *St. Eudoxia*, made about the Year 1087, at the Command of *Victor III.* ³. The other of *Gregory the Priest*, intitl'd *Polycarpus*, and that of *Bernardo di Pavia*, intitl'd, *Populetum*, have never been printed, but are preserv'd in Manuscript in the *Vatican Library* ⁴. But that which *Ivo* of *Chartres* compil'd about the End of the preceding Century, eclips'd all the others. He divided it into Seventeen Parts, and intitl'd it *Decretum*. As for the other, intitl'd *Pannomia* or *Pannormia*, attributed to the same *Ivo*, there are some, who make *Hugo* a *Catalan*, Author of it ⁵. These were the most famous Collections in these Times, and which our Churches made use of, till that so noted one of *Gratian* appear'd, which obscured all the rest, and was receiv'd with such Applause by the Canonists, that it was publicly taught in the Schools, and in a short Time had so many Commentators, that it was look'd upon as the principal Part of the Canon Law.

GRATIAN was a Monk of the Order of *St. Benedict*, who, in the Pontificate of *Alexander III.* taught Divinity in *Bologna*. He was born in *Chiufi*, a City of *Tuscany*, and it was reported that he was begotten in Adultery, and *Peter Lombard*, call'd *Magister Sententiarum*, and *Peter Comestor*, a Writer of Scholastick History, were said to be his Brothers, begotten the same Way; 'tis likewise said, that their Mother could never be brought to repent her of the Adulteries committed in begetting them, but said she was well pleas'd, that she had brought into the World Three famous great Men; and though her Confessor rebuk'd her, yet not able to prevail upon her, he at last injoin'd her, at least to express her Sorrow for her want of Repentance. But *Guido Pancirolus* ⁶ confutes all this Story as fabulous, especially, because they were not of the same Country, for *Gratian* was born in *Chiufi*, *Peter Lombard* in *Novara*, and *Comestor* in *France*.

GRATIAN compil'd this Collection in *Bologna*, in the Monastery of *St. Felice*, about the Year 1151, in the Pontificate of *Eugen III.* ⁷, and intitl'd it *Concordia discordantium Canonum*, and divided it into Three Parts. The first contains the Principles, and what regards the Canon Law in general, and the Rights and Privileges of Ecclesiastical Persons, under the Title of *Distinctiones*. The second contains the Decision of fundry particular Cases, by the help of which, many Questions are solv'd; and it's intitl'd *Causæ*. The third has for Title, *De Consecratione*, because it treats of what belongs to the Ecclesiastical Ministry, the Sacraments, Rites, Ordinations, and Consecrations. He presented it to Pope *Eugen*, but it does not appear that he confirm'd it; yet though it was not approv'd of by a publick Law of the Popes, it had both Authority and Force. It was receiv'd with so great Applause, that the Popes themselves made use of it, and tacitly promoted it, in order to raise their own Authority, and pull down that of the Emperor and other Princes; whence, in the Time of *Frederick Barbarossa*, arose the *Decretists* of the *Guelf* Faction, who stood up for the Pope, in opposition to the *Ghibellins* ⁸. Though this Work be so erroneous, immethodical, and confus'd, that the Industry and Care of many famous Professors have not been able to polish and clear it altogether ⁹; yet for all that, it gain'd so much Authority, that it engag'd all the learn'd Men, and greatest Divines of these Times to comment on it, and explain it; and its Authority was of great Weight in the Courts of Justice; insomuch that *Gratian* was commonly call'd the *Master*; and his *Decree* was publicly taught in the Academies, and those who taught it, were adorn'd with the Title of *Doctor*, which Dignity was conferr'd by the means of a Rod, whence they were first call'd *Batchelors* ¹⁰. The Opinion which the Academy of *Bologna* had of it, likewise added to its Authority, which Academy in those Times, was more noted than all those of *Italy* or *France*; besides, the great Number of Glossators made it famous.

¹ V. Mastricht Hist. jur. Canon. num. 250.

² V. Anton. August. de emend. Grat. part. post. cap. 5. & ibi Baluz. sect. 19.

³ V. Mastric. num. 273.

⁴ Idem num. 274.

⁵ Anton. Augustin. lib. 2. Dialog. 5. Stephan. Baluz. in Præfat. num. 20. V. Struv. Hist. jur. Canon.

⁶ Pancirol. de Clar. leg. Interpr. lib. 3. cap. 2. pag. 405.

⁷ V. Mastric. num. 304. Struv. hist. jur. Canon. sect. 17.

⁸ Idem loc. cit. sect. 19.

⁹ V. Anton. Augustin. de emendat. Grat.

¹⁰ Pancir. lib. 2. cap. 3.

THE first of these were *Lorenzo da Crema*, *Vincenzo Castiglione*, a great Canonist of *Milan*, and *Ugone de Vercelli*. These were follow'd by *Tancredi da Corneto*, Archdeacon of *Bologna*, who about the Year 1220. made his Glosses there; *Sinibaldo Pieschi*, who was afterwards Pope under the Name of *Innocent IV.* and *Giovanni Semeca*, call'd *Teutonico*, who improv'd all the former Glosses, and adding his own, did by the Decree, what *Accursius* did by the Pandects¹. There appear'd afterwards a vast Number of other Glossators, such as *Bernardo Bottone*, *Goffredo*, *Egidio da Bologna*, and others; among which *Bartolomeo da Brescia*, a Disciple of *Vincenzo Castiglione*, excell'd, who about the Year 1256, added his own Glosses to those of *Giovanni Teutonico*, which he corrected, improv'd, and in many Parts alter'd. When *Gregory XIII.* order'd *Gratian's* Decree to be reform'd, the *Roman Expurgators* had a great deal of Work upon their Hands, not only in purging the Body of the Decree, but likewise in clearing it from the Multitude of Absurdities, which these Canonist Glossators had added to it; whence the Proverb, *Magnus Canonista, magnus Asinista*².

IT was thought in these Times, that *Gratian's* Decree was sufficient to raise the Pontifical Authority to the highest Pitch it was capable of; but in process of Time, as Things alter'd, this Work fell short of their Expectation; so that the *Decretal* succeeded the *Decree*, which likewise came short of the Design; but from Time to Time as the Authority of the Popes increas'd, new Rules were made; whence, in Emulation of the Body of the Civil Law, they made the *Decree* answer to the *Pandects*; the *Decretal* to the *Code*, &c. and that nothing might be wanting, *Paul IV.* order'd *Gio. Paolo Lanceletto*, in Imitation of *Justinian's* Institutions, to compile the Canonical Institutions, which he did. Thus we see how, and in what manner one Empire was founded in the Heart of another.

¹ Pancir. lib. 2. cap. 3.

² Struv. loc. cit. §. 21.

S E C T. II.

The Election of Bishops and Abbots.

IN this Century the Power of the Popes with respect to the Creation of Bishops and Abbots was at its *Zenith*; for tho' the Election was left to the Clergy and Monks, and the Right that Princes had to give their Assent was not openly disputed, yet the Popes having made themselves Judges of the Validity of all Elections, the Court of *Rome* contriv'd Means, by which the Collations of Bishopricks and Abbacies were often given in *Rome*. For which end, many Conditions were made necessary before the Election; others in the Time of Election, and an infinite Number of Qualities were requisite in the Person elected; to which was added, that when any of these Conditions was not observ'd, the Electors were to lose their Power of electing, which devolv'd to *Rome*. On which account, and for diverse other Reasons and Considerations, it frequently happen'd, that Difficulties were started about the Validity of the Elections, and one of the Parties appeal'd to *Rome*, where both were generally cast, and the Election made void, and the Bishoprick or Abbacy for that Time was dispos'd of by the Pope.

BESIDES, when it was known at *Rome* that any fat Bishoprick or Abbacy was vacant, an Order was immediately dispatch'd, by which it was injoin'd, that the Election should not be made till the Pope was acquainted; and under a specious Pretence of assisting and preventing Disorders that might happen, a Person was sent to be present, and preside in the Election, by whose Means and Management, the Election fell to him who was most for the Interest of *Rome*. For these Reasons few Elections to Bishopricks or Abbacies pass'd, that were not examin'd in *Rome*; by which Means the Popes had a Hand in almost all Elections, under the plausible Pretence of Devolution for the Good of the Publick; because the Ordinary Electors had fail'd in their Duty. These Measures made use of according to the Exigency of Cases, were not in these Times so establish'd, as to have the Force of Law, but were rather Customs that might be born with, till *Gregory IX.* having collected all the

Rescripta

Rescripta which serv'd for the Grandeur of *Rome*, and applied to general Use, what was intended for one particular Place, and, perhaps, one special Case, publish'd his *Decretal*, which laid the Foundation of, and establish'd the *Roman* Monarchy.

THE Popes pretended to exercise this very same Superiority over our Churches and Monasteries, and to intrench upon the Share which our Princes had in Elections, and endeavour'd to exclude them from their Assent requisite in Elections. But *William I.* in the Peace made with Pope *Adrian*, secur'd this Prerogative by Stipulation; by Virtue of which, as we have elsewhere observ'd, the King's Assent was made absolutely necessary in all Elections, insomuch, that if the King was not pleas'd with the Elected, and did not give his Assent, he could neither be inducted nor consecrated¹.

BUT they did not fail to say in *Rome*, that this Agreement betwixt *William* and *Adrian*, was extorted by Force, while the Pope was over-aw'd by *William's* Army; so that upon any favourable Opportunity, taking Advantage of the good Nature, or Weakness of some Prince, under the specious Pretence of preventing Disorders, or that our Princes made a bad use of this Prerogative, the Popes exerted themselves, and pretended, that this Prerogative was only a Courtesy granted by the Apostolick See, and that they had e'en best make a good Use of it, otherwise it would be taken from them. And in the Reign of *William the Good*, when this Prince made use of this Right in the Election of the Bishop of *Agrigentum*, he was blam'd, as having gone out of his Sphere, and we find a Letter among those of *Peter of Blois*², directed to the King of *Sicily's* Chaplain, wherein the Pope complains, that the King had made a Brother of the Count of *Loritello* Bishop of *Agrigentum*, contrary to the Voice of the Chapter, and enjoins him, as in Duty bound, to admonish the King not to impose an unworthy Person on that Church.

BUT when the Kingdom of *Sicily* fell into the Hands of a Woman, Queen *Constantia*, then *Innocent III.* thought it was a proper Opportunity to get the Agreement betwixt Pope *Adrian* and *William I.* alter'd: In the first Place he declar'd, that he would not give the Investiture of the Kingdom, if these Articles were not moderated, and *Constantia* was actually forc'd to please him; and though, in the Investiture which he gave her and her young Son, he left them their Right of Assent, yet he in a manner tied them down to give it, whenever it was sought, and the Election canonically made³.

BUT *Innocent* not content with this, thought fit to give Directions, and prescribe Rules concerning the Elections in these Kingdoms, and by a particular Brief, dated the 19th of *November 1198.* and directed to *Constantia*, he orders the Method of proceeding in the Elections thus, That upon the Vacancy of a See, the Chapter shall acquaint the King with the Death of the Prelate, and afterwards being met, shall proceed to the Election of a qualify'd Person, and after the Election, the Person shall be declared to the King, and his Assent requir'd; and before the King's Assent is requir'd, the Elect shall neither be inducted, nor the Song of Thanksgiving sung; neither must he presume to intermeddle with the Administration⁴ till he be confirm'd by the Pope. He afterwards sent the like Briefs to all the Archbishops, Bishops, Prelates, and Clergy of the Churches of the Kingdom, to inform them of what he had

¹ Instrumentum pacis inter Gulielmum & Adrianum, apud Capecestr. hist. Neap. fol. 75. Si persona illa de proditoribus, aut inimicis nostris, vel hæredum nostrorum non fuerit; aut magnificentie nostræ non extiterit odiosa, vel alia in ea causa non fuerit, pro qua non debemus assentire assensum præstabimus.

² Petr. Blesensis Epist. 10.

³ The Investiture is recorded by Rinaldo Anno 1198. num. 67. and inserted by Innocent III. in his Letters, tom. 1. lib. 1. pag. 202. where speaking of Elections, he says thus, Electiones autem secundum Deum per totum Regnum Canonice fiant, de talibus quidem Personis, quibus vos, ac hæredes vestri requisitum a vobis præbere debeatis assensum.

⁴ We find Innocent's Brief directed to Constantia among his Letters, Epist. tom. 1. lib. 1. pag. 204. and 'tis likewise recorded by Chioccar. tom. 4. of the

MS. Jurisd. tit. de Reg. exequatur; and in tom. 19. var. thus, Sede vacante Capitulum significabit vobis, & vestris hæredibus obitum Decessoris: Deinde convenientes in unum, invocata Spiritus Sancti gratia, secundum Deum eligent Canonice Personam Idoneam, cui requisitum a vobis præbere debeatis assensum, & Electionem factam non different publicare. Electionem vero factam, & publicatam denunciabunt vobis, & vestrum requirent assensum. Sed antequam Assensus Regius requiratur, non inthronizetur Electus, nec decanetur laudis solemnitas, quæ inthronizationi viderur annexa: Nec antequam auctoritate Ponteficali fuerit confirmatus, administrationi se ullatenus immiscebit. Sic enim honori vestro volumus condescendere, ut libertatem Canonice observemus, nullo prorsus obstante rescripto, quod a sede Apostolica fuerit impetratum.

settled with *Constantia* concerning Elections; which Brief we likewise find among *Innocent's* Letters ¹.

WHEN *Constantia* died in the Year 1199, and left the same *Innocent* Guardian both of her young Son and the Kingdom, the Regal as well as Papal Power was lodg'd in his Person, so that he could manage Elections as he thought fit; but however, during his Guardianship, the Assent was no ways prejudic'd, for *Innocent* gave it in all Elections, and declar'd that he did it *Vice Regia*, or as Guardian of the young King, which is clear from his Letters directed to the Chapter and Canons of *Capua*, for the Election of their Bishop: to the Chapter of *Reggio*: to the Chapter of *Peune*; and others ². And the same Method was observ'd, not only during the Guardianship of *Innocent*, but also when *Frederick* first began to take the Administration upon himself, and was in Friendship with *Innocent*; and in *Rainald* ³, we read a *Diploma* of his directed to *Innocent*, drawn up in *Messina* in the Year 1211, whereby he prescribes the Method of Elections, and it is much the same with what *Innocent* had prescrib'd to *Constantia*.

BUT when *Frederick* was grown up to Man's Estate, and better inform'd than the Popes wish'd, he began to find out the Alterations made in the Agreement betwixt Pope *Adrian* and *William I.* by *Innocent*, and complain'd of the Injury done to his Prerogative; and that *Innocent*, having to do with a Woman, and a Minor, had reduc'd the Assent necessarily requir'd in all Elections, to a meer Ceremony, which must be given upon Demand, seeing he set himself up as Judge of all the Reasons that were alledg'd for the other Side.

THE Stiffness of *Innocent* and his Successors in asserting their Claim, and the Steadiness of *Frederick* in denying it, and maintaining, that he could refuse his Assent when he pleas'd to all Elections, and render them null when he thought fit, gave Rise, not only to the Contentions and bitter Disputes which arose afterwards betwixt this Prince and *Gregory*, *Honorius*, *Celestine*, and especially *Innocent IV.* Successors of this *Innocent*, but likewise to the grievous Disorders of our Churches; for *Frederick* often making a bad Use of this Prerogative, rejected the Elections, and was never satisfied till the Person he had nam'd was elected. The Popes on the other Hand rais'd against such Incroachments, and inveigh'd bitterly against *Frederick* for disposing of the Ecclesiastical Dignities of the Kingdom as he thought fit, whereas the Elections ought to be free, and not forc'd; and some openly resisting the King's Will, oppos'd him so strenuously, that our Churches were often long without Pastors: Some Popes more bold, did not stick, in spite of the Emperor, to make void his Elections, and without asking his Advice, to provide the Churches. In the Pontificate of *Innocent III.* the Church of *Policastro* being vacant, *Frederick* rejected all Elections, in order to have *Giacomo* his Physician elected, which the Electors, tir'd and importun'd, were forc'd to grant him. But Pope *Innocent* being apply'd to, he declar'd *Giacomo's* Election void, and confirm'd the first in favour of another, for which end he wrote to the Bishop of *Cappaccio*, and the Abbot of the Monastery of *Carva*, to see it put in Execution ⁴. For the same Reasons Pope *Gregory IX.* check'd the Emperor very severely, and was constantly inveighing against him ⁵. But the Jars on this account betwixt him and *Honorius III.* were exasperated; for many Churches of these Provinces being vacant, such Quarrels were the Cause of their being long without Pastors, wherewith *Frederick* by all Means would provide them; at which the Pope was so nettled, that he wrote to him and reprimanded him in a very tart and bitter manner; but the Emperor, with equal Spirit and Boldness, disdain'd his Letters ⁶; whereupon *Honorius*, without minding him, or his Assent, provided the vacant Sees; he made the Bishops of *Patti* and *Famagosta* Archbishops of *Capua* and *Salerno*; the Abbot of *S. Vincenzo a Vulturno* Bishop of *Brindisi*; the Prior of *S. Maria della Nova* of *Rome*, Bishop of *Consa*; and the Archdeacon of *Amalphi* Bishop of *Aversa* ⁷. *Frederick* obstinately rejected these new Prelates, and would neither suffer them to get Induction nor Possession of these Sees. Upon which the Pope and the Emperor were more bitterly incens'd against one another: The excessive Disorders and Calamities that follow'd thereupon, shall be treated of at large in the subsequent Books of this History.

¹ Epist. Innoc. tom. 1. lib. 1. fol. 205.

² Epist. Inn. ad C. Capuan. tom. 1. lib. 2. fol. 281. & Epist. ad C. Rhegin.

³ Rainald. ad ann. 1211. num. 5.

⁴ Ug. tom. 7. de Epist. Policast. n. 3. f. 789.

⁵ Greg. IX. Epist. 165. lib. 1.

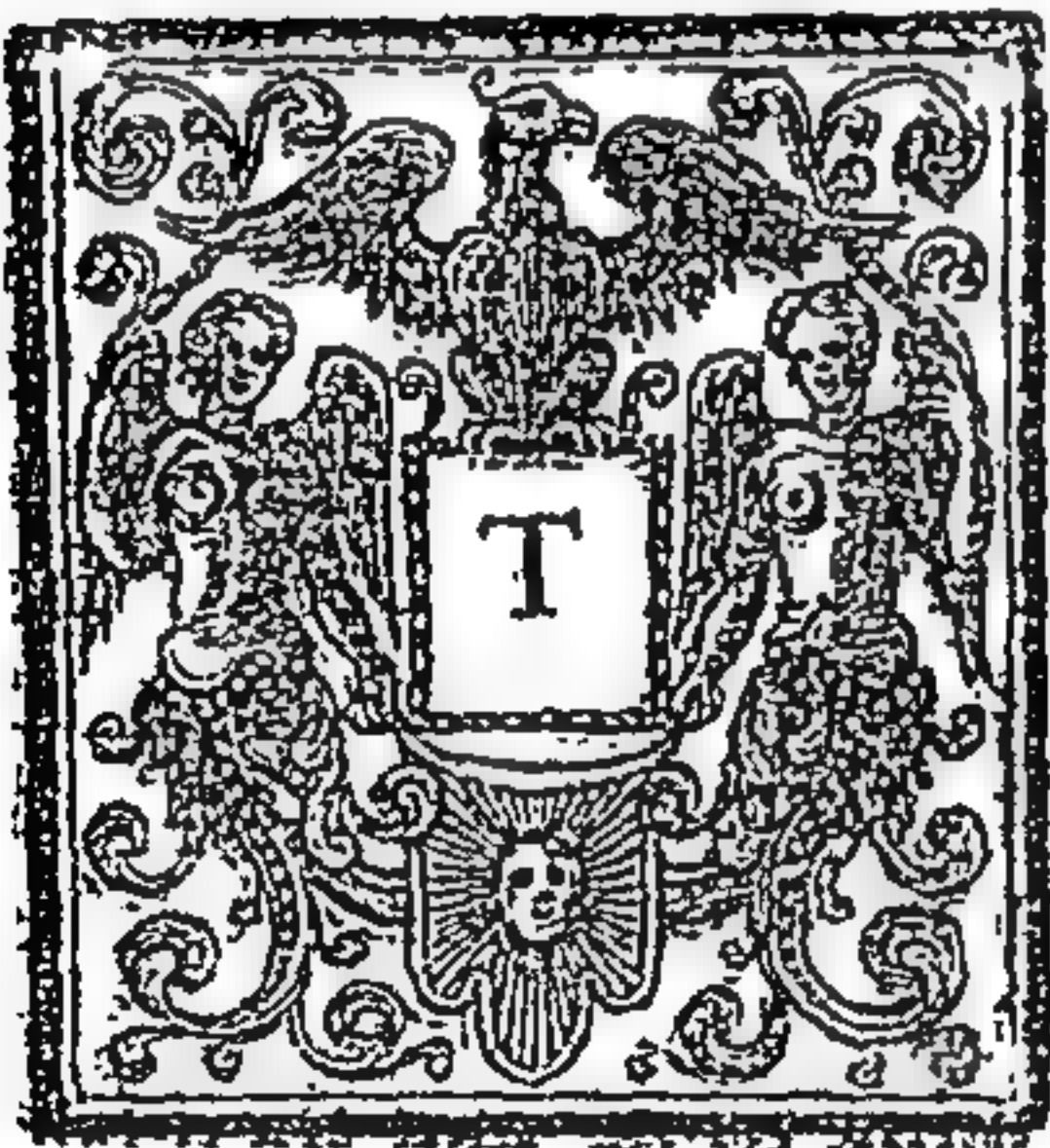
⁶ Rainald. ad annum 1221. num. 32. & ann. 1223. num. 15.

⁷ Idem, ann. 1225. num. 45.



THE
CIVIL HISTORY
Of the KINGDOM of
NAPLES.

BOOK XV.



THE *Suevi*, a People of *Germany*, who inhabited that Part of it on this Side of the *Rhine*, betwixt *Franconia*, *Bavaria*, and the Valley of *Eno*, and from whom the Dukedom of *Suevia* took its Name; came not to us by Way of Aggressors, like the *Longobards*; or as Pilgrims, in small Numbers, like the *Normans*, who had no other Right to conquer us, than what the Sword, and the Law of Arms gave them; but the *Suevi* came with their Duke the Emperor *Henry*, who had married *Constantia*, the last of the lawful Race of the *Normans*, and settled the Succession to these Kingdoms on his Son *Frederick*. This invincible Hero was descended of *Frederick Stauffem*, of a most noble Family, and a gallant Captain among the *Suevi*, to whom, on account of his noble Extraction and Bravery, the Emperor *Henry IV.* did not think it below him to give his Daughter *Agnes* in Marriage, and the Dukedom of *Suevia* for her Portion. 'Tis said, that *Suevia* of old was a Kingdom, but was since reduc'd to a Dukedom; and in our Time it likewise lost that Title; for at present no Prince of *Germany* has the Title of *Suevia*, because part of it is annex'd to the House of *Austria*, and part of it is possess'd by the Duke of *Wittenberg*; and many of its Cities are Free and Imperial, and many of them subject to the Duke of *Bavaria*. It reaches to the *Alps*, and borders upon *Bavaria*, *Franconia*, and *Alsatia*. *Frederick*, on his Wife *Agnes*, be-

¹ Collen. dec. 2. lib. 8. cap. 1.

got the Emperor *Conrade II.* who was Father of *Frederick I.* call'd *Barbarossa*, who was Father of *Henry*, who married *Constantia*, the Daughter of King *Roger*, by whom he had *Frederick II.* who, by Right of his Mother, became King of *Sicily* and *Puglia*. Wherefore, of all Nations, the *Suevi* boast of having the most lawful and just Title to these Kingdoms; and they justly complain, that by the Power and bad Offices of the Popes, they were taken from them, and transferr'd to the *French* of the House of *Anjou*.

P O P E *Innocent III.* following the same Foot-steps with his Predecessors, by his exquisite Management, had gain'd ground wonderfully upon these Kingdoms; for besides the Right of Investiture, he claim'd to be acknowledg'd direct Lord of them, in the same Manner as other Princes are Lords of the Fiefs of their Barons and Vassals; and consequently to exercise in them the Supreme Royal Prerogatives. He openly declar'd in his Letters, that the Property of these Kingdoms belong'd to the Apostolick See; and therefore, laying aside *Constantia's* Will, he reckon'd that the Guardianship of the young King and his Kingdom, of Right belong'd to him. But at first, by reason of *Marcovaldus* and the *Sicilians*, he conceal'd his Sentiments, and pretended to take the Charge as Guardian, by virtue of *Constantia's* Will; and therefore upon the News of the Empress's Death, and of her Will, he gladly accepted of the Guardianship, and immediately began to exercise it, by writing to the Archbishops of *Palermo*, *Reggio* and *Monreale*, and to the Bishop of *Troja*, who had the Care of the King's Person, that he had accepted of the Guardianship left him by the Empress *Constantia*, not only in Word, but in Deed¹. But the Deeds were such, as after *Constantia's* Death made it evident, that *non tam tutelæ nomine*, as *Naucerus* says², *quam sui juris tuendi causa*, *Siciliam*, & *Apuliam administrabat*.

I N the mean Time, *Innocent* sent *Gregorio da Galgano* Cardinal of *St. Maria in Portico*, his Legate to *Sicily*, to take the Government of the Island upon him; who, on his Arrival, tender'd the Oath of Fidelity to the abovesaid Archbishops, Bishops, &c. in the Name of *Innocent*. But that did not go well down with the Great Chancellor, and those of his Party, who would have no Superior in that Matter, so that they were soon at open Enmity with the Legate, and minded their own Conveniency more than the King's Advantage, which made the Cardinal Legate send Orders over all *Sicily* and *Puglia*, for every Person to acknowledge the Pope as their Governor, and the young King's Guardian, and then return'd to *Rome*.

O N the other Hand, *Marcovaldus*, who, as we have said, with all his *Germans*, was banish'd the Kingdom by *Constantia*, hearing of her Death, forthwith assembled a numerous Army of his Friends and Followers, and others whom he enlisted into his Service; and being aided by some native Barons, and by *Guglielmo Caparone*, *Frederick* and *Diapoldus*, and other *Germans*, to whom *Henry* had given Estates and Baronies in *Puglia* and *Sicily*, in a hostile Manner enter'd the Kingdom, and first attack'd the County of *Molise* (where he had many Castles still kept for him) and without the least Resistance, made himself Master of it. Then he sent to require *Roffredo* Abbot of *Monte Cassino*, to join him, and acknowledge him for *Frederick's* Guardian, as the Emperor *Henry* (so he pretended) had constituted him: But the Abbot perceiving that *Marcovaldus's* Intention was not to preserve, but to seize upon the young King's Inheritance, rejected his Message, excusing himself, that he had already sworn Obedience to the Pope as Guardian: Upon which *Marcovaldus* declar'd War against the Abbot, and this Year 1199, enter'd the Lands of the Abbey, and in an Instant took and burnt many Places belonging to it, and then laid Siege to *St. Germano*, whither the Abbot had gone to stand on his Defence³. Mean while *Innocent* sent *Giovanni Galloia*, a *Roman*, and Cardinal of *St. Stefano* in *Montecelio*, and *Gerardo Allucingolo da Lucca*, Cardinal of *St. Adrian*, into *Terra di Lavoro*, with Six hundred Soldiers under the Command of *Landone da Montelongo*, Governor of *Campagna di Roma*, who hearing, that *Marcovaldus* design'd to besiege *St. Germano*, conven'd another Body of Soldiers from *Capua*, and the neighbouring Castles, in order to oppose him; and having join'd the Abbot *Roffredo*, they were

¹ Innoc. epist. lib. 1. Per effectum operum | Imperatrice relictum, non tam verbo, quam poteritis evidenter cognoscere, quod Tutelam | factis recipimus.

Regis, & Regni Bajulam nobis a Constantia

² Naucler. generat. 34.

³ Riccar. da S. Germ.

fully resolv'd to defend the Place. But soon after, *Diopoldus*, with a good Number of *Germans*, coming to *Marcovaldus's* Assistance, possess'd themselves of the Hill that overlooks the City, and forc'd the Besieg'd to abandon it, and retire to the Monastery of *Monte Cassino*; whereupon *Marcovaldus* having enter'd the deserted City, us'd the Inhabitants, both Men and Women, in a most barbarous and cruel Manner, burnt the Place, and then went to plunder the other Places belonging to the Order of *St. Benedict*; they afterwards laid close Siege to the Monastery of *Monte Cassino*, and the Fort in which *Landone* had fortify'd himself and the Inhabitants, and endeavour'd to take them by Storm, in attacking the Walls and Trenches, but in vain, for they were gallantly repulsed with great Loss on their Side.

*RICCARDO da S. Germano*¹, an Eye-witness, relates, that on the Feast of *St. Maurus*, the Air being very clear, on a sudden became cloudy, and so great a Storm of Rain mix'd with Hail, Lightning, and terrible Thunder, accompanied with a boistrous Wind, arose, and came pouring down upon the *Germans* that were incamp'd in the craggy Cliffs of the Hill, that it threw down and broke their Tents, and forc'd them in all haste to raise the Siege; but for all that, *Marcovaldus* did not give over his Barbarity, but in going down the Hill burnt the Castle of *Plumbarola*, and *St. Elia*, and returning to *St. Germano*, he threw down the Walls, Gates, and the best Houses, and made a great Slaughter over all the Neighbourhood, allowing the *Germans* even to pillage the Churches, without any Respect or Fear of God, and the Saints to whom they were dedicated.

THESE Calamities so much afflicted Pope *Innocent*, that to remedy them in some Measure, he first excommunicated *Marcovaldus* and all his Followers², and then he wrote to the Archbishops of *Reggio*, *Capua*, *Monreale*, and *Troja*, to assemble an Army sufficient to oppose *Marcovaldus*, and put a Stop to the Mischiefs he was committing, in which Letters the Pope sets him out in his true Colours. And he wrote to the same Purpose to the Clergy, Barons, Judges, Knights, and the People of *Capua*, telling them besides, that he had sent his Legates with a great Sum of Money to *Pietro* Count of *Celano*, of the Race of the Counts of *Marsi*, to *Riccardo* Count of *Teano*, and other native Barons, to raise Soldiers for that end; and if there was Occasion, he would publish a Crusade against *Marcovaldus*, that all those who would take up Arms against him, should have a general Pardon for all their Sins, as if they had gone beyond Sea to fight against the *Turks*; and he wrote the same to the Bishops, Abbots, and Priors of *Calabria*; likewise ordering them, every Sunday and Holy-day, publicly to curse *Marcovaldus* and his Adherents; and in like Manner he wrote to the Bishops, and other Prelates of *Sicily*, and to all the Barons, Counts, and People of both Kingdoms.

BUT *Marcovaldus's* Soldiers still continued to destroy the Places belonging to *Monte Cassino*, and to pillage the Churches, and rob the Ornaments of the Altars; therefore when the Abbot *Roffredo*, unable to bear so great Calamities, offer'd him a round Sum of Money, he made Peace with him, and upon Receipt of the Money, *Marcovaldus* march'd out of the Territories of the Monastery, without doing any more Damage, and went to make War elsewhere.

AT the same Time *Riccardo dell' Aquila* Count of *Fondi*, not able by any other Means to protect his Estate, agreed with the *Germans*, notwithstanding that *Innocent* had wrote to him to the contrary, and married one of his Daughters to a Brother of Count *Diopoldus*, nam'd *Sigisfred*, to whom *Marcovaldus* had intrusted the Command of *Pontecorvo*, *S. Angelo*, and *Castelnovo*, important Places on the Borders of the Kingdom. But shortly after, while *Diopoldus* was running up and down the Country, gaining Friends to *Marcovaldus*, not minding sufficiently the Security of his own Person, he was made Prisoner by *Guglielmo S. Severino* Count of *Caserta*, who, as the Pope had desir'd him, as long as he liv'd, would never set him at Liberty; but he dying shortly after, his Son likewise nam'd *William*, by Agreement with *Diopoldus's* Friends, gave him his Liberty, and married one of his Daughters, which was of great Detriment to the Kingdom, by the Mischiefs that *Diopoldus* committed afterwards.

IN the mean Time *Marcovaldus* (according to the Chronicle of an uncertain Author, preserv'd in the Library of the great Church of *Foix* in *France*, printed

¹ Riccardo's Chronicle printed in the 3. tom. of Ughello's Italia Sacra.

² Brovio tom. 1. anno 1199. Anathematizamus Marcovaldum, & omnes fautores ejus.

and bound with the Collection of *Innocent's* Letters) endeavour'd to make Peace with the Pope, by the Means of *Conrade* Archbishop of *Mentz*, (who, in returning from the Holy Land had disembark'd in *Puglia*) and promis'd, provided the Pope would not disturb him in the Conquest he had resolv'd to make of the Kingdom, to give him Twenty thousand Ounces of Gold, and to swear the usual Oath of Fealty which the Kings of *Sicily* were wont to take to the Popes, and besides, he gave him to understand, that his having taken *Frederick* under his Protection, ought to be no Obstacle, because he would convince him to a Demonstration, that that Child was spurious, and none of *Constantia's* or *Henry's*.

BUT the prudent Pope knowing the pernicious Designs of *Marcovaldus*, and his Thirst after Government, gave no Credit to his Lyes; therefore *Marcovaldus*, without insisting on the former Proposal, endeavour'd by other Means to be at Peace with *Innocent*, and be absolv'd from the Excommunication. The Pope sent to him *Ottaviano* Cardinal of *Ostia*, *Guidone di Papa Romano* Cardinal of *St. Maria Trastevere*, and *Ugolino de Conti*, his Nephew, Cardinal of *St. Eustach*; to command him in his Name to comply with all the Orders he had sent relating to the Facts, for which he had been excommunicated, and to take his Oath for performing the same, and then to absolve him from the Censures, and receive him into the Bosom of the Church; but this *German*, who had other Designs in his Head, by the Means of *Lione da Montelongo*, a Cousin of the Cardinal of *Ostia*, endeavour'd, both by Intreaties and Menaces, to divert the Cardinals from laying such Commands upon him, but all in vain; for Cardinal *Ugolino* publicly order'd him, in Name of the Pope, not to molest the Inhabitants of the Kingdom any more, nor to concern himself with the Government thereof; to restore all the Places that he had made himself Master of in *Puglia* and *Sicily*, and make up the Damages he had done to the Church of *Rome*, and the Abbot of *Monte Cassino*; and moreover not to disturb the Prelates and other Ecclesiastical Persons: To which he answer'd, That at present he could not take such an Oath, but that he would appear in Person before the Pope, and swear to observe all; and having courteously taken his Leave of the Cardinals, he return'd to his former wicked Practices, and did what he could by his Messengers, to make the People believe that he had made up Matters with the Pope, who had confirm'd him Administrator of the Kingdom.

BUT the News of this coming to the Pope, he, by his particular Letters made it appear to be a Lye, and a Fetch of *Marcovaldus*; who, seeing all Hopes of putting his Designs in execution in *Puglia* vanish'd, resolv'd to go over to *Sicily*, where he thought, with less Difficulty and Opposition, to bring about his wicked Purposes. But before he undertook this Voyage, he laid Siege to *Avellino*, which he found was not to be taken easily, because of the gallant Defence of the Citizens, who, to be rid of him, gave him a good Sum of Money, upon which he rais'd the Siege. He afterwards took *Vallata* by Storm, and gave it up to be plunder'd by his Soldiers, and as he was going on to do more Mischiefe, he was met by *Pietro* Count of *Celano*, with a good Body of Soldiers which he had assembled in the County of *Marfi*, and being afraid to fight him, he return'd to the County of *Molise*, where, because he was not able to defend the City of *Isernia*, then in his Possession, he robb'd the Citizens of all their Goods, and from thence march'd to *Teano*, to vent his Fury against that City, but was repuls'd. At last he left *Diopoldus*, *Otbo*, and *Sigisfred* his Brothers, *Corrado di Marlei* Lord of *Sorella*, *Ottone di Laviano*, and *Federico di Malento*, to preserve his Friends in *Terra di Lavoro*, and other Parts of *Puglia* in his Interest, and with a good Body of *German* Troops march'd to *Salerno*, which sided with him, where he embark'd and sail'd with a Fleet ready for that Purpose, and landed in *Sicily*.

THE Governors of the Kingdom of *Sicily*, hearing of *Marcovaldus's* Voyage for that Kingdom, by several Messengers, begg'd Assistance of Soldiers from the Pope, and a Person of Worth to command them; the Pope sent them at this Time *Cintio Cincio* a *Roman*, Cardinal of *St. Lorenzo in Lucina*, and *Giacopo* his Counsellor, Cousin and Marshal, with 200 Horsemen hired at his Charges, and with them *Anselmo* Archbishop of *Naples*, and *Angelo* Archbishop of *Taranto*, Men of great Wisdom, to be assisting with their Advice. These having gone to *Calabria*, drove out *Frederick* the *German*, who was miserably harrassing that Province, and having afterward cross'd the Straits of *Messina*, they arriv'd in that City, which was most faithful to the young King, and steady in his Interest during all these Commotions rais'd by *Marcovaldus*.



C H A P. I.

The Expedition of Walter Count of Brenna against the Kingdom of Sicily, on account of the Pretensions of his Wife Albinia.

U'T tho' *Marcovaldus* quitted our Kingdom, yet it was not free from other Calamities; for a new Pretender started up, who, with foreign Forces likewise endeavour'd to conquer it. This was *Walter* Count of *Brenna* a Frenchman, whose Pretensions were founded thus; Queen *Sibilia*, as we have said, by the Means of Pope *Innocent* was deliver'd from Prison in Germany, by *Philip* of *Suevia*, and had gone to *France* with *Albinia* and *Mandonia* her Daughters, and had there married *Albinia* the Eldest to *Walter*, of noble Descent, great Courage and Wisdom. About the End of this Year 1199. he, with his Wife big with Child, and his Mother-in-Law, came to *Rome*, and threw himself at the Pope's Feet, begging that he would do him Justice with respect to the Kingdom which belong'd to *Albinia*. He insisted upon it, as a Thing known to every Body, that the Emperor *Henry* had given to *William*, in Lieu of the Kingdoms of *Sicily* and *Puglia*, which he renounc'd, the County of *Lecce*, and the Principality of *Taranto*, which he afterwards took from him without any Reason. This Request much perplex'd the Pope, who thought it would be of dangerous Consequence to allow the Count to enter the Kingdom, lest he should revenge the Injury done his Mother-in-Law and Brother-in-Law by the deceas'd Emperor, on the Son, whose tender Age afforded a fair Opportunity, and which would turn the Kingdom upside down; and on the other hand he foresaw, that if he should shut his Ears to the Demand, it would so irritate the Count, that he would be ready to join the King's Enemies, and thereby kindle a cruel and bloody War; therefore he judg'd it convenient to give him the County of *Lecce*, and the Principality of *Taranto*, but first he was to make him take an Oath in the publick Consistory, on no other Pretence to disturb the Kingdom, nor do any Prejudice to *Frederick*; but before this was to take Effect, he resolv'd to acquaint the Governors of *Sicily*, who had the Charge of the young King, to whom he wrote that Letter which we find in the Register of his Letters; which begins thus, *Nuper dilectus filius noster nobilis vir*, &c.

BUT *Gualtieri* Archbishop of *Palermo*, being more afraid for himself, than for the King, on the Receipt of this Letter was exceedingly vex'd; for he and all his Adherents having been bitter Enemies to *Tancred*, and great Friends to *Henry* in the Conquest of the Kingdom, he thought, that if the Count should once enter it, he would endeavour to revenge the old Offence; for which Cause he publicly inveigh'd against the Pope, who being only Guardian of the King, and Administrator of the Kingdom, pretended to dispose of Principalities and Counties at his Pleasure, as if he were Lord of it, to the great Detriment and Diminution of the Crown; he assembled the People of *Messina*, and with all his Might oppos'd this Grant, blam'd *Innocent*, and stirr'd up the *Sicilians* to resist such an outrageous Incroachment. The Count being appriz'd of this, and finding that the Pope's Interest alone would be of no Service, but that he must have recourse to Arms, he left his Mother-in-Law and Wife in *Rome*, and return'd to *France*, in order to raise Soldiers for invading the Kingdom.

IN the mean Time *Marcovaldus*, who, upon his landing in *Sicily*, had quickly brought over the *Saracens* of the Island to his Party, with their Assistance had made himself

himself Master of many Cities and their Castles, and marching to *Palermo*, he laid close Siege to it for Twenty-two Days; whereupon the Cardinal Legate, and the Archbishop *Gualtieri* resolv'd, in all haste to march to the Relief of that City with the Soldiers they had already drawn together; where being arriv'd, they incamp'd in the magnificent Garden which King *William I.* had made, with design to give *Marcovaldus* Battle the next Day, who, smelling out their Intent, thought fit to raise the Siege, and keep them in suspense, without risking a Battle; and knowing that the Pope's Troops were suffering for want of Money and Provisions, he sent *Ranieri Menente* with proper Instructions to propose a Peace. But the Soldiers perceiving his treacherous Intentions, unanimously rejected the Message. Notwithstanding which, the King's Counsellors were for hearing his Demands, and inclin'd to make Peace with him; but *Bartolomeo*, a Domestick of the Pope's, a cunning Man, and zealous for the Honour of his Master, resolving to put a Stop to this disadvantageous Agreement, in the Midst of the Meeting presented Letters from the Pope, whereby he expressly forbids to make any Agreement or Peace whatsoever with *Marcovaldus*. Whereupon *Gualtieri* the Archbishop of *Messina*, *Caro* Archbishop of *Monreale*, and the Archbishop of *Ceffalu*, who were with *Ranieri* drawing up the Articles of Peace, being appriz'd of the Pope's Mind, and that the Army and the *Palermians* would not hear of a Peace, but were ready to mutiny, and fly in their Faces, broke off the Treaty, and gave liberty to fight the *Germans*. The Battle began betwixt *Palermo* and *Monreale*, which had been taken and garrison'd by *Marcovaldus*, and was fought with incredible Bravery, from Three a Clock of the Day till Nine; but at last, after a great Slaughter on both Sides, the Pope's Troops, by the Valour of *Giacopo* his Marshal, carried the Day; for he twice rally'd his Men, and repuls'd the *Germans* and *Saracens*, who had oblig'd the first Squadrons of his Army to give way, and he shew'd himself no less a brave Soldier, than a skilful Commander, and to whom the Victory was chiefly owing. *Marcovaldus* lost a great Number of the best Soldiers of his Army, and among the rest the abovemention'd *Ranieri Menente*; his Camp was likewise plunder'd, wherein was found a rich Booty; *Monreale* was also besieg'd and soon taken, and the greatest Part of the Garrison put to the Sword. *Marcovaldas* having lost all his Riches, fled, and was not heard of by his own People for some Time. Amongst his Baggage was found the last Will of the Emperor *Henry*, seal'd with the Golden Seal, part of which is recorded by *Baronius* in his Annals. *Anselm* Archbishop of *Naples*, who was then in the Army, wrote a particular Letter to the Pope, acquainting him with all that had pass'd; the Governors of the young King and Kingdom, willing to reward the Bravery of *Giacopo* the Marshal, in the Name of *Frederick* gave him the County of *Andria*, which he possess'd for a long Time: Thus did these Governors believe that it was in their Power to give Investiture, and the Pope as Guardian did not fail to make use of his Authority, by investing his own Brother with the County of *Sora*, of which we shall have occasion to speak in a more proper Place.

BUT the Pope's Soldiers, partly by the Heat of the Season, and partly by the Fatigues of War, began to fall sick, and die in great Numbers, so that Count *Giacomo* thought fit to return to *Puglia*. Soon after the Archbishop of *Palermo* died, and *Gualtieri della Pagliara*, Chancellor of *Sicily*, and Bishop of *Troja*, got the Canons of that City to elect him Archbishop (they made no Difficulty in these Times to give two Bishopricks to one Person) and the Cardinal Legate to allow of the Election, and he took the Badges and Possession before he receiv'd the *Pallium*, and the Pope's Confirmation, for which the Legate was severely reprimanded¹; whereupon *Gualtieri* was so disgusted, that he wrote more freely to the Pope concerning the Affair of the Count of *Brenna*, as we shall afterwards take notice of.

WHILE these Matters were in Agitation, and the new Year 1200 already begun, *Diopoldus* committed a great deal of Mischief in the Kingdom; for tho' he had made Peace with the Abbot *Roffredo*, and had sworn upon the Evangelists in *Venasfro*, not to molest the Inhabitants of the Lands of the Monastery, yet one Night on a sudden he attack'd those of *S. Germano*, and took the Place without Resistance, pillag'd and ruin'd it; and the Abbot *Roffredo*, with *Gregory* his Brother, who liv'd there, fled to *Atino*, from whence they went to the County of *Marsi* to beg Assistance from

¹ In Ep. apud Brov. ann. 1192. num. 12. & in antiq. col. Decr. 3. tit. de Offic. Deleg. cap. nū specialis.

Pietro Count of *Celano*, but in vain; but *Sinibaldo* and *Rinaldo*, of the same Family of the Counts of *Marfi*, who are now call'd Counts of *Sangro*, sent them all the Plate and ready Money they had, with which the Abbot enlisted some Soldiers, and march'd with them privately in the Night-time to *Monte Cassino*. As soon as *Diopoldus* heard of the Abbot's Arrival, fearing that he had brought a greater Number of Soldiers along with him, he immediately march'd off, and left *S. Germano* void of Inhabitants, and the Abbot went and fortified it with new Walls and Towers. *Diopoldus* soon after engag'd near *Venafro* with the Count of *Celano*, whom he defeated and put to flight, and made *Berardo* his Son Prisoner, and with the other Prisoners of *S. Germano*, shut him up in the Castle of *Arce*.

IN the Year 1201. the Count of *Brenna*, who had gone to *France* to levy Soldiers, return'd to *Rome*; and tho' he brought but a small Number with him, yet all of them had given Proof of their Bravery; with these resolving to enter the Kingdom, he was look'd upon as a Fool and a Mad-man, to undertake such an Enterprize with a Handful of Men. And Count *Diopoldus* being appriz'd of his coming, assembled a numerous Army of *Germans* to meet him, and drive him out of the Kingdom. The Pope, fearing that if any Misfortune should happen to the Count of *Brenna*, it would animate the *Germans*, gave him Five hundred Ounces of Gold, to enable him to raise more Soldiers¹, and likewise wrote many Letters directed to the Counts, Barons, and People of the Kingdom, to receive him into their Cities and Castles, and assist him against *Diopoldus*. With this Supply the Count with his Wife *Albinia* boldly enter'd *Terra di Lavoro*, and being join'd by the Abbot *Roffredo*, who with a good Number of Men came to his Assistance, he besieg'd *Teano*, and quickly took it; and thereafter, by the Favour of *Riccardo* Archbishop of *Capua*, who was a Son of the Count of *Celano*, he likewise got the Castle of the City of *Capua*: While he was making some stay near that City, *Diopoldus* came upon him with a great Army, and thought to gain an easy Victory, because of his superior Strength; but it fell out quite otherwise, for *Walter* and his Soldiers fighting with unusual Bravery, gave the *Germans* such a Shock, that after a great Slaughter they broke them and forc'd them to fly; and after the Victory, they, together with the *Capuans*, who came out to partake of the Booty, plunder'd their rich Tents. After the Battle the Count of *Celano* join'd *Walter*, and together with the Abbot, and the Archbishop *Riccardo*, march'd to besiege *Venafro*, which they quickly took and burnt; and after some more fortunate Steps, *Walter* became Master of the greatest Part of the County of *Molise*, and the Abbot *Roffredo* likewise recover'd *Pontecorvo*, *Castelnovo*, *Frattura*, Places belonging to his Abbey, from *Diopoldus*.

THE *Germans* upon this were so terrified, that they shut themselves up within their Forts; whereupon, in the Beginning of the Year 1202, Count *Walter*, with the Count of *Celano*, the Abbot *Roffredo*, and the Cardinal *Galloccia*, who exercis'd the Office of Legate in *Puglia*, march'd in order to conquer the Principality of *Taranto*, and the County of *Lecce*, which, with *Brindisi*, and other Places of that Principality presently surrender'd; and shortly after *Lecce* with its Castle, *Melphis*, and *Montepiloso* follow'd their Example; but *Monopoli* and *Taranto* standing it out, were besieg'd.

BUT this Success of the Count of *Brenna* in *Puglia* was very displeasing to the *Sicilians*, especially to *Gualtieri* Archbishop of *Palermo*, who had usurp'd all Authority and the Government of that Island, and gain'd the rest of the King's Friends over to his Party, by givingt hem Counties, Baronies, and the Government of Cities and Provinces, and other Offices and Dignities in order to strengthen his Faction. Besides he dispos'd of the Royal Treasure and Revenues at his Pleasure, notwithstanding the Pope's Order, that nothing should be done without the Consent of all the King's Governors, and in some most weighty Affairs, he even reserv'd his own Consent; and *Gualtieri*, for the more easy compassing his own Ends, sent for his Brother *Gentile della Pagliara* Count of *Manopello*, and had so great a Mind to raise his Fortune, that, according to the Chronicle of *Foix*, he had resolv'd to dispatch the young King out of the way, and make *Gentile* King of *Sicily*; and, according to the same Chronicle, *Marcovaldus* twitted him with this, when, being bitter Enemies, they reproach'd one another with their Villanies.

¹ Riccard. da S. Germ.

GENTILE was immediately made one of the King's Council, and began to treat of Peace with *Marcovaldus*, tho' excommunicated, and an Enemy to the Pope, which took Effect, and *Gualtieri* made him Chief of all the Counsellors, and divided the Government of the Kingdom betwixt them two, that the one might govern in *Sicily*, and the other in *Puglia*. They cemented their Friendship by Alliance, *Gentile's* Son marrying *Marcovaldus's* Niece. *Gualtieri* in the Name of the young King commanded all the Subjects to pay Obedience to his Orders; and leaving the Charge of the King's Person, and the Royal Palace in *Palermo* to his Brother, he went to *Calabria* and *Puglia*, where with incredible Rapacity he robb'd the Churches of all the Sacred Vessels and precious Ornaments, and impos'd Taxes on Cities, Castles, and private Men, and then as lavishly squander'd away what he had thus plunder'd, being as covetous to scrape together a Sum of Money, as he was prodigal to throw it away. He likewise exclaim'd against the Pope, and said, that in place of Guardian of the King and Kingdom, he had become a cruel Enemy to both, by assisting the Count of *Brenna*, who was ravaging *Puglia* in order to take it from the King; and that instead of opposing him, he had furnish'd him both with Men and Money. And in the mean Time was soliciting the Barons of the Kingdom to enter into an Association against the Count of *Brenna* and the Pope, to drive the one out of *Puglia*, and deprive the other of any Share in the Administration.

P O P E Innocent, who was appriz'd of all his Steps, did not neglect to provide a Remedy, for having often admonish'd him to forbear such Enterprizes, tho' in vain, at last he excommunicated him, and depriv'd him of the Archbishoprick of *Palermo*, the Bishoprick of *Troja*, and the Office of Chancellor of *Sicily*, and gave the Churches to others, and order'd all the Subjects not to obey him in any Thing under Pain of Excommunication. This Thunderbolt hit the Bishop so home, that in an instant he lost all Credit with the People, who generally hated him, and for fear of Excommunication would no more obey him, so that he became the Laughing-stock of every Body. Therefore the other Counsellors, who were of his Faction, began to be terribly afraid of themselves, which made them write very submissively to the Pope in the King's Name, interceding for *Gualtieri*, and excusing themselves; which *Innocent* answer'd by that Letter taken out of the abovemention'd Chronicle, and to be found in the Collection of his Letters¹, which deserves to be read, because it gives a particular Account of the Count of *Brenna's* entering the Kingdom, which has been very confusedly related by the Writers of our Annals.

GUALTIERI being disheartened, sought to make up the Difference betwixt the Pope and him, and going to *Puglia*, on his Knees he swore to the Cardinal Legate to obey whatever he should command; but when the Legate order'd him not to oppose the Count of *Brenna* in the Conquest of the Principality of *Taranto*, and the County of *Lecce*, he answer'd him boldly, that if the Apostle *Peter* was sent by *Jesus Christ* with such Orders, he would not obey them, tho' he was sure to be condemn'd to the Fire of Hell; and blaspheming, and cursing the Pope to the Legate's Face, transported with Fury, he left him, and went to join Count *Diopoldus*².

M E A N while *Diopoldus*, with the Count of *Manieri* his Brother, and the Count of *Laviano*, having gone to *Puglia*, had assembled a great Army to drive the Count of *Brenna* from the Places which he had made himself Master of in that Province, and spirited up all the other Barons to go upon that Expedition against the Count, who, as he said, was an Enemy to the King, and had a Mind to usurp his Kingdom. But when they came to join Battle, on the sixth Day of *October*, in the famous Field of *Canne*, where *Hannibal* the *Carthaginian* gave *Flaminius* and *M. Varro*, *Roman* Consuls, that memorable Defeat; tho' the Count of *Brenna* was catch'd napping, and the Number of his Army much inferior to that of *Diopoldus*, yet for all that, he and his Men fought so gallantly, that after a great Slaughter, and many Prisoners taken, he gain'd the Victory; among the Prisoners were found *Sigisfred*, *Diopoldus's* Brother, and Count *Ottone di Laviano*; with great Difficulty *Riccardo* with the Count of *Manieri* escap'd to the City of *Salpe*, and *Diopoldus* to the Castle of *S. Agatha*³.

¹ Epist. Inno. III. *which begins*: Utinam puerilibus annis virilem animum Dominus inspiraret, &c.

² Riccar. da S. Germano.

³ Chron. de Ric. de S. Germ. Cum ipso campestre bellum inierit ad Cannas: At Cancellarius cum Diopoldo, per ipsum Comitem 6 Octobris devicti sunt, & fugati. Chron. de Foix. Chron. de Fossanova.

COUNT *Gentile*, who had the Charge of young King *Frederick* in *Palermo*, brib'd with a great Sum of Money, made *Marcovaldus* Master not only of the City of *Palermo*, but of all the Island of *Sicily*, except *Messina*; and had it not been for fear of the Count of *Brenna*, who, by Right of his Wife, would have pretended to the Crown, he could easily have put the King to death, and usurp'd the Kingdom, which he deferr'd till a more fit Opportunity; mean while, notwithstanding the Repulse he had formerly got, he was endeavouring, by the Power of Money, to take off the Pope from protecting *Frederick*, and to get the Count of *Brenna* to return to *France*, and quit his Pretensions. But behold all his Designs were blasted by Death, which confounds and overthrows all human Devices; for not long after, being troubled with a Stoppage of Urine, occasion'd by a Stone in the Reins, he was so tormented with severe Pains, that, not able to bear them longer, he caus'd himself to be cut; but the Operation had no Effect, for about the end of this Year 1202, he died suddenly under the Sentence of Excommunication, which put an End to his vast Ambition, and Thirst after a Crown. The Author of *Innocent's* Acts makes him die of this Operation; but *Riccardo da S. Germano* says, it was of a Dysentery¹.

COUNT *Diopoldus* was now tied up from doing any more Mischief in *Puglia*, and in the Year 1203, by the Means of the Count of *Brenna's* Faction, he was made Prisoner by the Castellain of the Castle of *St. Agatha*, whither he had fled for Shelter; nevertheless his Imprisonment was of no Service to the Count, for soon after the same Castellain, brib'd with Money and Promises, set him at Liberty.

THE Death of *Marcovaldus* occasion'd new Revolutions in *Sicily*, for *William Caparon*, a German Captain, no sooner heard of it, than he went to *Palermo*, and took Possession of the Royal Palace, and the King's Person, and took the Title of *The King's Guardian, and Governor of Sicily*: Which displeas'd *Marcovaldus's* Followers, who refus'd to obey him, and form'd another Party, to the great Detriment of the Affairs of the Island.

GUALTIERI della Pagliara thinking this a fit Opportunity to recover his former State, wrote to the Pope, desiring to be absolv'd from Excommunication, and that he was willing to obey him in whatever he should command, and employ all his Power for the Service of the Holy See: *Innocent* readily granted his Request, whereupon he went over to *Sicily*, and reassum'd the Office of High Chancellor without Opposition, and wrote Letters to *Innocent*, in which he declar'd that he would, to his utmost, promote *Frederick's* Interest, and requested him, for the Good of the Child, to send a Cardinal Legate to *Sicily*, to take the whole Command upon him, in order to put an End to the Authority of so many Tyrants². To this the Pope consented, and forthwith sent *Gerardo Allucingolo da Lucca* Cardinal of *St. Adrian*, a Man of great Worth, and the Pope's Nephew, from whose Hands *William Caparon* having taken an Oath in *Messina*, to acknowledge *Innocent* for Guardian of the Kingdom, and him as his Legate, and that he would obey him in all Things, he was absolv'd from the Excommunication, which, as a Follower of *Marcovaldus*, he had incurr'd.

THEN the Legate went to *Palermo*, whither *William* had also gone a little before, but when they came to treat of the Affairs of the Kingdom, they broke out into open Quarrels, for *William* made a Mock of the Legate, and did not mind what he said, whereupon the Legate, not thinking fit to stay in *Palermo* to be thus despis'd, acquainted the Pope with what had pass'd, and return'd to *Messina*.

MEAN while the Chancellor went to *Puglia*, and sent Letters and Messages to the Pope, by Persons of great Power and Interest, by all Means possible, endeavouring to get himself restor'd to the Archbishoprick of *Palermo*, or at least to the Bishoprick of *Troja*; but *Innocent* was positive not to take the Archbishoprick of *Palermo* from *Paristo* Bishop of *Messapa*, nor the Bishoprick of *Troja* from another Prelate, to whom he had given it.

ON the other hand, *Diopoldus* being still in *Puglia*, kept these Provinces in continual Alarm, so that the Pope sent *Giacomo* Count of *Andria* his Marshal, to assist the Count of *Brenna*, and likewise made the Marshal Chief Justice of *Puglia*, and *Terra di Lavoro*; and the following Year 1204, *Walter* Count of *Brenna*, *Giacomo*

¹ Chron. Ric. Cassinensis Abbas Legatus | ens dissenteria miserabiliter expiravit.
Vadit in Siciliam, ubi Marcovaldus superveni-

² Inveges anno 1203. hist. Palerm.

Count of *St. Severino di Tricarico*, and *Ruggiero* Count of *Cbieti*, join'd their Forces, and after some Enterprizes of little Moment, they laid Siege to *Terracina di Salerno*, of which at present there's no Vestige remaining, and soon were Masters of it¹; but *Diopoldus* with his Army, and the Assistance of the *Salernitans* of his Party, besieg'd the Count of *Brenna* in *Terracina*, and attack'd him so vigorously, that the Count was wounded in one of his Eyes with an Arrow, insomuch that he lost the Sight of it; but the Counts of *St. Severino* and *Cbieti* coming to his Assistance, *Diopoldus* was shamefully forc'd to raise the Siege, and quit the Territories of *Salerno*, and was besieg'd by the Count of *Brenna* in *Sarno*.

BUT in the beginning of the Year 1205, the Count of *Brenna* did not guard himself sufficiently against the Dangers of War, but expos'd his own Person and Army, without the Circumspection that was requisite, and *Diopoldus* being appriz'd of his Negligence and Security, one Morning early made a Sally unawares upon his Army, and finding them unguarded and careless, he attack'd and broke them in an Instant²; great Numbers were kill'd, and the Count, while he was defending himself gallantly with his drawn Sword in his Hand, receiv'd many Wounds, and was made Prisoner, and carried to *Sarno*, where, shortly after, according to *Riccardo da S. Germano*, and the Author of the Chronicle of *Foix*, Co-temporary Writers, he died of his Wounds³.

THE unfortunate *Albinia*, now left a Widow, and big with Child, soon after married the above-mention'd *Giacoimo S. Severino* Count of *Tricarico*, who forbore to bed with her till she brought forth a Son, who after his Father was call'd *Walter*, and was afterwards Count of *Lecce*; of whom was descended Queen *Mary*, and *Brenna*, Wife of *Ladislaus II.* as shall be told hereafter.

THE Death of the Count of *Brenna* so animated *Diopoldus's* Faction and his *Germans*, and put the Count of *Celano* and his Party into so great Consternation, that *Innocent* himself was at last forc'd to make Peace with *Diopoldus* and his *German* Followers, and intrust them with the Administration of the Kingdom; wherefore the Year following 1206, he receiv'd them into Favour, and having made *Diopoldus* take an Oath from the Hands of *Rinieri* a Friar (according to the Chronicle of *Foix*) and *Maestro Filippo* the Apostolick Protonotary, who, for that Purpose, went to *Terra di Lavoro*, faithfully to obey the Pope, as Guardian of the Kingdom, and his Legates, he was absolv'd from the Censures; and *Marcovaldus* of *Laviano*, and *Corrado di Marlei* Lord of *Sorella*, with all their Followers and Vassals, swearing in the same Manner, were likewise receiv'd into the Pope's Favour, as also all the *Germans* that liv'd in *Puglia* and *Sicily*. *Diopoldus* went afterwards to *Rome*, and threw himself at the Pope's Feet, and was honourably receiv'd, and after having discours'd together about the Affairs of the Kingdom, with the Pope's Consent he return'd to *Salerno*, and from thence with some Ships prepar'd for that Purpose, he sail'd to *Palermo*⁴.

DIOPOLDUS was no sooner arriv'd in *Palermo*, than he made himself Master of the King's Person and Palace; which *Gualtieri della Pagliara* the Chancellor, took in so ill Part, that in the Night Time, having call'd a Meeting of his Friends, he caus'd *Diopoldus* and his Son to be put in Prison; but not being sufficiently guarded, they soon after made their Escape by favour of the Night, imbarc'd and landed in *Terra di Lavoro*, where they fought with the *Neapolitans*, and made a terrible Slaughter⁵.

¹ Chron. de Ric. de S. Germ.

² Pell. ad Anon. Cassin. A. 1205.

³ Chron. Rich. S. Germ. *Diopoldus* in eum cum suis diluculo irruens, Comes captus ab eo est, & custodiæ traditus carcerali, ubi modicum post diem clausit extremum.

⁴ Idem, Inn. Papa Romam vocat *Diopoldum* ad se, ipsumque & suos a vinculo excommunica-

tionis absolvit, & tunc cum ipsius licentia *Salernum* reversus est.

⁵ Idem, Tandem nocturno tempore fuga Præsidio liberatus, veniens per Mare *Salernum*, inde in Terram Laboris se confert, ubi cum *Neapolitanis* iniens pugnam, devicit strage magna facta eis.

S E C T. I.

Cuma destroy'd, and its Church united to that of Naples.

IN this Place we must not pass over in Silence, what an antient *Neapolitan* Writer, and the Author of the *Primer* of St. *Juliana*, which is very antient, written on Parchment, and preserv'd in the Monastery of *Donnaromita*, relate this Year concerning the Destruction of *Cuma*, and some Battles which the *Neapolitans* had with the *Germans* and *Aversans*, which other grave Authors, and Cotemporary Writers do not so much as mention.

THEY say¹, that in these Times the City of *Cuma* being in a manner destroy'd, by Reason of the Wickedness of the Inhabitants, had lost the Name of a City, and was become a Receptacle for Robbers and Pyrates, who both by Sea and Land, infested Travellers, and the neighbouring Countries: Add to this, the continual IncurSIONS of the *Germans*, who, sheltering themselves in the Castle of this City, plagu'd *Terra di Lavoro*, and particularly the Territories of *Naples* and *Aversa*; therefore in order to prevent these Mischiefs, in a Meeting of the Gentry and Commonalty of *Naples*, it was unanimously agreed to post Detachments of Soldiers at all the Passes through which these *German* Robbers us'd to come: The neighbouring Counts and Barons hearing of this Resolution, much encourag'd the *Neapolitans* in so commendable a Work, and offer'd to assist them with their Persons and Fortunes. Having put their Design in Execution, and posted Guards in several Places, they were expecting the Enemy to come and attack them. While Matters were in this State, *Goffredo di Montefusco*, a Captain of great Courage, and a bitter Enemy to the *Germans*, it being now the Month of *March*, went one Evening with some of his Friends to *Cuma*, where he was courteously receiv'd by the Bishop of *Aversa*, who then liv'd in the Castle. The coming of *Goffredo* thus in the Night-time, made the *Aversans* suspect that the Bishop had a mind to betray them, and that he had receiv'd *Goffredo*, in order to fortify the Castle to their Prejudice, as had been once done before. But the *Aversans* not being fully assur'd of this, sent some of their Citizens to *Cuma* to get Information, and with all haste and secrecy, to possess themselves of the Castle, to prevent *Goffredo's* doing it. *Goffredo* in the mean time seeing that they were come, began to suspect that the Bishop had sent for them to make him Prisoner; therefore he was upon his Guard, and fortified himself and Followers in a particular Apartment. While both Parties were thus afraid, and upon their Guard, *Goffredo*, because of his small Number, fearing that at last he might be surpriz'd by the *Aversans*, sent immediately to *Naples* for Assistance, and to intreat the *Neapolitans* to make all Haste to relieve him from the Danger he was in, and to dispose of the Castle as they should think best. Upon this Message, Count *Pietro di Lettere*, a Kinsman of *Goffredo*, mounted his Horse and went immediately to *Giugliano*, and took with him the Detachment of Soldiers that was posted there for defending the *Neapolitans* against the *Germans*, and march'd directly to *Cuma*; *Goffredo* overjoy'd, went out to meet him, and made him swear, that if the Castle should be taken, he would deliver up to him both the Men, Goods and Chattels that were in it, to which he agreed, and they enter'd the City together. Soon after, upon *Goffredo's* Message, a good Number, both of the Gentry and Commonalty of *Naples* likewise came to *Cuma*; whereupon *Goffredo* seeing himself out of Danger, held a Council with the *Neapolitans* and Count *Pietro*, wherein it was resolv'd at any rate to make themselves Masters of the Castle, and to level the City with the Ground, whereby they would for ever be freed from being infested by the Robbers and *Germans*. Therefore they desir'd the *Aversans* and their Bishop to quit the Castle; but the *Aversans* refus'd to comply: Thus, after a hot Dispute, the *Neapolitans* and *Goffredo*, resolving not to dally any longer, attack'd the Castle both by Sea and Land, and batter'd the Walls so furiously, and set Fire to the Castle, that with great Difficulty the Bishop and *Aversans* made their Escape by flight;

¹ V. Chioccar. de Archiepisc. Neap. in Anselmo, anno 1192.

and after the *Neapolitans* had destroy'd the City and demolish'd the Castle, they return'd in Triumph to *Naples*; so that *Cuma* being intirely ruin'd, its Church, formerly Suffragan to the See of *Naples*, was now annex'd to it, with all the Rights and Revenues thereof¹.

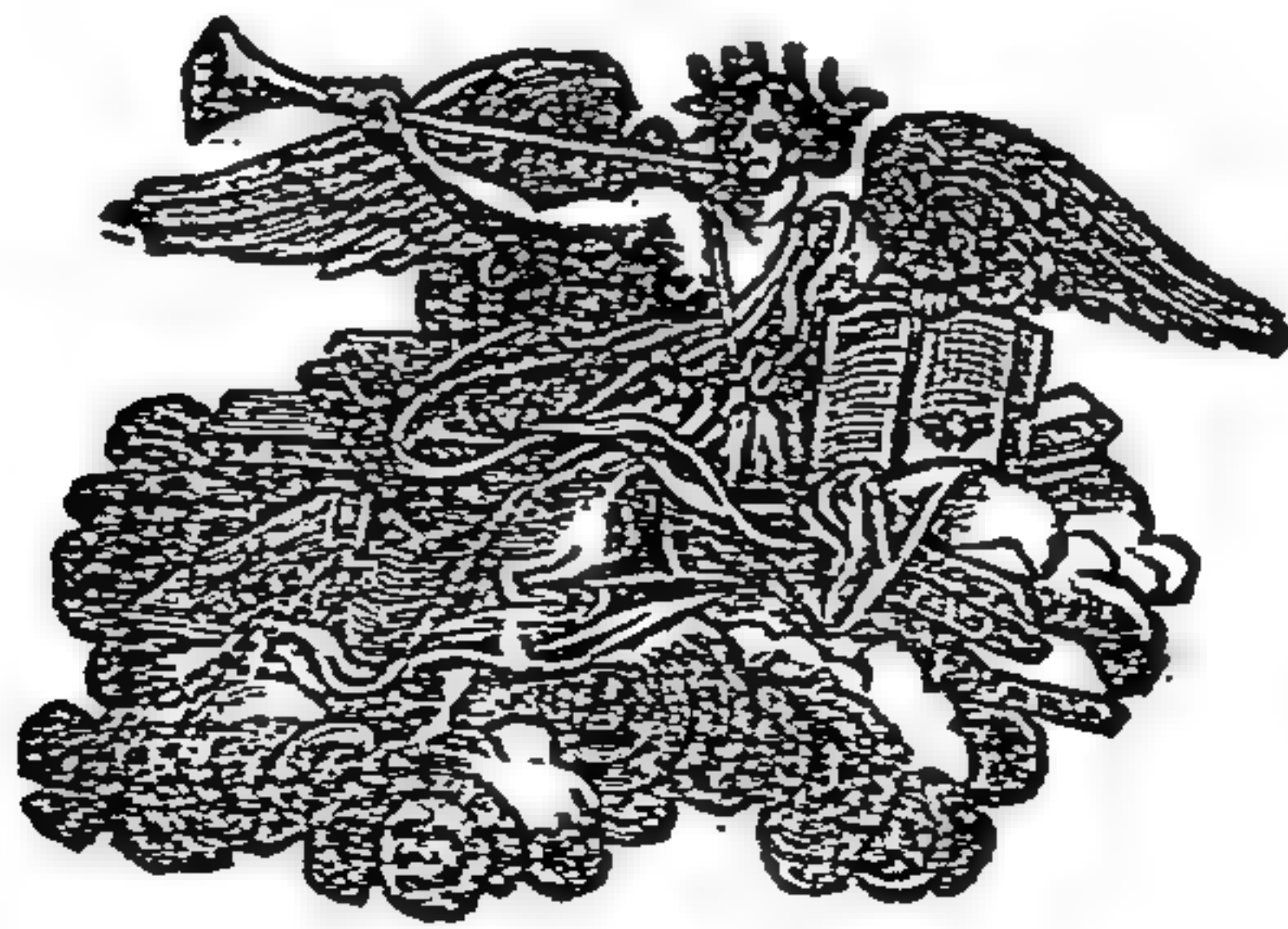
WHEREUPON, as the above-mention'd Author of *St. Juliana's Primer* relates, *Anselm* Archbishop of *Naples*, and *Leo* Bishop of *Cuma*, resolv'd to remove from the great Church of *Cuma*, the Bodies of the Holy Martyrs *St. Maximus*, to whom the Church was dedicated, and *St. Juliana*, and an Infant of Three Months old, whom, 'tis said, *Maximus* made miraculously to speak, in Presence of *Fabianus* the Prefect; to prevent their being carried off by Foreigners: To which they were likewise solicited by *Brienna*, then Abbess of the Monastery of *Donnaromita*, who, with all her Nuns, was very earnest to have the Body of *St. Juliana*; therefore the said *Leo*, *Pietro Frezzarnolo*, Sub-Dean of the Cathedral of *Naples*, And the Abbots of *St. Peter ad Ara*, and *St. Mary a Capella*, with a great Number of the Gentry and Commonalty of *Naples*, went and open'd the Shrine wherein the Relicks were kept, and with great Reverence and Honour, they took them out, and carried them to the Church of *St. Maria a Piedi Grotta*, where they were receiv'd with great Joy by the Abbess and Nuns of the said Monastery of *Donnaromita*, and a great Number of other Ladies. The next Morning Bishop *Leo*, with many Gentlemen belonging to the *Seggio di Nido**, and a vast Multitude of other *Neapolitans*, with Olive Branches in their Hands, singing Psalms and Hymns, took the Relicks and carried them to the Church of the Island *St. Salvatore*, where now the Castle dell' *Uovo* stands; where being join'd by the Archbishop *Anselm*, with all the Canons and Clergy, they went in Procession to the City, and plac'd the said Relicks in the Church of the Monastery of *Donnaromita*, where they still remain, and are ador'd.

THUS say these Authors: But out of regard to History, I must not pass over in Silence, what grave and credible Writers have said on this Subject. *Riccardo da S. Germano*, and the Author of the Chronicle, which is kept in *Monte Cassino*, tell us, That Count *Diopoldus*, this very Year 1207, in which these Things are said to have happen'd, came from *Salerno* to *Terra di Lavoro*, where he ingag'd the *Neapolitans*, and after a terrible Slaughter, routed them²; *Riccardo* also adds, that he took *Goffredo di Montefusco* Prisoner, and carried him with him to one of his Castles, without so much as mentioning the Destruction of *Cuma*. Nevertheless these Accounts may be both true, for, perhaps, *Diopoldus*, being intrag'd at the Ruin of *Cuma*, which is said to have been in the Month of *March*, or because his *Germans* had been ill us'd by the *Neapolitans*, who were posted to watch them, came to insult *Naples*, and the *Neapolitans*, with *Goffredo di Montefusco*, fallying out, were defeated, many kill'd, and *Goffredo* made Prisoner; but I leave the Decision to the judicious Reader.

¹ V. Chioc. loc. cit. de Episcopali Ecclesia Cumana Neapolitanæ unita.

² Riccard. da S. Germ. Ubi cum Neapolitanis

iniens pugnam, devicit, strage magna facta ex eis.





C H A P. II.

Pope Innocent makes a Voyage to Sicily, where he concludes a Marriage betwixt King Frederick and Constantia, the Daughter of Alphonfus II. King of Aragon; and defends the Kingdom against the Invasion of the Emperor Otho IV.



IN the mean time *Gualtieri* the Chancellor, had rais'd great Disturbance in the Royal Palace, for by all Means possible, endeavouring to get the Charge of the King's Person and Palace from *William Caparon*, but in vain, he put all in Confusion; and the chief Ministers of the Kingdom being divided into Factions, gave a fair Opportunity to the *Saracens* of the Island, without fear of Punishment, to rise in Arms, and they not only shook off all Allegiance to the King, but did a great deal of Damage to the Christians, by taking the Castle of *Coriglione* by Storm, and threatening greater Mischiefs.

THE Disorders were no less in the Kingdom of *Puglia*, occasion'd by *Corrado di Marlei*, whom the deceas'd Emperor had made Count of *Sora*, who not only infested *Terra di Lavoro*, and the other neighbouring Places; but also the Pope's Dominions. *Innocent*, mov'd with Compassion for the miserable Condition of both Kingdoms, determin'd to go to *Sicily*, and on the 30th Day of *May*, of the Year 1208, he arriv'd in *Palermo* with many Cardinals, Archbishops, and other Prelates; and finding that King *Frederick* was now grown up, and Thirteen Years of Age, he perswaded him to marry, and propos'd *Constantia*, Sister to *Peter* King of *Aragon*, which *Frederick* agreed to; whereupon the Pope began to treat of the Marriage with *Sancia*, *Constantia's* Mother; and then left *Palermo*, and arriv'd at *St. Germano* the 23d of *June*¹.

UPON his Arrival, he call'd a Meeting of the Barons, Justices, and Governors of the Cities and Castles; wherein it was resolv'd, that they, at their own Charges, should furnish King *Frederick* Two hundred Horsemen, to be sent to *Sicily*, and there to continue a whole Year. He likewise appointed *Pietro* Count of *Selano*, and *Riccardo dell' Aquila* Count of *Fondi*, to be Justices and Governors of the Kingdom of *Naples*, and committed the Charge of *Puglia* and *Terra di Lavoro*, to the Count of *Celano*, and that of the City of *Naples* and its Territories, to the Count of *Fondi*. Besides, he restor'd what was amiss in the Administration of Justice, which, by the continual Wars, and the Insolence of the *Germans*, had been little minded, and made other Regulations for the better Government of the Kingdom, as *Riccardo da S. Germano*, and the Chronicle of *Foix* relate. He recommended Peace and Unanimity, and if any Person should be injur'd, he was to have recourse to the above-mention'd Counts, and lay his Complaints before them; and whoever should dare to oppose what he had ordain'd, or disturb the Peace of the Kingdom, should be declar'd an Enemy to the Commonwealth, and severely punish'd².

¹ R. S. Germ. A. 1208. Innocentius Papa Vigilia S. Jo. mense Junio venit ad S. Germanum, ubi ab Abate Roffrido magnifice receptus est, tam ipse, quam fratres sui Domini Cardinales.

² Idem, Qui autem ordinationem istam recipere noluerint, vel recusaverint, tanquam hostes publici habeantur, & a cæteris impugnentur.

INNOCENT, not content with what had been ordain'd in the Meeting, after it was over, wrote to all the Counts, Barons, and People of the Kingdom, who had not been present in the Assembly, exhorting them to observe what had been therein ordain'd, and to obey whatever *Gregorio Crescenzio Romano* Cardinal of *S. Theodore*, his Legate in *Campagna di Roma*, and *Riccardo* his Cousin (whom he had this Year 1208. invested with the County of *Sora*, as a Reward for his having defeated and taken *Corrado di Marlei*, who was divested of the said County ¹) in his Name should command them to do; all which may be seen in one of this Pope's Letters ².

INNOCENT, having thus settled the Government of this Kingdom, went up to *Monte Cassino* to visit that holy Place, to which he confirm'd all the Privileges granted to it by the Popes his Predecessors, and added new ones. While he was there, he had Advice, that *Philip* King of *Germany*, King *Frederick's* Uncle, had been murder'd by his own People; whereupon, in order to be nearer at Hand, to give what Assistance he could in the Affairs of the Empire of the West, he left *Terra di Lavoro*, and by the Way of *Sora* and *Atino*, with all his Cardinals, return'd to *Campagna di Roma* ³.

AFTER the Death of the Emperor *Henry*, though the Empire belong'd to his Son *Frederick*; for, according to the Abbot of *Usparg* ⁴, *Henry* in his Life-time had got almost all the Princes of *Germany* to elect him King, and swear Fealty to him; yet *Henry* was no sooner dead, than two opposite Factions about the Election of a Successor started up, and the Majority of the Electors elected *Philip* Duke of *Suevia*, Brother of the deceas'd Emperor, and in the Year 1197. he was crown'd King of *Germany* in *Mentz*, by his own Party; the other Electors, inferior in Number, elected *Otbo* Duke of *Saxony*, and crown'd him in *Aix la Chapelle*. But, though *Innocent III.* had favour'd *Otbo's* Party, and confirm'd his Election ⁵; yet *Philip's* Party prevail'd, and he held the Empire ten Years, and at last, *Otbo* himself, after a bloody War, yielded to him, and made Peace with him, and in the Year 1207. *Philip* gave his Daughter *Beatrix* to *Otbo* in Marriage, with this Condition, that after *Philip's* Death, *Otbo* should succeed in the Kingdom of *Germany*. But when *Philip* was thus settled in the Empire, the Year following 1208. he was treacherously kill'd in his own Palace, in the City of *Bamberg*, by *Otbo* Count Palatine, his bitter Enemy; whereupon *Otbo* Duke of *Saxony* aspir'd anew to the Empire, and was this second Time favour'd by *Innocent*, who, the Year following, when *Otbo* came to *Italy*, crown'd him in *Rome*, and he was call'd *Otbo IV.*

BUT after the Pope left *Terra di Lavoro*, new Troubles arose in that Province, for *Riccardo dell' Aquila* Count of *Pondi*, joining with Count *Diopoldus*, lorded it over the City of *Capua*, whither he had been invited by the *Capuans* themselves, who had turn'd out *Pietro* Count of *Celano* ⁶, who then govern'd that City, because they mortally hated *Riccardo* his Son, their Archbishop.

IN the mean Time Pope *Innocent* had concluded the Marriage betwixt King *Frederick* and *Constantia* Widow of *Albericus* King of *Hungary*, and Daughter of *Alphonfus II.* King of *Arragon*, and *Sancia* his Wife. *Zurita*, the judicious and impartial Writer of the Annals of *Arragon*, says, that Queen *Sancia*, after the Death of the King her Husband, sent her Secretary, nam'd *Columbus*, to *Rome*, promising *Innocent*, in case the Marriage was concluded, to send Two hundred Horse at her own Charges to *Sicily* for assisting her Son-in-Law; or if it should be thought proper, she herself would conduct her Daughter, with 400 Horse, provided she was secur'd that the Charges of the War should be repay'd her, in case the *Sicilians*, who were Masters of the King's Person, should put a Stop to the Marriage; requiring besides, that if *Frederick* should die before the Consummation of the Marriage, her Son *Don Ferdinand*, *Constantia's* Brother, whom the Father had educated for the Church ⁷, should be invested with his Kingdoms. After this Message *Innocent* sent

¹ Tutin. in his Book de Contestabili del Regno, fol. 38. likewise mentions this Investiture; yet the Co-temporary Author de Gestis Innocentii, says, That this Investiture was given by the King, and not by Innocent.

² Epist. Inn. which begins Affectum dilectionis, & gratiae, &c.

³ Chron. S. Germ. Per Atinum iter faciens Soram contulit, indeque in Campania reversus est.

⁴ Ab. Uspergenſis: Henrico VI. eoque procurante, Principes Alemanniae pene omnes filium parvulum ipsius Fridericum II. adhuc incunis vagientem assumpserunt in Regem, eique fidelitatem juraverunt, & literas de hoc facto cum Sigillis suis Imperatori transmiserunt.

⁵ Cap. Venerabilem de Elect. Ab. Usperg.

⁶ Ric. S. Germ. in odium Celani Comititis.

⁷ Zurit. Quem pater sacro Ordini dicaverat.

his Ambassadors to *Arragon*, who, in Conjunction with Ambassadors likewise sent by *Frederick*, after diverse Conferences, concluded the Marriage. But before *Constantia* left *Arragon*, Queen *Sancia* died; and afterwards in the Month of *February* 1209. *Constantia* imbarc'd in *Catalan Gallies*, accompanied by D. *Alphonfus* Count of *Provence*, her Brother, and a great Number of *Spanish* and *Provensale* Gentlemen, and landed in *Sicily*; but whilst this Marriage was celebrating with great Pomp and Magnificence, all their Mirth was converted into Grief, by the Death of D. *Alphonfus*, and many of his Retinue; for through the Badness of the Air *Palermo* was afflicted with a contagious Distemper, which prov'd mortal to many; insomuch that the young King, who was only 14 Years old, in the Midst of Joy and Grief, was forc'd to leave *Palermo*, and go wandering up and down from one City of the Island to another.

WHILE this contagious Distemper oblig'd King *Frederick* to leave *Palermo*, *Pietro* Count of *Celano*, by Means of his Son the Archbishop, got Possession again of *Capua*; and at the same Time *Otho* King of *Germany*, by the Death of *Philip* his Father-in-Law, breathing after the Empire of the West, came into *Italy* with a powerful Army, and arriving in *Rome*, was receiv'd by Pope *Innocent*, and on the 7th of *September* this Year crown'd with the Imperial Crown, and *Riccardo da S. Germano*, says, that the Pope crown'd him *præstito Juramento de conservando Regalibus S. Petri, & de non offendendo Regem Siciliae Fredericum*. But whilst *Otho* and his Army continued in *Rome*, there happen'd a terrible Quarrel betwixt his Soldiers and the *Romans*, who taking up Arms, kill'd a great many *Germans*; whereupon *Otho* in great Wrath left *Rome*, and march'd into *Marca*, where he laid waste, and took by Force the Lands and Cities of the Church, notwithstanding the Oath he had taken.

IN the mean Time the Abbot *Roffredo*, having for many Years govern'd the Abbey of *Monte Cassino*, on the last Day of *May* ended his Days in *S. Germano*¹; after whose Death Count *Diopoldus*, and the Count of *Celano* being reconcil'd, and the one being Master of *Capua*, and the other of *Salerno*, both of them perswaded *Otho*, who was then in *Tuscany*, to come and take Possession of the Kingdom, and *Diopoldus* promis'd to deliver up *Salerno* to him, and the Count of *Celano* *Capua*, which Invitation and Offer, the Emperor, notwithstanding his Oath he had sworn to the Pope not to disturb *Frederick*, gladly accepted, and having assembled his Army, he enter'd *Abbruzzi* by the Way of *Rieti* and *Marisi*, from whence he march'd into *Terra di Lavoro*, whither *Pietro* Abbot of *Monte Cassino*, who had succeeded *Roffredo*, afraid for the Lands of his Abbey, contrary to the Opinion of his Monks, sent Messengers to beg Peace of him, and shortly after went himself with all Submission to wait upon him, and to be at his Mercy; for which Cause, neither the Territories nor Goods of the Monastery suffer'd in the least by the *Germans*.

OTHO having gone to *Capua*, created Count *Diopoldus* Duke of *Spoletto*², who, besides having given him *Salerno*, had join'd him with all his Followers. From *Capua* both of them went to besiege *Aquino*, but they were repuls'd with great Loss by *Tommaso*, *Pandolfo*, and *Ruberto* Lords of that City. *Naples* out of spite to the *Aversans* surrender'd to *Otho*; who at the Request of the *Neapolitans* march'd to lay siege to *Aversa*; but the *Aversans* having given him a good Sum of Money, and receiv'd him kindly into their City, subjected themselves to him, and suffer'd no other Damage³. From thence *Otho* march'd into *Puglia*, where the *Puglians*, partly through Fear, and partly by Force, for the most part surrender'd to him, and *Calabria* follow'd their Example, and the Places that made any Resistance were pillag'd and ruin'd.

POPE *Innocent*, seeing the finest Provinces of this Kingdom thus lost, endeavour'd all he could to divert *Otho* from his Undertaking; for which end he sent the Abbot of *Usperg*, as he himself relates, five Times from *Rome* to *Capua*, to treat of an Agreement with the Emperor, but all to no Purpose; for *Otho* looking upon all these Provinces, as well as all the rest of *Italy*, as belonging to the Empire, by no Means would part with what he had conquer'd from the King of *Sicily*, but endeavour'd to be Master of all *Italy*.

IT had been already the Custom of the Popes in those Times, not only to excommunicate, but likewise to depose the Emperors, by absolving their Vassals from

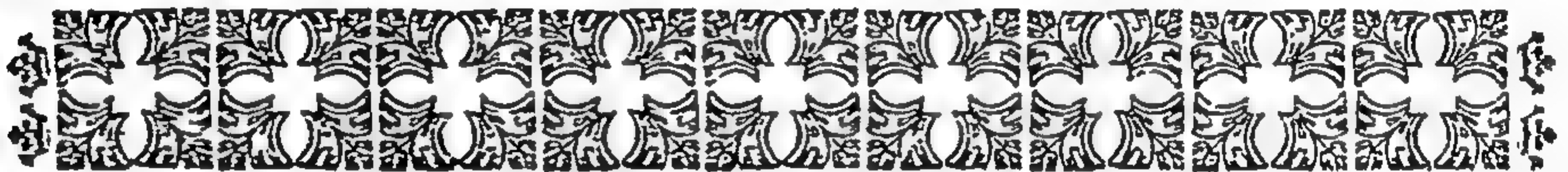
¹ Chron. di Fossa nova, tom. 1. Ital. sacra col. 488.

² Idem, Ducem. Spoletini fecit illum.

³ Ric. S. Germ.

their Oaths; and this they did, not only on account of Heresy, but also for Things merely Temporal, such as incroaching upon the Possessions of the Church, or those of other Princes her Friends and Confederates. *Innocent* on this Occasion, finding that *Otbo* was obstinately resolv'd not to part with what he had possess'd himself of in *Marca* of the Church Lands, and what he had conquer'd from King *Frederick* ¹, excommunicated him, and declar'd him an Enemy of the Holy Church. He likewise interdicted the Church of *Capua*, because the Clergy thereof had dared to celebrate Divine Offices in the Emperor's Presence; he also excommunicated all his Adherents: And having call'd a Council in *Rome*, he depriv'd him of the Empire; but because these Thunderbolts are thrown in vain, if they are not back'd and supported by the Electoral Princes, therefore this same Year 1210. *Innocent* wrote Letters to the *German* Princes, wherein he exaggerated the Damage *Otbo* had done to the Church contrary to the Tenor of the Agreement, and the Oath he had given, when he was crown'd in *Rome*; therefore, seeing *Otbo* was perjur'd, excommunicated, and had forfeited the Empire, he exhorted them to elect another in his Room. This mov'd many of these Princes to take up Arms against the Emperor, which occasion'd a new War and Revolutions in *Germany*; as soon as *Otbo* was appriz'd of these Com-motions, he immediately left *Puglia*, and return'd to *Germany*; but that did not hinder the Election to go on, for the Archbishops of *Mentz* and *Triers*, the King of *Bobemia*, *Herman* Count of *Thuringia*, the Dukes of *Austria*, *Saxony*, and *Bavaria*, and many other *German* Lords, who, besides being his declar'd Enemies, call'd to mind that *Frederick* had been elected King of the *Romans*, while he was but a Child in his Father's Life-time, and that they had sworn to him, elected King *Frederick* Emperor, who was but fifteen Years old.

¹ Idem, Illum excommunicat, & Ecclesiam Capuanam sub interdicto ponit, pro eo quod ausi sint celebrare ipso præsente in Octavis B. Martini, Excommunicat etiam omnes fautores ipsius.



C H A P. III.

King Frederick being elected Emperor, goes to Germany, and is crown'd in Aix la Chapelle; and Innocent summons a General Council to be held in the Lateran Palace.



AFTER the Princes of *Germany* had elected *Frederick*, they presently sent two Ambassadors, *Anselm* and *Henry*, to notify the Election to him, and conduct him to *Germany*; the Ambassadors being come to *Verona*, *Henry* stopp'd there in order to induce the *Lombards* to espouse the new Emperor's Interest, and especially those of the *Veroneze* ¹; and *Anselm* came to *Rome*, where, with the Pope's Consent, he us'd his utmost Endeavours to get the *Romans* to approve of *Frederick's* Election. From thence he went over to *Sicily*, and it was with great Difficulty, that he got *Constantia* and the *Sicilian* Barons to consent to *Frederick's* going to *Germany*, for fear that his Enemies should murder him treacherously. But at last, despising all Dangers, and encourag'd by *Innocent*, he left *Constantia* in *Sicily*, with a Son she had born to him, nam'd *Henry* after his Grandfather, and imbark'd in *Gaetan* Ships, and after a prosperous Voyage landed at *Gaeta*; where he took shipping again, and in the Month of *April* 1211. arriv'd in *Rome* ², where he was joyfully receiv'd by

¹ Abb. Ufferg.

² Ric. S. Germ.

the Pope, the Senate and the People of *Rome*, from whence he went likewise by Sea to *Genoa*, where he was heartily welcom'd by the People of that City, who, lest he should be attack'd by those of the *Milaneze*, great Favourers of *Otho*, escorted him to *Padua*; and in the same manner, the People of *Padua* and *Cremona* joining together, conducted him through the Valley of *Trent*, and the steepest Parts of the *Alps*, to avoid any Ambushes that *Otho* might have laid in the Way, and he arrived safely in the Country of the *Grisons*, and being honourably entertain'd by the Bishop and the Abbot of *S. Gall*, and accompanied by them, he arriv'd at *Constance*.

BUT *Otho*, who in the mean Time had carried on a cruel War against those of *Frederick's* Faction, hearing of his Arrival, presently left *Thuringia*, and came to *Uberlingen* near *Constance*, in order either to dispatch *Frederick* out of the Way, or take him Prisoner before he should gather more Strength in *Germany*; but being deserted by many of his Followers, who went over to his Enemy, his Designs were blasted. And while *Frederick* was in *Constance*, he was join'd by a good Body of the *Suevians*, besides a great Number of *German* Barons, who, out of Respect to the Memories of his Father and Grandfather, lov'd him dearly. *Otho* seeing his Forces daily dwindling away, in the Beginning of the Year 1212. went to *Brisac* situated on the Banks of the *Rhine*, where he left no Stone unturn'd to augment his Army, but the Citizens being grievously oppress'd by the Soldiers, with unanimous Consent fell upon them, and drove them out of the City, killing and dispersing the whole Army; whereupon *Otho*, seeing no other way to make his Escape, with a small Retinue, fled to *Saxony*. The News of this being spread among the *Germans*, they went all over to *Frederick*, who march'd down the Banks of the *Rhine*, and was favourably receiv'd in *Hainault*; but some of these People continu'd faithful to *Otho*, shut their Gates, and began to dispute his Passage, but in a few Days they were likewise forc'd to submit, and he march'd to *Aix la Chapelle*, whither the greatest Part of the *German* Princes went, and, contrary to *Frederick's* Expectation, cheerfully embrac'd his Interest; and in the Year 1213. the Twentieth of his Age, according to the Abbot of *Usparg*, *Baronius*, and *Bzovius*, but the Eighteenth according to *Inveges*, he was crown'd by the Archbishops of *Mentz* and *Triers* ¹.

OTHO, seeing himself thus deserted by the Princes of the Empire, turn'd his Arms against *Philip* King of *France*, who beat him, and put him to flight, and *Philip*, to humble him the more, made a Truce with the Emperor *Frederick* ², who taking Advantage of this favourable Opportunity, forthwith attack'd the Imperial Cities that favour'd *Otho*, and harra's'd them in such a manner, *ut urbes ad dedicationem, & Othonem ad veniam petendam impulerit*, as *Gordon* has it.

POPE Innocent finding *Otho* crush'd, and *Italy* and all other Christian Dominions now at Peace, and the Affairs of the Empire of the West in a fair Way to his liking, and at the same Time having receiv'd the agreeable News of the famous Victory gain'd by *D. Pedro II.* King of *Castile* and *Arragon*, the Empress *Constantia's* Brother, and *Sanctius* King of *Navar*, in the Fields of *Toledo*, over the King of *Maroco*, and his Moors, bent his Mind to a more noble Undertaking; he saw that the *Turks* both in *Spain* and the Holy Land grievously molested the Christians, therefore he wrote Letters to all Christian Princes, exhorting them to lay aside their private Quarrels, put on the Cross, and go to the Holy War; and he sent two Cardinal Legates to assemble what People they could to go to *Palestine*. He likewise wrote to *Saladin* Soldan of *Babylon* and *Damascus*, to restore *Jerusalem* to the Christians, and set at Liberty all the Prisoners, promising to set at Liberty all the *Turks* that were Prisoners in *Christendom*; but his Labour was lost, for that Prince neither minded the Pope's Letters nor his Messengers. *Innocent* likewise summon'd a General Council to be held in *Rome* in the *Lateran* Palace the following Year 1215. which began to be celebrated the first Day of *November* the same Year, in which were present 70 Archbishops, 412 Bishops, and 800 Abbots and Priors. Ambassadors from all Christian Princes were likewise at this Council, and *Berardo* Archbishop of *Palermo* was sent by *Frederick* ³. The People of the *Milaneze*, who were great Partizans of *Otho*, did not fail likewise to send one of their Citizens to defend his Right in this Assembly; in which many Points were examin'd and hotly debated.

¹ Ric. S. Germ. Aquis per Antistites Moguntium, & Treverensem coronam accepit.

² Abb. Uspergenensis.
³ Ric. S. Germ.

THE chief Point was the Expedition to the Holy Land, to recover *Palestine* from the Infidels, and make up the Differences betwixt Christian Princes, to which the Ambassadors promis'd the utmost Assistance of their Masters.

Otho's Deposition, and *Frederick's* Coronation in *Aix la Chapelle*, were also strongly debated, and the *Milaneze* Deputy made a long Speech in favour of *Otho*, and told the Council, That he was willing to become an obedient Son of the Church, and therefore ought to be restor'd to his former Imperial Dignity, and *Frederick's* Election declar'd void: But the Marquis of *Monferrat* stood up for *Frederick*, and made a Speech, wherein he said, That no Person ought to be heard that spoke in *Otho's* Name, and produc'd Six Articles of Accusation against him¹. The first was the Breach of his Oath to the Church of *Rome*, whereby he swore not to invade her Lands, nor *Frederick's* Dominions. II. That he had not restor'd these Lands for which he was excommunicated, and had sworn to restore them. III. That he favour'd an excommunicated Bishop. IV. That he imprison'd a Bishop Legate of the Holy See. V. That in Contempt of the Church of *Rome*, he call'd King *Frederick*, King of Priests². VI. That he destroy'd a Monastery of Nuns, and made a Fort of it. Then turning towards those of the *Milaneze* that were present, he inveigh'd against them, as *Frederick's* Enemies; but they, no ways afraid, were going to answer him, when the Pope made a Sign with his Hand, rose from the Throne, and went out of the Church. This weighty Affair of *Frederick* and *Otho*, according to *Riccardo*, was debated in the Council with great Warmth, from the Feast of St. *Martin* to that of St. *Andrew*; on which Day the Pope approv'd of the Election made by the Princes of *Germany* in *Aix la Chapelle*, and confirm'd *Frederick* Roman Emperor, and it was resolv'd that he should be invited to *Rome* to take the Crown, according to the Custom of his Predecessors.

IN this Council the Sacraments of Penance, and the Eucharist, were narrowly examin'd into, and especially the Condemnation of the Heresy of the *Albigenses* was closely debated; this Heresy being favour'd by the Count of *Toulouse*, and many great Men in *France*, had taken deep Root there.

¹ Idem, Sex in medium Capitula protulit.

² Idem, Quia in contemptum R. Ecclesie Regem Fredericum, Regem appellavit Presbyterorum.



C H A P. IV.

The Origine of the Inquisition against Hereticks; and the Death of Pope Innocent III.



THE Tribunal of Inquisition against Hereticks, had its Rise at this Time. The Apostles apply'd no other Remedy to this Evil, than Admonition; if the Heretick, after being once or twice admonish'd, continu'd obstinate, he was excommunicated, and all Catholicks were enjoyn'd to have no Fellowship with him. And this was all, till *Constantine* imbrac'd the Christian Religion. Among the Instructions which the Fathers of the Church gave to *Constantine* and his Successors; one was, that seeing they were Christians as well as Princes, they were oblig'd to serve God in both Capacities. As Christians, by observing God's Holy Commandments, as much as any private Person; as Princes, by making good Laws, directing their Subjects to lead godly, righteous and sober Lives; by punishing the Transgressors of the Divine

Divine Precepts, and especially of the Decalogue : And since, 'tis a more heinous Crime to transgress the first Table, which regards the Honour of God, than the Second, which regards Justice betwixt Man and Man, therefore Princes are more oblig'd to punish Blasphemy, Heresy, and Perjury, than Homicide and Theft. For which Cause, many Laws were made against Hereticks, with severe Sanctions against the Broachers and Teachers of Heresies, and those who by such Doctrine rais'd Disturbance and Sedition in the Commonwealth. *Constantine the Great* made Two such Laws ¹. *Constans* his Son made none, because he was a Heretick. *Valentinian the Elder* made one ². *Valens* made none, because he was likewise a Heretick. *Gratian* publish'd Two ³. *Theodosius the Great* publish'd Fifteen ⁴. *Valentinian the Younger* Three ⁵. *Arcadius* Twelve ⁶. *Honorius* Eighteen ⁷. *Theodosius the Younger* Ten ⁸; and *Valentinian III.* Three ⁹.

THE Punishment inflicted on those Hereticks, was not always the same; but according to the Circumstances, sometimes more severe, sometimes more mild: Neither was there any Law that punish'd Hereticks in general with Death. The *Manichees*, the *Priscillianists*, and their Doctors, and those who rais'd Disturbance, were the most severely punish'd. They were commonly banish'd, declar'd infamous, render'd incapable of military Employments, and all Honours and Dignities; to make Wills, to make Donations, to Buy or Sell, or make any kind of Contracts; they were fin'd, and their Goods, either in part, or in whole, confiscated, according to the Circumstances of their Crimes: Capital Punishment, in some singular Cases, was only threatned by the Emperors, as against the *Manichees*, the Stirrers-up of Sedition and Commotions; and against other Hereticks, according to the Heinousness of the Crimes, or their Obstinacy in the Cases recorded in the *Theodosian Code* ¹⁰, and enumerated by *Jacobus Gothofredus*.

BUT since, in criminal Processes, three Points are to be consider'd; the Cognizance of the Validity of the Crime; the Cognizance of the Fact, and the Sentence; therefore in Trials of Heresy, the Cognizance of the Validity, that is to say, whether such an Opinion be heretical or not, was always reputed to belong to the Ecclesiastical, and in no respect to the secular Magistrate; whence in these Times, when any Difficulty arose concerning any Opinion, the Emperors had recourse to the Judgment of the Bishops, and, if need was, they call'd Councils. But to take Cognizance of the Fact, whether the Person was Innocent or Guilty, and to impose the Punishment ordain'd by the Law, or to absolve or condemn, belong'd to the secular Magistrate.

SEEING then that it belong'd to the secular Magistrate to take Cognizance of the Fact, the Emperors made many Laws, whereby they prescrib'd Means for proving the Fact. They declar'd Heresy to be a publick Crime, therefore allow'd all Persons to be Accusers, especially when the Process was taken out against the *Manichees*, the *Phrygians*, and the *Priscillianists*. They allow'd of Informers; and in some Cases in order to discover conceal'd Hereticks and their Doctors, they appointed *Inquisitors*. And *Gothofredus* observes ¹¹, that *Theodosius the Great* was the first that appointed *Inquisitors*, and was afterwards imitated by *Arcadius* and *Honorius*; but this same Writer adds, that they were not commonly employ'd against all Hereticks; but only in weighty Cases, where Severity and Rigour were necessary, as against the *Manichees*, the Authors of new Sects and their Doctors, the *Eunomians*, and others of the Clergy, Authors of abominable Superstitions and Heresies. For the more easy Proof of this Crime, Servants were allow'd to accuse their Masters ¹²; yea, their very Wives and Children were admitted; and in fine, Processes were framed by the secular Magistrate, according to the Prescription of the Laws of the Emperors; and after the Bishops had declared the Opinions heretical, and excommunicated and anathematiz'd those that held such Opinions; they meddled no more, nor durst they so much as acquaint the Magistrates with these Opinions, for fear of being guilty of a Breach of Charity.

¹ Cod. Th. lib. 1. & 2, de Hæreticis.

² L. 3, 6. cod. eod. tit.

³ L. 4 & 5.

⁴ L. 6, 7, 8, 9, 10, 11, 12, 13, 14, 16, 17, 18, 19, 20, 21, 22, 23.

⁵ L. 5, 18, 20.

⁶ L. 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 36.

⁷ L. 35, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 51, 52, 53, 54, 55, 56.

⁸ L. 48, 49, 50, 57, 58, 59, 60, 61, 65, 66.

⁹ 62, 63, 64.

¹⁰ Cod. Th. L. 9, 34, 36, 38, 43, 44 de Hæret.

¹¹ Goth. in l. Quisquis 9. C. Th. de Hæret.

¹² Idem in Paratitl. ad tit. C. Th. de Hæret.

BUT others finding, that the Fear of the Magistrate overcame the Frowardness of the Obstinate, and was more powerful than the Love of Truth, thought, that they were in Duty bound to accuse Hereticks, and give Information of their wicked Practices to the secular Judges, that thereby they might spur them on to put the Imperial Laws in execution. But seeing it sometimes happen'd, that the secular Judges were oblig'd to proceed against some heretical Doctor, who, by his wicked Doctrine, occasion'd Disturbance and Sedition, the Punishment of which, because of the Heinousness of the Crime, might be extended to Death; in such Case, the Ecclesiasticks forbore to appear before the Magistrates, but always did what they could to divert them from capital Punishment. St. *Martin* excommunicated a Bishop in *France*, because he had accus'd certain Hereticks to *Maximus*, who had got himself to be proclaim'd Emperor, which Hereticks were, by his Order, put to Death; and though St. *Augustine*, out of Zeal for the Purity of the Church, very often and strenuously sollicitated the Proconsuls, Counts, and other Imperial Ministers in *Africa*, to put the Laws of the Princes in execution, and inform'd them of the Places, where the Hereticks kept their Conventicles; yet when he saw that the Judges were inclin'd to punish with Death, he always begg'd and conjur'd them, for the Love of God and Jesus Christ, not to punish them with Death; and in a Letter to *Donatus*, Proconsul of *Africa*, he told him plainly, that if he should go on to punish Hereticks with Death, the Bishops would forbear to accuse them, and seeing none others did accuse them, they would go unpunish'd, and the Imperial Laws would not be put in execution; but if he proceeded mildly, without shedding Blood, they would be vigilant to discover them, and inform against them, both for the Service of God, and the Execution of the Laws.

IN this Manner were Processes against Heresy carried on under the *Roman* Empire, till the Year 800 of our Redemption; when the Empire of the East was separated from that of the West. And the same Form was continu'd in the Empire of the East as long as it lasted, as is clear from *Justinian's* Code, and the *Novellæ* of the other Emperors of the East his Successors.

BUT in the West every thing was alter'd, either because Princes had no occasion to make Laws against Heresy, or they little minded it; for during the Space of Three hundred Years, from the Year 800 to 1100, there appear'd few Hereticks in these Parts; and when any such did appear, the Bishops made themselves Judges; for through the Indolence of Princes, the Bishops having much extended their Ecclesiastical Jurisdiction, assum'd the Power of judging Hereticks, and as they proceeded in other Ecclesiastical Crimes, such as not observing Festivals, not keeping Fasts, and the like, judging and punishing in those Places, where Princes had granted them Power to exercise Jurisdiction, and where they had not Jurisdiction, they had recourse to the secular Magistrate, who punish'd them: So likewise they proceeded in the same Manner against Hereticks in the Crimes of Heresy.

AFTER the Year 1100, by the continual Dissensions and Wranglings, which for Fifty Years before had been betwixt the Popes and the Emperors, and by those which lasted all the following Century to 1200, accompanied with frequent Wars, and Scandals, and the licentious Lives of the Ecclesiasticks, a Multitude of Hereticks started up, whose Heresies generally struck at the Ecclesiastical Authority, some attacking their Looseness of Manners, some their Power and Wealth, maintaining with the *Arnaldists*, that Ecclesiasticks ought to possess nothing in Property; and some carrying Matters farther, condemn'd the Baptism of Infants, and re-baptiz'd adult Persons; threw down Churches and Altars, broke the Crosses; and others did not approve of the Celebration of Mass, and taught, that Alms and Prayers did not avail the Dead: So that the Number of Hereticks in these Times was become very great, and they either took their Names from their Doctors, who broach'd the Heresies, or from the Places where they flourish'd most; but in the main they all agreed in Manicheism. And as under the *Roman* Empire, from *Constantine the Great*, to *Valentinian III.* their Number was prodigious, and went under the Names of their Authors; such as the *Arians*, the *Macedonians*, *Pneumatomachi*, *Apollinarists*, *Novatians*, *Eunomians*, *Valentinians*, *Paulianists*, *Papianists*, *Montanists*, *Marcionists*, *Donatists*, *Photians*, and many other Sects, which may be seen in the *Theodosian Code*: So likewise in these Times they were call'd *Arnaldists*,

¹ Cod. Th. tit. de hæret. lib. 16.

from *Arnaldo da Brescia* their famous Head, the *Leonistæ*, the *Insabbathi*, the *Waldenses*, the *Speronistæ*, the *Publicani*, the *Circumcisi*, the *Gazari*, and the *Patareni*, who, being prepar'd to suffer all Indignities and Affliction, by affecting an incredible Constancy, would be call'd *Patareni*, in opposition to Catholics, who, for the sake of Religion, suffer Slaughter; and after Death, are call'd Martyrs; so they, for their Belief, with the same Constancy, exposing themselves to the like Danger, would be call'd *Patareni*. But the most considerable in these Times, were the *Albigenses*, so call'd from *Alby*, the Place to which they retir'd, and being protected by the Count of *Toulouse*, spread their Doctrine in many Provinces of *France*.

BUT on the other hand, in these very Times, for the Support of the Church of *Rome*, there appear'd two bright Lights, *Dominick* and *Francis*, who, for their Sanctity, became famous every where, and founded the Orders of *Preaching Friars*, and *Minors Friars*, which were such fruitful Plants, and multiplied to that degree, that in a short time all *Europe* was full of gallant Champions, who, neither sparing Fatigue, nor other Inconveniencies, expos'd themselves to all Dangers, and fought boldly for the *Roman Pontiffs*. *Francis* embracing severe and rigid Poverty, in imitation of our Saviour, endeavour'd to bring his Order, and those that embrac'd it, to the antient Discipline, and his own Principles, and seeing his Order was founded on Humility and Poverty, he resolv'd, in imitation of the primitive Times, to clothe them after the antient Manner; and thus, more by exemplary Lives, than by Preaching and Sermons, to remove Error. On the other hand, *Dominick*, a *Spaniard* by Nation, of the City of *Calahorra*, of the renown'd and noble Family of the *Gusmans*, with those of his Order, went another way to work for suppressing the growing Heresies. The Bishops were not sufficient for such a Work, as well because of the great Number of Heresies, as that neither they nor their Vicars were so well qualified nor so careful as the Popes wish'd, and was requisite; therefore *Innocent III.* perceiving the Zeal of these rising Heroes, gave them in charge to go and preach the true Faith to the Hereticks, in order to convert them; to exhort Princes and all good Catholics, to prosecute the Obstinate, and to inform themselves of the Number and Quality of the Hereticks in all Places where-ever they went, and of the Zeal of the Catholics, and the Diligence of the Bishops, and to bring an account of all to *Rome*; whence they got the Name of *Inquisitors*. *Dominick* labour'd so heartily, and with so much Zeal against the *Albigenses*, that Pope *Innocent* declar'd him *Inquisitor General* against these Hereticks: *Dominick* perceiving that Sermons and Disputes made no Impression upon the Minds of obstinate Hereticks, thought that the best way to extirpate them, was to have recourse to the Assistance of the Count of *Monfort*, and other *Spanish*, *German* and *French* Lords, who being joyn'd with a great Number of Bishops, enter'd into a Crusade, and in the Province of *Narbonne*, and other Places, defeated and destroy'd them. But like so many Hydras, they still multiply'd, and *Dominick* came to *Rome*, and in the Council, which was this Year held in the *Lateran*, declaim'd against the *Albigenses*, and got their Doctrine to be condemn'd as heretical. The Books which the Abbot *Giovacchino* had written against *Peter Lombard*, *Magister Sententiarum*, were likewise condemn'd in this Council, and *Peter's* Doctrine concerning the Mystery of the Trinity, was approv'd of. And Care was also taken in this Council, for reforming the Manners of the Ecclesiasticks, who, by their Rival Hereticks, were cry'd out upon as abominable and sacrilegious Persons, and thus ended the Council; which having greatly encourag'd the new *Inquisitors*, with much Alacrity and Intrepidity they carried on their Work. However, they had no Tribunal at this Time; but they often stirr'd up the secular Magistrates to banish, and otherwise punish the Hereticks; they frequently excited the People, and fix'd a Cross of Cloth upon their Garments, and led them on to destroy and extirpate Hereticks.

THESE *Inquisitors* were afterwards much encourag'd in their Undertaking by the Empero: *Frederick II.* who, in the Year 1224, while he was in *Padua*, publish'd four Edicts on that Head, and took the *Inquisitors* under his Protection, and condemn'd obstinate Hereticks to the Fire, and the Penitent to perpetual Imprisonment, committing the Cognizance to the Ecclesiasticks, and the Condemna-

* *Pietro delle Vigne, and Federico, give this Etymology in the Constitution Inconsutilem.*

tion to the secular Judges. And this was the first Law, whereby Hereticks in general were condemn'd to die, of which we shall have occasion to discourse elsewhere; but though *Frederick* took the *Inquisitors* under his Protection, yet they had no Tribunal. But Pope *Innocent* IV. upon the Death of the Emperor *Frederick*, having made himself Umpire in *Lombardy*, and some other Parts of *Italy*, erected a Tribunal, and apply'd himself wholly to the Extirpation of Heresy, which had much spread during the late Troubles. And considering the Pains which the *Dominican* and *Franciscan* Orders, without Respect of Persons, or Regard to Dangers, had hitherto taken in this Service, he thought the best thing he could do, was still to make use of them, and imploy them, not as at first, by Preaching and Crusades only, but by giving them an establish'd Authority, and erecting a fix'd Tribunal solely for that Purpose. Such was the Rise of the Tribunal of the *Inquisition*; but how, and in what manner afterwards, it got footing in these Provinces, and how at last it came to be so detested and abhorr'd among us, as that the very Name of it durst not be mention'd, shall be inquir'd into at large in a more proper Place.

IN the mean time Pope *Innocent*, after he had put an End to the Council, went from *Rome* to *Perugia*, where he fell sick, and after he had govern'd the Church of *Rome* for Eighteen Years, and this our Kingdom during the Minority of *Frederick*, died the Sixteenth Day of *July* 1216. For Reasons which we shall by and by relate, it was a most deplorable Death to the Church of *Rome*, and very afflicting to the Emperor *Frederick*, who was very unfortunate, as his Successors were. *Innocent* was a Pope, to whom the Church of *Rome* is much indebted, for by his Cunning and Learning, he rais'd her to the highest Pitch of Grandeur, and had the Art to subject to her, almost all the States and Princes of *Europe*, who regarded him as an Oracle. And such Respect was paid to him, that he oblig'd *Alphonfus* King of *Aragon*, to make his Kingdom Tributary to, and himself Liege-man of the Church of *Rome*, and would have himself crown'd by him in *Rome*, and other Princes follow'd his Example. He was so consummate a Lawyer, that the greatest Persons came to *Rome*, and made him Umpire of their Differences, which he determin'd to their Satisfaction: Whence the most weighty Disputes both in Church and State, were decided in *Rome*. Whence we have so many of his *Decretal* Letters, of which at this Time there was a *Collection* made, and given to the Students of *Bologna* to read, whence *Gregory* IX. was enabled afterwards more firmly to establish the *Roman* Monarchy. *Innocent* studied the *Roman* Laws, and especially the *Pandects* with great Application; and he was reckon'd one of the ablest Lawyers of the many that flourish'd in these Times in many Cities of *Italy*, and particularly in *Bologna*, famous above all the rest for its Academy of Law, and for *Ugolino* and *Azone*, who were then renown'd Lawyers there. However he over-did in imitating the antient Lawyers, and in endeavouring to found his *Decretal* Letters upon the Laws of the *Pandects*, he often committed great Errors, many of which were afterwards found fault with by *Cujacius*, *Hottomanus*, and others learn'd in the Law. He had a very high-flown Notion of the Papacy, and, like *Gregory* VII. and many others of his Predecessors, thought that he had Power to depose and make Emperors, which he put in Practice, by deposing *Otho*, and advancing *Frederick* to the Imperial Throne.

DURING the Minority of *Frederick*, he govern'd the Dominions of *Sicily* with more absolute Sway and Authority than became a Guardian, which *Constantia* by her Will had made him; and 'tis recorded in the Register of the *Vatican*, that by this Authority he invested his Nephew with some Fiefs, and the County of *Sora* in our Kingdom; though the Author of the Acts of *Innocent* writes, that he was invested by *Frederick's* Governors and Ministers of *Sicily*. By the same Authority, *Innocent* in his *Decretals*, speaking of *Capua*, *Reggio*, and some other Cities of our Kingdom, says, that he had the Government of them as well in Temporal as in Spiritual Matters, which *Innocent* meant, when, in confirming, and assenting to the Election of Bishops, made by the Clergy and People of our Kingdom, he said, he did it *vice-regia*, which our Writers, through Ignorance of

¹ Bosquet. in notis ad epist. Inn. lib: 1. epist. 71.

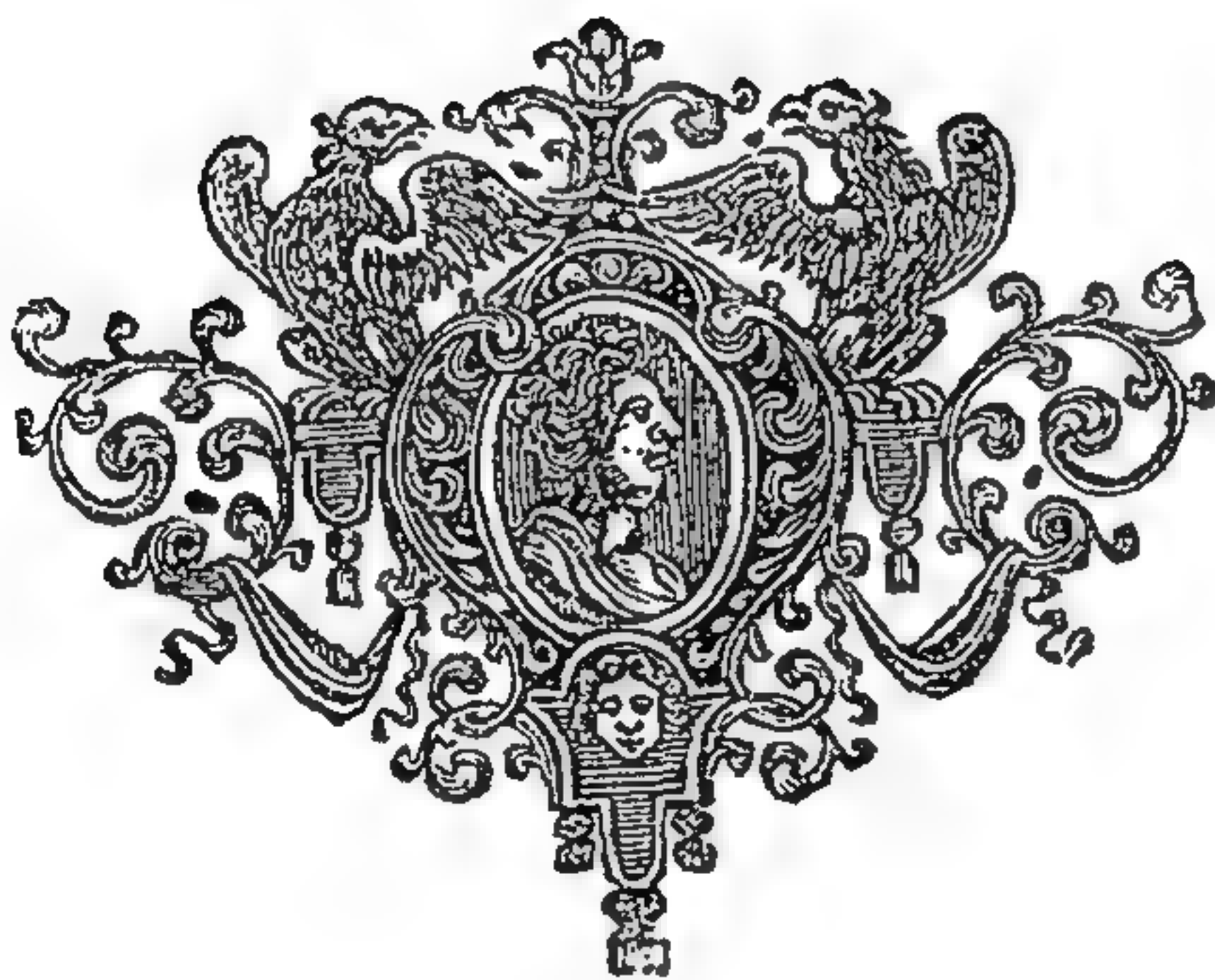
History could not conceive; for though, as we have said elsewhere, this same Pope in *Constantia's* Life-time, had made great Alterations in the Agreement made betwixt *Adrian IV.* and *William I.* concerning the Election of Bishops, yet it was not disputed at that Time, that the King's Assent must be sought to the Elections of Prelates; and while *Innocent* was Guardian, he observ'd it punctually; whence, writing to the Chapter and Canons of *Capua*, to elect a proper Person for that See, he likewise says, that after he is elected, they must send to him, for his Assent, *Vice-regia* ¹. We read, that he did the same when the Bishops of *Penne* and *Reggio* were to be elected ².

AFTER *Frederick* came to be of Age, this Pope had no Disputes of any Moment with him, but was still for advancing his Interest, in opposition to *Otho*, and *Frederick*, for his part, was very obsequious and obliging to him and the Church of *Rome*, for which his Rival *Otho* us'd to call him a *King of Priests*. Thus it far'd with *Frederick* during the Pontificate of *Innocent*; but he was not so well us'd by the succeeding Popes, for there happen'd such strange Turns and Vicissitudes of Fortune betwixt him and them, that produc'd the prodigious Effects, which shall be related in the Two following Books of this History.

¹ Cap. cum inter. 18. de electionib.

² Cap. qualiter eod. tit. de Elect. epist. 232. lib. 2. Epist. 242. Gesta ejusdem Inn. pag. 10.

& 20. Ughellus tom. 9. pag. 405. and it has been taken notice of by Florens cit. de Elect.





T H E
CIVIL HISTORY
Of the KINGDOM of
N A P L E S.

B O O K XVI.



U P O N the Death of Pope *Innocent* in *Perugia*, the College of Cardinals met immediately in that City, and elected *Cincio Savella*, Cardinal of SS. *John and Paul*, his Successor, who had been formerly Chancellor of the Holy Church, and in the Minority of *Frederick*. had been his Tutor four Years in *Palermo*, and was call'd *Honorius III.* It has been observ'd by the most careful Searchers into Human Actions, and confirm'd by antient and modern Instances, that those, who have been the Domesticks, and greatest Favourites of Princes, became their greatest Enemies as soon as they were made Popes. *Innocent IV.* while Cardinal, was *Frederick's* great Friend, but after his Election was his greatest Enemy. *Callistus III.* prov'd such to *Alphonfus* King of *Arragon*, and the Emperor *Charles V.* and our *Frederick* had the same Fate; for *Honorius* was no sooner elected and return'd to *Rome*, where, as their Citizen, the *Romans* receiv'd him with great Honours, than the first Thing he did, was to intimate to *Frederick* by his Letters, that though he was Emperor and King of *Sicily* and *Puglia*, yet he must not think, that these Kingdoms depended on the Empire, and not on the Church as Fiefs thereof, notwithstanding the Claim of the Emperors of the West, and of the late *Otho* among the rest, that at least the Kingdom of *Puglia* depended upon the Empire.

T O this *Frederick* answer'd with the greatest Honour and Respect, that in order to obey him, if he thought fit, he would yield the Kingdoms of *Sicily* and *Puglia* to his

his Son *Henry*, which would remove all Grounds of Jealousy ; and he sent his Ambassadors to *Rome* for that Purpose. *Honorius* receiv'd the Ambassadors very honourably, and seeing he could not but accept of *Frederick's* just and reasonable Offer, told them, that he had appointed a Legate to go to *Sicily* to finish that Affair ; and in the mean Time, *Frederick* must be faithful and obedient to the Church.

MEAN while *Otto*, after the Victory which *Philip* King of *France* had gain'd over him, fled with the miserable Remains of his Army into *Saxony*, and having given over all Hopes of recovering his lost Grandeur, he was taken ill of a Fever in *Brunswick*, and died there in the Year 1218. *Frederick*, now freed from his Rival in *Germany*, caus'd an Assembly of all the Princes and Prelates of the Empire to be conven'd in *Mentz*, and after he had settled Peace in that Country, he began to treat with *Honorius* about his Coronation in *Rome*. But the Pope, who was resolv'd to be well paid for his Pains, was not easily persuaded to consent, and this Ceremony actually cost *Frederick* very dear ; for, as *Fazzellus* says, the Pope would not allow of his coming to *Rome* to be crown'd, till he had first promis'd him the County of *Fondi* : This Affair being adjusted, *Frederick* was allow'd to come, and accordingly assembled a sufficient Army to go into *Italy* ; and in the mean Time he wrote to the Count of *S. Severino*, to imprison *Dicpoldus* his Father-in-Law, who had rais'd new Commotions and Disturbances in the Kingdom, and accordingly the Count shut him up in close Prison. He likewise wrote to the Empress *Constantia* his Wife, to come to *Germany*, who, having left *Sicily*, went by Sea to *Gaeta*, from thence to *Lombardy*, and was receiv'd in *Verona* and other loyal Cities, with great Marks of Respect, and join'd her Husband in *Germany* in the Beginning of this Year 1219.

DURING these Transactions, *Honorius*, having Advice that there was great want of Succours in the Holy Land, wrote to *Frederick*, and all the other Princes and People engag'd in the Crusade, presently to make ready to go to *Palestine*. *Frederick* upon his receiving these Letters, confirm'd the Oath he had made to go to the Holy Land, and wrote to the Pope, that after his Coronation in *Rome* he would undertake that Voyage. Therefore *Honorius* sent to require *Henry* Count of *Brunswick*, and the Duke of *Saxony* (who under pretence that *Frederick* was not lawfully crown'd, still kept the Crown, the Launce, and the other Imperial Ensigns) forthwith, under the Pain of Censure, to deliver them up. *Frederick* leaving his Son *Henry*, a Boy of eleven Years of Age, in *Germany*, under the Care of *Conrade* his Cup-bearer, arriv'd in *Italy* with the Empress *Constantia*, and having in vain requir'd of the People of the *Milanese*, antient Enemies of the House of *Suevia*, and great Partisans of the deceas'd *Otto*, to be crown'd in *Monza* with the Iron Crown, according to the Custom of the antient Emperors ; he pursued his Journey, and was met at *Mantua* by the Pope's Legate, who had Orders, not to slip so favourable an Opportunity, but before he allow'd him to proceed further, to extort from him what he could ; First he made him swear to defend the Rights of the Church of *Rome*, and to obey her and her Ministers, and to yield the Kingdoms of *Puglia* and *Sicily* to his Son *Henry* ; then he made him annul all the Constitutions and Laws against the Liberties of the Church ; in the next Place he made him restore the Dukedom of *Spoleto*, the Towns belonging to the Countess *Matilda*, such as *Ferrara*, *Villamediana*, *Monte Fiascone*, and the Cities in *Tuscany* belonging to *St. Peter's* Patrimony. He likewise made him give strict Orders for apprehending the Inhabitants of *Spoleto* and *Narni*, who were Rebels to the Church, and effectually to give up the County of *Fondi*, which he had promis'd to do in the Year 1218. From *Mantua* he pass'd through *Modena*, and accompanied by Deputies from all the Cities, he made his Entry into *Rome*, and on the 22d of *November* this Year 1220, in *St. Peter's* Church, with great Pomp and Magnificence was crown'd Emperor, and at Mass took an Oath from the Hands of the Pope, to defend the Rights and Estate of the Church, and go with a powerful Army to conquer the Holy Land ; and at the same Instant was sign'd with the Cross by the Hands of *Hugo* Cardinal and Bishop of *Ostia*, who in the Year 1227. was elected Pope, and call'd *Gregory IX.* There were present at this Coronation many Prelates and Barons of our Kingdom, such as *Stefano* Abbot of *Monte Cassino*, *Ruggieri dell' Aquila* Count of *Fondi*, *Giacomo* Count of *S. Severino*, *Riccardo* Count of *Celano*, and other Barons mention'd by *Riccardo da S. Germano*.

FREDERICK, after the Solemnity of his Coronation, in order to gratify *Honorius*, publish'd in Rome those his Imperial Constitutions, which we now read in the second Book of Fiefs, according to the vulgar and antient Division, under the Title *De Statutis, & Consuetudinibus contra libertatem Ecclesie*, &c. divided into many Chapters: in the first he revokes all the Statutes and Customs introduc'd against the Liberties of the Church; the Second enjoins severe Punishment to be inflicted upon the *Gazari*, the *Patareni*, and other Hereticks; and in the rest Care is taken of Hospitality, last Wills of Strangers, and the Security of Husbandmen, which we find confirm'd by *Honorius*. And 'tis not to be doubted, that on this Occasion, and in this Year, those Constitutions were publish'd in Rome by *Frederick*; for besides *Riccardo da S. Germano's* Testimony¹, *Frederick* himself in the Proem tells us, that he had publish'd them *in die qua de manu sacratissimi Patris nostri summi Pontificis* (meaning *Honorius*) *recipimus Imperii Diadema*. Three Chapters of which were afterwards inserted in the *Justinian Code*, under the Title *De Hæreticis*²; and one under the Title *De sacr. Eccles.*; from which was form'd the *Auth. Cassa. & irrita*, which we have taken notice of, that these Imperial Constitutions may not be confounded with others which *Frederick* afterwards publish'd solely for the Kingdoms of *Sicily* and *Puglia*, such as that which begins *Inconsutilem*, and the others which we find amongst the Constitutions of our Kingdom. These are Royal, and not Imperial Constitutions, and were publish'd for these Kingdoms, when the *Patareni* had crept into our Provinces, and especially into *Naples*, where in the Year 1231. *Frederick* caus'd many of them to be imprison'd and punish'd, as shall shortly be related.

BUT though *Frederick*, so much to his own Detriment, and the Diminution of the Rights of the Empire and Kingdom, had endeavour'd to please the Pope, yet all that did not serve to make him his Friend; for, as *Orlando Malavolta* in his History of *Siena* writes, while *Frederick* was yet in Rome, he observ'd, that the Orders he had given for settling the Affairs of *Lombardy*, were not executed by the Cities of the *Guelf* Faction, that sided with the Church; and that this was owing to the Pope, who was unwilling that his Adherents should pay any regard to *Frederick's* Orders, that he might keep these Factions divided, and render them irreconcilable, lest if these Cities should side with him, *Frederick* would be too hard for him.

¹ Ric. S. Germ. Romæ quasdam edidit Sanctiones, pro libertate Ecclesiæ, & Clericorum, confusione Patarenorum, Testamentis Peregrinorum, & securitate Agricultorum.

² Cod. Just. de Hæreticis, Cap. Si vero Dominus. Cap. Credentes præterea. Cap. Gazaros, Patarenos.

S E C T. I.

Of the Guelf and Ghibelline Factions.

IN order to the better Understanding of this History, it will be necessary here, to give a brief Account of the Rise and Reason of the Quarrels betwixt the *Guelfs* and *Ghibellines*, whom we shall have frequent Occasion to mention, because our Kings were often imbroil'd in these Disputes.

THESE famous Factions did not arise in the Time of *Frederick*, as some have believ'd, nor was he the Author of them, as *Fazzellus* unjustly makes him, but they are of a much older Date; *Frederick* found them already fix'd in *Italy*, where they had taken deep Root. They began in *Germany* in the Year 1139, in the Time of the Emperor *Conrade III.* and in the Reign of *Roger I.* King of *Sicily*¹. The *Ghibellines*, who were always *Imperialists*, took their Names from *Gibel*, a City where *Henry* the Son of *Conrade* was born. The *Guelfs*, who were always *Papists*, took their Name from *Guelf* Duke of *Bavaria*. These Appellations came afterwards from *Germany* into *Italy*, by an Accident that happen'd in *Florence*, which propagated the Factions in *Italy*; for a Gentleman of that City, whose Name was *Messer Buon-delmonte*, of the Family of the *Buondelmonti*, young, handsom, and genteel, had

¹ Inveges anno 1232. hist. Paler. tom. 3.

promis'd to marry a young Lady of the noble-Family of the *Amadei*; but as he was riding through *Florence* one Day, and passing by the Palace of a Lady of the Family of *Donati*, the Lady, taken with the genteel Carriage of the young Gentleman, resolv'd to give him her Daughter in Marriage, who being her Father's only Child, was the Heiress of an opulent Fortune. Therefore the Mother standing at her Door as *Messer Buonalmonte* return'd, saluted him in a friendly Manner, and began to jest him with the Lady he was to marry, saying, that she did not deserve so worthy a young Gentleman as he was; and adding, I have kept this Daughter of mine for you, a more suitable Match than she whom you have chosen; upon hearing of which Words, and seeing the young Lady of a noble Mien, and wonderful Beauty, he immediately fell in Love with her, and answer'd, That he should be a very great Fool if he refus'd such a generous Offer, and forthwith took her and married her. The *Amadei* hearing the News of this Marriage, were terribly incens'd against *Buondelmonte*, who had thus affronted them in breaking his Promise; whereupon they consulted among themselves how to be reveng'd on him, whether they should fight him or beat him; one *Messer Mostadi Lamberti*, a passionate Man, said he knew better than any of them how to be reveng'd; and soon after, taking some of his Kinsmen along with him, in the Morning of *Easter* Day, meeting *Messer Buondelmonte* a Horseback on the old Bridge of the *Arno*, he attack'd him, dismounted and kill'd him, at the Foot of the Pillar, on which *Mars*, the antient Idol of the *Florentines*, stood. The News of which being spread over the City, all betook themselves to their Arms, and the Nobles dividing themselves into two Factions, took the Names of *Guelfs* and *Ghibellines*; the Family of the *Buondelmonti*, with many others, headed one of the Factions, and call'd themselves *Guelfs*; and the *Uberti* joining with the *Amadei*, and many other Families, call'd themselves *Ghibellines*; which cruel Contagion soon spread itself over the greatest Part of the other Cities of *Italy*, to their Ruin and Destruction. For in the Disputes betwixt the Popes and the Emperors, those of the Emperor's Party were call'd *Ghibellines*, and those of the Pope's *Guelfs*; and the Popes did what they could to keep up the Factions, in order to depress, or at least ballance the Power of the Emperors. *Honorius* meant to serve *Frederick* the same way, notwithstanding his so great Condescension. But this Prince taking no notice of it, left *Conrade* Bishop of *Spires*, and Imperial Chancellor of *Italy*, in *Tuscany*, to keep his old Friends firm to him, and gain over new ones, and departed from *Rome* for *Terra di Lavoro*, where his Presence was necessary to prevent any Commotions amongst the factious Barons of the Kingdom; and coming to *S. Germano*, he was receiv'd with great Honour and Respect by the Abbot *Stefano*, and then took *Sessa*, *Teano*, and the Castle *Mondragone* from the Count of *Fondi*, who had possess'd himself of them during the late Troubles.

S E C T. II.

Of the Capuan Court.

FREDERICK left *S. Germano*, and went to *Capua*, where he call'd a general Parliament, in which he took great Care of the Quiet and common Good of the Kingdom. It was at this Time, that by the Advice of *Andrea Bonello da Barletta*, a famous Lawyer, and Attorney-General, he establish'd a new Tribunal in *Capua*, call'd *Corte Capuana*, in which he order'd the Barons, the Corporations of Cities and Towns, and all other Persons, to produce the Grants and Privileges of their Castles, and other Things which they held of him and his Predecessors (excepting the Grants of *Tancred* and his Children, whom he look'd upon as Usurpers) to be inspected whether they were valid, or had been illegally granted in Time of Troubles; declaring, that those who did not produce them should forfeit their Grants and Privileges, which should return to the Crown; and besides, he revok'd some of them that had been surreptitiously obtain'd: Of which, besides what *Riccardo*

^a Camil. Salern. in præfat. ad consuet. Fr. And. pag. 156. disp. Feud.

da S. Germano has written ¹, we have among our Constitutions an intire Title, *De Privilegiis a Curia Capuana revocatis*. We have taken notice of this, that it may not be believ'd, that *Frederick* instituted this Court in *Naples*, as *Camillo Salerno* ², and *Tutini* ³ have written; for it was erected in *Capua*, and therefore call'd *Capuana*. This Prince rais'd *Naples* afterwards above all the other Cities by founding an University there, and by the Tribunal of the High Court, of which we shall have occasion to discourse hereafter.

BUT *Bonello*, the Contriver of this Court, was much blam'd, because it was very prejudicial to many, whose Privileges were either revok'd, or for not being produc'd in Time, were reckon'd not valid afterwards; which made our *Commentators* upon that Constitution have a bad Opinion of that Institution, and speak of it with Contempt, as founded neither on Law or Justice, and favouring of Tyranny; but *Marino da Caramanico*, an antient Glossator, defends it against all their Calumnies.

FREDERICK in this general Parliament likewise ordered all the Castles and Forts, which any of the Barons had lately built in the Kingdom, to be demolish'd; of which *Frederick* makes mention in another Constitution, under the Title *De Edificiis novis* ⁴; and after having made other Regulations, which, according to *Riccardo da S. Germano*, were contain'd in twenty Chapters, he put an End to the Parliament, and in the Beginning of the Year 1221. he went from *Capua* to *Sessa*, where he divested *Riccardo* Brother of the deceas'd Pope *Innocent*, of the County of *Sora*, which the Governors of the Kingdom had given him while *Frederick* was under Age, as we have above related ⁵. He likewise order'd *Ruggiero dell' Aquila* to besiege the Castle of *Arce*, which was held out by *Stefano* Cardinal of *S. Adrian*, who surrender'd it; and at the Request of the *Germans* he set Count *Diopoldus* at Liberty, who had been in Prison since the Year 1218.

AT the same Time he gave the County of *Cerra* to *Tommaso d' Aquino*, and made him Chief Justice of *Puglia*, and *Terra di Lavoro* ⁶. Thereafter he went to *Bojano*, accompanied by many Barons, in order to curb the Insolence of the Count of *Molise*, and some other Barons; and after having humbled them, and restor'd Peace to that Province, he made a Progress into *Calabria* and *Puglia*, where there were likewise Commotions; for many Prelates and Barons, who, during his Minority, had been accusom'd to live under no Restraint, had resolv'd not to obey him, but when they thought fit; therefore he immediately resolv'd to chastise their Insolence, whereupon some Barons being driven out, and others forc'd to fly, they all retir'd to *Rome* under the Protection of Pope *Honorius*; *Frederick* complain'd, that *Honorius* protected his Enemies and Rebels, and fomented Rebellion in his Dominions, by instigating the rest of the Bishops to do the same; so that for the Security of the State, he was forc'd to drive many of them out of *Puglia*, and appoint other Bishops in their Place; and for supporting his Army, to tax indifferently both Churches and Clergy ⁷.

¹ Ric. S. Germ. Capuam se conferens, & regens ibi Curiam generalem pro bono Statu Regni suas Ascisias promulgavit, quæ sub viginti capitulis continentur.

² Camil. Salern. in proem. consuet. Neap. num. 3.

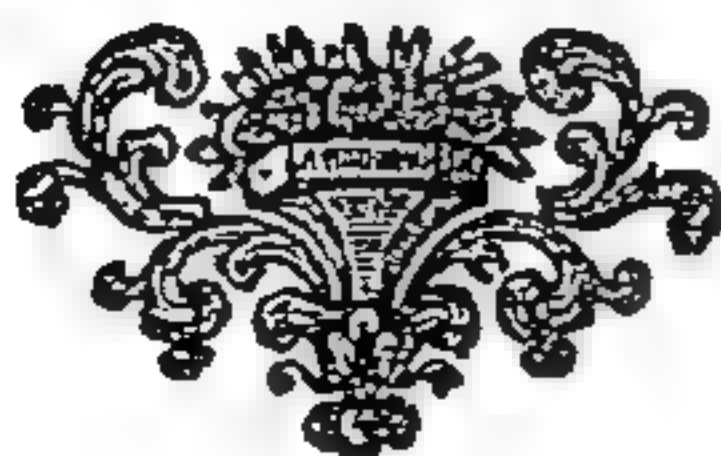
³ Tutin. d' M. Giustizieri, in princ.

⁴ Lib. 3. De novis Edific. prout in Capuana Curia per nos extitit Stabilium.

⁵ Ric. S. Germ.

⁶ Idem, Tunc etiam Thomas de Aquino factus Acerrarum Comes, & magnus Justitarius Apuliæ, & Terræ Laboris.

⁷ Gordon's Chronicle, quoted by the Abbot of Usperg, Nauclerus, Blondus, and Platina.





C H A P. I.

*The first Rise of the Discords betwixt the Emperor Frederick II.
and Pope Honorius.*



TH E S E were the first Seeds of Enmity betwixt *Frederick* and *Honorius*. *Frederick* complain'd of *Honorius*, that besides encouraging the Cities of the *Guelf* Faction to stand out against him, he receiv'd his Enemies and Rebels under his Protection, and likewise stirred up many Prelates of the Kingdom to foment Rebellion. On the other hand *Honorius*, seeing the Bishops expell'd, and others put in their Places by *Frederick*, and the Churches tax'd, complain'd loudly of him, for violating the Immunity and Liberty of the Church, which after his Coronation he had sworn to maintain, and for that end had establish'd many Constitutions. He likewise exclaim'd against him for assuming the Authority to give Induction to Prelates, and turn out those he had made; whereupon he sent his Legates to him, to get them restor'd to their Sees.

BU T *Frederick* answer'd them, That it had been always in the Power of Princes to drive such Prelates as they suspected and could not trust, out of their Dominions; and that from the Time of *Charles the Great*, it had been lawful for the Emperors to give the Investiture of Bishopricks with the Ring and Mace, and that it was an antient Prerogative of the Kings of *Sicily*, likewise to give Investiture, and their Assent; that this Prerogative could not be impair'd by *Innocent III.* though he had done so during his Minority, and the Reign of his Mother *Constantia*; and that he would sooner part with his Crown, than quit a Jot of his Right.

ON the other hand the Pope wrote a very smart Letter, recorded by *Pirro*, to all the King's Ministers in *Sicily*, not to suffer Taxes to be levied upon the Clergy and Ecclesiastical Persons, but to let them enjoy the same Immunity that they had in the Time of *William II.* Some write, that amidst these Disputes, *Frederick*, before he went to *Sicily*, held another Parliament in *Melphis*, and that he caus'd the Volume of his Constitutions, by his Order, collected by *Pietro delle Vigne*, to be publish'd there. And indeed by the Date, they would seem to be in the right; for in the vulgar Edition, the Date is thus, *Actum in solemn Consistorio Melfiensi, Anno Dominice Incarnationis M. CC. XXI.* But because *Riccardo da S. Germano* makes no mention of this Parliament held in *Melphis* this Year, but says, there was one held in that City in the Year *M. CC. XXXI.* where these Constitutions were establish'd, therefore we forbear to speak of this Collection till the Time assign'd by *Riccardo*, when we shall clearly prove, that it was not made this Year, and that by an Error of the Printer, 1221 has been put for 1231.

TH I S true, he publish'd some of his Constitutions this very Year, but not in the Parliament of *Melphis*, but in that which he held at *Messina*, after he had settled the Affairs of *Puglia*, which were likewise inserted afterwards in that Volume by *Pietro delle Vigne*, together with those he publish'd in *Capua*, and others establish'd elsewhere on various Occasions, of which we shall treat at large, when we come to discourse of this Collection.

¹ Fazzel. dec. 2. lib. 8. c. 2. fol. 418.

² *Pirro* in Chron. Ne Clericos, & Ecclesiasticas Personas tributorum erogatione preme-

rent, sed immunes eos haberent, ut olim sub Willelmo II.

AFTER Frederick had put an end to this Parliament in *Messina*, he went to *Palermo*, where he order'd a general Tax, viz. The Twentieth Part of the Revenues of Ecclesiasticks, and the Tenth of those of Laicks to be levied over all his Dominions, not out of Avarice, as has been unjustly laid to his Charge, but for the Relief of the Holy Land, especially *Damiata*, which was closely besieg'd by the Soldan of *Egypt*. He sent the Money thus collected by *Guallieri della Pagliara*, and *Errico* Count of *Malta*, High Admiral of *Sicily*, but after they had arriv'd at *Damiata*, that City, which had cost so much Labour to conquer it, by the ill Conduct of the Cardinal *Pelagius*, and all the other Princes of the Christian Army, was lost, and shamefully restor'd to the Soldan of *Egypt*, which so inrag'd Frederick against the High Chancellor and High Admiral, who had consented to so ignominious a Surrender, that he imprison'd the Count, and stripp'd him of all his Lands and Offices, and the Chancellor fled to *Venice*, where, perhaps, he died in Exile, since there's no more mention made of him in the Writings of these Times. *Dominico di Gusman*, who was afterwards Sainted, died at this very Time in *Bologna*.

IN the Month of *February* of this Year 1222, while Frederick kept his Court in *Catania*, the Pope receiv'd the News of the Loss of *Damiata*, upon which he left *Rome* and went to *Anagnia*, and, according to his ordinary Custom, began to inveigh bitterly against Frederick, that he had, contrary to the Rights of the Church, tax'd the Ecclesiasticks, turn'd out the Bishop of *Aversa*, lawfully elected, and put in another of his own Head, and had done the same in *Salerno* and *Capua*: That by his delaying to go to the Holy Land, as he had vow'd, the Christians had lost *Damiata*, whereas if he had been there, that City would not have been so disgracefully lost. Frederick resolving to clear himself from these Accusations, left *Sicily*, and went to meet with the Pope, who had gone to *Veruli*, where they conversed together for Fifteen Days running, and after they had made up Matters betwixt themselves, they appointed a general Meeting of all the Princes in *Verona*, in order to concert how to send Relief to the Christians in *Palestine*; Frederick promis'd anew to go thither in Person with a powerful Army, betwixt that and a certain prefix'd Day, without fail.

MATTERS thus settled with the Pope, Frederick went to *Puglia*, and after he had settled the Affairs of that Province, he was forc'd to return in all Haste to *Sicily*, where the *Saracens* had rebell'd; and while he was gallantly defeating these Rebels, the Empress *Constantia* died in the City of *Catania*, after she had born Two Sons to him, *Henry*, and another nam'd *Giordanus*, who died young¹.

THE Emperor Frederick, who, at this Time, was only 25 Years of Age, being left so young a Widower, got his only Son *Henry*, then in *Germany*, to be declar'd his Successor, and crown'd King of *Germany* in *Aix la Chapelle*; and *Bzovius* says, that Frederick hasten'd this Coronation, because *Damiata* being lost, the Pope was very pressing upon him to go to the Holy Land; and therefore he made haste to have his Son married to *Margaret*, Daughter of *Leopold* Archduke of *Austria*.

AFTER Frederick had triumph'd over the *Saracens*, and *Mirabet* their Leader, he return'd to *Puglia*, where he receiv'd fresh Complaints from the Pope, because the Officers rais'd Contributions from the Churches and Ecclesiasticks; which so offended *Honorius*, that he sent the Prior of *St. Maria la Nuova* to the Emperor, to forbid it. Frederick mov'd by the Pope's Request, wrote to his Officers, ordering them to tax the Churches and Ecclesiasticks no more.

¹ Zurita Annal. de Aragon. Catanzæ moritur, in Panormi Æde Maxima sepelitur.





CHAP. II.

The Union of the Crown of Jerusalem to that of Sicily.



AMONG other Titles wherewith *Frederick* was adorn'd as King of *Sicily* (under which Name all the Provinces of the Kingdom of *Naples*, as well as the Island of *Sicily*, were comprehended in these Times) that of King of *Jerusalem* was one; whence his Successors, as Kings of this Realm, claim that specious Title, and have the Patronage of the Temple of that City, and the Sepulchre of our Saviour; the only and poor Remains that are left us, since that Kingdom became subject to the *Turks*. And seeing this Subject has not been handled with that Dignity and Clearness it deserves, it will be necessary to treat of it in a particular Manner.

OUR Writers have mention'd two Unions of the Crown of *Jerusalem* with that of *Sicily*. The first was in this Year 1222, in the Person of the Emperor *Frederick II.* King of *Sicily*, by Right of *Jole* his second Wife; which has the better Foundation of the Two, as we shall presently shew. The other in the Year 1272, in the Person of *Charles I.* of the Family of *Anjou*, by the Surrender of *Mary* Daughter of the Prince of *Antioch*, which, as we shall shew in its Place, as its Foundation is not very clear, is not much regarded.

THE Kingdom of *Jerusalem*, after the Death of *Baldwin*, Brother of the famous *Godfrey* of *Boulogne*, who was the first that was elected King thereof, in the Year 1119, came to *Baldwin II.* his Cousin German, who having no Male-Issue, in order to secure the Succession of that Kingdom to his eldest Daughter *Milfinda*, married her to *Fulk* Count of *Anjou*, who got the Title of King of *Jerusalem* in the Year 1135.

BALDWIN III. his Son, succeeded him, and afterwards his Brother *Amoricus*. This last left a Son, nam'd *Baldwin IV.* Thirteen Years of Age, who reign'd Twelve Years; *Raimond* Count of *Tripoli* being Regent.

THIS *Baldwin* had two Sisters, but no Children. The elder Sister was nam'd *Sibilla*, and the younger *Isabella*. *Sibilla* was married to *William* Marquis of *Monferate*, and brought him a Son nam'd *Baldwin*. After *William's* Death, *Baldwin IV.* her Brother, King of *Jerusalem*, gave *Sibilla* in Marriage to *Guido* of *Lusignan*, and likewise appointed him his Successor; but afterwards doing Justice to his Nephew, he chang'd his Mind, and caus'd his Nephew, call'd *Baldwin V.* to be crown'd King, and made the Count of *Tripoli* his Tutor.

BALDWIN V. died soon after *Baldwin IV.* his Uncle, and left no Issue; whereupon the Count of *Tripoli*, and *Guido* of *Lusignan* contended for the Crown; and *Sibilla* had the Interest to get it for her Husband *Guido*; which so disgusted the Count, that he kept a secret Correspondence with *Saladin*, Calif of *Egypt*, who, by his Conquests, having made himself Master of *Egypt*, *Africa* and *Syria*, and declar'd War against the Christians of *Syria*, came and laid Siege to *Tiberias*. *Guido* King of *Jerusalem* came to relieve it; but Necessity forcing the Christians to come to an Engagement, and the Count of *Sicily* deserting them, they were defeated. The King of *Jerusalem* was made Prisoner, and the Christian Army intirely routed. The Result of this Defeat was the Loss of almost all the Kingdom of *Jerusalem*: *Tiberias* and the other neighbouring Cities were taken: *Acre*,
Berytus,

Berytus, and *Ascalon* were surrender'd, on Condition that King *Guido* should be set at Liberty. At last *Saladin* besieg'd *Jerusalem*, and took it by Capitulation, so that the Christians had nothing left them in *Asia*, but three Places, to wit, *Antioch*, *Tripoli* and *Tyre*. All these Misfortunes happen'd to the Christians in the Year 1187.

CONRAD Marquis of *Monferate*, after *Sibilla's* Death, without Children, married *Isabella* her Sister, in whose Right he claim'd the Kingdom of *Jerusalem*, now lost, and resolv'd to defend the City of *Tyre* to the last; for *Tripoli* had been given to *Baldwin* Prince of *Antioch*, upon the Death of the Count, who died of Grief, because *Saladin* had betray'd him, in not making him King of *Jerusalem* as he had promis'd.

The Pope and Princes of *Europe*, seeing the deplorable State to which the Christians of the East were reduc'd, prepar'd to go thither to their Relief; and in the Year 1188, the Crusade being resolv'd upon, the Kings of *France* and *England* in the Year 1190, set out with their Armies, and after a prosperous Voyage, arriv'd in *Palestine*, fought *Saladin*, and took the City of *Acre*. But the King of *France* being much afflicted with a grievous Distemper, resolv'd to return home, and leave a Part of his Army in *Palestine*; and before he departed, he, together with the King of *England*, made up the Differences, which, to the great Prejudice of the Christians, had arisen betwixt *Guido* of *Lusignan*, and the Marquis of *Monferate*, about the Kingdom of *Jerusalem*. According to some Writers, it was decided thus; that *Guido*, during his Life-time, should enjoy the Title of King of *Jerusalem*, and that after his Death, the Marquis of *Monferate*, or his Children, should have the Crown. It was likewise determin'd that the Cities of *Tyre*, *Sidon*, and *Berytus* should remain to the Marquis.

THE Marquis of *Monferate* had no Sons by his Wife *Isabella*, but only four Daughters. The Eldest was *Mary*, who was married to *John* Count of *Brenna*: *Alisia*, the Second, according to *Summontes*, was married to *Hugo* King of *Cyprus*: *Sibilla* the Third, to the King of *Armenia*; and *Melisina* the Fourth, according to the same Writer, was married to the Prince of *Antioch*, to whom she bore *Mary*, who, by Right of her Mother, claim'd the Kingdom of *Jerusalem*.

THUS were the Rights to the Kingdom of *Jerusalem*, transmitted to the Posterity of *Isabella* Daughter of *Amoricus*, and Sister of *Baldwin* IV. King of *Jerusalem*, and each of them set up for these Rights, but none of them for the Possession, because the Kingdom was under the Dominion of *Saladin*. Among all the Pretenders, *John* Count of *Brenna*, was thought to have the best Title, who, by Right of his Wife *Mary*, *Isabella's* eldest Daughter, took the Title of King of *Jerusalem*; and by her had a Daughter nam'd *Jole*, or, as some call her, *Joalanta* or *Violanta*, who, on the Death of her Mother, had the best Right to that Kingdom.

AFTER the Surrender of *Damiata*, the Christian Army return'd from *Palestine* to *Puglia*, and together with them came *Hermanus Salza*, Great Master of the *Teutonic* Order, and went to wait upon the Emperor *Frederick*, and persuade him to go to the Conquest of the Holy Land, and in order to get him to consent, he propos'd to him, that now being a Widower, he ought to marry *Violante*, commonly call'd *Jole*, a beautiful and genteel young Lady, and only Daughter of *John* Count of *Brenna*, and the deceas'd *Mary* Queen of *Jerusalem*, his Wife, whose Heiress *Violante* was, and inherited the Right to that Kingdom; which, with his own Forces, he would be able to recover from the Soldan, and likewise conquer all the other most fruitful Provinces of *Egypt*, possess'd by a dastardly People. The Emperor lik'd the Proposal mightily, and said, That he would gladly have the Marriage concluded: Whereupon the Great Master took upon him to manage the Matter, and went to *Rome* to wait upon the Pope, who receiv'd him courteously, and after various Discourses about the Affairs of *Palestine*; *Honorius* ask'd him what was proper now to be done for the Recovery of those Holy Places from the Bondage they were in? The Grand Master, who wanted to have such a Question ask'd, presently answer'd, That the best way was to get the Emperor to be interested in these Dominions, by which Means, he would not only perform the Promise he had given, but for his own Interest and Honour, would go thither to make War; and when *Honorius* ask'd, How that could be brought about? he

¹ Bossio's History of Malta

answer'd,

answer'd, by marrying him to King *John's* Daughter, and getting that King to surrender the Right he had to the Kingdom of *Jerusalem*, by virtue of his Wife, to the Emperor as a Portion with his Daughter : This Answer highly pleas'd the Pope, who ask'd what Methods could be fallen upon to get both Parties to consent to this Marriage ; the Grand Master answer'd, That he might write to the King, and *Fr. Guerino de Montagu*, with whom the King advis'd in all his Affairs, and invite them to come to *Rome*, for that he had an important Matter to impart to them ; concerning the Conquest and Defence of those Countries ; and upon their coming he might persuade them to consent to the Marriage, and that he himself would infallibly get the Emperor to agree to it. This at first startled the Pope, lest the Absence of Two such Personages might be of dangerous Consequence to *Palestine* ; but the Great Master assur'd him that no such thing could happen, because of the Peace lately concluded with the Soldan, whereupon the Pope wrote immediately to the King and *Fr. Guerino* to come to *Rome*, because he had Matters of great Consequence to impart to them concerning the Holy Land. Upon Receipt of these Letters, King *John*, in Obedience to the Pope, presently imbark'd, together with the Patriarch of *Jerusalem*, and the Bishop of *Betlehem*, and in a short Time arriv'd at *Rome*, and waited on the Pope, who receiv'd him graciously, and after some Discourse about the Marriage, the King consented to it ; of which the Great Master having acquainted the Emperor, he forthwith left *Sicily*, and came to *St. Germano* ; from thence at the Invitation of some Cardinals, he went to *Campagna di Roma*, whither the Pope came shortly after, and they met in *Ferentino*, where all Differences were made up, and the Marriage concluded, the Emperor solemnly promising, in presence of the Pope, the Cardinals, and the Great Masters of the *Hospitallers* and *Teutonicks*, to take *Jole* to Wife, with the Rights to the Kingdom of *Jerusalem* as her Portion, and within two Years to go with a powerful Army in order to conquer the Holy Land. That this Marriage was thus concluded, not only *Bzovius*, and *Riccardo da S. Germano*, but likewise *Honorius*, in one of his Letters to *Philip* King of *France*, exhorting him also to go to the Conquest of the Holy Land, witnesseth.

THE Marriage being thus concluded, it was immediately order'd, that *Jole* should be conducted from *Palestine* to *Italy*, and King *John* went to *Spain* to visit the Church of the Apostle *St. James* in *Galicia*, where he married *Berengaria* Daughter of *Alphonfus IX.* King of *Leon*, and return'd through *France*, where he had great Possessions, to *Vienna* his native Country ; and *Frederick* left *Ferentino*, and return'd to our Kingdom, and by the Way of *Sora* went to *Celano*, from thence to *Puglia*, and after a short Stay in *Bari*, he sail'd again for *Sicily*.

THUS then did King *John* of *Brenna*, who, for 27 Years, by Right of Queen *Mary* his Wife, had enjoy'd the Title of King of *Jerusalem*, but without Dominions, (for the Holy Land was already subjected to the Soldan of *Egypt*) give with his Daughter *Jole* the Title and Rights of that Kingdom to the Emperor, and his lawful Heirs, whence the Kings of *Sicily* are also call'd *Kings of Jerusalem*. 'Tis true, *Frederick* did not begin the same Year that the Marriage was concluded, to intitle himself in his *Diplomas* and other Writs, *King of Jerusalem*, but in the Year 1225, when *Jole* came to *Italy*, and the Marriage was celebrated with great Pomp, and consummated in *Brindisi*, he began to take that Title, and would be crown'd with the Crown of that Kingdom ; and besides, he would have the Lord of *Tyre*, and many other Barons of *Palestine*, who had accompanied King *John*, to swear Fealty to him, and he sent the Bishop of *Molfetta* with two Counts, and 300 *Sicilian* Soldiers to *Ptolemais*, to receive in his Name the wonted Homage and Oath, and confirm *Hugo de Montbeliard* a *French* Gentleman, Viceroy and Governor of that Kingdom, whom King *John* had left in the same Station ; so that, according to *Inveges*, *Frederick* in his *Diplomas* took the Title of *Rex Hierusalem*. But it is not true, as the same Author says, that *Frederick*, for two Reasons, always preferr'd this Title to that of *Sicily*, first for the Honour of that Holy City ; and secondly, because the Crown of *Jerusalem* was more antient, than that of *Sicily* ; in which he's in the Right (if we go not so far back as the Times of the antient Tyrants of that Island) for *Jerusalem* had the Title of Kingdom from the Time of *Urban II.* in the Year 1099, when *Godfrey* of *Boulogne* conquer'd it ; and *Sicily* got that Title in the Year 1130, in the Time of *Roger* the first *Norman* King, as we have told in the Eleventh Book of this History ; but we see the contrary in many *Diplomas*, wherein

wherein the Title of King of *Sicily* is plac'd before that of *Jerusalem* ; particularly in the Proem to our *Constitutions*, where the Titles are read thus: *Italicus, Siculus, Hierosolymitanus*. Whence our Kings quarter the Cross of *Jerusalem* in their Arms, and justly value themselves upon that Prerogative.

BUT *Stephen*, a Monk of *Lusignan*, in his Chronicle of *Cyprus*, sets up the Kings of *Cyprus* in opposition to those of *Sicily*, and will have it, that the Rights to the Kingdom of *Jerusalem* belong to those as nearest Heirs ; and says, that for that Reason, the Kings of *Cyprus* were wont to be first crown'd Kings of *Cyprus* in *Nicosia*, and afterwards Kings of *Jerusalem* in *Famagusta* ; but he is very widely mistaken, for 'tis very clear from the Genealogy of the Kings of *Jerusalem*, that Queen *Mary* the Mother of *Jole*, was the nearest Heiress, as the eldest Daughter of *Isabella* the Daughter of *Amoricus* King of *Jerusalem*.

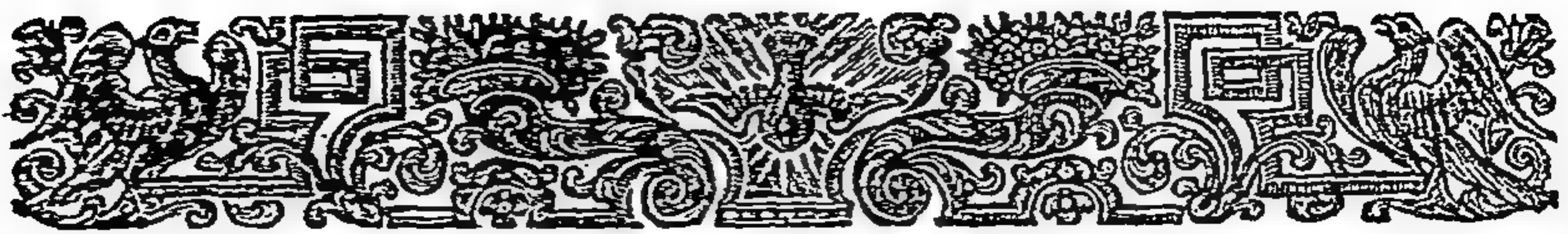
S E C T. I.

Frederick transports the Saracens out of Sicily to Lucera of Puglia; and Lucera de Pagani.

THE Emperor *Frederick*, taken with the pleasant Situation of *Naples*, resolv'd to raise that City above all the others of the Kingdom of *Puglia*. Those who will not have King *William* to have built *Castello Capuano* in *Naples*, say, that *Frederick* was the Founder of it in the Year 1223, and pretend, that *Castello dell' Uovo*, and *Castello di S. Eramo* only, were built by the *Normans*. This Prince was the first that laid the Foundation of the Growth of *Naples*, whence in process of Time, it became the Head and Metropolis of a noble Kingdom, and rais'd itself above all the other Cities ; for the Year following 1224, he founded an University there, and invited Scholars to it, not only from the other Provinces, but even from *Sicily*, which, as we shall shew by and by, contributed much to the Increase of the Inhabitants.

THIS Year 1223, *Frederick* was at War again with the *Saracens* of *Sicily*, besieg'd and fought them in several Places, for disturbing the Quiet of the Kingdom, and after he had subdu'd them, he did not think fit to let them continue any longer in that Island, as being too near to *Africa*, from whence they frequently got Succours, but transported a great Number of them to *Puglia*, and assign'd them the City of *Lucera* for a Habitation, and this was the first Colony of *Saracens* that came from *Sicily* to *Lucera*. The second came in the Year 1247, when *Frederick* caus'd the miserable Remains of them to be transported from *Sicily*, to the other *Lucera*, on that account call'd *de Pagani* ; the first Colony, in process of Time, having possess'd themselves of all *Japygia*, now call'd *Capitanata*, oppress'd the People of that Province, by their licentious Way of living ; *Frederick*, and after him *Manfred*, wink'd at them, because, as brave Soldiers, they made use of them frequently in their Wars with the Popes, and other Lords and Cities of *Italy* ; till *Charles I.* of *Anjou*, after he had got Possession of the Kingdom, by a long War, and powerful Armies, expell'd them altogether, as we shall shew in the Progress of this History.





C H A P. III.

Of the University of Naples, instituted by Frederick.



*N*APLES being a Greek City, had Schools from the Time it was first founded, where good Learning was taught; *Frederick* this Year 1124, restor'd these Schools, and turn'd them into the Form of an Academy. He was not the first Founder of Schools in *Naples*, as some have believ'd: He only enlarg'd them, and put them into a more noble Form, and of private Schools, for the Use of the City alone, made them an University for all the Kingdom of *Sicily*, and chose *Naples* for a Nursery to all the Youth, both of our Kingdom and that of *Sicily*.

SEVERAL Reasons mov'd this wise Prince to erect this famous University in *Naples*, as he himself in his Letters, which we read in *Pietro delle Vigne*, his Secretary and Counsellor, testifies¹. First, because that City was always esteem'd the antient Mother and Nursery of Learning; secondly, because of the Sweetness of its Climate; and lastly, because it was situated in a convenient Place, in the Neighbourhood of the Sea, where both by the Fertility of the Country, and Commerce by Sea, all Things necessary for human Life were in Plenty, and whither Youth could be brought either by Sea or Land.

RICCARDO da S. Germano, a Contemporary Writer, tells us, that *Frederick*, in the Month of *July* in the Year 1224, instituted this University, and for that End dispatch'd Letters over all the Kingdoms of *Sicily* and *Puglia*: *Mense Julio*, says he, *pro ordinando Studio Neapolitano Imperator ubique per Regnum mittit literas generales*. We read some of these Letters in the Six Books of Letters, written by *Pietro delle Vigne*, in which we have an Account of the Form of this University, and of the many Privileges bestow'd on it. First he chose the brightest Men to be Professors in all Faculties, and appointed them large Salaries, and he invited Professors from remote Parts, and forbid them to teach in any private School, either within or without the Kingdom, but only in this University². Among others, he invited, and settled large Salaries upon two notable Men *Masters* (for Master at that Time was the same as Doctor now a-days) *Petrus d'Ibernia*, and *Robertus di Varano*, whom *Frederick* himself calls, *Civilis Scientiæ Professores*, *Magnæ Scientiæ, notæ virtutis, & fidelis experientiæ*³: And that nothing might be wanting, he likewise invited other Professors of all Arts and Sciences, as he says in his eleventh Letter: *In primis, quod in Civitate prædicta Doctores, & Magistri erunt in qualibet facultate*.

BESIDES Professors of Law, he also appointed Professors of Divinity; and those he chose either from among the Monks of the Monastery of *Monte Cassino*, at that Time famous for Learning, or from those of the Orders of *St. Dominick*, or *St. Francis*, Two Orders lately sprung up, which had acquir'd great Fame both for their Sanctity and Learning. And when, by reason of the Factions, which, in the Year 1240, these Monks kept up against *Frederick*, on account of the Differences betwixt him and *Gregory IX.* he was oblig'd to banish them all out of the Kingdom, as Disturbers of the publick Peace; in order to make up the Loss of these Professors of Divinity, he wrote a Letter to *Erasmus* a

¹ Lib. 3. ep. 10, 11, 12 & 13.² Lib. 3. ep. 11.³ Lib. 3. ep. 10 & 11.

Monk of *Cassino*, and Professor of Divinity there, inviting him to come to *Naples* to supply that Want. This Letter is still preserv'd in the Library of *Cassino*, and is recorded by the Abbot of *Nocce*¹, and bears this Inscription: *Honestissimo, & peritissimo viro Magistro Herasmo Monacho Casinensi Theologicæ Scientiæ Professori: Universitas Doctorum, & Scholarium Neapolitani Studii Salutem, & optatæ felicitatis augmentum.*

THIS University had likewise Professors of the *Canon Law*; and *Summontes* says, There is a Writ in the Royal Archives of *Naples*, in the Register of the Emperor *Frederick II.* which mentions the Institution of this University, which begins thus: *Scriptum est Clero, Baronibus, Militibus, Bajulis, Judicibus, & Universo Populo Neapolitano*; wherein, among other Things, 'tis ordain'd, That no Person born in the Cities of *Lombardy*, that had lately rebell'd against him, should be receiv'd in this University. Among the other Doctors which he invited, *Bartolomeo Pignatello* of *Brindisi*, a famous Canonist, was one.

FREDERICK likewise provided this University with Professors of *Physick*; so that *Naples* began to vie with the College of Physicians of *Salerno*, and he ordain'd by a Constitution², that none should presume to teach *Physick* or *Chirurgery*, in any part of the Kingdom, except in *Naples* or *Salerno*; and that none should receive a Degree in *Physick* or *Surgery*, before they were examin'd by the Physicians of these Two Universities; and that after these Physicians had given their Letters of Approbation, they should not practise *Physick* till they were presented to his Officers and Professors of that Art, deputed by him for that Effect; and however qualified and fit they were declar'd to be, they should not practise without the express Licence of the Prince, or in his Absence, of his Viceroy³. Whence *Luca di Penna*, and *Agnello Acramone* have written, that formerly our Kings alone licens'd Physicians⁴. According to *Andrea d'Isernia*⁵, this was alter'd by the succeeding Kings, who order'd, that those who had a mind to take the Degree of Doctor, should present themselves before the Person appointed by the King to have the Inspection of the Universities; and at this very Day in *Naples*, the Power of conferring the Degree of Doctor of *Physick*, or of other Professions, is lodg'd in the High Chancellor of the Kingdom; but in *Salerno*, the Power of conferring the Degree of Doctor of *Physick* belongs to the College of Physicians; whence the University of *Naples*, has not, like other Universities of *Europe*, Power to confer the Degree of Doctor, but only to give Letters of Approbation, the King having reserv'd that Prerogative to himself, and deputed the High Chancellor, to exercise it in his Name.

FREDERICK, besides having provided this University with Professors of all Faculties, and granted them Power to give Letters of Approbation to those who had a mind to take Degrees, likewise endow'd it with many noble Privileges, both with respect to the Persons of the Professors, and Scholars.

IN order to render this University more famous and numerous, he ordain'd that none but Professors should teach there, and that no Scholars should go to any City, either of this Kingdom or of *Sicily* to be taught, but to *Naples* only⁶. He was so nice and positive in that Point, that when by the severe Prohibition of all Schools in any other Part of the Kingdom, the *Justice* of *Terra di Lavoro* doubted, whether Grammar Schools were comprehended in the Edict; *Frederick* in a Letter, which we likewise find in the Six Books of Letters of *Pietro delle Vigne*⁷, declar'd they were not.

HE also granted to this University, and to the Doctors and Masters thereof, Jurisdiction and Power to take Cognizance of the civil Causes of the Scholars, as we read in that Letter, which he directed to the Scholars themselves, inviting them to this University: *Item omnes Scholares in civilibus, sub eisdem Doctoribus, & Magistris debeant conveniri*⁸. And in order to make it the more numerous, he commanded all the Governors of Provinces, to oblige, under severe Penalties, all the Scholars within their Jurisdictions, to come and study in *Naples*, and not to go to

¹ Abb. de Nuce in notis in Prolog. lib. 4. Chron. Cass.

² Constitut. in Terra qualibet.

³ Constitut. Utilitati. Glosi. & Assi. in dicta Constitut.

⁴ Luc. de Penna in l. contra publicam, col. 2.

⁵ C. de re milit. lib. 12. Arcamon. in dicta Constit.

⁶ Andr. de Isern. in dicta Constit. Utilitati.

⁷ Lib. 3. ep. 11. Besold. in dissert. de jure Academ. cap. 2. in fine.

⁸ Lib. 3. ep. 13.

⁹ Lib. 3. ep. 14.

any Place else, either within or without the Kingdom ¹. He likewise sent express Orders to the Lieutenant of *Sicily*, to invite all the Youth of that Island to come and study in *Naples*, where they should enjoy many Privileges, Franchises, and Immunities ². And in the Year 1226, when *Bologna* rebell'd against him, he order'd, that all the Scholars there should go to study in *Naples* or *Padua*; and in the Year 1233, this University having suffer'd very much, by reason of the Broils that happen'd in the Kingdom on account of the Differences betwixt *Frederick* and the Pope; which *Frederick* made up, and restor'd them to their former State ³.

THIS Prince, in order to encourage Youth in the Study of Learning, granted the Scholars many Privileges. He declar'd that he would take them under his particular Care and Protection, and that both on their Journey to, and Stay in *Naples*, they should be well treated, and no wise molested in their Persons or Goods; that they should have the best Lodging in the City at easy Rates; that Money should be lent them for their necessary Occasions; that they should be furnish'd with Grain, Wine, Flesh, Fish, and all other Necessaries of Life, at the same Price with the *Neapolitan* Citizens; and besides these Privileges, which we read in one of his Letters recorded by *Pietro delle Vigne* in his third Book ⁴, *Frederick* made many other Provisions for this University, of which, as occasion offers, we shall make mention. *Manfred* his Son followed his Example, and we read some of his Letters in *Baluzius* ⁵, where he shews how much he had at Heart to provide this University with able Professors, in order to make Learning flourish.

AFTER *Frederick* had instituted so illustrious an University in this City, and brought the Scholars of both the Kingdoms of *Sicily* to it, *Naples* began to raise its Head above all the other Cities of these Provinces; and this was the first Step towards its becoming the Metropolis of the Kingdom.

THIS renown'd Prince, during his frequent Residence in *Naples*, added many other Advantages to it; for his *High Court*, in these Times the supreme Tribunal, where the most weighty Cases are decided, made this City to be much frequented; and though in his Time this Court had not acquir'd that Superiority over all the other Courts of the rest of the Cities of these Provinces, as that all Pleas could be brought before it by way of Appeal, yet it had the Power of judging Criminal and Feodal Causes, High Treason, &c. (as we see establish'd in his Constitutions) of which the other Courts were not competent Judges.

THIS Prince likewise gave more Judges to *Naples* than to the Cities of other Provinces; for in them there were only three Judges, and one Notary, but *Naples* and *Capua* in this Kingdom, had five Judges, and eight Notaries, as *Messina* in *Sicily* had.

¹ Lib. 3. cit. ep. 11.

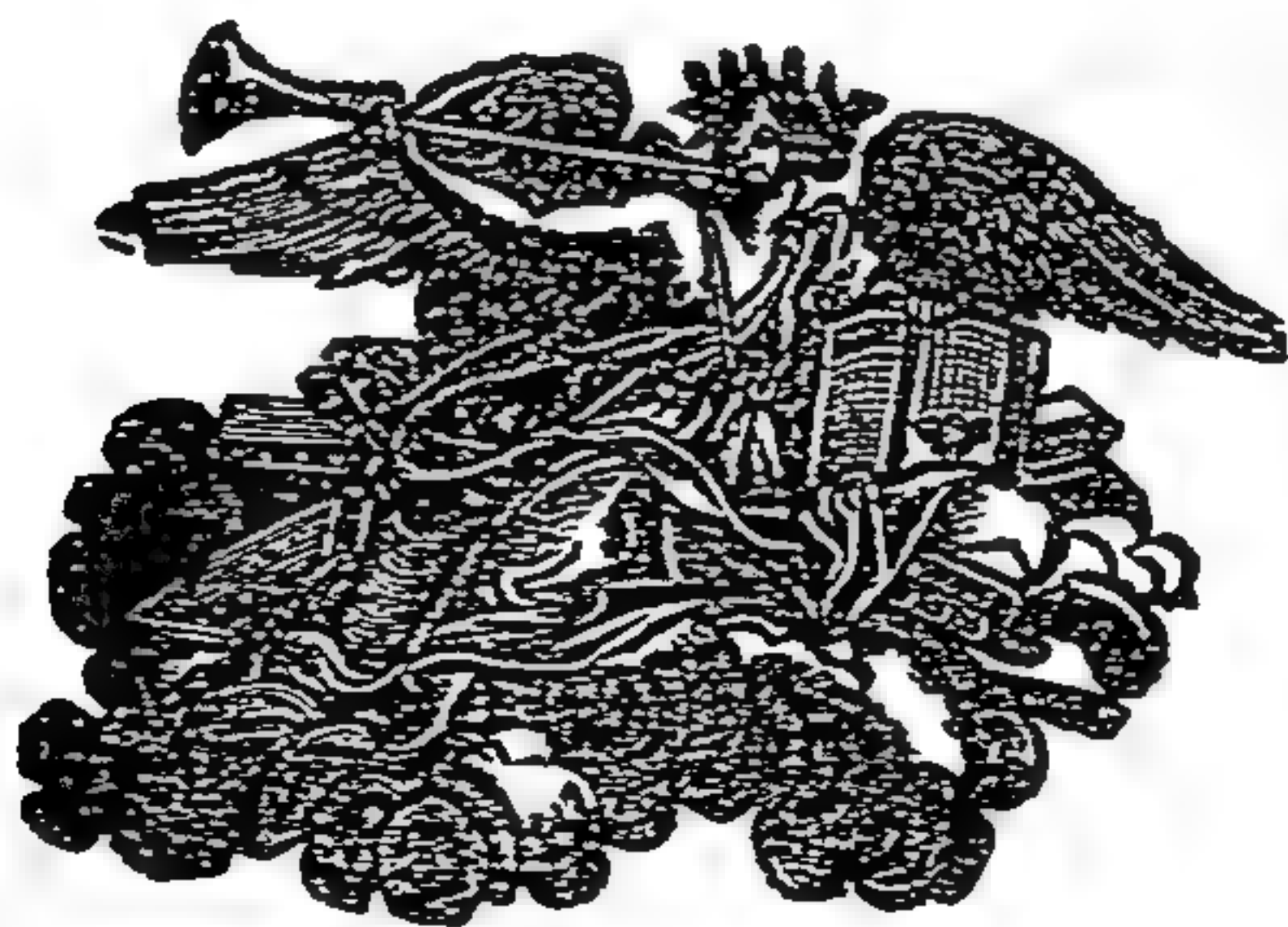
² Lib. 3. ep. 12.

³ Ric. S. Germ. Studium, quod Neapoli per Imperatorem Statutum fuerat, quod extitit turbatione inter Ecclesiam & Imperium secuta, peni-

tus dissolutum, per Imperatorem Neapoli reformatur.

⁴ Lib. 3. ep. 11.

⁵ Baluz. Miscellan. pag. 483, 484, 485, 486, & 487. V. Nicod. in Bibliot. Top. v. Manfredi.





C H A P. IV.

Of the Lawyers who flourish'd amongst us in these Times.



NAPLES became likewise famous by the knowing and learned Lawyers and Judges of the High Court; particularly *Pietro delle Vigne*, *Taddeo da Sessa*, and *Roffredo Beneventano*, famous Lawyers in these Times, added much to its Glory. Among *Frederick's* Letters we have one written to *Roffredo*, inviting him to go immediately to *Naples*, to take the Charge of his Court, of which he had chosen him Judge¹. And *Riccardo da S. Germano*² says, that *Frederick* employ'd this Lawyer in his most weighty Affairs, he having sent him to *Rome* to bear him out against the Censures which *Gregory IX.* had thunder'd out against him. Thus from this Time *Naples*, on account of the Excellency of its University, its famous Professors, the Tribunal of the High Court, and its learned Judges, began to be distinguish'd above all the other Cities of the Kingdom; and *Charles I.* of the Family of *Anjou*, chose to fix his Royal Seat there; so that being the Head and Metropolis of all the other Cities, in process of Time it came to be what we now look on with Admiration.

HERE we have the Reason, why, in our Kingdom, the *Longobard* Laws began to give way to the *Roman*, and by Degrees, in the following Centuries, to be dis-us'd and forgotten; for the *Pandects*, and the other Books of *Justinian* had already got footing in the other Universities of *Italy*, such as *Bologna*, *Padua*, and others, and were publickly taught there; and the Professors, enamour'd with the Elegancy of the Stile, and the Wisdom of the Laws, slighted the *Longobard* Laws as barbarous, and applied themselves to the Study of the *Roman* Law; (besides those Lawyers who flourish'd in the Time of *Frederick I.* *Accursius* a *Florentine*, and many others were famous in the Time of *Frederick II.*) the same was our Case after *Frederick* establish'd the University in *Naples*, for the Professors thereof explain'd *Justinian's* Books in the Schools; from whence they crept into the Tribunals, and the Judges being bred up in these Schools greedily espoused these Laws, and thus by piece-meal the *Roman* Laws began to get Footing, and have the Authority and Force of Laws in the Courts of Justice. Nevertheless the *Longobard* Laws were not quite laid aside, for *Andrea Bonello da Barletta*, Attorney-General to *Frederick II.* compos'd a Treatise concerning the Difference betwixt the *Longobard* and *Roman* Laws, of which we have treated at large in the Tenth Book of this History.

THESE flourish'd with us in this Age, besides *Andrea Bonello*, other famous Lawyers, according to the Times, and we have yet the Remains of some of their Works; but as for *Petrus d' Ibernica*, *Roberto da Varano*, and *Bartolommeo Pignatello*, Professors of the Civil and Canon Laws in the University of *Naples*, we have no other account of them than what *Frederick* himself gives us, that they were *Civilis Scientiæ Professores, magnæ Scientiæ, notæ virtutis, & fidelis experientiæ*³.

EVERY Body knows, that the famous *Pietro delle Vigne* of *Capua*, was a noted Lawyer in these Times; and that for his great Learning, Wit, and Eloquence,

¹ Lib. 3. epist. 81.

² Ric. anno 1227. Tunc prudentem virum Roffredum de Benevento misit ad Urbem cum excusatoriis suis, quas idem Magister publice

legi fecit in Capitolio de voluntate Senatus, Populique Romani.

³ Lib. 3. epist. 11.

though born of mean Parents, he was rais'd by *Frederick* to the first Honours of the Kingdom, such as Privy-Counsellor, Secretary of State, Judge of the High Court, Protonotary of the Empire, and Lieutenant of both the Kingdoms of *Puglia* and *Sicily*; and, which is more, was let into all the Secrets of his Prince. The *Germans* have endeavour'd to rob us of this famous Lawyer, by making him a *German*, and not a *Capuan* (as the *French* afterwards claim'd *Luca di Penna* as their Countryman) and *Joannes Tritemius* is positive in it¹; perhaps he was deceiv'd by his Surname, which he believ'd was taken from *Vigna*, a famous Monastery of *Suevia*, near *Ravenspurg*. But nothing is more clear, than that he was born in *Capua*, as is manifest from his own Letters², and from one written to him by the Chapter of *Capua*, which is inserted in the six Books of his Letters³.

HE was most skill'd in the *Roman* Laws, and altogether intent on restoring them to their ancient Splendor, whence in these Provinces the Study of the Pandects and the Code began to be lik'd, and the Laws contain'd in them to be quoted in the Courts of Justice. *Frederick* himself speaks thus of them⁴: *Nam legis armatus peritia, Digesta digerit, & Codicis Scrupulositates elimat*. Whence, by our modern Authors, he is reputed one of the most learned and able Lawyers of the Times, which Character *Matteo d' Afflitto* and others give him⁵.

ON this account, *Frederick* intrusted him with the Collection of the Constitutions of our Kingdom, of which more hereafter; and he employ'd him in the most weighty and difficult Affairs of State, whence *Dante* in his Comedy introduces him speaking thus:

Of Frederick's Heart both the Keys I keep, &c.

BESIDES the Books of our Constitutions, he compos'd six Books of Letters, both in his own, and his Master's Name, written in a very elegant Stile, according to the Age in which he liv'd; these Letters contain many useful and valuable Things, and give great Light into the History of these Times; and *Joannes Cuspinianus*, an excellent Historian and Poet, says, that almost all *Frederick's* Actions, and the History of these Times may be very distinctly gather'd from these Books; whence the most accurate and careful Historians, such as *Theodore of Nismes*, *Nauclerus* and others, not only quote them in describing *Frederick's* Exploits, but likewise in giving account of other Points of History. These Books lay long neglected, till *Simon Schardius* brought them to light, and in the Year 1566. caus'd them to be printed in *Basil*, which Copies are now become very scarce.

THIS Lawyer likewise wrote an Apology, intitled, *De potestate Imperatoris, & Papæ*, in Defence of the Rights of the Empire against the Popes; and 'tis said, that *Innocent IV.* took in Hand to confute it⁶. He made many Orations in Defence of *Frederick* against the Excommunications which the Popes thunder'd out against him, and among the rest a very learned and elegant one in *Padua*, on the Excommunication fulminated by *Gregory IX.* against the Emperor. He also compos'd some pretty *Italian* Songs, which we read as yet with those of *Frederick*, and *Entius* his Bastard Son, King of *Sardinia*.

SOME believ'd him to be the Author of the Book *De tribus Impostoribus*; but that is false, and so far was *Frederick* from employing him to compose that Book, that 'tis doubted whether ever such a Book appear'd in the World.

BUT the unhappy End of this renown'd Lawyer, is a clear Instance of the Instability of worldly Things, of which we shall take notice hereafter in the Year 1243.

IN these Times flourish'd likewise *Taddeo da Sessa*, who distinguish'd himself so much in the Council of *Lyons*, and was also a famous Lawyer, and Judge of the High Court, and as well as *Pietro*, was employ'd by *Frederick* in the Affairs of State; but he left nothing to transmit his Memory to Posterity: Which cannot be said of *Roffredo Epifanio da Benevento*, who was a most renown'd Doctor, and Judge of the High Court under *Frederick*, and the most learned of all that ever had bore that Office. He compos'd many Treatises, which in these Times much illustrated the Law; he compos'd one *De libellis, & ordine Judiciorum*, and divided it in this manner: I. *De Prætoriiis actionibus*. II. *De Interdictis*. III. *De Edictis*. IV. *De Actionibus*

¹ Jo. Trit. lib. de Script. Eccl.

² Lib. 3. ep. 45.

³ Idem, epist. 43.

⁴ Idem, epist. 45.

⁵ Aff. in prælud. Constit. in princ.

⁶ Simon. Schard. in vita P. de Vineis.

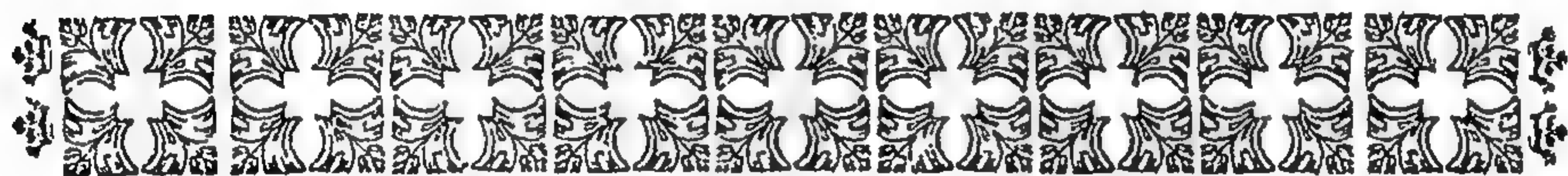
civilibus. V. *De Officio Judicis.* VI. *De bonorum possessionibus.* VII. *De Senatus consultis.* VIII. *De Constitutionibus.* In the late Editions there are added, *Libellorum opus in jus Pontificium, ac quinquaginta quatuor Sabbatinæ quæstiones.* Besides these Works, Bishop *Liparus* ¹ in his Commentaries on *Odofredo*, tells us, that *Camerarius* the famous Lawyer had twelve large Volumes on the Civil and Canon Laws, compos'd by *Roffredo*, and were thought to be written with his own Hand, which *Camerarius* was resolv'd to publish.

ROFFREDO, when a Youth, went to study the Law in *Bologna*, whither the Fame of its University drew all the Youth of *Italy*; and he had for his Masters the chief Doctors of these Times: The First, according to *Odofredo*, was *Ruggieri*, one of the first Glossators of the Pandects: He afterwards had *Azo*, *Kilianus*, *Otho Papiensis*, and *Cyprianus*, all of them famous Lawyers, as he himself in many Places declares. After he had made a wonderful Progress in this Study, in the Year 1215. (as he says in the first of his *Quæstiones Sabbatinæ*) he was invited to *Arezzo* to explain the Laws. And finding that the *Quæstiones* of *Pileus*, which were read in *Bologna* to teach the Youth to plead, were of little use, he laid them aside, and resolv'd to explain to his Scholars such Questions as daily occur'd in the Courts of Justice, and because he made them to be recited every *Saturday*, he call'd them *Quæstiones Sabbatinæ*. Upon his Return to our Kingdom, in the Year 1227. *Frederick* chose him for his Advocate, and sent him to *Rome* on occasion of the Dispute between him and *Gregory IX.* His Fame became so great in After-times, that upon the Faith that *Papinian* was of *Benevento*, he got the Name of the second *Papinian*. He was buried in *Benevento*, where, according to a late Writer of *Sannio* ², his Tomb is to be seen in the Church of *S. Dominick*.

IN the latter Part of *Frederick's* Reign *Andrea di Capua* his Attorney-General flourish'd, and was Father of *Bartolommeo* the great and famous Doctor of his Time, who, by his Virtue and great Parts, rais'd his Posterity to that Grandeur which they now possess.

¹ *Lipar. in usib. feud. in præludiis.*

² *Ciarlant. lib. 4. cap. 14.*



CHAP. V.

Pope Honorius III. presses the Emperor Frederick to undertake the Expedition to the Holy Land, but this Pope dies before it was put in Execution.



AFTER *Frederick* had adorn'd *Naples* with so famous an University, he was employ'd in a War in *Sicily*, in order to extirpate the *Saracens* out of that Island; for supporting which War, he laid a Tax upon the whole Kingdom, whereby he rais'd a vast Sum of Money; for a certain *Urbano da Teano*, his Collector, brought him 300 Ounces of Gold from the Lands belonging to the Abbey of *S. Benedict* alone, a considerable Sum in these Times for one Monastery; and because *Honorius* was grievously offended, that the Churches and Ecclesiasticks should be tax'd; *Frederick*, with a Design to pacify him, and have him for his Friend, dispatch'd Letters to the Justice of *Terra di Lavoro*, ordering him to exempt the Monks and Clergy, their Lands,

Lands, Castles, and Goods from all Taxes whatsoever, as they were in the Time of *William the Good*, his Cousin ¹.

BUT the War against the *Saracens* still requiring more Subsidies, he was forc'd to lay another Tax upon the Kingdom: and to avoid giving *Honorius* Offence, he order'd the same Sum of 300 Ounces of Gold to be levied out of the Lands of the Abbey of *S. Benedict*, but under the Name of a Loan, and not of a Tax. This cunning Shift has been practis'd since by many Princes, in order to shun Disputes with the Popes, who, according to the Maxims then lately introduc'd, pretended that Princes, even for the most pressing Occasions of their States, could not impose Taxes upon Churches or Ecclesiasticks, as being contrary to the antient Discipline of the Church, and not within the *Regalia* of Princes.

THE Year following 1225. King *John* of *Brenna*, with *Berengaria* his Wife, big with Child, came from *France* to our Kingdom, and by the Emperor's Order were honourably receiv'd in *Capua*, where, in the Month of *April* *Berengaria* brought forth a Daughter, and from thence they both went to *Melpbis* in *Puglia* to wait on *Frederick*, who was shortly expected from *Sicily*.

FREDERICK, having left a great Army to carry on the War against the *Saracens*, came over to *Puglia*; and at the same Time gave the Duke of *Bavaria* the Charge of the Affairs of *Germany*, and of his Son *Henry*, who had been created King of the *Romans*, and married to *Agnes* of *Austria*, and to whom his Father, according to his Promise made to the Pope, had yielded the Kingdom of *Sicily*.

IN the mean Time *Honorius* being tormented with the Tumults and Revolutions in *Rome*, occasion'd by *Parenzo* a Senator, left that City, and retir'd to *Tivoli* ², whither *Frederick* sent King *John*, and the Patriarch of *Alexandria*, to ask a longer Time than what had been allow'd him for going to *Palestine*, because the Affairs of the Kingdom, and the Rebellion of the *Saracens* requir'd it, and likewise because he was afraid, that the People of the *Milaneſe* and the *Bologneſe* in his Absence would raise a Rebellion in *Lombardy*. The King and the Patriarch got a favourable Answer from the Pope, which they signified to *Frederick*, who, on the 22d of *July*, together with the Prelates of the Kingdom, went to *S. Germano* ³, whither the Pope sent *Pelagio Calvano* Cardinal of *Albano*, *Giacomo Gualla di Bicchaeri da Vercelli* Cardinal of *S. Sylvester*, and *Martino*, to take his Oath anew, that he should go to the Holy Land: These Cardinals made him likewise read the Articles set down by *Honorius* for that Expedition, which among other Things contain'd, that two Years thereafter, which would be ended in the Month of *August* 1227, he should go and make War in *Palestine*, and at his own Charges carry with him, to remain there for two Years, a thousand Soldiers, a hundred *Chelandri* ⁴, a Name of Ships us'd in these Times, and fifty Gallies well-arm'd, and provided with all Necessaries; and that he should transport in his Vessels other Two thousand Soldiers with their Families, reckoning three Horses for each Soldier, according to *Riccardo da S. Germano*. *Frederick* having heard these Articles, promis'd punctually to observe them under the Pain of Excommunication, in Presence of many Prelates, German Lords, and native Barons ⁵, and caus'd *Rinieri* Duke of *Spoletto*, to swear in his Name, and then he was absolv'd by the Cardinals from his former Oath, which he had taken at *Veroſi*; and soon after he return'd to *Puglia*, from whence he dispatch'd Letters to the German and Italian Lords, ordering them to come to *Cremona* the *Easter* following ⁶, where he design'd to hold a General Assembly. Thereafter he collected anew a great Sum of Money under the Name of a Loan; and *Pietro* Lord of *Evoli*, and *Niccolo di Citala* Justice of *Terra di Lavoro*, receiv'd from the Lands belonging to the Monastery of *Monte Cassino* 1300 Ounces of Gold.

SHORTLY after there arose some Heart-burnings betwixt *Frederick* and *Honorius*, because, according to *Riccardo da S. Germano* ⁷, the Churches of *Conſa*, *Salerno*, *Aversa*, and *Capua*, and the Abbey of *S. Vincent* in *Volturno* being vacant, *Honorius*, *inſcio & irrequisito Imperatore*, sent five Prelates from *Rome* to take Possession of these Churches and Abbey: These Prelates were the Prior of *S. Maria della*

¹ Ric. S. Germano.

² Idem.

³ Idem, anno 1225.

⁴ Idem, Et ducit ſecum centum Chelandros.
V. Dufresne in Gloſſar. V. Chelandium.

⁵ Idem, Promiſit Imperator ſe publice ſervaturum, Excommunicatione adjecta in ſe, & terram ſuam, ſi hæc non fuerint obſervata.

⁶ Idem.

⁷ Idem, Menſe Septembri.

Nuova to be Bishop of *Consa*; the Bishop of *Famagosta* to be Archbishop of *Salerno*; the Chanter of *Amalphis* to be Bishop of *Aversa*; the Bishop of *Patti* to be Archbishop of *Capua*; and a *Benedictine* Monk, nam'd *Giovanni di S. Liberatore*, to be Abbot of *S. Vincent*. *Frederick* being grievously disoblig'd at this Injury done him in spite of his Right, would not suffer any of them to be admitted into these Churches¹; and going afterwards to *Sicily*, he serv'd *Fra. Niccolo da Colle Pietro*, made Abbot of *S. Lorenza* in *Aversa* the same way, though he had brought particular Letters from the Pope; and at the same Time sent Ambassadors to the Pope to complain of the Wrong done him².

IN the mean Time the new Empress *Jole*, having imbark'd in the Gallies, after a prosperous Voyage, landed at *Brindisi*, whither the Emperor had gone from *Sicily* to wait her coming, and where on the 9th of *Septēber* the Marriage was solemniz'd with great Pomp and Magnificence; and as a Remembrance of this Solemnity, he caus'd a new Coin to be struck, call'd *Imperiali*, and cry'd down the old³.

ENTIUS, *Frederick's* bastard Son, was born this Year 1239. whom he afterwards crown'd King of *Sardinia*; and this same Year the Emperor one Day hunting in *Puglia*, and having kill'd a wild Boar of a prodigious Size, order'd a Supper to be dress'd on the Spot, where a Castle was afterwards built, which to this Time is call'd *Apricena*.

IN the Beginning of the Year 1226. *Honorius* sent to press *Frederick*, who, after the Solemnity of his Marriage, had gone to *Troja* in *Puglia*, to make ready for the Expedition to the Holy Land; whereupon the Emperor order'd his Barons to meet him at *Pescara*, in order to accompany him to the Dyet of *Cremona*, which had been summon'd the preceding Year. From *Troja* he went to *Terra di Lavoro*, and left the Empress in *Terracina*, a Castle near *Salerno*, now demolish'd, and return'd to *Puglia*, and having committed the Government of the Kingdom to *Errico di Morra* Lord Chief Justice, he went to *Pescara*, and from thence with all his Army he march'd to *Spoletto*, and order'd the *Spoletians* to take Arms and follow him to *Lombardy*⁴; the *Spoletians* refusing to obey without they had the Pope's Orders, he commanded them a second Time to obey upon their Perils; but they sent his Letters to the Pope, who for other Reasons was grievously offended with *Frederick*, both on account of the Prelates, whom he kept out of Possession of their Churches, and because he had combin'd with *Ezzelino*, and publish'd a Constitution, whereby he ordain'd that Monks and Priests that had committed Homicide, or other enormous Crimes, should be punish'd by his Secular Magistrates, and because he had infring'd the Ecclesiastical Immunities in taxing the Clergy: All these had so exasperated the Pope, that he wrote most bitter Letters to *Frederick*, complaining heavily of these Things. *Frederick* looking upon these Letters to be too arrogant, answer'd them with the like Boldness; whereupon *Honorius*, more furiously inrag'd, wrote again in a more haughty, insolent, and threatening manner. *Frederick*, unwilling to quarrel with the Pope, in order to soften him, wrote him a most submissive Answer, *in omni subjectione*, as *Riccardo* says: Whereupon they were again reconcil'd, and the Pope sent *Cinzio Savello* Cardinal of *Porto*, to adjust their Differences, that the Expedition to the Holy Land might not be retarded, and the Affairs of *Lombardy* might be settled. Then *Frederick* left *Spoletto*, and went to *Ravenna*, where he kept his *Easter*, and wrote to his Son *Henry* to assemble a strong Army, and march from *Germany* to *Lombardy*, where he would meet him; and *Faenza* not being in his Interest, he did not take that Rout, but march'd with his Army to *S. Giovanni* in the Territories of *Bologna*, and from thence to *Imola*; when he enter'd *Lombardy*, only *Modena*, *Reggio*, *Parma*, *Cremona*, *Asti*, and *Pavia* sent him Ambassadors, and offer'd him their Service. The other Cities not only did not shew him any Civility, but enter'd into a Confederacy against him; these were, according to *Riccardo*, *Milan*, *Verona*, *Piacenza*, *Vercelli*, *Lodi*, *Alessandria*, *Triviggi*, *Padua*, *Vicenza*, *Torino*, *Novara*, *Mantua*, *Brescia*, *Bologna*, and *Faenza*: These Cities joining with *Goffredo* Count of *Romagna*, and *Bonifacio* Marquis of *Monferrato*, and other Cities of *Marca Travigiana*, form'd an Army, and march'd to take the Pass at the Foot of the *Alps*, and prevent *Henry's* entering *Italy*. In the mean Time the Emperor march'd to *Cremona*, where he was

¹ Ric. S. Germ. Quos tanquam in suum prejudicium promotos, recipi Imperator in ipsis Ecclesiis non permittit.

² Idem, Imperator pro facto Prælatorum,

quos Papa creaverat, suos ad eum Nuncios mittit.

³ Ric. S. Germ.

⁴ Idem.

honourably receiv'd by the Citizens, and held the appointed Dyet, but a very thin one, without a Baron, or Ambassador from any of the confederated Cities.

AFTER the Dyet was over the Emperor left *Cremona*, and march'd to *Parma*, where he was waited upon by many Counts and Knights of that Country, and of the Territories belonging to *Lucca* and *Pisa*, and particularly the Marquis of *Malespini*, and he Knighted many of them with his own Hand, which was look'd upon as a great Honour in those Days; from thence he went to meet with the Pope's Legate in the Village of *S. Donnino*, to get him to facilitate his Coronation with the Iron Crown, which was kept in *Monza* by the People of the *Milanese*, who, mindful of the Injuries they had receiv'd from his Grandfather *Barbarossa*, by no means would consent to his Coronation in their City; therefore *Frederick* finding that neither Intreaties, nor mild Usage were able to regain these People, nor any of the other confederated Cities to his Interest, in great Wrath he put them all under the Ban of the Empire, declar'd them Rebels, and got the Legate to interdict them, and removing the University from *Bologna*, he transferr'd it to *Naples* and *Padua*, and order'd all the Scholars to leave *Bologna*, and go to these two Cities to study; but *Sigismus* says, that none obey'd his Orders.

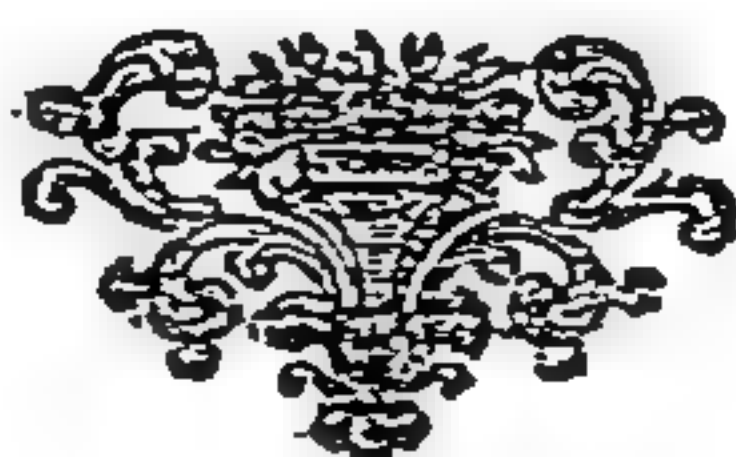
THE Emperor not having Success in *Lombardy*, left it, and went to wait on the Pope in *Rieti*; and after he had complain'd to the Pope of the Obstinacy of the *Lombards*, he came to *Puglia*, from whence he sent a fresh Recruit of Soldiers to the Holy Land; and *Pietro* Lord of *Evoli*, and *Niccolo di Cicala* having laid down their Offices of Justices of *Terra di Lavoro*, *Ruggiero di Gallura*, and *Marino Capece* were put in their Places. *Frederick* being now Friends with the Pope, gave Possession of their Churches to all those Prelates whom the Pope had made, to wit, the Archbishops of *Capua*, *Consa*, and *Salerno*, the Bishop of *Aversa*, and the Abbot of *S. Lorenzo*.

THE Pope was very earnest with the Emperor to go upon the Expedition to the Holy Land, which had been diverted and delay'd by the Broils betwixt the Emperor and the confederated Cities; and *Frederick* had publish'd an Edict, whereby he signified, that the Dissentions of *Italy* had put a Stop to the Expedition to the Holy Land; and having sent Ambassadors to the Pope to intimate the same, *Honorius* wrought so effectually, that he made up all Differences; whereupon the Emperor, to please the Pope, promis'd to send immediately a Reinforcement of 1400 Soldiers to the Christians in *Palestine*. The Emperor and Empress *Yole* went then to *Sicily*; and the Pope seeing, that King *John* of *Breima*, by reason of the Misunderstanding betwixt him and his Son-in-Law, whose Dominions he had been forc'd to leave, was in great Want, gave him the Command of all that Tract of Land, from *Viterbo* to *Montefiascone*; in the mean Time the Emperor, by the Means of *Errico Morra* his Lord Chief Justice, publish'd new Laws and Ordinantes for the Peace and Tranquility of his Subjects, recorded by *Riccardo da St. Germano*. This Year *Francis*, famous for his Miracles and holy Life, who founded the Order of *Minors Friars* in *Affisi*, the Place of his Nativity, died, and in process of Time was Sainted.

POPE *Honorius*, according to *Riccardo's* Chronicle, died in *Rome* in the Month of *March* this Year 1227. after he had govern'd the Church ten Years, seven Months, and thirteen Days, and was buried in *Rome*, in the Church of *S. Maria Maggiore*, under a very plain Tomb.

ALTHOUGH the Differences which this Pope had with *Frederick*, were weighty and frequent, yet they were not such as to oblige this Pope to excommunicate him, as some have unjustly written. The first that fulminated these Thunderbolts against *Frederick*, were *Gregory XI.* and *Innocent IV.* his Successors, as we shall shortly relate.

* Ric. S. Germ.





C H A P. VI.

Frederick's Expedition to the Holy Land.

THE Day after the Death of Pope *Honorius*, the Cardinals elected *Ugolino* of the Family of *Conti*, Son of *Tristano d'Alagna*, Brother of *Innocent III.* who was of the *Conti's* of *Segna*, and gave him the Name of *Gregory IX.* who, immediately wrote Letters to all Christian Princes, notifying the Death of his Predecessor, and his own Election, and sent *Fra. Guglielmo*, a *Dominican* Monk, to the Emperor to give him an account of his Promotion, and to exhort him to honour and defend the Church of God, to provide for the good Government of his Subjects, and to undertake the Holy War; and besides, he desir'd that *Frederick* would be pleas'd to order his Subjects to send Provisions and other Necessaries for the Gallies which he design'd to send to *Palestine*, which *Errico Morra* Chief Justice, by *Frederick's* Orders, immediately caus'd to be done¹. *Simon Sobardius* mentions a Letter full of Encomiums and high Praises, which *Gregory* wrote to this Prince the first Year of his Pontificate, upon which he assembled all the Justices of the Provinces of his Kingdoms of *Sicily*, to whom he imparted the Contents of the Pope's Letter, that they might make every Thing ready for the Expedition to the Holy Land; and for that end he laid a general Tax upon all his Vassals, and wrote to his Son *Henry* to call a Dyet in *Aix la Chapelle*, and give an Account to his *German* Barons, that he design'd to set out for the said Expedition in the Month of *August* next, on the Day of our Lady's Assumption, that all who had a Mind to go along with him might be ready, and come to *Puglia*, where he had prepar'd Ships for their Embarkation. And sent the Archbishop of *Reggio*, and *Hermanthus Saltza*, Great Master of the *Teutonic* Order, to acquaint the Pope that he was ready to embark, and to send Victuals and Provisions necessary for the Gallies.

IN the mean Time *Henry*, according to his Father's Orders, had caus'd a Dyet to be conven'd at *Aix la Chapelle*, to invite the *Germans* to accompany his Father in the Expedition, whither a great Number of Lords and Prelates came, among the rest *Sifridius* Archbishop of *Mentz*, *Theodorus* Archbishop of *Triers*, *Henry* Archbishop of *Cologne*, with the Archbishops of *Saltzburg*, *Magdeburg*, and *Breme*, with all their Suffragans. There were likewise present the Dukes of *Austria*, *Bavaria*, *Carinthia*, *Brabant*, and *Lorraine*: *Henry* Count Palatine of the *Rhine*, *Lewis* Landgrave of *Thuringia*, and *Ferdinand* Count of *Flanders*, who had been taken Prisoner by King *Philip* in the Battle of *Tournay*; and after he had been twelve Years Prisoner in *Paris*, at the Intercession of the Pope and others of his Friends, had been at last set at Liberty. All these mov'd by *Henry* King of *Germany*, and their own Christian Piety, were ready to undertake so pious an Expedition; so that reckoning these, and others prevail'd upon by divers Monks and other Ecclesiasticks, sent over all *Christendom* by the Pope, to encourage the People to take the Cross, at the appointed Time, an infinite Number of Christians met at *Brindisi*, and its Neighbourhood, insomuch, that, according to the Abbot of *Usserg*, from the Island of *Britain* alone there came Sixty thousand. But when the great Heats of the Summer in these barren Parts of *Puglia* came on, the Northern People, not accusom'd to them, and

¹ Ric. S. Germ.

labouring under all sorts of Inconveniencies, began to die by Thousands, and among others, the Bishops of *Angers* and *Soissons*, and the Landgrave of *Thuringia* were carried off, whereupon these People thus afflicted, set out in order to return to their own Countries; but most of them died by the Way¹.

M. E. A. N. while *Frederick*, with the Empress *Jole*, in the Month of *August* came from *Sicily* to *Otranto*, where he left the Empress, and went to *Brindisi* to join the Army, which, though, by Death and Desertion, reduc'd to a small Number, he caus'd to be embark'd on the Feast of the *Assumption*, the Day appointed; and returning to *Otranto* to take his Leave of the Empress, he was taken ill there²; notwithstanding which he went back to *Brindisi* and embark'd; and after three Days Sailing, not able to bear the Sea, he return'd to *Brindisi*. *Fazzellus* says, That *Frederick* had reach'd the Islands of the *Morea* and *Candia*, and that by contrary Winds and his Indisposition, he was oblig'd to return to *Brindisi*, with those that had rendezvous'd in *Lacedemon*, and Forty thousand of his Army, if we may credit *Sigonius*.

WHILE *Gregory IX.* was in *Anagna*, he had an Account that *Frederick* was return'd, which the Pope attributing to his Unwillingness to go upon the Expedition, transported with Rage, on the 29th of *September* the Feast of *St. Michael the Archangel*, he declar'd, That *Frederick* had incurr'd the Excommunication, which *Honorius* had threatned in *St. Germano*, if he did not go to *Palestine*, and accordingly did excommunicate him³, which Sentence is recorded by *Bzovius*, and *Sigonius*, it begins thus; *Imperatorem Fredericum, qui nec transfretavit, &c.*

BZOVIVS adds, that *Gregory*, besides *Frederick's* returning from the design'd Expedition, had many other Grounds of Quarrel with him; for he not only had forc'd the Ecclesiasticks of his Dominions to pay Taxes, but on account of a private Grudge he bore the Bishop of *Aversa* and *Roger Count* of *Celano*, he compell'd them to go to *Palestine*, and put the Count's Son in close Prison, and other such Grievances, which *Villani* gives us against *Frederick*; but seeing this Author brings no Voucher but himself for what he says, he deserves no Credit; for *Villani*, either through Ignorance of the Transactions of our Kingdom, and especially those of *Frederick*, or as a *Guelf*, and consequently his Enemy, or for want of Judgment, or out of Partiality, has committed a vast many Blunders, and related Things that never fell out, of which the Authors, who liv'd at the same Time, such as *Riccardo*, and other careful Recorders of the Transactions of their own Times, make not the least mention.

FREDERICK taking this Sentence of Excommunication as a grievous Affront, left *Puglia*, and, as a convincing Proof of his Illness, according to *Riccardo*, went to the Baths of *Pozzuolo* to be cur'd, and from thence he sent the Archbishops of *Reggio* and *Bari*, with *Rinaldo Duke* of *Spoletto*, and *Errico di Malta* his Ambassadors, to the Pope then at *Rome*, to excuse his not going upon the Expedition, and to represent the Cause of his Delay; but all was to no Purpose, for the Pope gave no Credit to any thing they said in his Vindication, and convening all the Ultramountain Bishops in *Rome*, and as many as he could get of our Kingdom, on the Eighth Day after the Feast of *St. Martin*, he again publicly pronounc'd him excommunicated, interdicted his Dominions, and sent Letters to all the Princes of Christendom, to inform them with what he had done. Whereupon *Frederick* likewise wrote to *Lewis King* of *France*, giving him an account of the Injury *Gregory* had done him, which Letter is among those of *Pietro delle Vigne*, and in *Sigonius*, in these Words; *Gregorius IX. Sub ea occasione quod nos in termino nobis dato, infirmitate gravati, transire nequivimus ultra mare, contra justitiam primitus excommunicationi subjecit.* Whence 'tis evident, that *Gregory* was the first that excommunicated *Frederick*, and that what *Villani*, and others have written, as if he had before been excommunicated by *Honorius*, contrary to what *Riccardo* relates, is an idle Story. He also wrote to the Cardinals, complaining heavily that no Credit was given to what his Ambassadors said. He also wrote to all the Princes of *Germany*, and sent Letters to all the Kings and Princes of *Europe*, complaining of his being excommunicated, and excusing the Faults laid to his Charge, by giving an Account of the Reasons why the Pope had excommunicated him, and of the

¹ Ric. S. Germ.

² Idem, Et ipse tunc etiam Imperator, sicut

disposuerat, superveniente ægitudine, non transivit.

³ Idem.

Causes of his delaying to go to *Palestine*, and blaming all the Prelates and Ministers of the Church, and more especially the *Romans*, for not opposing such a Sentence. He likewise order'd all the Justices of *Sicily* and *Puglia*, to oblige the Priests and Monks of their Provinces to say Mass, and not to allow them to go out of the Kingdom, nor to travel from one Place to another without a Licence from them; all which Letters were written by *Pietro delle Vigne* his Secretary, and, as we have said, a Man of great Wisdom and Learning, and much belov'd by the Emperor, as may be seen in the Book of his Letters.

AFTERWARDS he call'd a general Meeting of all the Barons of the Kingdom in *Capua*, wherein he oblig'd them to pay a Tax of eight Ounces of Gold for each Fief they held, and for every eight Fiefs, to furnish a Soldier, in order to make up an Army against the Month of *May* following, when he design'd to go to the Holy Land without fail. For the same End, he order'd another Assembly to be conven'd in *Ravenna* in the Month of *March*, whither he summon'd all the Cities and Lords of *Italy*; and from thence he sent *Roffredo Epifanio da Benevento*, a famous Lawyer of these Times, to *Rome*, with his Vindication, which *Roffredo* caus'd to be publickly read in the Capitol, with the Consent of the Senate and People of *Rome*.

IN the beginning of the following Year 1228, *Frederick* assembled in *Puglia* all the Prelates and Barons that were resolv'd to accompany him to *Palestine*, and celebrated *Easter* with great Pomp and Mirth in *Barletta*, where he had got the News, that *Tommaso d'Aquino* Count of *Acerra*, his Marshal in *Palestine*, had defeated and slain in Battle *Conradin* Soldan of *Damascus*, and upon the Count's returning to the Kingdom, *Frederick* sent *Riccardo di Principato* to the Holy Land, with a fresh Recruit of Five hundred Soldiers, who embark'd at *Brindisi* and arriv'd safely in that Country.

AT this very time *Gregory*, after he had celebrated the Feast of *Easter* in the *Lateran*, went to *St. Peter's* Church to renew the Censures against *Frederick*; but the *Frangipani*, and others of *Frederick's* Faction in *Rome*, while the Pope was about it, stirr'd up the People to mutiny, and rebel against him, and after having insulted him with opprobrious Language, they drove him out of the City, and forc'd him to fly to *Perugia* for shelter, where he remain'd for some time.

IN the mean time *Frederick*, after he had collected a vast Sum of Money for his Expedition, from the Churches and Ecclesiastical Persons, notwithstanding the Pope had, by his Letters, order'd them not to pay any; set out for *Barletta*, where he design'd to hold a general Meeting; and when he came to *Andria*, the Empress was brought to Bed of a Son, who was nam'd *Conrade*, and was more belov'd by his Father than any of his other Children; but *Jole* never recover'd of the Hardships she suffer'd in this Birth, and died soon after.

THE Death of this Empress is describ'd by *Villani*, and other modern Authors his Followers, with so many Fables and Stories, that they deserve no Credit; for *Riccardo*, the faithful Chronologer of these Times, says nothing of it, but that the Empress died of Child-birth; and *Corio*, in his History of *Milan*, *Sigonius*, and the Monk of *St. Giustina*, say the same; and no Author, that with due attention has written the Transactions of these Times, makes mention that she died in Prison of Blows she had receiv'd from the Emperor, according to *Villani*; and certainly these Authors, who have not pass'd over in Silence the other Misdeeds of this Prince, would likewise have recorded this, if it had been true; besides, 'tis next to impossible, that he should have had such a Love for the Son *Conrade*, as will be seen in the Course of this History, if he had so hated the Mother, as to be the Occasion of her Death.

AFTER the Death of *Jole*, *Frederick* held his Parliament at *Barletta*, and being bent on the Expedition to the Holy Land, before he set out, resolv'd to provide for his Kingdoms in case he should die; whereupon, in Presence of the Prelates and great Men of the Kingdom, and an infinite Number of others, he caus'd the following Articles drawn up by himself, by way of last Will, as recorded by *Riccardo*, to be read with a loud Voice. First, it was his Will, that all his Subjects, Prelates and Barons, and their Vassals, should live in the same Peace and Tranquility which they enjoy'd in the Time of the good King *William II.* therefore he left as

his Vicar and Guardian of the Kingdom, *Rinaldo Duke of Spoleto*. Secondly, if he should happen to die in the War, which he was going to make in *Palestine*, his eldest Son *Henry* should succeed him in the Empire and the Kingdom, and if *Henry* should die without Issue, his second Son *Conrade* should succeed him, and if he should likewise die without Children, his own other Children born of lawful Wedlock, should succeed, causing *Rinaldo Duke of Spoleto*, *Errico Morra*, and others of the most considerable Men present to swear, That, if he should die, and make no other Will, they should see what he had thus ordain'd, punctually put in Execution. Thirdly, That no Person in the Kingdom should be oblig'd, either by way of Tax, or Collection, to pay any thing, except for the Good of the Kingdom, or on some emergent Occasion.

AFTER these Articles had been thus read, and in *Frederick's* Name sworn to by the Duke of *Spoleto*, and *Errico Morra* his Lord Chief Justice, &c. according to *Bzovius*, and the Abbot of *Ussperg*, on the Eleventh Day of *August*, he set sail from *Brindisi* with Twenty Gallies, and having before order'd all the transport Ships to rendezvous at *St. Andrea dell' Isola*, he join'd them there, and touching at *Otranto*, from thence in a short Time he arriv'd in *Palestine*, and prepar'd himself for noble Undertakings.

GREGORY IX. who was still in *Perugia*, hearing of the Emperor's Departure, without being first absolv'd by him from the Censures, as he pretended, in great Indignation wrote to the Patriarch of *Jerusalem*, and to the Master of the Holy Sepulchre, strictly charging them to beware of *Frederick*, and give him no Assistance, for he had gone away under the Sentence of Excommunication, and might be of great Detriment to them; besides in *Italy* the Pope stirr'd up the People of the *Milanese*, Enemies of *Frederick*, to enter into a Confederacy with himself against him, and divided *Italy* into Factions, whence the Number of *Guelfs* increas'd; and in the mean time he resolv'd upon a new Expedition into the Kingdom of *Puglia*, with a Design to rob this Prince of it, at the same time that he was at a Distance, and intent on the Expedition of the Holy Land.

ON the other hand *Rinaldo Duke of Spoleto*, as *Frederick's* Vicar of the Kingdom, in order to put a Stop to the Pope's Designs, and to involve him in a War in his own Dominions, invaded *la Marca*, and his Brother *Bertoldo*, assaulted the Territories of *Norcia*, and demolish'd the Castle of *Brusca*, which had stood out against him, and deliver'd up the Inhabitants to the Mercy of the *Saracens* he had brought with him from *Puglia*, who put them all to a cruel Death¹.

THESE Things being told the Pope, and that the Duke in a hostile Manner, had enter'd the State of the Church, where he had done great Damage, he admonish'd him to be gone, and leave his Subjects in Peace; but the Duke had no regard for that Order, and the Pope inrag'd, excommunicated him with all his Followers: And seeing the Censures stood him in no stead, with the Assistance of the People of the *Milanese*, and all the confederated Cities of *Lombardy*, call'd the *Militia of Christ*, he assembled a strong Army, gave the Command of it to *John of Brenna*, formerly King of *Jerusalem*, and *Frederick's* Enemy, and *Gio. Colonna*, the Cardinal Legate, and sent them against Duke *Rinaldo*.

¹ Ric. S. Germ.





C H A P. VII.

Pope Gregory IX's Expedition into Puglia.

POPE Gregory finding, that these Forces were not sufficient to stop the Duke's Progress, who had already subjected *la Marca*, as far as *Macerata*, to the Dominion of the Emperor, resolv'd to make War in the Kingdom of *Puglia*, and to turn his Arms against these Provinces, that by putting them in Confusion, the Duke might be oblig'd to come to their Assistance, and leave his Dominions. Therefore, having assembled a new Army, he gave the Command of it to *Pandolfo d'Alagna* his Legate, *Ruggieri dell' Aquila* Count of *Fondi*, and *Tommaso* Count of *Celano*, Rebels and Enemies to *Frederick*.

ON the 18th Day of *January* this Year 1229, these Commanders with their Soldiers, who were call'd *Chiavesegnati*, by the way of *Cepparano*, enter'd *Terra di Lavoro*, and on a sudden attack'd and took the Castle of *Ponte Solarato*, which was then the Key of the Kingdom, and the first strong Hold on that side of the Borders of the State of the Church, and was commanded for the Emperor by *Adenolfo Balzano*. The Loss of this Castle struck such a Terror in *Bartolommeo di Supino* Lord of *S. Gio. in Carrico*, and *Roberto dell' Aquila* Lord of the Castle of *Pastena*, that without making the least Defence, they likewise yielded; from thence the Pope's Army cross'd the River *Teleso*, and march'd towards the County of *Fondi*.

IN the mean time *Errico Morra* Lord Chief Justice, upon the News of this War, forthwith assembled a good Body of Troops, and march'd to *St. Germano*, to dispute the further Passage of the Pope's Troops. But this Opposition was not sufficient to put a Stop to the Pope's Army, which over-run many Places of this Province, and took many Forts and Castles as far as *Gaeta*. Though many Places were daily submitting to the Pope's Legate, yet this City stood it out, and continued faithful to the Emperor, and prepar'd for a vigorous Defence, for which Cause the Cardinal *Pelagio* Bishop of *Albano*, the Pope's Legate, interdicted it. *Pontecorvo*, with all the other Towns belonging to *Monte Cassino*, the Castle of *Evoandro*, *Trajetto* and *Sugio*, yielded to the Legate, and at last the City of *Gaeta* was forc'd to surrender; and its Castle, which the Emperor, at a great deal of Charges, had caus'd to be built, was demolish'd and levell'd, and many of the Inhabitants, who were faithful to *Frederick*, rather than be subject to the Pope, chose to quit their Habitations; and the *Beneventans* hearing of the good Success of the Pope's Army, began the War on that Side, made an Inroad into *Puglia*, carried off the Oxen and other Cattle, and in their Return put the Count *Raone di Valvano*, who had come against them, to flight; for which Cause the Lord Chief Justice, with all the loyal Barons, march'd against the *Beneventans*, and laid waste and destroy'd many of their Farms on the Side of the Gate *Somma*, where the Castle is situated.

THE *Minors* Friars, and the Monks of *St. Benedict*, were busy in carrying the Pope's Letters and Messages to many Barons, Prelates, City Corporations and Castles, inviting them to rebel, and come over to the Pope, and falsely giving out that *Frederick* was dead, and would never return to *Puglia*; which Report being

¹ Ric. S. Germ.

credited by many of these Cities, they rebell'd, and put to Death all the *Germans* that liv'd in them, and, according to the Abbot of *Ussperg*, all the other Cities would have done the same, if they had not been prevented by the Discovery of the Cheat, and that *Frederick* was soon to return to the Kingdom; for which Reason the Duke of *Spoletò* expell'd all the *Minors* Friars, and all the Monks of *Cassino* out of the Kingdom: some of them accordingly left it, others quitting the Habits of their Order, liv'd hiddenly as Laicks.

MEAN while King *John*, and the Cardinal *Colonna*, after diverse Skirmishes, had oblig'd the Duke of *Spoletò* to quit *la Marca*, and retire to *Abruzzo*, whither they follow'd him, and besieg'd him in the City of *Sulmona*. As soon as the Cardinal *Pelagio* heard of this Siege, he sent to desire King *John* to come and join him, that they might carry on the War more vigorously in *Terra di Lavoro*; whereupon King *John* rais'd the Siege of *Sulmona*, and by the Valley of *Sangro*, march'd into the County of *Molise*, and on his March took *Alfidena* and its Castle, he also took *Paterno* and other Places, and burnt the Castle of *Sangro*; and at the same time the Count of *Campagna* with a good Body of Horse and Foot, lately rais'd by the Pope for reinforcing his Army in *Puglia*, surpriz'd and took *Sora*, but the Imperialists kept Possession of the Castle; from thence he march'd, and with the same Ease took *Arpino*, *Fontana*, and the Valley of *Sora*, with all the Country of the *Marsi*; and on the other hand King *John* and the Cardinal *Colonna*, being join'd in *Terra di Lavoro*, and passing the River *Volturno*, join'd the Army of Cardinal *Pelagio* near *Telesse*, and thus united, they march'd and incamp'd near *Cajazza*.

WHILE *Gregory* was thus harassing *Puglia*, *Frederick* was employing his Arms in the Conquest of the Holy Land; for soon after his Departure in the Month of *August*, he arriv'd at *Acone*, from thence he sail'd to *Cyprus*, and after sundry Expeditions, landed in *Palestine*, and join'd the Army of the *Crucesignati* at *Joppa* the 15th of *November*, and fortify'd that City, which had been dismantled; in which Work he spent all the Time of *Lent*, and was like to be forc'd to give it over, and go over Land to *Ptolemais*, for want of Provisions, because the Vessels appointed to bring them were hinder'd by tempestuous Seas; but fair Weather coming on, he had Necessaries in Plenty. After he had fortify'd *Joppa*, he march'd to *Ptolemais*, from thence to the Castle of *Cordana*, where he halted, and sent *Baglianus* Lord of *Tyre*, and the Count of *Lucerna* his Ambassadors to the Soldan of *Egypt*, who, with his Army, and his Brother, was incamp'd near *Neopolis*: After the Ambassadors had deliver'd to the Soldan some rich Presents from the Emperor, they deliver'd their Embassy thus; That *Frederick* was desirous to have him for a Brother and Friend, if he thought well of it, and that he was not come to *Palestine* to rob him of any of his Dominions, but only to recover the Kingdom of *Jerusalem* with Christ's Sepulchre, which had been already in the Possession of the Christians, and now by Right of *Jole* his Wife, who was his lawful Queen, belong'd to *Conrade* their Son. To whom the Soldan reply'd, That after he had consider'd of it, he would send his Ambassadors to the Emperor with his Answer; and after he had charg'd them with some suitable Presents, dismiss'd them. At this very nick of Time, the Letters, which Pope *Gregory* had sent by two *Minors* Friars to the Patriarch of *Jerusalem*, arriv'd, whereby he order'd him to declare *Frederick* excommunicated and perfidious, for not having gone to the Holy Land at the appointed Time, nor sufficiently provided for such an Expedition; and commanded the Knights *Hospitalers* and *Templars*, and the *Germans* not to obey him in any thing.

ALTHOUGH the Soldan knew very well that the Emperor was in Want of Provisions, and that by reason of the Discord betwixt him and the Pope, he had been newly excommunicated, and that he was but ill obey'd by the *Pilgrims* (under which Name the Soldiers, who constantly serv'd in the Wars in *Palestine*, went) yet, being much afraid of the Bravery of the Christian Army, he sent Ambassadors with fair Words, many Elephants, Camels, and *Arabian* Horses, and other rich Presents, without coming to any Agreement, but only told the Emperor, That if he would send anew some of his Barons, he would not fail to conclude an Agreement upon just and reasonable Terms; whereupon the Emperor sent some of the chief Men of his Court, who, being arriv'd at *Neapolis*, found that the Soldan was gone from thence, and had left Orders for them to follow him to *Gaza*, which they would not do, but return'd to the Emperor. *Frederick* finding himself thus deluded by the barbarous Cunning of the Soldan, who had given him fair Words, in order

to spin out the Business, conven'd the chief Men of the Cities, the Pilgrims, and Soldiers in *Ptolemais*, and told them, that in order to be nearer *Jerusalem*, he was resolv'd to attack *Sappho*, whither they might likewise come. To which the Masters of the *Hospitalers* and *Templars*, in Name of all the rest, answer'd, That notwithstanding they had been forbid by the Pope, whom they were oblig'd to obey, to have any Commerce with him, or assist him, nevertheless for the Good of the Holy Land and Christianity, they were ready to join with him in that Undertaking; but they would have the Watch-word, and the Orders for the Army to be given *in Nomine Dei, & Reipublicæ Christianæ*, without making the least mention of the Emperor; this so provok'd *Frederick*, that by no means he would consent to it, but left them, and march'd forward to the River *Monder*, which runs betwixt *Cæsarea* and *Artus*; whereupon the Knights *Hospitalers* and *Templars*, and the Pilgrims, consulting what they had best do for the publick Good, and afraid that the Emperor might be over-power'd by the Soldan, who had assembled a prodigious Army, began to follow *Frederick* at some Distance, and incamp always in Sight of him, that if they should see Occasion, they might be at hand to assist him; but the Emperor, sensible of the Danger he run by this Division, out of cruel Necessity, was forc'd to yield, and allow, that all Orders whatsoever, should be given *in Nomine Dei, & Reipublicæ Christianæ*, without taking notice of him; so that he join'd them at a ruinous Castle, while they were about repairing it.

AT this very Time, being the middle of Winter, *Frederick* had the News brought him by a light Vessel, that the Pope's Army had over-run the Kingdom of *Puglia*, and taken Possession of many Places thereof, and that the rest were also in danger of being lost.

THIS unlucky News put the Affairs of *Palestine* into the utmost Confusion; for *Frederick* was immediately for clapping up a Peace with the Soldan, that he might return to *Italy* for the Relief of his own Dominions; whence *Riccardo da S. Germano* justly writes: *Veresimile enim videtur, quod si tunc Imperator cum gratia, & pace Romanæ Ecclesiæ transisset, longe melius & efficacius prosperatum fuisset negotium Terræ Sanctæ, sed quanta in ipsa sua peregrinatione adversa pertulerit ab Ecclesia, cum non solum ipsum Dominus Papa excommunicaverit, verum etiam quod ipsum excommunicatum scirent, & tanquam excommunicatum vitarent eundem Patriarcho Ierosolimitano mandavit.* And the Abbot of *Usperg*¹ could not forbear crying out against such doings: *Quis talia facta recte considerans non deploret, & detestetur, quæ indicium videntur, & quoddam portentum & prodigium ruentis Ecclesiæ!*

ALTHOUGH the Peace with the Soldan was made at a critical Time, yet it was as advantageous as could be expected for *Frederick*; these are the Articles, That there should be a Truce for Ten Years, by virtue of which the Soldan restor'd the City of *Jerusalem*, with all its Territories, to the Emperor; that Christ's Sepulchre should be kept by the *Saracens*, because they had been long in use to pray there, nevertheless the Christians should have free Access to go and perform their Devotions there; the Cities of *Bethlehem* and *Nazareth*, and all the Towns on the High-way to *Jerusalem*, with the Cities of *Tyre* and *Sidon*, and some other Castles formerly possess'd by the Knights *Templars*, were likewise restor'd to the Emperor, with liberty to fortify *Jerusalem* with Walls and Towers as he should think fit; as also to fortify the Castles of *Joppa*, *Cæsarea*, *Monteforte* and *New Castle*. That every thing should be restor'd to *Frederick* that had been possess'd by *Baldwin IV.* and had been taken from him by *Saladin*; and that all Prisoners should be set at Liberty without any Ransom.

THUS did *Frederick* conclude this Peace, for which some have blam'd and condemn'd him, because he left Christ's Sepulchre, the first Ground of the War, in the Hands of the *Saracens*: There are likewise some modern Authors that treat him very scurvily, calling him Coward and Silly, and say, That he suffer'd a Thousand Indignities from the Soldan and his Soldiers. But the Chronicle of *Riccardo da S. Germano*, a Cotemporary Writer, clearly evinceth all these to be nothing but Forgeries and Calumnies: Neither ought we to give Credit to our *Italian* Writers, nor to the Letters of the Patriarch of *Jerusalem*, because they were for the most part *Guelfs* and Partisans of the Pope. And the same *Riccardo* shews us the Necessity *Frederick* was under to leave the keeping of Christ's Sepulchre

¹ Abb. Usp. anno 1228.

to the *Saracens*, *Quia*, speaking of the *Saracens*, *diu consueverant orare ibidem, & ut liberum introitum, & exitum habeant illuc accedentes orationis causa*: But it was likewise stipulated, that the Christians should have the same Liberty, & *Christianis similiter orationis causa sit expositum*; whence we may see how impudent a Lyar and Flatterer *Bossius* is¹, who in his History of the Knights of *Malta*, says, That the Christians were not allow'd to enter the Sepulchre. And to charge *Frederick* with Cowardize and Silliness, is repugnant to all History, for he was a great and gallant Prince, of a high Spirit, which his many noble Exploits clearly testify; neither is it likely, but rather impossible that he would have born with those Affronts and Abuses of the effeminate *Egyptians*, and despicable *Arabians*, which he could neither bear of the *Lombards*, *Germans*, nor any other brave Nations, over whom he gain'd many Victories.

NOW that the Peace was settled, *Frederick* resolv'd to return to the Relief of his Dominions of *Italy* and *Puglia*, but before he would leave *Palestine*, he had a Mind to take Possession of the Crown and Kingdom of *Jerusalem*; therefore he order'd *Hermanus Saltza* to write to the Patriarch of *Jerusalem* to come and accompany him to that City, in order to crown him there; but the Patriarch, who was a Partisan of the Pope, answer'd, That he could not do it, till he had first seen the Articles of the Peace concluded betwixt the Emperor and the Soldan. *Hermanus* immediately sent them to him by a *Dominican* Monk. When the Patriarch saw the Articles, he refus'd to come, saying, that he could not trust himself in the Hands of these Barbarians, seeing the Clergy were not mentioned in the Treaty, neither had the Soldan of *Damascus*, to whom that Kingdom of Right belong'd, sworn to it, and therefore the Peace was neither safe, nor could it be durable. And under pretence that the Temple, and the Sepulchre of Christ were in the keeping of the *Saracens*, to prevent *Frederick's* being crown'd there, he sent the Archbishop of *Cæsarea* as his Legate, who by his Order interdicted the Holy City of *Jerusalem*, and the very Sepulchre of Christ, forbidding the Celebration of Divine Offices there; so that instead of a Blessing on this Expedition, *Frederick* got a Curse, as *Riccardo* expresseth it; *Primitas recuperationis ipsius, non benedictione, sed anathemate persecutus*; but the Emperor little minding the Interdiction, on the 17th of *March* made his Entry into *Jerusalem*, and the next Morning, with suitable Pomp, accompanied by the Great Master *Hermanus*, and all his Courtiers, went to the Church of the Sepulchre, and after he had pray'd for a long Time, and given Thanks to God, finding, that because of the Interdiction, none would venture to celebrate Mass, nor any other proper Office, nor would even the *German* Prelates be present, though he had invited them, but said, they had no mind to be excommunicated by the Pope; with his own Hands he took the Crown from the Altar, and crown'd himself; and the Great Master of the *Teutonicks* made a long Oration in Praise of *Frederick*, enlarging, that it was by his Conduct and Valour that the Kingdom and City of *Jerusalem* had been restor'd to the Christians²; and after his Coronation, *Frederick* gave Orders to fortify *Jerusalem*, and repair the Walls, which had been thrown down by *Conradin* Soldan of *Damascus*; and forthwith upon the News of *Puglia's* being invaded by the Pope, he set forward and came to *Sappho* and *Ptolemais*, where he appointed Two Governors to command the Places that had been conquer'd; and made the Great Master of the *Teutonicks* Commander of the *Germans* that were to return with him to *Puglia*, and after having suffer'd and surmounted many Acts of Hostility done by the Patriarch of *Jerusalem* and the Masters of the *Hospitalers* and *Templars*, at last, after a prosperous Voyage, he arriv'd at *Brindisi*.

FREDERICK was no sooner landed at *Brindisi*, than he sent the Archbishops of *Reggio* and *Bari*, with the Great Master *Hermanus*, his Ambassadors to Pope *Gregory*, who went first to *Cajazza*, which was then besieg'd by the Cardinals of *S. Praxides* and *Albano*, from whom they got Letters to the Pope, and from thence went to *Rome*; and after they had given his Holiness an Account of what had pass'd in *Palestine*, they besought him in the Name of the Emperor, that he would be pleas'd to absolve him from the Excommunication, and be at Peace with him.

¹ Boss. lib. 16.² Bzovius Hist. Rel. Red.

BUT the Patriarch of *Jerusalem* having written to the Pope, that the Treaty which the Emperor had made with the Soldan, was prejudicial to the Christians, Gregory was so inrag'd, that he would condescend to nothing the Ambassadors desir'd of him; for which Cause the Great Master remain'd in *Rome*, and the two Archbishops return'd to *Puglia*.

IN the mean while, by the Means of *Adinolfo* and *Filippo d'Aquino*, the Castles of *Atino* and *Celio* surrender'd to the Emperor, who with his Army of *Crucesignati*, march'd to *Terra di Lavoro* against King *John* and the Cardinal Legates, who were besieging *Cujazza* with the Army of *Clavesignati*; *Frederick's* Approach struck such a Terror in the Besiegers, that they rais'd the Siege, burnt the Machines, and in great haste retired to *Teano*, from whence Cardinal *Colonna* went to *Rome* to seek Money from the Pope to pay the Army.

RICCARDO likewise writes, that Cardinal *Pelagio* not having wherewithal to subsist the Army, took all the Treasure and costly Furniture of Gold and Silver that were in *Monte Cassino*, to make Money of them, and resolv'd to serve the Church of *S. Germano* the same Way, had not the Clergy of that Church compounded for a certain Sum: In the mean Time the Emperor return'd from *Naples* to *Capua*, and from thence march'd to *Calvi*, which he took by Storm, and caus'd many of the Pope's Soldiers, who defended it, to be hang'd; and though King *John* endeavour'd to interrupt his March, yet he advanc'd by the Way of *Riardo* to *S. Maria della Ferrata*, where he halted three Days, during which Time *Vairano*, *Alife*, *Venafro*, and all the Territories belonging to the Sons of *Pandolfo* submitted to him; this prosperous Success so dishearten'd King *John* and Cardinal *Pelagio*, that in all haste they march'd to *Mignano*, and from thence to *S. Germano*; but finding that the Emperor was pursuing them close at the Heels, they presently disbanded the Pope's Army, and made what haste they could to *Campagna di Romagna*, and King *John* with all the Prelates of the Pope's Faction retir'd to *Rome*.

MEAN while the Emperor with his Army enter'd the Lands of the Monastery of *Monte Cassino*, took, and deliver'd up to be plunder'd by the Soldiers, the Town of *Piedmonte*, and gave its Castle to the Lords of *Aquino*. Then he made an Attempt upon *Monte Cassino*, but was repuls'd; and while he was there, by the Means of *Taddeo di Sessa*, Judge of his High Court, the City of *Sessa* submitted to him. *Presenzano*, the Castle of *Evandro*, *Isernia*, *Arpino*, and *Foutana*, with all the other Towns belonging to *S. Benedict*, likewise submitted; and at last *S. Germano* with its Castle also yielded. *Frederick*, being now resolv'd to settle his other Affairs of *Italy*, and to treat of a Peace with the Pope, caus'd all the Magistrates and Corporations of the Cities of *Lombardy* to be conven'd; and by a Letter written from *S. Germano*, notified to them his Return to *Puglia*, and his Victories in that Kingdom, which Letter is recorded by *Riccardo*, and among others contains these Words: *Nos de Ultramarinis partibus prospere per Dei gratiam redeuntes, de inimicis nostris, qui Regnum nostrum invaserant feliciter triumphavimus, dum audientes nos contra eos in manu valida, & potenti venturos, non expectatis, aut expertis viribus nostris, in Campania finibus, fugæ sibi præsidium elegerunt. Sicque Domino cooperante, & nos comitante Justitia, qui de Carlo prospexit, quod ipse in Regno nostro, nobis absentibus, per anni dimidium occupaverant, nos brevi dierum spatio recuperavimus, & revocavimus ad demanium, & dominum nostrum.*

THE City of *Teano* was the next that surrender'd, upon Condition, that its Bishop should have it in his Choice either to depart, or remain in the City. From *S. Germano* the Emperor sent Two hundred Soldiers into the Country of the *Marsi*, commanded by *Bertoldo* Brother of the Duke of *Spoletto*, who easily subdu'd all that Country; and after *Frederick* had halted seven Days in *S. Germano*, he march'd to *Aquino*, from whence he wrote to all the Princes of *Christendom*, to clear himself from the bad Opinion which had been conceiv'd and propagated concerning the Treaty made with the Soldan, and gave them an Account of the Affairs of the Holy Land, and that what the Patriarch of *Jerusalem* had represented was not true Matter of Fact, taking the Bishop of *Winchester*, the Great Masters of the Knights *Hospitallers* and *Teutonicks*, and many other Knights of these Orders, and also the Preaching Friars, who were present at the Treaty, to witness the contrary. Some Ambassadors from the Senate and People of *Rome* came to *Aquino* to wait upon the Emperor,

¹ Ric. S. Germ.

and congratulate him upon his safe Return, and to treat about other Affairs, and at the End of three Days they return'd to *Rome*. After he had added some new Works to the Fortifications of *S. Germano*, he left *Aquino*, and march'd to besiege *Sora*, which, because it made a shew of Resistance, he took by Storm, burnt it, and kill'd and ruin'd the Citizens.

HERMANNUS SALTSA, who had remain'd in *Rome* to treat of a Peace with the Pope, went from thence, accompanied by *Giovanni* Cardinal of *S. Sabina*, and *Tommaso* Cardinal of *Capua*, the Pope's Legates, to wait on the Emperor in *Aquino*, whither he had return'd from *Sora* the fourth Day of *November*, and after they had had an Audience of him, the same very Evening they went to *Monte Cassino*, and perswaded Cardinal *Pelagio* to retire from that Place with his Men. And the Bishops were allow'd to return to their Sees without any Molestation. *Frederick* likewise restor'd all the Places taken from the Abbot *Adenolfo*, and put them under the Command of the Great Master *Hermannus*, till the Peace should be settled with the Pope; and *Hermannus* being oblig'd to return to *Perugia* with Cardinal *Pelagio* to settle some Articles of the Peace, he substituted in his Place *Fra. Lionardo* a *Teutonic* Knight, till he should return. And *Frederick* having gone to *Capua*, where he kept his *Christmas*, set many of the Citizens of *Sora*, that had been made Prisoners after the taking of that City, at Liberty.

IN this prosperous Situation were *Frederick's* Affairs at the Close of the Year 1229. In the Month of *January* 1230. he order'd the said *Fra. Lionardo*, Deputy-Governor of *Monte Cassino*, to pick out some of the best Soldiers that he could light on, in order to garrison the Monastery, and made him swear to guard it with all the Effects and Monks within it, and not to deliver them to any Person but the Great Master *Hermannus*. After the Archbishop of *Reggio*, the Great Master of the *Teutonic* Order, and Cardinal *Pelagio* had made several Journies to and again, betwixt *Rome* and *Puglia*, about the Treaty of Peace, at last they met in a Congress held in *S. Germano*, where were likewise present the Patriarch of *Aquileja*, the foresaid two Legates, *Giovanni* Cardinal of *S. Sabina*, *Tommaso* Cardinal of *Capua*, *Bernard* Archbishop of *Saltzburg*, *Sifridus* Bishop of *Ratisbone*, *Leopold* Duke of *Austria* and *Stiria*, *Bernard* Duke of *Moravia*, and *Fra. Lionardo* Knight of the *Teutonic* Order; and after various Speeches the Treaty was begun, and in a short Time was concluded betwixt the Emperor and the Pope, as shall be told. And in the mean Time some Cities of *Puglia*, which in the late Troubles had revolted, submitted to the Emperor, such as *Civitate*, *Larino*, *S. Severo*, *Casalmuovo*, and *Foggia*. We ought not to give Credit to the Author of a small Treatise intitled *Itinerario dell' Imperador Federico*, for it begins with an impudent Lye, and is full of fabulous Stories and Dreams; for *Frederick* was not three Years, but only three Months in the Holy Land; he did not besiege *Jerusalem*, because the Soldan soon deliver'd it up; he did not touch at any Port of *Sicily* as he return'd, but landed at *Brindisi*, which did not want Relief, because it was not besieg'd, neither had he Occasion to hire *Saracens* in the Island of *Zerby*, while he could have had plenty in *Sicily* and *Puglia*.

WHILE the Emperor was keeping his *Easter* in *Foggia*, on *Holy Thursday* *Gregory* excommunicated *Rinaldo* Duke of *Spoletto*, and his Brother *Bertoldo*, for having invaded *La Marca*, and other Places belonging to the Church.

ALL the Prelates, Dukes and others, who after the Congress in *S. Germano* had gone to *Rome*, return'd from thence with the Cardinal Legates, in order to absolve the Emperor from the Excommunication, and the Legates desir'd the Great Master of the *Teutonic* Order to acquaint the Emperor to come to *Capua*, where they with all the Prelates that had fled the Kingdom for fear of him, were to wait on him; but when they were inform'd, that he had caus'd the Walls of *Foggia*, *S. Severino*, and *Casalmuovo* to be demolish'd, and that he was on his Way from *Puglia* to *Capua*, with Design to have *Gaeta* and *S. Agata* secur'd to him by the Articles of Peace, and that they should not continue subject to the Church as the Pope claim'd, they made all the Bishops of the Kingdom return to *Cepparone*, and they themselves, with the Abbot *Adenolfo* went to *Capua*, where *Frederick* arriv'd the 30th of *May*, with whom the Cardinals had an Interview; but when they could not agree about the Article concerning *Gaeta* and *S. Agata*, they went to *Sessa*, and after treating with the *Gaetans*, they brought over *Pietro delle Vigne*, and *Filippo di Citro* Constable of *Capua*; but new Difficulties still arising, the Peace could not be agreed upon, therefore the Archbishop of *Reggio*, and the Great Master of the *Teutonic* Order,

were

were oblig'd to make several Journies betwixt *Rome* and *Capua*; till at last, by the Means of *Fra. Qualdo*, of the Order of Preaching Friars, the Pope coming to the Monastery of *Grotta Ferrata*, and the Emperor to *S. Germano*, to be near one another, the Peace was concluded to the great Joy of every Body, and was publish'd with universal Acclamations and Rejoycings at *S. Germano* and all the neighbouring Places; and, to crown the Work, on the 9th Day of *July*, the Cardinal Legates, the Patriarch of *Aquileja*, the Archbishop of *Saltzburg*, the Bishops of *Ratisbone* and *Reggio*, the Dukes of *Carinthia* and *Moravia*, the Archbishops of *Palermo*, of *Reggio* in *Calabria*, and of *Bari*, the Abbot of *Monte Cassino*, and many other Prelates that had fled to *Rome*, *Rinaldo* Duke of *Spoletto*, *Tommaso d'Aquino* Count of *Serra*, *Errico di Morra* Lord Chief Justice, and a great Number of Barons and Ministers of the Empire, met in the great Church of *S. Germano*, in Presence of whom the Emperor promis'd to satisfy the Holy Roman Church in all the Points for which he had been excommunicated, and made *Tommaso* Count of *Cerra*, and all these German Prelates and Lords, who drew up the Instrument and Articles of Agreement, as they are recorded by *Riccardo* in his Chronicle, to swear to his Performance; the chief Articles follow.

I. THAT within the Space of a Year common Umpires shall be chosen to agree on the Form and Manner of restoring *Gaeta* and *S. Agata* to the Emperor, and securing the Inhabitants of the Kingdom; and that in the mean Time the Emperor shall not molest the Cities he had lost, nor suffer them to be molested by his Officers.

II. That the Emperor shall pardon all the *Germans*, *Lombards*, and *Tuscans*, and generally all the *Sicilians* and *French*, who have sided with the Church of *Rome* against him, and shall not suffer them to be molested on that account.

III. The said Emperor shall repeal all Decrees, Constitutions, and Proclamations publish'd against them on account of the late War.

IV. THE Emperor likewise promises, that the Lands of the Church in the Dukedom of *Spoletto*, *La Marca*, and other Places of her Patrimony, shall not be invaded, or laid waste by him or his.

THE said German Princes promise to be Guarantees of the above Articles agreed upon.

THEN the Archbishop of *Saltzburg* made a long Speech on the Emperor's good Inclinations towards the Church of *Rome*, and apologiz'd for the by-past Misunderstanding; and the Cardinal of *S. Sabina* made an eloquent Speech in answer to him: And the same Day the Cardinal Legates, in the Name of the Pope, made the Emperor swear to restore all that he had taken, or caus'd to be taken in *La Marca*, and the Dukedom of *Spoletto*, or in any other Part of the Patrimony of the Church, and all the Territories and Castles of Monasteries or Abbies, and particularly of the Monastery of *S. Ciricus d'Introducco*, and all the Possessions of the Knights Templars, and Hospitalers, and of all Barons or other Noblemen of the Kingdom whatsoever, who have been Adherents and Partisans of the Pope, and to restore to their Sees the Archbishop of *Taranto*, and all the other Bishops and Prelates that had been banish'd the Kingdom. And besides made him swear; *Ut de cetero nullus Clericus in civili, vel in criminali causa conveniatur, & quod nullus talleas, vel collectas imponat Ecclesiis, Monasteriis, Clericis, & viris Ecclesiasticis, seu rebus eorum; & quod Electiones, postulationes, & confirmationes Ecclesiarum, ac Monasteriorum libere fiant in Regno secundum statuta Concilii Generalis*.

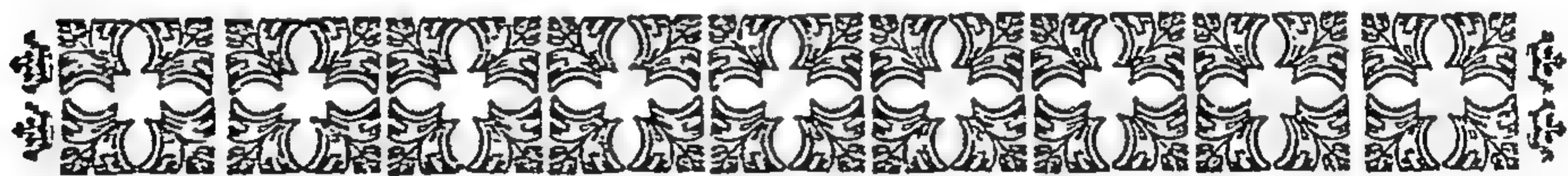
THEN, by Order of the Pope, Friar *Gualdo* took off the Interdiction under which Cardinal *Pelagio* had put the Churches of *S. Germano*, and other Places belonging to the Monastery of *Monte Cassino*, and allow'd them to celebrate the Divine Offices, but excluded from hearing them, the Duke of *Spoletto* and all those that with him had made War in *Marca*. And in pursuance of the Treaty, the Emperor soon after restor'd *Trajetta* and *Suggio*, with the County of *Fondi* to *Ruggieri dell'Aquila*, and Castle *Fanola*, to *Adenolfo* Abbot of *Monte Cassino*, on Condition however, that the said Castle should be kept by *Rinaldo Belenguino di Santa Elia*, till the Emperor should be absolv'd from the Censures. *Frederick* having gone to the Castle of *Arce*, caus'd the Lords of *Aquino*, who had the Charge of *Ponte Corvo*, *Piedmonte*, and *Castel Nuovo*, to restore them to the Abbot *Adenolfo*; and from thence, with a good Body of Troops, he march'd to *Cepparano*, where, on the Feast of *S. Augustine* in

¹ Ric. S. Germ.

the Month of *August* in the Chapel of *S. Giusta*, he was absolv'd from the Excommunication by the Cardinal of *Capua* Bishop of *Sabina*, and on the last Day of the said Month went to meet with *Gregory* in *Alagna*, having sent at the same Time Letters over all the Kingdom concerning the Immunity of Churches, Monasteries, and Ecclesiastical Persons, and their Goods and Possessions, ordering the Counts, Barons, Justices, Chamberlains, and Bailiffs of the Kingdom of *Sicily*, *ne ullus Monasteriis, Ecclesiis, Personis Ecclesiasticis, aut rebus eorum talleas, vel collectas præsumat imponere, salvo illis servitiis, ad quæ certæ Ecclesiæ, vel personæ tenentur nobis specialiter obligatæ*, according to his Diploma transcrib'd by *Riccardo* in his Chronicle.

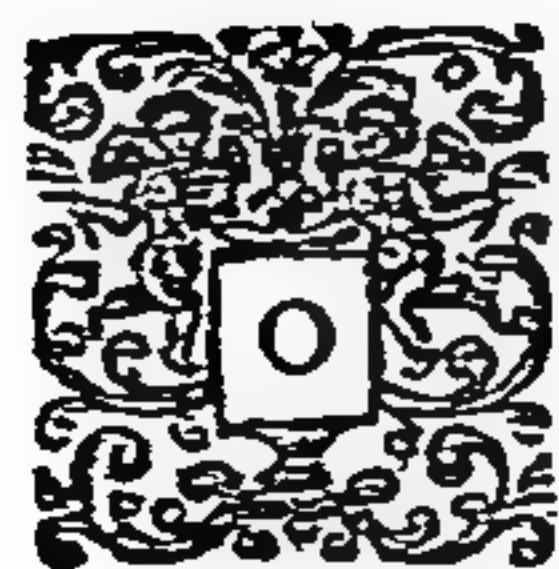
FREDERICK incamp'd without the Walls of *Alagna*, and the first Day of *September* made his Entry into it, where he was met and receiv'd with all Marks of Honour by the Cardinals, and all the other Prelates and Ministers of the Pope, and was invited to eat with him, and for three Days running they continued together conversing on their weighty Affairs, in Presence only of the Great Master of the *Tenionick* Order. And after reciprocal Marks of Kindness, he took leave of *Gregory*, and return'd to the Camp; and while he was there, he gave to *Giovanni di Poli* the County of *Albi* in exchange for the County of *Fondi*, and restor'd it to *Ruggieri dell' Aquila*; and at the Emperor's Desire the Pope absolv'd the Abbot of *S. Vincenzo*, and the Prelates that had been excommunicated for adhering to the Emperor. And in the mean Time the Bishops of *Tiano*, *Alife*, and *Venafro*, and all the other Prelates that had fled the Kingdom, return'd to their Sees, and the Prelates, and Princes of *Germany* to their own Country. *Bzovius* in his Annals adds, that some *German* Authors write, that the Emperor, in order to be Friends with the Pope, paid him a Hundred and Twenty thousand Ounces of Gold for the Losses he had sustain'd by the War. *Girolamo dalla Corte*, in his History of *Verona*, says, there were only Twelve thousand Ducats paid; but *Riccardo*, who gives a particular Account of these Transactions, makes not the least mention of any Sum paid.

THIS Peace being thus concluded, the Emperor decamp'd from *Alagna*, and march'd back to *S. Germano*, and from thence, by the Way of *Capua*, march'd into *Puglia*, and halted in *Melphis*; and being disingag'd from this War, and the Kingdom in Peace, he resolv'd the Year following 1231. to put it upon a better Footing, and with new Laws to settle Peace and Tranquillity, and repair the by-past Losses.



C H A P. VIII.

Of the Constitutions of the Kingdom.



OUR Professors, being ill versed in History, have treated no part of the Laws of our Country so confusedly and carelessly, as that concerning the Body of our Constitutions. There is no-body but knows, that the Emperor *Frederick* committed the Work to *Pietro delle Vigne*, and that he did it by his Command; but how, and when it was publish'd, of what Constitutions, and of what Princes it consists, and of what Authority it was with us, and how the Laws contain'd in it have been explain'd and commented on by our Writers, they are profoundly silent. Therefore many have confounded the Constitutions, and attributed those of one Prince to another, as has been observ'd in the preceding Books of this History, where many of *Roger's* Laws have

have been ascrib'd either to the two *Williams* or *Frederick*; and, on the contrary, many Constitutions of that Emperor have been father'd upon *Roger*. Many through Ignorance of the Scope and Design of them, and of the Customs of these Times, have put strange Constructions upon them, and others have reckon'd some of them Impious and Sacrilegious.

FREDERICK then, a most prudent Prince, who would imitate the wisest Kings of the Earth, both in Arms and Laws, having this Year 1231. made Peace with Pope *Gregory*, and quieted his Kingdoms of *Sicily* and *Puglia*, turn'd his Thoughts to the Laws, in order to settle a more durable and lasting Tranquillity among his Subjects. Not that he publish'd all the Constitutions this Year, which we read in this Volume, divided into Three Books. The Collection was made this Year, but the Laws were made, some before, and some after this; for many other Constitutions were added afterwards, whence they bear this Inscription, *nova Constitutio*. He would have the Constitutions of the Kings of *Sicily* his Predecessors inserted in this Code, among these he picked out many of King *Roger I.* his Grandfather; some of *William I.* his Uncle, and a few of *William II.* his Cousin-German, of which we have treated at large in the preceding Books. He had no Regard for what had been made by *Tancred* and *William III.* whom he did not look upon to have been lawful Kings, but Usurpers, as we have observ'd elsewhere. Besides the Constitutions of these Princes his Predecessors, he would have his own, publish'd at different Times, on various Occasions, and in sundry Cities of his Kingdoms of *Sicily* and *Puglia*, to be inserted, and he abrogated and repealed the antient Laws and Customs that any ways clash'd with these Constitutions, and ordain'd that these alone should be observ'd, and have all Force and Authority in the Kingdom of *Sicily*, which he calls *Hæreditas pretiosa*¹. And it must be observ'd, that by the Kingdom of *Sicily*, he means not only that Island, but likewise our Kingdom, which was sometimes call'd *Puglia*, and sometimes *Sicily* on this Side the *Phare*, and at last was call'd the Kingdom of *Naples*; so that they are widely mistaken, who reckon the said Constitutions to have been made for the Island of *Sicily* only; neither is *Ramondetta* to be pardon'd, for writing, that these Laws were not made for the People of that Island, but for those of the Kingdom of *Naples* only; which is so manifest an Error, that there is not one Constitution but what proves it to be such.

FREDERICK had establish'd many Constitutions for the Government of these Realms before this Year 1231²; and from the very Beginning of his Reign, after the Guardianship of *Innocent III.* in several Parliaments held in *Puglia*, and other Parts of the Kingdom, he began to enact Laws. Besides these Laws which he made in *Rome* after his Coronation by *Honorius*, whereof we have spoken in the preceding Book, and which have no relation to ours, after his Coronation, when he came from *Rome* to *Capua* in the Year 1220. he held a general Parliament for the Good of the Kingdom, and publish'd his Ordinances contain'd in twenty Chapters, according to *S. Germano*³: *Et se recto tramite Capuam conferens, & regens ibi Curiam generalem pro bono statu Regni suas assisas* (that is to say, Regulations which were wont to be establish'd in General Courts for the publick Good, and the Benefit of the Vassals⁴) *promulgavit, quæ sub viginti capitulis continentur.*

THERE are some who write, that in the following Year 1221. he call'd a General Meeting in *Melphis*, and publish'd other Constitutions; but seeing *Riccardo* makes no mention of them, we will not take upon us to affirm it; those, who have written so, have been deceiv'd by the Date, for, in the vulgar Editions, instead of 1231. by an Error of the Press, we read 1221. These other Constitutions, which we likewise find inserted in this Volume, according to *Riccardo*, were not publish'd this Year in *Melphis*, but in *Messina*: *Imperator per Apuliam, & Calabriam iter habens, feliciter in Siciliam transfretat, & Messanæ regens Curiam generalem, quasdam ibi statuit assisas observandas contra lufores, &c.* which we also find in the Third Book, under the Titles *De his qui ludunt ad dados, &c.* *De blasphemantibus Deum, &c.*

THE same *Riccardo* says, that in the Year 1222. *Frederick sua statuta per Regnum dirigit in singulis Civitatibus & Villis*; and in the Year 1224. many Laws were publish'd concerning the Establishment of the University erected in *Naples*, as we

¹ Constit. de legib. in princ. lib. 1. §. presentes: Regnum Siciliæ Sanctiones, & nostras, &c.

² V. Andreys disp. Feud. cap. 1. num. 1.

who says that the Constitution, Ut de Successionibus, was made in the Year 1221.

³ Ric. anno 1220.

⁴ Dufresne in Glossar. v. Assisa.

have observ'd elsewhere ; and in the Constitution *nihil veterum*¹ there is mention made of *Frederick's* Expedition into *Lombardy* to curb the rebellious *Lombards*, and of his sudden Return to *Puglia*, which, according to *Riccardo*² and *Errico Sterone*³, both of them Contemporary Writers, fell out in the Year 1226 ; and thus from Time to Time after *Frederick* return'd from *Palestine* in the Year 1229. he publish'd other Constitutions on various Occurrences⁴ ; and in the Beginning of this same Year 1231. *Riccardo* says⁵, that *Frederick* sent his Ordinances concerning the Concessions and Privileges granted by himself, and *Rinaldo* Duke of *Spoleto*, after he went to *Palestine*, to *Stefano d' Anglone* his Chief Justice of *Terra di Lavoro*, ordering him to lay them before his Imperial Court by a certain Time, otherwise they were to be reputed void, and of no Force ; as we read in this Code under the Title *De Privilegiis* in the Second Book.

AT the same Time, according to *Riccardo*, he forbid his Barons to build new Walls and Towers in their Towns and Castles, as we also read in the Third Book under the Title *De novis Edificiis* : He likewise made other Laws concerning the Subsidies which the Counts, Barons, and Prelates, who held Fiefs, were oblig'd to pay, of which there are some Vestiges remaining in the Three Books of these Constitutions. And we have good Grounds to believe, that the so famous and remarkable Constitution *Inconsutilem*, full of Rigour and Severity against the *Patareni*, and other Hereticks of these Times, was publish'd by *Frederick* in the Month of *February* this very Year 1231. to prevent the Mischiefs, which their daily growing Number might occasion in these Kingdoms. *Riccardo* says, that the Number of the *Patareni* increas'd to that Degree in *Italy*, as even *Rome* itself, the Seat of Religion, was defiled and infected, and great Rigour was us'd in order to extirpate them ; insomuch that many, who continued obstinate in their Errors, were burnt, and others more tractable, were imprison'd in the Monasteries of *Monte Cassino* and *Cava*, to remain there till they had abjur'd their Errors, and done Penance for them : And their Number grew so great, that they spread further than *Rome*, and also began to infect the Cities of our Kingdom, and especially *Naples*, where they grew to such Numbers, that *Frederick* sent thither the Archbishop of *Reggio*, and *Riccardo di Principato* his Marshal, to punish them with Severity, and accordingly many of them were found and imprison'd, and this was the Reason that mov'd *Frederick* to publish the following Constitution⁶ for punishing Hereticks, those that harbour'd them, and their Abettors with the utmost Severity ; these are the Words of the Constitution : *Et tanto ipsos persequamur instantius, quanto in evidentiorum injuriam fidei Christianæ, prope Romanam Ecclesiam, quæ caput aliarum Ecclesiarum omnium judicatur, superstitionis suæ scelera latius exercere noscuntur. Adeo quod ab Italiæ finibus, & præsertim a partibus Lombardiæ, in quibus pro certo perpendimus ipsorum nequitiam amplius abundare, jam usque ad regnum nostrum Siciliæ, suæ perfidiæ rivulos derivarunt. Quod acerbissimum reputantes, statuimus, &c.*

RICCARDO likewise writes, that in the Month of *June* this very Year *Frederick* made other new Constitutions in *Melphis* : *Constitutiones novæ, quæ Augustales dicuntur, apud Melfiam, Augusto mandante conduntur.* And at the same time Inquiry was made *De campangiis, falsariis, aleatoribus, tabernaris, homicidis, vitam sumptuosam ducentibus, prohibita arma portantibus, & de violentiis mulierum* ; and the Guilty suffer'd the Punishments prescrib'd in his different Constitutions, which, under their respective Titles, we now read in this Code.

OF all these Constitutions hitherto establish'd by *Frederick* in the preceding Years, on various Occasions, and of those of the Kings of *Sicily* his Predecessors, *Pietro delle Vigne* this Year compil'd that new Volume, which is now call'd the Constitutions of the Kingdom ; and in the Month of *August* of the said Year 1231. in a solemn Assembly held in *Melphis*, all these Constitutions, thus collected, were publish'd to the People, that now the antient Constitutions being repealed, these were to be observ'd. *Frederick* speaks thus of them : *Accipite gratanter, O Populi, Constitutiones istas, tam in judiciis, quam extra judicia potituri. Quas per Magistrum Petrum de Vineis Capuanum magnæ Curie nostræ Judicem, & fidelem nostrum mandavimus compilari*⁷.

¹ De Offic. Magist. Inf. v. sicque nuperrime.

² Ric. anno 1226.

³ In Chron. an. 1229.

⁴ Const. cum concessiones de privileg. lib. 2.

⁵ Ric. anno 1231.

⁶ Const. Inconsutilem. Const. de Receptoribus, &c. lib. 1.

⁷ Tit. ult. lib. 3. Constit.

RICCARDO in his Chronicle witnesseth, that this was done in the Month of *August* 1231, *Constitutiones Melfiæ publicantur*. And the old correct Editions, agree with him in the Date; *Actum in Solemni Consistorio Melfiensi, anno Dominicæ incarnationis M. CC. XXXI. mense Augusti, indictionis quartæ*. And the reading was the same in the old Edition, of which our *Matteo dell' Afflitti* made use, when he made his large Commentary upon these Constitutions, not doubting that they were publish'd that Year; as *Matteo* himself writes: *Ex quo istæ Constitutiones editæ fuerunt mandante dicto Imperatore per doctissimum virum Petrum de Vineis in anno Domini 1231*. Whence 'tis evident, that in the new and vulgar Editions, which are handed about, there is a manifest Error, in dating them in the Year 1221.

'TIS likewise to be observ'd, that after this Work was publish'd, *Frederick* made other Constitutions at different Times in the following Years, and which *Taddeo di Sessa*, *Roffredo Beneventano*, and lastly, *Andrea*, and *Bartolommeo di Capua*, inserted in this Code under their proper Titles, whence they are call'd *Novæ Constitutiones*. Thus did *Frederick* cause to be publish'd in the Month of *February*, the following Year 1232, his Constitutions *De Mercatoribus, Artificibus, Medicis, Aleatoribus, Damnis, Militibus, Notariis, &c.* as we read in *Riccardo's* Chronicle, where we must advert, that *Ughellus*, who caus'd this Chronicle to be printed in the third Volume of his *Italia Sacra*, was in the wrong, after the Words; *Post Mundi machinam providentiâ Divina firmatam, &c.* to add these; *Harum aliquot Richardus Author Historiæ ponit, sed nos remittimus lectorem ad librum Constitutionum Regni Siciliæ*; whence 'tis clear, that these Words have been foisted in by some Student, and are no Part of the Text. We likewise find these Constitutions inserted in the Volume of our Constitutions, as is clear from the Titles *De Mercatoribus: De fide Mercatorum: De Medicis: De Aleatoribus*; or, *De his qui ludunt ad dados*, and others, which we read in the third Book. And in the Month of *October* of this same Year, and in the same Place, he publish'd others concerning the *Annona*, Weights and Measures, and others which we read in the said Chronicle, and whercof we have still some Vestiges in the Books of our Constitutions: *Mense Octobri in S. Germano hujusmodi sunt Imperiales Assisæ publicatæ*. And *Frederick* about the End of the following Year 1233, having gone to *Sicily*, held a general Parliament in *Syracusa*, and made that famous Constitution; *Ut nulli, according to Riccardo, liceat de filiis, & filiabus Regni matrimonia cum externis, & adventitiis, vel qui non sint de Regno, absque ipsius speciali requisitione, mandato, seu consensu Curie suæ contrahere, videlicet, ut nec aliquæ de Regno nubere alienigenis audeant, nec aliqui alienigenarum filias ducere in uxores, pœna apposita omnium rerum suarum amissione*. Which Constitution we read under the Title *De Uxore non ducenda sine permissione Regis*, then follows that, which begins *Honorem nostri Diadematis*, wherein we find the same Words of *Riccardo*, and because it was publish'd this same Year after that in *Melphis*, it bears this Inscription, *Nova Constitutio*. *Frederick* had good Reason for making this Constitution, for seeing he had establish'd by Law, that Women could succeed to Fiefs, he did not think fit to allow them to marry into strange Families, and perhaps Enemies to him, without the Consent of his Court, of which Constitution we have spoken sufficiently, when we had occasion to treat of King *Roger's* Laws, where we censur'd *Andrea d' Isernia's* Error, who look'd upon it as a Restraint upon the Freedom of Marriage. After this Constitution had been for a long Time in Force, it was reform'd in our Kingdom by *Charles II.* and intirely abolish'd in *Sicily* by King *James*.

FREDERICK, in order to settle Peace and Tranquillity in his Dominions of *Sicily* and *Puglia*, made other Laws in the following Years; and after he had, in the Year 1243, appointed Fairs to be held in some Cities, of which in their Place, so far as we can gather from *Riccardo*, who ends his Chronicle that same Year, we find that he publish'd diverse other Constitutions; and in the Month of *September* of the same Year, we see, that in *Grosseto* *quasdam edidit Sanctiones*, according to *Riccardo*, *contra Judices, Advocatos, & Notarios, quas per totum Regnum publicari præcepit, & tenaciter observari, quarum initium tale est, nihil veterum auctoritati detrahitur, &c.* which are his last Constitutions, and are likewise inserted in the first Book of the Volume of our Constitutions, under the Title *De Officio Magistri Justitiarii, & Judicum Magnæ Curie*, which therefore bears the Inscription of

¹ Afflit. in prælad. q. 1. num. 1.

Nova Constitutio; and under the Title *De Advocatis ordinandis*, with the Two following. As all these Constitutions related to the Kingdoms of *Puglia* and *Sicily*, there's no occasion, as we have observ'd elsewhere, to confound them with the *Imperial* ones establish'd in *Rome*, or with those publish'd in *Germany*, to wit, in the Year 1213 in *Egra*, and in 1234 in *Francfort*, and in 1235 in *Mentz*, and elsewhere, whereof *Goldastus* ¹ has made a Collection, which may be read in his Volumes; these Constitutions not being design'd for our Kingdoms, had no Force or Authority in them.

¹ Goldast. tom. 1. pag. 77, 289, 290, 293, & tom. 2. pag. 51, & seqq.

S E C T. I.

Of the Use and Authority of these Constitutions during the Reign of the Suevi; and of their Expositors.

WHEN these Constitutions of the Emperor *Frederick* were publish'd, and as long as he liv'd, and during the Reign of the House of *Suevia*, they were universally esteem'd as most prudent, most just, as proceeding from consummate Wisdom, and not exceeding the Power of a Prince. It did not appear strange then to have inserted in these Volumes, the Constitutions of *Roger* and *William I.* of which we have treated in the preceding Books. Nor was it then thought amiss for this Prince to have renew'd many Constitutions concerning Matrimony, and the Goods of the Churches, forbidding the Acquisition of Immoveables to Ecclesiasticks, as by one of his Constitutions, which we read in the third Book, under the Title *De rebus stabilibus Ecclesiis non alienandis*, and such like. But when afterwards, by the Intrigues of the *Roman Pontiffs*, mortal Enemies to the House of *Suevia*, the Kingdom went to that of the Dukes of *Anjou*, and Counts of *Provence*, as we shall relate, though *Charles I.* and *II.* order'd these Constitutions to be observ'd in the Kingdom ¹; nevertheless our Professors, who flourish'd in the Reigns of the Kings of the House of *Anjou*, being Time-servers, and Sticklers for the Popes, to whom these Princes ow'd the Kingdom, began to revile some of *Frederick's* Constitutions, looking upon them, according to the Maxims of these Times, as contrary to the Interest of the Court of *Rome*, and therefore impertinent, wicked, unjust and prejudicial to the Ecclesiastical Immunity, the Freedom of Matrimony, and such like Things, insomuch, that none of them would comment upon the Constitution *De rebus Stabilibus Ecclesiis non alienandis*, as being Sacrilegious, and, as was thought, prejudicial to the Ecclesiastical Immunity; and *Matteo d' Afflitto*, who makes a short Commentary upon it, in the very beginning says, *Hæc Constitutio nihil valet, quia Imperator non potuit contra libertatem Ecclesiæ, & personarum Ecclesiasticarum prohibere, quod non reliquantur res Stabiles Ecclesiæ inter vivos, vel in ultima Voluntate*; as if *Frederick* had been the first that establish'd it; though he declares in the Constitution, that he did no more than renew what his Predecessors had done, and what was, and ought to be allow'd to all Princes in their Kingdoms and Dominions.

MARINO di Caramanico, the most learn'd Glossator, who flourish'd under *Charles I.* of the House of *Anjou*, and wrote his Glosses a little after the Constitutions were publish'd, under the Government of the *Suevi* ², was the most moderate of all the Glossators. In the Year 1269, in the Reign of *Charles I.* he was Judge under the Governor of *Naples* ³. His Glosses are modest, and learn'd, insomuch, that with Posterity he acquir'd the Name of an approv'd Glossator, as *Matteo d' Afflitto* calls him ⁴: These Constitutions of this Prince did not appear so strange and extravagant to him, as they did to those that succeeded him. He started no Difficulty, whether they, as being promulg'd by *Frederick*, who was dethron'd, ought to be observ'd, and have the Force and Vigour of Laws; he is for the Affirmative;

¹ Cap. quod incipit, Constitutiones, pag. 29.
 Cap. quod incipit, ad perpetuum, pag. 36 Affl.
 in prælud. Const. qu. 1. num. 2.

² V. Andreys disp. Feud. cap. 1. sect. 1. num. 2.

³ Fab. Jordan. in addit. ad præm. Constit.

⁴ Afflit. in prælud. in princ. num. 2.

and though it be by the by, and only speaking of *Frederick's* having made and caus'd them to publish'd, *Antequam imperio privaretur, & de Regno*¹; yet he speaks of the Power of our Princes, if not as he ought to have done, at least as much as he durst venture upon, at a Time when it was necessary to humour the Popes, by whose Means the reigning Family had got Possession of the Kingdom: *Bartolommeo di Capua*, and *Sebastiano Napodano*; who succeeded *Marino*; confin'd themselves in commenting on these Constitutions, to the same or the like modest Way, and *Andrea da Barletta*, who was the first that commented on them, was yet more reserv'd, as may be gather'd from *Andrea d'Isernia*², who liv'd under *Frederick*, and *Francisco Telese* Attorney General, in the Year 1282, who likewise wrote upon the Constitutions of the Kingdom, and with whom *Gesnerus* and *Toppi* agree.

BUT in the following Times, when the new Maxims of the Court of Rome had taken deeper Root, *Andrea d'Isernia*, in his Commentaries upon these Constitutions, as if he had been *Frederick's* mortal Enemy, revil'd the Memory of that Prince, and condemn'd many of his Constitutions, and among the rest, that forbidding Barons to marry without the King's Permission, and does not stick to say, That it had brought *Destructionem animæ istius Federici prohibentis per obliquum matrimonia instituta a Deo in Paradiso*.

ISERNIA screw'd up the Pretensions of the Popes to the highest Pitch, and look'd upon this Kingdom as a true Fief of the Church³; and having imbib'd the Maxims of the Ecclesiasticks, he stuff'd his Commentaries with Errors most prejudicial to the Supreme Regalia of our Kings, the true and independent Monarchs of this Realm.

LUCA di Penna, *Pietro di Monteforte*, *Diomede Mariconda*, *Biaggio di Morcone*, *Pietro Arcamone*, *Giacopo*, and *Niccolo Ruffo*, *Sergio Domini Ursonis*, *Argentino*, *Pamfilo Mollo*, *Niccolo Caposcrofa*, *Pietro Piccolo di Monteforte*, *Lallo di Toscana*, *Giovanni Grillo*, *Cesare de Perinis*, *Giovanni Crispiano* the Bishop, and *Niccolo Superanzio*, and others, were more moderate, and contented themselves with making some short Glosses and Notes on these Constitutions, till under the Government of the Kings of Arragon, *Matteo d'Afflitto*, in his declining Days, though very uprightly, in the Year 1510, undertook to illustrate them with more ample and voluminous Commentaries, which he very surprizingly finish'd in three Years Time.

THOUGH, for the most Part, these Constitutions had been repeal'd, and many of them in desuetude, because of the new *Capitula* made by the Kings of the House of Anjou, yet in the Time of the Kings of the House of Aragon, they were in full Force and Vigour; and *Ferdinand I.* of Aragon, by a particular Constitution dated in *Foggia* the 25th of December 1472, order'd them to be observ'd in his Kingdom⁴; therefore *Matteo d'Afflitto* thought his Pains would be well bestow'd in illustrating them with a larger Commentary. And, as he himself says, in the Course of more than Forty Years, from the Time that *Andrea d'Isernia* had made his Comments, to his own Time, there had occur'd to him, while he was first Judge of the High Court of the *Vicaria*, and afterwards Counsellor, Nine other Questions not treated of by *Andrea*.

BUT through the deprav'd Taste of the Age, *Matteo* could not depart from the common beaten Path, for he stuff'd his Commentaries with idle and useless Questions; such as, Whether *Frederick*, though he had publish'd these Constitutions before his Deposition, could give them the Force and Vigour of Laws, so as to oblige his Subjects to observe them, seeing he had been before excommunicated by *Gregory IX.* and the Laws of an excommunicated Person are of no Force?

THESE Disputes are altogether frivolous, not only because the Laws were binding on the People by their accepting of them; but likewise because in the Year 1231, when *Frederick* publish'd them, he had been absolv'd by *Gregory*, and was in Peace with the Church of Rome, as we have said. But there is no occasion to lay any Stress upon that Reason, because *Frederick* was a second Time excommunicated by *Gregory* in the Year 1239, and though the Volume of his Constitutions had been publish'd ever since the Year 1231, yet, as we have said above, he publish'd some others after the said Year 1239, to wit in 1243, and the following Years, when he lay under *Gregory's* second Sentence of Excommunication, which Constitutions were

¹ Marin. de Caram. in Proœm. Constit.

² Isern. in Constit. lib. 3. de jur. Balii.

³ Andr. in Proœm. Constit. num. 10 & 20.

⁴ Afflit. in Prælud. qu. 1. num. 2.

inferred in the said Volume. Whence the most judicious Men look upon it as impertinent, and quite foreign to the Purpose, to inquire whether Laws made by a Prince under Sentence of Excommunication, be binding or not; without inquiring into the Validity of the Censures against *Frederick*: 'Tis certain, Excommunication has nothing to do with a Prince's legislative Power, an essential Part of the *Regale*; and inseparable from the Crown, which cannot be affected by Excommunication; which has no other Force or Effect, supposing it ever so just, than to separate a Person from the Communion of the Church, by rendering him incapable of receiving the Sacraments and Prayers thereof, or whatever else she can bestow on the Faithful; but not to unman People, and exclude them from civil Society, much less can it deprive Princes of their Dominions, the Administration of Justice, and Power of making Laws; of which in another Place.

OUR Doctors, who treat of *Frederick's* Deposition by *Innocent IV.* in the Council of *Lyons*, and say, That if these Constitutions were made by him after his Deposition in the Year 1246, they were of no Force nor Authority, are to be excus'd; seeing at that Time no body doubted of the Pope's having Power to depose Emperors from the Empire, and Kings from their Kingdoms, and absolve their Vassals from their Oaths, according to the Maxims with which the Minds of Men were then besotted; but now it has been clearly prov'd by able Divines and Lawyers, that neither the Pope nor the Church herself have Power to depose Princes, and much less Emperors, or to absolve Vassals from their Oaths; for the Power of the Church is restricted to spiritual Matters only, and she can take nothing away, but what is in her Power to give; whereas Princes hold their Dominions neither of the Church nor the Pope, but of God, the only and sole Lord; which, among others, has been at large demonstrated by that famous Divine of *Paris*, *Dupin*¹, and shall be handled by us, when we come to treat of *Frederick's* Deposition.

AFTER these ample and voluminous Commentaries of *Matteo d'Afflitto* upon the Constitutions, our Professors, who succeeded him, contented themselves with reading them, and making some short Notes on them, and a few Additions to the Commentaries of *Andrea d'Isfernia*, as the Counsellor *Giacopo Anello de Bottis*, *Giov. Angelo Pisanello*, *Pablo Giordano*, *Bartolommeo Marziale*, *Marc' Antonio Pulverino*, and others did. But when the House of *Austria* succeeded to that of *Aragon*, these Constitutions were in a great Measure alter'd by their new Laws and Pragmaticks; insomuch that our Professors wrote no more upon them, as shall be told in a proper Place; neither were they any more studied, but remain'd as *Matteo d'Afflitto*, and those few who succeeded him, left them; and now such of them as are not repeal'd or in desuetude, have with us all Force and Authority of Laws; but 'tis quite otherwise with the *Longobard* Laws, which have no Authority, and are altogether forgotten.

¹ Dupin. de Antiq. Eccl. Discipl.





THE
CIVIL HISTORY
Of the KINGDOM of
NAPLES.

BOOK XVII.



AS the Peace lately concluded with Pope *Gregory*, was not expected to be of long Duration, so there happen'd new Grounds of Quarrel, which broke it; and a cruel and obstinate War was again begun, which long afflicted *Italy*, the pernicious Effects whereof also reach'd our Provinces, though they were not the Seat of it. Notwithstanding the Peace made with *Gregory*, *Frederick* was still jealous that he intended to make War anew in our Kingdom; therefore this Year 1232, he caus'd all the Castles on the Borders of *Campagna* to be fortify'd and provided; and in the beginning of the Year 1233, he order'd *Lucera* in *Puglia*, to be fortify'd, and garrison'd with a greater Number of *Saracens*, and on the contrary, he made the Walls of *Troja* to be levelled, because during the late Troubles, that City had been more favourable to the Pope, than faithful to him. He likewise caus'd the Castles of *Trani*, *Bari*, *Naples* and *Brindisi* to be fortified; and the Year following, he order'd *Castello Capuano* in *Naples*, to be enlarg'd, and sent *Niccolo Cicala* to *Capua*, to oversee the building of a new Castle there, the Plan of which he had drawn with his own Hand upon the Hill. And after he had suppress'd the Rebellion of *Bertoldo*, Brother to the Duke of *Spoletto*, who had advis'd *Bertoldo* to fortify and defend *Introdocco*, he banish'd them both to *Germany*. He likewise recover'd the City of *Gaeta*, which took an Oath of Fidelity,

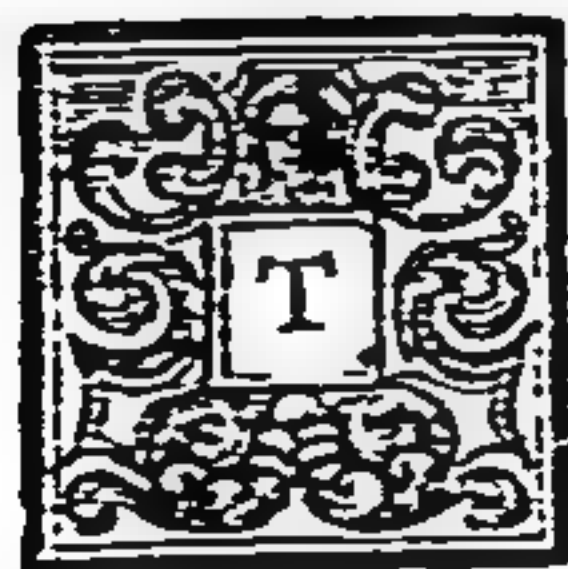
both to him and his Son *Conrade*; and afterwards he sent thither *Ettore di Montefusculo*, Justice of *Terra di Lavoro*, who, by his Orders, appointed a Custom-house, and depriv'd that City of the Consulship, which hitherto it had enjoy'd, and after he had taken away the Power of creating Consuls, he sent Officers to command there in his Name, and fortify'd the Place with Thirty Towers.

BUT though, with so much Precaution, he had stor'd and fortify'd the Kingdom, yet he was afraid that the Pope, by some Means or other, might frustrate his Design of subjecting *Milan*, and the other rebellious *Guelf* Cities of *Italy* to his Obedience. He had been taught by long Experience, that all the Designs of the Popes were to keep these Cities divided, and stir up the *Guelfs* against the *Ghibellines*, lest the Emperors, by subjecting all *Italy*, should have an itching Desire also to subject *Rome* and the State of the Church, which had been dismembred from the Empire. And though *Gregory*, on *Frederick's* first Motion against the rebellious Cities of *Lombardy*, by means of his Legate, made up the Differences, and out of seeming Zeal for Peace, was many times at great Pains to reconcile them; nevertheless all these Intrigues came to nothing, for in settling the Articles of Agreement, the Pope was still bias'd in Favour of the Cities that were Enemies to the House of *Suevia*, so that nothing could be concluded. *Frederick*, with good Reason, made heavy Complaints of the Pope, who made a very ungrateful Return for what he had done for him, in making up the Differences betwixt him and the *Romans*, who had often mutiny'd against him in *Rome*, and forc'd him ignominiously to leave that City: he not only manag'd a Peace betwixt the Pope and the *Romans*, and those of *Viterbo*, but likewise reduc'd the *Romans* to the Pope's Obedience, and made them receive him, and the Cardinals with all Marks of Respect and Submission.



CHAP. I.

Henry King of Germany rebels against the Emperor Frederick his Father: But being overcome, is humbled; and Frederick makes War against the Lombards in Italy; Pope Gregory opposes him, and at last excommunicates him.



THESE Steps of *Gregory*, who was too much inclin'd to favour the Cities that were Enemies to *Frederick*, made the Emperor suspect that he had encourag'd his Son *Henry* this Year 1234, to rise in Rebellion; and *Bernardino Corio*, follow'd by the modern Writers, asserts it for a Truth, and says, That *Henry* the eldest Son of *Frederick*, by *Constantia* of *Aragon*, who, while a Child, had been created King of the *Romans* by his Father, and afterwards married to *Agnes* of *Austria*, Daughter of Duke *Leopold*, by the Means of *Gregory*, enter'd into a League with the People of the *Milaneſe*, and the other confederate Cities of *Lombardy*, against his Father, and that the People of the *Milaneſe* had promis'd to crown *Henry* with the Iron Crown, as soon as he should arrive in *Italy*.

SIGONIUS and *Riccardo da S. Germano*¹, relate the Matter otherwise, and say, That *Henry's* Rebellion did not begin in *Italy*, but in *Germany*, where, with

¹ Ric. ad ann. 1234. Hoc anno, quod Henricus Rex contra Imperatorem patrem suum Seditio- nem in Almannia fecerit, fama fuit.

some Barons, he conspir'd against the Emperor, and partly by Affection, partly by Force, brought over many Cities of that Country to his Interest; whereupon those of the *Milaneſe*, and the Confederate Cities of *Lombardy*, willing to catch at ſo favourable an Opportunity, ſent to offer him the Iron-Crown (which they had deny'd to his Father) and a good Body of Troops, and Store of Arms, if he would come in Perſon and make War in *Italy*.

CAMP O, in the History of *Cremona*, adds, that the Marſhal *Anſelm*, and *Valcherius Tanvembrus*, Archdeacon of *Wurtzburg*, came to *Italy* in the Name of *Henry*, as King of the *Romans*, to receive the Oath of Fealty; and that when they came to *Milan* on the 19th of *December*, they call'd an Aſſembly, wherein the Deputies of the *Milaneſe*, thoſe of *Breſcia*, *Bologna*, *Lodi*, *Novara*, and the Marquis of *Monferate*, met and entered into a League againſt *Frederick*, *Cremona*, *Padua*, and the other Cities that ſided with him; and took an Oath to *Henry* King of the *Romans*, and agreed to be moſt Faithful to him. But neither *Sigonius*, nor *Campo* aſſign any Reaſon for this Quarrel betwixt *Henry* and the Emperor; but theſe being modern Authors, we muſt look for the Truth in more antient Writers. *Riccardo da S. Germano*, in relating this Rebellion of *Henry*, gives us as little Account of the Cauſe of it as the reſt; however we have it recorded in the Chronicle of the Monastery of *S. Juſtina* of *Padua*, written by a Monk of that Monastery, who lived in *Frederick's* Time, and wrote his Exploits, and the Tranſactions of *Italy* to the Year 1270. with great Judgment; which Chronicle is preſerved in the ſaid Monastery, and is printed in the Historical Volume, intitled *Rerum Germanicarum*. 'Tis ſaid in this Chronicle, that the Cauſe of *Henry's* Rebellion againſt his Father, was Folly and a pettiſh Envy, becauſe *Frederick* lov'd his ſecond Son *Conrade*, whom he had by *Jole*, more than him; and indeed, we find in *Riccardo*, and other Authors, that *Frederick* lov'd *Conrade* dearly, and had a greater Regard for him than all his other Children¹.

I N the Beginning of the Year 1235. *Frederick* hearing of his Son's Rebellion, and that he was reſolv'd to make War againſt him in *Italy*, march'd towards *Germany*, and upon the Borders thereof, was join'd by ſome *German* Lords, where having aſſembled a ſufficient Army, he began a War with his Son, who was follow'd by many Barons and Cities; but *Henry*, being afterwards deſerted by them, and in a manner left alone, went to his Father's Camp, and burſting forth in Tears, threw himſelf at his Feet, and begg'd Pardon. *Frederick* receiv'd him, but by his by-paſt Behaviour being ſenſible of his unruly Temper, he carried him with him Priſoner to *Worms*²; and whether he had actually attempted, or that it was only alledg'd, that he had deſign'd to poiſon his Father, he was put in cloſe Priſon, and committed to the Charge of the Duke of *Bavaria*; and afterwards *Frederick*, reſolving to remove him out of *Germany*, deliver'd him to the Marquis *Lancia* of *Lombardy*, with Orders to conſult him to *Puglia*, which he did, and imprison'd him in the Caſtle of *S. Felice*³, whoſe unhappy Death we ſhall relate in its Place.

A F T E R the Emperor had thus ſuppreſs'd this Rebellion, he married *Iſabella* Daughter of the King of *England*, and the Marriage was with great Pomp ſolemniz'd in *Worms* on the 13th of *Auguſt*, precisely ſeven Years after the Death of *Jole*. *Joannes Cuſpinianus*, a *German* Author of good Account, in his Book *De Cæſaribus, atque Imperatoribus Romanorum*, ſays, that *Frederick* had ſix lawful Wives, and places betwixt *Jole* and this *Iſabella*, *Agnes* Daughter of *Otho* Duke of *Moravia*, who being divorc'd by him, was married to *Uldarick* Duke of *Carinthia*; the other two were *Rutina* Daughter of *Otho* Count of *Wolbershaufen* in *Bavaria*, and *Iſabella* Daughter of *Lewis* Duke of *Bavaria*, and that he had no Children by any of the three laſt.

B U T be that as it will, *Frederick* after his Marriage, laid a general Tax on the Kingdom, and having got *Conrade* his ſecond Son, to be created and crown'd King of the *Romans* in *Cologn*, in Place of the depos'd *Henry*, and left the Empreſs in *Germany*, he went with *Conrade* to *Italy*, and viſited the Pope in *Rieti*, where, in his own Preſence, he made his Son ſwear to be faithful to the Pope, and obedient to the Holy Church; and then was very earneſt with the Pope to aſſiſt him againſt his

¹ Chron. Monaſt. S. Juſtin. Eodem anno ad petitionem Regis Henrici filii Federici Imperatoris, Mediolanenſes, & alii odientes Imperium, Legatos in Alemanniam direxerunt, & cum eo contra Imperatorem Societatem firmiſſimam ſtatu-erunt; concepit enim Rex dolorem, & pe-

perit iniquitatem contra proprium Genitorem, ideo quod videbatur quod Imperator plus eo puerum Conradum deligeret, & faveret.

² Sigon. de Reg. Ital. lib. 17. in fine.

³ Ric. S. Germ.

rebellious *Lombards*, with whom he was going to enter into a War: *Gregory*, who was unwilling to have them subdued; dissuaded him, giving him great Hopes that he would make up all their Differences, and that they should return to their Allegiance; and eight of the ten Years Truce, which *Frederick* had concluded with the Soldan, being now pass'd, *Gregory*, in order to divert *Frederick* from the War with the *Lombards*, resolv'd to renew that against the Soldan; for which end he ordered, that, at the Expiration of the two Years, every Body should be ready to take on the Cross for that holy Expedition, and wrote particular Letters dated the 9th of *September*, to all the Princes and Cities of *Christendom*, to acquaint them with this intended new Expedition. But, according to *Sigonius*, *Frederick*, after a short stay in our Kingdom, intent upon the War of *Lombardy*, return'd to his Army in *Germany*, in order to march with it into *Lombardy*. *Riccardo da S. Germano*, without mentioning the Emperor's Progress to *Rieti*, says, that this Year 1236. *Frederick* left his Son and Wife in *Germany*, with a good Army pass'd the *Alps*, and came to *Verona*, which is likewise true; but *Riccardo's* Purpose being to give a particular Detail of *Frederick's* Transactions in our Kingdom, he touches upon Foreign Affairs by the by only; so that for these we must follow *Sigonius*¹, who collected them from the most antient Authors, and especially from *Pietro Girardo* of *Padua*, an Eye-witness, in the Life of *Ezelino*.

SIGONIUS then says, that *Frederick* being exceedingly vex'd at the obstinate Rebellion of the greatest Part of *Italy*, wrote from *Germany* to the Pope, that he was no longer able to bear the outrageous Behaviour of the *Lombards* towards him; therefore he begg'd him, that he would either fall upon Means to put an End to their Sedition, by an honourable Peace with the Empire, or assist him against them, and especially the People of the *Milanese*, the Authors of all the Mischiefs, and Favourers of the Hereticks, and other licentious People; it being very reasonable, that he should make a suitable Return to what he had so often done for the Church against the *Romans*, those of *Viterbo*, and her other Rebels, who by his Means were reduc'd to her Obedience. But *Gregory*, whose Ends were quite different from those of *Frederick*, upon the Receipt of the Letter, answered him, That he ought not to think of making War in *Italy*, but rather prepare himself for the War of the Holy Land, and inform him with what he had to lay to the Charge of the *Lombards*, that he might get him full Satisfaction; and soon after sent him the same Message by *Giacomo Pecoraro* of *Pavia*, Cardinal of *Preneſte*. *Frederick*, highly incens'd at this Answer, and plainly discovering the Pope's Designs, sent him a smart Letter recorded by *Sigonius*², which begins *Italia, hæreditas est mea*, &c. and not minding the Pope's Answer, he sent another such Letter to a Prince his Friend, adding, that the following Summer he would go to *Italy*, and on the Feast of *S. James* hold a General Court in *Parma*, and be reveng'd of all the by-past Injuries. And accordingly he was as good as his Word, for at the Time appointed, with a powerful Army of *Germans*, *Neapolitans*, *Sicilians*, and *Saracens* of *Puglia*, he march'd to *Constance*, where he was met by *Ezelino*, who spurr'd him on to the War; and after the People of the *Milanese* had in vain endeavour'd to hinder him, he pass'd the *Alps*, and march'd to *Trent*, and from thence to *Verona*³. He afterwards march'd into the Territories of *Mantua*, where he was join'd by the People of the *Cremonese*, *Modenese*, and others of his faithful Subjects, and march'd to the Borders of the *Brescians*; and after he had plunder'd and burnt all their Country, in the Month of *August* he march'd to *Cremona*, and from thence to *Parma*, where he called a Meeting of all the Princes and Cities in Friendship with him; and finding that his Enemies were firmly resolv'd to keep up their Confederacy, it was resolv'd in this Assembly to carry on a vigorous War against them. *Vicenza* was taken, sack'd and burnt, and a great many of the Citizens kill'd and ruin'd: Having laid waste the Country round *Padua*, he besieg'd *Trivigi*, but being gallantly defended by *Pietro Tiopolo* the Governor, it could not be taken; and *Salinguerra* Lord of *Ferrara*, *Ezelino's* Brother-in-Law, left the *Lombards*, and return'd to his Allegiance.

MEAN while the Emperor had Advice, that in *Germany*, *Frederick*, surnam'd the *Warlike*, Duke of *Austria*, had risen in Rebellion, whereupon, to prevent the Mischiefs it might occasion, he left a competent Army in *Italy*, and immediately

¹ Sigon. de Reg. Italicæ, lib. 18.

² Idem, loc. cit. lib. 18. anno 1236.

³ Ric. S. Germ.

return'd to *Germany*, where, according to *Joannes Cuspinianus* in his *Austria*, after a short War, with the Assistance of *Otho Duke of Bavaria*, the Bishop of *Bamberg*, and many other *German Prelates* and *Barons*, he took *Vienna*, and all the considerable Places belonging to the Duke of *Austria*; and *Conrade* the Emperor's Son, sailing down the *Danube* with a noble Retinue, join'd his Father, and remain'd with him three Months in *Vienna*; and seeing, that the rebellious Duke had Possession only of a few Places of his Dominions, he made *Vienna* an Imperial City, and gave it a Golden Eagle crown'd in a Field Sable for its Arms, which it keeps to this Day. Afterwards he held a general Dyet in *Ratisbon*; and Duke *Frederick*, after alternate Success, in process of Time having recovered his Dominions, with Two hundred well-armed Knights, came to *Verona*, and threw himself at the Emperor's Feet, and was not only kindly received, and his Rebellion pardon'd, but was adorn'd with new Dignities, as may be seen in the special Grant recorded by *Cuspinianus*.

IN the mean Time *Ezelino* with *Frederick's* other Generals took *Pavia* and *Trivigi*, with some other Places in *Lombardy* and *Marca*, and made most cruel Slaughter in all the Places that were Enemies to the Emperor, and likewise drove *Giordano* Prior of *S. Benedikt*, and *Arnaldo* Abbot of *S. Justina* from their Churches.

THESE Victories of *Frederick* much displeased the Pope, who seeing the Forces of the Confederates daily dwindling away; and, on the contrary, the Emperor, lifted up with the Victory he had obtained over the Duke of *Austria*; he resolved to put a Stop to the Career of so many Victories, by proposing a Treaty of Peace; and for that End he sent *Gregorio da Montelongo* the Protonotary, to tell *Frederick*, that if he had any Regard for the Peace of the Church, and his Favour, he would receive the Submission of the *Lombards*, on the same Condition that his Grandfather *Frederick*, and his Father *Henry* had granted them by the Peace made at *Constance*, and that at his Desire he ought to remit something of his Right. But *Frederick*, full of Indignation, seeing, that when he might rather have expected Assistance from the Pope upon his Return to *Italy* against the People of the *Milaneses*, now he was interceding in their Favour, notwithstanding they were not only Enemies to him, but to the very Church, being for the most Part polluted with various Heresies, would not so much as hear the Proposals of his Messenger; whereupon *Gregory*, after he had quelled the Tumults and Commotions rais'd in *Rome* against him by the Means of *Pietro Frangipane*, in order to be the better able to mind the Defence of *Lombardy*, took off the Mask, and declared himself *Frederick's* open Enemy; and though once more a Treaty was brought upon the Carpet, and on the Part of the Emperor was to be managed by the Great Master of the *Teutonic Order*, and *Pietro delle Vigne*, and on the Part of the Pope, by Cardinal *Rinaldo de Conti*, *Gregory's* Nephew, and Cardinal *Tommaso di Capua*; yet it was to no purpose, for both Parties were so elated and haughty, that not only nothing was concluded, but shortly after began that famous and cruel War, wherein happened that remarkable Battle of *Cortenuovo*, to the total Ruin of the People of the *Milaneses*, and the confederated Cities, described by many Authors¹, and therefore we willingly pass it over: *Frederick* having gain'd a compleat Victory, was more proud of having made Prisoner *Pietro Tiepolo* the Son of *Giacomo* Doge of *Venice* his bitter Enemy, Chief Magistrate and Governor of *Milan*, than of any Thing that had happened; and after the Manner of the antient *Romans*; he made a Triumphal Entry into *Cremona*, in a Chariot taken from the *Milaneses*, wherein consisted the Glory of Victory in these Times, and he ordered *Tiepolo* to be tied to a Post, with a Rope about his Neck, and shortly after to be hang'd.

AS this Victory gain'd *Frederick* great Reputation, so it struck such Terror into all *Lombardy*, that, except *Milan* and *Bologna*, all the rest of the Cities submitted to him, and the Students of the University of *Bologna*, who, contrary to the Emperor's Orders, had staid there, because the University of *Naples*, to which they had been commanded to go, was in a bad Condition by reason of the frequent Wars, were terribly afraid.

WHILE the Emperor was in *Lodi*, there came to him from *Naples* a noble Embassy, to beg of him in the Name of the Body of the People, and of the Masters and Students, to cause their University to be reform'd, and put upon a better

¹ Ric. S. Germ. *The Chronicle of Fr. of S. Justina*. *Pietro delle Vigne's Letters*, fol. 304 & 307 Sigon. de Reg. Ital. lib. 18.

Footing; with which Request of the Ambassadors he most willingly complied, and gave Orders to his Ministers to put it in Execution, and at the same Time forbid Students from the Countries of the *Milaneſe*, *Breſcia*, *Piacenza*, *Aleſſandria*, *Bologna*, and *Trivigi*, Enemies to him and the Empire, to be received into the Univerſity, and ordered only thoſe of *Tuſcany*, *Marca*, the Dukedom of *Spoletto*, and *Campagna di Roma*, who were all Partifans of his Son *Eutius* King of *Sardinia*, whom he had made Vicar of *Italy*, to be admitted, as may be ſeen in ſome Writs of *Frederick's* Register, which is the only one of that Emperor preſerved in the Royal Archives; for all the Records of the *Suevian* Princes that were in *Naples*, were carried away and deſtroyed by the Victorious *French* in the Time of *Charles I.* and none left but this intire Register of *Frederick* of the Year 1239. wherein the City of *Naples* is cry'd up, and the Franchiſes of the Students, and particular Directions how they were to perform their Exerciſes, are ſet down.

HE likewiſe ordered the ſaid Reform of the Univerſity by a particular Letter directed to the Governor of the Kingdom of *Sicily*, recorded by *Pietro delle Vigne*; and having alſo ordered all other publick Schools in *Naples* and *Sicily* to be put down, he wrote afterwards to the Juſtice of *Terra di Lavoro*, that notwithſtanding the ſaid Order he was not to moleſt thoſe who taught *Grammar*, becauſe it was proper for the firſt Inſtruction of Children.

AT this ſame Time *Frederick*, in order to ſhew his Gratitude to *Ezelino* for his exceeding Courage and Loyalty at the Battle of *Cortenova*, and the other Wars of *Italy*, gave him in Marriage *Selvaggia* his baſtard Daughter.

FREDERICK now Victorious, and to whom the greateſt Part of *Italy* had ſubmitted, was reſolved to ſubdue it intirely, and to conquer *Milan*, *Piacenza*, *Bologna*, *Paenza*, and ſome other Cities, which as yet continued in Rebellion; whereupon he left *Italy*, and return'd to *Germany*, in order to aſſemble a great Army, and return the following Spring.

POPE Gregory was grievouſly vexed at theſe Deſigns of *Frederick*, and afraid that with his Power he might overturn the Dominions of the Church; ſo that there being none in *Italy* to whom he could have recourſe, he reſolv'd to beg Aſſiſtance from foreign Princes; therefore he ſent Ambaſſadors to *James* King of *Arragon*, called the Conqueror, a Prince much eſteemed in theſe Times, on account of his noble and gallant Exploits in driving the Moors out of many Kingdoms of *Spain*, to invite him in the Name of himſelf and the confederated Cities, to come and make War againſt *Frederick*, promiſing to make him Lord of *Lombardy*, and pay him all the Revenues and Honours that were wont to be paid to the Emperors. King *James* was then at the Siege of *Valencia*, held out by the Moors, and being offended with *Frederick*, becauſe he had impriſon'd his Son *Henry*, who, by his Mother *Conſtantia*, was his Couſin-German, conſented to the Pope's Propoſal, and promiſed to aſſiſt him with Two thouſand Horſe, and made other Conditions recorded by *Hieronymus Zurita*; but whatever might be the Occaſion, King *James* never came to *Italy*, but indeed his Son King *Peter* came, though much againſt the Inclinations of the ſucceeding Popes; and by Virtue of the Rights of the Houſe of *Suevia*, which his Wiſe *Conſtantia* brought him, he bravely ſubjected *Sicily* to his Dominion, as ſhall hereafter be related.

IN the mean time *Frederick* having raiſed a great Army in *Germany*, gave the Command of it to his Son *Conrade*, with Orders to follow him to *Verona*; and he himſelf advanced, and without Oppoſition ſubdu'd *Vercelli*, *Turin*, and all the other neighbouring Cities and Places; and in the Month of *July* following, King *Conrade* paſſ'd the *Alps*, and with many *German* Prelates and Lords, and a numerous Army came to *Verona*, where his Father was waiting for him, and from thence they march'd to *Cremona*, and then to *Padua*, where the Emperor held a General Meeting. The People of the *Milaneſe* terrified at ſo great Preparations, and having but few Troops, begg'd of the Pope to intercede for them with the Emperor, and ſent Ambaſſadors humbly to aſk Peace of him, offering to ſend Ten thouſand Soldiers for the Relief of the Holy Land, provided their City might enjoy the ſame Freedom it then poſſeſs'd. *Frederick* ſcorning their Offer, answer'd them, that if they would deliver up themſelves and their City without any Condition, to his Will and Pleaſure, he would accept of them; but they, afraid of *Frederick's* Cruelty, reſolv'd rather to die

¹ Epist. Pet. de Vineis, fol. 399. which begins, Sollicitudo continua, &c.

under Arms in the Field like brave Soldiers, than be burnt, or starv'd in Prison, or hang'd; whereupon being obstinately bent on defending themselves, they strengthen'd the Walls and Ditches of their City, and provided it with Soldiers and Arms, and took Assistance where-ever they could find it. *Frederick* having put an End to the Assembly, divided his Army into two Bodies, and with one he besieged *Brescia*, and sent the other against *Alessandria*, and with continual Attacks harass'd these two Cities, and laid waste their Territories; but falling short of Money for carrying on so cruel a War, by the Advice of his Ministers he laid a Tax upon the Goods of the Churches and Ecclesiasticks, at which *Gregory* being offended, sent him Word while he was at this Siege, not to meddle with the Privileges of the Church; whereupon *Frederick*, in order to pacify him, and defend himself against these Accusations, thought fit to send the Archbishop of *Palermo*, the Bishop of *Reggio*, *Taddeo da Sessa*, and *Ruggiero Porcaprello*, his Ambassadors to the Pope, then in *Alagna*, where they found him exceedingly irrag'd; upon which they sent back the Archbishop of *Palermo* to acquaint the Emperor with the Pope's Pleasure, who, notwithstanding the so many Revolts in *Italy*, which oblig'd *Frederick* not to leave it, still insisted upon the Expedition to the Holy Land, and invired many Princes to go thither; on the contrary, *Frederick*, intent on the Affairs of *Italy*, would not be concern'd in that Expedition; but the Time of the Truce being expir'd, he renew'd it for other ten Years, and forbid *Rinaldus* of *Bavaria*, his Vicar in that Kingdom, upon any account to make War against the *Saracens*. Notwithstanding this Truce, *Gregory* persisted in his Resolution, for he sent many Monks to diverse Countries of *Christendom*, to exhort the People to take on the Cross, and go to *Palestine*, whereupon a great Number of the Faithful, both *Germans*, *Italians*, and *French* assembled; but this Expedition was very unfortunate, for, though *Frederick* had given free Passage through his Dominions, yet there not being a Fleet, nor a sufficient Number of Transports for so great a Body of Men, the greatest Part set out to go over Land, and died of Fatigue and want of Necessaries.

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¹ Sigon. de Reg. Ital. lib. 13.

Footing; with which Request of the Ambassadors he most willingly complied, and gave Orders to his Ministers to put it in Execution, and at the same Time forbade Students from the Countries of the *Milaneſe*, *Breſcia*, *Piacenza*, *Aleſſandria*, *Bologna*, and *Trivigi*, Enemies to him and the Empire, to be received into the Univerſity, and ordered only thoſe of *Tuſcany*, *Marca*, the Dukedom of *Spoletto*, and *Campagna di Roma*, who were all Partifans of his Son *Eutius* King of *Sardinia*, whom he had made Vicar of *Italy*, to be admitted, as may be ſeen in ſome Writs of *Frederick's* Register, which is the only one of that Emperor preſerved in the Royal Archives; for all the Records of the *Suevian* Princes that were in *Naples*, were carried away and deſtroyed by the Victorious *French* in the Time of *Charles I.* and none left but this intire Register of *Frederick* of the Year 1239. wherein the City of *Naples* is cry'd up, and the Franchiſes of the Students, and particular Directions how they were to perform their Exerciſes, are ſet down.

HE likewise ordered the ſaid Reform of the Univerſity by a particular Letter directed to the Governor of the Kingdom of *Sicily*, recorded by *Pietro delle Vigne*; and having alſo ordered all other publick Schools in *Naples* and *Sicily* to be put down, he wrote afterwards to the Juſtice of *Terra di Lavoro*, that notwithstanding the ſaid Order he was not to moleſt thoſe who taught *Grammar*, becauſe it was proper for the firſt Inſtruction of Children.

AT this ſame Time *Frederick*, in order to ſhew his Gratitude to *Ezelino* for his exceeding Courage and Loyalty at the Battle of *Cortenova*, and the other Wars of *Italy*, gave him in Marriage *Selvaggia* his baſtard Daughter.

FREDERICK now Victorious, and to whom the greateſt Part of *Italy* had ſubmitted, was reſolved to ſubdue it intirely, and to conquer *Milan*, *Piacenza*, *Bologna*, *Paenza*, and ſome other Cities, which as yet continued in Rebellion; whereupon he left *Italy*, and return'd to *Germany*, in order to aſſemble a great Army, and return the following Spring.

POPE Gregory was grievouſly vexed at theſe Deſigns of *Frederick*, and afraid that with his Power he might overturn the Dominions of the Church; ſo that there being none in *Italy* to whom he could have recourſe, he reſolv'd to beg Aſſiſtance from foreign Princes; therefore he ſent Ambaſſadors to *James* King of *Arragon*, called the Conqueror, a Prince much eſteemed in theſe Times, on account of his noble and gallant Exploits in driving the Moors out of many Kingdoms of *Spain*, to invite him in the Name of himſelf and the confederated Cities, to come and make War againſt *Frederick*, promiſing to make him Lord of *Lombardy*, and pay him all the Revenues and Honours that were wont to be paid to the Emperors. King *James* was then at the Siege of *Valencia*, held out by the Moors, and being offended with *Frederick*, becauſe he had imprison'd his Son *Henry*, who, by his Mother *Conſtantia*, was his Couſin-German, conſented to the Pope's Propoſal, and promiſed to aſſiſt him with Two thouſand Horſe, and made other Conditions recorded by *Hieronymus Zurita*; but whatever might be the Occaſion, King *James* never came to *Italy*, but indeed his Son King *Peter* came, though much againſt the Inclinations of the ſucceeding Popes; and by Virtue of the Rights of the Houſe of *Suevia*, which his Wife *Conſtantia* brought him, he bravely ſubjected *Sicily* to his Dominion, as ſhall hereafter be related.

IN the mean time *Frederick* having raiſed a great Army in *Germany*, gave the Command of it to his Son *Conrade*, with Orders to follow him to *Verona*; and he himſelf advanced, and without Oppoſition ſubdu'd *Vercelli*, *Turin*, and all the other neighbouring Cities and Places; and in the Month of *July* following, King *Conrade* paſſ'd the *Alps*, and with many *German* Prelates and Lords, and a numerous Army came to *Verona*, where his Father was waiting for him, and from thence they march'd to *Cremona*, and then to *Padua*, where the Emperor held a General Meeting. The People of the *Milaneſe* terrified at ſo great Preparations, and having but few Troops, begg'd of the Pope to intercede for them with the Emperor, and ſent Ambaſſadors humbly to aſk Peace of him, offering to ſend Ten thouſand Soldiers for the Relief of the Holy Land, provided their City might enjoy the ſame Freedom it then poſſeſs'd. *Frederick* ſcorning their Offer, answer'd them, that if they would deliver up themſelves and their City without any Condition, to his Will and Pleaſure, he would accept of them; but they, afraid of *Frederick's* Cruelty, reſolv'd rather to die

^{*} Epist. Pet. de Vineis, fol. 399. which begins, Sollicitudo continua, &c.

under Arms in the Field like brave Soldiers, than be burnt, or starv'd in Prison, or hang'd; whereupon being obstinately bent on defending themselves, they strengthen'd the Walls and Ditches of their City, and provided it with Soldiers and Arms, and took Assistance where-ever they could find it. *Frederick* having put an End to the Assembly, divided his Army into two Bodies, and with one he besieged *Brescia*, and sent the other against *Alessandria*, and with continual Attacks harass'd these two Cities, and laid waste their Territories; but falling short of Money for carrying on so cruel a War, by the Advice of his Ministers he laid a Tax upon the Goods of the Churches and Ecclesiasticks, at which *Gregory* being offended, sent him Word while he was at this Siege, not to meddle with the Privileges of the Church; whereupon *Frederick*, in order to pacify him, and defend himself against these Accusations, thought fit to send the Archbishop of *Palermo*, the Bishop of *Reggio*, *Tadden da Sessa*, and *Ruggiero Porcaprello*, his Ambassadors to the Pope, then in *Alagna*, where they found him exceedingly irrag'd; upon which they sent back the Archbishop of *Palermo* to acquaint the Emperor with the Pope's Pleasure, who, notwithstanding the so many Revolts in *Italy*, which oblig'd *Frederick* not to leave it, still insisted upon the Expedition to the Holy Land, and invired many Princes to go thither; on the contrary, *Frederick*, intent on the Affairs of *Italy*, would not be concern'd in that Expedition; but the Time of the Truce being expir'd, he renew'd it for other ten Years, and forbid *Rinaldus* of *Bavaria*, his Vicar in that Kingdom, upon any account to make War against the *Saracens*. Notwithstanding this Truce, *Gregory* persisted in his Resolution, for he sent many Monks to diverse Countries of *Christendom*, to exhort the People to take on the Cross, and go to *Palestine*, whereupon a great Number of the Faithful, both *Germans*, *Italians*, and *French* assembled; but this Expedition was very unfortunate, for, though *Frederick* had given free Passage through his Dominions, yet there not being a Fleet, nor a sufficient Number of Transports for so great a Body of Men, the greatest Part set out to go over Land, and died of Fatigue and want of Necessaries.

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¹ Sigon. de Reg. Ital. lib. 18.

Germany, to publish in their Churches the Excommunication, and absolv'd his Vassals from their Oaths of Fealty, and interdicted all those that obeyed him. And *Mathew Paris* writes¹, that after *Gregory* had absolved the Emperor's Subjects from their Allegiance, he wrote to *Robert* Brother of *Lewis* King of France, offering him the Empire, and that the King of France upon this Offer call'd a Council of all the Princes of France, to consult what was fit to be done, and all of them in publick Assembly condemn'd the arrogant Conduct of the Pope, in these Terms: *Quo Spiritu, vel ausu temerario Papa tantum Principem, quo non est major inter Christianos, non convictum, & confessum de objectis sibi criminibus exheredavit, & ab Imperiali apice præcipitavit? Scimus quod Domino Jesu Christo fideliter militavit in oriente, & bellicis se periculis, confidenter opponens, tantum religionis in Papa non invenimus. Imo qui eum debuit promovisse, & Deo militantem protexisse, eum conatus est absentem confundere, & nequiter supplantare. Nolumus nosmetipsos in tanta pericula præcipitare, ut ipsum Federicum tam potentem impugnemus, quem tot Regna contra jurabunt, & causa justa præstabit adminiculum. Quid ad Romanos de prodiga sanguinis nostri effusione, dummodo iræ suæ satisfecerimus, si enim per nos, & alios devicerit omnes Principes Mundi, conculsabit sumens cornua jactantiae, & superbiam, quoniam ipsum Federicum Imperatorem Magnum contriverit.*

WHILE *Frederick* with great Solemnity was celebrating *Easter* in *Padua*, on the Monday of that Feast, News was brought him, that on *Holy Thursday* the Pope had publicly excommunicated him; and though he was inwardly vex'd, yet he seem'd no-ways concerned; and looking upon the Censure as unjust, he immediately called an Assembly of the most eminent Citizens of *Padua*, and *Italian* and *German* Lords in the Town-House, and, according to *Peter Gerard*, *Pietro delle Vigne* his High Chancellor made a long Oration in his Defence, complaining of *Gregory*, and beginning his Discourse with this Sentence: *Leniter ex merito quid quid patièrè ferendum est: Quæ venit indigne pœna, dolenda venit*; saying, that *Frederick* who governed his Dominions so uprightly, was heinously injur'd by the Pope, and was not to be reckon'd without the Pale of the Church, seeing he was so unjustly excommunicated, and like a good Christian, was ready to submit himself to the Holy Apostolical See, in all Things which Divine Justice required, but not to the Caprice of a Man². Therefore the Emperor, without minding the Excommunication, left *Padua*, and with a noble Company of Barons went to *Triwigi*, where he was honourably received, and wrote Letters to the Cardinals and Romans, checking them for having consented to the unjust Excommunication. He likewise wrote to all Christian Princes, clearing himself from the Aspersions cast upon him by the Pope, and charging both him and his Cardinals with enormous Crimes; which Letters are to be seen in the Books of *Pietro delle Vigne*, wherein he shews how unjustly he had been abus'd by the Pope. Then he return'd to *Padua*, and labour'd with all his Might to make the most considerable Lords of *Italy* his Friends, in order to make Head against the Pope, and bent all his Thoughts on the War of *Italy*.

THE Pope, after this Excommunication, by the Means of Monks and Friars, did all he could to imbroil the Kingdom; but *Frederick*, though engag'd in the War of *Lombardy*, prevented him, by turning all the Monks out of the Monastery of *Monte Cassino*, leaving only eight to perform the Divine Offices over the Body of *S. Benedict*, and sending a Guard of Soldiers to keep the Monastery; and having made a strong Garrison of it, he took out the old Treasure, and the sacred Vessels of Gold and Silver, which for many Years, by the provident Care of the Monks, and the Munificence of former Kings, Lords and Barons of the Kingdom, had been amass'd. He likewise took *Pontecorvo*, and the Castle *Imola* from these Fathers. He also commanded all the Natives of the Kingdom, then at the Court of *Rome*, to leave it, except those in the Service of Cardinal *Tommaso*, and *Giovanni di Capua* his Vassals. He banish'd the Bishops of *Aquino*, *Carniola*, *Teano*, and *Venafro* from their Churches and the Kingdom. He levied a Subsidy upon all Cathedral Churches, the Monastery of *Cassino*, and all their Vassals, and ordered *Ruggier di Landolfo*, and *Giacomo Gazzolo* to be Collectors for the District of *Terra di Lavoro*, and to levy the Half of their Incomes, with part of which the Soldiers that guarded *Monte Cassino* and *Pontecorvo* were to be maintain'd.

¹ Matth. Paris, in Henric. III.

² Sigon. loc. cit.

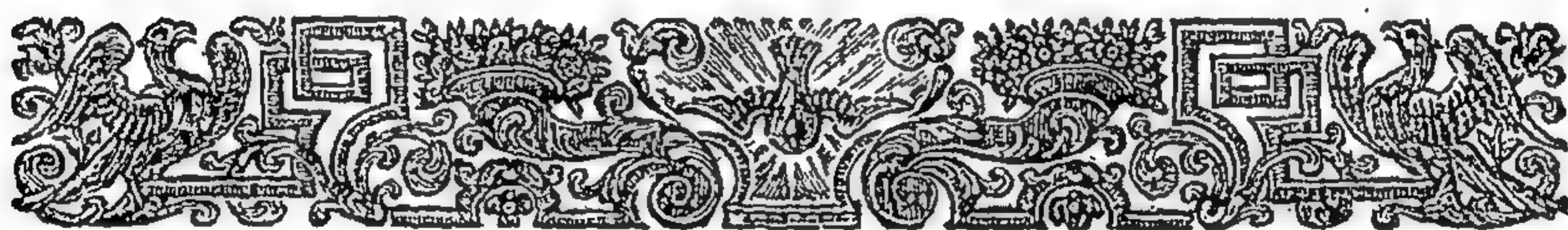
AND at the same Time he ordered the underwritten Articles to be publish'd over all the Kingdom, and to be inviolably observed, and they are recorded by *Riccardo* ¹.

FIRST, That all the Friars of *S. Dominick*, and the Friars Minors of *S. Francis*, Natives of the rebellious Cities and Territories of *Lombardy*, shall immediately depart his Dominions; and all the other Religious shall give Security to do nothing contrary to his Interest. II. That all Barons and Knights, that heretofore have sided with the Pope, and especially those whose Baronies are situated on the Confines of *Abruzzo* and *Campagna*, shall go with Horse and Arms to serve in the Army in *Lombardy* at their own Charges, and those who have not wherewithal, shall receive Pay. III. That there shall be levied for his Use upon Cathedral Churches, a Subsidy according to their Riches, and likewise upon the Canons, Priests, and other Clergy of these Dioceses, according to their Ability; and the same shall be levied upon the Abbots, white and black Friars. IV. That all those, who are at the Court of *Rome*, excepting those who are exempted, and all suspected Persons, shall immediately return to the Kingdom, otherwise their Goods shall be confiscated; and after being summoned, if they don't obey, they shall never be suffered to return. V. That the Goods and Benefices of such Clergy, as are not Natives of the Kingdom, shall be all confiscated. VI. That none shall go out of the Kingdom to *Rome*, nor return to it from *Rome*, without a Licence from the Justices of the Provinces of *Abruzzo* and *Terra di Lavoro*. VII. Spies shall be appointed, to search both Men and Women coming into the Kingdom, for Letters from the Pope against him, and if any shall be found, the Bearers, whether of the Clergy or Laity, shall suffer Death.

FREDERICK, though now at odds with the Pope, sent the Bishops of *S. Agata* and *Calvi* to *Rome*, in order to treat with the Cardinals about an Accommodation; but as soon as *Gregory* understood that they were come to *Rome*, he ordered them to be gone, and they return'd without doing any Thing ².

¹ Ric. ad anno 1239.

² Idem, anno 1239.



CHAP. II.

An open War breaks out betwixt Frederick and Pope Gregory, who, after he had been every way worsted by the Emperor, dies of Grief.



BOTH Parties being now sufficiently exasperated, the Pope causes *Ravenna* to revolt from the Emperor to the *Venetians*. *Frederick* recalls into *Italy* his Son *Eutius*, who, with a good Body of *Puglian*, *German*, *Sicilian*, and *Saracen* Troops coming from *Sardinia*, invades *Marca d'Ancona*, and begins the War against the Pope. *Gregory* sent Cardinal *Giovanni Colonna* his Legate to defend that Country, and in the Month of *November* 1239. confirm'd the Censures against *Frederick*, and excommunicated King *Eutius*, with all his Followers, for having entered *Marca* in a hostile Manner, *Quam juris esse dicebat Ecclesiæ*, according to *Riccardo*.

THE Pope solicited the *Venetians*, who had already discover'd themselves to be Enemies to *Frederick*, to make War upon him, and they with their Fleet invaded *Puglia*, whereupon *Frederick* hearing that some of his Barons of *Puglia*, to favour this Invasion, had rebell'd, resolv'd to go thither; therefore having put good Garrisons into

the most considerable Cities of *Lombardy*, he pass'd the *Appennines*, and arriv'd at *Lucca*, and from thence he march'd to *Pisa*, where he stopp'd some Days, and ingag'd the *Pisans* to make War upon the *Genoese*, and got many of the People of *Tuscany* to join him. At the same Time *Elias* the Monk, a Disciple of *S. Francis* of *Assisi*, offended with the Pope, because he had shewn himself more favourable to some of his Order, whom he hated, than to him, likewise sided with *Frederick*, and became one of his Abettors; whence we see some of the Emperor's Letters written in his Favour, and particularly one to the King of *Cyprus*, wherein he highly commends him, and shews that he had a great Regard for him.

BERNARDINO COIRO relates, that before *Frederick* left *Lombardy*, *Pietro delle Vigne*, *Andrea di Cicala*, *Pandolfo della Fasanella*, and *Jacopo di Morra*, with many more of his chief Barons, influenc'd by the *Milanese*, conspired to murder him in the midst of his own Army; and that the Emperor being appriz'd of their Treason, caus'd *Pietro's* Eyes to be put out, and the rest to be put to different Sorts of cruel Death. But *Coiro* is grossly mistaken in this Story, which, perhaps, he has taken from some Author, who unadvisedly has written it before him, for we read of no such Fact, either in *Riccardo da S. Germano*, or in any Writer of these Times; on the contrary, *Andrea di Cicala*, after the Death of *Errico di Morra*, was made Lord Chief Justice, and for a long Time serv'd *Frederick* very faithfully; and the Rebellion of the *S. Severini*, *Teobaldo Francesco*, *Fasanella*, and the other Barons, with the Ruin of *Pietro delle Vigne*, happen'd in *Puglia* a considerable Time after, and upon another Account than what *Coiro* tells, as we shall shew hereafter.

AFTER *Frederick* had made his Son *Eutius* his Lieutenant in *Italy*, and sent him with a good Body of Troops to take Possession of *Marca d'Ancona*, he himself with the rest of the Army on another Side enter'd the Dukedom of *Spoletto*, and other Parts of the Patrimony of the Church; and in the Beginning of this Year 1240. *Fulgino*, *Viterbo*, *Orta*, *Civita Castellana*, *Corneto*, *Sutri*, *Montefiascone*, and *Toscanella*, with many other Castles surrender'd to him; which so terrified the Pope, that he had recourse to Prayers; and having taken out the Heads of *S. Peter* and *S. Paul*, with the Wood of our Saviour's Cross, accompanied by all the Clergy, and almost all the People of *Rome*, he carried them in Procession from *S. John Lateran* to *S. Peter's Church*, where he made a long Speech upon the Miseries, which the Church of God, as he said, suffered by *Frederick*, and publish'd a Crusade against him, as a cruel Enemy to God and his Ministers, and with his Discourse animated many of his Hearers to put on the Cross. And after he had assembled a considerable Army of them and his other Soldiers, they march'd out to fight the Emperor, and had frequent Skirmishes with him, which so exasperated *Frederick*, that as many of the *Crocesignati* as he took Prisoners, he either caus'd their Heads to be cloven in four Pieces, or with a red hot Iron branded them on the Forehead with the Sign of the Cross; and after he had caus'd the Territories of *Rome* to be pillag'd and burnt, he march'd into *Puglia*, whither a little before he had sent the Empress his Wife, accompanied by the Archbishop of *Palermo*, and did all he could to drive the *Venetians* from that Coast, which they had been scowring with Twenty-five Gallies, and had pillag'd *Termoli*, *Campomarino*, *Vesti*, *Rodi*, and other Castles; and had met near *Brindisi*, a Transport returning from *Palestine* with German Soldiers, which, after an obstinate Fight, because they defended themselves resolutely, the *Venetians* burnt and sunk. *Frederick* not able to remedy these Losses, out of Revenge caus'd *Pietro Tiepolo*, their Doge's Son, to be hang'd in their Sight, on a Tower in *Trani* near the Sea-shore; and after the *Venetians* had harass'd the Coast till the Month of *October*, loaded with Booty, without any Opposition they return'd to *Venice*.

AT the same time Pope *Gregory*, by the Advice of the Cardinals, resolv'd to call a general Council to be held in the *Lateran* the *Easter* following, to remedy the bad State of the Affairs of the Church, and relieve *Palestine*, and for that end sent *Giacomo Pecoraro di Pavia* Cardinal of *Preneste*, and *Ottone Bianco* his Legates, to *Spain*, *France*, *England* and *Scotland*, to invite the Bishops and Prelates of these Kingdoms to come to the Council, in order to defend the Rights of the Church against the Emperor, giving them an account of the Wars and Persecutions she daily suffer'd. As soon as *Frederick* was appriz'd of this, he left no Stone unturn'd to hinder the Ultramountain Prelates from coming to the Council, and for that Purpose he wrote to the King of *England*, by no means to suffer his Bishops to leave the Kingdom,

Kingdom, and threatned the *German* and *French* Prelates, if they should venture to come; and in order to be as good as his Word, he sent his Son *Eutius* with a powerful Army to the Coast of *Genoa*, to prevent their coming, and to make all of them Prisoners that should fall into his Hands, and to harais the Territories of *Genoa* to the utmost of his Power, because that State sided with the Pope. *Frederick* was at this Time in a most flourishing Condition, both as to Men and Money, having Five great Armies in his Pay; for, besides that which was besieging *Faenza*, and the other in the *Genoese*, he had a Third in *Marca d'Ancona*, and the Valley of *Spoleto*, whereof, as may be seen in *Pietro delle Vigne's* Letters, *Marino d'Evoli* was Captain General. The Fourth was in *Palestine*, under *Rodolphus* his Marshal, and the Fifth in *Germany*, commanded by his Son *Conrade*, design'd for the Assistance of *Bela* King of *Hungary*, against the *Tartars*, who, a little before, had come out of the remotest Parts of *Scythia*, and like a Deluge, had over-run, and conquer'd the greatest Part of *Asia*; and being Victorious and Powerful, they had divided themselves into several Armies, one of which having come into *Europe*, had defeated the *Poles*, *Russians* and *Bulgarians*; so that King *Bela's* seeking Assistance from *Frederick*, not only oblig'd him to order his Son *Conrade* to assemble a strong Army of *Germans* for assisting that King to drive the *Tartars* from the Borders of *Germany*; but likewise made him write to the Senators of *Rome*, complaining, that the Differences betwixt him and *Gregory* diverted him from going in Person upon so important an Expedition, begging of them to use their Interest for a Reconciliation, as may be plainly seen in the first Book of *Pietro delle Vigne's* Letters:

IN the mean time, in the beginning of the Year 1241, *Frederick*, in order to deprive the Pope of all possible Means of fomenting Rebellion by the Monks, order'd all the *Cordeliers* and *Dominicans* to be banish'd the Kingdom, leaving only Two of each Order, Natives thereof, in the Monasteries, and immediately laid Siege to *Benevento*, as *Riccardo* writes, which being gallantly defended for Nine Months, at last, reduc'd to Famine, surrender'd, and by Order of the Emperor, the Walls and Towers were levell'd with the Ground, and the Citizens disarm'd.

AT the same Time *Gio. Colonna* Cardinal of *St. Prassede*, *Gregory's* Legate in *Marca*, being disoblig'd by him, went over to *Frederick*, and deliver'd up to him a good Number of Castles in the Neighbourhood of *Rome*. During the Siege of *Faenza*, the Cardinals return'd from beyond the Mountains, and brought with them from *England* and *Scotland*, a great Number of Archbishops, Bishops and other Prelates to *Genoa*, on their Way to the Council, and they found in that City *Gregorio di Romagio*, likewise the Pope's Legate, sent thither about the same Affair of the Council. These Prelates, afraid to go to *Rome* by Land, because of *Frederick's* Menaces, resolv'd to take Shipping in the *Genoese* Gallies, cammanded by *Guglielmo Ubriachi* their Admiral, notwithstanding *Frederick* had invited them to come to him, because he had a mind either to make them sensible that he had Justice on his Side, and lay all the Blame on the Pope, or to prevent their going to the Council; but they embark'd in the *Genoese* Fleet, and were met by King *Eutius* with Twenty well-arm'd *Neapolitan*, *Sicilian* and *Pisan* Gallies, commanded by *Ugolino Buzzaccherini da Pisa*, a most experienc'd Sea-Officer: On the second Day of *May* the Two Fleets engag'd betwixt *Porto Pisano* and the Island of *Corfica*, not far from the small Island of *Meloria*, (for the *Genoese* Admiral had kept close by the Shore, both to shorten the Voyage and shun the Enemy) and by the Bravery of the Soldiers and their Commander *Eutius*, obtain'd a notable Victory. On this Occasion the Three Legates, all the Prelates, and a great Number of Ambassadors from diverse Princes and Cities, who were likewise going to the Council, were all made Prisoners, Three of the Enemy's Gallies sunk, and Twenty-two taken, Thirteen of which were taken by the *Neapolitan* and *Sicilian* Vessels, and the rest by the *Pisans*, besides Four thousand *Genoese* Prisoners; among the Prelates that were taken, the Archbishop of *Roan* was one, with a great many *English* and *French* Bishops and lesser Prelates; some of which were cruelly thrown into the Sea near *Meloria*; and others imprison'd in *Naples*, *Salerno*, and other Places on the Coast of *Amalphis*, where many of them died of Famine and Grief, and the rest were set at Liberty, at the Solicitations of the Kings of *France* and *England*, and *Baldwin* Emperor of *Constantinople*. There is still to be seen one of *Frederick's* Letters², written to some

¹ Sigon. de Reg. Ita. lib. 18. anno 1241.

² Pet. de Vineis epist. fol. 107.

of his Barons, wherein he mentions particularly the taking of *Faenza*, and this Victory obtain'd by his Gallies, which begins thus : *Adaucta nobis continuæ felicitatis auspicia, &c.*

AFTER this Exploit, *Andrea di Cicala*, Lord Chief Justice and Captain General of the Kingdom, by Order of his Master, conven'd all the Prelates, that were Natives of the Kingdom in *Melpbis*, and made them consign into his Hands all the Furniture of their Churches, both of Gold and Silver, and the precious Stones, the Vestments of Silk and Purple, and all other Things set apart for Divine Worship, a great Part of which he convey'd to a Church in *S. Germano*, and committed the Charge thereof to Twelve of the richest and most responsible Men of that Town ; and particularly from the Altar of *St. Benedict* in *Monte Cassino*, there were taken two Tables, the one of most pure Gold, and the other of the finest Silver, with other costly Ornaments, set off with Gold and Jewels, and Vessels of Silver, with a vast Sum of ready Money ; but some of this sacrilegious Booty was ransom'd by those from whom it had been taken, and the rest was carried to *Grottaferrata*, to be coin'd for the Service of the Emperor ; who, after he had taken *Faenza*, and all the other Places of *Romagna*, and made his Son *Eutius* his Lieutenant in *Lombardy*, march'd to *Marca*, and attack'd *Fano*, *Affisi* and *Pesaro*, but could not make himself Master of them ; whereupon he laid waste their Territories, and march'd to *Spoleto*, which with *Narni*, and other Places of *Umbria*, immediately surrender'd, whilst Count *Simone di Chieti* his General, with another Part of the Army, took *Chiusi* and *Viterbo* ; then at the Request of Cardinal *Colonna*, who, as we have said, had revolted from the Pope, he took and destroy'd *Monte Albano*, *Tivoli*, and other Castles near *Rome*, where *Gregory*, afflicted with so many Disasters, soon after he had made *Matto Rosso*, a prudent and brave Man, Senator of *Rome*, in order to withstand the Attempts of the Emperor and Cardinal *Colonna*, was taken ill, and, according to *Riccardo da S. Germano*, died of Grief the 21st of *August*.

UPON the Death of Pope *Gregory*, *Frederick* wrote Letters to the King of *England*, and other Kings and Princes of Christendom, to tell them, that he hop'd by *Gregory's* Death, to put an End to the Differences which he had had with the Church, and to accompany them against the *Tartars*, who, as we have said, were ravaging *Hungary*, *Germany* and other Christian Countries. The Cardinals, on *Gregory's* Death, met to elect a new Pope ; but being only Ten in Number, they sent Ambassadors to *Frederick*, to beg that he would be pleas'd, on whatever Conditions he should think fit, to send them the Two Cardinals that were his Prisoners ; therefore having caus'd them to be conducted to *Tivoli* by *Teobaldo di Dragone*, he made them swear, as *Sigonius* relates, that unless one of them was elected Pope, they should return to their Prison, and then gave them free Liberty to go to *Rome*. And having left a good Garrison in *Tivoli*, by the Way of *Campagna* he enter'd our Kingdom, where he halted at *Isola*, and order'd a new City to be built over against *Cepparano*, and committed the Inspection of it to *Riccardo di Monte Negro*, Justice of *Terra di Lavoro*, and gave Orders, that the Inhabitants of *Arce*, *Isola* and *Pesfena* should go thither to live ; and that a certain Number of the Tenants belonging to *Monte Cassino*, *St. Vincenzo* of *Vulturno*, the Counties of *Fondi*, *Comino* and *Molise*, should go weekly by Turns, to assist in building this new City. But *Riccardo*, who writes this, makes no mention of the Name given to this new City ; but by what may be gather'd from what he says a little after, and by what we read in the Chronicle of King *Manfred*, it was call'd *Flagella*, by which *Frederick* would have it to be understood, that he had built this City, to be a Bridle upon *Cepparano*, and the other neighbouring Places belonging to the Church ; nevertheless there are no Remains, nor the least Vestige of such a City to be seen at present, nor do we find it mention'd in after-times, either because it has never been finish'd, or soon after has been demolish'd.

WHILE *Frederick* was on his March by the Way of *St. Germano*, *Alife* and *Benevento* to *Puglia*, and had order'd all the Goods taken out of the Churches, to be brought to him in *Foggia* ; the Cardinals, who were met in the Conclave at *Rome*, Thirty Days after *Gregory's* Death, elected *Goffredo Castiglione* a *Milanese*, Cardinal of *St. Sabina*, Pope, who was old and infirm, but a Man of great Worth, and gave him the Name of *Celestine IV.* who, Seventeen Days after his Election, before he was consecrated, departed this Life ; whereupon the Cardinals disagreeing among themselves, for a long Time did not elect another Pope, to the great Detri-

ment

ment of the Church ; but many of them, afraid of *Frederick's* Cruelty, left *Rome* privately, and fled to *Alagna*, and other Places, to shelter themselves.

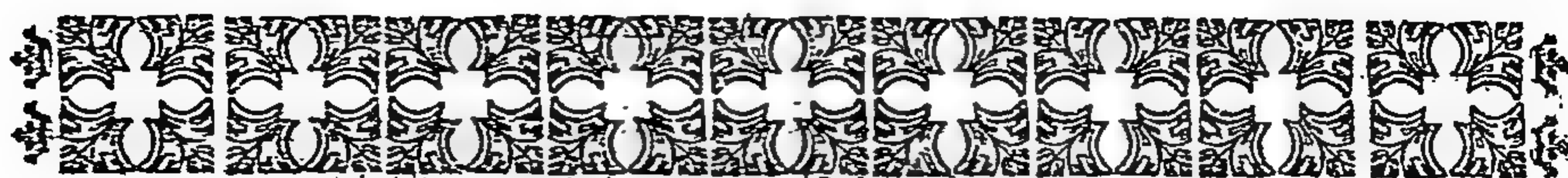
IN the Month of *December*, while the Empress *Isabella* was with the Emperor her Husband in *Foggia*, she was seiz'd with a sudden Illness, and in a short Time died, and was buried in *Andria*.

THE following Year 1242, *Frederick* impos'd another heavy Tax upon the Kingdom, turn'd out *Riccardo di Monte Negro* from being Justice of *Terra di Lavoro*, and put *Gisulpho da Narni* in his Place : And suspecting the Fidelity of the *Baresians*, he caus'd all the Towers of their City to be demolished, and sent the Great Master of the *Teutonic* Order, the Archbishop of *Bari*, and *Ruggiero Procastello*, his Ambassadors to *Rome*, in order to reconcile the Cardinals that were there, and treat about the Election of a new Pope.

AT the same Time, according to *Riccardo da S. Germano*, *Henry*, who had been long Prisoner in the Castle of *St. Felice* in *Puglia*, and afterwards in that of *Nicastro* in *Calabria*, and then in *Martorano*, died a natural Death in this last Place : But *Boccaccio*, an Author that liv'd near to these Times, and famous for his Learning and other Virtues, treating of the Fate of illustrious Men, says, That while *Henry* was Prisoner in *Martorano*, his Father, mov'd with Compassion, order'd him to be brought before him, with a Design to set him at Liberty ; whereupon *Henry*, who knew nothing of his Father's Intention, afraid that he had sent for him to satiate his Cruelty in the most barbarous Manner, while the Keepers were conducting him a Horseback to the Emperor, in passing a Bridge of a River in the Way, threw himself, Horse and all, into it, and was immediately drown'd : Whatever way he came by his Death, 'tis certain, that *Frederick* was very sorry for it, and regretted the Severity wherewith he had us'd him ; which he evidenc'd to all the Prelates of his Kingdom, by Letters, wherein he bemoans his Loss, and orders them to celebrate pompous Obsequies, with Masses, and other sacred Offices, for the Space of a Month, as an Atonement for the Sins of his dead Son, which Letters are recorded by *Riccardo*, and begin, *Fridericus, &c. Abbati Cassinensi, &c. Misericordia, &c.*

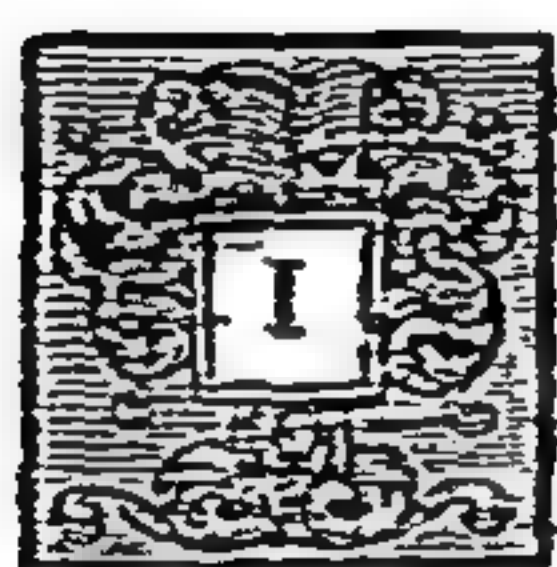
HENRY left by his Wife *Margaret*, Daughter of *Leopold* Duke of *Austria*, surnam'd the *Glorious*, according to *Cuspinianus*, *Henry* and *Frederick*, Twins ; but it being the Will of God to put an End to that unfortunate House, these two Sons, with the Mother *Margaret*, died as miserable Deaths as the Father *Henry* ; for, *Manfred* caus'd the Sons to be poison'd when they were Twelve Years of Age ; and *Margaret* having outliv'd her Father, Husband and Brothers, who all died without Issue, and being left sole Heiress of the Dukedom of *Austria*, and the last of that Race, was married again to *Othocarius* the Son of the King of *Bohemia*, by whom she had no Children ; and in process of Time, grievous Discords arising betwixt them, she was divorc'd ; and *Othocarius*, under pretence of having a Dispensation from the Pope, whom he had in vain, by Bribes and Offers, solicited for that Purpose, married *Kunigunda*, Niece of *Bela* King of *Hungary*, and confin'd *Margaret* in the City of *Krems* in *Austria*, where, shortly after, he caus'd her to be poison'd, and, after terrible Wars on that Account, at last the Dukedom of *Austria* came to the Counts of *Hapsburg*, who are yet in Possession of it, and many other Dominions and Provinces, with the Surname of the House of *Austria*.





C H A P. III.

Sinibaldo Fieschi is elected Pope by the Name of Innocent IV. who prosecutes the War against Frederick, as his Predecessor Gregory had done ; and calls a Council to be held in Lyons in France.



IN the mean Time *Frederick*, who was very earnest to have a new Pope chosen, went in a friendly Manner to *Rome*, in order to persuade the Cardinals to come to an Election, as may be seen in one of his Letters recorded by *Pietro delle Vigne* ; and at the same Time *Errico di Morra* Lord Chief Justice of the Kingdom, died a natural Death.

THE Year of God 1243 being now begun, and the Cardinals not dispos'd to elect a Pope to *Frederick's* Mind, in a great Rage he enter'd the Territories of *Rome*, and, according to *Riccardo*, carry'd Ruin and Destruction with him where-ever he went ; and because the *Romans* laid the Blame of delaying the Election upon the Cardinals, he not only possess'd himself of their Churches, but likewise destroy'd their Country Seats and Estates, and the *Saracens* ruin'd *Albano*, which belong'd to a Cardinal. He caus'd Two Statues of Brass to be taken out of the Abby of *Grotta Ferrata*, and carried to *Lucera* in *Puglia*, and being reconcil'd with the *Romans*, he set the Cardinal of *Prenefte*, who had been long Prisoner in Castle *Fanola*, at Liberty, and sent him honourably back to *Rome*, having some time before done the same to Cardinal *Oddo*, that he might be present at the Election of the Pope ; these two Cardinals, according to their Parole, of their own accord, after the Election of *Celestine*, had return'd to Prison. The Cardinals, being met anew in *Alagna*, on the 24th of *June*, the Feast of *St. John Baptist*, elected *Sinibaldo Fieschi* a *Genoese*, of the Family of the Counts of *Lavagna*, Cardinal of *St. Lorenzo*, who was consecrated on the Feast of the Apostles *St. Peter and Paul*, and call'd *Innocent IV.*

HE had been a most intimate and particular Friend of *Frederick's*, therefore, upon the News of his Election, which might have been reckon'd agreeable to the Emperor, *Frederick* order'd Thanks to be return'd to God over all the Kingdom, and sent the Archbishop of *Palermo*, *Pietro delle Vigne*, and *Taddeo da Sessa*, his Ambassadors, with most friendly Letters to congratulate him upon his Accession to the Papacy ; this made the People of *Italy* conclude, that all Differences were now at an end, and that they might expect to live in Peace and Tranquillity ; but *Frederick*, who knew *Innocent's* Temper, answer'd his Friends who wish'd him Joy, that he had good Reason to mourn, because he had lost one who was his best Friend when a Cardinal, and would prove his bitterest Enemy now that he was Pope ; which accordingly happen'd ; for *Innocent* was scarcely fix'd in *St. Peter's* Chair, when he caus'd it to be signified to *Frederick*, that with the Papacy he had likewise taken upon him to defend the Rights of the Church, and sent *Peter* Archbishop of *Roan*, *William* Bishop of *Modena*, and *William* Abbot of *St. Facundus*, to tell him, that he must purge himself of all the Crimes laid to his Charge, and that if he had offended the Church in any thing, he had e'en best make such Repara-

* *Paolo Panfa* has recorded some Passages of these Letters in the Life of *Innocent IV.*

tion as some Delegates that he would appoint for that Purpose should determine. *Frederick*, hearing this insolent Message, immediately rejected it, and caus'd all the Ports and Roads to be guarded, that *Innocent* might not write of such a Thing to the Princes and People beyond the *Alps*; and being appriz'd, that the Pope had imploy'd some *Cordeliers* to go and solicit the Favour of these Princes and People, he order'd them to be way-laid, and they were all caught, and hang'd.

IN the mean time the Pope, in the Month of *October*, left *Alagna*, where he had continued ever since his Election, and went to *Rome*, and was receiv'd with great Pomp and Honour; and, shortly after, the Count of *Toulouse*, who some time before had come to *Puglia* to wait upon *Frederick*, did what he could to reconcile them.

H E R E ends the Chronicle of *Riccardo da S. Germano*, for want of which we shall not be able to give an Account of *Frederick's* Actions, and other Events of these Times, with the same Perspicuity as we have hitherto done.

IN the Beginning of the Year 1244, *Frederick*, at the Head of his Army, return'd, and enter'd the State of the Church; yet mov'd by the Intreaties of his Friends, and the repeated Sollicitations of other Christian Princes, he was perswaded to come to an Agreement with the Pope; whereupon he sent the Count of *Toulouse*, *Pietro delle Vigne*, and *Taddeo di Sessa*, his Plenipotentiaries and Ambassadors to *Rome*, who, in his Name, on the Feast of *Easter*, in Presence of *Baldwin* Emperor of *Constantinople*, who was then living there, promis'd, that he would submit to *Innocent*, and let the Church enjoy her Rights and Territories peaceably; upon which the Treaty was begun, and the Pope, with many Cardinals, went to *Civita Castellana*, and from thence to *Sutri*, to be nearer the Emperor. *Frederick* first of all requir'd to be absolv'd from the unjust Sentence of Excommunication pronounc'd against him by *Gregory* his Predecessor; but *Innocent* by no means would absolve him, till he had first restor'd all that he had taken from the Church; whereupon the Treaty was broken off, and *Frederick* began openly to threaten him, and even to fall upon Ways and Means how to seize him; whereof the Pope being appriz'd, immediately fled, and sent a *Cordelier* to acquaint *Filippo Vicedomini* Governor of *Genoa*, to come with arm'd Gallies, and his Nephews the *Fieschi*, to take him aboard at the nearest Shore; when the Governor made Report of this to the Senate, they resolv'd to assist *Innocent* with Twenty-two Gallies. The Fleet being ready, *Alberto*, *Jacopo* and *Ugone Fieschi*, the Sons of *Innocent's* Brother, imbark'd, and to conceal their Design from *Frederick's* Faction in *Genoa*, they pretended to be going upon another Voyage: They left *Genoa* the 11th of *June*, and after a prosperous Voyage, arriv'd at *Civita Vecchia*, where they found *Innocent*, who took shipping in their Fleet, and arriv'd at *Porto Venere*, and from thence at *Genoa*, where he was honourably receiv'd, and the Cardinals, whom he had left at *Sutri*, shortly after, in Disguise, and by different Roads, by the Favour of the *Milanese*, likewise arriv'd at *Genoa*. *Frederick* having certain Account of the Pope's Departure, furnish'd and fortify'd all the Places of *St. Peter's* Patrimony that were in his Possession, and then went to *Pisa*, from whence he sent his Ambassadors to *Parma* (where he knew that *Innocent* had many Relations, by some of his Sisters being married there) to prevent Revolts and Commotions there, and to confirm the *Parmesans* in their Fidelity, and then left *Tuscany*, and return'd to our Kingdom.

INNOCENT being now in *Genoa*, and fully perswaded, that *Frederick* would yield to no Terms, till he was first absolv'd from the Censures, which he was determin'd not to consent to; with a Design quite to undo *Frederick*, resolv'd to leave *Italy*, and being accompanied by the Cardinals, and other *Roman* Prelates and Barons, with the Marquises of *Montferrat* and *Carretto*, he went to *Asti*, and from thence to *Lyons* in *France*; where he was receiv'd with the utmost Honour and Respect by King *Lewis IX.* and presently summon'd the Council, which *Gregory* so earnestly desir'd to have call'd, without ever being able to do it; to which he summon'd all the Prelates of *Christendom* against the Feast of *St. John Baptist*; and to give a specious Pretence for calling this Council, he pretended that it was to find out Means how to relieve the Christians that were making War in the Holy Land, where, by reason of the Differences with *Frederick*, they were reduc'd to very miserable Circumstances; and likewise added, That in this Council Ways and Means

¹ Panfa, in vita Innocen. IV.

ought to be fallen upon how to repair the distracted State of the Church in *Italy*; but his real Intent was to have *Frederick's* Deposition brought upon the Carpet. The Emperor having smelt out *Innocent's* Design, did not fail at the same Time to write a long Letter to all the Princes of the World, to whom he laid open the Pope's Designs, representing to them, that what he pretended was only Grimace, and that it was well known that he could not send Relief to the Holy Land, when *Innocent* was doing all he could to sow Sedition in, and turn him out of his Dominions in *Italy*, and that all the Mischief, and the Ruin of *Jerusalem*, was owing to the Pope; for all the Differences there betwixt the Knights *Templars* and *Hospitalers* were fomented by him, because these last were Creatures of his, and his Ministers.

THUS ended the Year 1244, in which *Italy* had not only been afflicted with War, but likewise with a cruel Famine and Pestilence. In the Beginning of the following Year 1245, *Frederick* finding that the Council of *Lyons* was levell'd against him, resolv'd to return to *Lombardy*, and, the best way he could, frustrate the Pope's Designs, and being arriv'd at *Verona*, he call'd a general Parliament, wherein were present many *Italian* and *German* Barons, together with *Conrade* the Son of *Baldwin*, Emperor of *Constantinople*, the Dukes of *Austria* and *Moravia*, with *Ezellino*; and after sundry Affairs of *Italy* were settled, he made heavy Complaints of *Innocent*, clear'd himself of all the Faults laid to his Charge, and sent *Pietro delle Vigne*, and *Taddeo di Sessa*, to the Council of *Lyons* (whither he resolv'd to go himself) to oppose the Attempts of the Pope; for this end he left *Verona*, and set forward in order to cross the *Alps*; but on his Arrival at *Turin*, he heard, that on the 27th of *July*, the Pope had pronounc'd Sentence against him, and deprived him of the Kingdoms of *Puglia* and *Sicily*, and of the Imperial Crown, as a Rebel, an Enemy, and a Persecutor of the Holy Church.

S E C T. I.

The History of the Council of Lyons, in which the Emperor Frederick was depos'd.

MATHEW PARIS, and other grave Authors relate, that the Council being conven'd in the Cathedral Church of *Lyons*, *Innocent* sitting on the Throne, with *Baldwin* Emperor of *Constantinople* on his Right Hand; before they enter'd upon Business, adorn'd the Cardinals with red Hats, meaning by that Colour to shew, that they ought to be ready to shed their Blood in the Service of the Church against *Frederick*; and for the greater Ornament of their Dignity, he added the Portmantle and the Silver Mace when they travelled a Horseback, whereby he meant, that their Dignity should be look'd upon as equal to that of Kings. This he did likewise out of Spite and Malice to *Frederick*, who had said, that Prelates ought to imitate Christ, and the Apostles, by walking bare-footed, and that they ought to be reduc'd to the Primitive Poverty of the Church¹. Then other Affairs of the Church, such as the Relief to be sent to the Holy Land, and how to defend *Hungary* and *Germany* against the *Tartars*, who had invaded, and were destroying these Countries, were discuss'd: In the next Place the Pope began to exaggerate *Frederick's* Wickedness, and his continual Persecution of the *Roman* Pontiffs, and other Ministers of the Church of God, by banishing the Bishops, and depriving them of their Livings, imprisoning the Clergy, and often putting them to cruel Deaths, &c. But *Taddeo di Sessa*, one of *Frederick's* Ambassadors, stood up, and, in the Face of the Pope and the whole Council, boldly answered, that his Master was innocent of all these Crimes that they laid to his Charge; and that the Blame of the by-past Wars ought to be imputed to the Popes; and that trusting to the Justice of his Prince's Cause, he would clear him from all these Aspersions; and that the Emperor, if the Pope had been his Friend, would have got the *Greek* Church to have united with the *Latin*, and would have recovered the Holy Land, and restored all that had been taken from the Church of *Rome*; and that he had offered the Kings of *France* and *England* as Guarantees

¹ Panfa, in vita Innocen. IV.

for his Performance ; but the Pope made a Mock of these Offers, as vain and illusory, and rejected them ; with this Discourse ended the first Session of the Council.

THE Council met the Week following, and in this second Session the same Affair was the first that was brought upon the Carpet ; and after the Pope had made a new Speech on *Frederick's* Wickedness, the Bishop of *Carinola*, who had been a *Cistercian* Monk, and was one of the Prelates whom *Frederick* had caus'd to be banish'd the Kingdom, rose up, and after he had told, with a doleful Voice, how severely he had been treated by *Frederick*, he began to give an Account of his wicked Life from his Childhood, and loaded him with many Crimes ; saying, That *Frederick* believ'd neither in God, nor the Saints ; that he had several Wives at one and the same Time ; that he was always a Favourer of the *Saracens* ; that he had a private Correspondence with the Soldan of *Babylon* ; that he often polluted himself with the unlawful Embraces of *Saracen* Women ; and that by leading an Epicurean and Worldly Life, in Opposition to all Laws, he was wont to repeat these Words of *Averroes*, that three Persons had deceiv'd the whole World, our Saviour *Jesus Christ* the *Christians*, *Moses* the *Jews*, and *Mahomet* the *Arabs* ; and after the Bishop had enumerated some other such like Crimes, he concluded his Discourse with saying, That *Frederick* intended to reduce the Prelates to that pitiful poor Condition of the Primitive Church, as his Actions and Letters clearly demonstrate. Then rose a *Spanish* Archbishop, who confirm'd what the Bishop of *Carinola* had said, and charg'd *Frederick* with other Crimes, such as Heresy, Sacrilege, and Perjury, and advis'd the Pope to proceed against him, and depose him from the Empire, and offer'd to assist him both with his Purse and Person, and to get all the Prelates of his Nation (who were more numerous in this Council, and made a greater Figure than those of any other Nation) to do the same.

BUT *Taddeo di Sessa*, not able to bear the opprobrious Speech of the Bishop of *Carinola*, answer'd him boldly, that he ly'd in every Thing he had said, and told him, That it was not the Love of Justice, but the Hatred he bore the Emperor, made him speak in that Manner, and upbraided him with many Crimes, for which he and his Brothers had been justly punished ; that whoever charg'd *Frederick* with Heresy ly'd, and that if he were present himself, he would from his own Mouth declare himself as pure and sincere a Christian as any of them all ; that his not suffering Usurers in his Dominions, was an undeniable Argument of his Love for the true Christian Religion ; *in hoc Curiam Romanam reprehendens* (as *Mathew Paris* says) *quam constat hoc vitio maxime laborantem* ; and having answered all the Accusations alledged by these Prelates, he earnestly begg'd of the Pope to delay the Meeting of the Third Session of the Council, because *Frederick* was arriv'd at *Turin*, and would be present to clear himself of all these Crimes that were laid to his Charge ; but the Pope at first refus'd to delay the Meeting, and said, that if *Frederick* should come, he would be gone ; but the next Day, at the Request of the Proxies of the Kings of *France* and *England*, he was forc'd to grant the desir'd Delay ; but he did it only for two Weeks.

FREDERICK, finding that his Condemnation was unavoidable, thought best not to appear before a partial Judge, and refused to come ; and notwithstanding that *Taddeo di Sessa* protested against what should be done in prejudice of the Emperor, and appeal'd to a future Council, yet the two Weeks were no sooner expir'd, than *Innocent* conven'd the Prelates, and after publishing some Constitutions made for the Relief of the Holy Land, *non sine omnium audientium, & circumstantium stupore, & horrore*, according to *Mathew Paris*, he pronounc'd Sentence against *Frederick*, depriv'd him of the Empire, and all his other Dominions, Honours and Dignities, absolv'd his Subjects from their Oaths, and ordered them under the Pain of Excommunication, not to obey him any more ; and at the same Time he ordered the Electors of the Empire to chuse a Successor, and that none of them should any longer acknowledge him Emperor or King. This Sentence is recorded by *Bzovius* in his Ecclesiastical Annals, and is to be read at full Length in the Life of *Frederick*, which *Simon Scardius*, by way of Introduction, has prefix'd to the Letters of *Pietro delle Vigne*. In relating *Frederick's* Deposition, we have chosen to follow what is recorded in the fourth Volume of the General Councils, and the Annals of *Mathew Paris*, where the Truth is more likely to be found, than in *Sigonius* and some other Authors.

THE Pope by particular Letters gave an Account of this Sentence to all Christian Princes, and sent *Filippo Pontana* Bishop of *Ferrara*, to the Princes of *Germany*, and the Electors, to get them to chuse a new Emperor, exhorting them to make choice of *Henry Landgrave of Thuringia*.

FREDERICK, while he was at *Turin*, hearing that he was depos'd, in a terrible Wrath turn'd to his Barons, and spoke thus: *The Pope has depriv'd me of the Imperial Crown, let us see if it be so*; and ordering the Crown to be brought him, he put it upon his Head and said, *That neither the Pope nor the Council had Power to take it from him*; but though he look'd upon the Sentence as void and unjust, yet considering of what Detriment it might be to him, he left no Stone unturn'd in order to be reconcil'd with the Pope; and by the Mediation of the King of *France*, he offer'd to the Pope *Satisfactionem facere competentem*: (according to *Mathew Paris*) *obtulit etiam quod in terram Sanctam irrediturus abiret; quoad viveret Christo ibidem militaturus*; but the Pope, scorning these Things, answered the King, that *Frederick* had many times made such fair Promises, but never perform'd them; to which the King replied: *Septuagies septies pandendus est sinus, peto, & petens consulo, tam pro me, quam pro multis aliis millium millibus peregrinaturis prosperum exitum expectantibus, imo potius pro statu Universalis Ecclesiæ, & Christianitatis accipite, & acceptate tanti Principis talem humilitatem, Christi sequentes vestigia, qui se usque ad crucis patibulum humiliasse legitur*; when the King of *France* saw that the Pope gave him a flat Denial, he left the Place in a great Passion, admiring so much Humility in an Emperor, and so little in a Servant of Servants.

THOUGH the Pope by his Letters had publish'd this Sentence to all the World, yet, as the Abbot of *Stade* writes, *Quidam Principum cum multis aliis reclamabant, dicentes ad Papam non pertinere Imperatorem instituire, vel destituere, sed electum a Principibus coronare*. And this Deposition was so chimerical and ineffectual, according to *Tritemius*, that as long as *Frederick* liv'd, *per annos ferme sex contra eum, nec Papa, nec aliquis Principum prævalere potuit*; sed non advertens sententiam *Papæ, quam frivolum, & injustam esse dicebat, se Imperatorem gessit, magnamque Principum nobiliorum, & Civitatum usque ad mortem adrentiam habuit*. *Frederick* finding that his Humility had been of no stead to him, was resolv'd to inform the World of *Innocent's* Behaviour towards him, whereupon he wrote anew to all Christian Princes, clearing himself of the Crimes laid to his Charge, and declaring the Nullity of his Deposition, as proceeding from one who had no Power to do it, whence in the first Book of *Pietro delle Vigne's* Collection of Letters, the first begins thus: *Collegerunt Pontifices, & Pharisei concilium in unum, &c.* and the Second: *In exordio nascentis Mundi*, and many more to the same Purpose. And it has been demonstrated by able Divines, that 'tis neither in the Power of the Pope nor Council to depose Princes; and much less could the Council of *Lyons* claim such a Power, for, besides its not being General, as (according to the Opinions of *Mathew Paris, Albertus Stadenfis, Tritemius, Palmerius, Platina*, and others) wanting all the Conditions requisite in a General Council, having but a small Number of Prelates present in it, and none at all from several Provinces of the West; the Sentence was not pronounc'd by the Council, but by the Pope alone, not *sacro approbante Concilio*, but only *sacro presente Concilio*, as may be read in the Acts of that Council, recorded by *Du Pin* and other famous Ecclesiastical Writers.

FOR these Reasons almost all the Princes and People of *Europe*, notwithstanding this pretended Deposition, acknowledged him both as Emperor and King. Neither did *Frederick* allow the Subjects of his Dominions and Kingdoms of *Sicily*, to obey *Innocent* in any Thing whatsoever; but ordered his Lord Chief Justice of *Sicily*, severely to punish, deprive of all their Goods, and banish the Kingdom, all Monks and Priests, who by the Pope's Order and Interdiction, should refuse to celebrate the Divine Offices, and administer the Sacraments to the People, and suffer none of the Religious to go from one Place to another without express Licence, and a Certificate from whence they came.

HE likewise sent the like Orders to the Justice of *Terra di Lavoro*, and strictly commanded him to exact from the Clergy the Third of their Incomes which they had by their Churches, and make them pay all other Taxes impos'd upon the Laicks, and besides, to imprison all those who should refuse to comply.

S E C T. II.

The unhappy End of Pietro delle Vigne.

P I E T R O D E L L E V I G N E, by neglecting to speak in Behalf of his Master in the Council of *Lyons*, when the other Ambassador *Taddeo da Sessa* had so boldly defended him, gave Occasion to his Adversaries to contrive that Mischief which shortly after befell him; for they represented to the Emperor, that being brib'd by the Pope, he had fail'd in the Performance of his Duty; and, indeed, we find no mention made, either in the Acts of the Council, or in the Ecclesiastick Annals of *Bzovius*, nor in any other Author who gives us the History of that Council, but of *Taddeo da Sessa*; whence we may gather, that *Pietro*, though present, did not concern himself in the Affair. This Conduct of his did in a great measure cool the Emperor's Affection towards him, and made him jealous that he was concern'd in some Plot against him; and, when some Time after that, the Emperor was taken ill in *Puglia*, and was advis'd by *Pietro* to purge and bathe, he ordered a Physician, an intimate Friend of *Pietro's*, to prepare him a Potion; and when he was just going to take it, he was inform'd that *Pietro*, brib'd by the Pope, had a Design to poison him; therefore turning to the Physician and to *Pietro*, who was there present, he said, *Friends, I have Confidence in you, and know you will not give me Poison instead of Physick*; *Pietro* answer'd, Sir, This Physician hath oftentimes cured you before, what have you now to be afraid of? The Emperor with a stern Countenance said to the Physician, *Give me that Potion*; the Physician being terrified, stumbled of Design, and spilt the greatest Part of it, which increas'd the Jealousy of the Emperor, who ordered them both to be seiz'd, and some Persons under Sentence of Death to be brought from the Prisons, who, at the Emperor's Command, drank what remain'd of the Potion, and died on the Spot; hence it was evident, that both the Potion and Bath had been mix'd with the strongest Poison; whereupon the Physician was hang'd, and *Pietro* (for he was unwilling to put him to Death) had his Eyes put out, and was depriv'd of all his Wealth, Authority and Offices, and condemn'd to lead a miserable Life. But *Pietro*, unable to bear this Reverse of Fortune, being told by his Guide, that he was near a Wall, or a Marble Pillar, according to *Sigonius*¹, he knock'd his Head against it with such Force, that he beat out his Brains, and died immediately. Others say, that he threw himself out of a Window of his own House in *Capua*, while the Emperor was passing under it, and by the Fall died on the Spot in the Year 1249. And *Mathew Paris*, who was alive in the Year 1250. in his Annals of *England*, *Sigonius*, and other antient Authors, place *Pietro's* Death in that Year. There are some who write that he died innocent, and that it was only some Courtiers, who envying his Greatness, in order to put him in Disgrace at Court, made *Frederick* believe, that by the Instigation of the Pope he was hatching a Plot against him, which brought him to such an unlucky End; among which *Dante*, an excellent Poet of that Age, is one, who, in his 13th Canto of Hell, brings in *Pietro* speaking in his own Defence thus:

*Of Frederick's Heart the Keys were in my Hand,
'Twas shut or open'd still at my Command, &c.*

BY which Verses, whatever was the Occasion of his Death, 'tis clear, that because he had incurr'd his Master's Displeasure, he in a Fury dispatch'd himself. *Mathew Paris* likewise writes, that the Emperor was much afflicted both for his Treason and Death, saying (according to this Author) *Vae mihi contra quem servire coactus.*

BUT as 'tis well known, that *Innocent*, by the Means of some Persons of Note, contriv'd Conspiracies against *Frederick*, and brought over many Princes to his Party, that had before been in *Frederick's* Interest, it was an easy Matter for him to

¹ Sigon. de Reg. Ital. lib. 13. anno 1249.

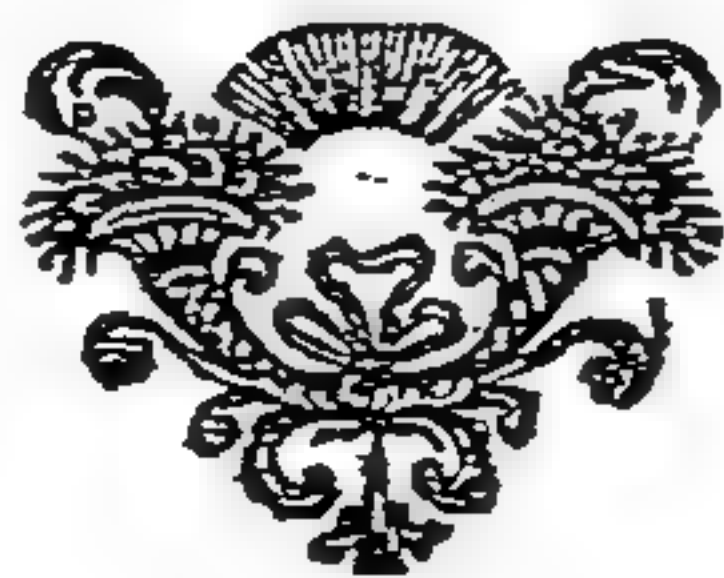
shake the Fidelity and Constancy of *Pietro delle Vigne*, since by the Bishop of *Ferrara* he had brib'd some Princes of *Germany*, who, without regard to *Conrade*, *Frederick's* Son, in Complaisance to the Pope, elected *Henry* of *Thuringia*, King of the *Romans*, who, after his Election, commenc'd a cruel War in that Country against *Conrade*.

H E likewise corrupted many of his Barons, not only those in his Army, who had conspir'd to murder him, but even those that had remain'd in the Kingdom, and had been faithful to him before, who attempted, by Sedition, to overturn the Kingdom of *Puglia*; so that he was forc'd to put a Stop to the War against the *Milanese*, and to leave King *Eutius* his Lieutenant in *Lombardy*, and march in all haste to the Defence of the Kingdom against the Barons, who had openly taken Arms against him, and possess'd themselves of *Capaccio*, and other Castles of that Province.

T H E Barons, who by the Pope's Means had conspir'd against *Frederick*, had formerly been his most fast Friends; these were *Teobaldo Francesco*, *Pandolfo Riccardo*, and *Fasanella*, with all their Followers; and all the Family of the *S. Severini*, headed by Count *Guglielmo*, *Jacopo*, and *Goffredo di Morra*; *Andrea Cicala* Captain General of the Kingdom, *Gisolfo di Maina*, with many others, whose Names we know not.

T H O S E that had conspir'd to murder *Frederick*, while they were watching an Opportunity to put their Design in Execution; were discover'd to him by the Count of *Caserta*, who, as some Authors write, gave him Account of them by one of his trusty Domesticks, nam'd *Giovanni da Presensano*, when he was in *Lombardy*; whereupon *Frederick* caus'd some of them to be immediately imprison'd, and others fled, amongst the last were *Pandolfo della Fasanella*, and *Jacopo di Morra*; and the rest, viz. *Teobaldo Francesco*, *Guglielmo S. Severina*, and *Andrea Cicala*, hearing that the Conspiracy was discovered, surpriz'd *Capaccio* and *Scala*, which Places they fortified and provided as well they could, in order to defend themselves; but *Scala* was attacked, and after a sharp Engagement, taken by the Emperor's faithful Friends, and *Tommaso S. Severina*, with one of his Sons, made Prisoner.

I N the Beginning of the Year 1246. the Emperor came to *Puglia*, and ordered *Capaccio* to be besieg'd; and though the Besieg'd were in extreme Want of Water, there not having been Rain to fill the Cisterns, yet they made a vigorous Defence to the 28th of *July*, when they were forc'd to yield, and *Teobaldo Francesco*, and the greatest Part of the Conspirators were made Prisoners, whom the incens'd Emperor caus'd to be put to most cruel Deaths, and a great many of their Relations had the same Fate, and others were banish'd the Kingdom. From this Time we ought to date, what *Matteo Spinello* writes concerning *Ruggieri S. Severina*, who being saved by *Donatello Stazio* his Friend, was afterwards, by *Polisena S. Severina* his Aunt, sent to the Pope, who with a paternal Care caus'd him to be brought up, and he afterwards proved a gallant and comely Youth; and with the Assistance of this Pope, and the Encouragement given him by *Charles I.* of the Family of *Anjou*, became the Head of the banish'd *Neapolitans* for recovering his Estate; but the Defeat at *Canosa*, which *Matteo Spinello* relates, was not true; for if *Frederick*, who in two of his Letters gives a particular Account of this Fact, had fought and defeated the *S. Severini* in the Plain of *Canosa*, he would certainly have mention'd it; but the first Transcriber of *Spinello*, instead of the taking of *Capaccio*, has put the Defeat at *Canosa*, or out of his own Head has added it, as he has, in many other Places, made this Author write what never happened, and what he never intended to say.





C H A P. IV.

Frederick carries on the War against the Lombards, at the same Time that Conrade his Son was harass'd by Henry of Thuringia, and William Count of Holland. Frederick dies in Fiorentino, and is succeeded by Conrade.



WHILE King *Eutius* was carrying on a bloody War in *Lombardy*, the Battles were no less cruel in *Germany* betwixt *Conrade* and *Henry of Thuringia*, who, though he had gain'd a great Victory over *Conrade*, was afterwards kill'd by the Shot of an Arrow at the Siege of *Ulm*; as soon as *Innocent* heard of *Henry's* Death, he immediately sent other four Legates to stir up the *German Princes* against *Frederick*; and because King *Eutius*, by Order of his Father, had caus'd a Relation of the Pope's to be hang'd, the Pope excommunicated them both anew, and wrought so upon the *Germans*, that *William Count of Holland* was elected King of the *Romans*, and set out to be crown'd in *Aix la Chapelle*; but *Conrade*, having possess'd himself of that City, and furnish'd it with Provisions, made a long and gallant Defence against *William* and his Army. The Pope had left no Stone unturn'd in order to get *Conrade* himself to rebel against his Father, and caus'd Cardinal *Ubaldo* his Legate, the Archbishop of *Cologne*, and many *German Barons* to insinuate to him, that he ought not to follow the damnable Foot-steps of his Father: But *Conrade*, a pious and steady Prince, answer'd them, that he would stand by his Father to his last Breath.

AFTER *Frederick* had quieted the Commotions of the Kingdom, he left *Puglia*, and went to *Pisa*, and from thence by the Borders of the Territories of *Parma* to *Cremona*, where it was suggested to him, that he ought to fall upon some Method for reconciling himself with the Church; therefore he resolv'd to go to *Lyons* in Person, and submit himself to the Pope, and being attended by a good Number of his Friends, he went from *Cremona* to *Turin*, where he held another Assembly, and set out for *Lyons*; but he had scarcely reach'd the Foot of the *Alps*, when by a particular Messenger he was told, that *Innocent* by his Friends there, had made *Parma* to revolt; whereupon he immediately return'd in order to recover it, and joining with his Son King *Eutius* in that War, treated of at large by *Sigonius*, he spent all this Year there; and the following Year 1248. the War being carried on with alternate Success, he lost *Vittoria*, a City he had lately caus'd to be built over-against *Parma*, in which Action the greatest Part of the Besieged were either kill'd or made Prisoners, among the Number of the first was *Taddeo di Sessa*, our famous Lawyer, and who had the Honour to be Captain-General of that Army. While *Italy* was thus afflicted with this War, *William Count of Holland*, created King of the *Romans*, after a long Siege, took *Aix la Chapelle*, and the first Day of November this Year was crown'd there by the Archbishop of *Cologne*; and shortly after coming to an Engagement with *Conrade*, who had return'd with his Army near to that City, he defeated and put him to flight.

THE following Year 1249. *Frederick* left King *Eutius* his Lieutenant in *Lombardy*, and went to *Tuscany*; but, if we may give Credit to *Giovanni Villani*, he would not enter *Florence*, because, by a vain Prophecy of *Michael Scot* a great Astrologer and Magician of these Times, it had been told him, that he was to die

in that City, but stopp'd at a Place near to it, and soon after went to *Puglia*, where he spent the short Remainder of his Life.

THIS same Year the *Bolognese* gave a terrible Overthrow to King *Eutius*, and took him Prisoner, which Victory, over so renown'd a Personage, both for the Nobleness of his Aspect, in the Flower of his Age, not above 25 Years old, and for the Grandeur of his Father, exceedingly increased both the Fame and Power of that People; they carried him Prisoner to *Bologna*, which shews us the Inconstancy and Misery of worldly Things; and having made a publick Decree, that he should never be set at Liberty, they entertain'd him like a King so long as he liv'd, at the Publick Expence; for neither the Menaces of his Father, who wrote to them a Letter about his Liberty, nor the Offer of a great Sum of Money for his Ransom, could ever move them to part with him. *Cuspinianus* writes, that after he had been Prisoner Twenty-two Years, and nine Months, he died, and was buried by the *Bolognese* with great Pomp in the Church of *S. Domenico*, under a rich Tomb of Marble, and his Statue gilded, where, according to *Straderus*, the Inscription remains to this Day on a Pillar of Brass.

THE News of this Defeat was sent to the Emperor in a Letter by the *Modenese*, wherein they condol'd his Loss, and the Imprisonment of his Son; the Emperor return'd them a generous Answer, thanking them for their good Will, and threatening the *Bolognese*, and all the Partisans of the Church. But these taking Advantage of the late Victory, subjected many Cities and Castles of *Lombardy* and *Romagna*, and among the rest *Modena*; whereupon *Frederick*, that he might not lose the Dominion of that Country altogether, the Year 1250. being now begun, resolv'd to raise both Money and Men for renewing the War, and endeavouring to set his Son at Liberty; but while he was about this, he was taken ill in the Castle of *Florentino*, now demolish'd, in *Capitanata* in *Puglia*, six Miles distant from *Lucera*; and, according to *Cuspinianus*, not without Suspicion that he had been poison'd by *Manfred* Prince of *Taranto*, his Bastard Son, who aspir'd to the Kingdom, and therefore wanted to dispatch his Father, as was found out afterwards.

THE Emperor's Disease increasing, he repented of his Faults, begg'd Pardon of God, and confess'd to *Bernardo* Archbishop of *Palermo*, who absolv'd him, and gaye him the Sacrament of the *Eucharist*, if we may credit *Albertus* Abbot of *Stade*; and at the Persuasion of the same Archbishop he made his Will, which contains many remarkable Things, therefore we shall subjoin it at full Length.

CUSPINIANUS adds, that while *Frederick*, by the Strength of his Constitution, or the Care of his Physicians, was like to recover, and get the better of the Poison, or Distemper, *Manfred*, to compleat his Iniquity, smother'd him with a Bolster in the Night-time; *Giovenazzo* seems to be of Opinion, that he died a violent Death, when he says, that it was reported, that the Emperor being pretty well recovered, was to quit his Bed the next Day, but by eating some sugar'd Pears over Night, he was found dead in Bed the next Morning, which made good the Prophecy (if such foolish Conceits are to be regarded) that he was to die in *Florence*; but according to the wonted Amphibologies of Astrologers, not in *Florence* in *Tuscany*, but in *Florentino* in *Puglia*: Altho' the anonymous Author of *Manfred's* Exploits, passes over in Silence the Circumstances of this violent Death, that he might not fully the Memory of his Hero.

SUCH then was the End of the Emperor *Frederick* II. who died in the Fifty-seventh Year of his Age, and in the Thirty-seventh of his Empire, the same Day of the Year he was elected to that Dignity in *Germany*, after he had govern'd the Kingdoms of *Naples* and *Sicily* Fifty Years, and that of *Jerusalem* Twenty-eight. A Prince, for his many and singular Endowments both of Body and Mind, worthy of glorious and immortal Memory; therefore, laying aside what some *Italian* Writers, with too much Malice, and some *German*, with too much Flattery, have written, 'tis certain, that he was a wise, prudent and courageous Prince, and of a noble and majestick Presence; he was liberal in rewarding those that had serv'd him either in the Affairs of Peace or War, and conferred on the Princes of the Empire great Prerogatives and Privileges; for he first rais'd *Leopold*, surnam'd the *Warlike*, from being Duke to be Archduke of *Austria*; and, according to *Cuspinianus*, gave him

* Anonym. de Rebus Federici, &c. Mortuus est autem ipse Imperator apud Florentinum in Capitanata Apulie, die Mensis Decembris 9 Indiæ.

the Royal Ensigns; and from the sixth Book of *Pietro delle Vigne's* Letters it appears, that he made him King of *Austria*, though according to *Zurita*, none of the succeeding Princes made use of the Titles of King and Archduke, till the Emperor *Frederick III.* conferr'd them anew on *Philip Leopold's* Grandchild, when he was courting a Daughter of *Ferdinand* King of *Castile* and *Arragon*, afterwards surnam'd the *Catholick*, in the Year 1488.

HE was most expert in military Discipline, whereby he obtain'd notable Victories over his Enemies; and he shew'd no less Fortitude in Adversity, than Temperance in Prosperity. He was provident in Council, and prudent in settling his Kingdoms by many useful and just Laws.

HIS having had three Popes, *Honorius*, *Gregory*, and *Innocent*, and the *Guelf* Cities, which were in their Interest, his Enemies, got him the Name of Perjur'd, and a Persecutor of the Prelates and Ministers of the Church; and his having driven many of them from their Sees, imprison'd and banish'd others, and having caus'd a great many Monks and Priests to be hang'd, and having tax'd the Churches, Monasteries, and Ecclesiasticks, and divested them of their Goods and Possessions, made all of them afraid that he had a Mind to reduce them to the mean Condition and Poverty of the Primitive Church, because they had heard, that the Emperor was often wont to use such Expressions; whence *Matthew Paris*, who, before *Frederick* was deposed, had always vindicated him in his Chronicle, when he understood that *Frederick* us'd these Expressions, he being an *English* Abbot, and possessed of many rich Benefices and Commendams, took Offence, and began to write in a Style quite different from what he had us'd before.

IF *Matthew Paris* did so, we may easily judge what the *Italian* Writers, who were in the Interest of the Popes, and all *Guelfs*, would do, and especially the Friars. *Paolo Panfà*, in the Life of *Innocent IV.* says, that *Fra. Salimbene da Parma* a Friar Minor, who liv'd in these Times, and knew *Frederick*, in his Manuscript Chronicle, writes, that *Frederick* on his Death-bed was afflicted with Vermise that burst out of his Flesh, and when he was dead, his Carcass stunk to that Degree, that no Body could approach it, and that it could not be then buried, that he was not a *Catholick*, but an *Epicurean*, and did not believe in a future State; adding, that when he was in the East, and saw the Land of Promise, he fell a laughing, and scoffingly said, That if the God of the *Israelites* had seen the Kingdom of *Naples*, and especially *Terra di Lavoro*, he would not have put such a Value upon his Land of Promise. Therefore they represented him as an Atheist, and that denying the Immortality of the Soul, he placed all his Happiness in the Pleasures of the Flesh, placing himself with what was most agreeable to him, and therefore he wallowed in all Sort of Luxury; and that besides his Wife, he kept a Seraglio of Concubines, some of which were even *Saracens*; and *Dante*, though a *Ghibelline*, seems to have entertain'd the same Opinion of him, for he puts him in a Place of Hell with *Father Guido Cavalcanti*, *Farinata degli Uberti*, a *Florentine* Gentleman, and Cardinal *Ottaviano degli Ubaldini*, where the Sin of Heresy is punish'd, and brings in *Farinata* speaking thus:

*The Second Frederick, with the Cardinal
Are here, and others whom I shall conceal.*

BUT it may be observed in the foregoing Books of this History, that when *Frederick* was in Friendship with the Popes, he was so wedded to the Interest of the Church of *Rome*, and her Ministers, that *Otto* was wont to call him *King of Priests*. And we likewise find, that he published many Constitutions in Favour of the Jurisdiction of the Church, and which are observed to this Day. We have also seen how he persecuted the Hereticks, as the severe Constitutions which he made for extirpating them not only out of *Italy*, but likewise out of *Germany*, testify. And if we may credit *Capecelatro*³, *Irveges*⁴, and some other Writers, in order to perform his Promise to Pope *Innocent III.* in the Year 1213. he instituted the Tribunal of the *Inquisition* in *Sicily*.

¹ *Dante*, *Inferno*, Canto 10.

² We read the Constitutions of *Frederick* establish'd in *Frankfort* in the Year 1224, against the Hereticks of *Germany*, in *Goldastus* tom 1. p. 77. 292, 293. tom. 2. pag. 51, &c. And in *Schil-*

terus, tom. 2. *Inst. juris publici*, tit. 15. pag.

110. & tit. 16. pag. 117.

³ *Capecelatro* histor. MS.

⁴ *Irveges* histor. *Palerm.* tom. 3.

HIS Zeal in extirpating Hereticks was no less remarkable in our Kingdom; for, besides his having published that famous Constitution *Inconsutilem*, when he understood that the Heresy of the *Patareni* had crept into these our Provinces, and particularly into *Naples*, he sent the Archbishop of *Reggio*, and *Riccardo di Principato* his Marshal, to imprison them. But (whatever he did in *Sicily*, and that is even question'd by some, because no cotemporary Writer mentions it) he did not appoint a particular Tribunal of Inquisition against Hereticks in our Provinces. He only ordered his Officers to proceed against them *ex Inquisitione*, though they were not accused, as was usual in other enormous and heinous Crimes, and with more Severity than was practised in the Crimes of High-Treason against an Earthly King. Therefore he ordained, that the Persons any-wise suspected, should be carried before the Prelates, and Ecclesiastical Persons, to be examined by them, as best able to judge whether their Opinions differ'd from any Article of the Catholick Faith; and if these Prelates, by manifest and clear Proof, found them Guilty of Heresy, their Business was only to admonish them *Pastorali more*, to forsake the Errors and Snares of the Devil; and if, after being admonished, they persisted obstinately in their Errors, the Prelates had no more to do; but the guilty Persons, being thus convicted, came under the Cognizance of the Secular Magistrates, who, according to the Tenor of that Constitution, condemn'd them to be publicly burnt alive. He likewise ordained, that the Prelates should impeach Hereticks before his Delegates, and the Officers of the General Assizes, which were to be held in the Kingdom twice a Year, in order to be by them severely punished. And though he did not appoint a particular Tribunal in our Provinces, but that the same Officers, to whom the Punishment of all other Crimes was committed, should likewise proceed against Hereticks; yet the Methods of proceeding which he prescribed, the Punishment, and the Means whereby to discover them, were too severe and rigorous. He was the first that condemn'd them, in general, to Death; he punish'd with great Severity those that harbour'd or assisted them; he mark'd out clear and distinct Bounds betwixt the Power of the Ecclesiasticks, and that of the Secular Magistrates in taking Cognizance of this Crime. The *Cognitio juris*, or of Right, to wit, whether such or such an Opinion was Heretical or not, was left to the Church; for he would have those accus'd of Heresy to be examined by Ecclesiastical Persons; because it could not be otherwise known whether the Error was damnable or not; whether it was contrary to the Faith or not: *Cognitio facti*, or of the Fact, and the Punishment thereof was left to the Secular Magistrate; for the Church, as we have observed elsewhere, had Power to do nothing, but to separate the Hereticks from the Society of the Faithful; but she could neither condemn to Death, nor Mutilation of Members, nor inflict any other Temporal Punishment.

THEFORE *Frederick* has been unjustly aspersed by our *Italian* Writers, for the most part *Guelfs*: And though he us'd some Prelates severely, and the Monks and Friars cruelly, yet, by what we have said in this Book, the Reasons for such Severity may be seen; and a Prince ought not to be thought to exceed the Bounds of his Power, when, upon just Grounds, and especially if they concern the State, he banishes Prelates, and drives them from their Sees, imprisons Friars, and hangs them, when they are Disturbers of the State, and the Publick Peace: And much less ought it to seem strange to tax the Goods of Ecclesiasticks, when the Necessity of the Prince, and the Publick Welfare require it.

IT has been the common Custom of Princes, upon any urgent Occasion, to lay Taxes, as well upon the Churches and Monasteries, as upon the Cities, and those that hold Lands; and as we have observ'd elsewhere, the Patrimonies of our Churches paid Tribute to the Emperors of the East.

AFTER *Charles the Great* had expell'd *Desiderius*, and made himself Master of *Italy*, according to *Sigonius*, he impos'd Taxes upon the Churches and Monasteries of that Kingdom. And those, who, under the Title of Princes of *Benevento*, govern'd the greatest Part of these Provinces, which now make up our Kingdom, always exacted Tribute from the Churches and Monasteries, which were tax'd

¹ *Constit. de Hæretic. & Paterenis.*

² *Ric. S. Germ.*

³ *Sigon. de Reg. Ital. lib. 4. anno 774.*

Feudatorius autorem Civitatibus, Ecclesiis, ac

Monasteriis certa tributorum genera imposuit, foderum, paratam, & mansionaticum appellata, quæ adveniienti potissimum in Italiam Regi persolverent.

according to the Value of the Goods they possess'd. Thus in the Year 851. under the Emperor *Lothaire*, and *Lewis* King of *Italy*, his Son, when the Principality of *Salerno* was erected, by a Division of the Province of *Benevento*, *Radelchisus* Prince of *Benevento*, and *Siconolphus* Prince of *Salerno* agreed, among other Things then stipulated, that an Account should be taken of all the Goods of the Churches, Bishopricks, Monasteries, and *Xenodochia*; and that they should be taxed according to their Value, and the ordinary Tribute paid to the Prince; the Monasteries of *Monte Cassino*, and *S. Vincenzo* in *Vulturno*, only were exempted, because they were under the immediate Protection of the Emperor *Lothaire*, and King *Lewis*. The Goods of the Abbots, and other Ecclesiasticks who served in the Palace of the Prince, were likewise exempted¹. But Things being afterwards altered, when the Popes rais'd the Ecclesiastick State to the highest Pitch, and exempted both their Persons and Goods from the Power and Jurisdiction of Princes; *Frederick* was look'd upon as an impious Tyrant, for endeavouring to recover the ancient Rights and Prerogatives over their Persons and Estates.

AS for the rest, laying aside these false Accusations, *Frederick* was a Prince, in whom Justice, Munificence, and Learning shin'd in an eminent Degree. He left us many prudent and useful Laws; this Kingdom, and especially the City of *Naples*, is much beholden to him. He, out of Love to Learning, founded a famous University there, whither he invited Scholars from all Parts of his Dominions. He, as most skill'd in Philosophy, and all other Sciences, greatly honoured the publick School of Physick in *Salerno*, and founded another in *Padua*, and suppress'd that of the rebellious City of *Bologna*, and ordered, that none of the Citizens of the *Guelf* Cities of *Lombardy*, *Tuscany*, or *Romagna* his Enemies, should be allow'd to study in these Schools.

AND 'tis to be admir'd, that, in an Age, wherein, as the anonymous Writer says², *Erant literati pauci, vel nulli*, he was not only a Lover of Learning, but, like a deep Philosopher, and well versed in all other Sciences, he wrote a Book *De Natura, & cura Animalium*³. He prompted *Giordano Ruffo* his Master Farrier, to write a Treatise concerning the Dressing and Curing of Horses; and *Giordano*, in the End of his Book, which is preserved in *S. Giovanni a Carbonara*, among the Books of Cardinal *Seripando*, says, that what he had written was owing to the Instruction of his Master *Frederick*.

HE caused many Books to be translated from the *Greek* and *Arabick* into *Latin*, such as *Ptolomei Almagest*, *Aristotle's* Works, and many Books of Physick and other Sciences; and, according to *Pontanus*, he made a Present of some of *Aristotle's* Works to the Masters and Scholars of *Bologna*, before they became his Enemies, and wrote them a particular Letter.

HE likewise caused *Michael Scot*, a famous Physician and Astrologer in these Times, and his beloved Friend, to write many Books of Philosophy, Physick, and Astrology, as *Michael* himself, in some of them, which he dedicated to him, and *Gesnerus* in his Compend testify; whence Philosophy and Mathematical Learning began to be in vogue: And thus, by having the Works of *Aristotle*, *Galen*, and of several *Arabian* Physicians read in the Schools, and encourag'd by *Frederick*, *Aristotle's* Philosophy, and *Galen's* Physick, acquir'd that Reputation in the Schools which every Body knows.

HE also caused his Constitutions to be put in order, from which many *Authenticæ* were taken and inserted in the Code, as we have shewn in another Place; we are likewise beholden to him for the Books of our Constitutions, which he caused to be collected by *Pietro delle Vigne*. *Frederick* likewise wrote a Book of Faulconry, which Art was not in the least known at that Time; and *Manfred* his Son added many other Things to it afterwards.

AMONG the rest of the Endowments of this good Prince, he was most skill'd in many Languages, such as the *Latin*, *Greek*, *Italian*, *French*, and even the *Saracen*, besides the *German* his Mother Tongue; and he took great Delight in *Italian* Poetry, and compos'd many Sonnets and Songs, which are still extant, and bound up with those of *Pietro delle Vigne*, *Eutius* his Son, and some other Poets of that Time, when the *Italian* Language, sprung from a Mixture of so many other, especially

¹ Capitul. Princ. Radelch. apud Pellegr. hist. Princ. Longob.

² Anonym. de Reb. Friderici Imperatoris.

³ Idem, librum composuit de Natura, & cura Animalium.

from the *Latin*, began to diffuse itself, and being afterwards refin'd by able Writers, may not only be compar'd to the *Latin* and the *Greek* itself, but even contend for the Superiority. And the great Number of Poets in that Age, of whom *Lione Alacci*¹ has given us a long Catalogue, is owing to his Genius for Poetry; as among us are *l'Abate di Napoli*, *Giacomo dell' Uva di Capua*, *Folco di Calabria*, *Guglielmo d'Otranto*, *Guzzolo da Taranto*, *Ruggiero*, and *Giacomo Pugliesi*, *Cola d'Alessandro*, and many other Rhimers in the Infancy of the *Italian* Language.

A MOST magnificent Prince, who adorn'd *Italy* and our Kingdom with many noble Edifices, and especially *Capua* and *Naples*, where he enlarged, and put *Castello Capuano* into a better Form; and in *Capua* he rebuilt the antient Bridge of *Casilino* upon the River *Vulturno*, in a magnificent Manner, with two strong Towers, whereon he plac'd his Statue in Marble, which remains there to this Day.

HE founded many Cities in these his Kingdoms, such as *Alitea*, and *Monte Leone* in *Calabria*; *Flagella* in *Terra di Lavoro*, over-against *Cepparano*, and *Dondona* in *Puglia*, of which there is no Vestige now remaining, they being demolish'd soon after they were built; *Augusta* and *Eraclea* in *Sicily*, and *Aquila* in *Apruzzi*, as a Bulwark on the Borders of the Kingdom against the State of the Church.

BUT our Kingdom is in a special Manner much indebted to this Prince, for his having caus'd these our Provinces to be divided after a better Method, and more distinctly than formerly; which must be minutely taken Notice of, because of the Conformity which that Division has with the present.

¹ Alacci de Poeti antichi, tom. 1. fol. 1, 43, 50, 52, 57, 288, 372, 373.



CHAP. V.

The Disposition, and Number of Provinces, of which the Kingdom of Naples is now composed.



THE present Division of our Provinces into Twelve, which now compose the Kingdom of *Naples*, by *Surgente*¹, *Mazzella*², and generally by all Writers, is attributed to the Emperor *Frederick II.* they were not call'd Provinces, but *Giustizierati*, or Jurisdictions. But their Opinion is not altogether just, for *Frederick* was not the first that made such a Division, neither in his Time was their Number risen to Twelve; whence this Division ought not to be attributed to *Frederick* alone, but likewise to *Charles I.* of the Family of *Anjou*, *Alphonfus I.* of *Arragon*, and to *Ferdinand the Catholick*, as *Tasso*³, very much to the Purpose, observes.

NEITHER was the Number always the same, for some Times by the new *Pragmatics*⁴ some Provinces (with respect to their Government and Administration) were united, and afterwards divided, and the Number of Twelve made up again; neither were the same Cities constantly the Metropolises and Seats of the Presidents of the Provinces.

THIS Division was made quite different from that in the Times of *Adrian*, or *Constantine the Great*, and the other Emperors his Successors; for *Longinus* having first altered the antient Description, the succeeding *Longobards*, both under the

¹ Surg de Neap. illust. cap. 24. num. 2.

² Mazzella in descrizione del. Reg. di Nap. in princ.

³ Tassone de Antef. vers. 2. obser. 1. n. 14.

⁴ Pragm. 1. de Offic. ad Reg. Majest. ejusque vic. coll. spec.

Dukes and Princes of *Benevento*, by taking in sometimes in whole, and sometimes in part, *Campagna*, *Puglia*, *Calabria*, *Lucania*, *Abruzzo*, and *Sannio*, made a thorough Change in the antient Division of the Provinces of *Italy*. *Italy* on this Side of the *Tyber* underwent another Alteration, when it was divided into many Principalities and Dukedoms; to wit, into the Principality of *Benevento* (which was afterwards divided into Two, that of *Salerno*, and that of *Capua*) the Principalities of *Bari* and *Taranto*; the Dukedoms of *Naples*, *Sorrento*, *Amalphis*, *Gaeta*, and lastly *Puglia* and *Calabria*, as may be observed in the preceding Books of this History.

BUT the more immediate Cause and Origin of the present Division of these Provinces, are intirely owing to the *Castaldati*, and *Contadi*, which the *Longobards* introduced; for they divided the Dukedom of *Benevento* into many *Castaldati*, as is clear from the *Capitularia* of Prince *Radelchis*, recorded by *Pellegrinus*; and many of these in the Time of the *Normans* were converted into *Giustizierati*, and afterwards into Provinces.

CAMILLUS PELLEGRINUS with all his Care and Diligence, has in vain endeavoured to find out the Number of these *Castaldati* in the Time of the *Longobards*; for it cannot be certainly known, if there were so many of them as are mentioned in that Division of the Principality of *Benevento*, which was made by *Radelchis* and *Siconolphus* Princes of *Salerno*. The most accurate *Pellegrinus*^a reckons some of them, the Chief of which were, the *Castaldo* of *Capua*, which towards the West reach'd as far as *Sora*; that of *Cosenza*, which extended to *S. Eufemia*, and *Porto del Fico*, which are still the Confines of the Province of the *Hither Calabria*, whereof *Cosenza* continues to be the Head, and is the Seat of the Presidents; the *Castaldo* of *Chieti*, which comprehended many Cities and Towns, and was afterwards call'd *Marca Teatina*; the *Castaldo* of *Bojano*, which, with the neighbouring Places, was at first possess'd by *Alczeus Bulgarus*, with the Title of *Castaldo*, and 200 Years after went to *Guandelpertus*, whom *Erchempertus* mentions; but this Jurisdiction was annex'd to *Molise*, an adjoining Castle, with the Title of *Contado*; whence it was first call'd *Contado di Molise*, and afterwards the Province of *Contado di Molise*, which Name it retains to this Day.

THERE were likewise the *Castaldati* of *Tolose*, *S. Agata*, *Avellino*, and *Acerenza*; and that of *Bari*, very famous in the Time of the *Longobards*; whence in that of the *Normans* it became the Head and Metropolis of all *Puglia*. The *Castaldati* of *Lucera* and *Siponti*, famous Cities in *Capitanata*, which comprehended all the Cities and Towns betwixt the *Castaldo* of *Bari*, and that of *Chieti*. There were also the *Castaldati* of *Taranto*, *Lucania*, or *Pesto*, and the famous one of *Salerno*. In this manner, or with a very small Difference, did the *Longobards* divide the Dukedom of *Benevento*, which in these Times comprehended Nine intire Provinces of those, whereof the Kingdom of *Naples* is now composed, and which got these Names, to wit, *Terra di Lavoro*, excepting some few maritime Cities, such as *Naples* and *Gaeta*, *Contado di Molise*, *Apruzzo Citra*, *Capitanata*, *Terra di Bari*, *Basilicata*, *Calabria Citra*, and the two *Principatos*; and likewise Part of the Provinces of *Terra d' Otranto*, *Calabria*, and *Apruzzo Ulteriore*. And though in the Writers of these Times, and even in common Discourse, the antient Names of *Campagna*; *Calabria*, *Puglia*, *Lucania*, *Bruzi*, and *Sannio* have been retain'd, yet they have not preserv'd their antient Limits according to these Names, but some to shew their Learning, others to point out where the *Castaldati* were situated, have made use of them, just as the antient Name of *Puglia* still continues among us, tho' none of the twelve Provinces of the Kingdom be call'd *Puglia*, but either *Bari*, or *Capitanata*.

WHEN the *Normans* succeeded the *Longobards*, the Provinces got new Names; and as in the Time of the *Longobards* they were call'd *Castaldati*, from *Castaldo*, the Title of the Magistrate who had the Government of them; so in like manner the *Normans* committing the Government of the Provinces to their Officers, whom they call'd *Giustizieri*, the Provinces were call'd *Giustizierati*, whence came the Names of *Giustiziero*, and *Giustizierato* of *Terra di Lavoro*, *Apruzzo*, *Puglia*, *Terra di Bari*, and the like. As these Provinces were alter'd, and from *Castaldati* were call'd *Giustizierati*; so likewise the Names of them, excepting a few, were chang'd, as shall be seen by a particular Enumeration of them, in the Order modern Authors have rank'd them.

^a Pellegr. in Dissert. ult. de fin. Duc. Benev.

S E C T. I.

Terra di LAVORO.

THE *Castaldato* of *Capua* is not call'd *Giustizierato di Capua*, but of *Terra di Lavoro*: But when, and whence this Province took this new Name of *Terra di Lavoro*, and lost that of *Campagna*, or *Capua*, Authors are not agreed. Some believe that this Province had this Name long before the *Normans*; but they have been led into that Mistake by a Passage in a Letter written by Pope *Martin* to *Elitberius*, wherein he gives him an Account of what he had suffer'd in a Voyage from *Rome* to the East, which he had undertaken by the Order of *Constans* the Greek Emperor, and says; *Pervenimus Kalendis Julii Misenam, in qua erat Navis, id est carcer; non autem Misene tantum, sed in Terra Laboris, & non tantum in Terra Laboris, quae subdita est magnae Urbi Romanorum* (to wit *Constantinople*) *sed & in pluribus Insularum, &c.* But as the most accurate *Pellegrinus*¹ well observes, who is it but sees, that the Transcriber of this Letter, by mistake, instead of *Terra Liparis*, has put *Terra Laboris*? For the Pope in his Voyage from *Rome* to the East, was oblig'd to pass by *Lipari*, *Nasso*, and other Islands. Besides, if he had meant *Terra di Lavoro*, he ought not to have mention'd *Miseno*, as in a different Province from *Terra di Lavoro*, of which it is a Part, nor plac'd it among other Islands; seeing *Terra di Lavoro* is not an Island, but on the Continent, which was not then altogether subject to the Greek Emperor.

NARCISSUS the Physician², according to *Sebastianus Munsterus*, fell into the like Mistake, for he imagin'd that *Terra di Lavoro* was once call'd *Terra Leporis*; whereas the antient Monuments, which he cites, speak not of *Compagna*, now call'd *Terra di Lavoro*, but of *Terra di Lipari*; for all the Islands of *Lipari* were formerly so call'd: In the same manner we read in *Erchempertus*³ *Barium Tellus*; and in another Place *Regium Tellus*; and we likewise say, *Terra di Bari*, *Terra d'Otranto*, *Terra di Lavoro*, &c.

BLONDUS, who is follow'd by *Leander Albertus*, and our modern Writers, committed a grosser Error. For in his Description of *Campania*, he fancied, that *Capua*, by Reason of the old Hatred of the *Romans*, and the Desolation it had suffer'd, was become infamous; and that the People of the adjoining Cities and Towns looking upon the Name of *Campani* as both ignominious and dangerous, would no longer be call'd *Campani*, but *Leborini*; and that from their Obstinacy, all the Country of *Campagna*, was call'd *Terra di Lavoro*.

BUT the never-enough to be commended *Pellegrinus* in his *Campania*⁴, has clearly demonstrated all these to be meer Dreams, and has given us the true Origine of that Name, its Author, and the Time when this Province got it. He says, that it was first call'd so about the Year 1091, by *Richard II.* Prince of *Capua* and his *Normans*, who, in the beginning of the Year 1091, being driven out of *Capua* by the *Capuan Longobards*, forbore to call it the Principality of *Capua*, and gave it the Name of *Terra di Lavoro*, from the Pleasantness of its Soil, fit for any Labour; and when the *Normans*, in the Year 1098, for the second Time, made themselves Masters of *Capua*, they continued to call it by the same Name, and the former was but seldom us'd, except in publick Writs; in the same Manner as our Kingdom continues to have two Names.

THUS did this Province, which is bounded on the East by the River *Silari*, and on the West by that of *Garigliano*, of old call'd *Liris*, on the North by the *Appenine* Mountains, and on the South by the *Tyrrhenian* Sea, get both this Name and these large Bounds, and by reason of the many Cities wherewith it is adorn'd and the Fertility of its Soil, is reckon'd the first Province of the Kingdom, and *Naples* the Head and Metropolis thereof. In the Time we are now treating of, to wit, of *Frederick II.* this Province was call'd *Terra Laboris*, as may be seen in

¹ Pellegr. diff. 5. Duc. Benev.

² Narcif. apud Munsterum in *Cosmographia* lib. 2. ubi de *Campania*, &c.

³ Erchemp. apud Pellegr. num. 29 & 81.

⁴ Camil. Pellegr. de *Campania* in Appendice

Riccardo da S. Germano; and in the Time both of the *Norman* and *Suevian* Kings was govern'd by its own Justice, who resided sometimes in *Capua*, and sometimes in *Naples* and other Cities, and was attended by the Judges and other Officers of Justice, and the Attorney General. He govern'd the whole Province, tho' every City had its particular Governor, who had the immediate Direction thereof, from whose Decisions the People, by way of Appeal, had recourse to the Justice of the Province. And seeing *Naples* began to increase in *Frederick's* Time, that it might be on the same Level with *Capua* and *Messina*, he order'd that its Governor should have Three Judges under him, and many Notaries; which was not allow'd in other lesser Cities. And 'tis said, that *Marino Caramanico*, an able Doctor in these Times, was one of the Judges in *Naples* in the Year 1269¹.

¹ Fab. Jordan in addit. ad procem. Constit. num. 43. vers. secundo respondetur. Andreys Urfin. de Succes. Feud. par. 2. qu. 2. art. 1. | qu. Feud. cap. 1. §. 1. num. 2.

S E C T. II, III.

The Hither PRINCIPATO. *The Further* PRINCIPATO.

THE next Province was, and is still call'd *Principato*. Whence it got this Name is very clear, and all Writers agree in it. When *Arechis*, as we have told in the sixth Book of this History, who was only Duke of *Benevento*, made himself to be crown'd Prince thereof; from a Dukedom it became a Principality; and seeing the Dukedom of *Benevento*, before the Division made betwixt *Radelchis* and *Siconolphus* comprehended likewise *Salerno*, upon this Division there started up Two Principalities, whence both of them got the Name of *Principato*, and this Province comprehended so large a Country, that there was a Necessity of dividing it into Two, whence came the Name of *Principato citra*, or on this Side the *Appenines*, which, with part of *Lucania*, is also call'd *Picentina*, and *Principato ultra*, or on the other Side of the *Appenines*, or *Sannio degl' Irpini*.

THE hither *Principato*, which comprehends the Country of old inhabited partly by the *Picentini*, and partly by the *Lucani*, is divided from *Terra di Lavoro* on the West by the River *Sarno*, and on the North the *Appenines* divide it from the further *Principato*; on the East the River *Silaro* runs betwixt it and the *Basilicata*, and on the South it is wash'd by the *Tyrrhenian* Sea, and has *Salerno* for its Metropolis.

THE further *Principato* is the only Province of the Kingdom distant from the Sea, being situated amongst the *Appenine* Hills, at the Head of *Sannio*, where of old the *Irpini* liv'd. It is divided from the hither *Principato* by the *Appenines* on the South; from *Terra di Lavoro*, and the County of *Molise* it is separated by the same *Appenines* above *Nola*, and by the *Forche Caudine* above *Arpaja* towards the West, and by the beginning of *Monte Matese* towards the North, which likewise divides it from *Capitanata* on the North, but more towards the East by the *Appenines*, which also separate it from the *Basilicata*. It contains a Country call'd *Valle Beneventana*, which was formerly the principal Part of *Sannio*, and had *Benevento* for its Metropolis; but since that City came under the Dominion of the Church of *Rome*, it has other Cities for the Seat of its Presidents.

WHENCE the *Normans*, when they succeeded the *Longobards*, gave this Province the Name of *Principato*; and the Abbot of *Noce*¹, transcribing in his Notes on the Chronicle of *Cassino*, the Words of the Diploma given by Pope *Nicholas II.* to the Abbot *Desiderius*, appointing him his Vicar over the Monasteries and Monks of these Provinces, enumerates this Province among the rest, under the Name of *Principato*: these are the Words; *Per totam Campaniam, Principatus quoque, & Apuliam, atque Calabriam, &c.* And *Leo Ostiensis*², who wrote that Chronicle a little after the Death of the Abbot *Desiderius*, afterwards Pope, by the Name of *Victor III.* likewise says, *Per totam Campaniam & Principatum, Apuliam quoque, atque Calabriam, &c.*

¹ Ab. de Noce ad Chron. Cass. lib. 3. cap. 13. num. 1277.

² Ostiens. lib. 3. cap. 13.

IN the Time of *Frederick II.* according to what *Riccardo da S. Germano*, speaking of the General Courts instituted in the Kingdom by that Prince, tells us, it appears that this Province was not then divided into Two, as it was afterwards, for making *Salerno* to be a City, where the general Court was held, and to which the other Provinces were to repair, he says, *In Principatu, Terra Laboris, & Comitatu Molisii usque Soram, apud Salernum.*

S E C T. IV.

B A S I L I C A T A.

ACCORDING to this Order, the *Basilicata*, which comprehends a great Part of the antient *Lucania*, and part of *Magna Græcia*, is next. It is likewise surrounded in part by the *Appenines*, which divide it both from the further and hither *Principato*. The *Appenines* are divided in this Province into Two principal Ridges near to *Venosa*: That which runs to *Brindisi* parts the *Basilicata* from *Terra di Bari*, as far as *Altamura*; and the other separates it from the hither *Calabria* to the Confluence of the Rivers *Corianello* and *Crati*, and running a little towards the Sea, it touches upon *Terra d'Otranto* on the Gulf of *Taranto*. This Province is also bounded for a little Space, by the *Capitanata*, from which it is divided by the River *Ofanto*, betwixt *Ascoli* in *Puglia*, and *Lavello*. *Pesto*, *Venosa*, *Acerenza*, *Melpbis*, and other famous Cities once belong'd to this Province; it has now *Matera*, *Potenza*, *Lavello* and other lesser Cities; but there's scarcely a Vestige of the antient remaining.

WHENCE this Province took the Name of *Basilicata*, and when, has been ill search'd into by our Writers; but it will be easily found out, if we call to mind what happen'd to these our Provinces about the End of the Tenth Century, when the *Greeks* made so many Expeditions and Conquests in them, and introduc'd a new Magistrate into *Puglia*, by them call'd *Catapanus*, from whom a great Part thereof took its Name, and therefore is now call'd *Capitanata*: In the Time of *Basilus* the Emperor of *Greece*, or of some of his Generals of that Name, this Part of *Lucania* got the Name of *Basilicata*; for we have seen in the Eighth Book of this History, that in the Year 989, while *Basilus* with his Brother *Constantine* reign'd in the East, the *Greeks*, by the famous Victory which they obtain'd over *Otbo III.* Emperor of the West, were not only for a long Time Masters of all *Puglia* and *Calabria*, till they were driven out by the *Normans*; but likewise of this Part of *Lucania*, which was possess'd by *Basilus*, and govern'd by Greek Officers sent hither by him, some of which, as is clear from the Chronicle of *Lupus Protospata*, were also nam'd *Basilii*, whence this Province got the Name of *Basilicata*. *Joannes Pontanus* is likewise of Opinion, that this Province was so call'd in these Times of the *Greeks*; but whence it was so nam'd, he adds, *Jure anceps est, ac dubium*¹.

IN the Time of *Frederick II.* the *Basilicata* was reckon'd one of the Provinces of the Kingdom by *Riccardo da S. Germano*, who says, that *Frederick* had appointed the City of *Gravina* to be the Place where the general Court was to be held, and to which these Three Provinces were to repair, to wit, *Apulia*, *Capitanata* & *Basilicata apud Gravinam*.

¹ Pont. lib. 2. de bello Neap.

S E C T. V, VI.

The Hither CALABRIA. The Further CALABRIA.

CALABRIA, according to the Denomination which it took from the last Greek Emperors, in *Frederick's* Time was divided into Two; not as now into the hither and further *Calabria*, but into *Terra Jordana*, and *Val di Crati*, and according

according to *Riccardo da S. Germano*, *In Calabria, Terra Jordana, & Vallis Gratae apud Cusentiam*; and these Names are likewise to be found in Writs, not only in the Reign of the Family of *Anjou*, but also in that of the Family of *Aragon*, and in the Time of *Alphonfus I.* as *Tutini* witnesseth¹; and according to *Pellegrinus*², this Appellation is taken from the River *Crati*, which washes that Valley, and we now call the Province of the further *Calabria, Terra Jordana*, which has *Catanzaro* for its chief City; and the hither *Calabria* is call'd *Val di Crati*, and has *Cosenza* for the Seat of its President. These Two Provinces reach from both Parts of the *Appenines* to the *Ionian* and the *Tyrrhenian* Seas. They begin to be separated above *Cosenza*, and run in a direct Line to both the Seas, to the *Ionian* near *Strangoli*, and to the *Tyrrhenian* at the Gulf of *Hipponiates*. The hither *Calabria* includes a Part of *Magna Græcia*, and has for inland Bounds, the *Basilicata*, and the hither *Principato*, towards the West the *Appenines*, and reaches to both the Seas, till it joins the further *Calabria* towards the East. The further *Calabria* (which was inhabited by the *Brutii*) has the same Confines towards the North; but on all other Sides it is furrounded by the Seas; on the East, by the *Ionian*; on the South, by the *Sicilian*; and on the West, by the *Tyrrhenian*.

¹ Tutin. de M. Giustiz. fol. 97.

² Camil. Pellegr. in Castig. in Anonym. Cassin. pag. 141. Sic. n. dicta olim, atque etiam nunc dicitur vallis, Regioque percelebris in Calabria Citeriori supra Cusentiam ad Septentrionem,

Tarentinum ad usque Sinum porrecta, quam preterfluit flumen Crathis, vulgo Crati, unde illi nomen, Regiisque frequentissime Tabulariis, nec non Riccardo a S. Germano ad ann. 1234 memoria.

S E C T. VII, VIII.

Terra di B A R I. Terra D'OTRANTO.

PUGLIA, (as it was call'd by the *Greeks*) which also comprhended a Part of antient *Calabria*, now call'd *Terra d'Otranto*, in *Frederick's* Time was not divided into Two Provinces, as now, to wit *Terra di Bari*, and *Terra d'Otranto*; and as it was reckon'd but one Province, so it had only the Name of *Apulia*, and is so call'd by *Riccardo*. However 'tis certain, and *Pontanus*¹ likewise witnesseth, that these Names of *Terra di Bari*, and *Terra d'Otranto* had their Rise, at the same Time that *Basilicata*, and *Capitanata* were so call'd: And we read in *Erchempertus*², *Barium Tellus*, and in the publick Writs in the Time of the *Normans*, we find the Province of *Terra d'Otranto*. The one of these Provinces was so call'd from *Bari*, its antient and famous Metropolis. The other from *Otranto*, likewise a renown'd City of the *Salentini*.

TERRA di Bari, of old call'd *Apulia Peucetia*, towards the West is bounded by the River *Ofanto*, and extending itself in Length, is confin'd betwixt the Banks of the *Adriatick* Sea, on the North Side of it, and the *Appenines* which divide it from *Basilicata* on the South, where it runs out, and terminates towards the East. It is divided from *Terra d'Otranto* on the Land Side, in the Territory of *Ostuni*, and towards the Sea, between *Monopoli* and *Brindisi* at *Villa Nova*, formerly call'd *Porto d'Ostuni*.

TERRA d'Otranto begins here, and by the Antients was reckon'd a Part of *Puglia*, and also call'd *Calabria, Japigia* and *Salentina*. This Province forms that utmost Point of Land, which makes one of the Three Angles of *Italy*, where it is bounded by one of the two principal Ridges into which the *Appenines* are divided. Here terminates also the *Adriatick* Sea, and mixes itself with the *Ionian*; and is bounded on the West by *Terra di Bari*, and *Basilicata*: Then it's wash'd on the North by the *Adriatick*, and on the East by the Confluence of the *Adriatick* and *Ionian* Seas, and on the South by the Gulf of *Taranto* in the *Ionian* Sea. Its Maritime Cities are *Brindisi*, *Otranto*, *Gallipoli* and *Taranto*, formerly a very strong City, and had a very commodious Harbour.

¹ Pont. lib. 2. de bello Neap.

S E C T. IX.

C A P I T A N A T A.

THAT Province, which we now call *Capitanata*, and which was antiently call'd *Apulia Daunia*, and comprehended *Japigia* in *Monte Gargano*, got this Name from the *Greeks* in the Height of their Prosperity, when *Bari* was the principal Seat of their Residence. They, in order to maintain their new Conquests, to keep the People in awe, and to curb *Puglia*, sent thither a new Governor, whom they no more call'd *Straticus*, as formerly, but by another Greek Name *Catapanus*, that is to say, one that could do every thing. Among the *Catapani*, of whom *Lupus Protospatha* has given us a long List, in the Year 1018, *Basilus Bugianus* is one, whom *Gulielmus Apuliæ* ¹ calls *Bagianus*. This was he, who, to preserve his Memory in *Italy*, made a new Province of that part of *Puglia* bordering on the Principality of *Benevento*, and in the Possession of the *Greeks*, and built new Towns and Cities, one of which he nam'd *Troja*, to revive the Memory of the antient City of that Name; the others were *Dragonaria*, *Fiorenzuola*, &c. whence this Province got the Name of *Capitanata*, which it retains to this Day.

THIS Province is divided from *Contado di Molise*, by *Monte Matese*, and the River *Fortore*, at the Mouth of which it joins the hither *Abruzzo* near to *Termoli*; and surrounding *Monte Gargano*, from *Siponto* it reaches to the River *Ofanto*, which parts it from *Terra di Bari*, and passing the Villages of the Territory of *Barletta*, it runs to the Lake of *Versentino*; and by the Head of the said River of *Ofanto*, it is separated from *Basilicata*, and by the *Appenines* in *Crepacuore*, and *Sferracavalli* it is divided from the further *Principato*.

IN the Time of *Frederick* it was also reckon'd a Province, so that *Riccardo* numbers it among the other Provinces of the Kingdom, by the Name of *Capitanata*. However 'tis true, that though in *Frederick's* Time the Provinces of *Capitanata*, *Terra di Bari*, and *Terra d'Otranto* were divided and comprehended in *Puglia*, taken in its largest Sense, yet they were govern'd by one Justice, call'd the Justice of *Puglia*.

¹ Gal. Ap. lib. 1.

S E C T. X.

Contado di MOLISE.

THE *Contado di Molise*, formerly call'd the *Castaldato di Bojano*, gave Name to another small Province, which it still retains¹; and it was so call'd from *Molise*, an ancient City of *Samnium*, and in the Time of the *Longobards*, *Ifernina*, *Bojano* and other Places, were comprehended in this *Contado*, from which the Family of *Molise*, now extinct, likewise took its Name. In the Time of *Frederick* this *Contado* was a distinct Province, and *Riccardo* numbers it among the rest, under the Name of *Comitatus Molisii*; whence it always has been, and is still reckon'd the smallest of all the Provinces, and has no President, but is govern'd by the President of *Capitanata*, to which it is join'd.

¹ Camil. Pellegr. pag. 89.

S E C T. XI, XII.

The Further ABRUZZO. The Hither ABRUZZO.

IN the Time of *Frederick II.* the *Giustizierato* of *Abruzzo*, was reckon'd but one Province, and according to *Riccardo*, that Emperor appointed *Sulmona* to be the Place for holding the general Court; *In Justitiaratu Abrutii, apud Sulmoniam.* *Alphonfus I.* of *Aragon*, in order to remove the Disputes which frequently arose among the Collectors of the Taxes, divided it into Two Parts.

THIS Country was once very famous for the warlike People that inhabited it, to wit, the *Prægutii*, the *Marrucini*, the *Amiternini*, the *Marsi*, the *Vestini*, the *Hirpini*, &c. The *Longobards* erected it into a *Castaldato*, which they indifferently call'd the *Castaldato* of *Abruzzo*, or of *Teramo*, as we read in *Petrus Diaconus* ¹: *Gastaldatus Teramnensis*; for *Teramo*, by the Ancients call'd *Interamnina*, was the Metropolis City of the *Prægutii*. Although the Word *Abruzzo* be variously deriv'd; by some from the Ruggedness of the Mountains, by others from the Abundance of wild Boars, yet its true Derivation is from *Teramo*, which was likewise call'd *Abruzzo*, because it was the Metropolis of the *Prægutii*, who, by a corrupt Word, were afterwards call'd *Abrutii* ².

THIS Province, which we now call the further *Abruzzo* (that is to say, on the other Side of the River *Pescara*) besides *Teramo*, *Amiterno*, (from the Ruins of which *Aquila*, now the Seat of the Presidents, had its Rise) contain'd *Forconè*, *Valeria*, and other renown'd Cities of the *Marsi*. In the Country of the *Marrucini*, and *Ferontani*, now call'd the hither *Abruzzo* (that is to say, on this Side of the River *Pescara*) it comprehended *Chieti*, by *Strabo* call'd *Theanum*, which was the Metropolis of the *Marrucini*, and is now the Seat of the Presidents, *Petentand*, *Ortone*, *Lanciano*, *Sulmona*, *Aterno*, and other famous Cities, some of which are yet in being. By these Provinces of *Abruzzo*, with a small Part of *Terra di Lavoro*, the Kingdom is separated from the Dominions of the Church of *Rome*.

SUCH was the Disposition of these Provinces, of which our Kingdom is now compos'd, in the Time of *Frederick*, and they were call'd *Giustizierati*, from the *Giustizieri*, or *Justices*, who govern'd them. According to the Computation of *Riccardo da S. Germano*, a Contemporary Writer, they were only Ten in Number, to wit, *Calabria* divided into Two, viz. *Terra Jordana*, and *Val di Crati*; *Puglia* into *Terra d'Otranto*, and *Terra di Bari*; *Capitanata*, *Basilicata* and *Principato*, divided into Two; *Terra di Lavoro*, *Contado di Molise*, and the *Giustizierato* of *Abruzzo*, likewise divided in the same Manner.

THERE was not a Justice appointed for each of these, but one frequently govern'd many Provinces, as we read of *Giacomio Guarna* Count of *Marsico*, who was Justice of *Puglia*, and *Terra di Lavoro* ³, and of *Totimaso d'Aquino*, who was Justice of *Puglia*, and had the sole Administration thereof, which is now divided into Three Provinces; and even in our Time we see, that the President of *Capitanata*, who resides in *Lucera*, likewise governs the Province of the *Contado di Molise*. Sometimes Two Justices govern'd one Province, as in the Year 1197, *Roberto di Venosa*, and *Giovanni di Frassineto*, were both Justices of *Terra di Bari*; and in the Year 1225 *Pietro d'Eboli*, and *Niccolo Cicala*, were Justices of *Terra di Lavoro* ⁴. In the Times of the Kings of the Family of *Anjou*, one Justice was sent to more than one Province; and the same was also practis'd in the Reigns of the Kings of the House of *Aragon*; and till the Time of *Philip II.* according to *Alessandro d'Andrea* ⁵, who wrote of, and serv'd in the War which that King had with Pope *Paul IV.* there were only Six Governors, first call'd Justices, and afterwards Viceroyes, who administr'd Justice to more Provinces than one; for the Two *Abruzzi* had then but one President; the *Contado di Molise*, and *Capitanata* another, as they have at present; the further *Principato* had one, the hither *Principato*, and *Basilicata*

¹ Pet. Div. in Auct. ad Ostien. lib. 4. c. 22.

² Camil. Peleg. in diss. ult. de Duc. Benev.

³ Tutin. de M. Giustizieri, in princip.

⁴ Idem de Contestab. pag. 6.

⁵ Andr. Ragionam. 2.

had but one ; *Terra d'Otranto*, and *Terra di Bari* one ; and the Two *Calabria's* another. But the Division was made afterwards, according to the Number of the Officers, call'd Treasurers, who collected the Royal Revenues, for the greater Conveniency of collecting them, and the Number of Governors was the same, whence, excepting the *Contado di Molise*, each Province had its own particular President.



C H A P. VI.

General Courts and Fairs instituted by Frederick in these our Provinces. The Children he left ; and his last Will.



AL L these Justices were subordinate to the Lord Chief Justice of the Kingdom, who resided at *Palermo*, the Place of the King's Residence, and where he kept his High Court ; but *Frederick*, who could not fix himself in any one Place, but as his Affairs call'd him, made Progresses over all the Provinces of his Dominions, held his High Court in every City where he made any Stay, and was attended by the Lord Chief Justice, and the Judges of that Court. And this prudent Prince, who was a Lover of Justice, for the better Government of these Provinces, in the Year 1233, having conven'd a General Parliament in *Messina*, ordain'd a General Court to be held Twice a Year in certain Provinces of the Kingdom¹, where any Person, that found himself injur'd by, or had Cause to complain of the Justices, or any other of his Officers, should lay their Complaints before his Delegate, sent thither by him for that Effect, who was to set down all the Grievances in Writing, and, together with Four Clergymen of known Probity and Reputation, was to seal the said Writing, and present it to his Imperial Court. But Complaints against Persons who were not Officers, were to be decided by the Justices of the Provinces.

IN these General Courts, Four Persons of the best Account and known Probity of each City, and Two of each Village or Hamlet of the Province were to be present. And it was likewise ordain'd, that the Prelates of these Cities, if they had not a lawful Excuse, were to be present to inform the Court if there were any *Patareni*, or other Hereticks in their Province, and if they could not be there themselves, they were to do it by others, that these Hereticks might be severely punish'd. These Courts were to continue for Eight Days, and when Matters of Moment were to be discuss'd, they could prolong the Time to a Fortnight.

TH E Places appointed for holding of these Courts were, in *Sicily*, *Plazza* ; in *Calabria*, *Cosenza*, where Two Provinces were to meet, to wit, *Terra Jordana*, and *Valle di Crati*, now call'd the hither and further *Calabria's* ; the Provinces of *Puglia*, *Capitanata* and *Basilicata*, were to meet in the City of *Gravina* ; the Two Provinces of *Principato*, *Terra di Lavoro*, and *Contado di Molise*, as far as *Sora*, were to meet in *Salerno* ; and the Two Provinces of *Abruzzo* in *Sulmona*.

TH E Times fix'd for holding of these Courts, were the first Day of *May*, and the first of *November*. They were to be compos'd of the Emperor's Delegate, the Chief Justice, the Justices of the Provinces, the High Chamberlain, the Chamberlains and Bailiffs of the Provinces, and other Officers of the Court, the Prelates, Counts, Barons, and the Citizens of these Places, as above appointed.

¹ Ric. S. Germ. ad Ann. 1233.

IN order to keep up Plenty of all Things, this same general Parliament held at *Messina*, appointed publick Fairs in Seven Places of our Kingdom¹, whither all Merchants were to carry their Wares, and while the Fair lasted, they were not allow'd to carry them to any other Place. The first was appointed to be in *Sulmona*, and to last from the Feast of St. George, to that of the Apparition of St. Michael the Archangel: The second was to be in *Capua*, and to continue from the 22d of May, to the 8th of June: The third in *Lutera*, and was to begin on the Feast of the beatified Pope John, and to hold Eight Days: The fourth in *Bari*, and to last from the Feast of Mary Magdalen, to that of St. Laurence: The fifth in *Taranto*, from the Feast of St. Bartholomew, to that of the Nativity of the Blessed Virgin: The sixth in *Cosenza*, from the Feast of St. Matthew, to that of St. Dionysius: The seventh in *Reggio*, from the Feast of St. Luke, to that of All Saints.

THUS did this most prudent Prince, by his provident Care, put these our Provinces in a better Form of Government; and if they had not been depriv'd of him by Death in the midst of his Progress, he would have provided them with many other wholesome Laws, and improv'd them to greater Advantage; but his untimely Death put a Stop to the Career of their Happiness, and they fell afterwards into a most deplorable State; for they were torn to Pieces, disturb'd and miserably afflicted by many Invaders, (each contending for the Crown) till the Royal Race of the *Suevi* being extinct, they came under another Family; which shall be the Subject of the first Book of the next Volume.

FREDERICK, by sundry Wives, and some Concubines, left many Children. According to *Cuspinianus*, he had Six Wives. The first was *Constantia*, Daughter of *Alphonfus II.* King of *Aragon*, and *Sancia* Queen of *Castile*, by whom he had *Henry* King of *Germany*, who died in Prison, and *Jordanus*, who died an Infant: The second was *Jole*, Daughter of *John* of *Brenna*, King of *Jerusalem*, who brought him as her Portion, the Rights to that Kingdom, which she had by Right of her Mother *Mary*, by her he had *Conrade* King of the *Romans*: The third was *Agnes*, Daughter of *Otho* Duke of *Moravia*, whom he divorced, and she was afterwards married to *Ulderick*, Duke of *Carinthia*: The fourth was *Rutina*, Daughter of *Otho* Count of *Wolffeuxhausen* in *Bavaria*: The fifth was *Isabella*, Daughter of *Lewis* Duke of *Bavaria*; none of these Three brought him any Children: The sixth was likewise nam'd *Isabella*, or *Elizabeth*, Daughter of *John* King of *England*, and Sister to the Prince of *Wales*, afterwards King of *England*, nam'd *Henry III.* and it may be seen in the Annals of that Kingdom, re-printed in the Reign of Queen *Anne*, that *Frederick* sent *Pietro delle Vigne* to *England* to treat about this Marriage; by this *Isabella*, *Frederick* had *Henry*, whom it was believed, *Conrade* caus'd to be poison'd, which occasion'd those Broils between the King of *England*, *Henry's* Uncle, and *Conrade*, of which we shall take Notice hereafter; *Isabella* likewise bore some Daughters. *Cuspinianus* was in the Wrong to write, that there was no Male Child of this Marriage; for the most approv'd Authors, amongst which *Zurita*, with more Truth, say, That she was the Mother of *Henry*, who got the Kingdom of *Jerusalem*, and a Hundred thousand Ounces of Gold from his Father, and was afterwards poison'd by the Means of *Conrade*, as shall be told in the following Book of this History. The Eldest of the Daughters, nam'd *Agnes*, was married to *Conrade*, Landgrave of *Thuringia*, and *Constantia* the Youngest, to *Lewis*, Landgrave of *Hesse*.

FREDERICK had likewise by *Beatrice* Princess of *Antioch* (whom, according to *Zurita*, he unlawfully took to Wife) *Frederick* Prince of *Antioch*, and Count of *Albi*, *Celano*, and *Loretto*, who, according to some Authors, by his Father was intitled King of *Tuscany*. This *Frederick* had a Son, nam'd *Conrade* of *Antioch*, who married *Beatrice*, Daughter of Count *Galvano Lancia*, by whom he had *Frederick*, *Henry* and *Galvano* of *Antioch*; whose Offspring flourish'd for some Time in *Sicily*.

THE Emperor *Frederick* had also by a Sister of *Goffredo Maletta*, Count of *Minio*, and *Trivento*, Lord of *Monte S. Angelo*, and High Chamberlain of the Kingdom, *Manfred* Prince of *Taranto*, afterwards King of *Naples* and *Sicily*, and *Constantia*, who, in her Father's Life-time, was married to *Carolus Joannes Battasius* Emperor of *Constantinople*, a Schismatick, and Enemy to the Church of *Rome*, as

¹ Ric. S. Germ.

may be seen in the Royal Archives; with which Pope *Innocent IV.* upbraided him when he depriv'd him of the Empire; and it may be gather'd from *Frederick's* last Will, that he look'd upon *Manfred* as born in lawful Wedlock, seeing he is there nam'd to succeed to his Father's Dominions, in case *Conrade* and *Henry* should die without Issue; and some Writers have maintain'd, that he was lawfully begotten, and not a Bastard; which has led *Mathew Paris* into a Mistake, when in his History he says, That *Manfred* was born of *Bianca Lanza*, and that the Emperor married her while he was sick, a little before he died. And by the said *Bianca Lanza*, by some call'd Marchioness of *Monferrat*, and other Women, he had *Henry* King of *Sardinia*, commonly call'd *Eutius*, who died Prisoner in *Bologna*, and some Daughters, one of which was nam'd *Selvaggia*, and was married to *Ezzelino Tiranno di Padova*; another to *Tommaso d' Aquino* Count of *Cerra*; and a Third to the Count of *Caserta*.

FREDERICK, before he died, made his last Will, by which he left his Son *Conrade* King of the Romans, Heir of the Empire, and of all his other Dominions, and particularly of the Kingdoms of *Buglia* and *Sicily*; and upon his Death without Issue, *Henry* his other Son was to succeed, and if he should die without Children, *Manfred* Prince of *Taranto*, also his Son, was to succeed; and as long as *Conrade* should remain in *Germany*, or any other Place, he appointed *Manfred* with full Authority to be his Lieutenant in *Italy*, and especially in *Puglia* and *Sicily*. To *Manfred* he left the Principality of *Taranto*, with the Counties of *Montescaglioso*, *Trocarico*, and *Gravina*, with the County of *Monte S. Angelo*, and the same Title and Honour which he had given him in his Life-time, with all the Cities, Towns, and Castles belonging to the said County, but reserv'd the Sovereignty to *Conrade*, &c.

BUT seeing the Will itself deserves to be read, we have here subjoin'd it, and it is the very same which heretofore was to be seen in the Royal Archives, according to *Matteo d' Afflatto*, and is mention'd by *Bzovius* in his Ecclesiastick Annals, and by several Writers of this Kingdom: *Capecelatro* copied it from a very antient Chronicle of the Deeds of *Frederick*, and of some Kings his Successors; and it is the very same that is mention'd by *Costanzo*, *Summonte*, *Tutini*¹, and other Authors.

¹ Tutini de Contestabili del. Reg. fol. 41.

Testamentum FRIDERICI II.

IN nomine Dei æterni, & Salvatoris nostri Jesu Christi. Anno ab Incarnatione ejus millesimo ducentesimo quinquagesimo primo, & primo Anno Domini nostri Corradî Gloriosissimi Romanorum, Hierusalem, Siciliae, & Italiae Regis, mense Januarii, 9. Indictione. Dum in Archiepiscopali Salernitano Palatio, in præsentia Domini Caesaris, Dei Gratia venerabilis Salernitani Archiepiscopi essemus nos Philippus, Matthæus, Romoaldus, & Philippus Judices, præsentibus Matthæo de Vallone Straticoto Salerni Philippo Græco, & Gulielmo Curiali Notariis ad hoc specialiter rogatis: Illustris vir Dominus Bertoldus Marchio de Hobenburch Dei, & Domini nostri Regis Corradî gratia, Dominus Montis fortis, & Argentii, Castri S. Severini, & honoris ejus, ostendit, & præsentavit prædicto Domino Archiepiscopo Testamentum, sive ultimam voluntatem quondam Domini nostri serenissimi Imperatoris Friderici II. cerea, & pendente Bulla ejusdem Domini Imperatoris insignitum, quod vidimus, & legimus, & omni vitio, & suspitione carebat, & erat contingentia talis.

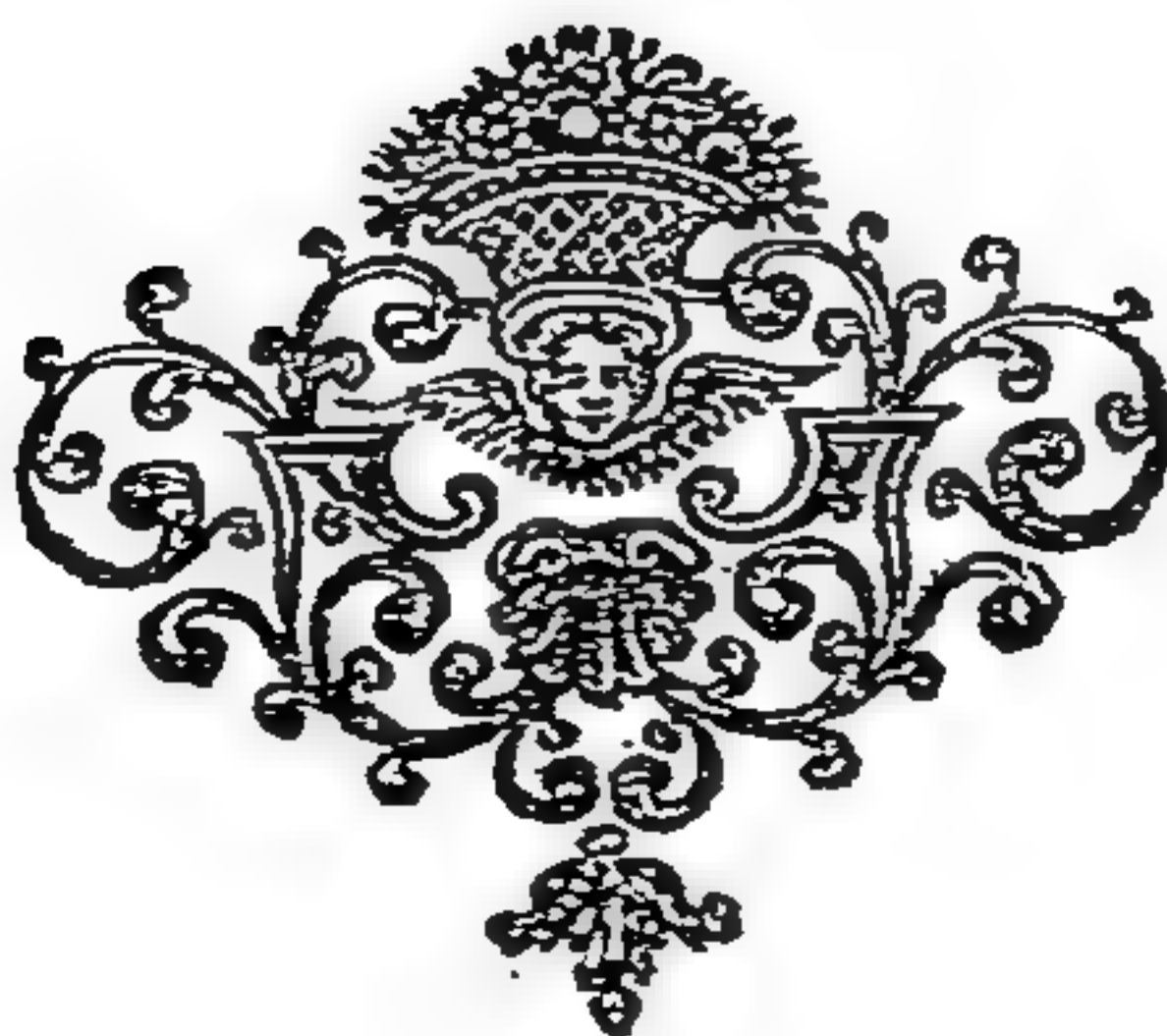
IN nomine Dei æterni, & Salvatoris nostri Jesu Christi. Anno ab Incarnatione ejus Millesimo ducentesimo quinquagesimo, die Sabati, Decimo septimo Decembris, nonæ Indictionis. Primi Parentis incauta transgressio sic posteris legem Conditionis indicxit, ut eam ne diluvii proclivis ad pœnam effragio effrenis adducere, nec Baptismatis tam celebris, tam salubris unda luviret, quin fatalitatis cu..... mortalibus senescentis ævi..... lascivia transgressionis in pœnam culpæ transfuga tanquam cicatrix ex vulnere remaneret. Nos igitur Fridericus II. Divina favente clementia Romanorum Imperator semper Augustus, Hierusalem, & Siciliae Rex, memor conditionis Humanæ, quam semper comitatur humana fragilitas, dum vitæ nobis instaret terminus, loquelæ, & memoriæ in nobis integritate vigentibus, egri corpore, sani mente sic animæ nostræ consulendum providimus,

providimus, sic de Imperio, & Regnis nostris duximus disponendum, ut rebus humanis assumpti videamur, & filiis nostris, quibus nos Divina clementia fecundavit, quos presenti dispositione sub pœna benedictionis nostræ volumus esse contentos, ambitione sublata, omnis materia scandali sopiatur. Statuimus itaque Conradum Romanorum in Regem electum, & Regni Hierosolymitani hæredem dilectum filium nostrum, nobis hæredem in Imperio, & in omnibus aliis . . . & quoquo modo acquisitis, & specialiter in Regno nostro Sicilia; quem si decedere contingerit sine liberis, succedat ei Henricus filius noster, quo defuncto sine liberis succedat ei Manfredus filius noster: Conrado vero morante in Alemannia, vel alibi extra Regnum: Statuimus prædictum Manfredum Baliam dicti Conradi in Italia, & specialiter in Regno Sicilia, dantes ei plenariam potestatem omnia faciendi, quæ Persona nostra facere posset, si viveremus, videlicet, in concedendis terris, castris, & villis, parentelis, & dignitatibus, beneficiis, & omnibus aliis juxta dispositionem suam, præter antiqua demania Regni Sicilia, & quod Conradus, & Henricus prædicti filii nostri, & eorum hæredes omnia, quæ ipse fecerit firma, & rata teneant, & observent. Item concedimus, & confirmamus dicto Manfredo filio principatum Tarenti, videlicet, a Portu Rositi, usque ad ortum fluminis Brandani, cum Comitatus Montis Caveosi, Tricarici, & Gravina, prout Comitatus ipse protenditur, a maritima Terræ Bari usque Palinurum, cum Terris omnibus a Palinuro per totam Maritimam usque ad dictum Portum Rositi, cum Comitatus Castris, & villis infra contentis cum omnibus fustitiis, pertinentiis, & rationibus omnibus tam ipsius Principatus, quam Comitatus prædictorum. Concedimus etiam eidem Comitatum Montis S. Angeli, cum titulo, & honore suo, & omnibus Civitatibus, Castris, Villis, Terris, Pertinentiis, fustitiis, & Rationibus eidem Comitatus pertinentibus, videlicet, usque de Demanio in Demanium, & quæ de Servitio in Servitium. Concedimus, & confirmamus eidem quidquid sibi in Imperio etiam a nostra Majestate concessum, ita tamen quod prædicta omnia a præfato Conrado teneat, & recognoscat. Item statuimus, quod Fridericus nepos noster habeat Ducatus Austria, & Stiria, quos a præfato Conrado teneat & recognoscat, cui Friderico judicamus dari pro expensis suis decem millia unciarum auri. Item statuimus, ut Henricus filius noster habeat Regnum Alcarensē, vel Regnum Hierosolymitanum, quorum alterum dictus Conradus præfatum Henricum habere voluerit, cui Henrico judicamus dari centum millia unciarum auri pro expensis. Item statuimus, ut centum millia unciarum auri expendantur, pro solute animæ nostræ in subsidium Terræ Sanctæ secundum ordinationem dicti Conradi, & aliorum nobilium Crucesignatorum. Item statuimus, quod omnia bona Militiæ Domus Templi, quæ Curia nostra tenet restituantur eidem, ea videlicet, quæ de jure debent habere. Item statuimus, ut Ecclesiæ, & Domibus Religiosis restituantur jura earum, & gaudeant solitata libertate. Item statuimus, quod homines Regni nostri sint liberi, & exempti ab omnibus generalibus collectis, sicut consueverunt esse tempore Regis Gulielmi II. Consobrini nostri. Item statuimus, quod Comites, Barones, & Milites, & alii Feudatarii Regni gaudeant juribus, & rationibus, quæ consueverunt habere tempore prædicti Regis Gulielmi in collectis, & aliis. Item statuimus, ut Ecclesiæ Luceria, Soræ, & si quæ aliæ Ecclesiæ læsæ sunt per Officiales nostros reficiantur, & restituantur. Item statuimus, ut tota Massaria nostra, quam habemus apud S. Nicolaum de Ausido, & omnes proventus ipsius deputentur ad reparationem, & conservationem Pontis ibi constructi, vel construendi. Item statuimus, ut omnes Captivi in carcere nostro detempti liberentur, præter illos de Imperio, & præter illos de Regno, qui capti sunt ex proditoris nota. Item statuimus, quod præfatus Manfredus filius noster omnibus bene meritis de Familia nostra provideat vice nostra in Terris, Castris & Villis, salvo Demanio Regni nostri Sicilia, & quod Conradus, & Henricus prædicti filii nostri, & hæredes eorum ratum, & firmum habeant quicquid idem Manfredus super hoc duxerit faciendum. Item volumus, & mandamus, quod nullus de Proditoribus Regni aliquo tempore reverti debeat in Regnum, nec alicui de eorum genere Succurrere possint, imo hæredes nostri teneantur de eis vindictam sumere. Item statuimus, quod mercatoribus creditoribus nostris debita solvantur. Item statuimus, ut Sanctæ Romanæ Ecclesiæ Matri Nostræ, & aliorum nostrorum fidelium jura restituantur, si ipse Ecclesia restituat jura Imperii. Item statuimus, ut si de præsentī infirmitate nostra mori contingerit, in majori Ecclesia Panormitana, in qua Divi Imperatoris Henrici, & Divæ Imperatricis Constantiæ parentum nostrorum memoriæ recolendæ tumulata sunt corpora, corpus nostrum debeat sepeliri; cui Ecclesiæ dimittimus uncias auri quingentas pro salute animarum dictorum parentum nostrorum, & nostræ, per manus Berardi venerabilis Panormitani Archiepiscopi, familiaris, & fidelis nostri, in reparatione ipsius Ecclesiæ erogandas. Prædicta autem omnia, quæ acta sunt in præsentia prædicti Archiepiscopi,

Bertoldi Marchionis de Hobenburch dilecti consanguinei, & familiaris nostri, Riccardi Comitiss Casertani dilecti generi nostri, Petri Ruffi de Calabria Marescallæ nostræ Magistri, Riccardi de Monte Nigro magnæ Curie nostræ Magistri Justitiarum, Magistri Joannis de Idronto Notarii nostri, Fulconis Ruffi, Magistri Joannis de Procida, Magistri Roberti de Panormo Imperii, & Regni Siciliae, & magnæ Curie nostræ Notarii, meorum fidelium, quos præsentis dispositione nostræ mandavimus interesse, per prædictum Conradum filium, & hæredem nostrum, & alios successore sub pœna benedictionis nostræ tenaciter disponimus observari, alioquin hæreditate nostra non gaudeant. Ita autem universis fidelibus nostris præsentibus, & futuris sub Sacramento fidelitatis, qua nobis, & hæredibus nostris tenentur, injungimus, ut prædicta omnia illibata teneant, & observent. Præsens autem Testamentum nostrum, & ultimam voluntatem nostram, quam robur firmitatis volumus obtinere, per prædictum Magnificum Nicolaum de Brundusio Scribi, & Signo Sanctæ Crucis propriæ manus nostræ Sigillo nostro, & prædictorum Subscriptionibus jussimus communiri. Actum apud Florentinum in Capitanata, Anno, Mense, Die, & Indictione prædicta. Anno Imperii nostri XXXII. Regni Hierusalem XXVIII. & Regni Siciliae LI. Signum Sanctæ Crucis propriæ manus prædicti Domini Imperatoris Frederici. Qui supra Berardus Panormitanus Archiepiscopus Domini Imperatoris familiaris. Ego Bertoldus Marchio de Hobenburch iis interfui, & subscripsi. Ego Riccardus Comes Casertæ iis interfui, & me subscribi feci. Ego Petrus Ruffus de Calabria Imperialis Marescallus Magister interfui his, & subscribi feci. Ego Riccardus de Monte Nigro Magnæ Imperialis Curie Magister Justitarius. Ego Magister Robertus de Panormo, qui supra Judex. Ego Joannes de Idronto, qui supra interfui. Ego Fulconis Ruffus de Calabria bis interfui, & subscripsi. Ego Joannes de Procida Domini Imperatoris Medicus testis sum. Ego qui supra Notarius Nicolaus de Brundusio, quia omnibus prædictis interfui, præsens Testamentum propria manu subscripsi, & meo signo signavi.

CUM autem Testamentum prædictum a nobis lectum fuisset, idem Dominus Archiepiscopus tunc nos rogavit, ut quia quædam in dicto Testamento contineantur, quæ ad utilitatem Salernitanæ Ecclesiæ Matris nostræ pertinere noscuntur, ipsum insinuare, seu publicare deberemus, ut ex insinuatione, seu publicatione ipsius possit inde fidelis assumi. Nos autem preces juri consentaneas admittentes ipsum Testamentum totum per ordinem de verbo ad verbum nihil in eo addito, vel subtracto in hanc Scripturam publicam per manum Thomasi publici Salerni Notarii transumi fecimus, & transcribi, quod scripsi ego prædictus Thomasius publicus Salerni Notarius, qui rogatus interfui, vidi, & legi, & illud in hanc Scripturam redigens publicam, meo signo signavi, quod autem superius nititur virgulas scriptum, & legitur nostra, & quod disturbatum est, legitur, recognoscat Adest signum ✠. Ego qui supra Philippus Judex ✠. Ego qui supra Matthæus Judex ✠. Ego qui supra Romoaldus Judex ✠. Ego qui supra Philippus Judex.

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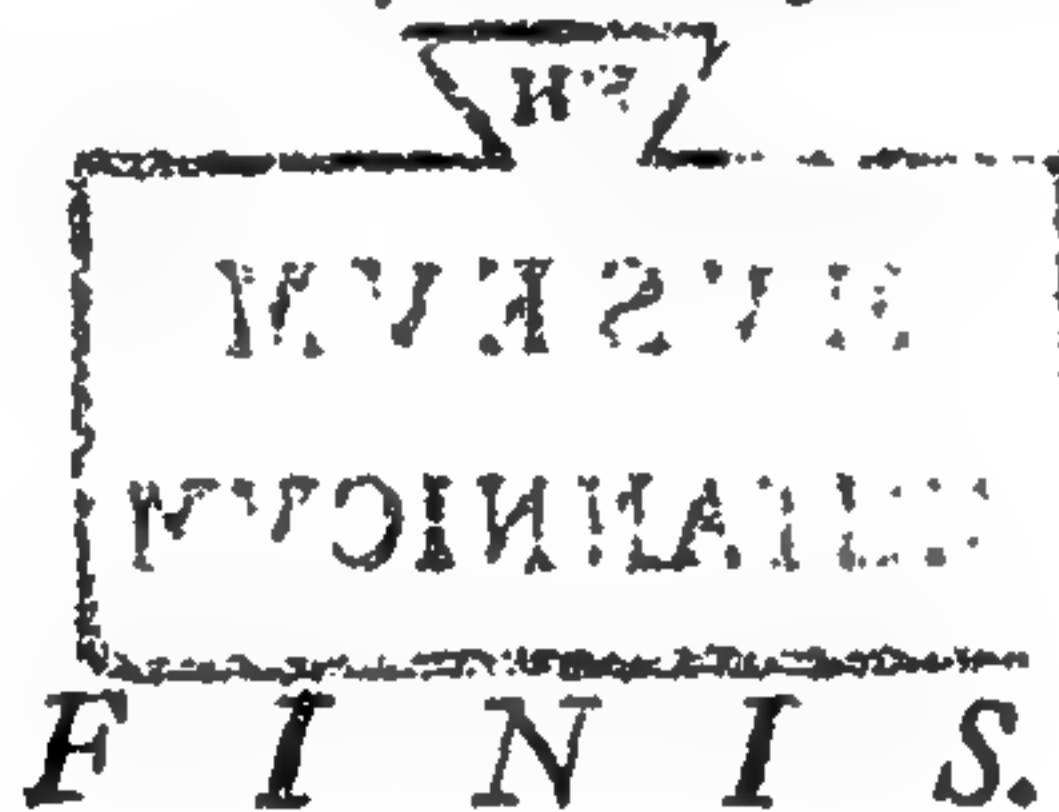
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4 H. f.

THE
CIVIL HISTORY
Francis OF THE *Hargrave.*
KINGDOM
OF
NAPLES.

In Two VOLUMES.

VOL. II.

Wherein is contain'd,

The History of that Kingdom (*comprizing also the general Affairs of Europe*)
under the *Anjouvan, Aragonian, and Austrian* Kings, till the Year 1723.

With the History of the Civil, Canon, and Feodal Laws; the Ecclesiastical
Polity, and the Succession of the Popes.

Written in *Italian*,

By *PIETRO GIANNONE*, Civilian and Advocate in
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T O T H E

R I G H T H O N O U R A B L E the

V i s c o u n t o f *F A L K L A N D*.

M y L O R D,



S my Design was to have address'd this Volume of the History of the Kingdom of *Naples* to your Lordship's Father, as a Token of Gratitude for the many Obligations I lay under to his Lordship; and particularly for his having done me the Honour to make me his Fellow Traveller through *Italy*, whereby I was enabled to undertake the Translation of this Work; hence it is, that none has so just a Title to this grateful Acknowledgment as your Lordship. Besides, my Lord, I should be wanting in my Duty, if I did not embrace this Opportunity to acknowledge the many Favours I have receiv'd from your Lordship, who, in the Prime of your Age, sets out in the World, indow'd with all the excellent Qualities, which have ever been the distinguishing Characters

D E D I C A T I O N.

Characters of your noble Family, and illustrious Ancestors, from whom your Lordship derives immortal Honour, particularly from that Pattern of Virtue and glorious Hero, who died in the Battle of *Newberry* fighting for the just Cause of his Royal Master, and whose Character is so truly described by the Noble Historian, that it puts him upon a Level with the greatest Men, either of his own, or of any preceding Age. A Character, which already begins to shine in all your Lordship's Actions ; and were it not for fear of trespassing upon your Modesty, I could instance one of a very fresh Date, in which, by a generous Sacrifice of private Interest to filial Duty, you have shewn a Soul so truly great, as gives a sure Prefage, that your Lordship's future Conduct will be an exact Imitation of the Virtues of your renown'd Predecessors, which will but answer the Expectation of every one who has the Honour of your Lordship's Acquaintance. As I am afraid that even this very Hint will put your Lordship to the Blush, I shall therefore conclude, and beg that you will be pleased to accept of this as a Mark of the great Sincerity, with which I am,

My LORD,

Your Lordship's most obliged,

and most obedient humble Servant,

J A. O G I L V I E.



T H E
CIVIL HISTORY
Of the KINGDOM of
N A P L E S.

B O O K XVIII.



THE Emperor *Frederick* was no sooner dead, than *Manfred*, who had been left Regent by his Father's Will, during *Conrad's* Absence in Germany, took upon him the Government of these Kingdoms with absolute Power and Authority. *Manfred* was a Prince indued with all his Father's excellent natural Gifts and Virtues; and the anonymous Writer of his Exploits says, he was called *Manfred*, because he was *quasi manus & mens Frederici*. He had been brought up at the Imperial Court, caress'd, and more belov'd by his Father than all his other Children, by which Means he had by Degrees imbib'd the same generous Notions; and had he had the good Fortune to have been his eldest Son in lawful Wedlock, he certainly would have rival'd his Father's Glory and Greatness; but *Frederick*, by his last Will giving Way to the Order of Succession in *Conrad* his eldest Son, could do no more than to appoint *Manfred* to succeed, in case *Conrad* and *Henry* should die without Issue, and during *Conrad's* Absence to appoint him Regent of *Italy* and the Kingdoms of *Sicily*.

IN relating the alternate Fortune of this Prince, and his noble Exploits, I shall follow the anonymous cotemporary Writer, whose Chronicle is now printed with the Works of *Ughellus*¹, and is reckoned to be of great Authority not only by *Inveges*, *Tutini*, and other more modern Writers, but likewise by *Odericus Rainaldus*

¹ Ughel. Ital. Sacra, Tom. 9. Anonym. de reb. Freder. Conrad. & Manfred.

in his Ecclesiastical Annals. This Writer says, that *Manfred's* Conduct and Virtues so much resembled those of his Father, that though the Death of Princes frequently occasions great Disorders, yet by *Manfred's* prudent Management every thing went on smoothly, as if it had been one continued Government: No Alteration could be perceived either in the Court or Ministry; and after he had caused *Conrad* to be proclaimed King in the Kingdom of *Puglia*, he sent *Henry* his younger Brother to govern under him in *Sicily* and *Calabria*¹, that the *Sicilians* and *Calabrians*, by having *Henry* among them, might be kept to their Allegiance, and look upon him as the same Person with *Frederick*.

BUT this Calm was of short Duration, and the Storm and Troubles that Pope *Innocent IV.* was about to raise were easily perceived. *Innocent* being persuaded, that by the Sentence of Deposition pronounced in the Council of *Lyons*, *Frederick* with all his Posterity had forfeited the Kingdoms of *Sicily* and *Puglia*, pretended that by his Contumacy, as Fiefs of the Church of *Rome*, they were devolved upon her: So that upon the News of *Frederick's* Death, the Pope resolved to leave *Lyons*, and return to *Italy*; and in the mean time he wrote to all the principal Cities, and Barons of both Kingdoms, to set up the Standard of the Church, and being arriv'd at *Genoa*, the Place of his Nativity, he stirred up the *Genoese* to make War upon these Kingdoms. *Manfred* being apprised of these underhand Dealings, with a good Body of *Saracen* Troops made a Progress over all the Kingdom, baffled the Pope's Conspiracy, and caus'd *Conrad* to be proclaimed King, which quieted the Minds of the People, and confirm'd them in their Allegiance to their lawful Prince; nevertheless these Steps of the Pope did not fail to foment a secret Conspiracy, which was afterwards discover'd in the Provinces of *Puglia* and *Terra di Lavoro*. *Foggia*, *Andria* and *Barletta* rebell'd in *Puglia*; and *Naples* and *Capua* in *Terra di Lavoro*. *Manfred* march'd immediately into *Puglia*, and by his Valour and Courage suppress'd the Rebellion of these Cities, mercifully pardon'd the Citizens, and reduc'd them to *Conrad's* Obedience².

HAVING thus restor'd Peace and Tranquillity in this Province, he presently march'd into *Terra di Lavoro*; where he reduc'd *Aversa*, which being situated betwixt *Capua* and *Naples*, its Loyalty was suspected: He laid close Siege to *Capua*, laying waste the Territories to the very Walls; and *Nola*, which had taken part with the two rebellious Cities, refusing to surrender, was besieg'd and taken. But *Naples* at this time was very obstinate; so soon had the *Neapolitans* forgot that *Frederick* had made their City famous by the new Academy which he had establish'd, and the magnificent Buildings which he had erected in it, and which were the Ground-work of its being afterwards rais'd to be the Head and Metropolis of all the other Cities: For laying aside all Gratitude, he was no sooner dead than they rebell'd against his Son, surrender'd their City to Pope *Innocent*, and set up the Standard of the Church: Whose Example was followed by *Capua*, and the Counts of the House of *Aquino*, who at that time were in Possession of almost all that Tract of Land betwixt *Vulturno* and the *Garigliano*.

AS soon as *Manfred* was apprised of the Revolt of the *Neapolitans*, he sent them several Messages, exhorting them not to blemish their Reputation so unworthily; but they pretending that they could not refuse to obey the Pope, who had threaten'd them with terrible Anathemas and Interdictions, plainly declared, that they chose rather to subject themselves to the Dominion of the Church, than to be interdicted and excommunicated, by adhering to *Conrad*; whom, without the Pope's Investiture, they could not acknowledge for their lawful King. Wherefore *Manfred*, finding all his Labour lost, resolv'd to reduce them by Force; and having laid Siege to that part of the City next to Mount *Vesuvius*, he began to lay waste all the Territories on that Side, to the very Walls, in order to oblige the *Neapolitans* to sally out of the City, and attack him in the open Fields, not having Forces sufficient to make an Assault, by Reason of the strong Walls wherewith it was fortified. But the *Neapolitans*, aware of his Design, by no Means would leave the City, not minding the Destruction of their Fields; which *Manfred* perceiving, he resolv'd to lay Siege to another part of the City, whereupon he march'd and encamp'd on the *Solfataras* near *Agnano*³, where he laid waste and plunder'd all the Territories on

¹ Anonym. Misticque Henricum fratrem suum minorem ad gubernandam Siciliam & Calabriam vice sua.

² Anonym. de reb. Frid.

³ Anonym.

that Side, in order to draw the *Neapolitans* out of the City, when they should see his Army surrounded with Mountains and Rocks, and not able to escape if pursued. But the *Neapolitans*, stedfast in their Resolution, would not quit the City, to expose themselves to a Battel; and although *Manfred* had often challeng'd them to come out and fight him, nothing could persuade them to do it, so that having waited for them three Days after the Challenge he rais'd the Siege, and after he had destroy'd all the Neighbourhood march'd off, and encamp'd in other Parts of *Terra di Lavoro*, to keep these People from following the Example of *Naples* and *Capua*.



C H A P. I.

Conrad King of Germany comes to Italy, and by the Adriatick Sea arrives in Puglia, and subdues the Counts of Aquino: Capua surrenders to him, and Naples is taken by Storm, and pillaged.

WHILE *Manfred*, with great Vigilance and Conduct, was altogether Intent on frustrating the Pope's Designs, he had Advice, that *Conrad* King of Germany, some few Months after his Father's Death, had disingag'd himself from the Wars in Germany, and was on his March to Italy with a powerful Army of Germans; and this Year 1251, ¹ he actually arriv'd in Lombardy, where he found the Power of the *Ghibellins* at such a low Ebb, that he was forced to halt for some time, in order with the greater Security to enter the Kingdom; whereupon he call'd for all the leading Men of that Party, and order'd them to make up amongst themselves a competent Army, of which he would have *Ezzelino* the Tyrant of *Padua* to be General, that he might so crush the *Guelf* Faction, as Pope *Innocent* should not be able to make use of them, to dispute the Possession of the Kingdom. Thus having settled the Affairs of Lombardy, he very prudently resolv'd to go to his Kingdom by Sea; for finding that all the Cities of *Romagna* and *Tuscany* sided with the *Guelf* Faction, he did not think it safe to venture by Land, lest his Army, being opposed in its March, should desert for want of Pay and Provisions ². Therefore he sent to the *Venetians* for Ships and Gallies to carry him to *Puglia*; who, willing to have him gone from their Neighbourhood, sent to him at *Friuli* as many Vessels as he desir'd, where he embark'd with all his Army, and with a prosperous Gale, in a few Days arrived near to *Monte Gargano*, and landed at the antient City of *Sipontum*, not far from the Place where the City of *Manfredonia* now stands ³.

MANFRED, with all the Barons of that Province, was there ready to welcome the King, to whom he gave an Account of the State of the Kingdom, and the Contumacy of the *Neapolitans*, *Capuans*, and the Counts of *Aquino*; the King commended *Manfred* for his Care and Diligence; and they were both of Opinion, that the first thing to be undertaken was to crush the Counts of *Aquino*, who being posted betwixt *Garigliano* and *Vulturno* were ready at hand to assist the Pope, and to make themselves Masters of these Places, where they could hinder *Capua* and *Naples* from getting Succours, which would make the taking of these important Cities very easy. Whereupon the King with *Manfred* and his Army, by the way of *Capitanata*, and *Contado di Molise*, march'd against these Rebels ⁴.

¹ Costanzo lib. 1. Ist. di Napoli.

² Panfa, Vita Inn. iv.

³ Anonym. Dictum Regem cum magna Theutonicorum comitiva per mare venientem apud Sipontum debitâ reverentiâ, & devotione recepit sub

anno Domini 1252.

⁴ Anonym. Cum ipso Rege præcedente, in Terram Laboris contra rebelles illarum partium cum toto suo exercitu profectus est.

THE Pope, who had gone from *Genoa* to *Milan*, and from thence to *Ferrara* and *Bologna*, and at last stop'd in *Perugia*, shunn'd going to *Rome*, because the *Romans* were all in Factions, and many of them were in *Conrad's* Interest; and being inform'd of the Distress of the Counts of *Aquino*, whose Safety he had much at Heart, he immediately sent some Soldiers from *Perugia* to their Assistance, promising at the same time to send them greater Succours; but such was the Bravery of *Conrad's* Army, being reinforc'd by *Manfred* with a good Body of *Saracens* from *Lucera* and *Sicily*, that in a few Days these Rebels were subdued, and their chief Cities pillaged and burnt; among which were *Arpino*, *Sessa*, *S. Germano*, and some Castles in that Neighbourhood ¹.

AFTER *Conrad* had subdued the Rebels, and reduc'd these Cities to his Obedience, he march'd to *Capua*, which, being warn'd by the Treatment the before named Cities had met with, immediately surrender'd without Resistance ². *Conrad* now with all his Army march'd against the City of *Naples*, which was resolutely determin'd to hold out against the enrag'd King, and stick to the Church; for not only the Pope had promis'd the *Neapolitans* immediate Relief, but they were afraid of being deliver'd up a Prey to the *Germans* and *Saracens*. After *Conrad* had pitch'd his Camp near the City, he besieg'd it so close, that no Provisions could enter by Land; and observing, that by the Pope's Means they receiv'd some by Sea, he order'd *Manfred* to send for the Gallies that were in *Sicily*.

IN the mean time the *Neapolitans* did not fail to send frequent Messengers to the Pope for Relief, who always return'd loaded with Benedictions and Promises, but no Relief; for *Ezzelino* had got all the *Ghibellins* in *Lombardy* to take Arms; and the *Guefs*, amongst whom the Pope had many Relations and Followers, had much ado to defend themselves; for the *Guelfs* of *Tuscany* and *Romagna*, though they were at full Liberty, and had entirely crush'd the *Ghibellins*, were at Variance amongst themselves. Neither could the City of *Genoa* (the Place of the Pope's Nativity, and on which he laid great Stress) give any Assistance, because the *Genoese* Fleet at this time had been sent against the Infidels; so that the Besieged were depriv'd of all Relief, and had nothing to trust to but Promises.

AT last, by the Arrival of the *Sicilian* Gallies, all Hopes of Succour were at an end: Nevertheless such was the Obstinacy of the Besieged, that they continued to hold out till they were become so feeble through Famine, that they were no longer able to bear the Weight of their Arms; whereupon the old Men began to persuade them to send Messengers to capitulate, which was done. But *Conrad*, who knew to what Straits they were reduc'd, reject'd their Offer; and having dispos'd the Machines round the City, and undermin'd the Walls, he forc'd them to surrender, on Condition only to have their Persons safe ³.

THE City was given up to be plunder'd, and cruelly and rigorously treated by the enrag'd King; the Archbishop was banish'd, the Citizens, with their own Hands, were forc'd to demolish, to the very Foundation, the strong Walls of that City, which *Livy* says intimidated *Hannibal* the *Carthaginian*. After the King had stay'd two Months in *Naples*, and spent all that Time in severely punishing the Disloyalty of the *Neapolitans*, he return'd to *Puglia*, and took *Manfred* with him, whom he declar'd to be the second Person in the Kingdom.

¹ Anonym. In processu autem illius in Terra Laboris, Rex Civitates Aquini, Sessæ, S. Germani, pluraque vicina Castra, quæ per Regis adventum rebel- laverant, vicit.

² Anonym. Cosanzo, lib. 1.

³ Machinis quoque circumcirca dispositis, cavis etiam subterraneis ad murorum obversionem, & fossis, ad deditionem coegit; magnaue victoria ex illarum deditione Rex illustratus est.

S E C T. I.

Pope Innocent's first Invitation to the King of England's Brother to come and conquer the Kingdom.

INNOCENT finding that *Conrad* had subdued his favourite Cities, and reduc'd the Kingdom of *Puglia* to his Obedience, thought it was in vain any longer to contend with him; and seeing all the Expeditions of the Popes against this Kingdom had always prov'd unfortunate, *Innocent* resolv'd to invite *Richard*

Earl

Earl of *Cornwal*, and Brother to *Henry III.* King of *England*, a warlike and gallant Prince, to come and conquer the Kingdom. For which end he sent *Alberto* the Apostolick Notary to treat about the Conditions of the Investiture to be given to *Richard*. But *Matthew Paris*, in his Chronicle for this Year 1253. says, that several things concurr'd for rendring this Treaty fruitless. First, *Richard* thought it would not be in his Power to drive *Conrad* out of the Kingdom. Secondly, The Relation that was betwixt them, for *Conrad*, as he says, was the Son of *Elizabeth* of *England*, Sister to King *Henry*, and Wife of *Frederick II.* in which he is widely mistaken, for *Conrad* was the Son of *Jole*, and not of *Elizabeth*; so that the same *Paris* elsewhere, viz. in the Year 1258. gives another Reason, which was, that *Richard* would not accept of the Investiture but upon these two Conditions. First, That by vertue of his Conquest he should have Power to exact the half of the Tithes that were wont to be collected for the Holy War. Secondly, That the Pope should put him in Possession of some Castles in the Kingdom which he had fortified, for a Place of Retreat to his Army. To which the Pope would not consent, so that this first Investiture came to nothing, and there was another treated of afterwards in the Person of *Edmond* his Nephew, as shall hereafter be related. This is a convincing Proof of the Error of *Collenuccio*, and of his Follower *Paolo Panfa* in the Life of *Innocent IV.* where he says, that the Pope invested *Richard* the King of *England's* Brother, and that he accepted, and therefore in his Letters took the Title of King of *Sicily*.



C H A P. II.

Conrad being jealous of Manfred deprives him both of his Authority and Estate; poisons his own younger Brother Henry; and soon after he himself dies of Poison; whereupon Manfred reassumes the Regency of the Kingdom.



IN the mean time *Conrad*, by his having treated *Naples* and the other vanquish'd Citics in so cruel a manner, and by his natural rough and severe Disposition he became the Object of the Hatred and ill Will of all Ranks and Degrees of People; and being altogether destitute of the civil and military Virtues with which his Father was adorn'd, his Government became troublesome and grievous to his Subjects. On the contrary *Manfred*, a Man of excellent Parts and Courage, with admirable Dexterity always restrain'd the King's Cruelty, which endear'd him to the People and Barons; inso-much that it was the Opinion of the whole Nation, that whatever Mischief was left undone by the King and the *German* Army, was owing to the Intercession and Humanity of *Manfred*.

THIS Prince likewise with wonderful Art conceal'd the many Injuries which out of meer Jealousy *Conrad* did him; for perceiving that *Manfred* was a Man of noble Endowments and royal Virtues, more fit to reign than govern the Kingdom as a Regent, he was afraid that by his Power and good Conduct, and the Love he had acquired amongst the People, he would some time or other aspire to the Crown. Therefore he bethought himself how to bring him low, which he had no Mind to do openly, but said to him one Day, that he had resolv'd to revoke all the Donations which the Emperor his Father had made by his last Will, as being very detrimental to the State, and a great Loss to the Crown; and that the other Barons, by his Example, might bear it the more easily, he had a Mind to begin with him. *Manfred* with the same Cunning seem'd to give Credit to what he said; and to shew

how ready he was to go into Measures, he willingly resign'd to him the County of *Monte S. Angelo* and the City of *Brindisi*, which he possessed by vertue of his Right to the Principality of *Taranto* ¹.

AND likewise from time to time, as Occasion offered, he took from him the Counties of *Gravina*, *Tricarico* and *Montescaglioso*, which had been given him by *Frederick* his Father; and there only remain'd to him the Principality of *Taranto* very much diminish'd; and that this remaining Principality might be of little Use to him, he impos'd a very heavy Tax upon the People of it, which he caus'd to be exacted, and brought into the Royal Treasury. He turn'd out the Justice of that Principality, which *Manfred* had usually made, and put in one of his own, as was practis'd in all the other Provinces of the Kingdom. He likewise depriv'd him of the *merum Imperium* and Power which *Frederick* had granted him over that Principality, and ordain'd, that the Prince should have no other Jurisdiction over it, but in civil Cases only ²; for in those Times no Barons got *merum Imperium* over their Fiefs, except some great ones, and those of the Royal Family, out of special Favour; which in the time of *Alphonfus I.* of *Aragon* began to be given to all the Barons, so that there is not the least Baron now that has it not.

THE Malice which *Conrad* bore this Prince did not end here; for, in order to free himself from all Jealousy, he resolv'd to reduce him to the most abject State: For which end, under sham Pretences, he order'd all *Manfred's* Relations by his Mother to depart the Kingdom; among the rest he banish'd *Gualvano Lancia*, who had so well and faithfully serv'd the Emperor *Frederick*, that he had made him his Lieutenant in *Tuscany*, where he had exercis'd that high Office for many Years with great Fidelity. He likewise banish'd *Federico Lancia* his Brother, and *Bonifacio di Anglono Manfred's* Uncle by the Mother, with all his other Relations, their Wives, Mothers, Sisters, Sons and Daughters, young and old. All these, having left the Kingdom, retir'd into *Romania* to *Constancia* Empress of *Constantinople Manfred's* Sister; whither he sent *Conrad Bertoldus* Marquis of *Honebruch* to acquaint the Emperor that he would take it as a very great Affront if he entertain'd these Exiles; whereupon that Emperor oblig'd them to depart his Dominions ³.

PRINCE *Manfred* very prudently seem'd to be no wise offended at all these Injuries; for he did not fail chearfully to assist and accompany him in all his Undertakings, as he had done in *Terra di Lavoro*, when he subdued the Counts of *Aquino*, *Capua* and *Naples*; and now in *Puglia*, concealing his bitter Displeasure; and at the same time gaining the Hearts of the Barons and People.

AT this time, while *Conrad* was in *Melphis*, *Henry* his Brother, who was only twelve Years of Age, came from *Sicily* to pay him a Visit; and though the anonymous Writer makes not *Conrad* guilty of so great a Villany, yet there are not wanting grave Authors, who relate, that by the Means of *Gio. Moro* a *Saracen* Captain, whom *Henry* had brought with him from *Sicily*, he got him poison'd. Those who say that *Conrad* had procured the Death of *Henry* in order to be Master of the Kingdom of *Sicily*, and that *Frederick* neither ought nor could separate it from that of *Puglia*, are grossly mistaken; for it was not the Kingdom of *Sicily*, but that of *Jerusalem*, or *Regnum Alcareense*, which in his last Will he left to *Henry*, at *Conrad's* Choice; and *Manfred* had sent *Henry* to *Sicily* to keep the *Sicilians* in their Allegiance to *Conrad*, as we have already said. Some believe, that he caus'd him to be put to death in order to get the greatest part of the Emperor *Frederick's* Treasure, which *Henry* was Master of. However that may be, *Matthew Paris* says ⁴, that *Conrad* was very much suspected to have been the Author of that innocent Youth's Death, for from that time forth he never had so serene and cheerful a Countenance as formerly. And in the *Acta publica Angliæ*, which were lately printed by the Order of *Queen Anne*, we find a Letter written by *Conrad* in the Year 1254. to the King of *England*, *Henry's* Uncle, wherein, on purpose to stifle the Report that had been spread abroad of his having caus'd him to be poison'd, he gave that King an Account of the Death of his Nephew, in very passionate Expressions, and seem'd to be very much afflicted for the Death of that Prince; but Pope *Innocent* fomented the Enmity arisen on that Account between *Conrad* and *Henry* King of *England*, and offer'd the Kingdom of *Sicily* to *Edmond* his Son, who was but a Child; and it is

¹ Anonym.

² Ibid.

³ Ibid.

⁴ Paris Hist. Angl. Unde Rex Conradus post mortem sui fratris, nunquam ut antea vultum ostendit serenum.

to be observ'd in these *Acta publica*, that *Innocent* left no Stone unturn'd to engage the Father to put him in Possession, by ordering the Clergy of *England* to lend Money to their King, and for that end to mortgage the Goods of their Churches. But all that Money was afterwards squander'd away, and put to other Uses by the same Pope, and this second Treaty likewise came to nothing.

CONRAD, having thus reduc'd the fluctuating Cities of the Kingdom to his Obedience, was preparing to go to *Germany*; but in the Spring of this Year 1254. when he was upon the Point of setting out, he was seiz'd with a mortal Fever in the Fields near *Lavello*, and in a few Days, in the Flower of his Age, being only twenty six Years old, on the twenty first Day of *May* he departed this Life¹, after he had reign'd little more than three Years; whence we have nothing more recorded of this Prince.

NEVERTHELESS the Writers of the *Guelf* Faction, Enemies both to *Frederick* and his Progeny, say, that *Manfred*, by the Means of a Physician, caus'd *Conrad* to be poison'd, in hopes that *Henry* and he being both dead, and none of *Frederick's* Issue remaining but young *Conrad*, the Son of *Conrad*, born the Year before, he might easily take Possession of both Kingdoms; and that *Conrad*, not knowing that he was dying of Poison given him by *Manfred's* Order, left his Son *Conrad* his Heir, and *Manfred* to be Regent.

BUT if we may give Credit to the anonymous cotemporary Writer, *Manfred* was neither Author of that Villany, nor left Regent by *Conrad*.

THIS Writer says, that when *Conrad* was on his Death-bed, *Bertoldus* Marquis of *Honebruch*, by Means of the *Germans*, then very powerful, seeing him inclin'd to leave *Manfred* Regent of the Kingdom, very sily, in order to feel *Manfred's* Pulse, ask'd him if he would take that Charge upon him. *Manfred*, being aware of the Marquis's Cunning, answer'd him, that he would not accept of the Regency, because the Marquis himself deserv'd it better, and to whom he would yield in every Respect: This he did very artfully, whereby he not only did not expose himself to the Hatred of the *Germans*, but he knew that *Bertoldus* was not fit for the Charge, and that he would soon sink under the Load of Affairs, and that the Grandees of the Kingdom would invite himself to take the Regency upon him, as it happened. *Bertoldus* having receiv'd this Answer, went and told *Conrad* that *Manfred* would not accept of the Regency, whereupon the dying King nam'd *Bertoldus* to be Regent of the Kingdom.

CONRAD, before he died, made his last Will, in which he left his young Son *Conrad* his Heir, and the Marquis of *Honebruch* Regent; he foresaw that *Innocent* was able to raise Commotions in the Kingdom, therefore he recommended to the Regent to use all Means possible to procure to his Son *Conrad* the Favour of the Apostolick See, that he might not be involv'd in new Wars with the Pope.

THE Marquis had no sooner taken the Regency upon him, and possess'd himself of the Royal Treasure, than, in Obedience to the King's last Will, he sent Ambassadors to the Pope, begging him in the Name of the young King to be at Peace with him, and take him into his Favour, as *Conrad* the Father had recommended in his last Will. But *Innocent*, upon *Conrad's* Death, thought he had a fair Opportunity to make himself Master of the Kingdom, and look'd upon this Embassy rather as a Sign of the Weakness of the Royal Party than an Act of Respect; whereupon he became more haughty than ever, and answer'd the Ambassadors, that he would do his best to have Possession of the Kingdom now devolv'd to the Church of *Rome*; that when the young King came to be of Age, his Pretensions should be examin'd into; and perhaps, if the Apostolick See should find him deserving, he should meet with Favour².

THIS Answer made it evident to the Marquis and the Barons of the Kingdom, that the Pope was fully resolv'd to take Possession of the Kingdom; the Effects of which were soon discovered, for he now began to assemble a sufficient Army in order to invade it; and besides it was found out that he kept a secret Correspondence with many Barons, who were in the Interest of the Church, desiring their Assist-

¹ Anonym. In campis prope Lavellum infirmitate correptus, cum esset circa annos ætatis 26. in triumphorum suorum primordiis acerbo mortis fato succubuit.

² Anonym. Summus Pontifex illam legatorum Missionem, & Apostolicæ gratiæ postulationem magis debilitati partis Regiæ, quam devotioni ascribens, respondit, præcisè se habere velle Regni possessionem, atque dominium; promittens Regi Pupillo, cum ad pubertatem veniret, de jure, si quod haberet in Regno, gratiam esse faciendam.

ance in the Conquest; these Barons, not pleas'd with the Marquis's Government and the Insolence of the *Germans*, chose rather to be under the Dominion of the Church, than to be oppress'd and enslav'd by them. The Marquis was preparing to guard against the threatened Invasion, but having discovered that many Barons, from whom he expected Assistance, were gone over to the Pope's Interest, and his Army ready on the Borders to make an Invasion, he became so terrified and dejected, that he repented of his having taken the Regency upon him, which, to his great Shame, he basely laid down ¹.

THE Counts, Barons and other Grandees of the Kingdom, who had continued firm in their Allegiance to the King, seeing that the Marquis had abandoned the Government, immediately had recourse to Prince *Manfred*, begging and conjuring him, that in order to save the Kingdom from Ruin and Destruction, he would be pleas'd, as by Right it belonged to him, to reassume the Regency. *Manfred* refus'd, saying, that the Affairs of the Kingdom were in so calamitous a Situation, that he could not undertake it and save his Honour; but the Barons still importuning him, and protesting that the Kingdom would be ruined, at last prevailed with him to take the Government again upon him. He had another very persuasive Argument to induce him, for it was rumour'd Abroad that the young King was dead, and that the Pope had now greater Hopes of getting Possession of the Kingdom. Wherefore *Manfred*, who, according to the last Will of the Emperor *Frederick* his Father, look'd upon himself to be the next Heir to his Dominions, was determined to reassume the Government, that in case his Pupil was still alive, he might take care of the State for him, and resist the Attempts of his Rival *Innocent*; and if the Report of his Death should be confirm'd, he might easily get himself to be crown'd ².

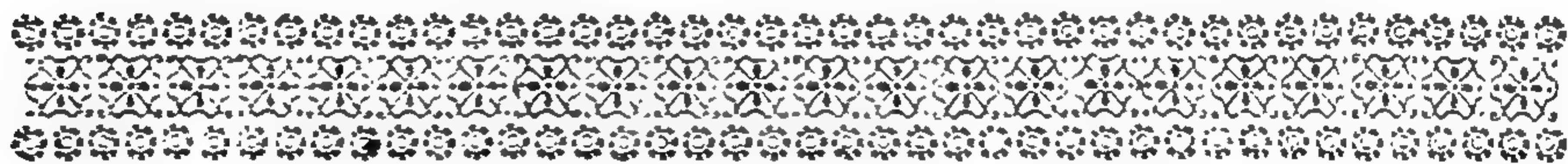
MANFRED then having taken the Government upon him, obliged the said Marquis, the Counts, Barons, and all the faithful Subjects of the Kingdom to take an Oath of Fidelity in this manner: That if the young King was still alive they swore to him as Regent; if he was dead, they were from that time forth to look upon himself as their Lord and King ³.

¹ Anonym. Balliatis officium se assumpsisse poenituit, & extunc onus quidem incutitè susceptum, non sine pudore deponendam existimavit.

² Anonym. Quamobrem Princeps ad hujusmodi quidem amulorum intentionem repellendam, Regni gubernaculum, tam ad utilitatem papilli nepotis sui,

si viveret, quàm ad suam, si forte de facto aliud contigisset, assumere de jure debebat.

³ Anonym. Sin autem ipse puer vel jam defecisset, vel post, liberis non susceptis, deficeret, ipsum Principem Manfredum extunc in Regem, & Regni Dominum haberent.



C H A P. III.

Innocent's Expedition against the Kingdom.

NATTERS being thus settled the Marquis went to *Puglia*, promising to send from thence both Men and Money to *Manfred*, who in the mean time began to assemble and dispose the Army, so as to be able to face that of the Pope, which was marching in all haste to invade the Kingdom: Whereupon he garrison'd *S. Germano* with a good Body of *Germans*, and fortified *Capua*, and all the neighbouring Towns which were beginning to waver, in order to keep them in Subjection.

BUT on the other hand *Innocent*, for facilitating his Undertaking, had sent Messengers into *Sicily* to *Pietro Rufo di Calabria*, who, by the Marquis of *Hohenbruck*, had been left Governor of *Sicily* and *Calabria*, that he might dispose those People

People to set up the Standard of the Church ¹; and *Pietro* actually dispatched *Folco* his Nephew, with other Messengers, in two Gallies to acquaint the Pope, that both *Sicily* and *Calabria* were ready to desert *Manfred*, and espouse his Interest.

BESIDES, *Riccardo di Monte Negro*, out of Hatred to the Marquis *Bertoldus*, had gone over to the Pope's Faction, and promised to give his Army free Passage through his Lands, situate on the Borders of the Kingdom. Many other Barons had likewise privately sworn Allegiance to the Pope, and engaged to take new Investiture from him of their Fiefs which they possess'd ²; and some had actually got new Investiture from him, such as *Bonello di Anglone*, who was invested by *Innocent* with the County of *Lesina* before he entered the Kingdom, though it belonged to *Manfred*, as an Appurtenance of the County of *Monte S. Angelo*. *Innocent* had likewise given Investiture of the County of *Lecce* to *Marco Ziano*, the Son of *Pietro* Doge of *Venice*, and declared that it belonged to him as a Descendant of Count *Tancred* his Grandfather, notwithstanding the Claim of Count *Tigrisio de Mudignana* and his Children, by Right of his Wife *Alberia*, who ought to have been preferred to the Succession before all others; and was excluded by *Innocent*, because he and his Sons had adhered to the Emperor *Frederick* against the Church, and were still Enemies to her, which made *Innocent* look upon them as unworthy of his Favour; and the Charter of this Investiture drawn up in *Perugia* in the Year 1252, is recorded by *Ughellus* ³, which he says he found in the Register of the *Vatican*. As also the same Year 1252 on the twenty first of *January*, while the Pope was still in *Perugia*, he invested O. *Frangipane* with the Principality of *Taranto*, though it belonged to *Manfred*, with all the Lands of *Otranto*; under Pretence that it had formerly been given by the Empress *Constantia* I. to O. his Uncle, as appears by the Grant dated in *Perugia* and recorded by *Rainaldus* ⁴; thus *Innocent*, by gratifying these chief Barons of the Kingdom made them his Liege-men and Dependents, and brought over many Persons of great Interest to his Faction.

MOREOVER there was a Conspiracy discovered, which had been hatched in *Capua* against *Manfred*, with a Design, as soon as the Pope's Army should reach the Kingdom, furiously to attack that Prince, and either to make him Prisoner, or put him to Death. The Marquis *Bertoldus* also proved very disloyal; for contrary to his Promise made to *Manfred* of sending him both Men and Money from *Puglia*, he not only did not perform what he had undertaken, but rambled about the Country, and minded nothing but oppressing the Subjects with heavy Taxes for his own Use; and his *Germans* by their Rapine had alienated the Minds of the People from the King, insomuch that they longed to be under the Dominion of the Pope; and though *Manfred* had sent his Uncle *Galvano Lancia* to inform the Marquis of the Difficulties he laboured under, it was to no Purpose.

MANFRED finding himself in so distressed a Condition, occasioned more by his secret than open Enemies, thought it was in vain to make Head against the Pope with Force, but chose rather to yield to the Times, and have recourse to Art and Dissimulation. The Pope, in order to give Life to the Expedition, was resolved to be present himself at the Conquest of the Kingdom, and had stopped in *Anagni*, where he was making great Preparations; and that he might leave no Stone unturn'd for facilitating his Undertaking, he sent several Messengers to induce *Manfred* to quit the Government of the Kingdom, and deliver it up into the Hands of the Church. *Manfred* very cunningly delayed giving an Answer; but now finding himself in these Straits, he thought fit to return the Pope a very submissive and respectful Answer, and bid the Messengers tell him, that trusting to the great Concern and Affection his Holiness had for the King his Nephew, and judging that by Right it belonged to the Church to protect and receive him into her Favour, he was willing to quit the Government of the Kingdom, and put it into the Hands of the Church, the holy Mother of all, especially of Pupils; whereby he meant to fulfill the Desire of *Conrad*, the Father of the young King, who in his last Will had earnestly desired that the Holy See would receive the innocent Youth into its Protection and Favour; that he would not only not oppose, but would give all Assist-

¹ Anonym.

² Ibid.

³ Ughel. Ital. Sacra, tom. 9. pag. 109. found in the Register of the Vatican, anno 9. Pontif. num. 121, & 122.

⁴ Rainal. tom. 13. Annal Ecclesiast. anno 1252. anum. 5. ad. 7. data 12. Kal. Feb. anno Pontific. ix.

ance to the Pope's entering into, and taking Possession of the Kingdom, but that it was to be done without Prejudice to the young King's and his own Right ¹.

THE Pope, upon receiving this Answer, was so transported with Joy, and so extolled *Manfred*, that though before he looked upon him as excommunicated and in no wise a Catholick, yet now he received him into his own and the Church's Favour, and forgave him all past Offences; and having encouraged *Manfred* to rely upon him, assuring him that his putting the Kingdom into the Hands of the Church, should not in the least prejudice the King's or his Right; and that when the King should be of Age, the Apostolick See would restore him to his own; he made ready with his Army to enter the Kingdom. In the mean time *Manfred*, for a greater Mark of his Fidelity, sent *Galvano Lancia* his Uncle to *Agnani* to do Homage for him to the Pope; and if that Bull recorded by *Tutini* be genuine, we see that *Innocent*, in order to make a suitable return on his Part, on the twenty seventh of September this Year 1254, in *Agnani*, confirmed to *Manfred* the Investiture, which by the Means of the same *Galvanus* he had given him, and likewise confirmed to him the Principality of *Taranto* (with which he had before invested *O. Frangipane*) the Counties of *Gravina*, *Tricarico*, and *Monte S. Angelo*, with all the Titles, Honours and Prerogatives which the Emperor *Frederick* his Father had given him, and which *Conrad* had taken from him. And *Innocent*, as a stronger Proof of his Friendship, seeing the Marquis *Bertoldus* was then in Possession of the County of *Montescaglioso*, in room of that gave him the County of *Andria*, and in a publick Consistory invested the said *Galvano Lancia* with it in *Manfred's* Name, by giving him a Ring as a Symbol of the Investiture, as we read in the Bull of Investiture, recorded by *Tutini* in his Book of the Constables of the Kingdom ².

ALTHOUGH Prince *Manfred*, by the Tenor of this Investiture and other Facts, perceived that *Innocent* was resolved to govern the Kingdom, not as a Guardian till *Conrad* was of Age, but looking upon it as devolved to the Apostolick See, to rule it with absolute and independent Authority, yet with admirable Dexterity *Manfred* put up with every thing; and in order to wheedle the Pope the more, he appeared to be still more humble and obsequious to him; and as a Mark of great Respect, when he heard that *Innocent* was on his March, he went as far as *Ceppe-rano* to meet him, where on his bended Knees he adored him, and then led his Horse by the Bridle till he passed the Bridge of *Garigliano* ³.

INNOCENT took these Demonstrations of Submission in so good part, that though he was old, and by Experience very prudent, yet he suffered himself to be imposed upon so far, that besides having imparted to *Manfred* his most secret Thoughts, believing him to be entirely devoted to the Apostolick See, he heaped greater Honours upon him; for he not only gave him the first Rank among the Barons, but he likewise made him Vicar of the Kingdom, from the Phare of *Mes-sina* to the River *Sele*, and of all the County of *Molise*, and the Territories of *Benevento*, excepting the Jurisdiction of *Abruzzo*, and allowed him a Pension of eight thousand Ouaces of Gold; and the Charter of this Grant is also recorded by *Tutini* ⁴. The News of the Pope's entering the Kingdom, and with the Consent and Permission of *Manfred* taking the Government thereof upon him, being spread over all the Realm, the People, wearied with the ill Treatment of the *Germans*, were all ready to receive him, reckoning thereby to be freed from their Slavery, and out of Danger of being interdicted by the Church ⁵. And this was the Reason which induced *Manfred* very cunningly to advise the Pope to divide his Army amongst the richest Provinces of the Kingdom; the result of which Advice was, that the *German* Officers, partly out of Fear of the Pope's Army, and partly conscious of the Ill-Will the People bore them departed the Kingdom, and returned to *Germany* outwitted by *Manfred*, leaving only a few in *Puglia* and *Terra d'Otranto*, who daily dwindled away for want of Subsistence. Thus *Manfred* being rid of the *Germans*, whom he suspected more than open Enemies, and by Degrees acquiring more Power in those Provinces over which the Pope had made him Vicar, sought now an Opportunity to drive out the Pope's Army, which being cantoned in many Places distant from one another, he might the more easily accomplish.

¹ Anonym.

² Ibid.

³ Anonym. Et Papa Regnum intrante, Princeps Stratoris ei officium exhibens frenum tenuit, quous-

que ad pontum Garigliani transfret.

⁴ Tutin. loc. cit. pag. 60.

⁵ Costanzo lib. 1. Hist. di Nap.

IN the mean time the Pope had enter'd the Kingdom, and by Reason of a slight Indisposition had stopped in *Teano*, and from thence had gone to *Capua*, where he had been received with great Pomp and Solemnity ¹; and having stayed there some time, he was wholly intent upon uniting under the Apostolick See all the other Provinces of the Kingdoms of *Puglia* and *Sicily*, as he had done those of *Abruzzo*, *Terra di Lavoro*, part of *Puglia*, and some others. He made the Cardinal of *S. Eustathius*, his Nephew, Apostolick Legate over the Kingdom, and gave him all his Authority and full Power to govern the same. This Cardinal, being young and *Innocent's* Kinsman ², began to rule with a high Hand, not as Governor but absolute Master, and obliged the Counts, Barons, and all others to take an Oath of Fealty to him, *nullo jure Regis, & Principis salvo* (according to the anonymous Writer) but absolutely to himself, as Legate of the Apostolick See, to which the Kingdom was devolv'd. For which Cause he likewise pretended, that Prince *Manfred*, as all the other Barons had done, ought to take the like Oath of Fidelity to him.

THEN it was that *Manfred* began to take off the Mask, and openly to thwart the Legate, by telling him, that the Stipulation made with the Pope was, that the Government of the Kingdom should be put into the Hands of the Church, without Prejudice to the King's and his own Right, and that there should no Alteration be made in the State the Kingdom was in till the King should be of Age; therefore he refused to take the Oath required, notwithstanding the Legate's importunate Demand. The anonymous Writer says, that by these Disputes *Manfred* lost much of the Affection which the other Barons of the Kingdom had formerly had for him; for they seeing that the Legate had no regard to his Royal Descent, but put him upon the same Level with the rest, they began likewise to neglect him.

FOR which Reason the Pope, in order to induce *Borello di Anglone* to desert the King's Interest, and espouse that of the Church, having given him the Investiture of the County of *Lefina*, he pretended, that by vertue of that Investiture that County belonged to him; but *Manfred* justly claimed that County as a part of his Inheritance, and that he ought not to be disturbed in the Possession of it; and first in a friendly manner gave him to understand that he ought to lay aside such Pretensions; but as for certain other Lands which he (*Borello*) held, he might enjoy them, provided he would take the Investiture of them from him, and acknowledge him as his Superior, by taking the Oath usual in such Cases, otherwise he must renounce them ³. *Borello*, puff'd up with the Pope's Favour, despised *Manfred's* Message, and answered him very saucily, that he would neither part with the County, nor acknowledge him as Superior of these Lands, nor take any Oath to him. *Manfred*, though ruffled at this Answer, yet unwilling to contend at so great a Disadvantage, put up the Injury; and being informed that *Borello* had sent a good Body of Troops to take Possession of the County of *Lefina* by Force, and that they had already made themselves Masters of two Villages of that County; he did not think fit to make use of Force, but had recourse to the Pope who was then at *Teano*, to whom he represented the Injuries done him by *Borello*, who, under Pretence of a Grant of that County from his Holiness pretended it was his; whereas, being dependent on the County of *Monte S. Angelo*, it was a part of his Patrimony; therefore he begged of the Pope to do him Justice, that thereby greater Inconveniences might be prevented.

THE Pope, according to the usual Ambiguity of that Court, like an Oracle answered him thus: *Se prefato Borello nihil de juribus Principis concessisse* ⁴. *Manfred* understood by this Answer that the Pope had a Mind to favour *Borello*; but he pressing to be restored to his Right, was told, that as soon as the Pope was arrived at *Capua* he would cause the Affair to be examined by due Course of Law.

IN the mean time there came an Account that the Marquis *Bertoldus* was on his Way from *Puglia* to *Capua*, to pay his Respects to the Pope; whereupon *Manfred*, in order to shun meeting him, took his Leave of the Pope; and as he was on his Way returning, some of his Retinue saw *Borello* at a Distance, who, with a great Number of armed Men, was lying in wait in a narrow Pass to attack the Prince. *Manfred's* Men understanding their Design fell upon them, and routed them, and in the Scuffle *Borello* was killed, without *Manfred's* Knowledge.

¹ Anonym.

² Idem, viro quidam juvene, & ipsius Papæ consanguineo.

³ Idem.

⁴ Anonym.

WHEN the Pope arrived at *Capua*, *Manfred's* Enemies misrepresented the Fact, and made him guilty of a Crime; and though he employed the Marquis *Bertoldus* to tell the Pope that he was unjustly blamed; yet he found that the Marquis, instead of defending him, was endeavouring to get him made Prisoner; therefore he sent his Uncle *Galvano Lancia* to *Capua* to represent his Innocence to the Pope; and in the mean time he retired for Shelter to *Acerra* to his Cousin the Count of that Name.

THE Pope pretended that *Manfred* ought to appear before him, and stand his Trial. *Manfred* did not refuse to come, provided he had Security given him for the Safety of his Person; but *Galvano Lancia* having smelt out that the Pope had a Mind to make him Prisoner, and would give him no Security for his Person, but that he must appear before his Legate, advised *Manfred* immediately to leave *Acerra*, where he was not safe, and retire to *Puglia*, and by the Means of the *Saracens*, who were his Friends, endeavour to get into *Lucera*, and there fortify himself¹. *Manfred* upon this Advice departed in the Night time, and carried with him *Marino Capece* and *Conrado* his Brother, two trusty young noble *Neapolitans*. These two were his faithful Companions, who never left him during all that dangerous and troublesome Journey.

MANFRED, after having gone through many Dangers and Difficulties, at last arrived at *Lucera*, and with the Assistance of his *Saracens* who were in the City having broke open the Gates, he entered triumphantly with the Acclamations of all the Inhabitants, who proclaimed him their Lord and Prince; and after he had told them the Reasons for his leaving the Pope, who was resolved to usurp the Kingdom from the King his Nephew, he declared that his Intention was, *jura Regis Nepotis sui, & sua, & libertatem, bonumque statum Regni, & Civitatis ipsius viriliter manutenerere atque defendere*, as the anonymous Author has it. Whereupon all of them took the Oath of Fealty and Homage, *pro parte Regis, & suâ*.

THE Marquis *Bertoldus*, *Odo* his Brother, and the Pope's Legate, hearing of the Surprize of *Lucera*, immediately joined, and fortified themselves in *Troja* in order to oppose him; but *Manfred* soon after having taken *Foggia*, and daily gathering Strength, his Army became very numerous, and after alternate Success, he at last defeated the Legate and the Pope's Army, took *Troja*, forced *Odo* and the Marquis *Bertoldus* to fly, and obtained a notable Victory. It was on this Occasion that *Manfred* wrote to the Barons of the Kingdom, his Adherents, that Letter which we read in *Summonte*², who had it from *Pier Vincenti di Brindisi*, in which this Victory is minutely described, and it is certainly genuine, for *Rainaldus* has recorded it as such in his Annals, and it agrees with the particular Account of that Victory which the anonymous Writer gives us.

¹ Idem.

² Summont. tom. 2. pag. 132.

S E C T. I.

Innocent relinquisheth the King of England, and invites the Brother of the King of France to come and conquer the Kingdom: He dies in Naples, and all his Designs come to nothing.

INNOCENT, with his Court, in the Month of *June* this Year 1253 had gone to *Naples*, where hearing of *Manfred's* Success in *Puglia*, he was afraid of being driven out of all the other Provinces of the Kingdom that had submitted to the Church; and seeing it was in vain to have recourse to *England*, he sent *M. Alberto da Parma* his Chaplain and Secretary to *Charles* of *Anjou*, Count of *Provence*, Brother to *S. Lewis* King of *France*, whose Valour and Prudence, when *Innocent* was in *France*, had been much extolled, to treat about his coming to take Possession of the Kingdom, and to offer him the Investiture of it. But King *Lewis* being at that time in the East employed in the Holy War, nothing could be concluded: Nevertheless *Alberto* remained in *France* the Space of fourteen Years, and managed this Affair under the succeeding Popes, in order to bring it to Perfection, which was at last accomplished in the Pontificate of *Urban IV.*¹

¹ Tutin. de Conest. pag. 61. Rainal. Annal. Eccl. tom. 13. anno 1255.

THERE are some who write that *Innocent*, hearing of the News of this Victory obtained by *Manfred*, was taken ill in *Naples*, and on the seventh, or as others will have it, on the thirteenth of *December* this Year 1254 died of Grief¹. This Pope lies buried in the Cathedral Church of *Naples*, where his Tomb is to be seen at this Day. A Pope who could brag that he was the first, who to the Pretensions which all the *Roman* Pontiffs have always kept up, added the actual Possession of this Kingdom. All the Attempts of the other Popes for conquering it, either proved unfortunate, or very soon abortive; but as for *Innocent* IV. he had real Possession of it for several Months, and transmitted it to his Successor *Alexander* IV. *Innocent* was excellently skilled in the Civil Law, and adorned our Jurisprudence with many Treatises and Volumes.

IN those Days the Academy of *Bologna* was the most flourishing in *Italy*, whither *Innocent* was sent in his Youth to learn the Laws, and his Masters for the Civil were *Azone*, *Accursio*, and *Jacopo Baldino*; and for the Canon *Lorenzo Spagnuolo*, *Giovanni Teutonico*, *Jacopo d'Albasio* and *Uguccione*, the best Doctors of that Age, whence he came to be one of the most learned Lawyers of his Time². And resolving to rival *Innocent* III. likewise a famous Lawyer in his Time, in the midst of the Cares of his troublesome Pontificate, while he remained in *Lyons*, he wrote the *Apparatus* on the five Books of the Decretals, which are of so great Use to the Canonists; and in which Work he laid greatest Stress on the Authority of *Ezechiel Profeta*. *S. Antonino* speaking of this Work says, that it is of greater Authority than all the Books of the other Doctors, whence he was called the Father, and Paramount both of divine and human Laws.

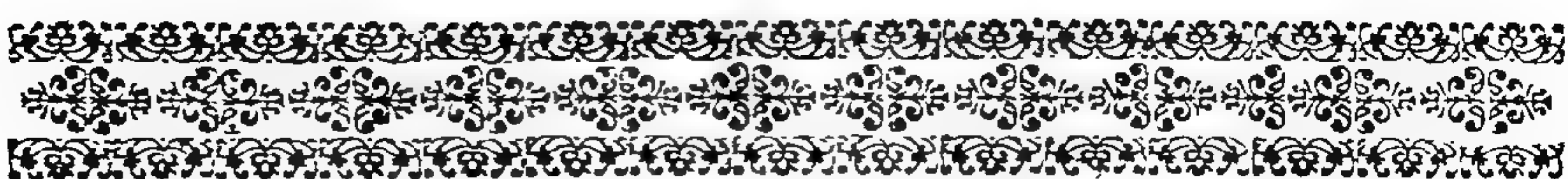
HE wrote the Constitutions which he made in the Council of *Lyons*, a part whereof are to be found in the sixth Book of the Decretals. He wrote a Book, which *Ostiensis* in his Collection calls an Original. He wrote another intitled *Apologeticus*, against *Pietro delle Vigne*, concerning the Jurisdiction of the Empire, and the Authority of the Pope; and he likewise wrote Commentaries on the Old and New Testament.

HE had a great Regard for Men of Learning and Virtue, and particularly for *Alexander Hales* an *Englishman*, who in his old Age took the Habit of the Friars Minors, and at *Innocent's* Desire wrote upon the chief Points of Divinity, and other great Works, whence he got the Name of *Doctor Irrefragabilis*. He encouraged *Bernardo da Parma* and *Compostellano* his Chaplains, to write upon the Decretals and other Works.

HE was a great Lover of religious Orders, and especially those of *S. Benedict*, *S. Dominick*, and *S. Francis*, which then were rising like young Plants. He reformed the Rule of the *Carmelite Friars*, the Care of which he committed to Cardinal *Ugo*. He ordained, that all Hermits living without Rule, and especially those in *Tuscany*, and likewise many Religious under the Rule of *S. Austin* should be united under a General, and called *Eremitani*. He revived in *France* and also in *Italy* the Order of the *Cruciferi*, which was almost extinct; so that he rebuilt some Monasteries in *Italy* for them, and particularly in *Naples* they afterwards got that of *S. Maria della Vergini*, without the Gate of *S. Januarius*, from the Families of *Carmignana* and *Vespoli*. He granted Power to the Knights of *SS. Mauritius* and *Lazarus* to chuse their Great Master out of their own Order; and allowed the Canons of the Archbishoprick of *Naples* to wear a white Mitre when the Archbishop performed Divine Service; and he gave the Clergy the Immunities, which to this Day they enjoy over all the Kingdom.

¹ Chiocc. de Archiep. Neap. 1262.

² Panfa in Vita Innoc.



C H A P. IV.

Alexander IV.'s Expedition into the Kingdom, and new Invitations made by him to the Count of Provence and the King of England.

THE Pope's Legate, intimidated by the Victory obtained by *Manfred*, abandoned *Puglia*, and returned with the Army to *Terra di Lavoro*, directing his March towards *Naples*, and on the Way joined the Marquis *Bertoldus*, who accompanied him to *Naples*, where they found that *Innocent* had died some Days before ¹. When the Cardinals and all those of the Court saw the Legate and the Marquis, and heard that their Armies had been routed, they were seized with such a panick Fear, that they resolved to leave *Naples*, and retire to *Compagna di Roma*; but being encouraged by the Marquis not to go they remained there, and were all fully bent on electing a new Pope. There are not wanting Writers ² who say, that there was a great Debate among the Cardinals about this Election, and on that Account the See was vacant a whole Year. But the anonymous Writer, *Collenuccio*, *Pansa*, and others ³ say, that the Cardinals fearing that if they delayed the Election it might turn to their Disadvantage, immediately with one Consent joined and elected *Rainaldo d' Agnari* of the Family of *Conti*, Nephew of *Gregory IX.* who took the Name of *Alexander IV.* and was consecrated and crowned in the Cathedral Church of *Naples*, and, according to *Ghioccarelli*, he remained in that City a whole Year ⁴.

MEAN while *Manfred*, animated by the Death of *Innocent*, reduced to his Obedience almost all the other Cities of *Puglia* that had set up the Standard of the Church. He subdued *Barletta*, then *Venosa*, and at last *Acerenza*, where *Gio. Moro* was cruelly put to Death by the *Saracens*. He took *Rapallo*, then *Bari*, and *Trani* surrendered, and in short all *Puglia*, excepting some Cities of *Terra d'Otranto*, which still held out for the Church.

POPE *Alexander IV.* terrified at these Proceedings of the Prince in the beginning of his Pontificate, dispatched *Tommaso* Count of *Cerra*, *Manfred's* Kinsman, and *Riccardo Filangerio* to have an Interview with him: It was said, that they were likewise moved by some Cardinals to insinuate to him, that he ought to send Ambassadors to congratulate the new Pope upon his Advancement to the Chair, and that they wondered he should neglect to do what all the other Princes of the World had done ⁵. But *Manfred* was afraid that if he should send an Embassy to the new Pope, it might be interpreted as a Mark of Weakness and Want of Courage, therefore he answered them, that he would send Ambassadors for no other end, but to treat of a Peace on the following Conditions: *Ut Regnum in dominio, & possessione Regis Conradi II. Nepotis sui, sub baliau Principis remaneret. Compositio autem super eo tractari esset, ut census pro ipso Regno Romanæ Ecclesiæ augetur.*

WHEN the Pope, upon the return of the Count and *Riccardo*, understood that *Manfred* was neither disposed to send Ambassadors to him, nor to leave the Kingdom in the Hands of the Church, after the Example of his Predecessor, he began to shew himself more an Enemy than any other Pope had been. For first he caused

¹ Anonym. Ambo simul Neapolim pervenientes, invenerunt, quod ipis diebus, videlicet idibus Decembris Papa defunctus erat.

² Gio. Villani, Costanzo, lib. 1.

³ Anonym. Pansa, in Vita Jun.

⁴ Ghiocc. de Archiep. Neap. anno 1262. ex Gloss.

in L. si maritus 15. §. Legis Juliae, D. de Adulterijs, *ubi*: Quidam erat absens causæ Reipublicæ, ut puta in Civitate Neapolitana, ubi nunc est Papa Alexander quartus.

⁵ Anonym.

M. Alberto da Parma to set on Foot again the Treaty with *Charles* Count of *Provence*, in which there appeared such Difficulties, that *Charles* had no Inclination for the Enterprize; then he had recourse to *Henry* King of *England*, by renewing the Treaty with him which his Predecessor had begun, offering him the Investiture of the Kingdom for his Son *Edmund*, provided he would come immediately and drive out *Manfred*; and it is recorded in the *Acta publica* of that Kingdom, that *Alexander* was so eagerly bent upon this Design, that he changed the Vows which the Kings of *England*, *Norway*, and others had made to go to the Holy Land, and applied them to the Conquest of *Sicily* and the Kingdom of *Puglia* in favour of the Church.

HE likewise sent a Bishop into *Puglia* to summon *Manfred*: *Ut in festo Purificationis Beatæ Mariæ proximè futuro ad Curiam Romanam accederet, responsurus de interfectione Borelli de Anglone; & de injuria, quam Apostolicæ sedis intulerat expellendò legatum, & Exercitum Ecclesiæ de Apulia*¹. This Citation was answered by *Manfred* in a Letter directed to the Pope, wherein he cleared himself of the Death of *Borello*; and as for driving the Legate and the Church's Army out of *Puglia*, he said it was in Defence of his Nephew's and his own Right.

WHILE *Manfred* was firmly resolved not to send Ambassadors to the Pope, *M. Giordano da Terracina* Apostolick Notary, and formerly a Well-wisher of *Manfred*, came to him from the Pope, and appearing to be much concerned for those Disputes between them, advised the Prince by all Means to send Ambassadors to the Pope, which would turn both to his Honour and Advantage: At last *Manfred*, moved by *Giordano*'s Advice, appointed *Gervasio di Martina*, and *Goffredo di Cofonza* his Secretaries to be his Ambassadors, and gave them Power to treat of a Peace².

THESE Ambassadors upon their Arrival at *Naples*, where the Pope then kept his Court, began to treat about Peace with some Cardinals deputed for that Purpose; but Difficulties and Doubts arising, which could not be surmounted but by treating with the Prince himself, the Ambassadors pressed the Pope to send a Cardinal to him, whereby the Articles might easily be concluded. But the Cardinals, puffed up with their Dignity and Grandeur, which had been lately so much exalted by *Innocent*, said, *Id non convenire sedis honori, ut Cardinales hoc modo mittantur*³. This Point being long debated, the Prince's Ambassadors could by no Means prevail with the Court to send a Cardinal to *Manfred*.

IN the mean time the Prince, seeing that the Treaty was suspended, resolved to lose no time in taking Possession again of his County of *Andria*, which of Right belonged to him, and therefore seiz'd *Guardia Lombarda*, which belonged to that County, and had been till now in the Pope's Possession. The Cardinals, upon the News of this, seemed to be much offended, and said, the Prince had a Mind to amuse them, and break off the Treaty. The Prince's Ambassadors answered, that *Manfred* by this Action had no Design to break off the Treaty, because he had only acted as Count of *Andria* and not as Regent, and that his re-possessing himself of that Country, which, as the anonymous Writer says, *erat de speciali jure ipsius Principis*, ought no wise to displease the Pope.

BUT though the Cardinals under this Pretence seemed to be offended, yet the true Cause of their Uneasiness was *Manfred*'s approaching with his Army; for they were afraid he would at last come to *Naples*, which put them into such a Consternation, that the Pope with all his Court were resolved to take Shipping, and leave that City: Therefore they bid the Prince's Ambassadors acquaint him, that if he was in earnest to make Peace with the Church, he ought to march with his Army out of *Guardia Lombarda*, and return to *Puglia*.

THE Ambassadors, perceiving their Fear, promised to write to *Manfred* to persuade him to return to *Puglia*, which they did; but at the same time they gave him privately to understand that if he would march towards *Naples*, the Pope and his Army were in such a Fright he might easily defeat them, and be Master of *Terra di Lavoro*. *Manfred* upon this Intelligence, notwithstanding a great Storm of Snow, was resolved to march into *Terra di Lavoro*; but upon Advice which he received that very instant of time, that the People of *Brindisi* had risen up in Arms, and had surprized *Nardo*, and made a great Slaughter among the Citizens and Soldiers commanded by *Manfred Lancia*, whom the Prince his Cousin had made Governor of

¹ Anonym.² Idem.³ Idem.

Terra d'Otranto, he altered his Resolution and marched towards *Brindisi*, which made the Pope easy.

THE Cardinals, since he was now at a Distance, and engaged in this new Expedition in *Terra d'Otranto*, became indifferent about the Peace, so that *Manfred's* Ambassadors could conclude nothing; on the contrary the Pope appointed *Ottaviano* Cardinal Deacon of *S. Maria in via Lata*, Apostolick Legate over the Kingdom, who was no sooner made than he began to assemble a sufficient Army to oppose *Manfred*, of which the Ambassadors being apprized, they immediately left *Naples*, and went to join the Prince, who was now on his March to *Brindisi*, and told him what the Pope, by the Means of his new Legate, had resolved to do, and that the Treaty was dropt.

MANFRED was not at all daunted but pursued his Purpose, and laid Siege to *Brindisi*, the Seat of the Rebellion, with which many other Cities of *Terra d'Otranto*, such as *Oria*, *Otranto*, *Lecce* and *Mesagna* had joined; he laid waste the Country about *Mesagna*, and demolished the City, subdued *Lecce*, and laid Siege to *Oria*.

WHILE the Prince was wholly intent upon quelling these Revolts, he was diverted by new Revolutions in *Calabria* and *Sicily*.

AT this time *Pietro Ruffo di Calabria* Count of *Catanzaro* had the sole Government of these Countries. This Count, in the time of the Emperor *Frederick*, had been brought to Court in a very poor Condition¹, and by Degrees crept into Favour and was made a Privy Counsellor, and at last Marshal of the Kingdom of *Sicily*. Upon *Frederick's* Death *Manfred* made him *Henry's* Guardian, and Governor of *Calabria* and *Sicily*. *Conrad* afterwards created him Count of *Catanzaro*, and confirmed him in the Government of these Provinces; but *Conrad* dying he became uneasy under *Manfred's* Regency, and was suspected to be in Confederacy with *Innocent IV.* and an Enemy to the young King *Conrad*; he had always an Aversion for *Manfred*, and now more than ever, when he saw him so powerful in *Puglia*, insomuch that by the Means of *Giordano Ruffo* he not only made *Calabria*, but also *Sicily* to revolt. He had now fortified himself with a great Number of Followers in *Cosenza*, and kept the Province of *Val di Crati*, and *Terra Jordana* so much at his Devotion, that the Name of *Manfred* was both despised and hated; and a secret Treaty between him and Pope *Alexander* was discovered for delivering up *Calabria* into the Hands of the Church, and Messengers were going and coming for completing the Treaty².

MANFRED being advised of this Conspiracy by some *Cosentines* and *Gervasio di Martina*, immediately sent Troops to *Calabria*, and gave the Command of them to *Conrad Truich*, to whom and the said *Gervasio* he committed the Charge of that Province. These gallant Warriors, after alternate Fortune at large describ'd by the anonymous Writer, at last reduced these Provinces under King *Conrad's* Obedience; and after *Manfred's* Army had subjected almost all *Calabria*, *Messina* was taken by Storm, and *Reggio* quickly reduced; the Prince at the same time his Army was making War in *Calabria* and *Sicily*, carried on the Siege of *Oria*, and reduced the Cities of *Terra d'Otranto* to his Obedience.

BUT while *Manfred* was intent on the Siege of *Oria*, and had his Forces divided into different Parts of *Calabria* and *Sicily*, *Ottaviano* the Apostolick Legate had assembled a great Army in order to invade *Puglia*; and the Number of Troops was such, that *Manfred* was obliged to raise the Siege, and march to *Melfis* to ward off the impending Danger. However he assembled his *Germans* and *Saracens* the best Way he could; and though his Army came far short of that of the Legate, nevertheless by the Bravery of his Soldiers, with wonderful Intrepidity he met him and offered him Battel. But the Legate shunned an Engagement, and contented himself with fronting *Manfred's* Army.

MEAN while another Army was assembled for the Expedition into *Calabria* under the Conduct of the Arch-Priest of *Padua*, whom the Legate had made his Vicar; for *Pietro Ruffo* being driven out of *Messina* and *Calabria*, had put the Legate upon that Expedition. Besides *Bartolomeo Pignatelli*, whom the Pope had made Archbishop of *Cosenza*, being a mortal Enemy to *Manfred*, pushed on that Expedition, and the Pope looked upon him as a fit Instrument to carry it on in Conjunction with *Pietro Ruffo*. To them was added *Odo* Marquis of *Honebruch*, to

¹ Anonym. Curiam ipsius Imperatoris Frederici pauper ingressus.

² Idem. Qui tractari dicebatur. quod Calabria in manibus Ecclesie daretur.

whom *Alexander*, for an Allurement, had given the Investiture of the County of *Catanzaro*, which *Manfred* had taken from *Pietro Ruffo* ¹.

WHILE these were on their March to *Calabria*, the Archpriest was ordered back by the Legate, in order to reinforce the Army that was facing *Manfred*; and the Archbishop of *Cosenza* and *Pietro Ruffo* marched to *Cosenza*, who, upon their Arrival there, spread a great many false Stories, in order to draw in these People, and at last required them to surrender to the Pope. But *Gervasio di Martina*, who had the Charge of that Country, opposed them stoutly; and observing that thro' want of the Troops that had returned with the Archpriest, the Archbishop's Army was greatly diminished; and in order to recruit it, by a Power he had received from the Pope, the Archbishop began by way of Crusade to enlist all the *Calabrians* he could in that Neighbourhood; and after he had published this Crusade against *Manfred*, with a Remission of all Sins, and a plenary Indulgence, as if they had taken the Cross for driving the Infidels out of the Holy Land, and from the Sepulchre of Christ, the *Calabrians* left the Spade, the Plough and the Oar, and flocked to him from all Parts to be marked with the Cross ²: By which Means two thousand *Calabrians* entered into this Crusade, and joined the Archbishop's Army: and though they were but ill provided both with Horse and Arms, yet they were as intrepid as if they had been going to suffer Martyrdom for the Faith, insomuch that they pressed the Archbishop at all Hazards to fight the Enemy. However *Gervasio di Martina* despising their Numbers, after various Turns of Fortune, minutely related by the anonymous Writer, at last routed and dispersed them all, and forced the Archbishop and *Pietro Ruffo* to fly to *Lipari* for Shelter, and they afterwards returned to the Pope in *Terra di Lavoro*. By this Victory the *Calabrians* were humbled, and all Things being set to rights again, they returned to their former Allegiance.

IN the mean time *Manfred* was encamped with his Army in *Puglia* near *Guardia Lombarda*, fronting that of the Legate, who by no Means would venture an Engagement, but both Armies watched the Motions of each other.

WHILE the two Armies were in this Situation, there arrived a Marshal of the Duke of *Bavaria's*, Uncle to the young King, sent by Queen *Elizabeth* the King's Mother and the Duke himself to treat with *Manfred* and the Court of *Rome* concerning the King's Affairs ³.

AS soon as the Legate and the Marquis *Bertoldus* heard of the Arrival of the Marshal, and the Occasion of his Message, they sent to *Manfred* to desire a Truce and Suspension of Arms, in order to treat of a Peace between Pope *Alexander* and King *Manfred* by Means of the Marshal. *Manfred* consented; and many of the Nobility and Barons of both Sides swore to the Truce as long as the Treaty should last, and five Days after, in case nothing should be agreed upon: The Legate answering nothing as to the five Days after the Treaty, it was suspected, that he had a Mind to play some Trick, as the Event shewed; for *Manfred*, after the Truce had been agreed to by both Parties, having removed with his Army from the Place of Encampment, and marching along the Sea Coast of *Bari*, the Legate, contrary to the Terms of the Truce, entered with his Army into *Capitanata*, surprized *Foggia*, and put all the Cities of that Province into a Consternation; and the City of *S. Angelo* situate upon the Top of *Monte Gargano*, upon the Arrival of the Pope's Army in *Foggia*, revolted from the Prince. *Manfred*, who was then at *Trani*, amaz'd at the Legate's Treachery ⁴, could not at first believe the Surprizal of *Foggia*; but being afterwards assured of the Villany, full of Resentment, he immediately marched with his Army to *Barletta*, and after he had made himself sure of the Fidelity of that City he returned to *Lucera*; from thence he marched to *Gargano*, took that rebellious City by Storm, and reduced it to his Obedience; and after he had refreshed his Army he marched directly to *Foggia*, and besieged that of the Pope which had retired into that City. In the mean time the Marquis *Bertoldus* came with his Troops to the Legate's Assistance; but *Manfred* prevented him, and after a notable Defeat put him to flight, and took all his Baggage.

THE Legate shut himself up with his Army in *Foggia*, and *Manfred* laid close Siege to it, which occasioned so great a Scarcity of Provisions, that a Horse was

¹ Anonym.

² Idem.

³ Idem.

⁴ Anonym. Minime credibile reputavit, & mira-

tus est si verum esset, quod Legatus sedis Apostolicæ, vir quidam Ecclesiasticus, & qui magis aliis fidem servare tenebatur, firmata inter se & Principem Treguarum pacta, fregisset.

exchanged for a Hen; and to complete the Misery of that Army it was seized with a Sickness, of which many died, and the Legate himself was likewise taken ill ¹.

THE Legate finding himself in this Distress, and knowing it was in vain to strive against the Frowns of Fortune and the Valour of the Prince, to prevent the Ruin of his Army by this close Siege, sent Messengers to beg Peace of *Manfred*: The Prince complied with his Desire, and after divers Conferences the Peace was concluded on these Conditions ²,

THAT the Prince should possess the Kingdom for himself and King *Conrad* his Nephew, except *Terra di Lavoro*, which Province was to be yielded to the Church; that if Pope *Alexander* would not accept of this Agreement and Transaction, it should be lawful for the Prince to recover that Province which belonged to the Kingdom.

AS soon as this Peace was concluded, the Legate earnestly begged of *Manfred*, that after the Example of our blessed Redeemer he would pardon those Gentlemen, who in the time of the Emperor *Frederick* had been banished the Kingdom, and who were now along with him. Although this was not included in the Articles of Peace, yet *Manfred* was so merciful as to pardon them all; and not only restored them to his Favour, but also gave them back all the Lands, which by their Rebellion they had justly forfeited, provided that by their future Behaviour and Loyalty they would efface their past Offences.

NEITHER did he except out of this Act of Grace the Marquis *Bertoldus* and his Brothers, but with an ample Pardon received them into Favour again, and allowed them to possess their Estates, which by their Crimes they had deservedly forfeited for ever.

THIS Peace being thus settled, the Legate with the Pope's Army left *Foggia*, and marched to *Terra di Lavoro*, and *Manfred* having raised the Siege went a hunting in the neighbouring Plains; and during this Tranquillity he sent Ambassadors to the Pope to get him to ratify the Articles of Peace agreed upon with the Legate; otherwise in pursuance thereof he would endeavour to be Master of *Terra di Lavoro*.

SHORT liv'd was this Peace; for the Ambassadors, upon their Arrival at *Naples*, found at the Pope's Court Count *Guasferbuch*, who discovered to them a Conspiracy, which the Marquis *Bertoldus*, his Brothers, and some Noblemen of the Kingdom, by a Correspondence with that Court, were hatching against *Manfred's* Person, whereof it was necessary to advise him that he might be upon his Guard. The Count likewise told them, that the Pope had not the least Inclination to ratify the Peace made with the Legate, whereupon they immediately sent Advice of both these Matters to *Manfred*.

THE Prince surprized at this Account, after he had caused the Conspiracy to be narrowly examined into, found, that what his Ambassadors had wrote to him was true; therefore he ordered the Marquis and his Brothers to be put in Prison. And after his Ambassadors had returned from the Pope's Court without concluding any thing, by Reason of *Alexander's* refusing to accept of the Peace, in order to guard against the Mischief that was intended, he summoned a Parliament of all the Counts and Barons of the Kingdom to be held in *Barletta* on *Candlemas-day* the Year following 1256. And in the mean time that nothing might be wanting on his part, and that the Pope might have no Excuse, he sent new Ambassadors to him to demand a Ratification of the Peace; but *Alexander* positively refusing it, dismissed the Ambassadors.

THE appointed Time for holding the Parliament being now come, all the Counts and Barons of the Kingdom met in *Barletta*, where divers and weighty Affairs were resolved upon.

Pietro di Calabria, on Account of his Disloyalty, was deprived both of the Honour of Count of *Catanzaro*, and of the Office of Marshal of the Kingdom of *Sicily*.

Gualvano Lanciz, the Prince's Uncle, was created Count of the Principality of *Salerno*, and had likewise the Office of Great Marshal of the Kingdom of *Sicily* conferred upon him.

¹ Anonym.

² Idem. Ut Princeps pro parte sua, & Regis Conradii nepotis sui Regnum teneret, excepta Terra La-

boris, quam Princeps Ecclesie concessit tenendam.

³ Idem.

GUALVANO's Brother, another Uncle of *Manfred*'s, was created Count of *Squillace*; and *Errico di Spernaria* got the County of *Marfico* ¹.

IN this Parliament was likewise tried and discussed the Case of the Marquis *Bertoldus* and his Brothers, who were found guilty of the Conspiracy hatched against the Prince, and with the unanimous Voice of the Counts and Barons of the Kingdom were sentenced to die. But *Manfred* out of his Clemency commuted the Punishment to perpetual Imprisonment, where they miserably ended their Days.

AS soon as *Manfred* had put an end to this Parliament, wherein the Polity and Quiet of the Kingdom were taken care of, he was wholly intent upon the Expedition to *Terra di Lavoro*, and rooting out of *Calabria*, and more especially out of *Sicily*, the Faction of the Pope, who still kept in that Island *Rufino*, of the Order of Friars Minors, as Legate of the Apostolick See, who had seduced many of the *Sicilians* from their Allegiance to the King, and engaged them to acknowledge him as Lord of the Island in the Name of the Church of *Rome*. In order to remedy these Mischiefs, *Manfred* made *Federico Lancia*, his Uncle, his Lieutenant of *Calabria* and *Sicily*, who by his admirable Conduct and Bravery restored Peace and Tranquillity among the wavering Cities of *Calabria*, and made them obedient to the King; and he so animated the Royal Army that was in *Palermo*, that the Legate *Rufino*, with all his Followers, were made Prisoners, and *Palermo* and all the Neighbourhood returned to their Allegiance; and afterwards having marched to *Messina* he likewise reduced that City.

IN the mean time Prince *Manfred*, having declared War against the Pope who had left the Kingdom, and with his Court had first gone to *Anagni*, and afterwards to *Viterbo*, prepared himself for the Expedition to *Terra di Lavoro*, in order to recover that Province. He displayed his Standards, and with a powerful Army marched directly towards *Naples*. It was truly very surprizing, as *Costanzo* observes ², that the City of *Naples*, which a few Years before had stubbornly shut their Gates upon him, and renounced their Allegiance to *Conrad*, should now send Messengers to *Manfred* when at a great Distance, and spontaneously offer to surrender to him ³. The Reason of this Procedure was thought to be the low Ebb to which the Pope's Power was reduced, and that it was fresh in their Memory, how by trusting to Assistance from Pope *Innocent IV.* they had been pillaged and ruined. Neither is it to be doubted but that *Manfred* himself had a Hand in it, for he had sent to insinuate to many Gentlemen of his Acquaintance, that gallant Men had more Reason to expect Encouragement under his Government, than under that of a parcel of Priests; many Instances of which they might see in *Puglia*, *Calabria* and other Provinces, where he had raised many to the Order of Knighthood, and other Dignities and Prerogatives. In a Word, the *Neapolitans* received *Manfred* into their City with great Pomp and Acclamations; and he, to be as good as his Word, behaved quite otherwise than *Conrad* had done; for at his own Charges he repaired all the publick Edifices, pardoned all those who in *Conrad*'s and his own Time had appeared Enemies to the House of *Suevia*, and, according to their Ages and Qualities, honoured many of the Nobility by making them Countellors, or giving them Posts about his own Person ⁴.

THE kind Usage which *Naples* received at *Manfred*'s Hands induced the *Capuans* likewise to surrender their City, and all the other neighbouring Cities did the same, excepting *Aversa*, where the Pope's Faction made some Resistance, but at last it was forced to yield to *Manfred*, and in short all the Province of *Terra di Lavoro* submitted to him. Having thus reduced this Province he marched to *Capitanata*, and then to *Brindisi*, in order to quell the Sedition which the Archbishop of that City had fomented, which he soon accomplished, and imprisoned the Archbishop. *Ariano* and *Aquila*, that were the last and most obstinate in their Rebellion, were burnt and destroyed.

THIS Prince having thus subjected the whole Kingdom of *Puglia* to his Dominion, was resolved to go over to *Sicily*, whereby he might more firmly establish the King's Authority in that Island, and entirely extirpate the Pope's Faction. He took shipping, passed the *Streights*, and arrived at *Messina*, where he remained a few

¹ Anonym.

² Costanzo lib. 1.

³ Anonym.

⁴ Idem. Et ideo prædictæ duæ Civitates Neapolis & Capuæ sponte sua se ad mandatum Principis converterunt.

Days, and from thence went to *Palermo*, the Royal Seat of the ancient Kings of *Sicily*.

IN the mean time Pope *Alexander*, not able to make Head against *Manfred*, this Year 1257, renewed his Intrigues in *England*, in order to bring that King to accept of the Investiture of the Kingdom for his Son *Edmund*; and *Matthew Paris* says, that *Henry* did accept of it; but because he had not Forces sufficient for the Undertaking, it behoved him to ask powerful Assistance from his Subjects; whereupon he called a Parliament, wherein his Son *Edmund* appeared in a *Neapolitan* Dress, that thereby they might be the more readily induced to grant him Assistance, and that the Kingdom which was offered might not be lost through their Fault¹; but the *English* came to no Resolution, and, as shall be related in the Year 1259, the Treaty was entirely laid aside; and on a false Report that the young King *Conrad* was dead, *Manfred* caused himself to be crowned in *Palermo*, and fixed himself on the Throne of *Sicily*; as we shall have Occasion to mention in the following Book of this History.

¹ Inveges Annal. di *Palerm.* tom. 3.





T H E
CIVIL HISTORY
Of the KINGDOM of
N A P L E S.

B O O K XIX.



WHILE *Manfred* was in *Palermo*, News was brought him that the young King *Conrad* was dead in *Germany*; but Historians, according to the Faction they are of, differ in this Point of History. The *Guelfs*, such as *Giovanni Villani* a *Florentine*, and other *Italian* Writers of that Faction say, that *Manfred* having for a long time had a Design to usurp the Kingdom from the King his Nephew, had in vain endeavoured to get him to be poisoned, but now had employed some false Messengers to bring him News from *Germany*, first of *Conrad's* Sickness, and then of his Death, which Report he artfully caused to be spread in *Palermo*, and all the other Cities of the Kingdom; and in order to give it the greater Air of Truth, with much Dissimulation and Grief, he sent this Advice to the Barons and Syndicks of both Kingdoms, publishing *Conrad's* Death as a certain Truth; and having caused the Funeral Obsequies to be performed in *Palermo* with great Pomp and Demonstration of Grief for the pretended Death of this Prince, in Presence of all the Counts, Barons and Prelates there conven'd, he made a very moving Speech, wherein, after he had enumerated all the Favours which the *Norman* Princes and the Emperors of the House of *Suevia* his Ancestors had done to both the Kingdoms, and the Services done by himself in the Reign of *Conrad*, and the Minority of his Son *Conrad*, he begged of them all, that since in so short a Space of Time Death had robbed them of so great an Emperor as *Frederick* his Father had been, and of his so numerous Offspring, not to defraud him of that Succession, which the Will of God and that of his Father in his Testament had marked out for him, he being

the only surviving Prince of all the Blood Royal. And then he added, that they had little to expect and as little to fear from the *Roman* Pontiffs, because their Government was but short and changeable, for the Death of a Pope broke all his Measures, and left his Successor to begin anew. So that the Writers of the *Guelf* Faction will have it, that these Things being told with so good a Grace and admirable Art, were of such Force and so effectual, that he was immediately proclaimed their King and Lord.

ON the other hand the anonymous Writer, though Cotemporary but a rigid *Ghibelline*, and those who follow him say, that *Manfred* made use of no such Deceit and Cunning; but that as soon as this Report of *Conrad's* Death was spread over our Kingdom, almost all the Counts, Barons and Prelates immediately set out for *Sicily* to wait upon *Manfred*; and that all the Cities of both Kingdoms sent their Syndicks and Messengers to *Palermo*, where being all assembled in one Body, with unanimous Consent they requested him, that since he had hitherto with so much Prudence governed the Kingdom for *Conrad* his Nephew now dead, he would as lawful Heir take upon him the Government, and cause himself to be crown'd King of *Sicily*; then all the Counts, Barons and Prelates of the Kingdom being assembled together proclaimed him King, and with the usual Ceremonies on the eleventh Day of *August* 1258, crowned him in the Cathedral Church of *Palermo*¹.

LET it be so, that *Manfred* brought all this about by Art, which is very probable, considering the Ambition he had to reign, or whether it was Chance, or the Will of the Subjects, he was with great Solemnity, according to antient Custom, with the Consent of all the Counts, Barons and other Grandees of the Kingdom, and of a great many Prelates, crowned King, and *Rainaldo* Archbishop of *Agrigento*, assisted by the Archbishop of *Sorrento*, and the Abbot of *Cassino* said the Mass; and he being afterwards seated on the Throne, the Archbishops of *Salerno*, *Taranto* and *Monreale* put the Royal Crown upon his Head. Some have dreamed that *Manfred* likewise caused himself to be crowned King of *Puglia* in *Bari* with the Iron Crown, as had been said of *Henry* and *Constantia*; but though *Beatillo* in the Life of *S. Nicholas* of *Bari*, from the Authority of some modern Writers, endeavours to prove it, 'tis altogether a Romance, there being neither antient nor cotemporary Authors for Vouchers.

MANFRED had no sooner mounted the Throne, than in order to gain the Hearts of the People, and get the Name of a gracious and generous Prince, he made very rich Presents, conferred Offices, and advanced many to the Honour of Knighthood. After the Ceremony of the Coronation was over he left *Palermo*, and to keep the *Germans* in Awe, took some *Saracens* with him to *Puglia*; but finding all the Provinces in perfect Peace and Tranquillity, and pleased with his new Government, he held a Parliament in *Barietta*, where he honoured many with the Order of Knighthood, and invested others with different Bounties, by delivering to them the Standard as a Symbol of Investiture. After this he called another Parliament in *Foggia*, where he conferred the Order of Knighthood on many others, and liberally bestowed other Honours, Offices and Dignities, and with magnificent Feasts, Games and Illuminations kept the People all merry and full of Joy.

POPE *Alexander* was grievously vexed at *Manfred's* prosperous Fortune, and the small Account he made of him; and being sensible that the Forces of the Church were not sufficient to check him, had already the preceding Year 1257 resumed the Treaty with *Henry* King of *England*, by inviting *Edmund* his Son to come and conquer the Kingdom; and, as we have said, had sent his Legates into *England* to invest King *Henry* with the Kingdom in Name of his Son *Edmund*, who was then under Age. And *Henry* in the Name of his Son took the Oath of Fealty to the Legates; and the Conditions and Tribute which was to be paid to the Apostolick See were settled, and he had promised to come with a powerful Army to drive *Manfred* out of the Kingdom. But that Prince, either upon second Thoughts did not think fit to involve himself in a new War, or that the Tribute agreed upon was truly too heavy and exorbitant, delayed the Expedition, and being pressed by *Alexander*, he answered him, that first of all the Tribute ought to be moderated². The Pope impatient of Delay had resolved to send into *England* *Ariotto* Subdeacon of the Apostolick See, and his Chaplain to treat about moderating the Tribute; but he altered his Resolution, because at that very time King

¹ Anonym. Pirri, Rainaldo

² Tutin. de Contest. p. 61.

Henry sent the Archbishop of *Monstiers*, the Bishops of *Bath* and *Wells* and *Rocheſter*, and Mr. *Nicholas French* his Royal Chaplain Ambaſſadors to treat about the ſame Affair; but theſe having been at a great deal of Pains to no purpoſe, on Account of new Troubles ariſen in *England*, at laſt, the following Year 1259, the Treaty was quite broken off; neither did *Alexander* ever after make any farther Application to *Henry*, but both he and his Succeſſor *Urban* had recourſe to *France*.

WHILE theſe Things were tranſacting, *Manfred* had driven the Pope's Forces out of *Puglia*, *Terra di Lavoro* and *Sicily*; he had taken and puniſhed the Rebels, and had been, as we have ſaid, crowned King in *Palermo*. The Pope therefore, more enraged than ever, and reſolving to be revenged, ſince the ſecular Arm availed nothing, was determined to have recourſe to the ſpiritual, by Excommunications and Interdictions.

FIRST he prefixed a certain time for King *Manfred*'s appearing before him, to give him Satisfaction for all the Injuries done againſt the Apoſtolick See, otherwiſe he would depoſe, excommunicate and ſtrip him of all his Honours; but *Manfred* not appearing, and undervaluing all his Threats, he excommunicated him and declared him a Rebel, an Enemy to the Church of *Rome*, and a ſacrilegious Uſurper and Robber of her Rights, and a Confederate of the *Saracens*, whoſe Head he had declared himſelf to be. He deprived him of the Principality of *Taranto*, and of all the Fiefs, Rights, Honours and Prerogatives. He pronounced him guilty of moſt execrable Crimes, of having taken and put Friar *Ruffino* his Chaplain, and Legate in *Sicily* and *Calabria*, into a dark Priſon; of having laid his ſacrilegious Hands upon the Goods of the Churches of the Kingdom of *Sicily*; of having taken and kept chained in cloſe Priſon the Archbishop of *Brindifi*, and robbed him of all his Goods; and of having by an outrageous Attempt aſpired to the Throne of *Sicily*, and poſſeſſed himſelf of that Kingdom devolved to the Apoſtolick See, and made himſelf to be crowned King without his Permiſſion and Conſent. Therefore with the Advice and Suffrages of his Cardinals he declared *Manfred* excommunicated, his Coronation, Unction, and all that had followed thereupon void and of no effect.

HE interdicted all the Cities, Places and Caſtles that ſhould receive *Manfred*, or acknowledge him for King. He prohibited all the Archbishops, Bishops, Abbots, or any other Eccleſiaſtical Perſon whatſoever to celebrate the Divine Offices if *Manfred* was preſent, or to receive from him any Eccleſiaſtical Benefices, or any Power of Adminiſtration of Churches or Monaſteries; and he ordered, that thoſe who had received them from him ſhould by all Means within two Months reſign them.

BESIDES, the Pope when he was in *Naples* had ſtrictly forbidden all Prelates and other Eccleſiaſtical Perſons to go near *Manfred*, or to ſend or receive Meſſages from him, or give him Aſſiſtance or Advice; notwithſtanding that Prohibition, almoſt all the Archbishops, Bishops, Abbots and other Prelates of the Kingdom of *Sicily* had gone to *Palermo*, and been preſent at his Coronation; therefore he gave a general Summons to all thoſe who had been preſent, and to ſome in particular, to appear perſonally before him between that and a certain time; but none appearing or regarding his Citation, he therefore excommunicated *Rainaldo* Biſhop of *Agrigento*, and depoſed him from the Epiſcopal Dignity, for having, with his ſacrilegious Hands, anointed *Manfred* King, and on the Day of the Coronation ſolemnly celebrated Maſs. He likewiſe excommunicated and depoſed the Archbishop of *Sorrento*, as alſo the Abbot of *Caffino*, for having aſſiſted at the Unction and Coronation, ordering the Chapters of the Churches of *Agrigento* and *Sorrento*, and the Convent of the Monaſtery of *Caffino*, and all the Vaſſals of the ſaid Churches and Monaſtery not to obey them, or own them as ſuch, or pay them any Rents or Profits. He cited the Archbishops of *Salerno*, *Taranto* and *Monreale*, who had put the Royal Crown upon *Manfred*'s unworthy Head, and had ſeated him upon the Throne of *Sicily*, to appear perſonally before him on the next Feaſt of the Octave of SS. *Peter* and *Paul*. The Writ of theſe terrible Cenfures, which *Alexander* fulminated againſt *Manfred* and his Adherents, is recorded by *Tubini* in his Treatiſe of the Countables of the Kingdom¹.

BUT theſe Thunderbolts were not at all minded, but looked upon as void, and thrown without any juſt Cauſe; ſo that neither *Manfred*, or the Cities, Prelates or People took any Notice of them; on the contrary he enjoyed the Fruits of his

¹ Tutin. de' Conteſt. pag. 63, 64.

Labour and Toil, and often diverted himself with Games and Hunting, and gave strict Orders for performing the Divine Offices in all the Churches of the Kingdom as formerly, which all the Prelates and other Ecclesiastical Persons willingly obeyed. *Manfred* being now powerful and triumphant, carried his Arms beyond the Confines of the Kingdom, and his Name was become famous in other Parts of *Italy*, insomuch that the *Ghibelline* Faction began to outstrip the *Guelfs*; and in *Lombardy* and *Florence* they had made notable Progress.

ALTHOUGH this Prince was Master of two opulent Kingdoms, yet he was sensible they were not able to maintain so great an Army as was necessary to be kept on foot, in order to defend himself against such Enemies as the *Roman* Pontiffs; therefore he resolved to send part of his Army to *Tuscany*, and part of it to *Lombardy* to assist the *Ghibellins*; whereby he not only saved Charges, but gave the Pope a Diversion, by obliging him to send his Army to protect the *Guelfs*, *S. Peter's* Patrimony, *Romagna* and *Marca* ¹. And in the mean time *Manfred* lived at Ease and in great Splendor, diverting himself in the maritime Cities of *Puglia*, and particularly in *Barletta*: And while he was in this City there came to him Ambassadors from Queen *Elizabeth*, according to the anonymous Writer, or (according to the Opinion of *Summontes*, who took it from a Charter) *Margaret* King *Conrad's* Mother, and the Duke of *Bavaria*, who declared their Embassy to *Manfred*, and told him that King *Conrad* was still alive, and that he ought to punish those who had reported that he was dead; so that in the Name of the Queen and the Duke they entreated him to relinquish the Kingdom, which of Right belonged to *Conrad*. *Manfred* received the Ambassadors with great Honour and Respect, and like a cunning and prudent Man, having foreseen the Embassy, he readily answered them, that it was notorious and manifest to all the World that the Kingdom was lost as to *Conrad*, and that he with the Sweat of his Brow, and much Fatigue and Labour, had by mere Force recovered it from the Hands of two Popes; that *Conrad* being very young would soon lose it again; and the Popes, who were bitter Enemies of the House of *Suevia*, would easily recover it from him; besides that the People, who abhorred the *Germans*, whose Support *Conrad* must depend upon, would never bear to be domineered over by that Nation; that now the People being used to his Government, and gentle *Italian* Customs, by giving them a new Prince, would be afraid of new Revolutions; and since it was obvious that it was not out of Ambition to reign, but for the young King's Advantage that he did not part with the Kingdom, he would keep it for him and govern it as long as he lived, and then leave it to him; that the Queen would act very prudently in sending her Son to be brought up by him, that he might learn the *Italian* Customs, and that he would take care of him, not as his Nephew, but as his own Son ². The Ambassadors having received this Answer, and taken Leave of *Manfred*, departed, loaded with Presents; he sent ten fine Horses to the Duke of *Bavaria*, and many Jewels to young *Conrad*.

THE Queen's and the Duke's Ambassadors returning with these Answers, that unfortunate Prince's found that it would be a very difficult Matter to recover the Kingdom out of the Hands of *Manfred*, and therefore was forced to put up with the Injury for the present, and wait for a more favourable Opportunity to get her Son restored to the Throne of *Sicily*.

MANFRED was now better fixed on the Throne than ever; for he had not only humbled the Pope and the *Guelfs*, but had made himself formidable to all *Italy*; and the Fame of his Courage, Munificence, and all the other truly Royal Virtues that adorned his Person were every where known, which had made him to be beloved and esteemed by almost all the Princes of *Europe*, amongst whom he made a very shining Figure; and it happened at this time, that *Baldwin* Emperor of *Constantinople* came to *Bari*, and *Manfred* being at *Barletta* went and received him very honourably, and in a most magnificent manner entertained him with Feasts and Tournaments, and sparing no Cost, he treated him with Royal Fare, and continual Tiltings, to which the chief Nobility of both Kingdoms were invited.

THE Fame of *Manfred's* noble Endowments made *James* King of *Aragon* desirous to enter into Alliance with him, by marrying his eldest Son *Peter* to *Constance* *Manfred's* Daughter, whom he had by *Beatrice*, the Daughter of *Amadeus* Count of *Savoy*, his first Wife, whom he had married in the Life-time of the

¹ *Costanzo*, lib. 1. *Hist. di Nap.*

² *Idem.*

Emperor his Father ¹; and the Marquis of *Monferrat* married another of his Daughters.

THESE Alliances much displeased Pope *Alexander*, and to prevent that with the King of *Aragon*, he ordered *Raimonda di Pennaforte* a *Dominican* Friar, and famous for his Collection of the *Decretals*, to use his utmost Endeavours with that King, whose Confessor he was, to dissuade him from it; but all Friar *Raimondo's* Efforts and Insinuations were in vain; whereupon *Alexander* being out of all Hopes, from that time forward never attempted to disturb *Manfred* any more; so that he governed and restored the Affairs of the Kingdom with all Tranquillity and Prosperity as long as this Pope lived; and being born to great Things, he was resolved to leave among us a lasting and perpetual Monument of his Name, by founding at the Foot of *Monte Gargano* on the Sea-shore a magnificent City, which altogether abolished the antient *Sipontum*, and from his Name to this Day it retains that of *Manfredonia*, although *Charles* of *Anjou*, after he had possessed himself of the Kingdom, and the *Roman* Pontiffs out of Hatred to the Name of *Manfred*, did all they could to sink the Name of *Manfredonia*, and have it called *New Siponto*.

POPE *Alexander* not able longer to bear the continual Vexations of Mind, which the Prosperity of *Manfred* and the *Ghibellins* gave him, at last overcome with Grief, while he kept his Court at *Viterbo*, was taken ill, and in a short time ended his Days this Year 1260, according to the anonymous Writer, though *Sigonius*, *Inveges* and others have unanimously recorded his Death to have been in the following Year 1261.

THE Cardinals had great wrangling about chusing a Successor, and at last not able to agree amongst themselves, after three Months Dispute, they elected one that was not of their College. This was *James* Patriarch of *Jerusalem*, who was then at *Viterbo* about some Concerns of his Church ². He was a Native of *France*, a Man of great Parts, and a most zealous Promoter of the Pretensions of the Court of *Rome*, and consequently a bitter Enemy to *Manfred* and his *Ghibellins*. He was called *Urban IV.* a mischievous and fatal Name to the House of *Suevia*.

¹ Anonymi. Et filiam suam Constantiam, quam ex Petro Primogenito dicti Regis Aragonum matrimonio prima consorte sua Beatrice, filia quondam A. S. baudie Comitiss, Imperatore vivente suscepit, Don nio copulavit.

² Idem.



CHAP. I.

Urban IV.'s Expedition against Manfred; and his Invitation to Lewis King of France to come and conquer the Kingdom for one of his younger Sons.

KING *Manfred*, upon the News of *Urban's* Election, was very much alarmed, and began to be afraid that he would have recourse to the Power of *France* for disturbing the Peace of the Kingdom. Nor was his Jealousy ill grounded, for the new Pope had no sooner mounted the Chair, than he formed Schemes to induce *James* King of *Aragon* to break off the Marriage already concluded between his Son *Don Peter* and *Constantia* *Manfred's* Daughter ¹; and to shew that he had more Courage than his Predecessor, he resolved to begin anew with *Manfred's* Trial; and accordingly on the Feast of *Corpus Christi* he solemnly, in Presence of a prodigious Multitude of People, sent him a dreadful Citation ², and to make it the more pub-

¹ Inveges Ann. di Palermo, tom. 3.

² Anonym.

lick, he caused it to be affixed to the Doors of the Churches, whereby he summoned *Manfred* to appear before him, to purge himself of many great and heinous Crimes, and to receive such Punishment as in Justice he should think fit to inflict upon him.

THE Crimes expressed in this Citation, as they are recorded by *Tutini*¹, and for which the Pope would have Satisfaction; were, that *Manfred* had caused the City of *Ariano* to be demolished and ruined by the *Saracens*: That he had most inhumanly caused *Tommaso d'Oria* and *Tommaso Salice* to be put to Death: That he had cruelly and treacherously caused *Pietro Ruffo di Calabria* Count of *Catanzaro* to be murdered, and had made a terrible Slaughter among the Adherents of the Church of *Rome*: That in Contempt of the Apostolick Authority and Ecclesiastical Censures he caused the Divine Offices to be performed in his Presence in Places under Interdiction, which was a Sign of a stubborn Heretick, and for which he had been cited by *Alexander* his Predecessor, and not appearing, had been by him excommunicated: That to the Reproach of the Catholick Faith, he preferred the *Saracens* to Christians, and made use of their Rites, and conversed familiarly with them: That by the heavy Taxes and Impositions which he laid upon the People of *Sicily*, he had reduced that Kingdom to a State of Infamy and Slavery: That he had imbrued his Hands in the Blood of his Relations, and had treacherously caused *Cerrado Busario* the Ambassador and Vassal of King *Conrad* to be murdered, besides many other execrable Villanies, for all which he was publicly declared infamous.

ALTHOUGH *Manfred* was not personally cited, but only by this Edict, yet upon hearing of the Citation he did not fail to send Ambassadors in order to vindicate himself in the Matters laid to his Charge; but they were quickly sent back without concluding any thing; however, the time affixed for Appearance drawing near, *Manfred* sent other Ambassadors, viz. the Judge *Aitardo da Venosa*, and *Giovanni da Brindisi* Notaries, and his own Domesticks, who strenuously demanded Letters of safe Conduct for *Manfred's* personal Appearance before the Pope and the College of Cardinals, to prevent any Molestation or Hostilities in passing through the Places belonging to the Church, for being cited to answer to weighty and serious Matters, he could not intrust Ambassadors with his Defence. The Pope consented to his coming, but limited the Number of his Convoy, and that he should bring no Army with him; whereupon *Manfred* set out, and for fear of Treachery, took with him a competent Number of Soldiers and a good many Gentlemen. *Urban* looking upon this as a great piece of Boldness in *Manfred*, was highly enraged, and would hear nothing that the Ambassadors alledged in his Vindication, but being out of all Patience renewed the Censures against *Manfred*, and with as great Solemnity as his Predecessor had done, excommunicated him anew, and declared him a Tyrant, Heretick, and an Enemy of the Church².

MANFRED therefore despairing of a Reconciliation with *Urban*, whom he saw determined to do him all the Mischief he could, and seeing no other Remedy left but to humble his Pride by Force, he immediately sent to raise a new Body of *Saracens*, with Orders for them to march to the Borders of the Kingdom to infest the Estate of the Church in *Campagna di Roma*; he sent also other Troops to *Marca d'Ancona*, and retired himself to *Puglia* to make Provision for a new War with *Urban*, which he saw was inevitable.

THESE Steps so provoked the Pope, that as he had humbled the House of *Suevia* in *Germany*, so he was resolved likewise to crush it in *Italy*; and observing that the recourse his Predecessors had had to *England* proved always fruitless, he therefore resolved to try if he could meet with better Success in *France*. Whereupon he sent thither *M. Alberio* Apostolick Notary to treat with King *Lewis* about accepting the Investiture for one of his three younger Sons, which were *John* Count of *Nevers*, *Peter* Count of *Alençon*, and *Robert* Count of *Clermont*. But that holy King refused the Offer, lest (as may be gathered from a Letter of that Pope's to the said *Alberto*, recorded by *Rainald*³) by invading a Kingdom, which by Right belonged to *Conrad* the *Sueve*, and given by Investiture to *Edmund* of *England* by *Alexander IV.* he should give Scandal to the World.

¹ Tutin. de Contest. del Regno, fol. 67.

² Anonym. Excusatorum itaque prædictorum allegationibus non discussis, ipse summus Pontifex cum

vinculo excommunicationis adstrinxit.

³ Rainald. ad ann. 1263. num. 31

NOTWITHSTANDING King *Lewis* had rejected the Offer made him of the Kingdom, yet *Urban* had a mind to proclaim a Crusade in *France*, and for that purpose sent thither an Apostolick Legate to list Soldiers, and to publish a plenary Indulgence and Remission of Sins to all those that should take up Arms against *Manfred*, declaring him to be a Tyrant, Heretick, and an Enemy of the Church.

THE Legate upon his Arrival in *France* publish'd the Crusade, and listed a great Number of Soldiers under the Command of *Robert* Count of *Flanders*, the Son-in-Law of *Charles* Count of *Provence* and *Anjou*, who, with a good Body of *French* Horse, came to *Italy*, and so animated the *Guelfs*, and dispirited the *Ghibellins*, that *Manfred* was forced to recall a great part of his Army which were dispersed in *Italy* for supporting the *Ghibellins*; whereupon the *Guelfs* of *Tuscany* and *Romagna* went to meet *Robert*, and being joined, they fought and defeated the Marquis *Uberto Pallavicino*. King *Manfred*, in order to be in readiness to prevent the greatest Danger, resolved to march into *Campagna di Roma*, and post himself so as to be able to hinder the Enemy from entering the Kingdom, either by the way of *Abruzzo* or *Terra di Lavoro*; and he immediately marched and encamped with all his Army between *Frosinone* and *Anagni*¹.

THE Pope was then at *Viterbo*, and desired that the Count of *Flanders* would march his Army that Way, where he gave him a gracious Reception, praising and caressing him and the other chief Men of the Army; and he blessed the Standards and Soldiers, wishing them all Prosperity, and loading them with Benedictions and Promises, with which *Robert* was so elated, that without halting one Moment in *Rome*, he marched in all haste and encamped close by *Manfred*.

BUT the King well knowing that it was not for his purpose to front the Enemy in the Field, but rather to garrison the Towns, and guard the Passes, in order to take Advantage of the Temper of the *French*, who are naturally impatient of Fatigue, when it's of long Continuance, retired to the other Side of the *Garigliano*, to that part which divides the Estate of the Church from the Kingdom of *Naples*; whereupon *Robert* likewise endeavoured to pass that River. But God had designed others to be the Instruments of *Manfred's* Ruin; for the *Romans* rebelled, shook off the Pope's Yoke, and created a new Magistrate called *Banderefe*, which obliged *Urban* to recall the *French* Army to guard himself, and keep the rest of the Estate of the Church from following the Example of *Rome*.

MANFRED did not neglect to take the lucky Opportunity to harraß the *French*; for they had no sooner quitted the other Side of the River, than he with the *Saracens* only repass'd it, the Barons refusing to act offensively against the Dominions of the Church, under pretence, that it was their Duty only to fight in Defence of the Kingdom², as if to harraß the Enemy had not been defending the Kingdom. But *Manfred* yielding to the Times, seemed not to regard their leaving him, but readily permitted them to retire quietly to their Families; only entreating them, that by way of Loan, they would let him have what Money they had brought with them for their Charges, which was managed by the Count of *Caserta*, and agreed to.

THEN the intrepid King with his *Saracens* only marched towards *Rome*, and by giving Assistance to others of the Pope's rebellious Subjects, he put the Estate of the Church into such a Commotion, that the mercenary *French*, for want of their Pay, retired to the other side of the *Alpes*, and those that remained were scarcely able to protect the Pope.

¹ Costanzo, lib. 1.

² V. Jacob. de Ajello tract. de Adoba. num. 15.

S E C T. I.

Urban invites Charles of Anjou to come and conquer the Kingdom.

THE Revolt of the *Romans* and *Manfred's* joining with the other Rebels so perplexed and provoked *Urban*, that he began to think of more powerful and effectual Means whereby he might ruin him; and having found by Experience that the Church was not able to raise an Army sufficient for so great an Undertaking,

dertaking, he called a Meeting of Cardinals ¹, and with a grave and elaborate Discourse put them in mind of the Injuries and Hardships that, for the Space of fifty Years, the Church of *Rome* had suffered from *Frederick*, *Conrad* and *Manfred*, without any Regard to Religion or Humanity; and proposed, as a thing absolutely necessary, not only for the Credit of the Apostolick See, but likewise for the Safety of their own Persons, to extirpate that impious and cursed Race; and according to the Sentence of Deposition pronounced against *Frederick* by Pope *Innocent IV.* in the Council of *Lyons*, to give both the Kingdoms of *Sicily* and *Puglia*, by Right devolved to the Church, to some gallant and powerful Prince, who, at his own Charges, would undertake not only to deliver the Church, but likewise many others from the Oppression of that perfidious and cruel Tyrant, by whom, in all Probability, both himself and all the sacred College would soon be put in Chains and sent to tug at the Oar. This Speech, delivered by the Pope with so much Energy, so moved the Minds of all the College, that his Proposition was approved of, and the Concern he had shewed for the Apostolick See and their common Safety was much commended.

THE first thing then to be done was to pitch upon a Prince; and seeing there was nothing to be expected from *Henry* King of *England*, who was at so great a Distance, and had already disappointed them, they must look out for another. The King of *France* had already rejected the Offer. No Relief was to be expected from *Germany*, then involved in a cruel War about the Election of two Kings of the *Romans*, viz. *Alphonfus X.* King of *Spain*, and *Richard* Brother to the King of *England*. As for the other Princes of *Spain* they were either of kin to *Manfred*, or at too great a Distance, or else too weak; so that of Necessity they must have recourse to *France*, as near at Hand, and always ready to succour the Church of *Rome*.

CHARLES Count of *Provence* was then a famous Warrior, and remarkable for his noble Exploits against the Infidels in *Asia* under the Banner of his Brother *Lewis* King of *France* ², who, for the Innocency of his Life, is now adored as a Saint; and besides *Charles* was rich, and by right of his Wife was in Possession of all *Provence*, *Languedoc*, and a great part of *Piedmont*; he was therefore no sooner named, than he was judged by the Pope and the whole College to be the fittest Person for their Purpose; whereupon without farther Delay they pitched upon *Bartolommeo Pignatello*, formerly Archbishop of *Amalphis*, then of *Cosenza*, and afterwards of *Messina* ³, to go as Apostolick Legate to *Provence*, and give him an Account of the Inclinations of the Pope and College to make him King of two Kingdoms, and to invite him to come as soon as possible. There was likewise this Year 1263 another Legate sent by *Urban* to *Henry* King of *England* and *Edmund* his Son, to get them to make a Renunciation to the said Legate of any Right they could claim in those Kingdoms, by vertue of the Investiture given them by Pope *Alexander IV.* seeing they were neither willing to accept, nor in a Condition to perform the Articles contained in the Investiture. And these Princes, rejecting the Conditions demanded by the Pope, readily renounced the Investiture ⁴, and would never hear it mentioned any more; whence the *English* say, that the Popes, after having drawn vast Sums of Money out of *England* for that Affair, at last left *Henry* in the Lurch, and blame him for not refusing that Crown at first, or at least immediately renouncing it, upon so many hard Conditions as were required of him; and that the Pope's giving a Kingdom to which he had not the least Shadow of Title, and even then to be conquered at *Henry's* Expences and Hazard, was making not only an unjust but a disadvantageous Present, which must be as injurious in the Acceptor, as it was dishonourable in the Donor.

IN the mean time the Archbishop of *Cosenza* arrived in *Provence*, where he declared his Message; and being a *Neapolitan*, and *Manfred's* bitter Enemy, whom he had many times offended, dreading too that some time or other *Manfred* might be revenged of him, he pressed hard on the Count to accept the Proposal; and with a great deal of Art extolled the Beauty and Opulency of both the Kingdoms, which, because of the Hatred the People generally bore the House of *Suevia*, would be easily conquered.

¹ Cossanzo lib. 1.

² Idem.

³ Anonym.

⁴ Tutin. de Contest. pag. 69. Chiozzar. M. S. giuris. Tom. 1.

ALTHOUGH *Charles* was an ambitious Prince, yet after he had heard the Message he was a little in suspense, and when he had considered the Difficulty of the Undertaking, and the Aversion which his Brother King *Lewis* had always shewn to it, he seemed to decline the Offer; but *Beatrice* his Wife (not brooking to see three of her Sisters Queens, one of *France*, another of *England*, and the third of *Germany*, and she herself, who had had a greater Portion than all of them, being Heiress of *Provence* and *Languedock*, with no other Title but that of Countess) seeing him thus undetermined, offered him all her Treasure, and all her Jewels, even those that served to adorn her Person, provided he would not neglect so honourable an Undertaking. Moved therefore no less with a Desire to please his Wife, than with his own Thirst after a Crown, he answered the Archbishop, that he thanked the Pope for his kind Offer, and that as soon as the Conditions of the Investiture should be agreed upon, he would acquaint the King his Brother therewith, who he hoped would not only consent to his going upon the Expedition, but would likewise favour and assist him in it.

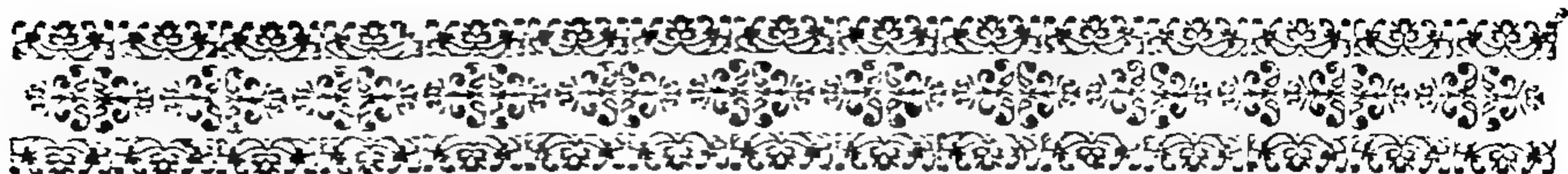
AND after they had begun to treat of the Conditions which the Pope had a mind to impose upon the Kingdoms of *Sicily* and *Puglia*, they were found to be the same with those on which the Peace had been concluded between *Manfred* and Cardinal *Ottaviano* then Apostolick Legate, viz. *That the City of Naples and all the Province of Terra di Lavoro, with all its other Cities, Towns, and the adjacent Islands, such as Capri and Procida; Benevento with its Territories and Val di Gaudo should belong to the Church of Rome, and that Charles should have the Investiture of all the other Provinces, with the Island of Sicily.*

THESE Conditions having been represented to *Charles*, he by no Means would accept of them, but would have them modified thus: *That he was not willing to undertake the Expedition, unless all the Kingdom of Sicily, with all the Provinces on this Side of the Phare of Messina to the Confines of the Ecclesiastical Estate were given him; in the same manner as the Norman and Suevian Kings had possessed them, excepting the City of Benevento with all its Districts and Appurtenances, and that none of the other Provinces should remain in the Possession of the Apostolick See, excepting the Quit-rent of ten thousand Ounces of Gold, which he would pay yearly* *.

SINCE it was of great Moment to *Urban* not to have this Affair any longer in suspense, for otherwise he would not have been able to drive *Manfred* out of the Kingdom, he was content to model the Conditions according to *Charles's* Pleasure; the Treaty therefore being thus concluded, the Pope wrote to King *Lewis*, to desire him to assist his Brother, and by another told him, that the Money he should advance him should be only by way of Loan, and should be repayed him. King *Lewis* no longer able to resist so much Importunity, was at last forced, though with Reluctance, to give his Consent, that his Brother should accept of the Invitation. As this remarkable Transaction was the Cause of the fatal Ruin of the House of *Suevia*, so likewise that cannot be denied, which has been allowed by all wise Politicians, That it not only at the same time brought Destruction and Desolation upon the House of *Anjou* itself, but also great Expences and many fruitless Expeditions upon the Crown of *France*, which for several Ages on that Account was obliged to be involved in many expensive Wars, which were always attended with ill Success, immense Charges, and great Inconveniencies; for it is well known, and can be proved both by antient and modern Instances, that from *Gregory* the Great all the Pope's Successors, though they have invited many Princes to the Conquest of the Kingdom, yet whenever any of them became successful and had arrived at a Pitch of Grandure, the Popes then became jealous, and invited others to drive them out whereby our Kingdom has been always miserably afflicted, and made the Theatre of bloody and cruel Wars.

NEVERTHELESS while the Apostolick Legate was returning to *Italy* with the News of *Charles's* coming, *Urban* dies in *Perugia* this Year 1264, which put a Stop to *Charles's* Expedition for that time.

* These Conditions and Modifications are recorded by *Tutini* in his *Treatise de Contestab. del Regno*, fol. 70, & 71.



C H A P. II.

Clement IV.'s Expedition; and the Conquests of Charles of Anjou, whom Clement invests with the Kingdoms of Puglia and Sicily.



ING *Manfred*, upon the News of Pope *Urban's* Death, was extremely rejoiced, and thought himself out of all Danger, not only because of the Disputes, that on these Occasions were usual amongst the Cardinals about the Election, the Result of which was generally a long Vacation of the Apostolick See, but likewise because he had great Hopes that some *Italian* might be elected who was not in the *French* Interest, and would abhor the bringing an *ultramountain* Nation into *Italy*; but he was hugely mistaken, for the Cardinals, conscious of their having offended him, were afraid that he would be revenged on them; therefore they were resolved to elect a Pope of the same Spirit and Resolution with the deceas'd, and in the Month of *February* this Year 1265, the Cardinal *de Narbone* was elected. This Pope was not only a *Frenchman*, but also *Charles's* Vassal¹; he had formerly been married, and had Children, and was one of the best Lawyers in *France*. As soon as he was apprized of his Election he left *France*, and, according to *Platina*, in the Disguise of a Beggar, or as *Collenuccio* will have it, of a Merchant, came to *Perugia*, where with the utmost Reverence he was received by the Cardinals, who adored him as Pope, and called him *Clement IV.* from thence with great Marks of Honour they conducted him to *Viterbo*.

THIS Pope, moved with the natural Affection which the *French* have for their Princes, in the beginning of his Pontificate, was eagerly bent on having the Treaty put in execution, which *Urban* his Predecessor, by Means of the Archbishop of *Cosenza*, had concluded with *Charles* of *Anjou*; and finding all the College of the same Mind, he immediately dispatched the Archbishop to solicit *Charles's* coming to *Italy*. He likewise confirmed Cardinal *Simone* of *S. Cecilia* Legate in *France*, and ordered him to absolve all the *French* that had listd themselves in the Crusade for the Holy Land, by applying their Vows to the Conquest of *Sicily*, as may be gathered from a Letter of *Clement's* recorded by *Inveges*². He wrote to King *Lewis* also, desiring him to assist his Brother *Charles*; and upon Assurances that both of them were disposed for the Expedition, he ordered the Cardinal *de Tours* to agree to the Conditions upon which the Investiture was to be given; and though nothing of the Modification which had been stipulated with *Urban* was to be altered, yet now when he saw *Charles* engaged, he had a Mind, at the giving of the Investiture, to tie him down to harder Conditions.

URBAN as we have said had endeavoured, by the Investiture he offered the Count of *Provence*, to make the best Bargain he could for the Apostolick See, by doing what in him lay to have the Province of *Terra di Lavoro*, with the City of *Naples* and the adjacent Islands, as well as *Benevento*, excepted, and annexed to the Church; but *Charles* by no Means would agree to it, because he was not to take Possession of a vacant Kingdom, but was to dispossess *Manfred* of it by Force, and the Pope was to be at no Charges but of Blessings and Indulgences, and a little Paper for the Writ of Investiture; his own Forces being so weak, that they were not sufficient to support him in *Rome*. *Clement*, though not able to gain his Point as to that Province, yet resolving to make the best of a bad Market, clogged the

¹ Costanzo lib. 1.

² Inveges Annal. di Palermo, tom. 3.

Investiture with so many Articles and Conditions, that the new King in effect became his Liege-man, being stripped of many Prerogatives, of which his Predecessors the *Norman* and *Suevian* Kings were formerly possessed.

THE Conditions stipulated and sworn to by *Charles*, and which the Pope required, as they are recorded by *Summonte*, *Rainaldo*¹, and *Inveges*, are these following.

I. *CHARLES* Count of *Provence* was invested by *Clement* with the Kingdom of *Sicily ultra & citra*, that is to say, that Island, and all the Provinces on this side of the *Phare* reaching to the Confines of the Estate of the Church of *Rome*, excepting the City of *Benevento* with all its Territories and Appurtenances; *Pro se, descendantibus masculis, & fœminis: sed masculis extantibus, fœminæ non succedant; & inter masculos, primogenitus regnet. Quibus omnibus deficientibus, vel in aliquo contrafacientibus, Regnum ipsum revertatur ad Ecclesiam Romanam*².

II. THAT *Charles* upon no Account was to divide the Kingdom.

III. THAT he was to take an Oath of Fealty, and do Homage to the Church of *Rome*.

IV. THE Princes of the House of *Suevia* that had been both Emperors and Kings of *Sicily*, having been the Terror of the *Roman* Pontiffs, *Clement* would have it to be stipulated by several Articles, that *Charles* by no Means should aspire, or endeavour to be elected, or anointed King and Emperor of the *Romans*, or King of *Germany*, or even Lord of *Lombardy* or *Tuscany*, or of the greatest part of those Provinces; and if he should be elected, and did not renounce within four Months, he should be deemed to have forfeited the Kingdom.

V. THAT he should not aim at the Possession of the *Roman* Empire, the Kingdom of *Germany*, or *Tuscany* and *Lombardy*.

VI. THAT if it should happen, during the Dispute now in Agitation about the Election of an Emperor of the West, that *Charles* should be elected, he was in that Case to deliver up into the Hands of the Pope his Son who was to succeed him, and in Favour of him to renounce the Kingdom, without any Reservation.

VII. THAT the King at the Age of eighteen Years was to take the Administration of the Kingdom upon him, but while under that Age he could not do it; but was to be under the keeping and Guardianship of the Church of *Rome* until he was of Age.

VIII. THAT if it should fall out that a Daughter of the King's should be married to the Emperor in her Father's Life-time, and who at his Death should become Heiress, she was not to succeed him; and if a Daughter should happen to succeed the Father, and should be married to the Emperor, she was to lose her Right of Succession.

IX. THAT the Kingdom of *Sicily* should never be united to the Empire.

X. THAT the King should be obliged to pay a yearly Quit-rent of eight thousand Ounces of Gold at the Feast of SS. *Peter* and *Paul*, upon Failure of which he should forfeit the Kingdom; besides, he was obliged to send every Year a good handsome white Horse; and according to the Instrument now in the Royal Archives³, drawn up in the Year 1274, between King *Charles* the First's Treasurers and some Merchants for payment of this Quit-rent of eight thousand Ounces of Gold, we see that six thousand were paid for the Kingdom of *Puglia*, and two thousand for the Island of *Sicily*. The Popes exacted this Quit-rent with so much Rigour, that in the Year 1256, King *Charles* being in *Rome* and without Money, he was forced to write to his Treasurers in *Naples* to pledge his great Golden Crown, many Jewels and other Things of Gold to Merchants for the Loan of eight thousand Ounces of Gold, which was immediately to be sent to *Rome* for the payment of that Year's Quit-rent to the Apostolick See⁴.

XI. THAT he should pay five thousand Marks *Sterling* every six Months to the Church of *Rome*.

XII. THAT on the Pope's Demand he should be obliged to send as Auxiliaries to defend the Lands of the Church, three hundred Cavaliers well-armed; and that

¹ Rainald. anno 1265.

² V. Rainald. ad ann. 1265. where he has many Articles more at large concerning the manner of Succession.

³ Reg. 1275. fol. 167. It is likewise recorded by Tutini degl' Ammirag. del Reg. p. 89.

⁴ Chioccar. tom. 1. M. S. giurisd.

each of them should have wherewithall to keep three Horses at least on his own Charges three Months every Year, or in lieu thereof an equivalent Number of Ships.

XIII. THAT he should be obliged to stand to the Pope's Determination with respect to the Limits of *Benevento*.

XIV. THAT the *Beneventans* should have free Access to all Parts of the Kingdom; and that they should enjoy their Privileges, and have Power freely to dispose of their own Goods.

XV. THAT he should not on any Pretence whatsoever acquire any Thing, Office or Jurisdiction within the Dominions of the Church of *Rome*.

XVI. THAT he should be obliged to restore to the Churches of the Kingdom all the Goods that had been taken from them.

XVII. THAT all Churches and their Prelates and Rectors should enjoy Ecclesiastical Immunity, and particularly in Elections, by observing what *Alexander IV.* had subjoined in the Investiture given to *Edmund* the Son of the King of *England*, viz. That the King and his Successors should not intermeddle in Elections or Collations of Prelates, insomuch, that *nec ante electionem, sive in electione, vel post, Regius assensus, vel consilium aliquatenus requiratur*¹; subjoining however, that this should not prejudice the King and his Heirs, in what belonged to them, *In jure patronatus, si quod Reges Siciliae, seu ejusdem Regni, & Terræ Domini, hactenus in aliqua, vel aliquibus Ecclesiarum ipsarum consueverunt habere: In tantum tamen, in quantum Ecclesiarum Patronis canonica instituta concedunt*; therefore the Kings still retained the Power of hindering a Person elected, whom they suspected of Disloyalty, from taking Possession, and of giving their Royal Assent to the Bulls of Induction, as shall be treated of elsewhere.

XVIII. THAT Ecclesiastical Causes shall be tried by the Ordinaries; and by Appeal to the Apostolick See.

XIX. THAT all Statutes enacted against the Ecclesiastical Immunity shall be repealed.

XX. THAT the Clergy, neither in civil or criminal Cases, should be obliged to appear before a secular Judge, unless in Cases relating to Fiefs.

XXI. THAT the Churches should be free from all Taxes.

XXII. THAT the King should not claim the *Regale* or Rents of vacant Churches.

XXIII. THAT those that have been banished *Sicily* shall have leave to return, as the Church of *Rome* shall order.

XXIV. THAT the King shall enter into no Alliance or Confederacy against the Church.

XXV. THAT he shall have a thousand *ultramountain* Horsemen ready and well accoutred either for the Holy Land, or other Occasions of the Church.

THESE are the Conventions so often mentioned by *Marino di Caramanico*, *Andrea d'Isernia* and others of our Writers in treating of the hard Conditions imposed upon *Charles* in the Investiture given by *Clement*.

THESE Stipulations being thus agreed, and *Clement* earnestly soliciting *Charles's* coming, he set out, accompanied by *Beatrice* his Wife, and many *French* and *Provençale* Captains and Knights: These marched over Land, and he himself with a few Vessels boldly undertook the Voyage by Sea; and after having miraculously escaped the Ambushes which *Manfred* had laid with eighty Gallies, he at last in the Month of *May* 1265 arrived safely at *Rome*, where he was received and caressed with all the Demonstrations of Gladness and Rejoicing; and the anonymous Writer says², that such was the Levity and Vanity of the *Romans*, who by their Senatorial Dignity had still some Shadow of their antient Liberty remaining, that they divested themselves of that, and secluding their Nobles, created *Charles* their Lord, and perpetual Senator of *Rome*.

THIS so prosperous and sudden Arrival of *Charles*, gained him the Reputation and Fame of being so bold and magnanimous a Prince, that over all *Italy* even his

¹Idem. M. S. Giurisd. in Judice, tom. 19.

²Anonym. Romani Cives de more mobiles, quos ex hoc in illud exiles de facili versat occasio, illiusmodi libertatis reliquias, quas ipsis præscripta ve-

terum transfudit autoritas, temerè distrahentes, exclusis pro magna parte nobilibus, Carolum Provincie Comitem elegerunt in Dominum, & Senatorem Urbis perpetuum, & evocaverunt.

very Person was deemed equivalent to an Army; infomuch, that all the Favourers of the *Guelf* Faction came to wait upon him, and offer their Service. And at last *Charles's* Army after various Adventures arrived in *Italy*, and the Countess *Beatrice* came to *Rome*; then *Charles*, eager to enter the Kingdom, and left by staying too long in *Rome*, his Money for paying the Soldiers should be exhausted, he hastened the Expedition, by drawing all his Forces together in order to fight *Manfred's* Army.

S E C T. I.

Charles crowned in Rome.

BUT *Charles*, before he left *Rome*, would have *Clement* with the usual Solemnity to crown him King, and send him the Investiture according to Agreement. The Pope, who was then at *Perugia*, sent him his Bull, by which he gave Commission to five Cardinals to proclaim the Bull of Investiture before the Altar of the Church of *S. John Lateran*, and to take the Count's Oath of Fealty and Homage, for the Observance of the Articles abovementioned, and in due form to crown him King of both the Kingdoms of *Sicily*. The Cardinals appointed for this Solemnity were *Rodolfo* Bishop of *Albano*, *Archerio* Priest by the Title of *Prassede*, *Riccardo di S. Angelo*, *Goffredo di S. Giorgio al velo d'Oro*, and *Matteo di S. Maria in Portico*, Cardinal Deacons, who, on the Feast of the Epiphany this Year 1266, with the usual Ceremonies crowned *Charles* King of both the *Sicilies*, together with *Beatrice* his Wife, in the Presence of many Prelates and Lords, and a great Multitude of People. *Clement's* Bull of Investiture was read, by which on the Conditions above mentioned *Charles* was invested with the Kingdom of *Sicily*, *Et de tota Terra, quæ est intra Pharum, usque ad confinia terrarum ipsius Romanæ Ecclesiæ, excepta Civitate Beneventana cum toto Territorio, Et omnibus districtibus, Et pertinentiis.*

ON the other hand the King did Homage to the Cardinals, and gave them his Oath of Fealty, the Form of which, with the Instrument of Coronation, are both recorded by *Tutini* ¹ thus: *Nos Carolus Dei gratia Rex Siciliæ, Ducatus Apuliæ, Et Principatus Capuæ &c. Vobis Dominis Rodulpho Albanensi Episcopo, Archerio &c. Diaconis Cardinalibus, quibus per literas suas Dominus Papa commisit receptionem ligii homagii, quod pro Regno Siciliæ, ac aliis Terris nobis a prædicta Ecclesia Romana concessis tenemur, eidem Domino Clementi Papæ IV. Et ejus successoribus canonice intrantibus, Et prædictæ Ecclesiæ Romanæ facere, ac in manibus vestris, vice, Et nomine ipsius Domini Clementis Papæ, Et hujusmodi ejus successorum, ac prædictæ Romanæ Ecclesiæ, Et per nos eidem Domino Papæ, ejus successoribus, ac Romanæ Ecclesiæ ligium homagium facimus pro Regno Siciliæ, ac tota Terra, quæ est intra Pharum, usque ad confinia Terrarum, excepta Civitate Beneventana cum toto territorio, Et omnibus districtibus, Et pertinentiis suis, nobis, Et hæredibus nostris a prædicta Ecclesia Romana concessis, &c.*

THIS Prince in Recompence and Commemoration of this Deed gave to the Chapter of *S. Peter* and its Canons for ever the Rents and Profits of the Bailiwick of the City of *Aitona*, and the other Revenues, which the Chamber of Accounts gathered from that part of it situate in *Abbruzzo*, as may be seen in a Charter of the Royal Archives recorded by *Tutini* ²; besides fifty Ounces of Gold yearly for ever out of the Custom-House of *Naples* ³.

THE Summary of the Bull of this Investiture, with the Articles abovementioned, is recorded by *Summonte*, and a part of it by *Baldus* ⁴, in his Commentaries on our Code. And this is the first Writ, wherein these two Kingdoms for the first time got the Name of *Sicilia citra, Et ultra Pharum*, thus: *Clemens IV. infeudavit Regnum Siciliæ citra Et ultra Pharum.* And from this in process of time the modern Title had its Rise: *Rex utriusque Siciliæ*. Not that *Charles* ever made use of it in his Letters Patent and Grants, for he always retained the antient Titles, which the *Normans* and *Suevian* Kings took, as may be observed in the abovementioned

¹ Tutin. de Contestabili. pag. 81.

² Idem. Ibidem, fol. 79. ex Reg. Catoli II. 1297. a. fol. 152.

³ Tom. I. M. S. Giurisd. apud Chioccar.

⁴ Bald. in l. cum antiquioribus, C. de jur. de liber

Writ of Homage, and in a great many other Deeds afterwards, and *Agostino Inveges* in his Annals of *Palermo* shews the same.

BLONDUS, *Platina* and some others affirm, that *Charles* at this time procured to himself the Title and Crown of King of *Jerusalem*; but they are grossly mistaken, for this Title had not as yet been taken from the young King *Conrad*, which he had by Right of *Jole* the Mother of his Father *Conrad*, and which the Pope never disputed with him. It came afterwards to *Charles* after the Death of that young King in the Year 1276, by the Cession of *Mary* of *Antioch*; whence it comes, that in his Writs the Number of the Years of his Reign as King of *Sicily* is greater, than that of his Reign as King of *Jerusalem* ¹.

THE Solemnity of the Coronation being over, King *Charles* without further Delay set out with his Army in order to give *Manfred* Battel, and directed his March through *Campagna di Roma* towards *S. Germano*. The Pope to encourage him and facilitate the Expedition, sent Cardinal *Rodolfo* Bishop of *Albano* to *Sicily*, to engage the *Sicilians* to enter into a Crusade and take up Arms against *Manfred*. Another Crusade had been before proclaimed in *Italy*, which conduc'd not a little to *Charles's* good Fortune and Success, by notably encouraging the *Guelf* Faction, and crushing that of the *Ghibelins*.

¹ Inveges Tom. 3, Annal. di Palerm.



C H A P. III.

King Manfred with invincible Courage engages the Enemy, and betrayed by his own Men is unhappily killed.



ON the other hand King *Manfred* with great Intrepidity prepared to make a gallant Defence. Notwithstanding he was equally grieved and surprized to see that his Enemy with a few Ships had not only passed the Sea, and escaped his Gallies, but had been received in *Rome* with Joy and Acclamations, and was now on the Borders with an Army ready to enter the Kingdom. He was astonished to find his Subjects so inconstant and fickle ¹, for it seemed to him that they all cried out *Charles*, and that his Name and that of the *French* were echoed again from every Corner. In the mean time this unfortunate Prince did not fail to animate and encourage them to stand by him; for which end he called a general Assembly of all the Counts and Barons requiring their Assistance ²: He run up and down, sometimes to *Capua*, sometimes to *Cepparano*, sometimes to *Benevento*, and entrusted the guarding of the Passes to the Count of *Caserta* his Brother-in-Law, and to *Giordano Lancia* his Kinsman, whose Conduct and Fidelity he had no Reason to suspect: He garrison'd *S. Germano*, and left in it a good Body of *German* and *Puglian* Cavalry, and all the *Saracens* of *Lucera*; he also went to *Benevento* to keep that City firm to his Interest, and to hasten some Necessaries for his Army, and from thence he went to *Capua*.

BUT all these Precautions were of no Service to this unfortunate Prince, for upon *Charles's* Arrival at the opposite Bank of the *Garigliano*, near *Cepparano*, the Count of *Caserta*, who had the keeping of that Pass, retired, and left him to pass the River without any Resistance: Count *Giordano* amazed at this Treachery, retreated to *Manfred* by the way of *Capua*. Thus, as the anonymous Writer laments, *Ad malum destinatus Manfredus, qui apud Ceperanum gentis suæ resistentiam ordinare debebat, passus Regni vacuos, & sine custodiæ munitione reliquit, ut liber ad Regnum aditus pa-*

¹ Anonym. Qui semper de instabilitate, & voto contrario illorum de Regno merito dubitabat.

² Idem.

teat inimicis. Thus did *Charles* with his victorious Army enter the Kingdom, all the open Places submitted to him, and he soon took *Aquino* and the Castle of *Arçi*.

KING *Manfred*, upon hearing that *Charles* had passed the River without the least Opposition, was shocked at this piece of Treachery; he instantly reinforced his Army with the Troops under the Command of Count *Giordano*, but began now to suspect the Fidelity of the other Barons, as he had done before the Loyalty of the Gentry, therefore he endeavoured to be Friends with *Charles*, and bring about a Treaty of Peace; for which end he sent Ambassadors to him to desire a Peace, or at least a Truce. But King *Charles*, who saw that Fortune smiled upon him, unwilling to let slip so fair an Opportunity, in his *French* Language gave the Ambassadors this haughty and rough Answer. *Tell the Sultan of Lucera, that I will neither make Peace nor Truce with him, and that very quickly I shall either send him to Hell, or he shall send me to Heaven*¹. *Charles*, in order to encourage his Soldiers, had persuaded them that he was fighting for the Catholick Faith against *Manfred* an excommunicated Heretick and *Saracen*: That they were Christ's Soldiers, and the worst that could happen to them, was either certain Victory, or a Crown of Martyrdom, which would render their Memories immortal².

MANFRED, upon receiving this Answer, was altogether bent upon Action, and laid his whole Stress upon the strong Garrison, which he had left in *S. Germano*; for he believed that *Charles* would not venture to advance farther, and leave so strong a Body of his Enemy's Troops behind him; and that the strong Situation of *S. Germano* would be able to keep him so long in play, that either the *French* Army, by being kept in those fenny and marshy Places in the Month of *January*, would be ruined, or that he would get a strong Reinforcement from *Barbary*, whither he had sent to hire a good Body of *Saracens*; besides, he expected to be joined by some *Ghibellins* from *Tuscany* and *Lombardy*. But alas how soon are the Schemes of Man brought to nought by the over-ruling Providence of God; for contrary to the Nature of the Season, the Weather was warm and serene, as if it had been the middle of the Spring; and the Garrison of *S. Germano* did not shew that Courage in defending it that might have been expected; for though the *Saracens* made a gallant Defence, yet such was the Bravery of the *French*, that they stormed the Place and took it, and put the greatest part of the Garrison to the Sword.

WHEN *Manfred* heard by some of the Garrison that had escaped that *S. Germano* was lost, he was quite confounded; and after he had sent a good Body of Troops to garrison *Capua*, by the Advice of Count *Galvano Lancia*, and other loyal Barons, he retired to *Benevento*, that thereby he might have it in his Choice, either to fight the Enemy when he thought fit, or in case of Necessity to retire to *Puglia*. King *Charles* hearing that *Manfred* had retired to *Benevento*, marched directly after him, and exactly on the sixth Day of *February* he arrived in the Plains of *Benevento*, and encamped two Miles distant from the City, and less than one from the Enemy's Camp. Then *Manfred* with the Advice of the chief Men of his Army resolved to give him Battel, judging, that *Charles's* Soldiers being sore fatigued he could not fail of certain Victory. On the other hand King *Charles*, spurred on by his own natural Courage, and that which Fortune inspired him with, after he had drawn up his Men in order, though much wearied, marched out, and began that memorable and bloody Battel, a particular Description of which not being to our purpose, we refer the Reader to the anonymous Writer *Inveges*, *Tutini*, and many other Historians, who have given a relation of it with all its Circumstances.

THE unfortunate *Manfred*, in the Heat of the Battel, from a rising Ground seeing two of his Squadrons severely handled by the Enemy, made a Motion with that under his Direction, consisting all of *Puglians*, and called to his Officers to run immediately to their Relief; but having been corrupted by *Charles*, they treacherously refused to obey, and in the Heat of the Action gave over Fighting³. Whereupon *Manfred* with invincible Courage, chusing rather to die, than outlive so many gallant Champions, whom he saw slaughtered, marched down to the Field, and rushed into the thickest of the Enemy's Squadrons, and while he was fighting bravely, by the Stroke of an unknown Hand, he was miserably kill'd, but none could brag of

¹ Costanzo, lib. 1.

² Anonym.

³ Idem. Mandat cæteris Capitaneis, & Præpositis sui exercitus, quod illico descendant ad pugnam: Sed cum nonnulli de Regno, qui quosdam falsos

| Comites, cum quibus Rex Carolus sub colorato patrimonialis successionis titulo spolia Regni diviserat, sequebantur, nolunt bellum ingredi, sed proditoriè abstitissent, Manfredus cum suis militibus mori potius eligens &c.

having given the fatal Blow. His Body lay three Days amongst a Multitude of dead Carcasses before it was known. Thus died *Manfred* by the infamous Treachery of his own Men ¹. Both *Dante* and the anonymous Writer have charged our Natives, then commonly called *Puglians*, with this Treachery, and the first, in his Poem ² in Commemoration of this Defeat, and of that of young *Conrad*, says,

The other, wrong'd *Manfredi*, whose Remains,
Lie scatter'd yet on *Ceperan's* curs'd Plains,
Where by the *Puglian* Treachery betray'd,
He was to Spite and Rage a Victim made;
And *Tagliacozzo's* Field; unheard of Shame!
Where old *Allardo* without Arms o'ercame.

BEHOLD the unfortunate End of this invincible and gallant Hero, a Prince (laying aside his too great Thirst after a Crown, and his Misfortune of being hated by several Popes, who represented him to the World to be a Man both cruel, barbarous, and void of Religion) to be compared to the most famous Captains among the Ancients. By his great Courage, Liberality, and Love of Justice, he kept his Dominions always in a flourishing and plentiful State. It is true he violated the Laws, but then it was only for the Sake of a Crown; however, in all other things he was a Promoter of Piety and Justice. He was a deep Philosopher, and a most expert Mathematician, not only a Patron of learned Men, but most learned himself; and it is said he composed *A Treatise on Hunting*, at that time much practised and esteemed. He was fair, of a beautiful Shape, and genteel Carriage, most affable, always pleasant and smiling, and of an admirable and ready Wit; insomuch, that there are not wanting some ³, who for his Liberality, Gracefulness and Courtesy, have compared him to *Titus*, the Son of *Vespasianus*, who was reckoned the Delight of Mankind. There are still remaining among us shining Monuments of his Liberality, such as the Harbour of *Salerno* and the famous City of *Manfredonia*, so called from his Name. And if the continual Trouble of defending the Kingdom against the Invasions of four Popes had not taken up his time, he would have left us more magnificent Monuments of his Bounty, and provided this Kingdom with wholesome Laws.

AFTER *Charles's* Army had entirely routed that of *Manfred*, it advanced farther into the Kingdom, and on its March the *French* committed all manner of Cruelty: *Benevento* was plundered, and neither Age nor Sex spared. Some of the Barons that were not killed in the Battel made their Escape by flight, others were pursued and made Prisoners: Some of which were sent to *Provence*, where they were cruelly put to Death: Some other *German* and *Puglian* Barons were kept Prisoners in different Places of the Kingdom: Nevertheless at the Intercession of *Bartolommeo Pignatelli* Archbishop of *Cosenza*, afterwards of *Messina*, *Charles* set at Liberty the two Brothers, Counts *Gualvano* and *Federico*, and *Corrado* and *Marino Capece di Napoli*, likewise Brothers ⁴.

THREE Days were already past, and not the least News of *Manfred*, so that it was believed he had made his Escape by flight; but *Charles* having ordered a most exact Search to be made amongst the Dead, at last upon the twenty eighth of *February*, being *Sunday*, his Body was found ⁵; which being brought to King *Charles*, he bid *Riccardo* Count of *Caserta*, and Count *Giordano Lancia*, and other Barons, who were Prisoners, look upon it, and tell him if they knew it, some of them answered faintly, but when it was shewn to *Giordano*, he no sooner knew it, than he struck himself on the Face, and crying out aloud, fell into a violent Passion of Grief and threw himself upon the Corps, and kissing it, said, *Alas, my Lord, what is this I see! My good Lord, my prudent Lord! who has been so cruel as to kill thee? The Prop of Philosophy, the Ornament of Warriors, the Glory of Kings! why am I denied a Knife, wherewith to put an end to my Days, that I may accompany thee in the Grave, as I have done in thy Misfortunes* ⁶? And thus lamenting he could not be plucked away from the Corps, which Fidelity and Love for the dead Prince was much com-

¹ Idem. proh dolor! a suis sic proditus, &c.

² Dante nell' Inferno, canto 28.

³ Riccobald. apud Summont.

⁴ Anonym. Quibus ad preces B. de Pignatellis Archiepiscopi Massanenſis vitæ veniam post eventum

præfatæ deliberationis indulgerat.

⁵ Epist. Caroli ad Clem. IV. apud Tutini de Contestab. del. Reg. pag. 95.

⁶ Inveges Annal. di Paler. tom. 3.

mended by the *French* Nobility there present, who, moved with Compassion, begged of *Charles* at least to allow the Funeral Rites to be performed, and the Body put in holy Ground; which the Apostolick Legate opposed, and said, that it was not proper, since he died a Rebel to holy Church; whereupon *Charles* answered them, that he would willingly consent, if he had not died excommunicated. Therefore his Body was buried in a Ditch near the Bridge of *Benevento*, upon which every Soldier threw a Stone and raised him a Monument, that thereby at least it might be known to Posterity where his Body had been laid, and his Bones might likewise be preserved in that Place.

BUT the Archbishop of *Cosenza*, a bitter Enemy to *Manfred*, whose Death was not sufficient to assuage his implacable Hatred, made a terrible Splutter, and said, that though *Manfred* had not been buried in holy Ground, yet his Carcass had been laid near *Benevento*, in Earth that belonged to the Church of *Rome*: That that dead Dog ought to be taken out of that Place, and carried out of the Kingdom, and his Bones exposed to the Wind; with which Zeal Pope *Clement* was so well pleased, that he ordered the Bones to be dug out, and with extinguished Torches * they were carried to the Banks of the River *Verde*, now called *Marino* ¹, and exposed to the Wind and Rain, so that the Inhabitants of those Places could never find any Mark or Memory of them. ² *Dante*, who was a *Ghibellin*, commiserating so deplorable a Case, imagines *Manfred* penitent, and not in Hell, but in Purgatory, and makes him speak thus :

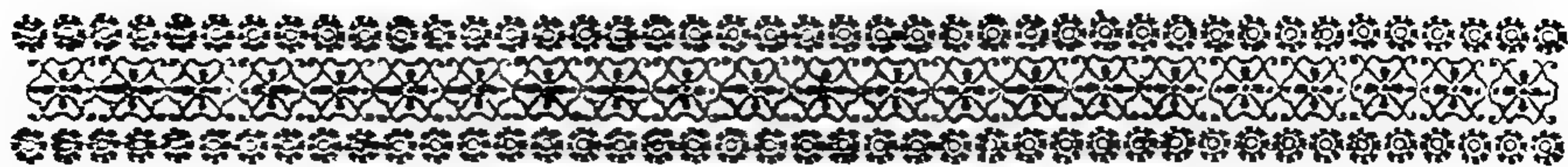
* A Ceremony performed at the Burial of excommunicated Persons.

I am *Manfred*, and of *Constantia*'s Race,
 Whose Royal Brow th' Imperial Crown did grace.
 When therefore thou shalt breathe thy native Air,
 I beg thou to my Daughter wou'd repair,
 To her I mean, whose Offspring grac'd the Throne
 Of *Sicily*, and eke of *Aragon*.
 Tell her the Truth, nor leave her in Mistake,
 To think me doom'd to the eternal Lake:
 Tell her that at the Point to yield my Breath,
 (Two mortal Wounds made haste to cause my Death)
 In grief of Soul, tho' late, to him I su'd,
 Whose willing Mercy still proclaims him good.
 Tho' monstrous were my Crimes, yet when compar'd
 With Bounty infinite, they disappear'd.
 Eternal Love gives Pardon without Date,
 Repentance, if sincere, is ne'er too late:
 This had the Prelate of *Cosenza* known,
 Whom *Clement* sent, with Rage, to run me down;
 He had not basely dug beneath the Stones,
 At *Benevento*'s Bridge, to raise my Bones;
 Nor shou'd my poor Remains neglected lie
 Expos'd to Wind and Rain in open Sky,
 Furth of the Kingdom, on the Banks of *Verd*,
 With Lights extinct, doom'd not to be interr'd.
 Let their Anathema then take its Course,
 Eternal Love surmounts their feeble Pow'rs;
 Hope is not limited to Days or Hours. }

* Boccaccio : Viridis fluvius a Picænatibus dividens Aprutinos, & in Truentum cadens, mirabilis, eo quod ejus in ripam, quæ ad Picænates versa est, jussu Clementis Pontificis summi, ossa Manfredi Regis Siciliæ, quæ secus Calorem Beneventi fluvium

sepulta erant, absque ullo funebri officio dejecta fuerunt a Cosentino Præfule, eo quod fidelium communionem privatus occubuerit.

² Dante Canto 3. del Purgatorio.



C H A P. IV.

King Charles begins his Reign with Cruelty and Severity, which made his Government to be abhorred, and so exasperated the People, that they invited young Conrad to come and conquer the Kingdom.

MANFRED's Defeat and Death were no sooner spread Abroad, than all the Cities of both Kingdoms submitted to the *French* Government. The Name of *Charles* was huzza'd every where, and the People hugged themselves with the Notion of Plenty and Freedom, and of being eased, not only from the extraordinary, but likewise from the ordinary Taxes under this new Reign. There was not a City whither *Charles* went, that did not receive him with all Marks of Joy and Gladness. He immediately left *Benevento* and went towards *Naples*, but before he arrived, the *Neapolitans* sent and presented him with the Keys of their City, into which with Queen *Beatrice* he made his Entry with great Pomp and Magnificence, accompanied by all the Nobility of the City, who proclaimed him their King; and assisted by the Archbishop of *Cosenza*, he went to the Cathedral Church of *S. Restituta* to give Thanks to God for so signal a Victory. He afterwards created his eldest Son *Charles* Prince of *Salerno*, and left *Naples* in order to make a Progress through the Kingdom, thereby to win the Affections of the People; and with an uninterrupted Series of Prosperity every thing succeeded according to their Wish. The Remains of the broken Army had retired to *Lucera*, where Queen *Sibylla* Manfred's Wife, with her young Son *Manfred* and a Daughter had likewise taken Shelter ¹. King *Charles* presently sent *Philip* of *Monfort* with the greatest part of the Army to besiege that City, but the *Saracens* within made so stout a Defence, that he was forced to abandon the Undertaking; however he left it closely besieged, and that City with the Queen and her Son did not surrender till after the Defeat of young *Conrad*, as shall be told.

THE *Sicilians*, and among the first those of *Messina* had declared for the *French*. Therefore King *Charles* sent *Philip* of *Monfort* to that Island, who in a short time reduced it to *Charles's* Obedience ².

THUS in a Trice did *Charles* make himself Master of these Kingdoms, than which nothing could be more acceptable to the People, who thought themselves now freed, as they said, from the Yoke of *Manfred* and the *Saracens*, and expected to live under *Charles's* Government, exempt from all Taxes, in lasting Plenty, Tranquillity and Peace.

NEVERTHELESS they soon found their Mistake, for the *French*, scowring about every where, carried Ruin and Destruction to the Inhabitants wherever they came ³. And the King, besides calling the Barons of both Kingdoms to come and serve him, laid an extraordinary Tax upon all the Lands of the Kingdom contrary to their Expectations, having flattered themselves not only with seeing no more Soldiers, or paying extraordinary Subsidies, but likewise with being free from the ordinary. But on the contrary the King, whose chief Aim was by these Means to fill his Coffers, called for all the Treasurers and Chamberlains of the Kingdom,

¹ Cosanzo, lib. I. V. Inveges Annal. di Palermo, tom. 5. } pum de Monforte.
² Anonym. Mittit in Siciliam Dominum Philip- } ³ Idem.

and ordered them to give him an exact Account of the Revenues of the Kingdom, Offices and Jurisdictions; and having been informed, that there was one of *Basletta* named *Giezzolino della Marra* who was very knowing in these Matters, he sent for him in order to take his Advice about laying on the new Taxes, Tributes and Contributions: *Giezzolino*, to curry Favour with his new Prince, and humour him in his Avarice, not only brought him all the Registers, wherein were set down the Revenues of the Offices, Jurisdictions, and all the other Royal Rights, but likewise the Registers, wherein were marked with red Letters all the extraordinary and exorbitant Imposts, Collections, Taxes, Donations and Contributions, wherewith the miserable People had often been oppressed ¹. Such were the Insinuations and Advices of *Giezzolino*, that *Charles*, in order to have them speedily put in execution, turned out all the Officers of the Provinces, and made new Justices, Admirals ², Protonotaries, Port-reeves, Collectors of the Customs, Warehouse-keepers, Secretaries, Jurats, Bailiffs, Judges and Notaries in all parts of the Kingdom; over those also he put other superior Officers to have an Eye upon them. These executed their Orders with unheard of Austerity and Rigour, and so harassed the People by insupportable Exactions, that they sucked the very Blood and Marrow out of them ³.

THUS was the Joy of the People changed into Tears; they groan'd under the heavy Yoke, being now of another Mind, and but too late lamented the Loss of *Manfred*. Nothing was heard but grievous Complaints in all Quarters: O *Rex Manfred* (with a doleful Voice said they) *te met non cognovimus, quem nunc & ter etiam deploramus. Te Lupum credebamus rapacem inter oves pascuæ hujus Regni, secuti spem præsentis dominii, quod de mobilitatis, & inconstantiæ more sub magnorum profusione gaudiorum anxie morabimur, agnum mansuctum te jam fuisse cognoscimus, dulcia tuæ potestatis mandata sentimus, dum alterius, & majora gustamus. Conquerebamus frequentius nostram partem, partem in dominii tuæ Majestatis adduci, nunc autem omnia bona, quod prius est, & personas alienigenarum convertere debemus in prædam* ⁴.

¹ These Registers are likewise mentioned in a Writ recorded by Summonte.

² Idem. Legem ponit Regnicolis novosque Secretarios, Justitios, & Magistros juratos, Bajulos, Judices, & Notarios ubique per Regnum, & super hos majores Præpositos statuit.

³ Idem. Subjectos gravant indebitè, ac eis importabilia onera imponentes exigenda plus debito, cruorem eliciunt ac medullas.

⁴ Idem.

S E C T. I.

Young Conrad invited to Italy, and his unfortunate Expedition.

FROM Complaints the People proceeded to Murmurs, and at last resolved to invite young *Conrad* from *Germany* in order to drive out the *French*. Many Barons of both Kingdoms prepared themselves for the Undertaking, and, besides the Fugitives and Vagabonds, they instigated the *Ghibellins* of *Lombardy* and *Tuscany* to do the same, and the more to spur them on, they set forth to them the insupportable Government of the *French* ¹. The most forward in this Undertaking were the Counts *Gualvano* and *Federico Lancia* the two Brothers, and *Corrado* and *Marino Capece*; these went to *Germany* to sollicite *Conrad* ², the only remaining Branch of all *Frederick's* Posterity. For this purpose, many Imperial and *Ghibellin* Cities, such as *Pisa* and *Sienna*, sent likewise Ambassadors with Promises and Offers, besides a good Sum of Money for facilitating *Conrad's* coming.

CONRAD being a Youth of not above fifteen Years of Age, his Mother *Elizabeth* of *Bavaria*, who loved him dearly, was afraid to expose him to the Dangers of so difficult an Enterprize; but *Conrad*, spurred on by a generous Spirit, got the better of her, and embraced the Invitation; he was likewise encouraged by the Duke of *Austria*, also a Youth, who offered to accompany him, and help to restore him to the Throne of his Ancestors; whereof *Corrado Capece* sent Advice to *Sicily*.

¹ Anonym. Universis in Lombardia, & Tuscia Gibellinorum Caputibus intimare procurant de aspe-

ro, & angusto, ac importabili dominio Gallorum.

² Idem.

IN the mean time *Conrad* prepared for his Journey, and in the beginning of the Winter 1267, he set out from *Germany*, taking with him the Duke of *Austria* and an Army of ten thousand Horse, and by the way of *Trent* in the Month of *February* he arrived at *Verona*; where he conven'd all the chief Men of the *Ghibellin* Faction, who had pressed his coming; and after it had been resolved that he should march through *Tuscany*, he left *Verona*, and having sent the greatest part of the Army by the way of *Lunigiana*, he with the rest of it directed his March by *Genoa*, and in a few Days arrived at *Savona*, where he found the *Pisan* Fleet, in which he embarked and sailed to *Pisa*. The *Pisans* received him with great Honour and Respect, provided him with Money, and shewed him the Fleet, which they designed to send to the Assistance of the maritime Cities of both the Kingdoms.

WHILE *Conrad*, with a great many German Princes was at *Pisa*, *Corrado Capece* desired the *Pisans* to furnish him with some Ships for going over to *Tunis* to sollicite the Assistance of the *Saracens*. *Frederick* and *Henry* of *Castile*, envying the Grandure and Prosperity of the King of *Castile* their Brother, had provoked him to that Degree that they had been banished *Spain*, and were now in the Pay of the King of *Tunis*¹; and by their continual Conversation with the *Saracens*, they had almost forgot the Christian Religion, and differed little in their Manners from the *Saracens* themselves². *Frederick* was in *Tunis* when *Corrado Capece* arrived there, and being informed by him of the State of King *Conrad's* Affairs, he was induced to espouse his Interest, and interpose his good Offices for persuading the King of *Tunis* to send him a powerful Assistance. But *Henry*, out of his natural Pride and Ambition, jealous of the King of *Tunis*, had gone over to join *Charles* in *Italy*, and then by Fictions and Cunning, endeavoured to raise his Fortune at the Court of *Rome*; on Account of his Birth he was honourably received at that Court, and he began to lay Claim to the Kingdom of *Sardinia*. Upon his Arrival at *Rome* he managed Matters so artfully, that he got himself to be chosen Senator of that City, though a great part of the Nobility of *Rome* and of the Cardinals were against it³. He had formerly been a Friend to *Charles*, who was his Cousin-German, by whose Means he expected some Principality in *Italy*; but seeing him too covetous, and that he seized upon every thing for himself he began to hate him, and envy his Greatness, and sought all Opportunities to ruin him. He likewise heavily complained, that tho' he had assisted him with Money when he was in a low Condition, and he went upon the Expedition into *Italy* against *Manfred*, yet now when he had raised himself to so much Grandure and Riches, and could easily repay him, he by no Means could be brought to do it. Therefore having heard that *Conrad* had been invited to come into *Italy*, he thought he had a fair Opportunity of being revenged of *Charles*, and by siding with *Conrad*, he was in Hopes to obtain of him what he had been denied by *Charles*; whereupon he sent Letters and Messengers to *Conrad* to encourage him to come, and to tell him, that he would do him all the Service in his Power, and that he longed more to see him *Italy* than all his Subjects, *Rome*, and all the rest of *Italy*, and that he was confident they would be able to drive out the *French*.

CONRAD being thus solicited by *Henry's* Letters, and as we have said, arrived at *Pisa*, the more to incite the People of *Italy*, and those of *Puglia* and *Sicily*, he caused a Manifesto to be drawn up, and Copies of it to be dispersed every where⁴, he therein made heavy Complaints against four Popes, and two Kings, *Manfred* and *Charles*, and invited his Friends to assist him in the Expulsion of the *French* from his Dominions of *Puglia* and *Sicily*.

IT is incredible what Commotions this Manifesto occasioned in *Sicily*, *Puglia* and *Calabria*; nothing was heard but the Name of *Conrad*; besides, for another Motive there had been an Engagement at *Ponte a Valle* near *Arezzo*, wherein *William Stendard* and *William Biselwe*, two of *Charles's* famous Captains, in endeavouring to hinder *Conrad's* Army from passing, had been routed, and *William Stendard* with Difficulty escaped with two hundred Lance-men, and *Biselwe*, with a few *French* Troopers that were left alive, made Prisoner.

¹ Idem.

² Idem. Hi sane fratres Hispani pro Saracenarum conversatione diutina actibus Agarenorum imbuti, & fore Christianæ Religionis oblii, a Saracenis ipsis

vita parum, & moribus differebant.

³ Idem.

⁴ This Manifesto is recorded by Inveges, Annal. di Palerm. tom. 3.

THE News of this Defeat being spread over both the Kingdoms, was pretty much magnified, and the Minds of the People being already disposed, almost all the Provinces revolted; and the *Saracens*, who under *Frederick* and *Manfred* were wont to be employed, respected, and raised both to civil and military Posts, not able to bear the mean Condition to which they were reduced under *Charles*, took Courage, and made *Lucera* revolt, and declare for *Conrad*. Almost all the other Cities of *Puglia*, *Terra d'Otranto*, *Capitanata* and *Basilicata* followed the Example of *Lucera*; and it was very surprizing to see so much Inconstancy and Levity in those very People, who, a little before, had so earnestly desired the coming of *Charles* and his *Frenchmen*, whom they now abhorred so much, that the Name of *Conrad* was continually in their Mouths; from this, and many former Instances, and from some that we shall have Occasion to mention, proceeds the Opinion of both antient and modern Historians, that our Natives are most fickle and inconstant, soon disgusted with one Government, and ever desirous of a new one. A Blemish, from which *Scipione Ammirato*¹ in his Characters, durst not venture to clear our Natives; and from which *Tommaso Costa* in his unhappy *Apologia del Regno di Napoli* could not excuse them.

SUCH Inconstancy, both in the Natives and his Fortune, astonished King *Charles*; and after he had recovered himself, he was wholly intent upon augmenting his Army, in order to oppose *Conrad*, who was marching in all haste towards *Rome*, where *Henry of Castile* and the *Romans* were waiting to enter the Kingdom with him by the way of *Abbruzzo*.

IN the mean time Pope *Clement* who was at *Viterbo* having heard of *Conrad's* Success in *Italy*, and of the Commotions of the Kingdom, in order vigorously to oppose him, did not fail, when he was apprized that *Conrad* was arrived at *Verona* and *Pavia*, to write very pressing Letters to sundry Cities of *Italy*, enjoining them not to take part with *Conrad*; but finding that these Letters had no Effect, he resolved to try if another Method would frighten *Conrad*. Therefore in the Month of *April* this Year 1267, he sent him a terrible Summons, in which he prefixed a certain time for appearing before him; and if he had any Pretension to the Kingdoms of *Puglia* and *Sicily*, he was not to do himself Justice with Arms, but to produce his Right before the Apostolick See, which would do him Justice; and if he did not appear, Sentence would be pronounced against him. *Conrad* did not appear, but pursued his March, and the Pope, on the twenty eighth of *April*, in the Cathedral Church of *Viterbo* in Presence of all the People, pronounced Sentence against him. Then he invited *Charles* to come to *Viterbo*, where they had an Interview, and the Pope made him Governor of *Tuscany*; and seeing the Empire of the West was vacant, he made him Vicar-General of the Empire. And on the twenty ninth of *June*, the Feast of the holy Apostles *Peter* and *Paul*, with great Pomp and Solemnity he publicly excommunicated *Conrad*, and declared him an Enemy and Rebel to the Church of *Rome*, whereby he had forfeited all his Pretensions². He likewise wrote to *William* of *Thuringia* a *Dominican* Friar, to excommunicate all those that would not submit to *Charles*; and on the contrary he bestowed his Blessings and Indulgences upon all who would take up Arms for him against *Conrad*. And after all, when he knew for certain that *Conrad* was in Confederacy with *D. Henry of Castile*, he excommunicated him anew. But *Conrad*, little minding these Thunderbolts, was not at all discouraged, but firm in his Resolution, and applied himself wholly to raise Men and Money for the Expedition³.

ON the other hand *Corrado Capece*, and *D. Frederick*, *Henry's* Brother, who were still at *Tunis*, hearing that the Expedition went swimmingly on, set sail from *Tunis* with two hundred *Spaniards*, as many *Germans*, and four hundred *Turks*, and landed in *Sicily*. *Capece* arriving at *Schiacca*, declared himself *Conrad's* Lieutenant, and dispersed Letters over all the Island, for encouraging the People to receive their King, who was coming with a numerous Army. The Tenor of these Letters was this: *Ecce Rex noster citò veniet in celebri, &c.* and they are recorded by *Inveges*. These Letters, strengthened by the Fame of *Capece's* Courage, in a short time had such Effect, that almost all *Sicily* declared for *Conrad*, insomuch that *Fulk*, who was Lieutenant of the Island for King *Charles*, was amazed, and with Force of Arms endeavouring to suppress the Revolt, his Troops were routed, and he himself forced

¹ *Ritratti d'Ammirato, in his Character of King Charles I.*

² *Inveges Annal. Palerm. tom. 3.*

³ *Anonym.*

to fly. The anonymous Writer ending his Chronicle here, we shall now have recourse to *Villani*, and other no less careful Writers, than faithful Recorders of what passed in these Times.

IN the beginning of the Year 1262, Pope *Clement*, hearing of *Fulk's* Defeat in *Sicily*, published the Crusade, and excommunicated all those, who should invade the Kingdoms of *Puglia* and *Sicily*. He sent Legates to *Conrad*, ordering him immediately to depart *Italy*; and he, not obeying, was deprived of the Kingdom of *Jerusalem*, and declared incapable of being Emperor, or King of any Kingdom. He excommunicated anew all People, Cities and Villages that should assist him. He likewise excommunicated *D. Henry*, and deprived him of the Senatorial Dignity, and conferred it on King *Charles* for ten Years.

BUT *Conrad*, without taking any Notice, pursued his March, and arriving at *Rome*, he was received in the Capitol by the Senator *Henry*, and by the *Romans* with the same Pomp and Rejoicings as if he had been Emperor; and after he had raised both Men and Money, and been joined by *D. Henry* and his Troops, and likewise hearing of the Commotions of the Barons and Cities, he thought it a fit time to enter the Kingdom, and on the tenth of *August* he left *Rome*, accompanied by *D. Henry* and his Barons, with many *Romans*: He did not think it proper to march through *Campagna*, knowing that the Pass of *Ceperano* was well guarded, but took the Mountains between *Abruzzo* and *Campagna*, and led his Army through Places unguarded, cool, well watered, abounding in Provision for Men and Horses, which to the *Germans*, impatient of Heat, was a great Comfort, and at last encamped his Army in the Plains of *Tagliacozzo*.

ON the other hand King *Charles*, after he had ordered *Ruggiero Sanseverino*, with a great many other Barons of his own Faction to keep in Awe those that had revolted, with all his Forces marched from *Capua* to oppose *Conrad*; but it happened, that at this very time landed at *Naples* *Alard de S. Valtri*, a most gallant *French* Baron, who had come from *Asia*, where, for the Space of twenty Years with great Honour, he had served in the Wars against the Infidels, and now being old was returning to *France* to rest himself and die in his native Country. He, not finding the King in *Naples*, went to wait upon him at *Capua*, where he was with the Army: King *Charles* seeing him was overjoyed, and immediately resolved to embrace the Advantage of a Man of his great Experience, therefore he entreated him to give him his Advice and Assistance in so critical a Juncture; and though he excused himself, that upon Account of his Age he had laid aside the Exercise of Arms, and had taken himself to a Christian Life, and that having spent his Youth in fighting against Infidels, it was not fit, now in his old Age, to pollute his Hands with the Blood of Christians. Nevertheless *Charles* having given him to understand, that fighting against *Conrad* was still fighting against Infidels, he being a Rebel to the Pope, excommunicated and excluded the Church; besides, that the King of *France* would take it as a Favour done him; he at last was prevailed upon; and hearing that *Conrad* was encamped in the Plains of *Tagliacozzo*, he would have *Charles's* Army, of which he had now the Direction, to encamp about two Miles distant from the Enemy: Then, with a few Horse, having gone up to the Top of a Hill, and viewed the Enemy's Camp, he found that *Charles's* Army was much inferior in Number to that of *Conrad*, therefore Prudence and Stratagem were more to be depended on than Strength; and after he had privately posted the third Squadron in a Valley behind, he offered Battel to the Enemy, who, despising the Boldness of the *French*, in offering to engage with so great Disadvantage in Number, greedily accepted of it. The Battel began, and though the *French* with two Squadrons only bore the Shock of the Enemy with great Bravery, yet they were forced to give Way at last, and were cruelly slaughtered. King *Charles*, who with *Alard* from the Hill seeing his Men cut in pieces, was pressing to go to their Relief, but he was hindered by *Alard*, who begged of him to have Patience till the end of the Victory, which would be the result of the Defeat of his Men, as it fell out; for the *French* beginning to throw away their Arms, and yield themselves Prisoners, and some flying: *Conrad's* Army thinking they had gained an entire Victory, dispersed themselves, some following the Runaways, some plundering the Dead, and pursuing their Horses, and others carrying off the Prisoners. Then *Alard* turning to the King, said, Let us go Sir, the Victory is our own; and then going down, they joined the third Squadron which had been posted in the Valley, and with great Fury attacked the Enemy scattered here and there, and easily routed them, and pushing

pushing forward they found that *Conrad*, the Duke of *Austria*, and the greatest part of the Lords that were with them, being certain of Victory, and quite spent with Fatigue and Heat, had thrown off their Helmets; and having neither Time nor Strength to put on their Armour again they fled, and the most part of them were killed in the Flight.

CONRAD and the Duke of *Austria*, with Count *Gualvano*, and the Count *Girardo da Pisa* run towards the Sea-Coast next to *Rome*, with Design to take Shipping there for *Pisa*; and travelling Day and Night in the Disguise of Countrymen they came to *Astura*, which at that time belonged to the noble Family of the *Frangipani*, where by cruel Fate they were accidentally discovered, and made Prisoners by one of that Family, and from thence conducted and delivered up to *Charles*, who sent them Prisoners to *Naples*. *Charles* looking upon this as a most valuable Present, gave to that Lord *Pelosa*, and some other Villages in the Valley of *Benevento*, and would have him to settle in *Naples*: From him are descended the *Frangipani*, who had the Honour for a long time to be Presidents * *A Tribunal*. of the *Seggio* * of *Portanova* in *Naples*.

D. Henry of *Castile* in his Flight was overtaken by *Charles's* People, who defeated his Troops, and made many of them Prisoners; and he himself made his Escape by the Favour of the Night. Some say that he went to shelter himself in *Monte Cassino*, where the Abbot, in order to curry Favour with the Pope, made him Prisoner; and after he had been assured that his Life should be spared, he sent him to Pope *Clement*, who immediately carried him to King *Charles*, by whom he was made Prisoner in *Naples*. Others say, that he fled towards *Rieti*, and that an Abbot of another Monastery to which he flew made him Prisoner and sent him to the Pope.

THE only Persons of Note that escaped the King's Fury, were *Corrado Capece*, and *Henry's* Brother *Frederick* who had fled to *Sicily*, where they took shipping in some *Pisan* Gallies, and landed at *Pisa*.

KING *Charles*, in order to perpetuate the Memory of this signal Victory, by which, if we may credit *Fazzello*, twelve thousand *Germans* lost their Lives, caused a Monastery for *Benedictin* Monks to be erected¹ in the Field where the Battel was fought, and gave it the Name of *S. Maria della Vittoria*, and endowed it with many Lands. But in the following Wars it was demolished and deserted; and now the Pope disposes of the Title of this *Commendam*, and the Revenues thereof are still in the Possession of the Crown².

THE cruel Slaughter which *Charles* made of the Rebels, and of those taken in the Battel, is inexpressible. Some were hanged, others were beheaded, and a great many condemned to perpetual Imprisonment. The Cities of our Provinces, which upon *Conradin's* Arrival had rebell'd, were destroyed by the *French*, who carried Desolation, Ruin and Fire wherever they went. *Aversa* was demolished, *Potenza*, *Corneto*, and almost all the Villages of *Puglia* and *Basilicata* were cruelly destroyed.

THE Slaughter was no less in the Island of *Sicily*. *Conrad* of *Antioch* and many Lords who had sided with young *Conrad*, first had their Eyes put out, and were afterwards barbarously hanged. The *Sicilians* were in a manner reduced to Slavery by new and heavy Taxes; and the insolent *French* spared neither the Honour nor Goods of the Inhabitants which was the Ground-work of the famous *Sicilian Vespers*; for the *Sicilians* afterwards, in order to get rid of the Slavery, entered into the Conspiracy of *Giovanni di Procida*, of which we shall treat hereafter.

LUCE RA held out by the *Saracens*, was taken and reduced to *Charles's* Obedience, where young *Manfred* and his Mother *Hellen*, King *Manfred's* second Wife, were made Prisoners, and sent to *Castel dell' Uovo* near *Naples*, where, by *Charles's* Orders, they were put to Death.

Scipione Ammirato in his Characters³ says, that *Manfred* had left three Sons, *Henry*, *Frederick* and *Ansellin*, who were kept Prisoners in the Castle of *Santa Maria a Monte*, and had three *Tari* of Gold allowed them a Day. But others, amongst whom *Inveges*⁴, confute *Ammirato*; for *Manfred's* two Sons, which he had by his first Wife *Beatrice* of *Savoy*, died before their Father.

¹ De Bottis in addit. ad Cap. de assicurandis hominibus illorum, qui turbationis tempore Conradini a fide Regia defecerunt.

² Costanzo lib. i.

³ Ammir. in the Character of King Charles I.

⁴ Inveges Annal. di Paler. tom. 3.

S E C T. II.

The unfortunate Death of King Conrad, in whom the Race of the Suevi became extinct.

CHARLES having thus brought these Kingdoms under his Obedience, and with the utmost Severity put it out of the Power of his Subjects to give him any more Trouble, the only Matter in Question now was, how to dispose of *Conrad*, the Duke of *Austria*, and the other Prisoners. At first he would by no means hearken to the Pope's Advice, with whom he used to consult in the most weighty and serious Affairs of the Kingdom. *Errico Guadelfier*, *Villani*, *Fazzello*, *Collenuccio*, and others say, that when the Question was put to *Clement*, he gave this short Answer: *Vita Conradini, mors Caroli: Mors Conradini, vita Caroli*. But *Costanzo*, *Summonte* and *Rainaldo* deny it; and *Summonte* grounds his Opinion upon a very false Reason, saying, that that could not be, because *Clement* was dead ten Months before *Conrad* was beheaded; nevertheless that's not repugnant to the Testimony of these Writers, who say, that *Charles* asked the Pope's Advice, which he gave him; but soon after, being prevented by Death, he could not see his cruel Advice put in execution. *Costanzo* taking *Clement* to be a Man of a very sanctified Life, and because *Collenuccio* his Antagonist asserted this Advice, he could not be persuaded to believe it. But in this *Villani* deserves all credit, who, though a *Guelph*, and a mortal Enemy of the House of *Suevia*, in defending the Pope, had not the Assurance to deny it.

POPE *Clement* could not see his cruel Advice put in execution, for on the twenty ninth of *November* 1268, or as some write on the thirtieth of *December*, he departed this Life; and on Account of the continual Discords and opposite Factions among the Cardinals, about chusing a Successor, the See, according to *Gordon*, was vacant three Years, viz. till the Year 1271.

THE Pope being dead, King *Charles*, spurred on by his natural Ferity and Cruelty to take the most inhuman Resolutions against that unfortunate Prince, in order to colour his Barbarity with the Name of Justice, resolved to take Advice; and having conven'd in *Naples* all the Syndicks of the chief Cities, and the principal Barons of the Kingdom, and those *French* Lords that were with him, he held a Council, for determining what should be done with *Conrad*. The principal *French* Barons differed in their Opinions, for the Count of *Flanders* the King's Son-in-Law, and many other great and generous hearted Lords, who had no Design of settling in the Kingdom, were of Opinion, that *Conrad* and the Duke of *Austria* should be kept some Years in Prison, till *Charles's* Government should be so well rooted and fixed, that he might have no Reason to be afraid of them. But those who had been rewarded by the King, and were desirous to secure themselves in their Estates (which they thought they could not do while *Conrad* was alive) were of Opinion, that they ought to be put to Death. Others who knew the King's Mind, in order to humour him joined with the last, and the King himself was likewise of the same Opinion¹. Whether it was out of his natural Cruelty, or the great Ambition he had to be Master of *Greece*, which he could not attempt till he was sure not to be disturbed at Home, considering the Revolutions which *Conrad's* coming had occasioned; and fearing that the *Saracens* who were still in the Kingdom, assisted by those of *Barbary*, while he was at a Distance, might set *Conrad* at Liberty, at last it was resolved that they should be put to Death.

THEREFORE the Articles of the Process were ordered to be drawn up, and they were these: That they were Disturbers of the publick Peace, and disobedient to the Pope's Command: That they were Traitors to the Crown: That *Conrad* had had the Boldness to invade and usurp the Kingdom under the false Title of King, and had likewise attempted to kill King *Charles*. The Process was drawn up and completed before *Robert de Bari*, who was King *Charles's* Protonotary, and he pronounced and read publickly the Sentence of Death, founding it upon the

¹ *Costanzo lib. 1.*

abovesaid Articles. *D. Henry of Castile* was the only Person excepted in this Sentence of Death, who was condemned to perpetual Imprisonment in *Provence*, in order to fulfill the Promise given to the Abbot, who delivered him up to the Pope under Condition, that his Blood should not be spilt.

THIS barbarous and execrable Sentence was put in execution on the twenty sixth of *October* 1269, in the midst of the Market-place of *Naples*; and 'tis said, that when the unfortunate *Conrad* heard the Protonotary read it, turning to him, he said thus: *Serve nequam tu reum fecisti filium Regis, & nescis quod par in parem non habet imperium*: Then turning again to the People, he purged himself of the Crimes falsely laid to his Charge, saying, that it never was his Inclination to give Offence to the holy Church, but only to take Possession of the Kingdom which was his undoubted Right, and of which he had been unjustly deprived. That he hoped the Duke of *Bavaria*, his Relation by the Mother's Side, and the *Germans* would not leave unrevenge'd his barbarous and cruel Death. And having said these Words, he took a Glove, according to *Collenuccio*, or as others will have it, a Ring, and threw it among the People, as a Token of Investiture. And there are some who write, that by this Act he had a mind to leave *D. Frederick of Castile* his Heir, who, as we have said, had fled to *Sicily*, and from thence to *Pisa*. But *Maurolico*, and others generally affirm, that by this Act he appointed *D. Peter of Aragon*, the Husband of *Constantia* his own Cousin-German, his Heir. And Pope *Pius II.* ¹ writes, that this Glove or Ring was taken up by *Errico Dapifero*, who carried it to *Spain* to King *Peter*. From this the Kings of *Aragon*, and the House of *Austria* derive their Right of Succession to the Kingdoms of *Sicily* and *Puglia*, and not from the Family of *Anjou*, but from this *Conrad*, who transmitted them to the Kings of *Sicily*, descended of *Peter* and *Constantia* the Daughter of *Manfred*, according to *Besoldus* ², *Summonte* and others, who take it from *Aventin*. And the *Sicilian* Writers ³, considering the Emperor *Frederick's* last Will, wherein *Manfred* is treated as a lawful Son, and named in the Succession of his Kingdoms, in case *Conrad* and *Henry* should happen to die without Children, look upon as a Truth what *Matthew Paris* tells as a Story invented by *Manfred* himself, viz. that his Mother being at the Point of Death, caused the Emperor to be called to her, and by her earnest and fervent Prayers prevailed upon him to marry her, and own her as his lawful Wife for the few remaining Hours of her Life; by which *Manfred* became legitimate ⁴; and hold it as a thing certain, that the Right of Succession to these Kingdoms, by the Death of *Conrad*, was conveyed to *Constantia* *Manfred's* Daughter, and Wife of King *Peter*, and their Offspring; and that the *Aragonese* had a Right to drive out the *French*, and take Possession of them as their lawful Lords.

BUT what is more, that the unfortunate *Conrad's* Anguish might be the greater and more bitter, he was not the first that suffered, but was reserved to behold the cruel Death of *Frederick* Duke of *Austria*, whose Head was no sooner sever'd from his Body by the Hangman, than the sorrowful *Conrad* took it in his Hand, and after having bathed it with bitter Tears, he kissed and hugged it, bewailing his cruel Fate, and blaming himself, who had been the Cause of his barbarous Death, by taking him from his unhappy Mother. Being then weary of surviving so cruel a Spectacle he kneeled down, asked Pardon of God for his Sins, and gave the Hangman a Sign to do his Duty, who at one Stroke cut off his Royal Head. And after him were beheaded Count *Girardo da Pisa*, and *Hurnasius* a German Knight; and nine Barons, all Natives of the Kingdom, were hanged.

SUCH was the unhappy End of the young *Conrad*, at the Age of seventeen Years; a Spectacle so horrid and dismal, that it drew Tears from all the Spectators. In him was extinguished the famous and most noble House of *Suevia*, which both by the male and female Lines was descended from the Kings *Clovis* and *Charles the Great* of *France*, and the Dukes of *Bavaria*. A Family that could have boasted of more Emperors, Kings, Princes and Dukes than any other in *Europe*, and of all the Families in *Germany* was the most noble. This barbarous Action gained *Charles* eternal Infamy throughout all the Nations of *Europe*; and there is not a Writer, not excepting the *French*, that does not detest and abominate so cruel a Fact, not to be parallel'd by all the inhuman and wicked Deeds of the most brutal Tyrant that ever

¹ Pius II. in Europa.

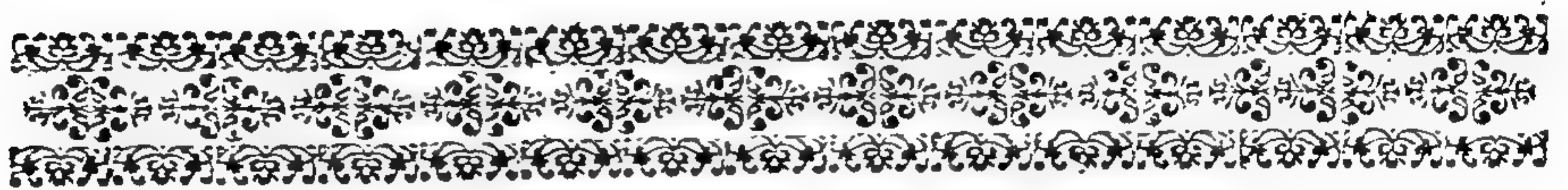
² Besold. de Regno Sicil. & Neap. c. 3. anno 1269. fol. 681.

³ V. Tutin. de Contest. pag. 52.

⁴ V. Inveges Annal. di Palerm. tom. 3.

lived. From thence the illustrious House of *Austria* had its Rise in *Germany*; for the Race of the Princes of *Suevia* being extinct, and *Richard* Brother to the King of *England*, who aspired to the Empire being dead, and *Alphonfus* King of *Castile* his Competitor having no more Partizans in *Germany*; in the Year 1273 the Electors met in *Frankfort* and elected *Rodolphus* Count of *Hapsburg* Emperor, who was crowned that same Year in *Aix la Chapelle*, and acknowledged by the Princes of *Germany*; and having humbled *Othocarius* King of *Bohemia*, made him restore *Austria*, which he gave to *Albertus* his eldest Son, whose Offspring took the Name of *Austria*.

THUS ended the House of *Suevia*, after they had reigned in *Sicily* and *Puglia* for the Space of sixty nine Years, and was succeeded by the *French* with so cruel a Beginning, as brought about great Alterations in these our Provinces, not only in the Civil and Temporal, but likewise in the Ecclesiastical and Spiritual State: Which, after having related the Ecclesiastical Polity of these Times, shall be the Subject of the following Books of this History.



CHAP. IV.

The Ecclesiastical Polity of the thirteenth Century down to the Reign of the Family of Anjou.



HE Power of the *Roman* Pontiffs was arrived to such a Pitch in this Age, as never had been seen in any former; they would have themselves believed to be Monarchs no less in temporal than in spiritual Matters, and therefore they assumed the Power of deposing Princes from their States and Dominions; of calling them to *Rome* for purging themselves of Crimes laid to their Charge; of appointing them a prefixed time for appearing, and in case they did not obey, of passing Sentence, and declaring that they had forfeited their Dominions; of absolving their Vassals from their Oaths, and inviting others to conquer the Dominions they had forfeited. Looking upon themselves to be Lords of the Universe, they made no Difficulty to invest their Favourites with Provinces and Kingdoms over all the Earth, and with Islands and Gulphs in every Sea, and even with unknown and distant Provinces. *Ruggiero di Loria*, a famous Admiral, having conquered *Gerba*, and some other Islands of *Africa*, *Boniface VIII.* in the first Year of his Pontificate, while he was in *Anagni*, sent him a Bull of Investiture, by which he gave him the said Islands in Fief, and obliged him to take an Oath of Fealty and Homage, and to pay him yearly fifty Ounces of Gold, *Sicilian* Weight, as a Quit-rent, and an Acknowledgment of the Sovereignty, which that Pope pretended to over these Islands, as he did over all the other Provinces of the World; and the Charter of this Investiture is recorded by *Tutini* ¹. From this beginning it was, that in the Year 1493 *Alexander VI.* took upon him to grant a Continent and Islands, till that time unknown, to *Ferdinand* and *Isabel* King and Queen of *Castile*, and to draw a Line from Pole to Pole, which he made the Limits of their Dominions ². Whence the new Doctrine taught by the *Guelf* Doctors and Canonists had its Rise, that the Pope was Lord of the Universe, in Opposition to the *Ghibellins*, who ascribed that Title to the Emperor.

THE Popes would have *S. Peter's* Chair to be looked upon as the Royal Throne of all Christendom, and in order to give it the more Lustre, they aggrandized the

¹ Tutin. degli Ammir. del Regno pag. 90. dated in *Anagni* the 11th of August 1295.

² Bulla Alex. VI. Apud Franc. Lopes de los Indios, c. 19.

Cardinals, and depressed the Bishops. The Cardinals, as we have seen, disdained to go in Person to treat with *Manfred*, saying, that it was not consistent with their Dignity and Honour; and *Innocent IV.* out of spite to *Frederick*, who was doing what he could to humble him and all the Ecclesiasticks, gave them the red Hat, the Portmanteau, and the Silver Mace when they travelled on Horseback, and put them upon the same Level with Kings; and having afterwards got their Dignity to be raised to a much greater Degree of Honour and Eminency, by the Flatterers of the Court of *Rome* they came likewise to be called Great Senators, and thus adorned with Royal Honour, they elect the Sovereign Prince, for such they call the Pope, and attend at his Throne.

THE Pope thus become a Monarch, the Cardinals Great Senators, and the Apostolick See the Royal and General Court of Christendom. *Gregory IX.* in order to the more firmly establishing the Monarchy, set about to compose and publish the Decretals, the result of which was the entire Ruin of the antient Canon Law, and the Establishment of an absolute and unbounded Power in the *Roman Pontiffs*; for he, considering that the Emperor *Theodosius* had framed the Polity of the Empire, by collecting into one Volume, both his own Edicts, and those of the Emperors his Predecessors, which was afterwards called the *Theodosian Code*; and that the Emperor *Justinian*, besides his collecting the *Pandects*, which contained the antient Laws adapted to his time, likewise collected his own Constitutions and those of the Emperors his Predecessors into his *Code*, thought it incumbent on him to frame a new Polity for the Church adapted to his Time (though as Matters then stood, the Decretals were not to the Purpose) and to pick out and collect into one Volume all the Decretal Epistles of his Predecessors, which he thought might be subservient to his Purpose, of establishing a *Roman Monarchy*, especially with respect to the Matter of Benefices, and the Episcopal Court, and for enlarging the Cognizance of Causes, and the Ecclesiastical Jurisdiction; whence he, in Imitation of these two great Emperors, ordered a new Code to be composed; and having repealed all the other Rescripts, he would have his Book to be called the *Decretals*, and to have the Force and Authority of Laws, in which there is much more contained concerning the Management of Law-Suits, than the Edification of Souls.

S E C T. I.

Of the Collection of the Decretals; their Use and Authority.

THOSE Letters, which in the first Ages the Bishops of the most noted Sees wrote to the Fathers of the Church to ask their Opinions concerning the Doctrine and Discipline of the Church, were called Decretal Epistles¹. But afterwards the *Roman Pontiff*, as Head of the Church, having raised himself above all Patriarchs and Bishops, and therefore taking more Authority upon him than all the rest, assumed to himself alone that Privilege of sending his Letters to the Fathers and Bishops, who had recourse to him for consulting about the Affairs of their Churches; and these Letters being increased to a considerable Number, were confirmed in the Synod of seventy Bishops held in *Rome* in the Year 499, in the Pontificate of Pope *Gelasius*, and thereby acquired the same Authority with the Canons that had been established in Councils².

BUT in the Time of *Charles the Great*, a mighty favourer of the *Roman Pontiffs*, their Decretals acquiring much more Force, they began to be separated from the Canons, and were thought sufficient of themselves for regulating the Doctrine and Discipline of the Church, without being confirmed by Councils or Synods, whence the Popes established their Authority the more, and their Number grew much greater, so that it was thought necessary to collect them into one Body, and

¹ Jo. a Costa Comment. in Decretal. Greg. IX. pag. 1.

² Synod. Roman. sub Gelasio anno 494. Item. Decretales epistolæ, quas Beatissimi Papæ diversis

temporibus ab Urbe Romana pro diversorum Patrum consultatione dederunt, venerabiliter suscipiendæ sunt. Can. sancta Romana 3. dist. 15.

thereby introduce a new Pontifical Law, leaving the Canons of the Councils to shift for themselves¹.

THE first Collection of these Decretal Letters, distinct from the Canons, was made by *Bernardo Circa* Prefect of *Pavia*, and afterwards Bishop of *Faenza*, who disposed the Decretals of the Popes under certain Titles, beginning from *Lucius III.* down to Pope *Celestin III.* whose Pontificate began in the Year 1191. All his Design was, that his Collection might serve as a Supplement to *Gratian's Decree*; whence it was called *Liber Extravagantium*, because the Constitutions therein contained, *Vagabantur extra Decretum*². *Antonio Augustino* published them, and gave them the first Place among the other Collections of ancient Decretals. In this thirteenth Century there appeared another Collection, of which *Gilberto*, *Alano*, and *Giovanni Gallense* are said to be Authors. These imitating *Bernardo*, collected the Decretals of those Popes who lived after *Bernardo*; but *Giovanni* excelled the other two, by making more ample Collections³. The third is owing to *Bernardo Compostellano*, who collected it from the Registers of *Innocent III.* the most learned and the greatest Decretal Maker, and it was called the *Roman*⁴.

ALL these Collections being made by private Authority, were of no Force when quoted in the Courts or elsewhere, whence of Necessity recourse was to be had to the Archives of the Church of *Rome* to give them Authority. For which Reason the *Romans* begged of *Innocent III.* that of his own Authority he would be pleased to order a new Collection to be made. *Innocent* granted their Request, and gave the Charge of doing it to *Pietro Benevento* his Notary, who finished it in the eleventh Year of *Innocent's* Pontificate 1210, and it was the first Collection of the *Jus Pontificium* that was made by publick Authority⁵. Five Years being taken up with the *Lateran Council* under the same Pope, there was another Collection made in the Year 1215, in which were added all the Decretals and Rescripts that had been issued out during those five Years. Afterwards in the Year 1227, *Tancred* Dean of *Bologna* made another, into which he inserted the Constitutions of *Honorius III.* *Innocent's* Successor; but altho' it was finished that same Year that *Honorius* died, *Gregory IX.* his Successor, with Design to eclipse the Fame of his Predecessors by a new and more ample Collection, caused it to be suppressed, and it was never published till of late, when *Innocentius Cironius* caused it to be printed with his own most learned Notes in *Toulouse* in the Year 1645⁶.

Gregory IX. in order to the better establishing the *Roman Monarchy*, ordered a new Code to be made, and, in Imitation of the Emperor *Justinian*, he caused all those Constitutions of the Popes his Predecessors, which were not suitable to his Time, to be left out, and his own, with those of his Predecessors that he thought were more for his Purpose to be inserted; and besides, that there might be no Occasion of having recourse to the *Jus Civile*, he instituted many things of himself that were not required⁷, that by this his Code the Tribunals might regulate themselves in their Sentences, and the Schools in teaching Youth the Law. He entrusted the making of this Collection to *Raimundus di Pennaforte* of the County of *Barcelona*, a *Dominican Friar*, a great Canonist and Inquisitor in *Catalonia*, much esteemed by *James King of Aragon*, who chose him for his Confessor⁸. *Gregory*, taken with the Fame of his Learning and good Life, called him to *Rome*, and made him his Chaplain and Penitentiary, a Dignity, which in those Times was bestowed only upon Men of Worth and Learning. *Raimondus* performed and completed the Work, and divided it into five Books, following the same Method that *Tribonianus* had done in composing *Justinian's Code*⁹.

POPE *Gregory*, the Work being done to his Mind, immediately published a Constitution, which he prefixed to the same Code, by which he repealed all the other, and ordered that this Collection only should be made use of in the Courts of Justice and Schools: He likewise, under a severe Penalty commanded, that no Person should be so bold as to make any other, without the special Authority of the Apostolick See¹⁰. He likewise ordered it to be published over all the World, and

¹ V. Balan. in præfat. ad Ant. Augustini Dialogos.

² 2.

³ V. Maffricht. Hist. jur. can. num. 238. Fr. Florent. de methodo, & Ant. Collect. Grat. §. 4.

⁴ Maffricht. loc. cit.

⁵ Guido Pancirol. lib. 3. c. 8. Maffricht. loc. cit. num. 349.

⁶ Maffricht. num. 349.

⁷ Idem. num. 351.

⁷ Cujac. ad c. ult. X. de sent. & re jud.

⁸ Andr. Schottus Bibl. Hispan. tom. 2. p. 186.

⁹ Fr. Florent. dissert. de meth. & auct. Collect. Grat. in fine.

¹⁰ Greg. IX. Volentes igitur, ut hac tantum Complatione universi utantur in judiciis, & in Scholis, districtius prohibemus, ne quis præsumat aliam facere, absque auctoritate Sedis Apostolicæ speciali.

read in all the Academies and Universities in *Europe* ¹, and excited both Professors and Scholars to study it.

THERE was no part in *Europe*, where *Gregory* had either Power or Interest, that did not greedily receive it, and the Professors every where not only taught it, but made large Commentaries upon it. The first that commented upon it were *Ruffinus*, *Silvester*, and *Richard* an *Englishman*: *Rodovicus* surnamed *Pocopassus*, and *Petrus Corbulus*, or *Boliatus* a *Spaniard*; *Bertrandus*, *Damasus*, and *Allan* an *Englishman*; *Pietro* Prefect of *Pavia*, *Pietro Gallense* of *Volterra*, *Bernardo Compostellano*, *Vincenzo Castiglione* of *Milan*, *Giovanni Teutonico*, and *Tancredi*. After these *Guglielmo Naso*, and *Giacomo di Albenga* Bishop of *Faenza*, *Vincenzo Goffredo*, *Filippo*, *Innocenzio Ostiense*, *Pietro Sampso*, *Egidio* of *Bologna*, *Bonaguida* of *Arezzo*, *Francesco* of *Vercelli*, *Boatino* of *Mantua*, and the Archdeacon. But afterwards *Bernard Button* of *Paris* collected all their Glosses, and about the Year 1240 made a more full one of his own, which was commended above all the rest ².

THE Monks likewise, out of Complaisance to the Popes, employed their Talents, and composed a Treatise, intitled, *Suffragium Monachorum*; but this Work being defective in essential Things, and full of Errors, trifling and superfluous, was noways esteemed. Friar *Giacomo*, a Canon of *S. John in Monte*, likewise commented upon this Code; but he came off with as little Credit as the other Monks, which gave Rise to the Proverb *Magnus Decretista, magnus Asinista*; and *Cujacius* tells us ³, that there were no Doctors more ridiculous than those, who had took in hand to write upon this new *Jus Pontificium*.

AFTER this Collection of *Gregory's*, the Popes his Successors (in order still to aggrandize the *Roman Monarchy*) did not fail to establish other Constitutions; so that about the end of this thirteenth Century *Boniface VIII.* thought that another Collection was much wanted. Some Constitutions had been made by this *Gregory*, and many by *Innocent IV.* *Alexander IV.* *Urban IV.* *Clement IV.* the two *Gregories IX.* and *X.* *Nicholas III.* and by *Boniface* himself. There had likewise many Constitutions been made in the Council of *Lyons* in the Year 1242. under *Gregory X.* Therefore *Boniface VIII.* who, above all his Predecessors, had conceived the greatest Notion of the Papal Dignity, by his truly extravagant Constitution *Unam Sanctam*, looking upon the Pope to have Power equally to wield both the Swords, and the temporal Sovereignty to be a dependent upon the spiritual, resolved to have a new Collection made of all these Constitutions, to be a Supplement to that made by *Gregory IX.* and committed the Care of it to three Cardinals, *William Mandogot* Archbishop of *Embrun*, Bishop *Berengario Fredello*, and *Riccardo Malumbro* a learned Doctor of *Sienna* and Vice-Chancellor of the Church of *Rome* ⁴. These accomplished the Work, and it was divided into five Books, and as many Titles, in the same manner as *Raimundus de Pennaforte* had divided his. As soon as this Collection was finished, *Boniface* caused it to be published about the Year 1299. and to be added to *Gregory's* Decretal Volume, and therefore it was called the sixth Book; and by a particular Bull, ordered it to be observed by all Persons, and to be read in all the Universities of the World, and to have the same Authority with that of *Gregory's*; but this Collection of *Boniface's* was little regarded in *France*, not only because it contained many Constitutions relating to the enlarging of his own Power, and the Advantage of his Court; but likewise because he had established many Things in it out of Hatred to the Kingdom of *France*, by Reason of the hot Disputes, which were then between him and King *Philip* the Fair ⁵. It had better Success in other Kingdoms ⁶, where it got an honourable Reception, and was glossed upon by the Canonists, and among the rest by *Giovanni d'Andrea*, a famous Doctor of the Canon Law in those Days ⁷.

IN the following fourteenth Century other Collections were made, and called *Clementine*; and also *Extravagantes*, to the End, that as the Collections already made, to wit, the Decree answered to the *Pandects*, and the *Decretals* to the *Code*, so the *Extravagantes* might answer to the *Novellæ*; and that nothing might be want-

¹ Matth. Paris, Hist. Anglic. anno 1235. pag. 352. Seleminter, & authenticè, per totius mundi iurisdictionem legi præcepit, & divulgari.

² Guid. Pancirol. de Clar. Leg. Interpret. lib. 3. c. 8. Mastric. num. 356, 357.

³ Cujac. ad cap. X. extr. de sent. & re judic.

⁴ Bulla Bonifac. ad lib. Decret. & Pithæi Fratres in notis ad libri titulum.

⁵ Duar. in Præfat. lib. de Sacr. Eccles. Ministr.

⁶ Arth. Duck de auth. jur. civ. lib. 1. cap. 7. n. 11. 13, 14, 15, 16, & 18.

⁷ Pancirol. de Clar. leg. Interpret. lib. 3. c. 19.

ing, in the latter Ages the Books of Institutions were likewise to be collected; of which in their Place, and as Occasion offers.

THESE *Decretals*, during the Reign of the House of *Suevia*, had but little Weight with us, in Matters, wherein they clashed with our *Constitutions*; and both *Frederick*, and the other Kings of that House his Successors supported their own *Constitutions*, and those of the *Norman* Kings their Predecessors, and vigorously withstood the Encroachments intended by the *Roman* Pontiffs upon their Rights and Royal Prerogatives; they maintained the Laws they had made concerning Matrimony, and Immovables acquired by Churches; and they kept up their Royalties in vacant Sees and the Election of Prelates; and in many other Things related in the preceding Books.

BUT this Kingdom coming under the Dominion of the Family of *Anjou*, who themselves became Liege-Men to the *Roman* Pontiffs, and of whom they held the Kingdom; the *Gælf* Faction also gathering Strength, and that of the *Ghibellins* being at a low Ebb, the Face of Affairs was quickly altered, and new Maxims were introduced, and the *Decretals* not only received and taught in the Schools, but likewise in the Tribunals; not by the Laws of any Prince, but by Use and Custom, and as containing Things not expressed in the Civil Law, especially concerning the Form and Manner of Proceedings at Law contained in the second Book¹; as also containing Directions with respect to Ecclesiastical Causes, and Suits that might occasion Sin, and endanger the Salvation of the Soul². And although our Princes of the Family of *Anjou* knew very well that this Volume was collected in order to vie with the Laws of the Emperors, and to enlarge the Power of the Popes, who not only intermeddled in Ecclesiastical, but likewise in Civil Affairs, by assuming the Authority of judging in all Causes within the Dominions of Christian Princes, as well between Laicks as Ecclesiasticks; yet partly through Negligence and Ignorance, and partly because it was their Interest to be in Favour and Friendship with the Popes, they were easily prevailed upon to receive it into their Dominions, and to allow it to be publicly taught in the Schools, and quoted on the Tribunals.

THEREFORE our Professors applied themselves as much to the Study of the *Decretals*, as those of the other Cities of *Italy*, so that being corrupted in their Maxims, whatever was not conformable to them, was reckoned foreign and unlawful. Some *Constitutions* of *Frederick* and of the *Norman* Kings his Predecessors were therefore looked upon to be impious, particularly those concerning Matrimony, Acquisitions, the Disposal of the Revenues of vacant Churches, and such like Things; for it was thought that these Things were not in the Power of the Prince, and that it was *falcem in alienam messem mittere*. *Andrea d'Isernia* plainly says, that all these Things were formerly established, because the Book of the *Decretals* was not then in being: *Non erat compilatum Volumen Decretalium*³.

THE *Roman* Pontiffs took care in the Investitures they gave to our Kings to provide against these Encroachments; and *Clement IV.* in that which he gave to *Charles I.* of *Anjou*, would have all the *Constitutions* and Statutes which he thought against the Ecclesiastical Immunity to be repealed⁴; thereby depriving him of many Royalties and Prerogatives, which the *Norman* and *Suecian* Kings had maintained; whence with us, during the Reign of the Family of *Anjou*, the Popes not only had nothing to obstruct their Designs of establishing the Monarchy; but treating this Kingdom as their Fief, and the Princes as their Feudatories and Liege-Men, they made a wonderful Progress, as will be observed in the following Books of this History.

¹ *Decretal.* lib. 2. *Arth. Duck* lib. 1. cap. 7. num. 10.

² *V. Arth. Duck.* loc. cit. num. 10, 11, 12, 13, 14.

³ *Andr. de Isern.* in *Constit.* lib. 3. tit. 31. de admin. rer. Eccl.

⁴ Cap. 19. *Invest.* Clem. IV.

S E C T. II.

The Election of Bishops, and the Collation of Benefices.

IN order to lay the Foundation of a Monarchy it was not sufficient barely to provide it with Laws, and adorn the Court with great Senators and other Ministers for rendering it more majestick; but it was necessary to furnish it with Money, for supporting the Pomp and Grandure suitable to the general Royal Seat of Christendom, without which it would soon come to nothing. The Revenues of the Ecclesiastical State alone were not sufficient; Care therefore was taken to draw every thing to *Rome* from the Provinces. That as other Princes, to gratify their faithful Subjects, and reward those that fought for them, gave Fiefs, Dignities and Offices; so it was requisite to have such Posts and Offices as were necessary to support the Grandure and Magnificence of a Court, and to find out Means for establishing them, that nothing might be wanting to render the Priesthood in every thing conformable to Empire. Wherefore many Dignities and Offices were instituted, which did not in the least concern the Hierarchy of the Church, in things relating to her spiritual Power, but were solely intended for the temporal Jurisdiction and political Government; and in that the Court of *Rome* has outdone all the Courts of Princes. *Benefices* were appointed in order to answer to Fiefs, and as there had started up a new Body of Law, called the *Feodal*, which had taken up so many Volumes; so with respect to the Matter of *Benefices* there appeared another, on which the *Canonists* have written more Volumes, than the *Lawyers* have done on the *Feodal* Law.

THE Method taken for carrying on these Matters, was no less artful than laborious; it required a long time to establish them, and both the Princes, the People, and the Chapters of the Provinces struggled hard in order to prevent their going to *Rome*.

ALTHOUGH in Appearance the Election of Bishops was left to the Clergy, yet we have already seen, that the Popes have made use of sundry Means for drawing them all to *Rome*. Care was likewise taken to deprive our Princes of their Assent in Elections. *Frederick II. Conrad, and Manfred*, boldly defended their Rights, and would not suffer the least Innovation; but when *Clement IV.* invested *Charles I. of Anjou*, amongst the Stipulations already related, which he made him swear to, one was, That he should expressly renounce his Right of Assent; and in the eighteenth Article it is stipulated, That neither he nor his Successors shall intermeddle in the Elections, Postulations, or Provisions of Prelates; insomuch, that neither before nor after the Election, was the King's Assent to be demanded; and he was only to retain the Right of Patronage of some Churches, so far as was agreeable to the Canons of the Church¹.

HENCE there remained to our Kings the Power only to hinder the Elect from getting Possession without the Royal Consent, and even that was disputed; however, not only the Kings of the House of *Aragon*, but also those of *Anjou* who were Liege-Men to the Popes maintained it; for we find, that when *Manfredi Gifanio* a Canon of *Melito* was elected Bishop of that City, *Charles II.* being jealous of his Loyalty, hindered him from taking Possession of that Church, by not granting him the Royal *Exequatur*, as may be seen in a Writ of the King's dated in *Naples* in the Year 1299, recorded by *Ughellus* in his *Italia Sacra*². And all the other Kings of the Family of *Aragon*, such as *Charles III. Ladislaus*, down to Queen *Joan II.* when the Elect was not suspected by them, gave immediately the *Exequatur* to the Bulls of the Popes, of which we have many Instances in *Chioccarelli*³.

CLEMENT likewise deprived our Kings of the Royalty, which (as well as the Kings of *France*) they had in the vacant Sees of our Kingdom, by appointing their Bailiffs or other Officers for taking the Administration of the Revenues, in order to preserve them for the Successor, according to the Prescription of the Canons;

¹ Chioc. MS. giurisd. in indice tom. 19.

² Chioc. tom. 1. de Regio exequatur.

³ Ughel. tom. 1. in Episc. Militens. num. 16.

and *Frederick II.* as is clear from the Constitutions of the Kingdom, maintained ¹. Besides, *Conrad* his Successor did the same; who, according to *Matthew Paris*, among other things being blamed by the Pope for having taken Possession of the Revenues of the vacant Churches, answered to that Accusation, That he had not made the least Encroachment, but had made use of that very Right which his Predecessors had enjoyed in vacant Sees, by giving the Charge of the Rents thereof to his proper Officers, and that he was satisfied with the exercise of the same Right, which the Kings of *France* and *England* had in the vacant Churches of their Kingdoms ².

BUT *Clement IV.* not pleased therewith by the twenty second Article of the foresaid Stipulation, obliged *Charles I.* and his Successors to renounce that Royalty, declaring, that he had no Pretension either to the Royalty or Revenues of vacant Sees; but that the Charge of the Churches was to be committed to Ecclesiastical Persons until they were provided, who, according to the Prescription of the Canons, were to receive the Rents and preserve them for the Successors ³. This depriving of our Princes of the Royalties in vacant Churches was a great Step in the Popes; for though in these Beginnings they pretended to give the Charge of them to Ecclesiastical Persons, and to regulate the Administration of the Revenues according to the Canons; nevertheless in process of time, they appointed Collectors and Nuncios, who seized on the Revenues, which they preserved for *Rome*, and not for the Successors; whence a new Calamity was entailed upon our Kingdom, and the Title of Apostolick Nuncio began to be known; which was not brought to Perfection till the following Century in the Reign of King *Robert*, to serve Ends, which shall be mentioned in the following Books of this History, when we shall have Occasion to treat of the Introduction of the Apostolick Collector into the Kingdom, and of his wonderful Success in furnishing *Rome* with Money from the Spoils of our Churches, and other Emoluments drawn from thence.

IN these Times other Circumventions were practised for drawing every thing to *Rome*; for whereas formerly, according to the agreement made between King *William I.* and the Apostolick See, appeals to *Rome* from the Kingdom of *Sicily* were excepted ⁴; *Clement* now, in the eighteenth Article of the Investiture given to *Charles*, expressly declares, That Ecclesiastical Causes are to be referred to the Ordinaries, and by Appeal to the Apostolick See; and in these Times Care was taken, as we shall see by and by, to extend the Cognizance of the Episcopal Court excessively; insomuch that there was no Controversy but what they pretended to be Judges of, and all Causes were brought to *Rome*, which brought vast Profits to that Court.

BUT that which proved of greatest Advantage and Profit to the Court of *Rome*, and was the Means of bringing Poverty on the Kingdom, was the Collation of Benefices, and the various Ways and Means invented, and afterwards established by their *Decretals* and *Extravagantes*; and much more by the Rules of Chancery, by which almost all the Money of our Churches and Monasteries was spent in *Rome*.

IN the first Ages of the Church the Name of *Benefice* was never heard of, nor during all the time of the *quadripartite* Division of the Goods was it ever mentioned; but that Division being afterwards laid aside and annulled, many Alterations followed. As that Share which was allotted for the Poor was given to the Bishops with the Burthen of maintaining them; so that Portion which was appointed for the Clergy ceas'd, and in lieu thereof certain Offices were assigned the Ecclesiasticks, and a settled Income allowed them, which the Ministers of the Church made use of as their own Goods; and this Right of collecting the said Incomes being annexed to the spiritual Ministry, was generally called *Benefice*; and it is commonly believed that this Name, and the Assignment of Income to each Minister began in the ninth Century about the Year 813, as may be gathered from the Council of *Metz* held that Year, where for the first time mention is made of *Eccle-*

¹ Tit. de Administr. rerum Eccl. post mortem Prælator.

² *Matth. Paris*, Hist. Angl. in Henrico III. fol. 597. edit. Paris. & ex libro additamentorum euso post dicta Hist. fol. 125, 126. Quod si videtur abfolum Apostolicæ sedis, contentus est Dominus Rex illi jure in prædictis vacantibus, quo utitur Rex Franciæ & Angliæ in Ecclesiis vacantibus Regni sui.

³ *Rainal. Ann. Eccl. ad ann. 1253. num. 3. & ann. 1265. Custodia Ecclesiarum earundem liberè remanente penes personas Ecclesiasticas, juxta Canonicas sanctiones.*

⁴ *Bulla Adriani apud Capecelatr. histor. Neap. lib. 2. Habebit Romana Ecclesia, quæ habet in aliis partibus Regni nostri, excepta appellatione.*

fiastical Benefice ¹. Thus, as those who fought for the Empire were rewarded with Fiefs, which were likewise called *Benefices*; so it was reasonable, that the Ministers militant for the Church should be rewarded with such Benefices, that is to say, with those Revenues and Ecclesiastical Dignities which were called Benefices; so that by such a Reward every one might be encouraged and enabled to perform his Duty and Office.

BUT these Benefices being only an annexed Right, and the Enjoyment of the Ecclesiastical Revenues depending on the Ministry by vertue of a Canonical Institution, it was necessary for the Person, who conferred a Benefice, to have a Right and Power of conferring; and for the Person, upon whom it was conferred, to be an Ecclesiastick, because of the Ministry, to which by a perpetual Right it was annexed. In Diocesses the Power of conferring belonged to the Bishops, who either did it freely, or of Necessity, when the Benefice could not be conferred upon any, but the Person whom the Patron, by vertue of his Patronage, presented; which Right he had acquired, either by having founded the Church, or endowed it with Possessions, upon which the Benefice was instituted.

THE Popes contrived Means not only to draw the Collations to *Rome*, and deprive the Bishops of them, and the Patrons of the Presentation, but likewise invented new Regulations, whereby every thing was made to contribute towards the acquiring of Riches. They prescribed a certain time, both to the Bishops and Patrons for making use of their Rights, which being elaps'd, the Collation devolv'd to the Church of *Rome*. Moreover, if unworthy Persons were presented, or others rendered incapable by the Canon Law, then they reserved the Power of dispensing to themselves only. If any Dispute happened between Persons named or elected, the Cause was brought to *Rome*, and very often the Benefice was given to neither of the contending Parties, but to a third Person. It was made a standing Rule, that the Pope could either concur with or prevent all Patrons. The *Reservation* was contrived as a Decree, by vertue whereof the Pope, before a Benefice becomes vacant, declares, that when it shall be vacant none can confer it. That all Vacancies by the Sentence of Courts shall be filled up by the Pope; as also all Vacancies by Deprivation, Translation from one Benefice to another, or Resignation; and he had likewise Power to dispose of all the Benefices of Cardinals, Officers of the Court, Legates, Nuncio's, Rectors and Treasurers within the Dominions of the Church of *Rome*; and in like manner the Benefices of those, who came to Court about Business, if in coming or returning they happened to die within forty Miles of the Court; as also all Vacancies occasioned by the Possessor's having had two Benefices.

UNDER the specious Pretence of abolishing the Plurality of Benefices, those who were possessed of them were ordered to resign; and for the Time to come, whoever enjoyed one Benefice and afterwards got another, was obliged to resign the first, which was to be disposed of by the Pope; whence *Resignations* were introduced.

IT was in this Century too that the Practice of holding Benefices in *Commendam* took its Rise, which, according to their ancient Institution, were only to last for a short time; because when a Benefice became vacant, which the Ordinary, for some Reasons, could not immediately supply, the Care of it was recommended by the Superior to some worthy Person, till it should be filled up; however he was not to apply the Incomes to his own Use, but to take care of them, and reserve them for the future Successor; but afterwards, though the Popes forbade Bishops to give *Commendams* for more than six Months, yet they themselves gave them for Life. And the *Commendams* of our vastly rich Abbeyes have brought more Treasure to *Rome*, than those of all other Parts of *Italy*.

POPE John XXII. who above all the rest was remarkable for his exquisite Art of squeezing Money out of every thing, having in his twenty Years Pontificate gathered an immense Sum of Money; and notwithstanding his Profuseness while he lived, leaving at his Death twenty five Millions, afterwards introduced the *Annats*, ordering, that for the Space of three Years to come, every Person, who should obtain a Benefice, whose Income should be above twenty four Duckets, should pay a Year's Income for passing the Bulls; which Payment, after the three Years were elapsed, was continued both by him and his Successors.

¹ Cap. 1. de Ecclef. ædific.

PENSIONS upon Benefices were likewise introduced, which have turned to better Account than the Benefices themselves. Then followed the *Coadjutories*, *Gratie expectative*, *Spolia*, and many other Devices for drawing Money to *Rome*¹. But the chief of all were the great Number of *Prohibitions*, in order to lay a Foundation for so many *Dispensations* afterwards, as well with Regard to the Plurality of Benefices, as the Degrees of Matrimony, Irregularities, Bastardy, and an infinite Number of other Cates; which Dispensations not being granted without Money, the general Royal Seat of Christendom was well provided with many different kinds of Sources for heaping up Treasures; whereby our Churches were impoverished, and our Bishops deprived of the Collation of almost all the Benefices of the Kingdom, which were for the most part bestowed in *Rome* upon Strangers, and the Natives excluded, contrary to the Prescription of the Canons.

CARDINAL *Pallavicino* says², when upon the Complaint of the Princes and Bishops, it was proposed in the General Diet held in *Worms* to reform these Abuses, that Pope *Alexander's* Legate protested loudly, that they might as well turn the whole World upside down; for, said he, to make the Church a Body Politick, and then confine her to the antient Discipline, is the same as to tie down a full grown Man to the Food of a sucking Child; for as the Constitutions of human Bodies alter, so it fares with Bodies Politick. And when the same thing was moved in the Council of *Trent*, at least to make some Reformation, it was taken more heinously ill, and gave more discontent, than any thing that could be proposed. The Prelates of the Pope's Party stood up for these Abuses, and defended them with the same Warmth, as if that *Body Politick*, and that great *Monarchy* had been to be dissolved; and the same Cardinal *Pallavicino*³ says plainly, that the Pope being the *Supreme Prince*, who has so many *Great Senators*, to whom Royal Honours are paid, and being placed upon the universal *Royal Throne* of Christendom, it ought not to seem strange, if, in order to keep up the Splendor of the *Royal Ecclesiastical Chair*, he has taken to himself all the Graces, Dispensations, Collations, and so many other Emoluments by Resignations, Regressions, Annats, Pensions, &c. and all the other Methods introduced for drawing Money to *Rome*; forasmuch as (says he) all Princes, without being blamed, exact the Taxes laid on their Subjects, in requital of the Favours and Privileges they heap upon them; so neither ought the Pope, who is the *Supreme Prince* and *Monarch*, to be blamed for what he grants and dispenses in Christendom; and as Princes bestow Fiefs or other Rewards upon any of their faithful Subjects who signalize themselves by some military or political Action; so the Pope as *Supreme Prince* bestows as many Benefices as he thinks fit upon those who have signalized themselves by any Action, or managed an Affair, a Legation or Nunciature to purpose, or done any other signal Service to the Holy See. and to remove the Incomparability of many Benefices, and the Impossibility of performing the several ministerial Duties annexed thereto, the bare reciting of the Breviary, and of the Canonical Hours in lieu thereof, was thought sufficient.

THIS same Cardinal says⁴, that in order to support this Royal Court, it was necessary to open many Fountains for drawing forth Money and Honours, wherewithal to maintain its Ministers with kingly Grandure and Pomp; and that therefore the Plurality of Benefices in one Person, without his being bound to Residence, was not to be minded: These are the sure Means (says he) whereby to support with Splendor the Dignity of the Clergy, and a *Royal Ecclesiastical Court*; and that one of the most effectual Means was plenty of these Benefices, which do not oblige the Incumbent to Residence: And elsewhere⁵ making use of the same Comparison, he avowedly says, that as, in order to the right Government of a State, the Prince's Treasury must always be full, so to keep the Pope's Coffers empty, who is the *Supreme Prince*, is the same as to *unbinge all Discipline*. Whence he concludes, that to reform the *Datary*, to forbid Ecclesiastical Judges to impose pecuniary Mulcts, and to take off the Fees for *Dispensations*, was putting a Stop to all Discipline; Since Money (these are his Words) *virtually implies every thing*; so by human Weakness a pecuniary Mulct affects Men more than any thing else that can be inflicted by a Court purely Ecclesiastical; which, like a Secular, when it cannot curb Licentiousness with Iron, must therefore do it by Silver.

¹ V. *The Treatise of Benefices attributed to P. Paolo del Servite.*

² *Pallavic. Hist. del Concilio di Trento*, lib. 1. cap. 25.

³ *Idem*. lib. 1. cap. 8. & 16.

⁴ *Idem*. lib. 3. cap. 12.

⁵ *Idem*. lib. 2. cap. 6.

S E C T. III.

Of the Cognizance of Causes.

ALL Appeals being carried to *Rome*, Care was taken to enlarge the Jurisdiction of the Episcopal Court, and to extend the Cognizance of the Ecclesiastical Judges over more Persons and more Causes, so that little was left to the secular Magistrates to trouble themselves about. However *Frederick II.* not willing to see some enormous and insufferable Crimes of the Clergy go unpunished, was wont frequently to chastise them; but *Clement* in the Conditions of the Investiture given to *Charles* by the twentieth Article would have it stipulated, that the Clergy should not be sued before a secular Judge either in civil or criminal Cases, except in those that concerned Fiefs. And the Encroachments which in these Times were practised, not only in our Kingdom, during the Reign of the Family of *Anjou*, but even in that of *France*, were surprizing; for our Kings of that Family holding their Crown of the *Roman* Pontiffs, and seeing that the Kings of *France* bore with those Encroachments, had not the Courage to resist. The Clergy being now wholly exempted from secular Jurisdiction, and enriched with many Privileges and Immunities, first of all it was resolved to have that Exemption extended to many Persons, who were not of the Clergy.

I. THEY included in the Number of the Clergy all those who had received Tonsure, although they were married, and did not follow Ecclesiastick Employments; and *Loyseau*¹ says, that in *France* the thing was carried to so great Excess, that almost every Body was within their Jurisdiction, because all took Tonsure, more for obtaining Exemption from the Jurisdiction of the King and their Lord, than for serving the Church. Therefore in *France* this bad Practice, with respect to Exemption from Taxes and Customs, in the Year 1274, was remedied by King *Philip the Hardy*, who would have the married Clergy to be subject to Taxes, like mere Laicks, and their Immunity to be extended only to the Courts of Justice; of which afterwards they were likewise deprived by the Edict of *Roussillon*, by which this Immunity was only allowed to the Clergy in holy Orders; and after that, the Parliament allowed it also to those that had Benefices. But in our Kingdom this Grievance was only remedied so far as it regarded the Exemption from Taxes and Customs, because our Kings of the Family of *Anjou* made the Constitution of *Boniface VIII.* take place in our Kingdom, whereby the Privilege of Immunity was granted to the married Clergy; whence King *Robert* in the Year 1322, ordered his Officers to have regard to that Privilege, and not to proceed against such Clergy, either in civil or criminal Cases, provided they had been married to Maids, and had got the Tonsure, and wore the Habit of the Clergy, and did not meddle with Merchandising or Traffick; nor had, after committing the Crime, in order to shun the Punishment, taken the Tonsure and Habit²: Which Ordinance was afterwards in the Year 1347 renewed by Queen *Joan I.*³, and confirmed by King *Ferdinand I.* of *Aragon* by his Pragmatick⁴ enacted in the Year 1469.

IN our Kingdom the Friars of the third Order of *S. Francis*, who wear Cloaks and Cords, and live in Cloisters, are likewise intitled to Exemption from the Secular Courts. And during the Reign of the Kings of the Family of *Anjou*, Exemption was extended even to the Concubines of the Clergy; and we read, that the Clergy of the City and Diocess of *Marsico* quarrelled with King *Robert*, because the Justice of the Province of the *Hither Principato* proceeded against their Concubines; for *Charles II.* *Robert's* Father having by a Law ordained, that Concubines who continued a Year under Excommunication should be fin'd in a certain Sum of Money, the Justice would needs exact the Fine; whereupon King *Robert* in the Year 1317, ordered him not to proceed against them by vertue of that Law of his Father, nor

¹ Loyseau des sign. & Justic. Eccl. c. 15.² Chioc. MS. jurid. tom. 1c.³ Idem. loc. cit.⁴ Pragm. 1. de Clericis, seu Diaconis Selvaticis.

to trouble their Persons or Goods, but to leave their Punishment to the Prelates of the Churches ¹.

THERE sprung up likewise in the Kingdom the *Diaconi Sylvatici*, who also pretended Exemption; and for remedying this Grievance, the abovementioned *Ferdinand I.* in the Year 1479, was forced to publish a Pragmatick ², by which it was ordained, that whenever it was found that they were not appointed for the Service of any Church, but meddled in secular Affairs, and had only the bare Name of Deacons and Clergy, they were to be looked upon as mere Laicks, and should be in Subjection to the secular Courts of Justice, and were equally liable to be sued in civil as well as criminal Cases before the secular Judges; nor were they exempt from Taxes, Customs, and other Burdens laid upon the Laity. And they were afterwards deprived of the Benefit of *Can. si quis suadente*, and of the Privilege of the Courts of Justice in civil Cases, and had it only in criminal and civil Cases with respect to their Persons, and personal Duties, but not as to Taxes, Imposts, and other Collections belonging to the King. All which Points were better regulated, and the Grievances partly redressed, by several Deliberations of our Collateral Council, and the Tribunal of the Chamber of Accounts; for which see *Chioccarelli* ³.

IT was likewise a controverted Point among us, whether the *Domesticks of Bishops*, both in civil and criminal Cases, ought to be judged by the Bishops, or by the Secular Judges ⁴; the Ecclesiasticks pretending to call them before the Episcopal Court.

THE Ecclesiasticks, in Consequence of that misunderstood Maxim, *mobilia sequuntur personam*, extended the Exemption granted to their Persons, even to their Moveables, so that none of the Moveables of the Clergy either married or unmarried could be attached, or adjudged to any Person by a Lay Magistrate.

II. THEY maintained, that all Causes, wherein *Breach of Faith* was concerned, and consequently Sin, belonged to their Jurisdiction, because the Soul was engaged, whereof they had the Direction; and thus they understood that Passage of the Gospel, *Si peccaverit frater tuus dic Ecclesie*, particularly when the Parties accused one another, which Accusation they call *Denunciatio Evangelica*, at large treated of in the *Decretals* ⁵; where the Pope takes upon him to be Judge of the Differences between the Kings of *France* and *England*, concerning the Devolution of all the Fiefs and Lordships which the King of *England* held of that Crown, on Account of his Rebellion, to the King of *France*; wherefore they pretended to be Judges competent of all personal Actions among the Laity, saying, that such Actions were seldom free from *Breach of Faith*, and consequently sinful in one of the Parties; and when the Question was about performing of Contracts, they made no Difficulty in appointing themselves Judges, because of the Oath, which, by the common Stile of Notaries, is inserted in all Contracts ⁶, maliciously confounding *Censura morum* with *Jurisdictio*; and *Correctio penitentialis* with *Justitia contentiosa*, without regarding *Nathan's Case* with *David* recorded in *Gratian's Decree* ⁷.

III. BY the same Parity of Reason they affirmed, that they were Judges of Testaments, as being a Matter of Conscience, saying, that they were the proper Executors of them; but what is more, the Body of the Testator being left to be buried by the Church, she likewise became Mistress of his Moveables in order to quiet his Soul, and execute his Testament. And *Loyseau* ⁸ tells us, that there had been a Custom introduced into *England*, that when any Person died without making a Will, the Bishop, or one appointed by him, seized the Moveables of the Deceased. And that formerly in *France* the Ecclesiasticks would not bury the Dead, unless the Testament was put in their Hands; if otherwise, a special Licence from the Bishop was necessary; insomuch, that in the Year 1407, the Parliament was forced to remedy this intolerable Grievance, by making an Edict against the Bishop of *Amiens*

¹ Chioc. loc. cit.

² Pragm. 4. de Clericis, seu Diaconis Sylvaticis.

³ Chioc. MS. jurid. tom. 10. de Immunit. Cleric.

⁴ Idem. ibid. tom. 20.

⁵ Cap. novit de Judice.

⁶ Cap. 3. de For. compet.

⁷ Can. 41 §. Item. cum David. caus. 2. qu. 7.

Nathan cum David redarguit, suum est. executus Officium, in quo erat Rege superior: non usurpavit Regis Officium, in quo erat Rege inferior. Movit eum, ut per penitentiam peccata sua expiaret; non autem tulit in eum sententiam qua tanquam Adulter, & homicida morti adjiceretur.

⁸ Loyf. loc. cit.

and the Curates of *Abbeville*, obliging them to bury those that died intestate, without any Delay, or particular Order from the Bishop. And that it had likewise been a Custom in *France*, in order to save the Honour of those that died intestate, for the Heirs to ask a Licence of the Bishop to impower them to make a Testament for the Deceas'd, *ad pias causas*; and in that Case the Ecclesiasticks obliged the Heirs to agree upon Arbiters for determining the Sum which the Deceas'd ought to have left to the Church.

FROM these Encroachments of the Clergy in our Kingdom arose the Pretension of some Bishops, to arrogate to themselves the Power of making Testaments, *ad pias causas*, for the Laicks who died intestate, in the same manner as formerly the Bishops of *Nocera de Pagani*, *Alife*, *Oppido*, *S. Marco*, and other Prelates had claimed in their Diocesses a Power of applying the Goods of the Deceased to their own Uses, which they frequently put in Practice. And in some parts of the Kingdom the Prelates pretended to apply to their own Uses indifferently the fourth Part of the Moveables of those that died intestate. And it was not without a great Struggle, and but of late Years, by the reiterated Deliberations of the Royal Chamber of Accounts, and the Votes of the Collateral Council, that these Grievances were redressed; and the Bishops were enjoined not to pretend to assume to themselves such a Power; and those that disobeyed were proceeded against even to the Sequestration of their Revenues, and Imprisonment of their Accomplices; nor was the Bishop of *Nocera* spared, although he alledged Prescription, being adjudged guilty of an unpardonable Grievance, and a Corruption rather than a laudable Custom¹.

WHENCE likewise proceeded the Custom which still subsists among us, as also in *France*, that Curates or Vicars are as capable of drawing Testaments as Notaries; and when they make them *ad pias causas*, though without Solemnity, they are still good and valid.

IV. BY Reason of *Connexity*, if amongst many Buyers, Coheirs, or Debtors there happen to be one Clergyman, according to the Canonists, the Clergyman, on Account of his Dignity, ought to carry all the other Parties before his Judge. Moreover they maintained, that a Laick could refer his Cause to the Ecclesiastical Jurisdiction, but a Clergyman could not refer his to the Secular; and affirmed also, that it belonged to the Ecclesiastical Judge to supply the Defects or Negligence of the secular Magistrate; but not reciprocally; and when the Reason was asked them, they said it was, because that formerly the Ecclesiasticks were not only Judges of the Clergy, but likewise of the Laity; and that according to Cardinal *Ostiensis*², no Inconveniency would follow, if things returned to their former Channel. And we have clearly seen from the preceding Books of this History, that the *Justitia contentiosa* granted to Ecclesiasticks by Princes, is distinct from the *Justitia ordinaria*; and therefore was called *Privilegium Clericale*, and the Canonists call it *Privilegium Fori*, to denote that it is contrary to the common Law.

V. THEY asserted, that all difficult Cases, especially in Point of Reason, belonged to them, and chiefly when the Lawyers and Judges differed in their Opinions, for which they quoted that Passage of *Deuteronomy*³: *Si difficile, & ambiguum apud te judicium esse prospexeris, & judicium intra portas videris variari, venies ad sacerdotes Levitici generis, & ad judicem, qui fuerit illo tempore, qui judicabunt tibi veritatem, & facies quaecunque dixerint qui præsunt in loco, quem elegerit Dominus.* Although the great Difference between the *Roman* Laws, and the Polity of the Old and New Testament be manifest to every Body. And from this Principle it comes to pass, that in many Places of the *Decretals* we see difficult Cases decided by the Popes, which by no means belonged to the Ecclesiastical Court; as for Example the famous Decretal *Raynutius*⁴.

VI. THEY said, That it was their Business to supply the Defects, Negligence or Suspicion of Partiality in Lay Judges⁵; and under this Pretext, if a great Process depended long in a secular Tribunal, they brought it before their own. Whence

¹ V. Chiocciar. MS. jurid. tom. 17.

² Ostiens. in summa, tit. de foro compet.

³ It is quoted in Cap. per venerabilem, Extr. qui

fili sint legit.

⁴ Cap. Raynutius, Extr. de Testamentis.

⁵ Cap. licet, Extr. de Foro compet.

they claimed to themselves the Power of judging secular Magistrates suspected of Corruption; and this Grievance was not only introduced into *France*, as *Loyseau* tells us ¹, but also into the Kingdoms of *Spain* ²; and with us it got footing in the Reign of the Kings of the Family of *Anjou*: For such was the Cunning and Artifice of the Popes, or the Stupidity of the Princes of that Family, that it is very surprising to find amongst the Customs of the High Court of the *Vicariate* ³, a Pragmatick of Queen *Joan* II. by which she ordains, that (excepting the City of *Naples*, where she would have the Great Protonotary to be Judge of Suspicions) in all other Cities and Places of the Kingdom, Suspicions were to be brought before the Bishop of the Diocess, or his Vicar: And though in the Reign of the Kings of the House of *Aragon* it was not observed, yet the Bishops, whenever they had an Opportunity, did not fail to take Cognizance of them.

BUT when the *Spaniards* came to the Crown, they made use of more effectual Means for redressing that Grievance; for in the Year 1551, the Archbishop of *Acerenza* having attempted to take Cognizance of the Suspicion alledged before him by the Governor of *Pietrapertosa* against his under Officers, *D. Peter* of *Toledo*, at the Instance of that Corporation, with the Consent of the Royal Collateral Council, wrote a serious exhortatory Letter to the Archbishop, intimating to him, that he must forbear taking Cognizance of that Suspicion, because the Cognizance of such Matters belonged to the King's Jurisdiction, such a pretended Pragmatick not being observed; and that if he did otherwise he would be proceeded against as an Usurper of the Royal Jurisdiction ⁴: And *Prosper Caravita* says ⁵, that he caused this Letter to be printed among the other Pragmaticks of this Kingdom, which is still to be seen in that Volume. And when *D. Parafan de Rivera* was Viceroy, it being told him, that the Bishops and their Vicars in the Provinces of the *Hither Principato* and *Basilicata* had presumed to take Cognizance of Cases wherein Judges were suspected, in the Year 1566 he directed a peremptory Order to the Governor of these Provinces, commanding him, in his Name, to issue out a Proclamation thro' all the Cities, Towns and Places of these Provinces, that in Cases of Suspicion, the Parties concerned were not any more to have recourse to the Bishops of the Diocesses, but that they were to make their Application to the Royal Courts, where Justice should be duly administred; which Order was likewise printed amongst our Pragmaticks ⁶, in order to have the Grievance effectually abolished.

VII. UNDER Pretence that by the antient Canons the Bishop was the Protector of Persons in Distress, such as Widows, Pupils, Strangers and the Poor, they pretended to take Cognizance of all their Causes ⁷; notwithstanding there is a manifest Difference between protecting the Distressed, and obtaining Justice for them by becoming their Judges.

VIII. THEY contrived another kind of a Judicature, called, *Forum Mixtum*, insinuating, that both the secular Magistrate and the Bishop might proceed against a Laick, allowing *Prevention* in the Crimes of Bigamy, Usury, Sacrilege, Adultery, Incest, Concubinage, Blasphemy, Sorcery and Perjury, as also in the Cases of Tithes and Legacies for pious Uses; in which they had always the Advantage, because by their exquisite Industry, they always prevented the secular Magistrate, and brought all the Grist to their own Mills; and besides, they looked upon these as Ecclesiastical Crimes. These Grievances indeed were not quite redress'd in our Kingdom till the Reign of the *Spaniards*, who allowed of no *Prevention*; and it was wholly left to the secular Magistrate to take Cognizance of the abovemention'd Crimes in Laicks ⁸; for those by no Means could be said to be Ecclesiastical, because Ecclesiastical Crimes must certainly be, either those that concern the Ecclesiastical Polity, as *Justinian* says in *Nov. 83.* or the lesser Crimes, which the ordinary Courts of Justice overlook, and whereof the Primitive Church undertook the *Censure* or Correction, in order to preserve a particular Purity of Manners amongst Christians; but that Corrections were summarily executed, and with-

¹ *Loyseau* loc. cit.

² *For. Judic. lib. 2. tit. 1. l. 22. & ibi Villad. num.*

³ *Rev. Pragm. 2, 3. de suspic. Offic.*

⁴ *Rit. 265.*

⁵ *Pragm. 2. de suspic. Offic.*

⁶ *Caravita Rit. 265. num. 2.*

⁷ *Pragm. 3. de suspic. Offic.*

⁸ *Cap. ex parte de Foro compet. Cap. nuper de donat. inter vir. & uxor.*

⁹ *V. Chiocc. MS. jurisd. tom. 5.*

out any judicial Trial, as we have observed in the first and second Books of this History.

IX. THEY pretended that all matrimonial Cases belonged to them, saying, that Matrimony having been advanced to be a Sacrament by our Saviour Jesus Christ, all Matters relating to it ought to be decided by Ecclesiastical Judges. But we have seen in the preceding Centuries, that the Catholick Princes took care of matrimonial Affairs; it being most evident, that the Laws of Matrimony, prohibiting and dispensing with the Degrees, were all established by the Emperors; and as long as the *Roman* Laws were in force, all Processes depending on them were discussed by the secular Magistrate; which the bare reading of the *Theodosian* and *Justinian Codes* and of the *Novellæ* plainly demonstrates. And in the Prescripts of *Cassiodorus* ¹, as we have observed elsewhere, the Words are recorded which the *Ostrogoth* Kings made use of in dispensing with the prohibited Degrees, which were then looked upon to belong to the Civil Government, and not to be a religious Concern; and it is most notorious to any versed in History, that the Ecclesiasticks began to judge in Matters of that Nature, partly by Order, and partly by the Negligence of Princes and Magistrates. But now, by the Decision of the Council of *Trent* ², it is no longer lawful to call that in Question.

LASTLY, the *Roman* Doctors ³ took upon them to teach, that Delinquents in the Territories of other Princes ought not to be pardoned, but sent directly to *Rome* to be punished; because the Pope being Lord of the City of *Rome*, which is the common native Country of all Men (the Emperor *Antoninus* having established by a Law ⁴, that all those born within the *Roman* Empire were Citizens of *Rome*) he could lawfully judge and punish them ⁵.

THEIR Encroachments did not stop here, for there are innumerable other Cases wherein Laicks were forced to plead before Ecclesiastical Judges, of which it is not for my purpose to make a longer Catalogue in this Place. Nevertheless *Ostiensis* has summ'd them up in seven Verses ⁶, which whoever considers must be surprized to see what an unbounded Latitude the Ecclesiasticks took in those Times in extending their Jurisdiction; whence we may likewise see that there is no end in Usurpation, when once the Bounds of Reason are exceeded and transgressed.

ALL these Usurpations of Ecclesiastical Judges continued for a long time amongst us during the Reign of the Family of *Anjou*, as also in *France*; but afterwards the *French*, having applied strong and effectual Remedies, broke their Chains; and by the Edict of 1539 cramped them so, as to reduce their Judicature within the Bounds of Reason; leaving only to the Church the Power of administering the Sacraments to all Persons, and to take Cognizance of the Causes of Ecclesiasticks only; which was effectually to restore the ancient Distinction between the two Powers, leaving the Persons and Things spiritual to the Ecclesiastical Judicature, and temporal to the Secular. In our Kingdom the *Spaniards* began to redress these Grievances, but they did not reduce their Judicature within such just Bounds, as was done in *France*; for the *Spaniards*, as *Peter de Marc* Archbishop of *Paris* wisely observed, and which we shall shew when we come to treat of their Government, took in Hand to cure the Wounds of the Royal Jurisdiction with Plaisters and Ointments, and not with Fire and Sword as the *French* did.

¹ Cassiod. lib. 7. cap. 46.

² Con. Trid. Sess. 24. can. 12.

³ Oldrad. conf. 124. Petr. Barbof. ad l. 2. §. legatis, D. de Judic. Farinac. in prax. crim. p. 7. n. 17.

⁴ L. Romæ 33. D. ad municipal. l. in Orbe 17. D. de Stat. homi.

⁵ V. Arth. Duck de auth. jur. civ. Rom. lib. 2 cap. 3. num. 3.

⁶ Ostiens. Hæreticus, Simon, fœnus, perjurus Adulter,

Pax, privilegium, violentus, sacrilegusque,
Si vacat Imperium, si negligit, ambigit, aut sit
Suspectus Judex, sit subdita Terra, vel usus,
Rusticus, & servus, peregrinus, Feuda, Viator,
Si quis pœniteat Miser, omnis causaque mista,
Si denunciât Ecclesiæ quis, judicat ipsa.

S E C T. IV.

The Tribunal of the Inquisition.

IN order to the more effectual establishing the Monarchy, in this Century the Tribunal of the Inquisition was introduced into *Rome*. *Innocent III.* as we have seen in the fifteenth Book of this History, had not erected any Tribunal for the Inquisitors; neither did our Emperor *Frederick II.* erect any among us, but left it to the ordinary Magistrates to condemn Hereticks, who with the Prelates of the Churches were appointed to be Judges, whether the Facts alledged amounted to Heresy or not; and to them was the Extirpation of Hereticks committed. But the Death of the Emperor *Frederick* putting the Affairs of *Germany* in Confusion, and *Italy* being under an Interreign, which lasted twenty three Years, *Innocent IV.* was in a manner left Umpire in *Lombardy* and some other Parts of *Italy*; considering therefore the great Progress which the Hereticks had made during the late Troubles, he set about the Extirpation of them; and when he called to mind the Pains which the *Dominican* and *Franciscan* Monks had heretofore taken in that Service, he thought his only Expedient was to make use of them by employing them, not as formerly, in preaching and assembling those who entered into *Crusades*, but by giving them a standing Authority, and appointing a settled Tribunal for that Purpose only.

THERE were but two things stood in the Way of this Project; one was how, without Confusion, to withdraw the Cases of Heresy from the Episcopal Court, where they had always been judged, and to appoint a Tribunal for them only; and the other, how to exclude the secular Magistrate, to whom the Punishment of Hereticks was committed, as well by the antient Laws of the Empire as by those of the Emperor *Frederick II.* And lastly by particular Statutes, which every City had been obliged to make, to prevent the Ruin of their Government in those troublesome Times. For the first Inconveniency the Pope found an Expedient, by erecting a Tribunal composed of the Inquisitor and the Bishop; in which nevertheless the Inquisitor was not only to be the Principal, but to have the Power, and the Bishop to have little more than the Name. In order therefore to give some Colour of Authority to the secular Magistrates, he allowed them to appoint Officers for the Inquisition, but even those to be of the Inquisitor's own chusing; and when the Inquisitor made a Progress into the Country, one of their Assistants was to be sent along with him, who was also to be nominated by the Inquisitor, to apply a third part of the confiscated Goods to the Publick, and other such like things, which in appearance made the secular Magistrate a Partner with the Inquisitor, but in reality a Servant only. What yet remained was to provide Money for the Expences of keeping and maintaining Prisoners; whereupon it was ordered that the Publick should be at that Charge; and thus it was resolved in the Year 1251, the Pope being then in *Brescia*.

THEREFORE the *Dominican* Friars were pitched upon to be Inquisitors in *Lombardy*, *Remagna*, and *Marea Trivisana*, who, executing their Commission with great Rigour, occasioned some Tumults in *Lombardy*; for the Year following *Innocent* having made Choice of *Pietro da Verona* of the Order of Preaching Friars to be Inquisitor of *Milan*; this Man, in order to extirpate from that City some infected with Heresy, who called themselves *Believers*, was very sedulous in punishing them; *He imprisoned some* (these are *Pansa's* Words) *others he banished, but he delivered up the Obstinate to the secular Magistrate, and caused them to be burnt alive; and having already put many to Death, the Execution of the rest was deferred till after Easter*; these Processes which the Inquisitor had caused to be drawn up, so terrified some of the chief Men of the *Milanese*, against whom these Processes were levelled, that they combined together, and resolved to be beforehand with the Inquisitor by putting him to Death; whereupon they employed some Assassines, who posted themselves in a lonely Place between *Milan* and *Como*, through which the Inquisitor was

† *Pansa in the Life of Innocent IV.*

to pass, and who as soon as they saw him, fell upon him with their naked Swords and killed him. This having made a great Noise in *Milan*, the Assassines were severely punished; and *Innocent*, looking upon the Inquisitor as a Martyr, on the first Sunday of *Lent* in the following Year 1253 with great Solemnity canonis'd him, and enroll'd him in the Catalogue of the Saints, under the Name of *Peter Martyr of Verona*. In the same manner did many of that Order signalize themselves; and many likewise of the Friars Minors being sent to the Country about *Toulouse*, a great Number of them too were murdered.

NEVERTHELESS *Innocent* did not think fit to abate any thing of his Rigour; but on the contrary, seven Months after he had prescribed the Laws for this Tribunal in *Brescia*, he directed a Bull to all the Governors, Counsellors and Corporations of the abovesaid three Provinces, prescribing to them thirty one Articles, which they were to observe for the good Success of this new Tribunal, commanding, that those Articles should be registred among the publick Statutes, and inviolably observed. He afterwards gave Authority to the Inquisitors to excommunicate and interdict them, in case they did not obey. Nevertheless the Pope had no Mind for the present to introduce the Inquisition into other Places, either in *Italy*, or elsewhere, saying, that the said three Provinces were more immediately under his Eye, and more beloved by him. But the true Reason was, because they were destitute of Princes, and his Authority was great in them; for every City consisting of a distinct Government, the Pope had his Faction in them, because in the late Wars he had been engaged in the same Cause. But notwithstanding all this the Bull was not readily complied with; insomuch, that *Alexander IV.* his Successor, seven Years after in 1259 was forced to modify and renew it. Nevertheless he ordered the Inquisitors by Censures to oblige the chief Magistrates of the Cities to observe it.

FOR the same Reason *Clement IV.* seven Years after, to wit in 1265, renewed it in the same manner; yet for all that it was not put in execution every where, till four other Popes his Successors were obliged to make use of their utmost Efforts to surmount the Difficulties, which thwarted the Reception of this Tribunal in some Places. These Difficulties proceeded from two Causes; the one from the rash Severity of the Inquisitors, their Extorsions and other Grievances; the other, because the Publick refused to pay the Expences, wherefore they did not insist upon that Point; and to moderate the excessive Rigour of the Inquisitors they gave a little more Power to the Bishop, which occasioned less Difficulty in introducing the Inquisition into these three Provinces of *Lombardy*, *Marca Trivisana* and *Romagna*, and afterwards into *Tuscany*, *Aragon*, and some Cities of *Germany* and *France*. But it was soon prohibited in *France* and *Germany*; and some of the Inquisitors were driven out of these Countries, as well for their Cruelty and Extortions, as for want of Business. For the same Reasons too they were reduced to a very small Number in *Aragon*, for they had not reached the other Kingdoms of *Spain*.

DURING the Reign of the House of *Suevia*, the Method of proceeding against Hereticks, established by the Emperor *Frederick*, was not altered in our Kingdom. Neither after *Frederick's* Death, on Account of the Enmity and continual Wars carried on by *Innocent* and the succeeding Popes against *Conrad* and *Manfred* his Successors, was there any Novelty introduced. It was the Business of the General Courts instituted by *Frederick* to take notice of such Hereticks, as the Bishop gave Information of; and as they were proceeded against by the Judge, whose Office it was to determine upon the Fact and Punishment, so it was the Prelate's to declare whether the Facts amounted to Heresy or not. It was our own Princes, and not the Popes, that appointed the Prelates for this Office, who, as often as Occasion required, made Progresses through the Provinces with the Royal Judges; as often then as any were found guilty of Heresy, and obstinately persisted in their Error, they were put to Death; but if there were Hopes of Amendment, they were sent to the Monastery of *Monte Cassino*, or to that of *Cava*, where they were kept Prisoners, until they had abjured their Error, and paid the Penalty imposed upon them, as we have shewn in the preceding Books of this History.

BUT when the Kingdom fell into the Hands of the Princes of the Family of *Anjou*, Liege-Men of the Popes, although there was no settled Tribunal of Inquisition, depending upon that of *Rome*, introduced among us; nevertheless from time to time the Popes were wont to appoint by Commission particular Inquisitors, for the most part *Dominicans*, who travelled all over the Provinces, and, by the Favour

and Authority of the secular Magistrate, put their Commission in execution. And altho' these Commissions could not be put in execution without the *Royal Assent*, yet our Princes of that Family, on Account of the Subjection they were under to the Popes, not only did not hinder them, but ordered their Judges to favour and assist them; but what is more, they frequently allowed their Expences out of the Royal Treasury. Thus *Charles I. of Anjou*, in the Year 1269, ordered his Ministers to pay to *Fr. Giacomo di Chieti* a *Dominican*, Inquisitor in the Provinces of *Terra di Bari* and

* An ancient Gold Coin of the first Emperors.

Capitanata, appointed such by the Pope, an *Augustale* * a Day for maintaining himself, his Companion, a Notary, three other Persons and their Horses ¹; and in the same Year he ordered the Governor of the Province of *Terra di Lavoro* to give all Assistance, Advice and Favour to *Fr. Trojano*, appointed Inquisitor by the Apostolick See, when and whenever he pleased, and to put the Sentences, which he should pronounce against Hereticks, their Goods and Abettors, speedily in Execution ². Moreover the Royal Secretaries of *Puglia* were ordered to furnish *Fr. Simone di Benevento*, of the Order of Preaching Friars, with thirty Ounces of Gold, being appointed by the Church of *Rome* Inquisitor of *Basilicata* and *Terra d'Otranto* ³. The same King in the Year 1271 commanded his Ministers to pay an *Augustale* a Day to *Fr. Matteo di Castellammare*, Inquisitor in the Provinces of *Calabria* for maintaining himself, another Friar his Companion, a Notary and three other Persons ⁴; and in the Year 1278 he sent many Letters to the Justices of *Abbruzzo*, the Governors of *Aquila* and to all his Officers, requiring them to give all Assistance to *Fr. Bartolommeo dell' Aquila*, of the Order of Preaching Friars, appointed by the Apostolick See Inquisitor of *Sicily*, and to torture the Guilty, according as the said Inquisitor should direct; and also that they should put in Execution whatever he should command them to do ⁵.

CHARLES II. his Son in the Year 1305 gave Orders to all his Barons and Officers to aid and assist *Fra. Angelo di Trani*, appointed Inquisitor by the Apostolick See, by putting and keeping in Prison Persons defiled with Heresy, according as the said Inquisitor should think fit; not to molest his Men for carrying Arms to execute the Sentences which he should award against the Persons of Hereticks and their Goods; and put to the Rack those imprisoned, in order to compel them and others to confess the Truth ⁶: And in the Year 1307 the Pope gave it in charge to *Fr. Roberto di S. Valentino*, Inquisitor of the Kingdom of *Sicily*, That he should with all Rigour proceed against the Archpriest of *Bucclanico*, who had been formerly chastised by *Benedict* his Predecessor, and was relapsed into his former Errors, for maintaining false Doctrine concerning some Articles of the Catholick Faith ⁷.

THIS Prince in the Years 1295 and 1307 wrote to his Son *Philip* Prince of *Achaia* and *Taranto*, that Pope *Clement V.* had sent a Brief to *Robert* Duke of *Calabria* his Son, and Vicar-General of the Kingdom, advising him, that the King of *France* had with exceeding Care at one and the same time imprisoned all the Knights Templars that were in *France*, and confiscated their Goods on Account of their Heresy; and therefore the Pope begged of him, with the Advice of his most judicious Counsellors, that with great Caution and Secrecy, he would in the like manner imprison all the Knights-Templars that were in his Dominions; and that they being imprisoned should be kept in safe Custody till he should have Orders from the Apostolick Chamber, and in name of the said Chamber to sequester all their Goods; whereupon King *Charles* ordered his said Son to put the said Brief in execution in *Achaia*, as the Duke of *Calabria* should do in the Kingdom.

KING Robert his Successor in the Year 1334 likewise ordered his Officers to give all Assistance to the Inquisitors sent from *Rome*; and Queen *Joan I.* in the Year 1334 did the same; King *Lewis* also in the Year 1352 followed their Example; so did King *Charles III.* in the Year 1381, who gave to *Tommaso Marincola* his Do-

* The Order (besides in Chiocc.) is recorded by Toppi in the end of his Biblioth. Neap. found in the Archives of the Mint in Regist. R. Caroli I. sign. anno 1269. lit. S. fol. 129. a ter.

* Chiocc. MS. tom. 8.

* Toppi loc. cit. ex Regist. Caroli I.

* Chiocc. loc. cit.

* The Letters are recorded by Toppi loc. cit. ex Reg. Car. I. sign. anno 1278. lit. S. fol. 181. a ter.

* Chiocc. loc. cit.

* The Order is recorded by Toppi loc. cit. ex Regist. Reg. Car. II. sign. anno 1307. lit. C. fol. 217. a ter.

meftick the confiscated Goods of the Bishop of *Trivento* a Heretick, and a declared Rebel to the Church and the faid King, for his adhering to the Antipope ¹.

THIS Office however was not folety conferred upon the *Preaching Friars*, for the *Friars Minors* had their Share, and being appointed *Inquifitors* by the Pope, they alfo traversed our Provinces. The Number of Hereticks in this Century was hugely increafed, of diverfe Sects and Institutions. Some, leaving their Orders, and affecting to live like Solitaries, without Rule or Superiors; and to lead more aultere Lives, retired to Defarts, rambled about the Country and polluted many People with their Errors. They called themfelves *Fraticelli*, or little Friars, out of Humility, *Begardi*, or *Beghins*, and *Puritans*; and their Number increafed very much in the Mountains of *Abruzzo*, and *Marca d'Ancona*. They hadprung from the *Friars Minors*, and had almoft all the fame Principles and the fame Conduct; their chief Leaders were two *Friars Minors*, *Pietro di Macerata*, and *Pietro di Foro Sempronio*, who firft obtained a Permiſſion from Pope *Clement V.* a Lover of Retirement, to lead a hermetical Life, and literally to follow the Rule of *S. Francis*; but *Honorius IV.* *Nicolas IV.* and *Boniface VIII.* condemned their Institution afterwards; and their Succeſſors *Clement V.* and *John XXII.* ſuppreſſed them altogether ². The Charge of extirpating them was generally given to the *Friars Minors*; whence we read, that *Boniface VIII.* ordered *Fr. Marco di Chieti*, of the Order of *Friars Minors*, *Inquifitor* in the Province of *S. Francis*, to go to the Mountains of *Abruzzo*, and to *Marca d'Ancona*; and if need were, to require Aſſiſtance of the ſecular Magiſtrate, and to proceed againſt them and their Favourers, to diſcover their lurking Holes; and ſend them Priſoners to *Rome*, where they were to be proſecuted with the utmoſt Severity ³. Therefore they retired to *Sicily*, and began to inveigh againſt the Prelates and the Church of *Rome* by calling her another *Babylon*.

IN this manner was the *Inquifition* managed among us, during the Reign of the Princes of *Anjou*; but how much this Kingdom diſtinguiſhed itſelf above all others, by totally abolishing the leaſt Remains of the *Inquifition*, ſhall be related in its Place in the following Books of this Hiſtory.

¹ Chioe. loc. cit.

² V. Wadingo tom. 2. Ann. Min. anno 1291.

³ The Bull of Boniface VIII. is recorded by Toppi loc. cit. ex Reg. Vatic. num. 170.

S E C T. V.

Monks and Temporalities.

HENCEFORTH it will be neceſſary to join the Monks and Temporalities together, becauſe as we have obſerved elſewhere, that a *Religious Order* and *Riches* are ſynonimous Terms: So now the Monks being more ſkilled in the Acquisition of *Riches*, than all the other Eccleſiaſticks; inſomuch, that there is no Proportion between the Acquiſitions made by the Churches in theſe Times, and thoſe made by the Monaſteries, we may therefore ſay, *New Religious Orders, new Riches*; and what makes this Matter the more monſtrous, is, that notwithſtanding they were founded upon Mendicity, whence they were called *Mendicants*, yet the Acquiſitions and *Riches* were immense.

THE Religious Orders thatprung up in this Century, had as good Succeſs in preſerving and ſupporting the *Roman* Monarchy, as if they had been ſo many Legions; and the Popes were never ſo well ſerved by the others, as by them, who laboured with all their Might to maintain their Authority, and facilitate their Undertakings; ſo that they very wiſely loaded them with many Privileges and Prerogatives. Thoſe who diſtinguiſhed themſelves the moſt in this Age were the *Preaching Friars* and the *Friars Minors*. The Author of the firſt, as we have ſeen, was *Dominick Guſman*, who having for a long time preached againſt the *Albigenſes* in the Year 1215, reſolved with nine of his Companions to found an Order of Preaching Friars, on purpoſe to employ their preaching for the Extirpation of Heresy, which at that time encreaſed very much in *Italy* and *France*. *Dominick* went to the Pope to ſollicit for a Confirmation of his Order; but the Pope deferred giving it, and dying, *Honorius III.* his Succeſſor in the Year 1218 confirmed it, and conſented

consented to permit the Religious to lay aside the Habit of Canons Regular, which they had hitherto wore, and to take a particular Habit, and observe new Rules. They multiplied in *France*, and from the Year 1217 had a Monastery in *Paris* in *S. James's Street*, whence they were called *Jacobins*. They no sooner appeared than they came to our Kingdom to found Monasteries, and they had a very kind Reception; for the *Patareni* and other Hereticks having begun to pollute *Naples* and the other Provinces, *Gregory IX.* sent them to *Naples*; and in the Year 1231 wrote to *Pietro di Sorrento* Archbishop of that City, to give them a favourable Reception, to employ them in preaching, and to declare to the People committed to his charge, that they would receive from their Mouths the Seed of the Word of God; they being Men who had signalized themselves so much in extirpating Heresy, and by a Vow of voluntary Poverty had dedicated themselves wholly to the preaching of the Gospel of Jesus Christ ¹. He likewise charged him to provide them with a convenient Habitation in *Naples*, that by living therein commodiously, they might with the greater Fervency discharge the Duty imposed upon them. He wrote such another Letter to the People of *Naples*, to receive them favourably and reverently, that thereby they might happily attain their Ends, and reap the Fruit of their Labours, to wit, the Salvation of Souls ²; and he likewise recommended to Cardinal *Castiglione* his Apostolick Legate in the Kingdom of *Sicily*, to enjoin the Archbishop to give them a gracious Welcome; wherefore the Archbishop, having received the Pope's Letters and the Legate's Recommendation, received them honourably, and gave them for a Habitation the Church of the holy Archangel *ad Morsifam*, with a large Monastery adjoining to it, which was then in Possession of the *Benedictin* Monks, who, having other large Monasteries in *Naples*, yielded that to the *Preaching Friars*, by resigning it into the Hands of the Archbishop, with all the Houses and adjacent Gardens. The Archbishop and Chapter invested *Fra. Tommaso* with them, under whose Direction these Monks had come, and delivered him the Bull, which we read in *Chioccarelli* ³, dated the thirty first of *November* 1231. These Monks enlarged their Convent afterwards (and changing the old Name, called it after their Founder *S. Dominick*) with other contiguous Gardens, which they got from *Giovanni Brancaccio*, to which the same Archbishop in the Year 1246 gave his Consent. In the Year 1269, in the Time of the Archbishop *Aiglerio* they enlarged it much more by new Acquisitions ⁴; and it was still more increased afterwards in the Reign of *Charles II.* of *Anjou*, a great Lover of that Order, for which see *Eugenio* his *Napoli Sacra*.

THE Kings of that Family, not content with having one single Convent of Preaching Monks in *Naples*, the same *Charles II.* in the Year 1274 built another in Honour of *S. Pietro Martyr of Verona*, who, as we have said, was enrolled in the Catalogue of the Saints by *Innocent IV.* in the Year 1235. He endowed it with rich Farms, many Houses and other Revenues. After the Example of the Prince many noble *Neapolitans* bestowed great Riches upon it, such as *Errico Macedonio*, *Bernardo Caracciolo*, *Giacomo Capano* and others recorded by *Eugenio*.

THIS Prince built likewise a Church and Convent in *Aversa* for the Monks of this Order, by the Name of *S. Lewis*, who was his Uncle, to which he gave most ample Privileges, and endowed it with great Revenues ⁵.

THE *Dominican* Sisters who lived under the same Rules, got likewise a very commodious Habitation in *Naples*. At the Instance of *Mary*, the Wife of *Charles II.* Pope *Boniface VIII.* ordered the Archbishop of *Capua* to give for a Habitation to the *Dominican Nuns* the Monastery of *S. Peter a Castello*, situate within Castle *Nuovo*, with all the Houses and Possessions; and to remove the *Benedictin* Monks, who possessed that Place, to the Monasteries of *S. Severino*, *S. Maria a Capella*, and *S. Sebastian*. But the Monastery of *S. Peter* being afterwards pillaged by the *Catalans*, and the Nuns turned out with great Dishonour; Pope *Martin V.* wrote to the Abbot of *S. Severino*, to receive them into the Monastery of *S. Sebastian*, which had then been given in *Commendam* to the Bishop of *Melito*, where only one single *Benedictine* Monk lived; and that he should give them all its Possessions and Revenues, which was done; whence by the said Union that Monastery retains to this Day the Name of *S. Peter* and *S. Sebastian* ⁶.

¹ Epist. Greg. apud Chioc. de Archiep. Neap. fol. 155. Dilectos filios Fratres Ordinis Prædicatorum sicut ut novos vinitores sue vineæ suscitavit, qui non sua, sed quæ sunt Jesu Christi querentes, tam contra profligandas hæreses, quam pestes alias mortiferas extirpandas se dedicârunt evangelizationi verbi

Dei in abiectione voluntariæ paupertatis.

² Epist. Gregor. apud Chioccar. loc. cit.

³ Chioc. loc. cit.

⁴ Idem, de Archiep. Neap. anno 1269.

⁵ Summont. Hist. tom. 2. lib. 3. cap. 2.

⁶ V. Eugen. Nap. Sacra di S. Sebastiano.

THE *Preaching Friars*, what by the Favour of the Popes, and by the Affection of the Kings of the Family of *Anjou*, multiplied in this Century not only in *Naples*, but over all the Kingdom. *Innocent IV.* in the Year 1245. dispatched a Bull to the Archbishops of *Naples*, *Salerno* and *Bari*, giving them Power, in the Name of the Apostolick See, strictly to command all the Archbishops, Bishops, Abbots, Priors, and all the Prelates of the Churches of the Kingdoms of *Sicily* to do no Injury to the *Preaching Friars*, and to forbid their Vassals to give them any Molestation; and to take care to maintain them in the free Enjoyment of all the Exemptions and Immunities granted them by the Apostolick See¹. Thus by the Indulgence of the Popes and the Princes of the Family of *Anjou* did their Number grow much greater, than it had been during the Reigns of *Frederick* and his Successors of the House of *Suevia*; and their Order got great Honour by *Thomas Aquinas*, surnamed the *Angelical Doctor*, descended of the Family of the Counts of *Aquino*, who in the Year 1241, contrary to his Mother's Inclination, entered into the Order of *Preaching Friars*; and in 1255, having taken the Degree of Doctor of Divinity, in 1263 he returned to *Italy*; and after he had there taught the *Scholastick Divinity* in most of the Universities, at last he settled in *Naples* to read Divinity, and refused the Archbishoprick of that City offered him by *Clement IV.*

THE *Friars Minors* had no less Success in this Kingdom. They acknowledge for their Founder *S. Francis of Assisi*, and had their Rise at the same time with the *Valdenses*; but their Fortune was not the same. *Peter Valdo* a rich Merchant of *Lyons* took a Resolution to lead a Life altogether Apostolical; and having distributed all his Riches amongst the Poor, made Profession of voluntary Poverty. Many followed his Example, so that about the Year 1160 there sprung up a Sect, who called themselves the *Poor Men of Lyons*, because of the Poverty which they professed. They also took the Name of *Lyonists* from the City of *Lyons*; as also *Sandalists*, from a certain sort of Pumps or Sandals which they wore, cut open to let their naked Skin appear, in Imitation of the Apostles. But they afterwards pretended too, without any Mission from the Bishop or the Apostolick See, to preach up Reformation, and of themselves to teach their Doctrine, though they were only Lay-Men. The Clergy of *Lyons* opposed them in that; whereupon they began to find Fault with the dissolute Lives of the Ecclesiasticks, and to inveigh against the Errors, which they saw introduced into the Church. They were enjoined to be silent, but still persisting, *Lucius III.* excommunicated them, and condemned them together with the other Hereticks. Excommunications provoked them still the more, and confirmed them in their Obstinacy, insomuch that they threw off the Yoke of Obedience, and fell into many Errors. Their Sect spread itself into many Places, and in the Year 1194, *Alphonfus* King of *Aragon* banished them his Dominions, and *Bernard* Archbishop of *Narbonne* condemned them. Not able therefore to resist such Assaults, they resolved to have recourse to *Rome*, and to ask a Confirmation of their Institution from the Apostolick See.

ON the other hand *Francis*, likewise a Merchant of *Assisi*, leaving his Father *Barnardone* to merchandise, abandoned all worldly Care, and betaking himself to a Life altogether Apostolical, he likewise made Profession of voluntary Poverty; and by his exemplary and innocent Life, having drawn in many to live in Poverty, and employ themselves in Works of Charity, the Number increas'd more by the Example of an innocent and austere Life, than by Preaching and Sermons: Therefore not much regarding, nor inveighing against the dissolute Lives of the Ecclesiasticks, nor taking upon him to go about preaching and teaching his Reformation without a Mission, he was entirely submissive to the Apostolick See; for in the Year 1208, having drawn up a new Rule for his Friars, he presented it to the Pope for his Approbation and Confirmation. Although Pope *Innocent III.* had rejected the Institution of the *Valdenses*, knowing it to be full of Superstition and Errors, yet in the Year 1215 he approved of *Francis's* Rule, and the Order of *Friars Minors*, who, although they still went bare-footed, and made a Vow of voluntary Poverty, yet they were not so superstitious as the *Valdenses*. Therefore they got footing in many Places of *Italy* and *France*, and in the Year 1216 they were received into *Paris*. *Honorius III.* in 1223 confirmed their Institution, and adorned this rising Order with many Prerogatives and Privileges.

¹ The Bull is to be seen in the Archives of *S. Dominick*, as it is recorded by *Chioce. de Archiep. Neap.* fol. 159.

ALTHOUGH in our Kingdom, under *Frederick II.* and his Successors of the House of *Suevia*, this Order (because the Popes, in the Disputes they had with these Princes, made use of them as Messengers and Letter-bearers) had often suffered Hardships, Imprisonment and Death; yet they were received by our People at their very Beginning; and it is said, that *S. Francis* himself, their Founder, with his own Hands laid the Foundation of some small Convents in *Bari*, *Montella*, *Agropoli* and elsewhere ¹. *Naples* likewise boasts of having had a Convent founded by *S. Francis*, in the Place where *Castel Nuovo* now stands, which he left under the Care of *Agostino d'Assisi* his Disciple, which was afterwards by *Charles I.* removed to *S. Maria la Nova* ². In short, as there is not a City that does not boast of having had *S. Peter* for the Founder of its Church, so there's no Place where any old Convent of this Order is to be seen, that brags not of *S. Francis* having been its Founder. However that may be, it is not to be doubted that this Order was received into *Naples* from its very Institution; forasmuch as *John* Bishop of *Aversa* being in Possession of the Church of *S. Lorenzo* in *Naples*, with some Houses and Gardens belonging to the Cathedral of *Aversa*, in the Year 1234, with the Consent of his Chapter, gave it to *Fra. Niccolo di Terracina* a Minor Friar of *S. Francis*, and Provincial of the Province of *Naples*, in the Name of his Order, upon Condition that they should live there, which Grant was afterwards confirmed by Pope *Gregory IX.* in the Year 1238 ³.

BUT during the Reign of the Princes of *Anjou* this Order was no less favoured and caress'd by the Princes of that Family, than by the Popes. *Charles I.* enlarged the antient Church of *S. Lorenzo* with the adjoining Palace, where the Nobility and People were wont to assemble; and built there a magnificent Church, which was finished by *Charles II.* his Son, who, in the Year 1302, among other Revenues assigned to it, gave it the third Part of the Duty upon Iron. The Example of the Prince induced others to enrich it. Our famous Lawyer *Bartolommeo di Capua* Great Protonotary of the Kingdom, caus'd to be built at his own Expences the Frontispiece of the great Door, and *Aurelio Pignone* that of the little Door ⁴. King *Charles I.* designing to build *Castel Nuovo* in *Naples*, in the Place where that Convent of the Friars Minors lately mentioned stood, removed the Friars from thence; and in the Year 1268 built them a new Church and Convent in the Market-Place called *Alvino*, where formerly stood the antient Palace and Fortress of the City, which was of old called *S. Maria da Palatio*, and afterwards got the Name of *S. Maria la Nuova*, which it keeps to this Day ⁵.

KING *Robert* favoured this Order no less than his Father and Grandfather, and not only caress'd the Monks, but also the Nuns of it. As the *Benedictine* Nuns had *Scholastica*, the Sister of *S. Benedict* for their Foundress, so the *Franciscan* Nuns had *Clara of Assisi*, a Disciple of *S. Francis* for theirs. *Clara*, zealously imbibing the Instructions of her Master, became a Nun, and shut herself up in the Monastery of *S. Damian* in *Assisi*, where she formed a Rule for her Order, adapted to Women. At a time when she was very sick, it happened that Pope *Innocent IV.* went from *Perugia* to *Assisi*, when he made her a Visit, and confirmed the Rule of her Order; but she dying soon after, was, on Account of her great Reputation for Innocency of Life, sainted by *Alexander IV.* *Innocent's* Successor ⁶. Wherefore, in Memory of her, many Monasteries of Nuns of her Order were erected in *Italy*; but King *Robert*, at the Desire of Queen *Sancia* his Wife, in the Year 1310, built one in *Naples*, the most magnificent and large of any at that time in *Italy*, into which the Queen introduced the Nuns of the Rule of *S. Clara*, from whom they took their Name, and retain it to this Day. It was endowed with vast Revenues and Possessions, and he built close by it a Convent of Monks of the same Order, for celebrating the Divine Offices. The Church was built in so sumptuous a manner, that it vied with the most stately and rich Temples of *Italy*; besides which *Robert* made it his Chapel Royal ⁷. This King in the Year 1320 placed in a House near to this Church some Nuns to be his Almoners; but in the Year 1325, a Nun of the third Order of *S. Francis* coming from *Assisi* to *Naples*, animated these Almoners to that Degree, that with one Accord, instead of the House, they built a Church with a Mona-

¹ V. Guadagno's Annali de Minori. anno 1222. Beasil. lib. di Bari lib. 2. Cap. hist. Neap. l. 3.

² V. Eugeni Nap. sacra, di S. Maria della Nova.

³ Eugeni. Nap. sacra, di S. Lorenzo.

⁴ Idem. loc. cit.

⁵ Idem. Nap. sacra, di S. Maria della Nuovo.

⁶ Panfa in vita Inn. IV.

⁷ Eugeni. Nap. sacra, di S. Chiara.

tery, which was quickly filled with noble young *Neapolitan* Ladies taken with the Humour of being shut up there; and among the rest *Maddalena di Costanzo*, whom King *Robert*, though she had taken on the Habit in the Monastery of *S. Clara*, had sent thither to oversee the Distribution of the Royal Alms. This Monastery remains in a flourishing Condition at this Day, and from the Name of their Saint is called *S. Francesco* ¹. Queen *Sancia* in the Year 1324 erected and endowed another Monastery in *Naples* for the *Repenties*, or Penitent Sisters, who lived under the Rule of *S. Francis*, and were under the Care of the Friars Minors; their Church got the Name of *Magdalena*, which it still keeps, but not the same Rule; because now noble Ladies and Virgins are taken in, and wear the Habit of *S. Augustin*, and are under the Rule of that Saint, though they wear *S. Francis's* Cord ².

THE Monasteries of *Friars Minors* and of *Franciscan Nuns* multiplied not only in *Naples*, but likewise in all the Provinces of the Kingdom; and in process of time their Number came to that height, that there is not the least City or Village that has not one of them.

IN this Century there started up another Order of *Mendicants*, called the *Hermits of S. Augustin*. *Innocent IV.* was the first that laid the Design of uniting diverse Orders of Hermits into one; but that Design was afterwards put in execution by his Successor *Alexander IV.* who drew them out of their Hermitages, in order to fix them in Cities, and employ them in Ecclesiastical Functions, and made one Congregation of them under one General, and gave them the Name of the *Hermits of S. Augustin*.

THE *Augustinians* did not multiply near so much with us as the two preceding Orders. In the Reign of the Family of *Anjou Naples* had some of them, such as that of *S. Augustin*, which, according to the best founded Opinion, had its Rise in the time of *Charles I.* and was enlarged and endowed afterwards with greater Revenues by *Charles II.* his Son, and by other Princes of that Family ³: The other of *S. Giov. a Carbonara* was founded by *Fra. Giovanni d' Alessandria*, and *Dionigi del Borgo*, by the Bounty of *Gualtieri Galeota*, who, in the Years 1339 and 1343, gave all his Houses and Gardens which he possessed in that Place for building that Church and Monastery; it was afterwards much enlarged and repaired by King *Ladislaus* ⁴. There were some others in *Naples*; but many of them were erected in the Provinces of the Kingdom.

THE Order of *Carmelites* made no great Progress with us in these Times. It had been instituted about the Year 1121, by some Hermits of Mount *Carmel*, assembled by the Patriarch of *Antioch*, in order to erect them into a Society. Afterwards in the Year 1199 they got a Rule from *Albert* Patriarch of *Jerusalem*, which was confirmed in this Century by *Honorius III.* These Religious in the Year 1238 came to the West, formed a Congregation, and spread themselves there; their Rule was afterwards explained and mitigated by *Innocent IV.* in the Year 1245; and being spread over *Italy* they came to *Naples*, where at the Gate of *Mercato* they built a little Church and Convent. The sorrowful Queen *Margaret* Mother of King *Conrad* coming afterwards to *Naples* with a great many Jewels and a good Sum of Money for redeeming her only Son out of the Hands of King *Charles*, but finding him dead, and buried in the little Chapel of the Cross, caused him to be removed from thence to this Church of the *Carmelites*; and after decent funeral Ceremonies had been performed, for the good of her Son's Soul, she bestowed upon the Church all the Treasure she had brought with her. King *Charles*, to shew his Approbation of the Queen's Piety, in the Year 1260 for enlarging their Church, gave them a Place belonging to his Demesnes hard by it, called *Morricino*; and it was enlarged afterwards to the Bulk we now see. Other Convents of this Order have since been founded in *Naples*, and in other Parts of the Kingdom, but not so many as to be equal in Number with those of the *Preaching* and *Minor Friars*.

BESIDES these four Orders of *Mendicants*, this Century produced many other Religious Societies, which by Degrees were brought into our Kingdom. The Order of *Slaves of the Trinity* founded in the Year 1211 by *John de Mata* of *Provence* a Doctor of *Paris*, and by *Felix* the Hermit of *Valois*, and confirmed three Years after by *Innocent III.* The Order of the *Sylvestrins*, who followed the Rule of *S. Benedict*, was founded in the Year 1221 in *Monte Fano* by *Sylvester Gu-*

¹ Idem. Nap. sacra di S. Francesco.

² Idem. Nap. sacra della Maddalena.

³ Idem. Nap. sacra di S. Agostino.

⁴ Idem. Nap. sacra di S. Gio. a Carbonara.

solino, who was first a Canon, and afterwards turned Hermit, and drew a great many into his Society. The Order of *S. Mary of Mercy*, founded by *Peter Nolasco* in *Barcelona* in the Year 1223, under the Protection of *James I.* King of *Aragon*, by the Advice of *Raimund de Pennaforte*, and confirmed by *Gregory IX.* in the Year 1225. The Order of *Servites*, which began in *Florence* in the Year 1233, was confirmed by *Alexander IV.* and *Benedict XI.* The Order of the *Holy Cross* or *Cruciferi*, which being almost extinct, was restored by *Innocent IV.* and some Monasteries of it were rebuilt in *Italy*; and in the Year 1334 the Families of *Carmignana* and *Vespola* gave to *Fra. Marino di S. Severino*, in Name of these *Cruciferi*, the Church of *S. Maria della Vergini*, with the adjoining Hospital, without the Gate of *S. Januarius*, in order to their living there, and serving the Sick of that Hospital¹. The Order of *Celestines* had likewise its Rise in this Century, and was instituted in our Kingdom by *Pietro Morone* of *Ifernina*, who lead a most austere and solitary Life on the Skirts of *Majella*, where he framed his Rule; and *Charles I.* of *Anjou* had so great an Esteem for him, that he took all his Monasteries under his Protection; and so remarkable was his Sanctity, that from the Hermitage he jump'd into *S. Peter's* Chair, and took the Name of *Celestin V.* He put his Order under the Rule of *Benedict*, and by a Bull of his own when he was Pope in the Year 1294, he confirmed it, and *Boniface VIII.* in 1297, and *Benedict XI.* in 1304 did the same. The *Celestines* from their very Infancy got footing not only in *Abruzzo*, but also in *Naples*. *Giovanni Pepino* of *Barletta* Count of *Menervino* (in great Esteem with *Charles II.* for his having gallantly driven the *Saracens* out of *Lucera*) gave them a Church, hard by the Gate formerly called *Donn' Orso*, which he built and endowed with rich Farms; and in this Church his Tomb is to be seen at this Day. It was called *S. Peter a Majella*, which being decayed by time, in the Year 1508 was repaired and enlarged by *Colanello Imperato* Great Port-reeve of *Barletta*².

MANY other Orders started up in this Century, the Number of which was become so great, that *Gregory X.* in the General Council of *Lyons* held in the Year 1274 was forced to put a Stop to the founding of any more, and to prohibit all those that had been founded after the fourth General *Lateran* Council, and had not been confirmed by the Apostolick See. And so many Convents of the same Order and in the same City were a building, that several Popes by their Bulls³ were obliged to appoint proper Distances between them, to prevent their drawing the Auditory from one another, of which they were very jealous.

BUT of all these Orders, the *Mendicants* were the most distinguished; and of these, the *Preaching* and *Minor Friars* were the greatest Favourites of the Popes. They had signalized themselves above all the rest by their Expeditions against the Hereticks of these Times, and had done other important Services to the Church of *Rome*; therefore they were raised above the rest, and many Privileges and Prerogatives heap'd upon them. *Innocent III.* and *Honorius III.* granted them Exemption from their Ordinaries, and would have them to be immediately subject to the Apostolical See. Thus both they and the other *Mendicant* Monks, relying upon the Privileges granted them by the Popes, pretended to have Power of Confessing and giving Absolution to the Faithful without a Licence either from the Curate or Bishop; whence arose so many obstinate Controversies between them and the secular Clergy, which cost many Popes a great deal of Labour to reconcile.

BUT if ever these new Orders deserved the Favour of the Popes, nothing surely could intitle them so much to it, as their being the Authors of the new *Scholastick* Divinity, which having made the *Dogmatick* to be laid aside, and the Study of Antiquity and Church History to be quite neglected, kept Men of Parts employed about abstracted and useless Controversies, and Disputes, so full of Obscurities, Contradictions and Subtleties, that there were none but those who were well skilled in such captious Arguments, that could comprehend any thing.

THIS kind of Study, by taking Men off from that of Antiquity and History, pleas'd *Rome*; and so much the more, because by that Means the Power of the Popes was thereby render'd boundless; and besides, it was incumbent upon these Orders to do so for their own Interest; because having obtained most ample Exemptions and great Privileges from *Rome*, in order to reap the Benefit of them, and be able to maintain them against the Bishops and Curates, it was their Business to enlarge

¹ Idem. Nap. sacra di S. Maria delle Vergini

² They are to be seen in the Register of Bulls.

³ Eugen. Nap. sacra di S. Pietro a Majella.

the Power of the Granter. Whence the *Decretists* on the one Hand, and the *Scholasticks* on the other combin'd together for the better fixing of the *Roman* Monarchy, and to raise the Pope to the supreme Power no less in Temporals, than Spirituals.

PERHAPS it will seem strange how these Orders, founded upon Mendicity, whence they took the Name of *Mendicants*, and who owe their Being to the Remission of Discipline and Irregularity, occasioned by too much Riches, could in process of time gain so great Acquisitions, as to make another *Reformation* necessary among themselves, which has been to as little Purpose as the first. But whoever will consider the Nature of Men always in quest of Novelties, and the Conduct of the Court of *Rome*, to which the Increase of their Acquisitions was of great Consequence, because the greatest part of them center'd in *Rome*, will cease to wonder. The old Monks having now lost the Reputation of Sanctity, and their Zeal for Religion being cool'd, the *Mendicant* Friars by their very Profession of Poverty gain'd Credit, and rais'd a stronger Inclination in the Faithful to enrich them; but as they had divested themselves altogether of the Power of acquiring Immoveables, and vowed to live solely upon Oblations and Alms, and though there were many pious Persons ready to give them real Estates and Farms, yet by their Institution it being out of their Power to accept of them, they rejected the Offers. The Court of *Rome* soon found out a Remedy for that; for notwithstanding their Vow, and that by their Institution they could not acquire Immoveables, yet the Apostolick See dispensed with both, and gave them Power to accept of real Estates. By this Device the Monasteries of *Mendicants* in *Italy*, *Spain*, and other Kingdoms in a short time acquired vast real Estates. The *French* alone opposed this Innovation, saying, That as they had come into their Kingdom with that Institution of Poverty, so it was fit they should continue to observe it.

BUT in our Kingdom, and particularly during the Reign of the Princes of *Anjou*, who were Liege-Men of the Popes, their Acquisitions were surprising, especially in the Time of the Schism, when all the other Clergy were little valued, and the Monks in great repute. They had no sooner tasted the Sweets and Conveniency of Riches, than they exceeded all Bounds, like Men whose Thirst after Money had got the better of their Reason. In order to heap up worldly Pelf, and to make a Tool of the People's Zeal for Religion, they invented many particular Devotions. The *Dominicans* were Authors of that of the *Rosary*; the *Franciscans* of the *Cord*; the *Augustines* of the *Leathern Girdle*, &c. And afterwards in Imitation of them, the other Orders likewise invented their own Badges, some the Scapulary, and some, other particular Devotions; and the Profit they reap'd by them made them run out into Excess; every one preaching up the Efficacy and Excellency of their Badge, and undervaluing those of the other Orders. Women were no less taken with these things than Men, and wore the Badges of their favourite Orders, and erected their own Chapels and Societies, which were always favoured by the Popes with plenary Indulgences, Remission of all Sins, and other Advantages. And these Orders were so jealous upon this Point, that each of them took care that none of the others should make use of their Badge for drawing the People to them, or should endeavour to introduce one like it; which created many Disputes that were still to be decided in *Rome*; as for Example, if a *Franciscan* had employed a Painter to draw the Image of the Virgin *Mary*, and ordered him to add a *Rosary* to it, as denoting a new Institution, in order by that to lessen the Auditory of the *Dominicans*, and to increase that of their Rivals the *Franciscans*. *Fra. Ambrogio Salvio* of *Bagnuolo* of the Order of *Preaching Friars* a famous Orator, and afterwards Bishop of *Nardo*, in great Esteem with the Emperor *Charles V.* and Pope *Pius V.* for his Sermons, and to whom the *Neapolitans* erected a Statue of Marble in the Church of the Holy Ghost, and who was Uncle to Doctor *Alessandro Salvio*, who was likewise remarkable for his Learning, and the famous Treatise which he composed of the *Game of Chess*; because, to make one of the Fraternity of the *Rosary*, belonged only to the *Dominicans*; and that none of the other Orders might arrogate that Power, in the Year 1596 had recourse to Pope *Pius V.* and obtained a Bull¹, by which all other Orders were prohibited to erect Chapels or Fraternities of the *Rosary*; and that Power was lodged in the General of the *Dominican* Order only, or his Deputies, and by special Favour it was also granted to the said *Fra. Ambrogio*.

¹ Bulla Pij V. 86. in Bullario, tom. 2.

UPON Account of those particular Devotions, the more to inflame the Godly, many false Miracles were invented; and besides preaching them up in the Pulpit, there were Books of them composed, insomuch, that as *Bacon* of *Verulam* observes¹, the Ecclesiastical History was thereby so corrupted, that it now requires great Nicety and Labour to distinguish the true from the false Miracles. Such was the Foundation of these new Acquisitions in this thirteenth Century, which were much more enlarged among us during the Reign of the Family of *Anjou*; the Particulars of which shall be related in the following Books of this History.

¹ Bacon de Augment. Scien.





T H E

CIVIL HISTORY

Of the KINGDOM of

N A P L E S.

B O O K XX.



ABOUT the Time that the *Roman* Empire began to decline, the *French* inhabited that Country towards the North, which extends itself along the Banks of the *Rhine* between *Bavaria* and *Saxony*; and which from that Nation still retains the Name of *Franconia*. When the Empire was decayed, and the *Roman* Power no longer dreaded, invited by the Example of other neighbouring People, they resolved by the Force of Arms to purchase for themselves a more commodious Living, and a larger and more fertile Habitation; and having elected *Pharamond*, one of the Sons of *Marcomire*, to be their King; under his Conduct, about the Year 419 they passed the *Rhine*, in order to conquer the *Gauls*, leaving the old Prince *Marcomire* in Possession of *Franconia*. *Clovis* the Son of *Pharamond* extended the Conquests, and began to govern that part of *Gaul* next the *Rhine*, called *Gallia Belgica*. To him succeeded *Meroveus*, whether he was his Brother or Son is not certain, but he was surely the next in Blood; who by his noble Exploits made himself Master of *Gallia Celtica*, and extended the *French* Empire to the City of *Paris*; and thinking he had acquired as much as would be sufficient to subsist his People, and to form a reasonable and moderate Dominion, he put an end to his Conquests; and resolving to end his Days in Peace, he united the two Nations under one Name, and with moderate Laws, and a peaceable Government founded the *French* Kingdom.

THE lineal Course of Descent continued in this first *Merovingian* Race, to the last King *Chilperick*. *Pepin* afterwards transferred it into the *Caroline* Family; but this

this second Race being extinct, *Hugh Capet* began the third, from him called the *Capetians*: of whom were descended the *Philips* and the *Lewis*'s, by whom *France* was governed for a long time; and the Succession having for many Ages continued in this Race, about this time King *Lewis IX.* came to the Possession of the Crown, who, on account of his innocent Life, and unblemished Character, after his Death, was inrolled in the Catalogue of Saints. The Brother of this King was *Charles* Count of *Provence* and *Anjou*, who, for the Reasons given in the preceding Book, being invited to conquer the Kingdom, with great Success accomplished the Undertaking, and established the Government of *Puglia* and *Sicily* in the Family of *Anjou*.

IN relating the Events, and the Revolutions that happened in the Civil Government during the Reign of that Family, contrary to the Method of other Writers, I shall study greater Brevity than I have done hitherto. Considering the vast Plenty of them already in Records, which are taken notice of in many Volumes of our Authors; and there being many Histories of them written, I hope, since they are now known and published, my passing over some of them in Silence will not be imputed as a Defect in me. Our Writers have been very full concerning the Actions of the Princes of the Family of *Anjou*, and of the succeeding Kings, but have very little, and that much perplexed, concerning those of our Kings their Predecessors. That proceeded from many Causes; chiefly because the *Norman* and *Suevian* Princes did not fix their Residence in *Naples*, or in some other City of these our Provinces; and therefore the publick Archives of their Records have been destroyed. The many Wars and Revolutions that afterwards happened; the burning and plundering of those Cities, which would have been able to preserve them, such as *Capua*, *Benevento*, *Salerno*, and *Melfis*; and lastly, the Rudeness, Ignorance, and Incapacity of Historians, have in a manner deprived us of all Memory of them. Therefore we are much indebted to the Monasteries of the *Benedictins*, and especially to that of *Monte Cassino*, in which the most ancient Records of the *Goths* are preserved; it being of the greatest Antiquity of all the Archives in the Kingdom; and to the other two, those of the *Trinity of the Cave*, and *Monte Vergine*, where all that we have left concerning the *Normans* is kept. We are likewise much beholden to the Monks of these Monasteries for some ancient Chronicles, and ill-compiled Histories. The *Roman* Pontiffs being Enemies to the illustrious House of *Suevia*, made the *Italian* Historians, for the most part *Guelfs*, write very contemptibly of those Princes, and not agreeable to the Truth; and if they had not been supply'd by some foreign, or other Chronicles lately found out, we should have been still in the dark, and the same Prejudices would have prevailed.

THE Case was otherwise in the Reign of the Family of *Anjou*; for *Charles* having begun to adorn *Naples* with magnificent Churches and Edifices; and after the Separation of the Kingdom of *Sicily*, made it the Royal Seat, Head and Metropolis of the Kingdom, the Royal Writs and other Records were carefully preserved, and the Royal Archives in *Naples* put in better Order. *Charles* was the first that instituted the Archives of the Royal Mint in *Naples*, which were formerly under the Direction of the Masters of Accounts, and he put them in a better Form; whence they have continued so long, and subsist to this day, and they are the most ancient we have in that City. In these Archives are preserved four hundred and thirty six Registers, beginning from *Charles I.* in the Year 1267. which was the second of his Reign, down to Queen *Joan II.* wherein there are many Writs in the *French* Language. We find fifty five Registers of *Charles I.* and an hundred and fifty three of *Charles II.* his Son, who reign'd longer; of *Robert* an hundred and seventeen; of *Charles* his Son, who was Lieutenant of the Kingdom, sixty two; of Queen *Joan I.* thirty two; of *Charles III.* who was of the second Race of the Family of *Anjou*, no more than three; of *Ladislaus* ten; and of Queen *Joan II.* his Sister, four¹. By this we now see, that the Writs preserved in these Archives are of an older Date than the Reign of *Charles* of *Anjou*. And as a Miracle there is still one Register, only of one Year, remaining of the Emperor *Frederick II.* to wit, of the Year 1239. And 'tis probable, that *Charles* caused all the rest to be destroyed, in order to extinguish entirely the Memory of the *Suevian* Kings, to whom he had succeeded, not by hereditary Right, but by that of the Sword, and Invitations of the Popes². Whence it came, that our Writers have been more full in record-

¹ Toppi de Orig. Tribun. tom. 1. in princip.

² Andrey, Diss. Feud. pag. 159.

ing the Transactions of the Princes of the Family of *Anjou*, than those of the Kings their Predecessors.

BESIDES, the Princes of that Family reign'd in Times wherein Ignorance did not prevail; and Learning and a good Taste of History began to revive in *Italy* and amongst us. *Florence* had *Giovanni* and *Matteo Villani*, who being Contemporaries of the two *Charles's* and *Robert*, did not fail to transmit their Actions to Posterity.

THERE appeared afterwards Men more famous, such as *Petrarca* and *Boccaccio*, who, being much carested, and highly esteemed by the Princes of the Family of *Anjou*, have recorded many of the Actions of those Kings in their Works: And among us there has not been wanting some who have done the same; such as *Matteo di Giovenazzo*, who wrote from the Death of *Frederick II.* to the Reign of *Charles II.* in which he lived. The Author of the *Journals of the Duke of Montelione*, as they are called, in which the Transactions from Day to Day are set down from the Reign of *Queen Joan I.* to the Death of King *Alphonfus I.* and *Pietro degli Umili* of *Gaeta*, who wrote at large of the Affairs of King *Ladislaus*, and who was the Contemporary, and chief Officer of that King's Treasury. By the Help of these Works, with those of other grave Authors, and being encouraged by the two great Men *Giacomo Sannazoro* and *Francesco Poderico*, *Angelo di Costanzo* compiled his grave and well digested History of the Kingdom of *Naples*, which not only eclipsed all that had been written before that time, but likewise for its Gravity and Elegancy excels all the Histories written since by an infinite Number of Authors. Therefore we shall follow the History of this notable Writer more than any other; neither shall we be ashamed sometimes to make use of the very same Words, as being both grave and proper.

CHARLES then, after having, by the Means above related, fixed himself in the Kingdoms of *Puglia* and *Sicily*, and by profuse Donations gained the Affections of many Barons of his own Party; for his greater Security he got many *French* Lords to settle in the Kingdom, to whom he gave many Fiefs; whence new Families sprung up among us, which rendered him formidable over all *Italy*, and made him to be looked upon as one of the greatest Kings in *Europe*; and extending his Arms beyond the Limits of his own Dominions, he had also made the Kingdom of *Tunis* tributary: And still thirsting after more Dominion, he aspired to the Empire of *Constantinople*, and had nothing so much at heart, as the driving *Palæologus* out of it. And perhaps he might have succeeded, had he found the same Inclinations and Goodwill in *Pope Gregory*, as his Predecessor *Clement* had.

AFTER the Death of *Pope Clement*, by the Divisions among the Cardinals, the Apostolick See had been almost three Years vacant; and nothing less was necessary for bringing the Cardinals to chuse a Successor, than the Presence of *Philip* King of *France*, and of *Henry* and *Edward*, the one Brother and the other Nephew to the King of *England*; for these Princes, returning from *Palestine*, having travelled through *Sicily* and *Naples*, went to *Viterbo*, in order to solicit the Cardinals to come to an Election; who at last, moved by their Presence, but not agreeing upon one of their own Number, on the first Day of *September*, 1271. they elected a Person not of their College, which was *Teobaldo di Piacenza*, of the Family of *Visconti*, Archdeacon of *Lodi*, who was at that time Apostolical Legate in the Christian Army, then in *Asia*, fighting against the Infidels: And the Year following he was crowned in *Viterbo*, and named *Gregory X.* who, being sensible of the late Disorders, was the first that made the Law for shutting up the Cardinals in the Conclave after the Death of a Pope, and to keep them there till they should elect a Successor.

AFTER the Election of the new Pope was over, King *Philip* went to *France*, and King *Charles* returned to *Naples*: the latter considering, that *Philip* his second Son, and *Robert* his third, were both dead, and that *Charles* the eldest (whom he had invested with the Principality of *Salerno*, by the Symbol of the Crown or Circle of Gold, with the County of *Lefina*, by the Standard, and with the Title of *Monte S. Angelo*, by the Ring¹) having no Sons, in the beginning of the Year 1272. he married a second Wife, the Daughter (according to *Costanzo*) of *Baldwin* of *Flanders*, the last Emperor of *Constantinople*, and by her expected to obtain some Part of the Empire of the East; though *Sigonius* says, that she was not the

¹ Inveges tom 3. Annal. di Palerm.

Daughter of *Baldwin*, but of the Duke of *Burgundy*. On account of this Marriage there were great Feasts and Tournaments, and the King honoured many Gentlemen with the military Belt, and made many Knights. This Year was very lucky to the King; for about the end of it the Prince of *Salerno* had a Son born, who was named *Charles Martel*, and was afterwards King of *Hungary*; whereupon there was great Feasting and Rejoicings both in *Naples*, and over all the Kingdom.

CHARLES hearing, that the new elected Pope, on his Way from *Palestine*, had landed in *Puglia*, he immediately set out to wait upon him at *Manfredonia*, where he received him with all the Respect and Honour imaginable, and would needs accompany him through *Capitanata* and *Abruzzo*, as far as *Campagna di Roma*; flattering himself, that by these Civilities *Gregory* might be induced to assist him in the designed Expedition against *Constantinople*; but the Pope, having been long in *Palestine*, had that War much at heart; he was therefore no sooner crowned, than he declared in the first Consistory to all the College of Cardinals, that he intended to employ all the Forces of the Church in the War of *Palestine* against the Infidels, whereof *Charles* was no sooner apprized, than he was sensible of the Loss he had suffered by the Death of *Clement*.

AT this time *Philip*, the Son of the last *Baldwin*, and King *Charles's* Brother-in-law, having come from *Greece* to solicit *Charles* to undertake the Expedition against *Constantinople*, the King advised him to go to the Pope, and sent with him as his Ambassador the Bishop of *Avignon*, who having jointly made Application to the Pope for such Assistance as he should think fit, in order to unite the *Greek* to the *Latin* Church, they found him very averse to that Undertaking; because at the same time *Palæologus*, who was in Possession of the Empire, had sent Ambassadors to the Pope, offering to reduce the *Greek* Church to the Obedience of the *Roman*: Whereupon *Gregory*, who preferred the general Good of Christians to the particular Interest of the Emperor *Baldwin*, chose rather to be in Friendship with the Person that was in Possession of the Empire, and could assist the Christian Army in recovering the Holy Land, than divert him from that Assistance, by restoring *Baldwin* to his Dominions: So the Pope left *Viterbo*, without giving *Philip* any Hopes of Assistance, and went to *France* to hold a Council in *Lyons*; in order to invite the Kings of *France* and *England*, and other Ultramontan Princes to the Expedition of the Holy Land. *Palæologus*, hearing that *Baldwin* was gone in Person to the Pope, and fearing that his Presence might have more Influence than his own Embassy, left *Constantinople*, and took along with him the Patriarch of that City, and other Prelates, to pay Obedience to the Bishop of *Rome*, who received him with exceeding great Honour, and granted him all he desired; whereupon he returned immediately to *Greece* confirmed Emperor by the Apostolick See¹. The Empire of the West having been vacant many Years, *Gregory* likewise got *Rodolphus Count of Ausburg* to be elected Emperor thereof, to the end that these two Princes might join in the Conquest of the Holy Land.

ALL these things were very displeasing to King *Charles*; and in the Year 1274, *Gregory* having opened the Council in *Lyons*, he invited *Fra. Bonaventura*, surnamed the *Seraphick Doctor*, who was there made a Cardinal, and *Thomas Aquinas* the *Angelick Doctor*; for the Union of the *Greek* with the *Latin* Church being to be there treated on, these two famous Divines were designed to confute the Errors of the *Greeks*: But *Charles* being afraid that *Thomas*, (who had gone from *Naples*, where he taught Divinity in that University, and who knew *Charles's* Cruelty) might more exasperate the Pope in the Council, went to *Fossanova*, a Place not far from *Terracina*, and caused him to be poisoned, where, on the seventh Day of *March* the same Year, at the Age of fifty, he died in the Monastery of the *Cistercian* Monks. *Dante*² numbers this among the other Cruelties of that Prince, saying, *Carlo venne in Italia, &c.*

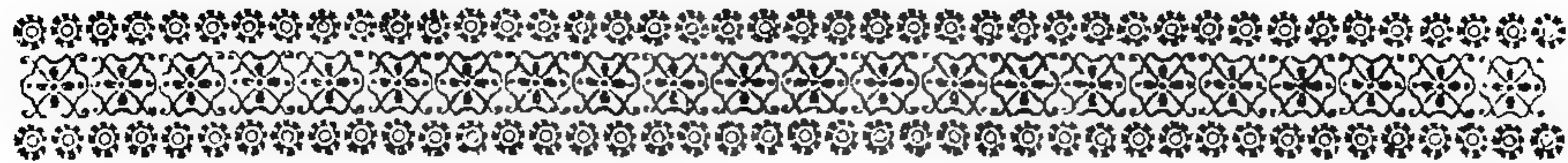
When *Charles* to *Latium* came, his Power to show,
He *Conradin* sent to the Shades below,
But, for that Cruelty to make amends,
Thomas he toss'd to Heaven amongst his Friends.

NEVERTHELESS *Charles* finding that the Pope had no mind to favour him in his Expedition, delayed it; and as long as *Gregory* lived, he gave himself no trou-

¹ Costanzo, lib. 2.

² Dante, Purgator, cant. 20.

ble about the Affairs either in, or out of *Italy*; but remained in *Naples*, and applied himself to the beautifying of that City, and putting the Affairs of this Kingdom upon a new Footing; and from this time our Provinces began to acknowledge *Naples* as their Head and Metropolis.



CHAP. I.

The Occasions whereby Naples became the Metropolis of the Kingdom, and the Royal Seat.



THE first Foundation of the Magnificence and Grandeur of this City, whereby it happily arrived to the State in which we now see it, was laid by the Emperor *Frederick II.* First the University which that Prince founded there, drew to it all the Scholars not only of this Kingdom, but also of *Sicily*, and other more remote Parts. *Frederick's* not residing in *Palermo*, as the *Norman* Kings his Predecessors had done, but making Progresses through many Cities of our Provinces, and stopping frequently in *Naples* with his Court, and other Officers of the Kingdom, was a great Step towards raising this City to so much Grandeur; nor did the *Capuan* Castle, and that of *Nuovo*, being built in so stately a manner, contribute a little to it.

The other Occasion of this City's being so much exalted, was the long Residence here of *Innocent IV.* and *Alexander* his Successor with their Courts. But those who crowned the Work were the new Kings of the Family of *Anjou*, *Charles I.* and *II.* and the disjoining of *Sicily* by the famous *Sicilian* Vespers had its Part too: The Result of which was two Royal Seats, and two Kingdoms, to wit, The ancient Kingdom of *Sicily*, and the new Kingdom of *Naples*. *Palermo* the ancient Royal Seat became that of the *Aragonians* in *Sicily*, and *Naples* the new Royal Seat was left to the *French* in *Puglia* and *Calabria*.

SECT. I.

Of Edifices.

CHARLES began first to enlarge *Naples* with magnificent and stately Edifices: and not pleased with the *Capuan* Castle built after the *German* manner, he had no sooner defeated *Manfred*, and made his triumphal Entry into this City, than he caused *Castel Nuovo* to be built after the *French* manner, where it now stands, in order to make it capable of receiving Succour by Sea, and of defending the Harbour; and it was look'd upon at that time to be one of the noblest Pieces of Work in *Italy*, enlarged since, and made stronger and more impregnable by his Successors. 'Tis likewise said, that for the greater Security of Vessels, and the better Defence of this Castle, he caused the *Tower of S. Vincent* to be built, which yet stands upon the Old Mole, and takes its Name from the Chapel in it, dedicated to that Saint.

HE likewise adorn'd this City with noble Churches and Monasteries, and, as we have said, caused the Church of the *Franciscans*, which was built where *Castel Nuovo* now stands, to be rebuilt in a more magnificent Form, in the Place where *S. Maria della Nuova* is now situate; and erected there a convenient Monastery capable of containing many *Friars Minors*, whose Number in the fol-

lowing Years was considerably increased. He took care to demolish the antient Palace of the *Neapolitan* Republick, where the Nobility and People were wont to assemble, in order to prevent their meeting; and in its Place he built the magnificent Church of *S. Lorenzo*, and added to it a large Convent of *Franciscans*.

HE began to rebuild the antient Cathedral Church of *Naples*, which was formerly the Church of *S. Restituta*, in a larger and more magnificent Manner; but not living to see it finished, his Son *Charles II.* brought it to the Perfection in which we now see it; although in the Year 1456 it was thrown down by an Earthquake, yet it was rebuilt in the very same manner by *Ferdinand I.* King of *Aragon*, and some of the great Men of the Kingdom; every one of which chose to rebuild his own part, whose Arms are to be seen at this Day upon the Pillars.

THE Example of the Prince moved his Ministers and Domesticks to adorn *Naples* with other Churches; but three *Frenchmen* distinguished themselves above all the rest; and it is thought they were three of King *Charles's* Cooks, who in the Year 1270 having got a Gift of a piece of Ground from their Master, built upon it a large Hospital with a Church dedicated to three holy Bishops *Eligius*, *Martin* and *Dennis*, which in process of time became one of the most remarkable Monuments of Christian Piety.

HE also caused the Streets of this City to be finely paved with square Stones, taken out of the *Via Appia*; and he repaired the Walls of it, and made them stronger than formerly. And in order to encourage Traffick and make Provisions more plentiful, he made the present large Market-Place, which being then without the City was more spacious¹; so that *Naples* had two Market-places, this new one made by *Charles*, where the unfortunate *Conrad* was beheaded, and the old Market-place which was formerly near the Church of *S. Lorenzo*.

¹ De Bottis in cap. 1. Regni: Hic Neap. fecit forum magnum.

S E C T. II.

The University restored.

THIS Prince following the Footsteps of *Frederick II.* in order to make *Naples* more remarkable and famous, he enlarged the University founded by *Frederick*, and bestowed many other Prerogatives and Privileges upon it. King *Robert* in the Articles which he added to those made by his Grandfather and Father, mentions an ample Privilege granted to this University by *Charles* in the first Year of his Reign 1266; which was drawn up in *Nocera* by *Roberto da Bari* his Protonotary, wherein may be seen how much he had the Grandeur and Reputation of this University at Heart². And that the Doctors and Scholars might enjoy more ample Privileges, he appointed a particular Judge, who was to hear and determine all their Causes both Civil and Criminal; and they were not obliged to appear or plead before any other Judge or Tribunal, unless they had a mind by way of Compromise to appear before the Archbishop of the City or a Doctor of their own University, to have them decide their Causes. Therefore he settled a Salary of twenty Ounces of Gold a Year upon the Judge, if he was a *Neapolitan*; and if he was a Foreigner thirty. And *Summonte* from the Books of the Records of the Year 1269 reports, That *Charles* appointed *Landolfo Caracciolo* Judge that Year, with a yearly Salary of twenty Ounces of Gold. For the right Administration of Justice he appointed three Assistants to this Judge; one of them an *Ultramontan*, and was to be chosen by the *Ultramontan* Scholars; another of them an *Italian*, to be chosen by the *Italian* Scholars; and the third a Native, to be chosen by the Scholars of the Kingdom; these Assistants were to be changed every three Months.

HE likewise gave Power to this Judge (to prevent the Students being imposed upon in the Price of Eatables) with the Advice of the Assistants, Doctors and Masters of the Scholars to put an Assize upon all Vendibles, which should be so moderate and just,

² In Capit. Regni, under the Title, Privilegium Colleg. Neap. Stud.

that neither the Seller nor Buyer might suffer any Detriment thereby. That with the Consent of the Students they might likewise appoint Men of Probity to assign Lodgings for the Scholars, and to settle a reasonable Rent for them. And that the Scholars might not be diverted from their Studies; he forbid his Officers to impose Taxes, Collections or personal Services upon them, even although his Court or the City stood in need of them. The Collectors and other Officers were to exact no Duty whatsoever for the Goods and other Things sent to the Scholars for their Maintenance or Necessities, exempting them altogether from their Jurisdiction and Power.

LASTLY, he invited all Nations to send their Youth to study in *Naples*, to whom should be granted free Ingress and Egress at their Pleasure; and that they should be kindly received, and graciously protected under the Royal Safeguard. The Tribunal of the Scholars instituted by *Charles I.* is mentioned in the Royal Records; and in the Registers of *Charles II.* we read of other Judges, such as *Marino del Duca* Judge of the Scholars, *Pietro Piscicello*, called *Ortante*, *Gualtiero Caputo* of *Naples*, Knight, and lastly, *Matteo Dentice*, Knight. And *Summonte* says, that it is to be read in the Writs of these Registers, that the Assize of Fish and other Eatables granted by *Charles I.* and afterwards confirmed by *Charles II.* his Son to the University of *Naples*, was made in the Church of *S. Andrew a Nido* by the Judge, Doctors and Students, according to Custom¹; of which there are still some Footsteps remaining; for though he conferred the Office of Judge of the Scholars upon the Chaplain Major, who, as Head of the University, has Jurisdiction, but very much limited, and different from that which the Judge had, as reaching only the Scholars who transgress the Laws of the University; yet the Power of settling the Assize he left to the Judge and his Assayers of the Weights and Measures, with Jurisdiction widely differing from the antient, and confined to the Sellers of Eatables only²; nevertheless the Profits arising from the Weights and Measures at this time belong to the primary Professor of the Civil Law of this University; who without any particular Grant enjoys these Emoluments, as annexed and depending upon the primary Chair of the Civil Law.

MOREOVER in order to render this University still more flourishing and numerous, he invited the most famous foreign Doctors of his time by great Salaries, to come and teach the *Belles Lettres*, and good Discipline. At this time the University of *Bologna* flourished, and among the other Professors *Giacomo Belviso* was famous for the Civil Law, whom *Charles* invited to come to *Naples* to teach it, and settled a yearly Salary of fifty Ounces of Gold upon him. In the Year 1269 he likewise invited *M. Girardo de Cumis* to come and teach the Canon Law, and gave him a Salary of twenty Ounces of Gold yearly. For Divinity he gave an Invitation to *M. Thomas Aquinas* a Dominican Monk, whom we now worship as a Saint, and gave him an Ounce of Gold a Month. And for Physick *M. Filippo de Castrocelli*, with a yearly Salary of twelve Ounces of Gold³. This Prince's Footsteps were afterwards followed by *Charles II.* and *Robert* his Successors, as shall be related.

THIS restoring of the University of *Naples* (which, after the Death of *Frederick* by the continual Wars that lasted more than twenty Years, had lost that Splendor in which *Frederick* left it) was one of the chief Causes which made *Naples* so populous, that it rais'd its Head above all the other Cities of the Kingdom.

CHARLES's Resolution not to remove his Royal Seat to *Palermo*, as his Predecessors had done, was likewise another great Cause of the Rise of *Naples*. That Prince looked upon *Palermo* as a distant City, not conveniently situate for having a strict Eye upon the Pope and the *Guelfs* in *Italy*, and at too great a Distance from his Dominions in *Provence* and *France*, with which he kept a close and strict Correspondence; of which the *Sicilians* unjustly complained, in the same manner as the *Romans* unreasonably complained of *Honorius*, who, in order to put a Stop to the Incurfions of the Barbarians who landed frequently on that side to infest *Italy*, removed his Seat from *Rome*, and resided first in *Milan*, and then in *Ravenna*. Therefore *Charles* fix'd his Residence in *Naples*; and though he did not always stay there, being often obliged as well for the good of the Kingdom, as to keep it quiet and peaceable under his Obedience, to make Progresses, sometimes to one City, sometimes to another, as may be seen by the Dates of his Writs, and also of his Statutes, which

¹ Summon. tom. 2. lib. 3. cap. 2. Reg. cap. 269. num. 17.

² Idem. tom. 2. lib. 3. cap. 2. Nigris in Comment. ad cap.

³ Idem. tom. 2. lib. 3. cap. 1.

we see are sometimes dated in *Nocera*, at other times in *Trani*, *Foggia*, *Aversa*, *Venosa*, *Brindisi*, and elsewhere; yet for the most part he took up his Residence in *Naples*, with the Prince of *Salerno* his eldest Son, and the Officers of the Crown and Court, and applied himself to aggrandize it, and adorn it with so many *Seggi*, or Tribunals, which he did not to any other City of the Kingdom.

DURING his Residence in *Naples*, he added to the Dignity of his Royal Person many illustrious Prerogatives, such as his making the Kingdom of *Tunis* tributary, and his taking upon himself the Title of King of *Jerusalem*; these as they gave new Lustre to the regal Power, so did they also much aggrandize *Naples* his Royal Seat.



CHAP. II.

Charles makes the Kingdom of Tunis tributary; and by the Cession of Mary Daughter of the Prince of Antioch becomes King of Jerusalem.

ABOUT the end of the Year 1269, *Lewis* King of *France*, *Charles's* Brother crossed over to *Africa* against the Infidels; but while he was besieging *Tunis* his Army was seized with a Pestilence, and in Danger of being ruined by the *Moors*, and himself and his Sons that were with him made Prisoners¹. *Charles* being apprized of this, thought himself bound as well by the Ties of Blood, as by the Obligations he lay under to that good King, who had assisted him in the Conquest of two Kingdoms, to put himself aboard of his Fleet, which he had prepared for the Expedition to *Greece*, and to sail immediately for *Tunis*²; where he found the *French* Army so much diminished, that it was almost a Miracle the *Moors* had not attacked and cut them off; and there too was the King in his last Moments breathing out his Soul to God. How welcome then his Arrival was to the King's Sons, may be easily conjectured; for at that very time an infinite Number of *Arabs* came, more with Design to plunder the rich Baggage of the Kings of *France* and *Navarre*, and of many other Princes, who had gone upon that Expedition, than to assist the King of *Tunis*; but seeing the Christian Army so much reinforced, they returned to their own Country: Nevertheless the King of *Tunis* every Moment expected the *Arabs* to raise the Siege, but at last finding himself thus disappointed, he sent Ambassadors to King *Charles* to beg a Peace: When *Charles* fearing that the Plague might destroy his Army, as it had already done that of King *Lewis*; and also perceiving that his Nephew *Philip*, the new King of *France*, was anxious to be gone in order to be crowned, he entered into a Treaty of Peace with the Ambassadors of the King of *Tunis*, which in a few Days was concluded on these Conditions: That a great Sum in Gold should be paid to the new King of *France* for the Expences of his Expedition: That all the Christian Prisoners that were in the Kingdom of *Tunis* should be set at Liberty: That Christians should have free Liberty to trade in *Africa*: That they should have Liberty to erect Churches and Monasteries, and to preach the Gospel of *Jesus Christ* without any Impediment: and That the King of *Tunis* and his Successors should become Tributaries to King *Charles* and his Successors, and pay a yearly Tribute of twenty thousand *Deublons*. A Tribute, which was formerly paid to the Kings of *Sicily*, such as *Roger* and *William*, Norman Kings. *Tutini* transcribes a Charter from the Royal Archives, where the yearly Value of this Tribute is computed; the Tenor of

¹ Villani lib. 7. cap. 57.

² Costanzo lib. 1.

which

which is as follows: *Tributum Tunisi debitum Regi Siciliae, anno quolibet est Bisantinorum triginta quatuor millia, tercentum triginta tribus, quorum Bisantinorum quolibet valet tarenos auri duos, & dimidium; & sic reductis ipsis Bisantiis ad tarenum aureum, sunt tarenorum, triginta tria millia, viginta tribus, quibus tarenis reductis in uncias auri, sunt unciae duo millia, octuaginta triginta tribus. Collecta igitur Bisantinorum dictorum summa per tribus annis, pro quibus tributum ipsum debetur dicto Regi, ascendit ad Bisantinorum centum millia. Summa dictorum tarenorum, pro eisdem tribus annis, unciarum octo millia trecenta tribus unum*¹.

¹ Tutini degli Ammir. del Regn. pag. 64.

S E C T. I.

Charles by the Cession of Mary Daughter of the Prince of Antioch, becomes King of Jerusalem.

IN the beginning of the Year 1275 Pope Gregory died, without having put any of his Schemes in execution; and in his Place *Peter of Tarantaise* a *Burgundian Preaching Friar* was elected, and called *Innocent V.* Charles, upon hearing of the Election of a *French Pope*, with great State resumed his Senatorial Dignity, and having substituted *Giacomo Cantelmo*, who formerly had been his Deputy, he governed *Rome* as he thought fit, and obtained for himself and his Friends whatever he desired; but his Hopes soon vanished, for *Innocent*, after a Pontificate of a few Months, ended his Days. And the Cardinals, jealous of *Charles's* Power, quickly elected an *Italian Pope*, which was *Ottobono del Fiesco* a *Genoese*, and Nephew of *Innocent IV.* and he was called *Adrian V.* During the short time this Pope lived, he shewed a great Inclination to lessen *Charles's* Power, by which *Italy* and *Rome* were oppressed; wherefore he had invited the Emperor *Rodolphus*. But *Adrian* soon dying, and *Peter* a *Spanish* Cardinal being elected, and according to *Platina* called *John XXII.* and as others will have it *XX. or XXI.* *Charles's* Power was not in the least diminished; for though *John* was a Man of a holy Life, yet he was unfit to manage so great a Machine; so that *Charles* as Senator of *Rome* governed and directed every thing belonging to the Papacy. Wherefore during this Pontificate, and six Months after *John's* Death, when the Apostolick See was vacant, till the Election of Pope *Nicolas III.* he was looked upon as the greatest and most formidable King of those Times; for besides the two Kingdoms, and his Dominions of *Provence* and *Anjou* which he possessed in *France*, he had the Kingdom of *Tunis* tributary; and *Tutini* adds, that he had likewise made himself Master of the Island of *Corfu*¹; the *Florentines* were also his Tributaries, and he had all the *Guelf* Cities of *Italy* at his Devotion. And besides he had the Management of the young King of *France* his Nephew; but what made him most formidable, was the great Number of Soldiers which he had training up under the Direction of most experienced Officers. He was likewise powerful in Sea-Forces, which were little inferior to those at Land; for he had several Fleets in our different Ports, under the Command of *Errico di Mari* a *Genoese* his High-Admiral; and was Master of both the upper and lower Seas; so that surely the *Venetians* could not in his time boast of the Dominion of the *Adriatick* Sea, because *Charles* was more powerful at Sea than they; for trusting to his Sea-Forces, he had undertaken to drive the Emperor *Palæologus* out of *Constantinople*, and to perform other Exploits in the East.

WHEREFORE *Mary*, Daughter of the Prince of *Antioch*, with whom *Hugh* her Uncle King of *Cyprus* disputed the Title and Right to the Kingdom of *Jerusalem*, came to *Rome*, and had recourse to the Pope and King *Charles* for their Assistance; but finding that the Pope was not disposed to give her any, she was at last prevailed upon by *Charles* to yield her Right to him; whereupon in Presence of the College of Cardinals she conveyed and renounced her Rights, which she had to the Kingdom of *Jerusalem*, and the Principality of *Antioch* in Favour of *Charles*²,

¹ Tutin. degli Ammir. pag. 64.

² Chiocc. tom. 1. MS. jurid.

with all the Solemnity requisite to a Matter of so great Importance¹; so that Pope *John*, who favoured the King, taking *Mary's* Right to be good, this Year 1277 crown'd *Charles* King of *Jerusalem*; and from this time he began to date his Reign of that Kingdom.

IMMEDIATELY upon this Cession *Charles* sent *Ruggiero Sanseverino* to take Possession of all the Lands which *Mary* was in Possession of, and to prepare for the Recovery of the rest; and at the same time he ordered a strong Fleet of Gallies and other Vessels, with a good Body of Land Forces to be got ready, not only for the Expedition against *Constantinople*, but likewise against *Jerusalem*.

THE Rights which *Mary* had to the Kingdom of *Jerusalem* were transmitted to her by *Melissina* her Mother, the fourth Daughter of *Isabel* Sister to *Baldwin IV.* King of *Jerusalem*. *Isabel*, by her first Husband *Conrad* of *Monferate*, as we have related in Book XVI. left four Daughters; *Mary* the eldest was Mother of *Jole* the Emperor *Frederick's* second Wife, who brought him the Rights and Title of *Jerusalem* as her Portion; by vertue of which *Frederick*, *Conrad* his Son, and *Conrad* his Grandson, took upon them the Title of Kings of *Jerusalem*. By the Death of *Conrad*, the last of the House of *Suevia* without Heirs, these Rights being extinct in that Line, *Mary*, as Daughter of *Melissina*, claim'd them as belonging to her.

ISABEL's second Daughter was *Alisia*, who was married to *Hugh* King of *Cyprus*, who, by right of his Wife, seeing the Line of the eldest Daughter was extinct in the Person of *Conrad*, took upon him the Title of King of *Jerusalem*; it was alledged for *Mary* of *Antioch*, that the Rights of *Alisia* were also extinct, because *Almericus* King of *Cyprus*, another Husband of *Isabel's*, to whom King *Hugh* his Son had succeeded, and was the Son of his first Wife, and *Alisia's* Husband, had yielded the said Rights to *John* of *Brenna* the Husband of *Mary* the eldest Daughter, according *P. Lusignano* in his Chronicle of the Kings of *Cyprus*.

ISABEL's third Daughter was *Sibilia*, who was married to *Livo* King of *Armenia*, and died without Heirs; so that all the Rights were extinct except those of *Melissina* the fourth Daughter, and Mother of *Mary*, who made this Cession to *Charles*.

BUT this Cession was clogged with great Difficulties; for truly it could not be said, that the Rights of the second Daughter *Alisia* were extinct by the Cession made by *Almericus* to *John* of *Brenna*, because that Cession could not prejudice his Successors, who were to succeed by vertue of other Rights, to wit, those of *Alisia*, to whom, as Daughter of *Isabel*, and not of *Almericus*, they belonged; neither did *Almericus* yield any other but those Rights, which at that time belonged to him as *Isabel's* Husband, not future Rights, which could only belong to *Alisia* and her Descendents; for which Reason *P. Lusignano* wisely observes, that this Cession made by *Mary* to *Charles*, was of a Right which she had not, but belonged to her Aunt *Alisia* the Wife of King *Hugh*. And indeed, when the Emperor *Frederick II.* was excommunicated, and had returned to *Puglia* from *Palestine*, the Queen Dowager of *Cyprus* went thither, in order to get the Knights Hospitalers and Templars to put her in Possession of the Kingdom of *Jerusalem*, because *Frederick* was returned to *Puglia*, and had been excommunicated; in which the Hospitalers and Templars would do nothing, but said, that they would wait a Year to see, if *Conrad* the Son of *Frederick* and *Violante* his Wife, who was the eldest Sister of the Queen of *Cyprus's* Mother, would come to *Palestine*, which *Conrad*, according to *Bossio*, was the nearest Heir to the Crown of *Jerusalem*². Hence it was, that *Charles*, afterwards finding the Insufficiency of *Mary's* Title, thought fit to compromise Matters with *Henry II.* King of *Cyprus*, who, according to the said *P. Lusignano*, was his Competitor. And though *Henry* renewed the Dispute afterwards with *Charles II.* by vertue of the Rights of his Grandmother; nevertheless, both *Charles*, and all the other Kings of the Family of *Anjou* his Successors, continued still to take the Title of Kings of *Jerusalem*, as may be seen in their Charters and Grants. And King *Robert* with his Wife Queen *Sancia*, in whose time the Christians, who had the Charge of the holy Sepulchre, were more infested than ever, agreed with the Sultan, by promising him a large Tribute, that the Christians should not in the least be molested; and at the same time they provided them with all Necessaries for the

¹ *Reynald. Annal.* ad ann. 1277.

² *Bossio* *Itor. di Malta*, lib. 16. pag. 561.

Support of that holy Place¹. Moreover Queen *Sancia*, at her own Charges, caused a Convent of Friars Minors of the Order of *S. Francis* to be built on Mount *Sion* for which she obtained a Bull from Pope *Clement VI.* recorded by *Wadingo*; which Author likewise says, that Queen *Joan I.* got leave also from the Sultan to build another Convent for the said Friars in the Valley of *Jehosaphat*, and furnished the Expences, both of the Building and Maintenance of the said Friars². Wherefore some say, the Kings of *Naples* claim the Patronage of the holy Sepulchre, and of these Convents of Friars Minors of *S. Francis*, founded and so liberally endowed by their Predecessors.

BUT others considering, that the Fountain from whence the Kings of *Naples* derive the Title of King of *Jerusalem* is somewhat muddy, if it arise from this Cession of *Mary's*; in order to ward off more strongly the Pretensions of the Kings of *England*, of the Marquisses of *Monferate* (from whom the present Dukes of *Savoy* derive their Right) and of the Republick of *Venice*, which, as having succeeded to the Kings of *Cyprus*, pretends to that Title, have asserted, that the Title of King of *Jerusalem* justly belongs to the Kings of the House of *Austria* by right of *Mary*, the eldest Daughter of *Isabel* Sister of *Baldwin IV.* King of *Jerusalem*, which was not extinguished in the Person of *Conrad*; because all the *Ultramontan* and *Italian* Writers agree, that when this unfortunate Prince was beheaded, he, with the Glove and Ring, invested *Peter* King of *Aragon* with all his Kingdoms and Rights, to whom they justly belonged, as Heir of the House of *Suevia*, by right of *Constantia* Daughter of King *Mansfred*; and King *Frederick* of *Aragon* succeeded to *Peter*, and to him the Kings of *Spain* of the House of *Austria*, who had all a better claim to the Title of King of *Jerusalem*, than any of the other Competitors.

¹ V. Rainald. 1342.

² V. Fr. Luca Wadingo Annal. min. to. 3. fol. 486. V. Lucerna Hierosymitana. V. D. Maurizio d'Alfedo nella Gerusal. Schiava, pag. 77.



C H A P. III.

A new French Nobility, and new Orders of Knighthood introduced into Naples by King Charles I.



DURING the Reign of the *Normans*, as we have seen in the preceding Books of this History, many *French* Lords came to our Provinces, who had received military Honours, and had gained great Experience in War under those Princes, who came to us from *Normandy*, a Country of *France*; and as a Reward of their many and gallant Exploits, had Fiefs bestowed upon them, and were advanced to the chief Offices of the Crown: It was by them that a new Method of Succession to Fiefs was introduced among us, called *Jus Francorum*; which gave Rise to many other Usages and Customs. But these Barons did not fix in *Naples*, many of them settling in *Sicily*, and particularly in *Palermo*, then the Royal Seat. Others of them resided on their Estates with which they were invested; some honoured with Offices followed the Princes, or remained where their Posts required their Presence. But those *French* Captains and Warriors, who followed King *Charles* in the Expedition to these Kingdoms, residing for the most part in *Naples*, after the Conquest, fixed themselves altogether in that City; where by the Bounty of the King they received the Reward of their Labours: For *Charles*, after he had made his magnificent Entry into *Naples*, and had been received with Acclamations, together with

his Queen *Beatrice* and his *French* Lords, spent many Days in feasting and rewarding all those that had served him; and after making a strict Enquiry after the Barons who had been of *Manfred's* Party, and confiscating their Estates, he began to divide them amongst these Lords, beginning with *Guido Monfort*, who had been Captain General of all his Armies; and besides making *William Belmont* his High-Admiral he invested him with the County of *Caserta*, and gave many Cities and Villages to others. *William Etendard*, *William de Clinet*, *Ralph Colant*, *Martin de Dordan*, *Boniface de Galibert*, *Simon de Belvidere*, *Peter de Hugoth*, *John Galliard de Pies*, *Jordan d'Ile*, *Peter de Beaumont*, *Robert Enfant*, *Beltran de Balze*, *James Canteline*, *William de Tournay*, *Reinald d'Aquinas* were rewarded, with many others, as may be seen in *Cosanzo* and *Summonte*¹, and more at large in *Pier Vincenti* in his *Teatro de Protonotari del Regno*, where he makes mention of *Roberto di Bari*, thro' whose Hands, as Protonotary of the Kingdom, all those Donations passed. And having likewise rewarded the *Romans* and other *Italians*, who had followed him, he took particular Care of those *French* Gentlemen whom he had brought from *Provence* and *France*, bestowing on them Cities, Towns, Castles, Dignities and eminent Offices in the Kingdom; the most renowned of which were those of the Families of *Grandville*, *Artois*, *Appie*, *Etendard*, *Cantelme*, *Merlote de Lamagne*; also the Families of *Bourson*, *Marsiac*, *Ponsic* call'd *Acclocciamuri*, *Clairmont*, *Cabane* and others. *Naples* therefore, both in Regard of her antient Nobility, and the many new *French* Lords that settled there, and possessed so many Fiefs, Prerogatives and Offices, became the most renowned City of the Kingdom; whence afterwards it justly acquir'd the Title of *Noble*, or *Gentile*.

¹ *Cosanzo*, lib. 1. *Summonte* tom. 2. pag. 240.

S E C T. I.

Knights made by Charles in Naples.

BUT what rendered this City more illustrious than the rest, was *Charles's* honouring a Multitude of the Citizens with the Order of Knighthood; besides many others of the Kingdom, whereupon military Exercise became so familiar in it, that those who were exercised under his Discipline and that of his Captains were not at all inferior to the Veteran Soldiers which he had brought with him from *France* and *Provence*.

THE Order of Knighthood was in such Esteem among the *Romans*, that it made one of the Estates, whereof the Commonwealth was composed; *Martia Roma triplex*, *Equitatu*, *Plebe*, *Senatu*, says *Ausonius*. To wit, the Senate, Knights and Commons. The Senate for Council; the Knights for War; the Common People for providing and furnishing Necessaries for the Service of the Commonwealth.

THE Order of Knighthood had formerly been a Seminary for Senators; because, as *Livy* observes, the Senators were elected out of this Order; but after the Commons were made capable of the highest Offices, the Senators were chosen out of those who had been Magistrates. It was an antient Custom among the *Romans* to bestow the military Girdle upon those who were possessed of opulent Fortunes; whence those who had much Money might aspire to become Members of this Order, as well as that of Senators. Afterwards in the time of the Emperors it was with great Solemnity given only to Persons of Merit, but most frequently to those, who had neither Office nor publick Charge, being for the most part private Gentlemen who followed the Emperor's Court; and because they were of several Kinds, the Emperor *Justinian*, in one of his Constitutions, which we read in his Code¹, settled their Precedency; and after those who held any Office or Charge, he ranked in the second Place those of his Courtiers to whom he had given the Military Girdle; in the third Place, those to whom the Girdle had not at all been given; but to those only residing at Court, the Emperor gave barely Letters of Dignity; and in the fifth and last Place, those to whom he had only sent such Letters in their

¹ L. 1. C. ut dignit. ord. serv.

Absence. Therefore they took their Precedency according to that Order; whence it followed, that those who had no Office, nor publick Employment, and got this Girdle, were ever after intitled to wear a Sword, and consequently to enjoy the Privileges of military Men: Nevertheless it was more honourable to receive it from the Hands of the Emperor, than to have it sent; and the Girdle was preferable to the Letters of Dignity.

AFTER the Fall of the *Roman Empire*, and after new Kingdoms and Dominions were erected in *Europe* upon its Ruins, the Kings of *France*, for any thing we know to the contrary, were the first that thought fit to restore so commendable an Institution: They, in the same manner, when they found Gentlemen of Merit, and had no Office or publick Employment to bestow upon them, made them *Knights*, that is to say, declared them honorary military Men, in order to make them capable of enjoying military Privileges, although they were not enrolled in the Army. And the most part of the antient *French Writers* call a Knight in *Latin Miles*, and not *Eques*: So that when they had a Mind to make a riding Knight, they particularly declared him to be a Horseman in complete Armour, because in *France* the Horse-Service is much more esteem'd than the Foot. And in Token of their being made *Gendarmes*, they got the military Girdle on the most remarkable Days, and with the most magnificent and pompous Ceremonies imaginable; which was afterwards imitated by our *Norman Kings*, such as *Roger I.* and his Successors, and likewise by those of the House of *Suevia*, but especially by *Charles of Anjou*, and the other *French Kings* his Successors.

THE Days appointed for such Ceremonies were for the most part those of their Coronations; their publick Entries into Cities; great Festivals, and particularly that of the *Virgin Mary*; or upon Occasion of some publick Rejoicing². It was likewise an antient Custom to make Knights, either before a Battel, or when an Attack was to be made upon some Town, in order to encourage Gentlemen to behave themselves gallantly; or after a Battel, or the taking of a Town, for rewarding those who had behaved themselves with Bravery and Courage³. Knights were likewise made at the Marriages of Kings, or of their Children, or on the Birth-Day of a Prince, for honouring the Tournaments that were then made.

OUR Kings first of all were wont by an Edict to publish over the whole Kingdom the Day appointed for the Ceremony, that whoever had a mind to have the Girdle might come prepared with all the Requisites, which, according to our Constitutions, were necessary: For *Roger I.* King of *Sicily* had made a Constitution⁴, whereby he ordained, that no Person could pretend to the Military Girdle without the King's Licence, and who could not prove that they were descended from Knights; which was confirmed by *Frederick II.* in the following Constitution⁵, which ought not to be ascribed to *Roger*, as is commonly done, but to *Frederick*, who, by *Avi Nostri*, means *Roger*; and it is likewise mentioned by *Riccardo da S. Germano* in his Chronicle, where he says it was published by *Frederick* in a general Parliament, held in *S. Germano* in the Month of *February 1232*.

THE Kings of the Family of *Anjou* added other Requisites, requiring not only, *Quod nullus possit accipere militare cingulum, nisi ex parte patris saltem sit Miles*, as we read in the Register of *Charles II.* of the Year 1294, recorded by *Tutini*⁶, but that he and his Forefathers had been assessed, and had paid the Subsidies with the Nobility and Knights. But from a Gloss of *Bartolommeo di Capua* upon the above-mentioned Constitution of *Roger*, it appears, that in the Reign of King *Robert*, when he wrote, the Proof of being descended from a Knight was not required here, though in *France* it was observed; these are his Words: *Non potest quis militare qui non est de genere militum ex parte Patris. Hoc in Regno Siciliae non servatur, sed bene audiivi servari in Regno Franciae*. And we even read that the Girdle has been given to many of the Commonalty, who could not prove that their Forefathers had been Knights; and many such were knighted both in the City of *Naples* and other Parts of the Kingdom by *Charles I.* and *II.* his Son, and by *Robert*, as may be seen in *Tutini*⁷, whom he therefore calls *milites ex gratia*, because they had that Honour without the abovementioned Conditions.

² Loyseau de Sign.

³ Tutin. dell' Orig. de seggi, cap. 14. pag. 143.

⁴ Loyseau des Ord.

⁵ Constitut. Reg. lib. 1. tit. de nova militia.

⁶ Constit. Constitutione praesenti.

⁷ Tutin. loc. cit. pag. 143. ex Registr. Caroli II. 1294. M. fol. 344.

⁸ Idem. loc. cit. pag. 157.

IT was likewise requisite that the Candidate should be of Age. The *Romans* according to *A. Gellius* ¹, conferred the Honour of Knighthood from seventeen Years of Age and upwards; and, the Abbot *Telefino* ², in the Deeds of King *Roger*, in describing the Gracefulness and Ages of the Sons of that King, says, that both of them were capable of pretending to the Girdle, being already of Age: *Habebat autem Rex Rogerius & alios duos liberos adolescentiores, forma speciosissimos, morumque honestate præclarissimos; nec non ad suscipiendum Militiæ cingulum jam utrosque adultos.*

THEREFORE those who had a mind to be dubb'd Knights, demanded, that Information might be taken of their Qualifications, and the King intrusted the Governor of *Naples*, if they were *Neapolitans*, or the Justices of the Provinces, if they were Provincials, to form the Process; and Information being taken, and it appearing that they were qualified, they were dubb'd on the Day appointed; and before they received the Girdle they were called in the *French Language Valets*, which in ours signifies *Pages*. On the Day of the Solemnity they appeared all dressed in fine rich Habits, and in the Cathedral Church of the City; where the Solemnity was to be performed, there was a large Stage raised and handsomely deck'd, upon which an Altar was erected, at the Sides whereof were placed the King's and the Bishops Desks, and close by it another Seat over-laid with Silver, and cover'd with Silk. Upon the Altar, according to *John of Salisbury* ³, were laid the Swords wherewith the new Knights were to be girt.

THE King and Queen, with all the Court, Knights and other Nobility being come into the Church, those who were to be dubb'd were introduced and placed in the silver'd Seat. Then they were examined by some old Knights if they were found in their Bodies, and able to undergo the Fatigue of War; and after that was over, they were conducted to the Bishop, who sitting in his Desk, held the Book of the Gospels open, before whom kneeling, he call'd them by their Names, and said to them ⁴: *Since you have a mind to receive the Military Girdle and be Knights, you must swear upon these holy Gospels, that upon no Account whatsoever you shall rise up in Arms against the King's Majesty here present or his Successors; and if hereafter you should be disloyal to your King (which God forbid) who is going to make you Knights, you ought first to return him the Girdle with which you are immediately to be honoured, and then you may make War against him, and none will reproach you with Treachery; otherwise you will be reputed infamous, and worthy of Death. You must likewise be faithful to the Catholick Church, respectful to the Clergy, Defenders of your native Country, and of the Honour of Virgins, Widows and Orphans, and other Persons in Distress* ⁵.

THEY answered, that through God's Grace, they should be true and loyal to their King, and would perform what they had promised, and laying their Hands upon the Book of the Gospels, they swore to it. Then being conducted to the King by two old Knights, and there kneeling again, the King took his own Sword, and therewith touching each of them slightly on the Head, said, *God make thee a good Knight*. Others, such as *Mennius* ⁶ say, that the King lightly struck them with the Sword on the Shoulders, and not on the Head. Then the *Valets* remaining still before the King, there came seven of the Queen's Maids dress'd in white, carrying the Girdles in their Hands, which they first offered to the King, and afterwards girt on the Loins of the Knights: This done the Swords were taken off from the Altar, according to *Peter of Blois* ⁷, and by the Maids fixed to the Sides of the new Knights. After that came some Knights who put on their Spurs, and then their Military Cloaks made of green woolen Cloth, furr'd with Minever Skins. Then the Queen from her Seat offering them her Hand, they rose up, and went and placed themselves in their Seats; whereupon all the Knights and Noblemen there present congratulated them upon their new Dignity, and the Solemnity concluded with a Collation of Sweetmeats.

FROM that time forward they were no more called *Valets*, but Sirs or Knights, and enjoyed the same Privileges with military Men, and those likewise of private Gentlemen, that is to say, to be exempted from Taxes; to wear their Swords in

¹ A. Gell. lib. 10. cap. 18.

² Abbat. Telef. lib. 3. fol. 134.

³ Joan. Sariberiens. in Policratico.

⁴ Tustin. loc. cit.

⁵ Petr. Blesens. Epist. 94.

⁶ Franc. Menn. Origin. Militar. fol. 14. Stricto gladio leviter humeris percussis, &c.

⁷ Petr. Blesens. epist. 94. Hodie Tyrones enses suos recipiunt de Altari, &c.

the King's Closet; to have the Privilege of Hunting; to be free from the Penalties of the *Plebeians*; and not to be obliged to fight Duels with the Ignoble. Therefore on their Tombs their Images were carv'd, cloth'd with Coats of Armour, with the Girdle, the Sword and Spurs on their Heels, under which were two Dogs as Symbols of Fidelity, which was the Device of the Knights; and an infinite Number of such Marbles are to be seen in the Churches of *Naples*, none but Knights being allowed to have their Images engraven after that manner; for the Doctors had theirs engraven in long Gowns, with a Cowl or Hood upon their Heads, as may be seen in the great Church of *S. Dominick* in *Naples* on the Tomb of *Niccolo Spinello da Giovenazzo*, and likewise in other Churches: The Images of inferior sort of People, such as Merchants and Mechanicks, were engraven with a Garment down to the Calf of the Leg, with large Sleeves, and a piece of Cloth wrapped about their Heads; whereof there are many remaining in the Churches of *Naples*¹. It was incumbent therefore upon those, who had a mind to take Arms against a Prince by whom they were dubb'd Knights, to return the Girdle, otherwise they would have been deemed treacherous and infamous; to which purpose we have an Instance in *Eugenio* and *Tutini*² of the Princes of *Bisignano* and *Melfi*, of the Duke of *Atri* and the Count of *Maddaloni*, who were honoured by *Lewis XII.* King of *France* with the Collar of *S. Michael*, when he took Possession of this Kingdom; but it afterwards coming into the Hands of *Ferdinand* the Catholick, they sent back the Collars to *Lewis*.

THESE Solemnities being held in great Fame and Repute, were performed in such a pompous and expensive manner, that we read both in the common Law of *France*, and in the Laws of our Kingdom, that the Barons had Power to impose Taxes upon their Vassals, and to levy Subsidies for defraying the Charges they were to be at, when either they themselves or their eldest Sons were to be made Knights, in the same manner, as when they were to marry their eldest Daughters³. We have a Constitution of King *William's* under the Title *De Adjutoriis exigendis*⁴ *pro faciendo filio milite*. *Frederick II.* extended it afterwards to a Brother, as we read in the Constitution *Comitibus* under the Title, *De Adjutoriis pro militia fratris*. And among the Letters of *Pietro delle Vigne*⁵, we read one of that Emperor's directed to a Justice, ordering him to cause the usual Subsidy to be levied upon the Vassals of a certain Baron, whose Son was to be honoured with Knighthood: *Item Justitiarius præfati Baronis juxta Constitutionem Regni Nostri subventionem fieri faciat congruentem*.

SO likewise in the Reigns of *Charles* of *Anjou* and his Son we read many such Orders in the Archives; and in the Register of the Year 1268⁶, we see one sent in Favour of *Filippo Brancaccio*: *Scriptum est Justituario Terræ Laboris, &c. Quod Philippo Brancaccio, qui nuper se fecit militari cingulo decorari, subventionem per hoc congruam a Vassallis suis faciat exhiberi*. And in the Register of the Year 1294⁷ there is another in favour of *Leonardo S. Framondo*: *Quod Vassalli Leonardi de Sancto Framondo, præstent eidem congruam subventionem juxta Regni consuetudinem, pro militari cingulo accipiendo*. *Adinolfo d'Aquino* obtained the like Order for *Cristoforo* his Brother, when he was made Knight by *Charles* the King's eldest Son, then in *France*: *Adenulphus de Aquino petit subventionem a Vassallis pro Christophoro ejus fratre militari cingulo decorato a Carolo Primogenito in partibus Franciæ*⁸. From the Solemnity and Magnificence which were us'd in creating Knights, it became customary not only for mere Gentlemen, but also Princes, Brothers, and even the Sons of Kings to take upon them the Order of Knighthood; when therefore the Sons or Brothers of the King were to be created Knights, he could demand a Subsidy from all the Vassals of his Kingdom; and we are told by *Andrea d'Isernia*, that among the Stipulations of Pope *Honorius* it is declared, that the King could impose a Tax upon the Kingdom, whenever he had a mind to make either his Son or Brothers Knights, provided it did not exceed twelve thousand Ounces⁹.

¹ V. Tutin. de Orig. de Seggi, cap. 14. pag. 149.

² Eugen. Nap. fac. dell' Ordine di S. Michele, Tutin. loc. cit. pag. 158.

³ Andr. d'Isernia, Constit. quamplurimum de Adjutoriis exigendis lib. 3.

⁴ Constit. Reg. lib. 3.

⁵ Lib. 5. epist. 5. fol. 560.

⁶ Reg. Caroli I. 1268. O. fol. 60

⁷ Reg. anno 1294. M. fol. 147.

⁸ Reg. anno 1278, & 79. lit. H. fol. 72.

⁹ Andr. d'Isernia in Constit. Quamplurimum de adjutor. exig. lib. 4. Unde si pro faciendo fratre milite velit Rex subventionem, imponet eam secundum quantitatem ab Honorio declaratam & expressam, viz. duodecim millia unciarum in toto Regno Siciliæ.

BY Reason of so many splendid and pompous Ceremonies, as were performed in dubbing of Knights, not only private Gentlemen, and those who had neither Office nor publick Employment, but also Lords and Princes, and even the Sons of Kings were ambitious of the Honour of Knighthood; looking upon it, both as a Mark of great Distinction, and a powerful Motive to excite the Valour and Generosity of those who were desirous of receiving the Sword from the Hands of a Prince; which indeed was frequently practised both in *France* and by our Kings.

IN the Annals of *France* we see, that *Charles* the Great girt the Sword about his Son *Lewis* the Good, when he was upon the Point of going to the War. And the same *Lewis* did so by *Charles* the Bald his Son. The holy King *Lewis* dubb'd his eldest Son *Philip* III. Knight, and *Philip* did the same to three of his Sons. And History takes Notice, that in performing these Functions, the King had his Crown upon his Head, kept a full Court, and an open Table that Day for every Body.

OUR *Norman* Kings, and those of the Family of *Anjou*, who did not in the least depart from the Usages of the Kings of *France*, were wont to practise the same. So we read of *Adelasia* Countess of *Calabria* and *Sicily*, who, before her Son *Roger* was Count, who was afterwards first King of *Sicily*, would have him to be dubbed Knight; whence it is, that this Prince in his Writs takes first the Title of Knight, and then of Count, as may be seen in many Charters recorded by *Pirro*¹, in one of which we read thus: *Ego Adalais Comitissa, & Rogerius filius meus Dei gratia jam Miles, jam Comes Siciliae, & Calabriae, &c.* The same *Roger*, according to the Abbot *Telefino*², when he was King, *Duos liberos suos ad militiam promovit, Rogerium Ducem, & Tancredum Barensem Principem, ad quorum videlicet laudem & honorem quadraginta Equites cum eisdem ipsis Militari cingulo decoravit:* And *Paolo Pansa*, in the Life of *Innocent* IV.³, likewise relates, that the Emperor *Frederick* II. in the Year 1245 having gone to *Cremona*, created his Son *Frederick* Prince of *Antioch* Knight, and with his own Hand girt the Sword about him. This was afterwards imitated by the Kings of the Family of *Anjou*, and amongst the rest by *Charles* II. who, before he gave his Sons any other Titles, first made them Knights; thus in the Year 1289, before he created his eldest Son *Charles* Martel King of *Hungary*, he first dubbed him Knight. He did the like by *Philip* Prince of *Taranto* his fourth Son, whom he adorn'd with the military Girdle before he created him Prince of *Taranto*. And he did the same by *Robert* his third Son, who afterwards succeeded him in the Kingdom; for in the Year 1296 being in *Foggia*, he wrote to his Son *Philip* to proclaim by the usual Edicts, That on the second Day of *February*, the Feast of the Purification, he designed to dub his Son *Robert* Knight; and that all those Gentlemen that had a mind to be Knights should repair to *Foggia*, where together with *Robert* they should receive the military Girdle.

THE said *Robert* likewise resolving to make his only Son *Charles* Duke of *Calabria* Knight on the Feast of the Purification in the Year 1316 he published it over all the Kingdom, and wrote to the Justices of the Provinces, as may be seen in the Writ recorded by *Tutini*⁴, together with the other Instances above related.

FROM this Custom, which the Kings had, of making their Sons Knights, who were to succeed them in their Dominions, arose the Question, whether, that being neglected, those who succeeded in the Kingdom as Kings, were likewise Knights, though they had not received the Order. And from what they practised, it seems as if they had not been reputed such, since when they were Kings they would be dubbed Knights. Thus we observe in the Book of *Pietro delle Vegne's* Letters⁵, where we find a Letter, which King *Conrad* the Son of *Frederick* II. wrote to the Inhabitants of *Palermo*, in which he tells them, that he had a mind to be dubb'd Knight: *Licet, says he, ex generositate Sanguinis qua nos natura dotavit, & ex dignitatis officio qua duorum Regnorum nos in Solio gratia Divina prefecit, nobis militaris honoris auspicia non deessent; quia tamen militie cingulum, quod reverenda sancivit antiquitas, nondum serenitas nostra suscepit, prima die presentis mensis Augusti cum solemnitate tyrcinii latus nostrum eligimus decorandum, &c.*

WE likewise read in *Sigebert*, that *Malcolm* King of *Scotland* would have himself to be knighted by *Henry* I. King of *France*. And *Otho Frisingensis* says, that

¹ Rec. *Pirro* Notiz. *Sicil. Eccl. nat.* 1. fol. 105.

² *Abb. Telef. lib.* 4. fol. 138.

³ *Pansa* fol. 32.

⁴ *Tutin. loc. cit.* pag. 150, 151, 152, 153.

⁵ *Lib. 3. epist.* 20. fol. 410.

William Rufus King of *England* caused himself to be knighted by Archbishop *Lanfranc*; for the Custom still continued in those Times, that not only Princes, but even Bishops and Prelates dubb'd Knights; which was afterwards forbid in the *Westminster Synod* celebrated in the Year 1102¹. Thus likewise did *Henry II.* cause himself to be knighted by the Marshal *de Bise*²; and *Edward IV.* King of *England* received the Honour of Knighthood from the Earl of *Devonshire*. *Henry VII.* received the Girdle from the Count of *Evadolia*; and *Edward VI.* from the Duke of *Somerset*. *Giovanni Villani*³ also relates, that *Lewis* of *Taranto*, the second Husband of Queen *Joan I.* received the military Girdle from the Hands of a German Captain; and we read in the Annals of *France*, that after the Battel of *Marignano* King *Francis I.* was knighted by Captain *Bajart*, who girt his Sword about him⁴; and *Lewis XI.* procured himself to be knighted by *Philip* Duke of *Burgundy*⁵.

BUT although History abounds in these and many other Instances, where we see, that when Princes had not been knighted in their Youth, whenever they became Kings they would needs have that Honour; nevertheless, as *Loyseau* wisely observes⁶, they did not want it, and were Knights without it; but they would be dubb'd for doing Honour to the Order of Knighthood, and giving it the greater Lustre. For a King, as the Fountain of all Honour, and as the Sun from whence all Light is derived, contains in himself all Dignities, and all the highest Prerogatives and Pre-eminencies.

THIS Order which was so illustrious in *France*, and being established in *Naples*, and our Provinces, by the Kings of the Family of *Anjou*, who made so great a Number of Knights, gave such Reputation to military Exercise, that there was not a Gentleman but aspired at that Honour, whence our Kingdom was furnished with brave and gallant Soldiers.

HOWEVER *Charles I.* of *Anjou* was not the first that introduced this Order into *Naples* and the Kingdom; it began in the time of *Roger I.* King of *Sicily*; but it was he who raised it, and especially in *Naples*, to a much higher pitch, and rendered it more numerous and flourishing.

ROGER I. King of *Sicily* was the first who introduced this Order into *Naples*, and it was at that time, when it is said, that having made his triumphant and victorious Entry into that City in the Year 1140, he created a hundred and fifty Knights⁷. And when he gave the Girdle to Duke *Roger*, and *Tancred* Prince of *Bari* his Sons, he dubb'd forty more⁸. Whose Example was afterwards followed by *Tancred*, who in the Year 1189 being crowned King of these Kingdoms in *Palermo*, together with his Son *Roger*, at that Solemnity he created many Knights of both the Kingdoms.

KING *Manfred*, according to *Matteo Spinello*⁹, was no sooner crowned in *Palermo*, than he made a Progress into *Calabria*, and dubb'd many Knights in the Cities of that Province; and afterwards coming to *Naples*, he made a solemn Entry and created thirty Knights, amongst which were *Anselmo* and *Riccardo Caraccioli Rossi*. And in the Year 1253 having gone to *Civita de Chieti*, on Christmas-day he gave the military Girdle to many Gentlemen of the Cities of *Abruzzo*.

BUT none of our Princes were so prodigal in bestowing this Order in *Naples* and the Kingdom, as *Charles I.* of *Anjou*. There happened no publick Solemnity, on which *Charles* with sumptuous Feasts did not create Knights. In the Year 1272, on *Whit-Sunday* he dubb'd a great many noble *Neapolitans*, amongst which were *Bartolommeo dell' Isola*, *Landolfo Protonobilissimo*, *Marino Tortello*, *Liguoro Olopesce*, *Filippo Falconaro*, *Bartolommeo d' Angelo*, &c. The Registers are full of Noblemen of the Kingdom created Knights by *Charles*, such as that of the Year 1269, wherein are set down a prodigious Number, and among the rest *Pietro di Ruggiero da Salerno*, *Bernardo di Malamorte*, *Raimondo di Braccia*, &c. Neither did this King confine himself to the Nobility only, but likewise bestowed this Honour upon the inferior sort of People both of the City of *Naples* and of the Kingdom, who had distinguished themselves by their Valour, or any other Endowment, of which there are many Instances in the abovementioned Register of the Year 1269¹⁰; insomuch,

¹ Tutin. loc. cit. pag. 149.

² Franc. Menn. fol. 8.

³ Gio. Villani Hist. lib. 1. cap. 10.

⁴ Camil. Portio nella Cong. de Baroni fol. 76.

⁵ Loyseau des Ord.

⁶ Idem. loc. cit.

⁷ Fazet. Poster. decad. lib. 7. V. Camil. Pellegr. hist. long. in Castigat. ad Falcon. Benev. in fine.

⁸ Abb. Telefen. lib. 4. fol. 133.

⁹ Annal. MS. de M. Spin.

¹⁰ V. Tutin. loc. cit. pag. 157.

that this Prince adorned *Naples* and the Kingdom with so many Knights, that military Discipline, and the Exercise of Arms became much superior to that of Learning; and as now in our time the Support of Families depends upon the Application of Youth to Learning and the liberal Sciences, especially the Law; so at that time by the Value which *Charles* put upon the Order of Knighthood, there was not a Family that did not train up their Sons in the Exercise of War and Arms.

AFTER *Charles's* Example, all the other Kings of that Family his Successors did the same, such as *Charles II.* his Son, who in the Year 1290, at the Coronation of *Charles Martel* King of *Hungary*, made more than three hundred Knights ¹, and in the Years 1291, 1292, 1296, and 1300, a great many more ². So *Robert* his Grandchild gave the Girdle to many of the Inhabitants of the City of *Naples*, and of the Kingdom likewise; and in the Year 1309 to some of *Aversa*; in the Year 1310 to many of *Salerno*, *Capua* and *Isernia*; and about the Year 1312 being in *Aquila*, he created many of the Inhabitants of that City Knights. And the Kings of the second Race of *Anjou* did the same, such as *Charles III.* *Lewis III.* *Ladislaus* and others; all following the Footsteps of *Charles I.* Whence the Number of Knights became so great in the Kingdom, that by Reason of the Multitude, and the little Merit of some that were admitted, the Order of Knighthood began to be despised and undervalued.

THIS did not happen among us only, but likewise in *France*, and other Kingdoms, purely on account of the vast Multitude of Knights that were made; for it was so very easy to be made a Knight, that upon any publick Festival, as many as presented themselves before the King, so many were dubb'd Knights. And we read in the Annals of *France*, that *Charles V.* at the Siege of *Berges* made fifty Knights in one Day ³. And it is also said, that the Emperor *Charles V.* at his Coronation in *Bologna* by Pope *Clement VII.* knighted all those who were assembled before *S. John's* Church, without any other Ceremony, than by touching them slightly with his Sword upon the Shoulders.

¹ Costanzo lib. 3.

² Tatin. pag. 156.

³ V. Loyseau des Ordres.

S E C T. II.

Particular Orders of Knighthood.

FROM the easy access to the Honour of Knighthood, and from the Contempt which that occasioned, proceeded the Rise of particular Orders of Knighthood; from so great a Multitude, the chief and most remarkable Knights reduced themselves to a small select Band or Society; wherefore they invented certain new Orders of Knighthood, into which they admitted those only of the greatest Merit, either for Bravery or Descent, and refused those who had no other Quality or Title but of mere Knights.

AND to render those new Orders the more august and venerable they bound themselves to certain religious Ceremonies, and erected themselves into the Form of a Fraternity; and besides, that they might be the more remarkably distinguished from the simple Knights, they wore a Collar of Gold, or other Badge, which the King gives, and puts about them in conferring the Order, in place of the Collar of the ancient Knights. And these were distinct and different Orders from those of *S. John* of *Jerusalem*, the *Teutonicks*, *Templars*, *Sword-bearers*, of *Jesus Christ*, of the *Commendatories* of *S. Anthony*, *S. Lazarus*, and others recorded by *Polydore Virgil*, because these were Ecclesiastical Regular Orders; and therefore were called *Knights Companions*, and were likewise tied up by certain Vows, such as Chastity and Obedience, and by certain Rules of a Mixture between a monastick and secular Life.

THE first Order that was of any Duration in *France* (for that of the *Gennete* instituted by *Charles Martel* ought not to be number'd, because it soon disappeared) was that of the *Virgin Mary* instituted by King *John* in the Year 1351; and because they wore a *Star* upon their Hoods, and afterwards, when the use of Hoods was abolished, upon their Clokes, they were called Knights of the *Star*. Many

Neapolitan Knights were of this Fraternity, and according to *Eugenio* ¹, *Giacomo Bozzato*, and some of the Families of *Zurla* and *Aprana* were likewise of it, as may be seen upon their Tombs.

THE second was the Order of *S. Michael*, instituted in honour of the Guardian Angel of *France* by King *Lewis XI.* who, in order to suppress the first Order, and to raise his own, gave the Badge of the Star to the Officers of the Horse-watch of *Paris*, and his *Archers*, or *Marthals-Men*. Our Knights were likewise honoured by the Kings of *France* with this Order, such as *Trojano Ceracciolo* Prince of *Melfi*, *Bernardino Sanseverino* Prince of *Bisignano*, *Andrea Matteo Acquaviva* Duke of *Atri*, and *Gio. Antonio Carafa di Madaloni*, who afterwards (as we have already mentioned) when *Ferdinand* the Catholick got Possession of the Kingdom, returned the Collar to the King of *France*.

LASTLY, *Henry III.* a great Inventer and Lover of new Ceremonies, besides having instituted the Military Order of the *Virgin of Mount Carmel*, to which Pope *Paul V.* granted many Prerogatives ², he instituted the Order of the *Holy Ghost*, in Remembrance of his having been born and made King on *Whit-Sunday*. And these Knights, besides the Badge of their Order which they wear upon their Clokes, carry another fixed to a blew Ribbon.

AFTER the Example of the Kings of *France*, for the same Reasons, other Princes have instituted new Orders of Knighthood, and our Kings of the Family of *Anjou* were the most forward in imitating them. A Lady, whom *Edward III.* King of *England* loved, having dropt one of her Garters, he took it up, and very courteously delivered it to the Lady, which occasioned a Report at Court, that the King had private Dealings with her; whereupon the King, in Vindication of the Lady, and to do Honour to the Accident, instituted the Order of the Garter; with this *French* Inscription upon the Garter, *Honi soit qui mal y pense* ³. The Kings of *Castile* instituted such another, called the Order of the *Sash* or *Girdle*; the Dukes of *Burgundy* that of the *Golden Fleece*; the Dukes of *Savoy* that of the *Annunciation*; the Dukes of *Tuscany* that of *S. Stephen*; the Dukes of *Orleans* that of the *Porcupine*; and the Kings of *Spain* and *Portugal* those of *Alcantara*, *S. James*, *Calatrava*, *S. Benedict de Avis*, and others.

BUT our Kings of the Family of *Anjou*, in Imitation of those of *France*, instituted many Orders. *Lewis* of *Taranto* King of *Naples*, the second Husband of Queen *Joan I.* on *Whit-Sunday* in the Year 1352, appointed a Festival in Memory of his Coronation, on which he instituted the Order and Society of *Nodo* (*Knot*) consisting of sixty of the most gallant Lords and Knights of that Age, under a certain Oath of perpetual Fidelity; and both the Kings and they wore a military Vest us'd in those Days with a Tassel made of Silk, Gold and Silver, which the King tied in a Knot to the Breast, according to *Costanzo* ⁴, or to the Arm, according to *Eugenio* ⁵, of the Knight, who entered into that Society. The Prince of *Taranto* King *Lewis's* elder Brother was of this Order, though *Villani* writes, that when the King sent him the military Vest richly adorned with Pearls and Jewels, with the Knot of Gold and Silver, he who was the elder Brother and had the Title of Emperor, offended at that, smiling said to those that presented the Vest, that he was tied to the King with the Knot of brotherly Affection, and therefore did not want one more strait. King *Lewis* sent this Order to *Barnabo* Lord Viscount of *Milan*, who very readily accepted of it. He gave it to *Luigi Sanseverino*, *Guglielmo del Balzo* Count of *Noja*, *Francesco Loffredo*, *Roberto Scripando*, &c. And their Institution was, that when a Knight had given any notable Proof of his Valour, he wore the Knot untied; and at the second Proof he tied it again, as it happened to *Giovannello Bozzuto*, who behaving himself gallantly in a Battel, gained the Honour of having the Knot untied, and went afterwards to *Jerusalem* to have it tied again; whence it is that we see on his Tomb, in the Cathedral Church of *Naples*, two Knots at the Sides of his Helmet; and on *Costanzo's* Tomb in the Church of *S. Peter* the Martyr, we see one Knot tied, and the other untied. *Costanzo* believes, that this Order of Knighthood was the first that was instituted in *Italy*; others were afterwards instituted by our succeeding Kings.

CHARLES III. in Emulation of *Lewis*, in the Year 1381 instituted a new Order, which he called *Compagnia della Nave*, or the Order of the Ship, aluding to the Ship of the *Argonauts*, that those whom he admitted into this

¹ Eugen. Nap. Sacr.

² Bulli Pauli V. edita anno 1608. tom. 3. Bullar.

³ Polyd. Virg. Ammirato's Parallels pag. 201.

⁴ Costanzo, Hist. lib. 6.

⁵ Eugen. loc. cit. del ordine del Nodo.

Order might endeavour to vie with the *Argonauts* ¹. This King made himself Head of this Society, and chose for its Protector *S. Nicholas* Bishop of *Mira*, to whom he dedicated the Church near the Mole, and ordered, that the Knights of this Order should celebrate his Feast every Year. They wore upon their Soldiers-Coat, and their other military Ornaments a Ship painted in the midst of Waves, different in Colour from the King's, by some Interlacings of Silver ²; and this Order consisted of the most esteemed and valiant Knights in those Days; and among the rest were *Giannetto Protevitale* of *Salerne*, created Count of *Aterra* and High-Constable of the Kingdom by King *Charles* ³, *Gurrello Caracciolo* called *Carafa* Marshal of the Kingdom (whose Tombs with their Badges may be seen in the Church of *S. Dominic* in *Naples*), *Erizzo Sanseverino* Count of *Melito*, *Romandello Orsino* Count of *Lecce*, *Angelo Pignatello*, *Gianluigi Gianvilla*, *Giovanni di Luxemburgo* Count of *Conversano*, *Tommaso Borcapianola*, *Giovanni Caracciolo*, and others.

AFTER the Death of King *Charles* III. Queen *Margaret* his Wife with *Ladislaus* his Son in the Year 1388 fled to *Gaeta*, and left *Naples* at the Devotion of King *Lewis* of *Anjou*; and the Queen's Gallies frequently infesting the Coast of *Naples*, some Noblemen of the Tribunal of *Portanuova*, with other *Neapolitans* fitted out their Ships in order to oppose the Queen's Gallies; and that they might go on the more boldly and cordially, they instituted the Society of *Argata* (*Scarf*); and for a Badge they wore on their left Arm a Scarf embroidered with Gold in a Field-azure, like unto those Scarfs of Reeds, which the Ladies make use of in their womanly Exercises ⁴. Of this Order were many of the Knights of the different Tribunals and Families, such as those of *Costanzo*, *Caracciolo del Leone*, *Dura* and others ⁵.

THERE was afterwards instituted in *Naples* the Order of *Leonza* (*Lioness*) and the Badge was a *Lioness argent*, the Paws and Feet tied with a Tassel; and the Knights of this Order were almost all of the Tribunal of *Portanuova*, to wit, of the Families of *Anna*, *Felipanz*, *Gattola*, *Saffona*, *Liguria* and *Bonifacia*; and there were some of the other Tribunals likewise ⁶.

JOHN Duke of *Anjou*, the Son of *Renatus* King of *Naples*, having afterwards come with his Father's Army to attack the Kingdom, in order to gain over to him the *Neapolitan* Knights, and among the rest *Roberto Sanseverino*, after the manner of *France* instituted a new Order, which he called the Order of the *Moon*, and the Badge was a horned Moon, which all the Knights wore of Silver tied to their Arm. There were many of this Order, and among the rest *Roberto* Son of *Giovanni* Count of *Sanseverino* ⁷.

LASTLY, *Ferdinand* I. King of *Naples*, having escaped the Snares and Conspiracy of *Marino Marzano* Duke of *Sessa*, and Husband of one of his Sisters, and put him in Prison, was advised by some to put him to Death; but the King would not consent, looking upon it as an Act of Cruelty to imbrue his Hands in the Blood of his Brother-in-Law, though a Traitor. Afterwards having a mind to manifest this his generous Clemency, he chose for his Devise an *Ermin*, which prides itself so much in the Purity of its Whiteness, that rather than to have it stain'd, it chuseth to die. Therefore the King wore a Collar set with Gold and precious Stones, with an *Ermin* hanging at it, with this Motto; *Malo mori, quam fœdari* ⁸. Of this Order among others *Hercules* of *Este* Duke of *Ferrara* was one, to whom King *Ferdinand* sent the Collar by *Gio. Antonio Carafa* a *Neapolitan* Knight ⁹.

DURING the Reign of the Family of *Anjou*, on account of these Orders of Knighthood, the military Profession was truly in very great Esteem, whence the Nobility of *Naples* pursuing those generous Customs, spread their Fame over all the Parts of the habitable World; for many *Neapolitan* Knights impatient of Ease, and spurred on by the Love of Glory, joined together in diverse Bands, under different Badges; and the Knights-errant, while the Kingdom was in Peace, to give Proof of their Courage, went to sundry parts of the World, where they understood there was War; and they had some Ties of brotherly Love amongst them faithfully and respectfully observed; and *Costanzo* says ¹⁰, that notwithstanding the so great Emulation for Honour, there is not the least mention made, that Envy or Malice ever raised the least Dispute or Discord among them.

¹ *Costanzo* lib. 8.

² *Eugen.* loc. cit. della Nave.

³ *Idem.* de Contestab. pag. 115.

⁴ *Costanzo* lib. 9.

⁵ *Eugen.* loc. cit. dell' *Argata*.

⁶ *Idem.* loc. cit. della *Leonza*.

⁷ *Idem.* loc. cit. dell' Ordine della Luna.

⁸ *Eugen.* loc. cit. dell' *Armellino*.

⁹ *Pigna* lib. 8. histor. Estensi.

¹⁰ *Costanzo* lib. 9.

BUT in process of Time both the City of *Naples* and the Kingdom losing the Honour of being the Royal Seat, hence by the Absence of our Kings, the Order of Knighthood is not only quite extinct, but all these new Orders are likewise entirely vanished, and the Title of *Miles* is continued to the King's Officers of the Long-Robe only, such as the Presidents of the Chancery and Council, the Master of Accounts, and all Counsellors and Presidents of Courts, who at their Creation are honoured with that Title by the King¹. And as the first were adorned with the Sword, so are these with the Gown; to which not only the Nobility of *Naples* are admitted, but also the inferior People both of that and the other Cities of the Kingdom, provided they be Doctors; whence it comes, that as in the time of *Charles of Anjou*, and of the other Kings of that Family his Successors, every body was intent upon the Art of War, so now all turn their Thoughts to the Employment of the Gown; and their Number not only equals, but very much exceeds that of the Knights, who flourished in the time of the Kings of the illustrious Family of *Anjou*.

¹ Ovid. ad Pisonem 6. Togatæ militiæ exercere munera.



CHAP. IV.

The Seggi (Tribunals) of Naples repaired and beautified by Charles.



NAPLES a *Greek* City (as is above related in the first Book of this History) had from its Foundation its Porches, or Theatres, likewise called *Tocchi*, which are now called *Piazze* or *Seggi*, as all the other *Greek* Cities of these our Provinces had; for they were not peculiar to this City alone, as some have believed. They were nothing else but particular Places of the City, for the most part near the Gates¹, where some noble Families of that Ward or Quarter met to make merry and converse together, and by that Means took Occasion to discourse about the publick Affairs and other Concerns of the City, and likewise about their own private Business; and since few or none came to meet there but substantial Men, who lived upon the Rents of their rich Farms, and followed no Trade, or Employment, but the Military, or some other Office in the Republick; therefore by these *Seggi* a Division or Distinction was introduced amongst the Citizens, by which the Nobility came to be separated from the *Plebeians*, who being employed, either in the Study of Learning, or in Traffick, or as Mechanics, or Day-Labourers, or in Agriculture, or other Handy-crafts, could not have Leisure to meet in the *Piazze* to treat with the Nobility concerning the publick Affairs, or other necessary Business of the City.

THERE was no *Greek* City, but what had these Places of meeting, or *Fraternities*, which they called *Phratriæ*, in which the Citizens commonly met for transacting their Affairs. The same was practised at *Cuma*, likewise a *Greek* City, and had these Theatres or *Phratriæ*. Whence *Pius II.* in his Commentaries², is of Opinion, that the People of *Cuma* having been the first Founders of *Naples*, in Imitation of their own City, had instituted these Theatres in *Naples*, where the Nobility, in walking and diverting themselves, were wont to converse about publick Affairs: *Cumanos quoque Theatra, deambulationes, conventusque frequenter posuisse.*

¹ Camil. Pelegr. discorso del nome Porta.

² Pius II. in Com. in Europa.

AND

AND it is not to be doubted, as we have observed elsewhere, but that they are most anient in *Naples*, witness *Strabo*, who, in giving account of the *Greek Rites and Customs*, which in his time were still kept up in this City, among the rest says, that like all the other *Greek Cities*, *Naples* had its Porches, and that the *Neapolitans* in his time called them by the *Greek Name Phratræ*. And *Varro*¹ likewise mentions them, when he says, *Phratría, est Græcum Vocabulum partis hominum, ut Neapolim etiam nunc*; where *Turnebius* observes, that *Naples* being a *Greek City*, like *Athens*, had those particular Places of meeting called *Phratræ*².

WHAT the Number of these *Seggi* was formerly in *Naples* has been very carefully searched into by *Camillo Tutini*³ from the anient Wards and Streets, and many other Monuments; and it being the Custom of the *Greeks* to divide their Cities into four Parts, as *William Postel*⁴ testifies of *Athens*, it is reasonable to believe, that *Naples* was likewise divided into four principal Parts, which seems to be confirmed by the Word *Quartiere*, which is retained to this Day. Each of these four Wards or Quarters comprehended many other lesser Wards, which are as so many Members, of which the Body of the City is composed. It is easy to find out, that those four principal Wards, according to the anient Situation of this City, were the *Capuana*, *Forcella*, *Montagna* and *Nido*.

THE Ward *Capuana*, so called, because the Road from it led to *Capua*; besides the great *Piazza*, comprehended many other lesser Streets, or Lanes, which (as all those of the other three Wards) generally took their Names, either from the Families that lived in them, or from the Temples, or other publick Edifices built there. Thus in this Ward we read of the Lanes of the Sun, and of the Rays of the Sun, which had their Names from the famous Temple of *Apollo*, which stood there. The Streets of *Dragonario*, *Corte Torre*, *S. Lorenzo ad fontes*, *Zucco*, *Corte Pappa cavallo*, *Ferrate*, *Santi Atosoli*, *Filimarini*, *Barclia*, *Gurgite*, *Rua de Fisanelli*, *Caracciolo*, *Biscapiano*, *Zurii*, *Carboni*, *Mansuccio*, and *Rua de Piscicelli*.

BESIDES the great *Seggio* called *Capuana*, there were in this Ward five lesser, which took their Names, either from the Families that lived there, or from the Temples, or the common Name of the Place where they were built. Thus in this Ward we read of the *Seggi* of *S. Stephen*, of the *Holy Apostles*, of *S. Martin*; whence it comes, that this last being afterwards united to the great *Seggio Capuana*, in order to preserve the Memory of it, we see that Saint painted on Horseback on the Wall of the *Seggio*, the *Seggio* of *Melazzi*, and that of *Monocci*.

THE Ward of *Forcella*, by the anient Writers is called *Regio Herculeusis*, as *S. Gregory* calls it in his Letters⁵, because the Temple of *Hercules* was founded there; and sometimes its called *Regio Thermensis*, from the anient Baths that were there⁶. How it came afterwards to be called *Forcella*, the Opinions are very different. Some will have it to be from a Gibbet (*Forca*) that stood without a Gate near this Ward; others because *Pythagoras* had his School here, who had for his Devise the forked Letter *Ipsilon*. But others with more Judgment say, that that Gibbet, which we still see engraven upon an anient Marble over the Gate of the Church of *S. Maria a Piazza*, where of old the *Seggio* stood, was the particular Devise of the *Seggio*, and which gave the Name to the Ward.

THIS Ward comprehends many other lesser Wards, or Lanes, such as the *Ercolense*, *Cupidine*, *Lampadio*, *Placido*, *Granci*, *Pizzofalcone*, *Regionario*, *Verde*, *S. Epulo*, *Pubblico Bajano*, *Fiscola*, *Cerario*, *Termense*, *Capo d' Agno*, *Corte Bagno nuovo*, *Corte Greca*, *Sennarino*, *degli Agini*, *degli Ormini*, *di S. Giorgio Cattolico maggiore*, *Cimbri*, *Pisafso*.

IN this second Ward, besides the great *Seggio* of *Forcella*, which stood before the Porch of the Church now called *S. Maria a Piazza*, there were two other, viz. those of *Cimbri* and *Pisafso*.

THE third Ward was called *Montagna*, or the high *Piazza*, because it was in the highest part of the City. It was likewise called the District of the Theatre, and of the Courts of Justice, because these were within its Bounds; and also *Regio Palatina* from the anient Palace which was there, where publick Affairs were discussed.

¹ Var. lib. 4. de lingua lat.

² Turneb. Quod cura Neapolim Oppidam Græcum esset, ut Athenas, suas Phratrias habebat.

³ Camil. Tutin. dell' Origine, e fondaz. de Seggi

cap. 4, & 6.

⁴ Gul. Postel. de Magistr. Athen. cap. 2.

⁵ S. Greg. epist. 59. fol. 116.

⁶ Janus Gruter. fol. 430

THE lesser *Piazze*, or Lanes of this Ward were those of *Luce*, *Bell'aere*, *Circolo*, *Piazza Augustale*, *Piazza Segno*, *Sopramuro*, *Marmorata*, *de Giudei*, *Casurio*, *Formello*, *Dodici Pozzi*, *Carmignano*, *Ferraro*, *Friggido*, *Burgaro*, *de Tori*, *de Maj*, *Verticilli*, *Casatino*, *de Marogani*, *de Masconi*.

IN this Ward therefore, besides the great *Seggio* of *Montagna*, called likewise of *S. Angelo*, because it was near the Parish Church of that Saint, there were other eight lesser *Seggi*: The first of *Talamo*; second of *Mamoli*; third of *Capo di Piazza*; fourth of the *Ferrari*; fifth of the *Saliti*; sixth of the *Cannuti*; seventh of the *Calandi*; eighth of the *Carmignani*.

THE fourth Ward is that which we now call *Nido*, and by the Ancients was called *Vestoriana*, and *Calpurniana*. It was also called *Alexandrina*, because it was frequented by the Merchants of *Alexandria*, who, according to *Giordano*, when they came to traffick in *Naples* lodged in this Ward; or, according to *Tutini*, because there was a Church here dedicated to *S. Athanasius* Patriarch of *Alexandrina*. Therefore we find that the Figure of the River *Nile* had been placed here, which gave the Name to the Ward, and which it still retains, though by length of Time the Name be corrupted, and now called *Nido*.

THIS Ward has within its District many Streets and Lanes, such as *S. Biase*, *Scorsuso*, *Fontanola*, *Capo di Monterone*, *Daniele*, *Cortegloria*, *Pretorio*, *Casanova*, *Camillo*, *Montorio*, *Scalese*, *Misso*, *degli Acerri*, *Offieri*, *Vulcani*, *Salvonato*, *Augustale*, *Arco Bredato*, *Ficarolo*, *della Giofa*, *Celano*, *Quatropozzi*, *a due Amanti*, *del Sole*, *della Luna*, *settimo Cielo*, *Capo di Trio*, *Don Orfo*, *Ursitato* and *Corte Pagana*.

THIS Ward, besides the great *Seggio* of *Nido*, had other four lesser, viz. of *Arco*; of *S. Gennarello ad Diaconiam*; of *Casanova* near the Monastery of *Monte Vergine*, not as *Costanzo*¹ would have it, that this *Seggio* was the same with that of *Portanova*; and that it had changed the Word *Casa* into *Porta*; and that of *Fontanola* in the Lane now called *Mezzo Canone*.

THESE four Wards, with the other lesser *Piazze* of which they are composed, had, as we have seen, as many principal *Seggi*, and there were nineteen lesser, which being added to the four, make twenty three. All these were inclosed within the Walls of the ancient *Naples*; but the Compass of this City being enlarged by several Greek Emperors, under whose Dominion it long continued, by that Means many Villages and other Places, which were without the Walls, were enclosed; whence arose two other Wards, which were those of *Porto*, and *Portanova*, and consequently two other great *Seggi*, besides the lesser, were added to the former.

THE Ward of *Porto*, which was formerly a Village without the City; was so called, because it stood near the Sea, where the antient Port or Harbour of the City was. It comprehended many lesser Districts, such as *Morocino piccolo*, *Severino*, *Monterone*, *Bagno di Platone*, *Aquario*, *Fusario*, *Scotelluccio*, *delle Calcare*, *della Lopa*, *Media*, or *Melia*, *Rua de Caputi*, *Serico*, *Volpola*, *Griffo*, *Appenino di S. Barbara*, *Albina*, *Petrucchiolo*, *Cervico*.

BESIDES the great *Seggio* of *Porto*, it had two lesser, viz. that of *Aquario*, so called from the abundance of Water which was in that District; and that of *Griffi*, which took its Name from the Family of *Griffa* that lived there.

THE Ward of *Portanova* was formerly called the Sea-Gate, from an ancient Gate of the City which opened towards the Sea; but the City being enlarged, there was a new Gate made in the Walls, from whence it took this Name. It included these lesser Districts; *Patrociano*, *Appenino de Moccia*, *de Costanzi*, *de Grassi*, *S. Salvatore*, *Acciapaccia*, *Giorgito*, *Alburio*, *Barbacane*, *Sinocia*, *Porta de Monaci*, *Ferula*, *delle Palme*.

BESIDES its great *Seggio*, there were two lesser, viz. of *Acciapacci* and *Costanzi*.

IN the time then of *Charles I.* of *Anjou*, there were twenty nine *Seggi* in this City, six great and twenty three less, as we have said.

THUS disposed did *Charles* find all these *Seggi*, when he made himself Master of *Naples* and of the Kingdom; so that what some Writers have dream'd that *Charles I.* of *Anjou* instituted the *Seggi* in *Naples*, is altogether repugnant to Truth, as *Tutini*², from the Authority of the publick and antient Monuments, has at large demonstrated. Neither is it true, that this King from twenty nine reduced them to five, their present Number; for by the Writs recorded by the same *Tutini*, we

¹ Costanzo, hist. lib. 2.

² Tutin. dell' Orig. de Seggi, cap. 7.

clearly perceive, that even in the Reigns of *Charles II.* his Son, and of *Robert* his Grandson they were not as yet united. Neither ought *Charles* to be reputed the Author of the Distinction between the Nobility and the People, as if he had been the first that separated the Nobles of this City from the Populace; it being most evident, that, in all the Times both of the *Romans*, and of the *Goths*, *Greeks*, *Longobards*, *Normans* and *Suevians*, the Nobles of *Naples* were always a distinct Body from the People, as may be seen in the preceding Books of this History, by the many Inscriptions on Marbles recorded by *Grateras*¹, by the Letters of *Cassiodore*², by those of *S. Gregory the Great*³, *Innocent III.* and other *Roman Pontiffs*⁴.

NEITHER did *Charles* separate the Populace from the Nobility in the *Seggi*, as if they had been promiscuously composed of both; for as *Tutini* sufficiently proves, these *Seggi* were composed of the Nobles only, or of the chief Men of the City, although they were not so very nice then as now-a-days, not to admit any of the Commons amongst them, which was frequently done then, either when they lived nobly, or were related to any noble Family, or for any other conspicuous Quality were thought deserving.

CHARLES only made them more remarkable and famous, by giving them more shining Marks of Distinction from the People, and rendering the *Seggi* of *Naples* more eminent and illustrious, than all those of the other Cities of the Kingdom; whence the *Neapolitan* Nobility became more renowned and conspicuous than the Nobility of the other Cities of the Kingdom, which was owing to several Causes:

FIRST, to *Charles's* having honoured all these Noblemen with the military Girdle, and made them Knights. 2. To his having made this City by his Residence Head and Metropolis of the Kingdom, whither all the Barons, the greatest Lords and Feudatories of the Kingdom went to reside, and who were not only easily admitted, but even entreated to come to the *Seggi*, which made the Nobility more numerous and conspicuous. 3. To the Residence of the great Officers of the Crown and Army, who likewise added Lustre to these Assemblies, because unwilling to be numbered among the People, they enroll'd themselves among the Nobility. 4. To the so many *French* and *Provensals*, whom *Charles* brought with him from *France* and *Provence*, who being rewarded by him with Fiefs and publick Employments, fixed themselves in *Naples*, and were enroll'd amongst the Nobility; and thus on account so many *French* Families being incorporated amongst them, their Assemblies became the more august; in all which *Charles* had his End, because there was nothing passed in these Assemblies but what was agreeable to him.

AND lastly, To the many Prerogatives which *Charles* bestowed upon the Nobility of *Naples* with respect to the Collection of Taxes; for he would not allow them to contribute in common with the People, but separately; so that the Nobles collected among themselves, and the Commons did so likewise. And in order to engage the Affections of the *Neapolitan* Nobility the more, in the first Year of his Reign he confirmed the Privilege granted to them by *Manfred*, of dividing amongst themselves the sixtieth part of the Duty upon Merchandize that came to *Naples*, as well by Sea as by Land⁵, which was putting a very great Mark of Distinction between the Nobility and People.

BUT all these fine Prerogatives did not so much contribute to raise the Dignity of these *Seggi* above those of the other *Seggi* of the Kingdom, and make them so considerable as they are at this Day, as the severe Regulations that followed afterwards in admitting new Families, and the reducing of all these *Seggi* into five only.

FORMERLY, even in the Reigns of *Charles*, and of the other Kings of that Family his Successors, there was not so great Strictness observed in incorporating; the Populace and Strangers were indifferently admitted. Which Custom was of a very ancient standing; for *Naples*, as a *Greek City*, following the Example of the *Thebans*, who, as *Aristotle* says⁶, at last admitted amongst the Nobility those of the People that had acquired great Riches; and those likewise, who for a long time had lived in a genteel manner, and left off merchandizing, and such other Employments, receiving both Natives and Foreigners, and for some time observing

¹ Grut. inscript. Orb. fol. 366, & 374.

² Cassiod. var. lib. 6. epist. 24.

³ S. Greg. lib. 2. epist. 6. & lib. 8. epist. 40.

⁴ V. Tutin. loc. cit. cap. 8.

⁵ Idem. loc. cit. cap. 7.

⁶ Idem. cap. 12. pag. 113.

⁷ Aristotel. lib. 6. Politic. cap. 7.

the Decorum of Nobility, in Horfes and Arms. Thus in the time of *Charles I.* of which we are now treating, *Fusco Favilla* having lived nobly, and kept Horfes and Arms, begged of the King to allow him to contribute with the Nobility, to which the King consented, saying, *Eo quod vivit cum armis, & equis, contribuat cum militibus* ¹. We read the same of *Marino di Madio*, *Ademaro di Nocera*, and of *Niccolo Canuto* a *Neapolitan* Citizen ². And *Charles II.* his Son allowed *M. Dono* of *Florence* while he lived in *Naples* to be of what *Seggi* he pleased, and to contribute *Cum militibus illius Plateæ, in qua habitaverit, usque ad Regium beneplacitum, ex gratia speciali* ³. And we read many Instances in the Royal Registers of the King's admitting Families into the *Seggi* in the same manner; for the paying of Taxes with the Nobility was what distinguished the Nobles from the *Plebeians*.

BUT these Taxes being taken off, this manner of admitting into the *Seggi* ceas'd, and the Power of incorporating devolved to the Nobility; who, not being very nice, admitted indifferently all those, who for any considerable time had lived in *Naples* in a handsome manner, whether Citizens or Strangers, and had contracted Affinity with the Nobility: Thus the Family *Saffone*, by living in a handsome manner in *Naples* in the Ward of *Portanova*, and matching with the Nobility of the Place, was incorporated into the *Seggio* of *Portanova*. And we read in the Register of the Parliaments in the Year 1480 of the Admission of *Julio Scorciato*, who was a Stranger in *Naples*, then come from *Castolluccia*; and because he was a Doctor and Counsellor to King *Ferdinand*, and had his House in the Ward of *Montagna*, he was admitted into that *Seggio*. And this was the usual Method of Admission then, as we read in the Process of *Ettore d'Anagni* with the *Seggio* of *Nido*, That those who were well born, rich, learned, and who lived genteely, were invited to give their Votes in the *Seggio* of the Ward where their Habitations were ⁴.

WHENCE it came, that in Cases of Redintegration, the having had Houses in the Ward was looked upon as an actual Possession of Nobility in that *Seggio*; and thus were many Families restored, such as the *Pandona*, and the *Mariconda* to the *Capuana*; the *Majorana* to the *Montagna*; the *Mastrogiudice* to that of *Nido*, and many others.

AFTERWARDS by Degrees the incorporating came to be restrained; for the Nobles made some Regulations amongst themselves, whereby other Qualifications were requisite, without which none were admitted: Thus the Nobles of the Ward *Capuana* in the Year 1500, by a publick Act made a Resolution, that whoever had a mind to be admitted into their *Seggio*, must prove himself nobly descended for four Generations, without any Blemish: That he was lawfully begotten, and the Son of such a Father: That for a long time he had had Dealings with the Nobility, and likewise had matched with them: That he was not polluted with any Vice, that might derogate from the Nobility. Those of *Nido* also made many other Conditions both in the said Year 1500, and in the Years 1507 and 1524. In the Year 1420, those of *Montagna* likewise made theirs, and in the Year 1500 added others; all which may be seen in *Tutini*. And the Nobles of *Porta* and *Portanova* made their own Articles, but the ancient Books of these two *Seggi* being lost, it is not known what they were.

BY these Regulations the Nobility of the *Seggi* were the more valued, not only for the Strictness practised in Admissions, but because the most important Affairs were to be canvassed by the Nobles; and lastly, because the Viceroys in managing the King's Affairs, frequently wanted their Assistance; whence, though formerly these Aggregations were little minded, yet afterwards they became so valuable, that there was not a Family, nor Gentleman, nor King's Minister, who did not with all their Interest sollicite to be incorporated; insomuch that the *Seggi*, being plagued with so many Petitions, divested themselves of the Power of admitting, and resigned it into the Hands of the King; whereupon *Philip II.* ordained, that without his Knowledge and Licence none should pretend to be incorporated in, or restored to the *Seggi* of *Naples*; and whoever had a mind to be admitted, he was first to obtain his Majesty's Licence, and then all the Nobles of that *Seggio* being assembled, and the Petition presented, if they were all unanimous for him, he was admitted, but if only one of the Nobles dissented, he was rejected; which proved

¹ Tutin. cap. 12. pag. 112. Registr. ann. 1269. | 38. 1269. D. fol. 35.

lit. S. fol. 14.

² Reg. ann. 1294. M. fol. 179.

³ Reg. 1269. lit. C. fol. 6. ater. Reg. 1269. S. fol.

⁴ Tutin. cap. 12. pag. 114.

a very difficult Matter, and exposed a Person to a very doubtful Undertaking. Wherefore many chose rather to claim by way of Justice to be restored, by alledging, that some of their Forefathers had been admitted into these *Seggi*, than to expose themselves to be rejected by the Nobles; so that at present the King has appointed five Counsellors and a Fiscal for deciding these Cases, after the Parties have obtained the King's Licence for putting in their Claim of Restoration. After the Example of *Naples*, the lesser Cities of the Provinces, some of which have close *Seggi*, likewise obtained from the King, that without his Licence none might claim to be restored or incorporated.

THE other Occasion, whereby these *Seggi* became the more valuable, was the reducing them from twenty nine to five only, viz. the *Capuana*, *Nido*, *Montagna*, *Porto* and *Portanova*. When this Restriction was made, Opinions are various, for there are no Writs, whereby the precise time can be ascertained; but since this Union was not made all at once, it is probable that it was brought to Perfection in the latter end of King *Robert's* Reign. And the Method of uniting all those lesser *Seggi* with those five, was so natural and proper, that it would have been surprising if they had done otherwise; for almost all those *Seggi* were composed of six or eight Families, which perhaps was all the Number in those lesser Districts; and depending upon the great *Seggio*, in process of time it often happened, that the greatest part of the Families being extinct, the few that remained joined the principal *Seggio*, and the lesser became extinct, and the Nobles of the principal *Seggio* sold the Ground where the Theatre or Porch stood¹: Thus about the Year 1235 in the Reign of King *Robert*, we see that the *Seggio* of *Melazi* was sold by the *Seggio Capuana* as belonging to it, because the Families whereof it was composed were extinct. Also in the Year 1331, by order of King *Robert's* Queen, the *Seggio* of the *Griffi* was demolished. And the *Seggio* of *Somma Piazza*, otherwise called the *Seggio* of the *Roschi*, the Families whereof it was composed having failed, and it being a Receptacle of Thieves, Queen *Joan II.* gave it to *Antonello Centonze* of *Tiano*. The Nobles of *Montagna* likewise sold the *Seggio* of the *Cimbri*, as their Property to *D. Fabio Rosso*: And in this manner by Degrees they were all reduced to the greater *Seggi*.

BUT how, and at what time one principal *Seggio* was united to another, such as that of *Forcella* to that of *Montagna*, must now be related. Some are of Opinion, that in the time of King *Charles I.* many of the Families of the *Seggio* of *Forcella* being extinct, that Union was made afterwards in the Reign of *Charles II.* his Son. But as *Summonte* first², and afterwards *Tutini*³ have observed, that's a Mistake; for among the Collectors of the Year 1300, in the Reign of *Charles II.* we read that *Niccolo Saduccio* was Collector of *Forcella*; and in the Articles of King *Robert*, we find that *Giacomo Chianula*, with the other Nobles deputed by the other *Seggi* bought the *Seggio* of *Forcella*⁴.

THEREFORE *Tutini* is in the right in believing, that this Union was made in the latter end of King *Robert's* Reign, on occasion of the Discord arising between the Nobles of the two *Seggi* of *Capuana* and *Nido*, and the Nobles of the other *Seggi*; concerning which *Robert* having appointed some Settlement, recorded by *Summonte*⁵, and likewise by *Tutini*, and wherein there being mention made of six Deputies only, comprehending that of the People, it appears, that at that time the *Seggio* of *Forcella* was united to that of *Montagna*: Which is yet more confirmed by a Writ of Queen *Joan I.* recorded by *Tutini*, wherein she, in the beginning of her Reign, having appointed an Enquiry to be made of all the Feudatories of the Kingdom, those of the *Seggi* of *Naples* are set down one by one, and therein no mention is made but of five *Seggi* only.

IN which Union it is to be observed, that because the *Seggio* of *Forcella* was one principal *Seggio*, which was united to another of the same kind, therefore the *Seggio* of *Montagna* chose two Deputies, one for itself, and another representing that of *Forcella*; which is not to be found in the Union of the lesser *Seggi* to the greater, because the first depending on the last, one Deputy served for all. And in order purely to preserve their Memory, the Election of the Officers continues, which each of these five *Seggi* creates; and including their own five Nobles, they make the

¹ Tutin. dell' Orig. de Seggi cap. 13.

² Summont. tom. 2. pag. 208.

³ Tutin. loc. cit.

⁴ Cap. de Raptoribus.

⁵ Summonte tom. 2. pag. 401.

Number of twenty nine, to represent the antient *Seggi* ¹. These have Power to summon the Nobles for treating about the publick Affairs, they propose the Points to be deliberated upon, receive the Votes, and have great Authority in the Assembly, and are yearly created by the Nobles, and have the Title of Deputies.

ALL these *Seggi* being thus reduced and incorporated, the remaining five at different times began to enlarge their Theatres with magnificent Edifices, and to raise their Porches to that Stateliness we now see; and afterwards from time to time the City being augmented with new Buildings, and arrived to that prodigious Bulk which is now admired, the Wards grew in Proportion, and became more spacious. All the five are equal, and have no Superiority over one another; although those of *Capuana* and *Nido*, by the Splendor of their Nobility, who possess great Estates and Riches, pretend to excel the rest.

THE Nobles of those five *Seggi* have many Prerogatives; they not only chuse the Deputies, who with that of the People govern the City, and meet together in their Tribunal to treat about the publick Affairs, but likewise exercise many Jurisdictions, and among others that of declaring *Plebeians* to be noble *Neapolitans*, and of naturalizing Citizens. They have also the Power of creating the *Syndic*, who in general Parliaments, and in other publick Functions, in Presence of the Viceroy, represents not only the City, but the whole Kingdom. The Nobles of the *Seggi* of *Capuana* and *Nido*, when they meet to treat about publick Affairs, confer with one another, and can meet together in any one of the two *Seggi*, and give their Votes, but cannot bear any Office but in their own *Seggio*. They have also a Law among themselves concerning the contracting of Marriage, called the new Method of *Capuana* and *Nida*. And the Nobles of *Montagna* of old had likewise a new Method of giving Portions to the Gentlewomen of their *Seggio*. And in ancient Times there was likewise in *Naples* another Method of Marriage Settlement peculiar to the Countesses and Baronesses of the Kingdom.

THE City of *Naples* is made up of two States only, that of the Nobility, and that of the People; for the Ecclesiastical State, which in *France* makes one by itself, with us is not a separate State, but like that of the Magistrates, is diffused among the Nobility and People; therefore in the Government thereof none but the Nobility and People are admitted. Whence it is, that the Government of the City belongs no less to the People than to the Nobility, as it always did, as *Tutini* ² very fully proves; therefore besides the abovementioned five *Seggi* there is another of the People, which like those of the Nobles, chuses its own Deputy, makes its own Officers, has its own lesser Districts, which they call *Ottine*, and together with the Nobles partakes of the Government of the City, and of all other Honours and Prerogatives ³.

BUT on the other hand, there being many noble and illustrious Families residing in *Naples*, who are neither of the Nobility nor People; therefore those are looked upon as a distinct Body from the Citizens, and for the most part have their Origin from other Cities, both within and without the Kingdom. Such Nobility have neither Seat nor Place, because if they had they would partake of the Charges, and of the Honours with the other Noblemen of the five *Seggi*.

THEREFORE in the time of the Viceroyalty of *D. Pedro de Toledo*, many Families which had not been admitted into the *Seggi*, nor were a part of the People, resolved to petition *Charles V.* that since they were descended of illustrious Families, were honoured with Fiefs, for many Years were Lords of Vassals, and had matched with the Nobility of the *Seggi*, he would be pleas'd to admit them into the *Seggi*, or to allow them to erect a new *Seggio*, and to enjoy the Honours and Charges which the Nobles of their City enjoyed. But the Emperor being then engaged in the War of *Sienna*, had not Leisure to give them a decisive Answer; and in the mean time many of those Families being afterwards admitted into the *Seggi*, there was no other erected. But afterwards in the Year 1558 the Families that had not been admitted, and many *Spanish* Families renewed the Request to King *Philip II.* but he remitting the Affair to be decided by the Courts of Justice, they were cast. Lastly, in the Year 1637 many illustrious Families, such as the *Aquini*, *Eboli*, *Filangieri*, *Gambacorti*, *Agerbi* of *Aragon*, *Coucobletti*, *Orsini*, *Marchesi*, *Franchi*, *Leiva*, *Mendoza*, and others, brought upon the Carpet again the

¹ Tutin. cap. 13. pag. 131.

² Idem. cap. 9.

³ Idem, dell' Orig. de *Seggi* cap. 16. & seq

Project for erecting a new *Seggio*, for which they had recourse to King *Philip IV.* but after a tedious Attendance, according to the usual Slowness of the *Spanish* Court, out of all Patience, they never mentioned it any more, but were afterwards admitted into the ancient *Seggi*.

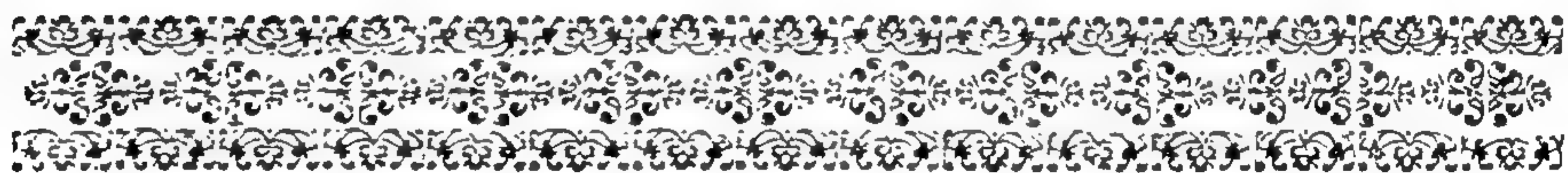
S E C T. I.

General Parliaments begun to be held in Naples.

IN the preceding Books of this History it may be observed, that the Kings of *Sicily*, when they had Occasion either to establish new Laws, or for other Affairs of the State to call General Courts, they did not appoint them to be held in *Naples*, but in divers Cities of the Kingdom; sometimes in *Melfi*, sometimes in *Ariano*, at other times in *Bari*, *S. Germano*, *Capua*, *Barletta*, and other Places. But after that *Charles I.* of *Anjou* who resided for the most part in *Naples*, invited almost all the Barons, Lords, and the great Officers of the Kingdom to take up their Abodes there: This City was looked upon to be the fittest and most proper for holding the general Parliaments, because most of the Barons lived there, and the Syndics of the other Cities and Towns of the Kingdom, came and joined the two States of the Nobility and People; for with us, as in all other Dominions of Christendom, excepting *France*, the Ecclesiastical makes not a separate State, but as the *Romans* did with respect to their Priests, whom they mixed among the three States, we rank them in the States of the Nobility and People; whence it is, that among us the Clergy has no distinct Place in Parliament; and if sometimes the Prelates are invited, they come there as Barons, as the Abbot of *Monte Cassino*, the Archbishop of *Reggio*, and many others, boast of their being the first Barons of the Kingdom. From this time forward, *Naples* having become the Head and Metropolis of the Kingdom, all the Parliaments that were afterwards called were held there, *Tanquam in solemniori, & habiliiori loco*, as *Charles II.* himself calls it ¹. And Queen *Joan I.* *Charles III.* *Lewis II.* *Alphonfus I.* and the other Kings their Successors continued to hold their Parliaments in this City ²; so that King *Alphonfus* having summoned a Parliament to be held in *Benevento*, the *Neapolitans* were highly offended, and ordered Matters so that it met in *Naples*.

¹ Summonte tom. 2 pag. 208.

² V. Costo, Annot. in Collenuccio.



C H A P. V.

The Kingdom of Sicily disjoined from that of Puglia, by the famous Sicilian Vespers.



AMONG all the Reasons already enumerated for the Rise and Grandeur of *Naples*, the chief was the Disjunction of these two Kingdoms; the Consequence of which was two Royal Courts, the ancient one of *Sicily*, and the new one of *Naples*. *Palermo* was continued to be the Place of Residence in *Sicily* by the Kings of *Aragon*, and *Naples* by the *French* in *Puglia* and *Calabria*. And it is worthy of Observation, that not only the Prosperity which had hitherto attended *Charles*, but like-

wise

wife the Adversity which that Prince began to sink under, upon Pope *Nicholas III.*'s Election to the Papacy, contributed to the aggrandizing of *Naples*.

POPE *John* being dead, and the See vacant for six Months, during which time King *Charles* left no Stone unturned in order to procure the Election of a French Pope, the College of Cardinals in the Month of *November 1277*, elected *Giovanni* Cardinal of *Gaeta* of the Family of *Ursini*, who took the Name of *Nicholas III.* This Pope, who not only in a private Life, but while a Cardinal, was looked upon to be both a Man of good Morals, and of a Christian Life, had no sooner mounted *S. Peter's* Chair, than he shewed an immoderate Desire of raising his own Relations; so that in conferring the Prelature and Orders, and in bestowing both the spiritual and temporal Livings within the Dominion of the Church of *Rome*, he minded none but his own Kindred, or those whom they recommended¹; and moved by this Passion he sent to demand of King *Charles* one of the Daughters of the Prince of *Salerno*, for one of his Nephews. But that King who was used to have Popes for his Vassals and Inferiors, was offended at the Proposal, and answered, that it was not fit to put Royal Blood upon a Level with a Title, which, like that of the Pope's, ends with Life. This Answer so irritated the Pope, that without any more ado he declared himself *Charles's* Enemy, and in a few Days revoked the Privilege, granted and confirmed to him by the other Popes, of being Lieutenant of the Empire, saying, that since in *Germany* *Rhodolphus* had been elected Emperor, it was his Business to elect a Lieutenant, and that the Pope had no manner of Power to elect him, but when the Empire was vacant. Then he came to *Rome*, and finding that by the Favour of his own Relations he was able to do more than the other Popes had done, he stripped him of the Office of Senator; and he made a Law, that neither a King or the Son of a King should ever be capable to exercise that Office.

CHARLES did not value the Pope's Indignation a Rush, which, as we shall see, was one of the four Occasions of the Loss of *Sicily*; but being wholly intent upon the War against *Michael Palæologus* Emperor of *Constantinople*, had already made vast Preparations for it in the Kingdom, the Island of *Sicily* and in *Provence*; and had now fitted out for the Expedition a great Number of Gallies, and other Vessels for transporting Horses, and other Necessaries for a prodigious Army; and had intimated to all the Counts and Feudatories subject to him to make themselves ready to follow him; and besides, had written to all his Officers to pick out the ablest Soldiers and Horses, and at the first Order to come with them to *Brindisi*².

THE Rumour of such a vast Preparation much disheartened and terrified *Palæologus*, who knew well how great *Charles's* Power was; nevertheless he made what Preparation he could for warding off the impending Danger; but the Art and Valour of one single Man proved equal to the Assistance he could have promised himself from the greatest Army.

THIS was *Giovanni di Procida* a noble *Salernitan*, Lord of *Procida*, and of many Villages; he was a great Friend to the House of *Suevia*, and highly esteemed by *Frederick II.* on account of his many Virtues, accompanied with great Skill in Physick, which in those Days was not at all derogatory to Honour; for, as may be observed in the preceding Books of this History, that Science was professed by the most illustrious Nobility of that City; neither did the Prelates of the Church think it below them to practise it, such as *Romualdo Guarna* Archbishop of *Salerno*, and *Bernardino Caracciolo* Archbishop of *Naples*, who in the Inscription upon his Tomb recorded by *Summonte*³, did not disdain, among his other Encomiums, to have this put: *Utriusque Juris Doctoris, ac Medicinæ Scientiæ periti.* And *Tutini*⁴ reports, that he had seen in the Royal Archives a Writ, wherein *Gualtieri Caracciolo* asks Leave of King *Charles II.* to go to *Sicily* to get himself cured of a Distemper by *Giovanni di Procida*, then much advanced in Years. As he had been much esteemed by *Frederick*, he was no less by King *Manfred*, whose Party he was too headstrong in following; so that upon *Charles's* coming, his Estate being confiscated, and not thinking himself safe in *Italy*, by reason of the vast Number of King *Charles's* Adherents, he went to *Aragon* to wait upon *Constantia* the only remaining Branch of the House of *Suevia*, and Wife of King *Peter*, to whom, as the Symbol of the Investiture of these Kingdoms, the Glove had been carried, which, as we have related,

¹ Costanzo hist. lib. 2.

² Idem lib. 2.

³ Summonte, tom. 2. pag. 282. reported likewise

by Chioccar. de Archiep. Neap. anno 1262.

⁴ Tutini degli Ammiragli pag. 66.

Conrad threw upon the Market-Place, when King *Charles* caused him to be beheaded. He was most graciously received both by her and the King her Husband, who in Conversation having found him to be a Man of great Valour and Prudence, made him a Baron of the Kingdom of *Valentia*, and Lord of *Luxen*, *Benizzano*, and *Palma*. *Giovanni* seeing the Munificence of that Prince, turned all his Thoughts upon finding out Means for restoring him and his Queen to the Kingdoms of *Puglia* and *Sicily*; and he began to spend all the Revenues of his Barony in keeping Spies in both Kingdoms, where he had a great many Friends and Followers, and he wrote to those in whom he had the greatest Confidence.

BUT he soon found, that to attempt this in the Kingdom of *Puglia* was a thing impracticable and desperate; for by the Presence of King *Charles*, who had taken up his Residence in *Naples*, and made Progresses to the other Cities of the Provinces; by the Rewards he had given to his faithful Friends; and by the Vigour that had been used against the Rebels, no Memory had been left of *Manfred's* Faction. Therefore he bent all his Thoughts upon the Island of *Sicily*, where he found Matters better disposed; for King *Charles* being at a Distance, had entrusted the Government of it to his *French* Ministers, who, by treating the *Sicilians* in the most harsh manner, were detested by all the Islanders. Therefore *Giovanni* went to *Sicily* in Disguise, and beginning to treat of the Conspiracy with some of the most powerful Men, who had been the worst used by the *French*, they concluded amongst themselves to rise in Arms all at one time against the *French*, and to proclaim *Peter* of *Aragon* their King. But the Forces of the Island seeming not sufficient, and those of *Peter* but inconsiderable, it was therefore thought necessary to procure greater Assistance. *Giovanni* calling to mind the Hatred which the Pope and *Charles* bore one another, and that *Paleologus* being much afraid of *Charles's* Preparations for War, would be glad to enter into any Measures for diverting the Expedition to *Constantinople*, went immediately to *Rome* in the Habit of a Monk to feel the Pope's Pulse, whom he found extremely ready on his part to favour the Undertaking. From *Rome* he went in the same Disguise to *Constantinople*, and with most convincing Arguments demonstrated to *Paleologus*, That the most certain and secure way for his Safety, was to lend King *Peter* Money to forward the Expedition against *Sicily*, by which Means *Charles* would be engaged in a War at Home, and would not think of making one Abroad, of which the Emperor being persuaded, he very willingly offered to be at the Charges, provided King *Peter* would boldly take the Expedition upon him; and he sent with *Giovanni* one of his most trusty Secretaries with a good Sum of Money, which he was to carry to the King of *Aragon*, ordering him likewise to have an Interview with the Pope, to give him an Account of his Inclinations, and of his readiness to send Assistance. The Secretary and *Giovanni* arrived in *Malta*, a small Island not far distant from *Sicily*, where they staid for some Days, till the Heads of the Conspirators had Advice from *Giovanni* to come and welcome the Emperor's Secretary, and to assure him of the good Effects that would result from the Emperor's standing firm to his Resolution till the War should be at an End. Then the Conspirators departed and returned to *Sicily* to encourage those that were in the Secret. In the mean time *Giovanni* with the Secretary went to *Rome*, and having had an Audience of the Pope, they disclosed to him the whole Matter: The Pope, who was afraid of *Charles's* Power, and willing to be revenged of the Injuries done him, in Imitation of his Predecessors, who, with the Assistance of the *French*, had driven the *Suevi* out of *Sicily*, resolved, with the Help of the Forces of *Aragon*, to drive out the Princes of the Family of *Anjou*; so that he not only entered into the Alliance, but upon hearing that *Paleologus* had sent Money, likewise promised to contribute on his part, and wrote to King *Peter*, encouraging him with all Speed to be in readiness to assist the *Sicilians*, as soon as they had put their Conspiracy in execution, and taken Possession of the Kingdom, of which he would immediately give him the Investiture, and assist him in maintaining it. This was the Reason that made the King of *Aragon*, after he was Master of the Island, write to King *Charles*, that it had been surrendered to him by the Authority of the Holy Church, his Holiness the Pope, and the Venerable Cardinals. With these Letters and Promises, in the Year 1285 *Giovanni* went to *Aragon*, and having communicated to the King the Design of putting him in Possession of *Sicily*; *Peter* at first was afraid to engage himself in a War, out of which he doubted to be able to extricate himself with Honour: But *Giovanni* removed all Difficulties. I. By assuring him that the Emperor of *Constantinople*, who by his Secretary had sent him the Money, would for the

time to come contribute towards all the Expences of the War. II. by delivering him the Pope's Letters, who assured him of the same; and that he would give him the Investiture of the Island. III. That the *Sicilians*, out of the implacable Hatred they bore the *French*, would with the utmost Readiness facilitate the Undertaking; and lastly he gave him to understand, that there was no need for his acting, till the Conspiracy in *Sicily* had taken effect. By these weighty Reasons, that King was prevailed upon to consent; and he was the more induced to it, because Queen *Constantia* his Wife not only solicited him to revenge the Injuries done to King *Manfred* her Father, and to *Conrad* her Brother, but likewise to recover the Kingdoms which belonged to her, all the Male Line of the House of *Suevia* being extinct: Therefore having convened his most trusty Counsellors, the Method of proceeding was debated; and it was agreed upon, That the King should fit out a considerable Fleet, under Pretence of making War against the *Saracens* in *Africa*; and that it should hover upon the Coast of *Africa*, and be ready to make Sail for *Sicily*, if the Conspiracy should succeed: That if it should miscarry, the War against the *Saracens* might be continued, without discovering that the King had any hand in it. And there are some who write^{*}, that King *Charles*, understanding that a much greater Fleet was ready to sail, than he imagined King *Peter* was able to fit out, sent to ask for what it was designed: and being answered, That it was for an Expedition against the *Saracens* of *Africa*; King *Charles*, either that he might have the Merit of assisting in a War against the Infidels, of whom he was always a bitter Persecutor, or in order to gratify that King, who was his near Kinsman, sent him twenty thousand Ducats for carrying on that Expedition.

WHILE Matters were in this Situation, and *Procida* was returned to *Italy*, Pope *Nicholas* dies; and by *Charles's* Intrigues, or rather by the Constraint the Cardinals were under, in the Month of *February* 1282, a *French* Pope, *Charles's* Creature, and most intimate Friend, was elected, whom some call *Martin* IV. others *Martin* II. because they call the two Predecessors, not *Martini*, but *Marini*. Therefore *Giovanni di Procida*, fearing lest the Emperor's Courage might be cooled, returned immediately to *Constantinople*, in order to encourage him; and passing through *Sicily*, together with the Secretary, both in Disguise, he had an Interview with some of the chief Men of the Conspiracy, to whom he gave hopes, by telling them what had been done; and that they ought not in the least to be disheartened because of the Death of Pope *Nicholas*: And he got them to declare to the Secretary, that the *Sicilians* would rather die, than live in the Slavery they were under; that he might report their Resolution to the Emperor, who would thereby be encouraged. Then they pursued their Voyage, and arrived safely at *Constantinople*. And it has been taken notice of by all Writers as a Miracle, that this Conspiracy, carried on by so many different Nations, and in different Parts of the World, for the space of two Years, was by the Art and Dexterity of *Procida* so managed, that tho' King *Charles* had Friends every where, yet he never had the least Suspicion of it.

ON the other hand King *Peter*, though the Death of Pope *Nicholas*, a principal and considerable Party in the Alliance, discomposed him a little; yet he would not drop the Undertaking, but sent an Ambassador to the new Pope, to congratulate him upon his Election, and to beg the Favour of him, that he would be pleased to canonize *Fr. Raimond de Pegnasorte*; but really to sound the Pope, by insinuating artfully, that he would rather chuse to prosecute the Right which Queen *Constantia* had to the Kingdoms of *Puglia* and *Sicily*, by way of Process before the College of Cardinals, than to decide it by War. But the Pope having thanked the Ambassador for his Visit, and waving to answer him concerning the Canonization said to him, *Tell King Peter, that he would do much better to pay the Church of Rome the great Arrears of yearly Tribute, which King Peter his Grandfather promised for himself and Successors to pay, as her true Vassals and Feudatories; and that he is not to expect any Favour from the Apostolical See, till he has first paid the Debt*^{*}.

WHILE these things were transacting, *Giovanni di Procida*, under different Disguises, having returned from *Constantinople* to *Sicily*, went up and down through the principal Cities, soliciting the Conspirators, and always by secret Messengers, advised King *Peter* of what passed; and being apprized that *Peter's* Fleet was

^{*} Costanzo lib. 2.^{*} Idem.

ready to sail, he carried on the Rebellion with so much Conduct and Diligence, that in the Month of *March* the third Day of *Easter* 1282, upon the Sound of the Bell for Vespers, in all the Towns of *Sicily*, where the *French* were, the People took up Arms, and killed them all with such an immoderate Desire of Revenge, that they spared not the very Women of the Island who had been married to *Frenchmen*, nor even those of them that were big with Child, nor their Infants; and nothing was heard but the Names of King *Peter* of *Aragon* and Queen *Constantia*: and this is what was, and is still called *The Sicilian Vespers*. This cruel Slaughter, in which about eight thousand Persons perished, was all over in less than two Hours; and if some few during that time had found means to hide themselves, that did not save them; for being searched after, and pursued with an immoderate Thirst of Vengeance, they were at last killed.

AN Account of this cruel Slaughter, and of so sudden a Change and Revolution was sent in a Letter by the Archbishop of *Monreale* to the Pope, at the time that *Charles* was with him in *Montefiascone*. The King was surprized and much dejected, at having in so short a time lost a Kingdom, and a great Part of his veteran Soldiers; and after he had recommended his Affairs to the Pope, he immediately returned to *Naples*; and the Fleet, designed against the *Greek* Emperor, being already in Order, he made sail with it towards *Sicily*, and laid close Siege to *Messina*.

ON the other hand Pope *Martin*, anxious to have the Island recovered, sent the Cardinal of *S. Sabina* to be Apostolical Legate in *Sicily*, with Letters to the Prelates and the Cities of the Island, exhorting them to return to *Charles's* Obedience; and ordering the Legate, that if these Letters had not Effect, to proceed not only to Excommunication and Interdiction, but to use all other Methods for favouring the King's Affairs.

THE Cardinal arrived at *Palermo*, at the same time that *Charles* came to *Messina*; but as the Legate's Excommunications and Interdictions made no Impression upon the obstinate *Sicilians*; so the Siege of *Messina* was carried on with so much Vigour, that at last the Inhabitants were willing to surrender upon Condition only of having their Lives saved; but King *Charles* was so transported with Rage, that he would not grant them that Condition. They sent Deputies to the Pope, begging of him to intercede for them with the enraged Prince; but they were denied Audience; so that reduced to the utmost Despair, they resolved to defend themselves to their last Breath.

GIOVANNI di Procida, who was in *Palermo*, impatient of King *Peter's* Delay, who had already with his Fleet gone over to *Africa*, and was besieging a City, which the *Sicilian* Historians call *Andacalle*, seeing the Straits the *Messinians* were reduced to, embarked in a Galliot with other three, who went with him under the Title of Syndicks for the whole Island to find out King *Peter*; and having informed him of the great Necessity of a speedy Relief, he was immediately persuaded to quit the Coast of *Africa*, and with his Fleet steered his Course towards *Palermo*.

THEN it was that *Peter*, no longer able to conceal his Design upon *Sicily*, was resolved to lay before those Princes of *Europe*, who were his Relations, the Justice he had on his Side; so that before he left *Africa*, in the Year 1282, he wrote a Letter to *Edward* King of *England*, which we read in the *Acta Publica* of that Kingdom published in the Reign of Queen *Anne*¹; in which he tells him, that being employed in the War against the *Saracens*, the *Sicilians* had sent Deputies, begging of him to come and take Possession of *Sicily*, which he was resolved to do, because that Kingdom belonged to *Constantia* his Wife. Then he set sail for *Sicily*, and on the last Day of *August* he landed at *Trapani*, whither all the Barons and Gentlemen of the Neighbourhood came to meet him: From thence he went to *Palermo*, where, with great Pomp and Magnificence, he was crowned King by the Bishop of *Cefala*; the Archbishop of *Palermo*, whose Office it was, being at that time with Pope *Martin*.

UPON the Arrival of King *Peter*, the Citizens of *Messina* took Courage, and vigorously defended their City; and not only those who were able to bear Arms, but the Women likewise and the old Men repaired in the Night-time, what was in the Day beat down by the Machines of War.

¹ Fœdera, Conventiones, Literæ. &c. tom. 1. pag. 206

IN the mean time King *Peter*, by the Advice of *Procida*, ordered the famous *Roger of Loria*, Admiral of his Fleet, to go and attack that of the *French*, and to guard the *Phare*, in order to prevent any Provision coming to the *French* Camp from *Calabria*; and he himself, to animate the People, and keep up the Spirits of those of *Messina*, left *Palermo*, and came to *Randazzo*, a Town nearer *Messina*. From thence he sent three *Catalan* Knights his Ambassadors to King *Charles*, with a Letter, by which he acquainted him, that he was come to *Sicily*, which had been surrendered to him by the Authority of the Church, the Pope and Cardinals, and commanded him, upon Sight of this Letter, immediately to depart the Island, otherwise he would force him to do it. *Charles* having read this Letter publickly in Presence of all his Barons, they all expressed an incredible Disdain; and as much as the King was above the Barons in Power and Pride, so much the more Haughtiness did he discover; neither could he bear, that King *Peter* of *Aragon*, who was looked upon to be one of the poorest Kings in *Christendom*, should have dared to write to him with so much Arrogance, who took himself to be the greatest King in the World. They consulted what Answer to give; but Count *Guido* of *Monforte* was of opinion, that no Answer ought to be given, but immediately to go find him out, and chastise him for his Insolence: but the Count of *Bretagne*, who was then with the King, advised him to return an Answer in a much more haughty Style, which was done by a short Letter, wherein he called him saucy, and a Traitor to God and the Holy Roman Church. These two Letters are not only recorded by *Villani* and *Costanzo*, but are likewise to be seen in the foresaid *Acta Publica* of *England*, in the *Italian* Language, in which they were written¹.

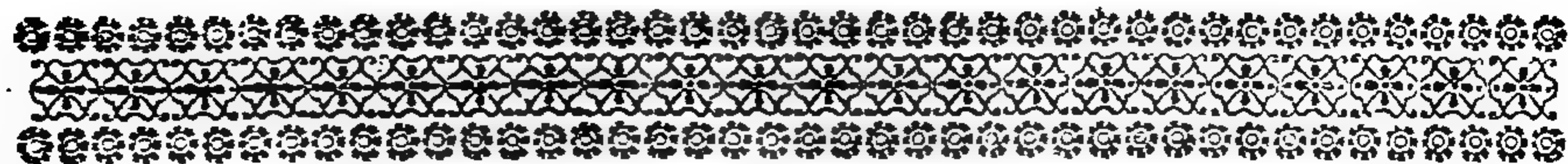
THE two Kings being thus exasperated, they were very free in bestowing injurious Names upon each other. In the mean time *Peter* had conveyed Relief into *Messina*, and *Roger de Loria* had gone with the Fleet to the *Phare* to fight the *French*, and to stop Provisions. *Errico Mari*, *Charles*'s Admiral, came to acquaint him that he could not pretend to face the *Catalan* Fleet, which was well provided with Men fit for a Sea-Engagement. *Charles*, who on all Occasions had shewed himself bold and intrepid, was now disheartened; and having called a Council, after a strict Examination it was concluded, that in order to prevent the Army's being starved by the King of *Aragon*'s Fleet, they ought to raise the Siege, retire to *Calabria*, and delay the Undertaking till another time. Although Indignation and Pride pushed *Charles* not to depart so shamefully; yet he raised the Siege, full of Rage and Discontent, passed over to *Calabria*, with a Resolution to renew the War in the Spring with all his Forces; but his Men were scarcely landed at *Reggio*, when *Roger de Loria* attacked his Fleet, and almost in his Sight took thirty of his Galleys, and burnt above sixty other Transport-Ships; which so struck him to the Heart, that he was heard pray to God in *French*, *That since he had raised him to such a high Station, and now was pleased to humble him, he would vouchsafe to do it by more gentle Steps*. After he had quartered his Army among the Towns next to *Sicily*, he came to *Naples*, and in a few Days after went to *Rome*, to complain of his Enemy to the Pope, and left the Prince of *Salerno* Lieutenant of the Kingdom, to whom he gave prudent Counsellors, to assist him in the Government thereof.

BUT while *Charles* was losing time in complaining to the Pope, on the tenth of *October* King *Peter* made his Entry into *Messina*, and was received with universal Acclamations, and acknowledged and proclaimed King over all the Island. And having taken up his Residence there, he put all things in Order, and settled the Kingdom again; and all continued quiet and peaceable at his Devotion. But tho' the Cardinal of *Parma*, the Apostolic Legate, resolved to disturb him with Interdictions and Censures; he, after the Example of the Kings of *Sicily* his Predecessors, little regarding the Interdiction, forced the Priests to celebrate the divine Offices; and those Prelates of the Pope's Faction, who refused to celebrate in their Churches, were allowed to depart, and go to *Rome*². And soon after, having sent for Queen *Constantia* his Consort, his two Sons *D. James* and *D. Frederick*, and one of his Daughters, named *D. Violante*, to come to *Palermo*; he conjured the *Sicilians* to be faithful to *Constantia*, whose lost Kingdom he had recovered. Then being obliged to go to *Aragon*, and from thence to *France*, to meet King *Charles* at *Bordeaux*, and there, as had been appointed, to fight a Duel with him; he

¹ Fœdera, Convent. &c. tom. 1. pag. 225.² Constanzo lib. 2.

obliged all the *Sicilians* to swear to *Don James* his Son, as his lawful Successor and Heir: which was most readily done with great Feastings and Rejoicings.

THUS were these two Kingdoms disjoined; whence there came to be two Royal Seats, *Palermo* in *Sicily* for the *Aragonians*, and *Naples* in *Puglia* and *Calabria* for the *French*.



CHAP. VI.

The Officers of the Crown divided. The Tribunal of the High Court established at Naples; and of the Lieutenant's Court.



HO' in the Times of the *Norman* and *Suevian* Princes there was but one Royal Seat, and the Officers of the Crown were the same both in *Sicily* and *Puglia*: yet henceforward each Kingdom had its own; neither did those of the one interfere with those of the other. King *Peter* made his own for the Kingdom of *Sicily*, and King *Charles* retained the old, whose Jurisdiction was confined to the Kingdom of *Puglia* only. Thus the King of *Aragon* having appointed *Alaimo di Lentino*, who had been one of the Heads of the Conspiracy, to be chief Justice of that Island, two *High Courts* were erected, one in *Sicily*, of which *Alaimo* was President, another in *Naples*, whereof *Luigi d' Monti* was Chief Justice; whence it is, that *Sicily* still retains a *High Court*, without having a Court of Lieutenancy; for in that Island there was no such Court, as was in *Naples*, where it was instituted by *Charles I.* when he left the Prince of *Salerno* Lieutenant of the Kingdom, as shall be related. Thus at the same time that King *Peter* made *Giovanni di Procida* High Chancellor of *Sicily*, there was another in *Naples*. *Roger de Loria* was King *Peter's* High Admiral, and *Errico di Mari* King *Charles's*; and so of all the other Offices.

THEREFORE to this day *Naples* has its own Officers distinct from those of *Sicily*, although the two Kingdoms were reunited afterwards under *Alphonfus I.* What *Sicily* gained by this Division was, that the Popes being always Enemies to the House of *Aragon*, and ever desirous of restoring that Island to the Family of *Anjou*, the *Aragonian* Kings never required Investiture of the Popes; so that in time *Sicily* became independent of them; and Investiture was given only for the Kingdom of *Naples*.

BUT there is no truth in what *Monsterus*¹, *Freccia*², and *Summonte*³ have written, that because the City of *Naples* by so many Steps had been raised to be the Head and Metropolis of the Kingdom of *Puglia*, that therefore from this time this Kingdom was called *The Kingdom of Naples*; and that *Charles I.* of *Anjou* would have the Title of *King of Naples*; for not only *Charles I.* but *Charles II.* his Son, and *Robert* his Grandson, and all the other Kings his Successors, notwithstanding the Bull of *Clement IV.* who gave the Name of *Sicilia citra & ultra Pharum* to these Kingdoms, would not in their Writs alter one Jot of the ancient Titles; but would still be called *Rex Siciliae*, *Ducatus Apuliae*, & *Principatus Capuae*. And had it been for no other Reason, as the Kings of *Aragon* were in Possession of *Sicily*, but that they might not be thought to have given up their Claim to that Island, they, as well as those Kings, retained the Title of *Kings of Sicily*. And this Kingdom being afterwards called *The Kingdom of Naples*, and no more *Puglia*, did not commence at this time, but long after, when it was again divided from *Sicily*, in the Reign of

¹ *Monfieri. Geogr. fol. 276.*

² *Freccia de Subfeud. lib. 3. cap. ult. post num. 37.*

³ *Summonte tom. 2. pag. 211.*

Ferdinand I. of *Aragon*, the Son of *Alphonfus* and his Successors; for those Kings, being possessed of *Naples* only, and having no Pretensions to *Sicily*, took only the Title of Kings of *Naples*, or of *Sicily citra Pharum*. And in the Reign of the Family of *Anjou*, the Writers of those Times gave this Kingdom no other Name but that of *Puglia*; as is plain from *Giovanni Boccaccio*, besides several others who wrote in the Reigns of King *Robert* and Queen *Joan* I. and never call this Kingdom *Naples*, but always *Puglia*.

S E C T. I.

Of the Tribunal of the High Court established in Naples.

THE Establishment of this Tribunal in *Naples* is not purely owing to *Charles* the First's Residence in that City, but chiefly to the Division of this Kingdom from that of *Sicily*; which obliged both him and his Successors to keep it there: Not that this Tribunal owes its Institution to *Charles*, or to *Frederick* II. as some have believed; but, as is observed in the eleventh Book of this History, when we had occasion to discourse of the Lord Chief Justice, it was introduced by the *Normans*. *Frederick* by many Constitutions raised it, and very much enlarged its Jurisdiction, by making it the supreme Tribunal; and in imitation of him, the Kings of the Family of *Anjou* afterwards did the same. Formerly, besides the Lord Chief Justice, it was composed of four Judges; but *Frederick* added the Advocate and Procurator Fiscal, the Master of Accounts, many Notaries, and other inferior Officers. In this Tribunal were pleaded, not only civil and criminal Causes, but likewise Feodal, of Baronies, Counties, and Quadripartite Fiefs: the Examination of Deeds, and all the Causes of the other inferior Tribunals, and Justices of the Provinces, and even Causes from the King's Delegates were brought before it by Way of Appeal. All Counts, Barons, and all Persons in the Kingdom were under its Jurisdiction. It could likewise take Cognizance of High Treason, and of all the most weighty and important Causes of the State.

THE Kings of the Family of *Anjou* by their Regulations established a more methodical and fixed Form of Proceeding in this Tribunal; and among the rest *Charles* II. in the Year 1306. while *Ermengano di Sabrano* Count of *Ariano* was Lord chief Justice, sent him many other Regulations, whereby he gave him more particular Instructions in the manner of executing his Office; shewing him what a high Station he was in, and over how many Causes he could extend his Jurisdiction¹.

BECAUSE the Lord Chief Justice was the Head of this Tribunal, it was likewise called *M. Curia Magistri Justitiarum*, who formerly had Power of appointing his own Deputy, who presided in his Absence; which Power was afterwards taken from the Chief Justice, and given to the Viceroys, which they still enjoy.

NAPLES became likewise more conspicuous than the other Cities of the Kingdom, by the Establishment of this Tribunal; which, by Way of Appeal, drawing all the Causes of the Kingdom to it, where the most important Affairs of the Counts and Barons were transacted, made it of course more frequented and populous. Tho' by the Residence of the Kings of the Family of *Anjou* so august a Tribunal was established, yet that more ancient one of the *Capitano* was not suppressed. The *Capitano* of *Naples* had his Court composed of its own particular Judges, in which Justice was administered to the *Neapolitan* Citizens and Burghers². He likewise extended his Jurisdiction over the City of *Pozzuolo*; whence in the Registers³ of these *French* Kings, we read of some that were *Capitani* of *Naples* and *Pozzuolo*; such as *Aymericus de Deluco Miles Capitaneus Neapolis, & Puteolis*. And in the Reign of King *Robert* we also find *Roberto di Cornai*, *Capitano* of *Naples* and *Pozzuolo*: He was immediately appointed by the King; and therefore the President of the High Court could not hinder him from exercising

¹ We read of these Regulations in Register 2n. 1306. lit. A. fol. 95. and they are mentioned by Tutini de' Mag. Giustiz. pag. 10.

² Tutini de' M. Giustiz. pag. 2.

³ Registr. ann. 1302. cap. 4. lit. A. fol. 3.

his Jurisdiction in those Places. So we read in the Reign of *Charles II.* that *Francesco d' Ortona Capitano* obtained of the King, that the President of the High Court should not hinder him from exercising his Jurisdiction in the City of *Pozzuolo*.

IN the time of *Charles I.* of *Anjou*, as we have related elsewhere, the famous *Marino di Caramanico* was a Judge of the *Capitano's* Court in *Naples*; and we have frequent mention of it in the Registers of these *French* Kings. We read in the Register of that King for the Year 1298, a Writ directed, *Capitano, & universis hominibus Civitatis Neap. &c.*¹. And in the Registers of King *Charles II.* for the Years 1302 and 1303, we read, that the House of the *Fellapani* in the Ward of *Portanova*, which was then in the middle of the City, was chosen to hold this Court; from which the Church of *S. John a Corte* took its Name, as *Summonte* writes²; tho' *Tutini*³ believes it to have taken its Name from the Tribunal of the High Court, which he says was erected in that District. In the time of King *Charles III.* we have likewise a Record of this Court in a Writ of that King's, mentioned by *Tutini*⁴, directed, *Magistro Justitiario Regni Siciliae, & Judicibus M. Curie Consiliariis; nec non Capitano Civitatis Neap. &c.* There is also mention made of it in the last Years of the Reign of the Kings of the Family of *Anjou*; for Queen *Joan II.* speaks of it in her Customs of the High Court of the Lieutenancy⁵. But it being never mentioned afterwards, *Tutini* believes⁶, that this Court was suppressed by the Kings of *Aragon*; so that now the Tribunal of the High Court takes Cognizance of its Causes: and in the latter Times of the Family of *Anjou* it was much diminished; for it only took Cognizance of criminal Causes left, and could not determine the Validity of Deeds, as may be seen in the Usages of Queen *Joan II.*⁷ whereby we are convinced of *Prospero Caravita's* Error⁸, who believed, that as the Lord Chief Justice presided in the High Court, so this *Capitano* presided in the Court of Lieutenancy, before these two Courts were united; for the Court of the *Capitano* of *Naples* was quite distinct from that of the Lieutenancy, of which we are now going to treat.

¹ Registr. ann. 1298 & 99. lit. C. fol. 207. mentioned also by *Summonte*, tom. 2. pag. 329.

² *Summonte* loc. cit.

³ *Tutini* de' M. Giustiz. pag. 7.

⁴ *Idem*, Orig. de' Seggi pag. 208.

⁵ Rit. 55 & 302.

⁶ *Tutini* de' M. Giustiz. pag. 2.

⁷ Rit. 55 & 302.

⁸ *Carav.* Rit. 55 & 302.

S E C T. II.

Of the Lieutenant's Court.

THE Lieutenant's Court, commonly called the *Vicaria*, must be distinguished not only from that of the *Capitano* of *Naples*, but likewise from the High Court, as well with respect to the Origin, as the Persons whereof they are composed, and their Pre-eminencies. The Tribunal of the High Court is more ancient, as owing its Institution to the *Normans*. The Lieutenant's Court had its Rise from *Charles I.* of *Anjou*; but its Form and Perfection is owing to *Charles II.* his Son. Yet *Frezza* and *Mazzella* believed, that this Tribunal was instituted by King *Robert Charles II's* Son.

THE Rise of this new Tribunal ought to be attributed to the Anxieties and continual Troubles with which *Charles I.* was afflicted, when he found that Fortune had first frown'd, and then quite forsaken him; for no sooner was he attended with ill Success, than he saw his Subjects rebelling; and in a trice *Sicily* lost, and himself on that account involved in a new War with *Peter* King of *Aragon*, his bitter Enemy and Competitor. *Charles*, struck with so great a Blow, left nothing unattempted in order to recover *Sicily*: He marched all his Forces against the *Sicilians*, but in vain: He laid close Siege to *Messina*; but being forced to abandon it, he went to *Rome*, where he made heavy Complaints against King *Peter*, calling him treacherous and faithless; and there he upbraided his Ambassador, and challenged that King to fight a single Combat. The Challenge was accepted by *Peter*; and *Bordeaux*, then in the Possession of the King of *England*, was pitched upon to be the Place where the Duel was to be fought.

CHARLES therefore being obliged to make so long a Journey, and uncertain of his surviving so dangerous an Action, in order to prevent the Kingdom of *Puglia* from following the Example of *Sicily*, resolved to make the Prince of *Salerno* his eldest Son and Successor *Lieutenant* of the Kingdom, with absolute and independent Authority during his Absence. He likewise appointed the gravest Ministers, and the greatest Lords for assisting him as Counsellors, in deliberating upon the weighty Affairs of State. And the Prince managed that great Authority with so much Prudence, that he restored the Kingdom to a better Form of Government; making many Regulations, full of consummate Prudence and Beneficence towards the People, of which in their Places.

FROM this new Dignity of *Lieutenant*, and from the Officers appointed to be the Prince's Counsellors, arose this new Court, called the *Lieutenant's Court* ²; which was much greater and more magnificent than the High Court, that was represented by the Lord Chief Justice, who was one of the Officers of the Crown; but this Court was represented by the Person of the King's eldest Son, as *Lieutenant* of the Kingdom, which certainly made it to be of greater Dignity and Pre-eminency. Whence at present the Tribunal of the High Court derives the Prerogative of putting Criminals to the Torture when accus'd, because of its being united to the *Lieutenant's Court*; for otherwise the High Court alone could not do it ³.

BUT in the time of *Charles I.* the *Lieutenant's Court* was only in *Embrio*, and the first Draughts were but drawn; as almost all *Charles's* other Works were, which were brought to Perfection by his Successor.

Charles II. gave it a more noble Form, and a better Establishment, upon an Occasion which we shall relate. This Prince having promised in the Articles of Peace made for obtaining his Liberty, to return again to Prison, in case that *Charles* of *Valois* did not renounce the Investiture of the Kingdom of *Aragon*; and seeing the Renunciation delayed, he resolved to go to *France* in order to press the King of *France* and his Brother to perform it, with a firm Resolution to return to Prison, if he should not be able to obtain it. Being obliged therefore to undertake that Journey, in the Year 1294 he made *Charles Martel* his eldest Son *Lieutenant* of the Kingdom, as we read in the Book of the Archives for the Year 1294 ¹. And having delayed his Journey to *France*, he went to *Rome* to be present at the Election of the new Pope; from whence in the Month of *April* the Year following 1295, he sent more exact Instructions concerning the Government of this Court, and appointed Counsellors for his Son, and all other Officers of which it was to be composed, whence we likewise gather the Prerogatives of this Tribunal; for there were some of the supreme Officers of the Crown appointed to be Counsellors to the *Lieutenant*. And the first that were chosen were *Philippo Minutolo* Archbishop of *Naples*, the same whom *Boccaccio* ⁴ mentions in his Novels, *Giovanni Monforte* Count of *Squilacci* Chamberlain, *Raimondo del Balzo* Son of the Count of *Avellino*, *Gottifredo di Miliagro* Steward, *Guglielmo Stendardo* Marshal, *Rainaldo de Avellis* Admiral, *Guido di Alemagna* and *Guglielmo de Pontiac* Knights, *Tommaso Stellato di Salerno* Professor of the Civil Law, *Andrea Acconciajoco di Ravello* Professor of the Civil Law, and Vice-protonotary of the Kingdom, and *Fr. Matteo di Roggiero di Salerno*, and *M. Alberico* Clerks and the King's Domesticks. He likewise prescribed to them the Method of dispatching the Affairs belonging to their Offices, by setting down each of their Duties, as may be seen in his *Diploma* drawn up in *Rome* by the Hands of *Bartolommeo di Capua*, and recorded not only by *Chioccarelli* ⁵, but also by *Tutini* ⁶.

THE same Method was observed by the other Kings of the Family of *Anjou* his Successors; and *Charles II.* as soon as *Charles Martel* went to *Hungary* to take Possession of that Kingdom, chose *Robert* his other Son to be *Lieutenant* of the Kingdom ⁷. *Robert* having mounted the Throne, made his only Son *Charles* Duke of *Calabria* his *Lieutenant*, of whom as *Lieutenant* we have many Regula-

¹ Summonte tom. 2. pag. 211, & 328.

² V. Grammat. decis. 34. n. 9. Carav. Rit. 1. n. 35. Hieronym. Cala de præmin. M. C. V. cap. 1. n. 7, 8.

³ Archiv. ann. 1294. fol. 10. Summonte tom. 2. pag. 330.

⁴ Boccacc. giorn. 2. nov. 5.

⁵ Chioc. de Archiep. Neap. ann. 1288.

⁶ Tutin. de M. Giustizieri pag. 4.

⁷ Freccia de Subfeud. lib. 1. cap. 10. de Offic. Logot. num. 40. Summonte tom. 2. fol. 329. Tutin. de M. Giustiz. fol. 2.

tions, and a Constitution among the Usages of the High Court ¹. And in the latter end of their Reign we likewise read, that Queen *Isabel* was made Regent of the Kingdom by King *Renatus* her Husband, which Queen in the Year 1436 directed a Letter to *Raimondo Orfino* Count of *Sarno* Lord Chief Justice of the Kingdom, and to the President of the High Court of the Lieutenancy, which we read among the Usages of that Queen ².

IT was likewise the Custom, that the Lieutenants, in case of Absence, or other Impediment, were wont to chuse a Deputy to attend the Administration and Government of this Court; and to shew how much this Tribunal was raised in the Reign of the Family of *Anjou*, the King's Sons did not think it below them to be Deputies of it. So we read that *Raimondo Berlingiero* King *Charles II*'s fifth Son was elected Deputy ³; and in the Year 1294 the said King made *Pietro Bodino* of *Anjou* Deputy; and in the Year 1306 *Niccolo Gianvilla*. King *Robert* likewise created several Deputies, such as in the Year 1326. *Francesco Stampa di Potenza*; and in the Year 1338 *Giovanni Spinello da Giovenazzo*. Queen *Joan I.* likewise in 1369 made *Gomesio de Albernotis*; and therefore he was called *Regens Curiam Vicarie, & Capitaneus Generalis Regni Siciliae* ⁴.

HENCE this new Tribunal of the Lieutenancy very much eclipsed that of the High Court; for with Regard to the Personages of which it was composed, it raised itself above all the rest, and was, as the Collateral Council of the Prince is to us at present. And as in the time of the *Normans* and *Suevi* we find that the High Court was the supreme Tribunal, so in the Reign of the Family of *Anjou* the Lieutenant's Court had the Ascendent. In the Reign of the House of *Aragon* the new Tribunal of the *Sacred Council of S. Clare* obscured them both; and in the Reign of the Family of *Austria* the *Collateral Council* became the most eminent of all, as we shall see in the Course of this History.

THESE Tribunals of the High Court and of the Lieutenancy were for a long time divided; for at the same time we read of Lords Chief Justices who presided in the High Court, and of Lieutenants, or their Deputies, who presided in their own Court. In the time of *Charles II.* we find *Ermengano di Sabrano* Chief Justice of the High Court, and *Niccolo di Gianvilla* Deputy of the Lieutenant's Court; and in all the Writs during the Reign of the Family of *Anjou* we observe those Writs of the Deputies of the Lieutenant's Court to run one way, and the Writs of the Chief Justices of the High Court another. We read those who presided in the first, thus; *Regens Curiam Vicarii*, and those who presided in the last, thus; *In quo hospitio M. Curie Magistri Justitiarum Regni, regebatur, & regitur*. In short the High Court was called, *Curia Magistrum Justitiarum*, and that of the Lieutenant, *Curia Vicarii, seu Vicarie*.

WHEN it was that these Tribunals were united, and reduced to one, and therefore called the *High Court of the Lieutenancy*, Opinions are various. *Tutini* ⁵ believed, that this Union was made by *Charles I.* but he is very widely mistaken; for he is so far from being the Author of this Union, that we can scarcely acknowledge him for the Founder of the Lieutenant's Court, he having only given us the first Draughts of it. And we cannot say that *Charles II.* united them, because he brought the Lieutenant's Court to Perfection, and made it more eminent than the High Court, on account of the Personages of which he would have it composed; and in the Writs of the other Kings of that Family, frequently when these Tribunals are mentioned, the one is called *Curia Magistrum Justitiarum*, and the other *Curia Vicarii*. For which Reason some have believed, that this Union was not made during the Reign of the *Anjou* Family; and *Prospero Caravita* ⁶ thinks, that even in the Reign of Queen *Joan II.* these Tribunals were still divided. Others say, that this Union was made in the latter end of the Reign of *Alphonfus I.* of *Aragon*, who having instituted the new Tribunal of *S. Clare*, joined these Tribunals into one, and called it the Lieutenant's High Court, which *Toppi* ⁷ affirms: But it is more probable, that this Union was not made hastily. The Ground and Occasion of these two Tribunals being by Degrees united, must be carried back to the Reign of *Charles II.* about the Year 1306. And there were greater Occasions given for this Union after the Lieutenancy of the Duke of *Calabria* King *Robert*'s Son, but much greater in the Reign of Queen *Joan II.* so that in the latter end of the Reign of *Alphonfus I.* King of *Aragon* the Union was completed, and of two Tribunals one only was formed.

¹ Rit. de Supplendis defectibus. detestantes, &c.

² Rit. seq. Libella &c.

³ Tutin. loc. cit. fol. 3. Sammonte loc. cit.

⁴ Tutin. loc. cit.

⁵ Idem.

Carav. Rit. r. num. 35.

⁷ Toppi tom. 1. de Orig. Tribunal.

Charles II. himself was the original Cause of this Union; for, as we have said, he having in the Year 1306 drawn up some Articles ¹ concerning the Administration of the Office of Lord Chief Justice, which he directed to *Ermengano de Sobrano* Lord Chief Justice of the Kingdom of *Sicily*; among other things therein contained, he ordain'd, that the Lord Chief Justice should take Cognizance of all Causes of Violence, Injuries, Crimes, and of all that belonged to the Lieutenant's Court, *Sicut Robertus primogenitus noster Dux Calabriae, nosterque Vicarius Generalis posset adiri.* The Power of taking Cognizance, and the Prerogatives being thus perplexed, it was an easy Matter in time to bring about this Union, and to join these two Courts in one. But after the Lieutenancy of the Duke of *Calabria*, King *Robert's* Son, the Division was looked upon to be more useless; for after him we read of no other Lieutenants, excepting, that in the last Period of their Reign Queen *Isabel* was made Regent of the Kingdom by her Husband *Renatus*; so that the Division was unnecessary, seeing the Affairs of these two Tribunals could be dispatched with greater Ease when joined in one. Then Queen *Joan II.* by her Usages resolving to reform these two Courts, thought fit to unite them into one; whence it came, that the Lord Chief Justice, who was Head of the High Court in the time of the *Normans*, when these two Tribunals were united, became likewise Head of it. Whence it is, that all Writs and Orders that are sent from the High Court of the Lieutenancy, as well concerning the whole Kingdom as the City of *Naples*, are published in the Name of the Lord Chief Justice.

FROM hence it proceeded, that the Superintendency of these two Courts having been given to the Lord Chief Justice alone ², as he could appoint a Deputy for his own High Court, so he had likewise Power of appointing one for the Lieutenant's Court; and these two Dignities and Offices were lodged in the Person so appointed by him; of which Deputies, *Niccolo Toppi* has collected a long Catalogue down to his own time.

WHENCE it likewise came, that Queen *Joan II.* having a mind to reform and restore the Usages and Customs of these Courts; and finding, that in her own time they reciprocally communicated all their Authority and Prerogatives to one another, with one single Constitution she took care to provide for the good Government and Administration of them.

AND it is to be observed, that whereas the Usages which this Queen appointed were designed for the better Government and Administration of this Tribunal, made up of two Courts, therefore she sometimes calls it her Court, or the High Court of the Lieutenancy in the singular Number, and sometimes Courts in the plural. Thus she says in the Preface; *In nostris Magnae, & Vicarii Curiiis.* And in the first Usage; *In praedictis nostris Magnae, & Vicariae Curiiis, & qualibet ipsarum.* And elsewhere; *Judices ipsarum Curiarum* ³; and it is also remarkable, that in the Privileges granted by this Queen in the Year 1420 to the *Neapolitans*, and inserted amongst those Usages ⁴, it being her Pleasure that they should take place in all the Courts of *Naples*, I speak thus: *Tam scilicet Magna Curia Domini Magistri Justitiarum Regni Siciliae, seu ejus locum tenentis; ac Regentis Curiam Vicariae; quam Capitaneorum, vel aliorum habentium merum, & mixtum Imperium, &c.* thereby denoting, that this Tribunal was made up of two Courts, that of the Lord Chief Justice, and the other of the Lieutenancy. And Queen *Isabel* being made Regent by King *Renatus* her Husband, in the Year 1436, as we have said, directed a Letter (which is likewise inserted amongst those Usages ⁵) to the Officers of this Tribunal, and said, *Raymundo de Urfinis, &c. Magistro Justitiarum Regni Siciliae, & ejus locum tenenti: Nec non Regenti Magnam Curiam Nostrae Vicariae.*

WHENCE we may be convinced of the Mistake of those, and among the rest of Deputy *Petra* ⁶, who finding among the Usages appointed by Queen *Joan II.* for the High Court of the Lieutenancy, that this Tribunal was sometimes named in the singular, sometimes in the plural Number, believed, that when that Queen appointed those Usages to be drawn up, these were two distinct Courts, but before they were quite finished, they were united; so that in the first Usages they are named in the plural, and in the last in the singular Number. Which would be doing great Injustice to those Lawyers, who bestowed so much Care and Labour in

¹ They are recorded by Tutini de M. Giust. fol. 10.

² Tutin. de M. Giust. pag. 2.

³ Rit. 52, 63, 64.

⁴ Rit. 14, 34, 39, 46, 50.

⁵ Sub tit. Confirmatio, &c. fol. 442.

⁶ Sub titulo de Supplendis defectibus &c. fol. 440.

collecting the said Usages, which Collection they published altogether in one Volume; and it would have been a great Oversight in them, if in the beginning they had separated these Courts, and joined them in the end. Besides, that not only Queen *Joan* II. in the Privilege granted to the *Neapolitans* about the end of her Reign, and placed at the end of these Usages, but likewise Queen *Isabel*, who lived after Queen *Joan*, separated these Courts at the very time that Deputy *Petra* will have them to be united; for she directs her Letter both to the Lord Chief Justice and his Deputy, and to the Deputy of the Lieutenantcy. These Courts in themselves were distinct, but at this time were united, making one Tribunal of two Courts.

AFTERWARDS in the Reign of *Alphonfus* I. there was not the least Token of Division remaining, either in speaking or writing, and the Union was fully completed, so that the plural Number was no more made use of, and it was reputed but one single Tribunal; and since it was made up of two Courts, it was therefore called, *The Tribunal of the High-Court of the Lieutenantcy*.

‡ *Petra* Rit. 1. num. 23.



C H A P. VII.

Charles Prince of Salerno governs the Kingdom, as Lieutenant, during his Father's Stay in Rome, and while he went to Bourdeaux to fight Peter of Aragon.



ALTHOUGH the King of *Aragon* was persuaded, that his addressing himself to the Pope would avail him nothing, because the Pontiff was already determined with all his Might to assist *Charles* in recovering *Sicily*; nevertheless that *Charles* might not alone apply himself to the Pope; and in order, by some Treaty of Peace, to divert the War, he sent his Ambassadors to *Rome* to endeavour to justify himself before *Martin* and the College of Cardinals, by desiring them to consider, that he having resolved to recover that Kingdom which had devolved to his Wife and her Children, it was not in his Power by open Force to take it from *Charles*, who was the most potent King of Christendom; and therefore finding that the *Sicilians* being reduced to the utmost Despair by the cruel Usage of the *French*, had been forced to commit that Slaughter, he was willing to lay hold of that Opportunity, both to save the Lives of the *Sicilians*, and recover the Kingdom that justly belonged to his Wife; and that it became the Pope's Holiness, and the honourable Cardinals to lay aside all Passion, and to judge uprightly; that should they determine in his Favour, he would pay the Tribute to the Church of *Rome*, and be as good a Feudatory to her, as ever *Charles* had been; and if after having examined his Claim, they should decide against him, he would put the Island into the Hands of the Church.

BUT both the Pope and *Charles* quickly perceived *Peter's* Drift; whereupon the Ambassadors were dismissed, without any other Answer, than that the Pope knew very well, that these were Words of course in order to divert the War, and that he was fully resolved to give *Charles* all the Favour and Assistance in his Power, and they might assure themselves that the next Campaign *Charles* would attack the Island with all his Forces both by Sea and Land.

WHEREUPON King *Peter*, after having settled some Affairs in *Sicily*, by the Advice of *Roger de Loria* and *Giovanni di Procida*, went to *Aragon* to get ready a new Reinforcement to be sent to *Sicily*. The People of *Aragon*, who at first had grumbled at this Expedition, as undertaken without their Advice and Consent, whereby the Laws and Privileges of that Kingdom were infringed; yet now seeing that it had succeeded, and a Kingdom gained, in which many of them got Estates and Lordships afterwards, they began to think of assisting the King to the utmost of their Power, and in Council they persuaded him by all Means possible to endeavour to pacify the Pope, whereby the King was induced to send to him a second time *Gismond de Luna* as his Ambassador, who was to go to *Rome*, and there beg of the Cardinals one by one, that they would be pleased to soften the Pope. But behold, what *Peter* had with so much Earnestness in vain endeavoured to obtain before, now fortunately happened to him; for while his Ambassador was in *Rome*, and passing in the Streets, he was met by King *Charles I.* who, as soon as he saw him, being very impatient and subject to Passion, said to him, That King *Peter* had acted like a Villain and a Traitor, who, though he was his Cousin, had possessed himself of his Kingdom, of which *Manfred* never was lawful King, but an Usurper and Tyrant, and that he would maintain it in Battel Hand to Hand, or with a certain Number of Soldiers. *Gismond*, who was a prudent Man, answered, That he was come upon another Errand, and not to dispute whether the King his Master had done well or ill, though it was certain that he had done exceedingly well; but that he would write to him, and he doubted not but that he should have an Answer suitable to the Rank, Blood and Courage of such a King; he immediately therefore wrote what had passed to his King. King *Peter* soon returned him Answer, that he accepted the Challenge, and offered to the Pope, that in order to prevent the shedding of Christian Blood, he was not only satisfied to decide that Quarrel by single Combat, but with it also the Dominion of *Sicily*.

SOME have written that *Charles*, out of the Confidence he had in his own Person, and in many Knights of his Army, was rejoiced at *Peter's* Offer, and that with the Pope's Consent they began to treat of the Method that was to be observed in fighting; and that the two Kings agreed each of them to chuse twelve Knights for regulating the Time, the Place, and the Conditions of the Combat. These having met drew up some Articles, which were ratified by the two Kings. In these Articles it was agreed, that they should fight at *Bordeaux* a City in *Gascony*, at that time subject to the King of *England*: The Day of Battel was appointed, which was to be on the first of *June* 1283, when each of the Kings were to appear in that City, accompanied with a hundred Knights.

THESE Articles are to be found in the *Acta publica* of *England*, which Queen *Anne* caused to be printed¹; and as these Articles were never published before this Edition, some of our best Historians have committed several Blunders, to the great Prejudice of the King of *Aragon's* Reputation; for they believed, that the King of *England* had a Hand in framing the said Articles; and that being equally related to both the Kings, he had ordered the Field of Battel to be secured, and that therefore King *Peter* had nothing to alledge for his Excuse in not appearing publicly, as he did privately; for by these Articles, and by some of the King of *England's* own Letters we are convinced, that he was so far from having had a Hand in the Articles, or securing the Field of Battel, that he had rather used his utmost Endeavours for preventing the Duel. The Articles were solely drawn up by the Knights elected by both Kings; and some have likewise written that the Pope did not give his Consent. The Articles, as we read them in these *Acta publica*, are as follow:

1. THAT the Combat shall be at *Bordeaux*, in the Place that the King of *England* shall judge most proper, which Place shall be surrounded with a Barrier.
2. That the two Kings shall present themselves before the King of *England* in order to fight on the first of *June* 1288.
3. That if the King of *England* cannot be at *Bordeaux* in Person, the two Kings shall be obliged to present themselves before the Person, whom the said King shall have deputed to receive them in his Place.
4. That if the King of *England* should not be there in Person, nor send one in his Place, the two Kings shall be obliged to present themselves before his Governor of *Bordeaux*.
5. It is likewise agreed, that the said Combat shall not be in the fight of any Person whatsoever belonging to the King of *England*, unless the said King be actually

¹ *Fœdera, Conventiones &c.* tom. 1. pag. 226.

present in Person, except that the two Kings, with mutual Consent, agree between themselves to fight in that manner, that is to say, in Absence of King *Edward*. 6. That if the King of *England* should not be in Person upon the Place, nor at the Time appointed, the two Kings are obliged to wait his coming for the Space of thirty Days. 7. In order by all Means possible to get the King of *England* to be present, the two Kings promise and swear faithfully, and without Fraud, to do their utmost to procure the said King's Presence at the Place, and on the Day appointed and to order Matters so that their Letters be delivered to him. After some other Articles concerning the Truce and Security, which the two Kings mutually gave one another, it was agreed. 8. That if either of the two Kings shall fail to be at the Place and on the Day appointed, let him be reputed as vanquished, perjured, false, faithless, and a Traitor, that can never any more take upon him the Title of King, nor the Honours due to that Dignity; let him for ever be deprived of the Title of King and Royal Honours, and be incapable of all Office and Dignity, as overcome, perjured, false, faithless, traiterous, and eternally infamous.

THESE Articles being agreed upon, both the Kings made haste to put the Affairs of their Kingdoms in order, that by their Absence on so long a Journey, or by their Deaths in so dangerous an Action, they might not suffer any Detriment. King *Peter* recommended to the *Sicilians* to be faithful to Queen *Constantia*: He gave the Title of Viceroy of that Island to *Guglielmo Calzerano*: He made *Giovanni di Procida* High-Chancellor: He gave the Office of Lord Chief Justice to *Alaimo di Lentino*, and bestowed bountifully great Favours and Privileges upon many others; and he made them all take an Oath to Don *James* as lawful Successor, Heir, and future King, which they all did with great Solemnity and Good-will.

ON the other hand King *Charles* left the Prince of *Salerno* Lieutenant of the Kingdom, and appointed able Counsellors to assist him in the Government; and, as we have said, established a new Council, which was called the Lieutenant's Court; and making more haste than his Rival, as soon as he had got the Pope's Blessing, he set out with his People, and on the Day appointed appeared with his hundred Knights on the Field of Battel near *Bordeaux*, where he continued riding up and down till Sun-set, and in the mean time caused his Herald to call frequently upon King *Peter*; but he not appearing, some say, that *Charles* went to the King of *England's* Marshal, who commanded in *Bordeaux*, and required him to bear Witnesses to what had passed; and hearing that the King of *Aragon* was still at a great Distance, he departed that very Day.

ON the other hand after King *Peter* had pitched upon his hundred Knights, he ordered them to set out immediately for *Gascony*, and he sent *Gilbert Gruiglias* before to learn if the King of *England* was arrived at *Bordeaux*, or if his Lieutenant was there, and had secured the Field of Battel, and he himself with three gallant Knights followed at some Distance; but finding that no Person had secured the Field, it is said, that he disguised himself, and privately entered *Bordeaux* under the Name of one of the Lords of his Court; and after *Charles* had been gone, he went that same Evening and presented himself before the Marshal of *Guienne*, took him to witness that he had appeared, and in Testimony whereof he left his Arms with him; and that then in all haste he returned to his own Dominions, being afraid of the Snates which it was whispered *Charles* had laid for him.

THIS Conduct has given Ground to the *French* Historians of accusing him of Cowardice, and of not having the Courage to face his Enemy. But the Mistake proceeds from the constant Opinion as well of the *French* and *Italian* Historians, as of the *Spanish*, that *Edward* had secured the Field of Battel; and being deceived by *Charles's* having presented himself with his hundred Knights at *Bordeaux*, they have not been able to comprehend, why that Prince would have come with his Attendants ready to fight, and have staid at *Bordeaux* from the Sun-rising to the Sun-setting of the Day appointed, if he had not believed that the Field was secured, and that he was to fight.

BUT we read in the abovementioned *Acta Publica* of *England*, Vol. I. Page 239. a Letter from King *Edward* to *Charles*, by which he gives him to understand, that he would not come to secure the Field for the two Kings, if it should gain him the two Kingdoms of *Aragon* and *Sicily*; nor suffer the Duel to be fought in any part of his Dominions, nor in any other if it was in his Power to hinder it. In another Letter which he wrote to the Prince of *Salerno* (Page 240.) he tells him, that it was far from being true, that he had granted his Father what he demanded concern-

ing that Combat, on the contrary he had refused him downright (*tout outre*) which is the Term he makes use of, these Letters being written in *French*.

THEREFORE there's no room to believe, that *Edward* gave his Consent to this Combat, either by his Presence, or by sending any Person to represent him, or by giving a safe Conduct to the two Kings, or in fine by preparing a Place for them; and yet the Historians take it for granted, when they say, that *Charles* came to *Bordeaux*, that he went to the Field, and that he remained there from the Sun-rising to the Sun-setting, without seeing his Enemy appear.

THE Truth of the Matter is, that on the Day appointed *Charles* actually came to *Bordeaux*; that he staid there till towards the Evening, and that hearing that the King of *Aragon* was still at some Distance, he returned the same Day. But he was scarcely gone, when *Peter*, who was in the City disguised under the Name of one of the Lords of his Court, went and presented himself to the Marshal of *Guienne*; took him Witness that he had appeared, and in Testimony thereof he left his Arms with him, and then in all haste returned to his own Dominions. If we consider the Tenor of the Articles agreed upon between the two Kings, this Conduct will not bear the Name of Cowardice; for the appearing of these two Princes before the Marshal of *Guienne*, was only to fulfill the fourth Article, and not to fight; because by the fifth they were not to fight, unless the King of *England* was present; and by *Edward's* Letter abovementioned, nothing was farther from his Thoughts, than to be present at that Combat. That the King of *Aragon* was afraid is not to be doubted, but the Fear he had was not that of fighting his Enemy; for by the Articles he was not obliged, except in the Presence of the King of *England*, who was to secure the Field. Of whom then was he afraid? The *French* Historians, who upon other Occasions have been very ready to undervalue this Prince, as an Enemy to the House of *France*, have not cared to explain the Cause of his Fear; but the *Sicilians* and *Neapolitans* have done it; and tell us, that King *Peter* had been informed that *Charles* had not only brought his hundred Knights with him to *Bordeaux*, but that he likewise had, some say, three thousand, other five thousand Horse within a Day's march of that City; and some add, that his Nephew the King of *France* was at the Head of them; which *Mezeray* cannot altogether deny, but says, that *Peter* retired, pretending to be afraid of being attacked unawares by the King of *France*; for if the King of *France* had not had Troops near *Bordeaux*, how could *Peter*, when he was in the Dominions of the King of *England*, pretend to be afraid of being surprized by the King of *France*?

IN order then to justify the King of *Aragon* two things must be examined: First, whether he performed the Agreement; and none who has read the abovementioned Articles will doubt of it: Secondly, Whether he had just Grounds to suspect *Charles* and the King of *France*. As for the first of these Princes, the *Neapolitan* and *Sicilian* Historians say, that he had bragged publickly of his having resolved to have the King of *Aragon* assassinated, which was a sufficient Ground of Fear to him, who was in a Country far distant from his own Dominions, and in the Neighbourhood of those of the King of *France*, and without a safe Conduct from the King of *England*, or any other Security, but the Word of an Enemy, upon whose Faith he could not rely, because he had threatened to have him assassinated. As for the King of *France*, the *Italian* Writers assert that he had a Body of three thousand, some say five thousand Horse within a Day's march of *Bordeaux*. *Mezeray* and the other *French* Historians, who could not be ignorant of what the *Italians* advance, do not deny it, but think fit not to mention it; so that it is as likely to be true as false. Lastly, Even granting that King *Peter* had been seized with an ill-grounded fear of some Surprize from the King of *France*, he did not on account of his Conduct deserve those Reproaches and Scoffs from the *French*.

ON the other hand some *Spanish* Historians have shewed themselves too great Braggadocios, and among the rest *Caribay*, who certainly was ignorant of the Agreement made between the two Kings; for he takes upon him to say, that the King of *Aragon* appeared at *Bordeaux*, and returned again, because he did not find King *Charles* there; these are his Words: *After the King Don Peter had made himself Master of the Kingdom of Sicily, he remained there five Years; and when he had settled the Affairs of his new Kingdom, he returned to Spain, where having found a Challenge from King Charles, he went in Disguise through the Province of Guipuscoa to Bordeaux, which being at that time in the Dominions of the King of England, was*

pitched upon for the Field of Battel; and because King Charles did not appear there, the King Don Peter returned to Aragon and Catalonia.

AMONGST the Variety of Opinions, that of our most grave Writer *Costanzo* ¹ ought not to be passed over in Silence, which is likewise supported by an antient Annotation in Manuscript, which he says he had found; to wit, that King *Peter*, who always laid great Stress upon Troops, never had a mind to hazard the Kingdom upon that Issue; and that after the Day appointed was over, discoursing upon that Subject, he declared, That he had clogged that Combat with so many Conditions and Articles, on purpose to make *Charles* lose a Campaign, and to gain time to strengthen himself, and give his Kingdoms leisure to recover themselves; and that he laughed at *Charles* for believing that he would have ventured the Kingdom of *Sicily*, which was his own, unless *Charles* on the other hand had been engaged to lose the Kingdom of *Puglia* in case he had been worsted.

IN fine the Combat being thus over, Pope *Martin* found that *Charles* had been baffled, and that King *Peter* had avoided the War; whereupon full of Rancour he excommunicated him with all his Ministers and Adherents. He likewise excommunicated and anew interdicted the *Sicilians*, and declared them with all their publick and private Abettors to be Enemies to the holy Church; he deprived *Peter* of, and deposed him from the Kingdoms of *Aragon* and *Valencia*, and excommunicated all those who should obey him, or call him King; and he bestowed these Kingdoms upon *Charles* of *Valois*, second Son of *Philip* III. King of *France* ²; he sent the Cardinal of *S. Cecilia* Apostolick Legate to *France* with the Investiture of these two Kingdoms, and to treat with the King about sending a powerful Army into *Aragon* in order to drive *Peter* out of those Kingdoms. The Legate was received in *France* with great Honour, and he immediately set about preaching up the *Crusade*, and to grant Indulgences to all that would take up Arms against King *Peter*; and the King of *France* was not slow in drawing together a great Army, with which he went upon that Expedition. And *Charles* being returned from *Gascony* to *Provence*, proud of his having rid over the Field of Battel, but laughed at for having lost time, set out from *Marseilles* with sixty Gallies and many Ships for *Naples*, with Design together with the Gallies of the Kingdom to sail for *Sicily* before Autumn.

ON the other hand *Peter* King of *Aragon* was daily sending Reinforcements of Men and Ships to *Roger de Loria* his Admiral; and little minding the Curles and Depositions of the Pope, out of Derision he called himself, *Peter of Aragon, the Father of two Kings, and Lord of the Sea.*

¹ Cost. lib. 2.

² Bulla Martini IV. and we likewise find this Ex-communication and Deposition in the Acta publica Angliæ pag. 252. Vol. 1.



C H A P. VIII.

The Prince of Salerno taken Prisoner; and the Death of King Charles his Father.



WHILE these things were transacting in *France*, *Roger de Loria* having had Intelligence that *William Carnute* a *Provensale* with twenty two Gallies had gone to reinforce and store with Provisions the Castle of *Malta*, which held out for King *Charles*, sailed with eighteen Gallies from the Port of *Messina* in order to find him out; and just as he had landed the Men and Provisions, and was riding in the Harbour of *Malta*, *Roger* arrived, and sent a small Frigat with a Trumpetter to order the *French* Captain to surrender, or rather to prepare for an Engagement:

The

The *Provensale*, who was a brave Man, and had certain Information that the Enemy's Fleet was inferior in Number to his, sailed out of the Harbour and attacked *Roger*; but at last, after a great deal of Slaughter, he was defeated and killed, and of all his Gallies only twelve escaped by flight to *Naples*; the other ten were taken, and carried to *Messina* by *Roger* to the great Joy of all the Island. The *Malteze* surrendered themselves, and *Roger* gave the Command of the Island to *Manfred Lancia* one of his Officers ¹.

BUT *Roger* not content with this Victory, having already conceived in his Mind the other great Things he afterwards did, in all haste assembled all the Gallies of the Island, and steer'd his Course towards *Naples*, in order to find out an Opportunity of doing another gallant Action; which very luckily happened, for having sailed along the Coast of *Calabria* with forty five Gallies, he came to *Castellamare di Stabia*, and after he had there refreshed his Fleet, in the Month of *June* 1283 he stood in for *Naples*, and in order of Battel drew nigh the Walls, and began to throw Darts and other Instruments of War into the City; whereupon all the Inhabitants took themselves to their Arms, believing that *Roger* had a Mind to attack the City; but as *Roger's* Intention was only to entice and provoke the Gallies that were in the Harbour to an Engagement, after the *Sicilians* had upbraided and provoked the *Neapolitans* that were upon the Walls, and in the Gallies within the Harbour, he coasted along by *Resina* and *Torre del Greco* as far as *Chinja* and *Posilipo*, burning and destroying those fine Villas and pleasant Places.

THE Prince of *Salerno*, who had been left by his Father Lieutenant of the Kingdom, not able to bear so great an Indignity, ordered *James Bruson* a Frenchman, who was then Captain General of the Gallies, immediately to get them in readiness to put to Sea in order to fight *Roger*, and told him that he himself would accompany him. *Gerardo di Parma* the Apostolical Legate, who was then at *Naples*, exclaimed against the Prince's going, and the exposing of the Fleet to an Engagement; but the Prince, highly resenting the Insult, by all Means would embark; and not only the French Veteran Soldiers, and all the other hired Troops embarked with him, but there was not a Nobleman, or any Citizen of Distinction able to bear Arms that did not cheerfully go with him. *Roger* indeed no sooner saw the *Neapolitan* Fleet advanced some Miles from the Harbour, than he set sail with his Gallies, seeming to fly, but with Intention to draw the Enemy so far out, as they should not be able to avoid an Engagement. The Prince taking it to be a real Flight was overjoyed, and all the Soldiers of the Gallies, especially those who had but little Experience in War, huzza'd, as if they had been sure of Victory; but when *Roger* found that they were a great many Miles from the Land, he ordered his Gallies to bring to; and, after he had visited them one by one, made them tack and stand towards the Enemy who were advancing, and with full sail went to meet them. The Battel began with great Fury on both sides; but after they had been for a long time so closely engaged, that they could scarcely know one Galley from another, at last the Gentlemen of the Prince's Gallies having fought with all their Might, overcome with Heat and Fatigue, began to give Way; but the Admiral's Galley, in which the Prince was, stood it out to the last; for though she was so hemmed in that she could not disengage herself and leave the Battel, as many others did, and fled towards *Naples*, yet she made a gallant Resistance, being manned with the Flower of the Nobility and Gentry, who chose rather to die than yield and see their Prince taken Prisoner. But *Roger*, in order to put an end to the Battel, sent his Carpenters and some Sailors in Boats, with Augurs and other Instruments, who quickly bored the Prince's Galley in many Places, insomuch, that such a great Quantity of Water entered, that she was ready to sink; which the Prince and the rest perceiving, surrendered to *Roger*, who had importuned them so to do; and he offered his Hand to the Prince, entreating him in all haste to come aboard of his Galley. With the Prince were made Prisoners *Burson* the Admiral, *William Stendard*, and many other Italian and French Lords, and ten Gallies were taken ².

THIS Defeat put the *Neapolitans* into a terrible Consternation, for they saw *Roger* return and post himself before the Walls of the City, and encourage the People to revolt. And the Mob had already begun to make Disturbance, and to cry out, *Down with King Charles, and up with Roger de Loria*. And *Costanzo* writes, that if the Nobility, and the Citizens of greatest Credit had not interposed,

¹ V. Maurolico.² Idem.

and taken upon them to guard the Gates of the City, some great Mischief would have ensu'd. The Populace then being restrained, and the City quieted, *Roger* retired to the Island of *Caprea*; and he got the Prince to give Orders for setting at Liberty *Beatrice* King *Manfred's* youngest Daughter, who had been Prisoner fifteen Years in *Castello del Nuovo*, where her Mother and Brothers had likewise died Prisoners, and then he returned to *Sicily*; and in a triumphant manner, to the great Joy of all the *Sicilians*, he presented Queen *Constantia* with her Sister now at Liberty, and the Prince a Captive, who, with all other Prisoners of Quality, was put in the Castle of *Mattagrifone* in *Messina*.

THE *Sicilians* had a mind by way of Reprisal, to serve the Prince the same Way, as *Charles* had served King *Conrad*; for which end the Syndicks of all the Cities of the Island being conven'd, they condemned him to be beheaded, and sent Word to Queen *Constantia*, that she ought to be revenged in that manner. But that great and magnanimous Queen, abhorring such Cruelty, gave them to understand, that in a Matter of so great Importance as the Death of the Prince, she would not take upon her to decide any manner of way, without the Advice of King *Peter* her Husband, who was then in *Aragon*; whereupon, in order to convey him out of their sight, and to preserve his Life, she sent him Prisoner to *Aragon*, where he was for many Years kept close Prisoner. As this noble, magnanimous and generous Action has been transmitted to Posterity with Admiration and Praise, so King *Charles's* Cruelty has thereby been rendered the more detestable, because Compassion and Clemency had more Sway in the weak and tender Breast of a Woman, than in the savage Soul of that King, branded with Infamy throughout all Ages, and by all Writers.

NEVERTHELESS, about two Days after the Battel, King *Charles*, on his way from *Marseilles*, arrived at *Gaeta*, where with infinite Grief he received the News of the Defeat, of his Son's being Prisoner, and of the Tumult that had happened in *Naples*. He wrote immediately to the Pope, begging his Assistance and a Supply of Money in so great a Distress; then full of Rage and Resentment at the *Neapolitans* he hastened to that City, and seizing a hundred and fifty of the most guilty, he caused them to be hanged; but at the Intercession of the Noblemen and chief Citizens who had guarded the City, he pardoned the rest. This was about the beginning of *July*, when resolving to make a fresh Attempt upon *Sicily*, he sent seventy five Gallies to pass the *Phare*, and sail round to *Brindisi* to join the other Gallies that had been fitted out in the *Adriatick* Sea; and he himself went over Land to *Calabria* to besiege *Reggio*, which was then in the Possession of the King of *Aragon*; but not succeeding in that Enterprize he returned to *Puglia*, and was wholly intent upon fitting out a vast Number of Ships for transporting his Army to *Sicily*.

BUT in the mean time King *Peter* had come from *Aragon* to *Messina* in order to defend the Island; and knowing that the Pope was grievously offended with him, yet on account of the Defeat, and the Imprisonment of the Prince, dissembling his Hatred, had sent two Cardinals to *Sicily* to treat about the Prince's Liberty and Peace, he was resolved with the same Cunning to flatter him; for after having with the greatest Honour imaginable received the Cardinals, he gave them so great Hopes of an honourable Peace for King *Charles*, that they sent him Word not to move; and by this Means, after *Charles* had lost another Campaign, he very dexterously and prudently broke off the Treaty; whereupon the Cardinals being thus deceived and amused, after they had a second time cursed and excommunicated King *Peter* and the *Sicilians*, they departed and returned to the Pope.

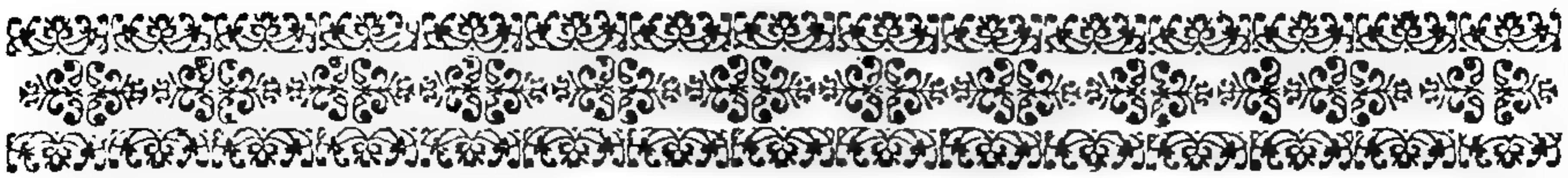
CHARLES seeing himself thus bubbled, resolved in the middle of *December* to have an Army ready for recovering his Son's Liberty and the lost Kingdom; but as he was on his Way from *Naples* to *Brindisi* to see his Fleet refitted, he was taken ill at *Foggia*, where being oppressed with Melancholy, occasioned by the many Misfortunes that had befallen him, he died in the Month of *January* 1284. *Theodore* of *Nismes*², who flourished in the Reigns of *Charles* III. and King *Ladislaus*, speaking of the Death of this Prince, says, That he was so much op-

¹ Tacini degli Ammir. pag. 81.

² Theod. de Nemans. de privileg. & jur. Imp. 282. adeo mente oppressus & pusillanimis tan-

dem factus est, ut dicitur, quod mortem sibi constituit, noctis sub silentio seipsum laqueo strangulans.

pressed with Melancholy, that one Night overcome with Despair he strangled himself with a Halter. His Body was carried to *Naples*, and with Royal Pomp buried in the great Church, where his Tomb is still to be seen.



C H A P. IX.

Of the new Laws introduced by Charles I. and the other Kings of the Family of Anjou his Successors, which we call the Regulations or Statutes of the Kingdom.



HIS Prince, besides many other Monuments whereby he rendered this Kingdom illustrious, and the City of *Naples* much more so, left us new Laws; which, after the manner of *France*, were not called Constitutions, but *Statutes*, or the *Regulations* of the Kingdom. In the famous University instituted by *Frederick II.* in *Naples*, and afterwards by *Charles I.* adorned with greater Privileges; the Pandects, and the other Books of *Justinian* drew in our Professors to study them; insomuch, that not only the Doctors, who were then called Masters, taught them there, but even the Advocates quoted them publicly in the Courts of Justice for the Decision of Causes. And when these Laws did not clash with the *Longobard* Laws, or the Constitutions of the *Norman* Kings, and of those published afterwards by *Frederick*, or with the approved Usages of the Kingdom, they had gained so much Force and Authority with the Judges, that according to their Purport Causes were decided; not that they had the Sanction of any written Law, but by Degrees and Custom they began to acquire the Force and Authority of Laws; first by the Strength of Reason, afterwards by the Connivance of our Princes, who would have them to be publicly read in their Universities, and explained with Commentaries by the Lawyers; and of course they likewise recommended them to be observed in the Courts of Justice; and lastly, by the Constitutions of *Frederick II.* who not only frequently made use of their Authority, but in many of his Constitutions ¹ he expressly commanded them to be observed, provided they did not clash with the *Longobard* Laws, and the Constitutions and Usages of the Kingdom. And in process of Time their Force and Authority became so great, that they got the better of the *Longobard* Laws, which were in a manner laid aside. *Marino di Caramanico*, who flourished in these Times, and wrote on this Subject, says thus ²: *Licet vero Regnum deserit subesse Imperio, tamen jura Romana in Regno per annos plurimos, conniventia Regum, qui fuerunt pro tempore, servata diutius consensu tacito remanserunt &c. Imo expressim servantur, & corroborantur in compilatione Constitutionum istarum, ubi neque Constitutiones hæ, seu approbatæ Regni Consuetudines non obsistunt.*

HOWEVER, the Authority of the *Roman* Laws did not prevail so far in these Times, as to turn the *Longobard* Laws quite out of the Courts of Justice; they were still in force in the Reigns of *Charles I.* and his Successors of the Family of *Anjou*, although by Degrees they grew out of Use. And *Caramanico* himself, who was one of the greatest Lawyers of these Times, and as we have said, in the Reign of this Prince in the Year 1269 was a Judge of the *Capitano's* Court of *Naples* ³, attests, that these Laws were still observed in his Time: *Ad quod concordant Longo-*

¹ Constit. puritatem, de Sacramento a Bajulis, & Camerar. præstando. Constitut. cum circa, de Off. Vicar. Cent. Ut universis, de servando honor. Comit. & Baron.

² Marin. de Caramanic. in præm. Constit. Regni.

³ Registr. anno 1269. in Regio Archiv. Afflict. in præm. Constit. in principio. Fab. jordan. in addit. ad præm. Glossatoris.

barde Leges, quæ in Regno similiter obtinent. *Biaſe di Morcone*, who flouriſhed in the Time of King *Robert*, among his Works upon the Law, has left us one, wherein he treats of the Difference between the *Roman* and *Longobard* Laws¹, compiled in Imitation of *Andrea da Barletta*, in order to wean the unwary Advocates of his own time from their too great Affection for the *Roman*, and their Neglect of the *Longobard* Laws, which occasioned Loſs to their Clients, and Shame and Reproach to themſelves, when by the Ignorance of the *Longobard* Laws they loſt their Cauſes in the Courts of Juſtice. We have likewiſe a Writ² recorded by *Tutini*³, taken out of the Royal Archives of the Mint, drawn up in *S. Germano* in the beginning of King *Charles*'s Reign; wherein, according to the *Longobard* Laws quoted in that Writ, the Monastery of *Monte Caſſino* and its Abbot, yields to the King the Pretenſion which they had to take Cognizance of criminal Cauſes with reſpect to their own Vaſſals. And it was not only in *Terra di Lavoro*, and the neighbouring Provinces of *Abruzzo* and the County of *Moliſe* that theſe Laws were obſerved, but likewiſe in thoſe of *Puglia*, ſince the Uſages of *Bari*, which are derived from the *Longobard* Laws, were collected in the time of *Charles I.* by theſe two Lawyers, viz. *Andrea di Bari* and *Sparro* both Judges; the latter was in ſo great Eſteem with *Charles*, that from Juſtice of that Province he raiſed him to be Great Protonotary of the Kingdom. Hence it is that in *Principato*, *Salerno*, and in other Provinces of the Kingdom we find the ſame; and the Reaſon why there is no Veſtiges of them in the Provinces of *Calabria* is, becauſe thoſe Provinces having been long poſſeſſed by the *Greeks*, and but a ſhort time by the *Longobards*, they could not take ſuch deep Root, ſo as to be of long Duration.

AS King *Charles* made no Alteration during his Reign with reſpect to the Authority of the *Roman* and *Longobard* Laws, ſo he would have thoſe Conſtitutions publiſhed by the Emperor *Frederick*, before he was deprived of the Empire and the Kingdom of *Sicily* by the Council of *Lyons*, inviolably obſerved. But in the Year 1271 he revok'd and annul'd all the Donations, Locations, Conceſſions, Deeds, and Privileges granted by *Frederick* after his Depoſition; and likewiſe thoſe granted by *Conrad*, *Manfred*, and their Officers, which had not been confirmed by him, looking upon theſe Princes as Uſurpers and Tyrants, who had been deprived of the Kingdom by the Apoſtolick See, which had inveſted him with it⁴. Juſt ſo as the Emperor *Juſtinian* did, who did not annul the Deeds of all the *Gothic* Kings, particularly thoſe of *Theodorick*, *Athalarick*, and *Theodate*, but he repealed thoſe of *Tejaſ*, *Totila* and *Vitiges*, who having made War againſt him, and with all their Intereſt oppoſed him in the Conqueſt he intended to make of *Italy*, were reputed by him as Tyrants and Uſurpers.

CHARLES therefore, after he had defeated and killed *Manfred*, and made himſelf Maſter of the Kingdoms of *Puglia* and *Sicily*, reſolved with new Laws to reſtore the State of theſe Kingdoms, by removing the Diſorders which the preceding War and Revolutions had occaſioned. His Laws, like *Frederick*'s Conſtitutions, were made for both Kingdoms, whence they were called *Capitula Regni Siciliae*; and he likewiſe made ſome particular Laws for the Iſland of *Sicily* alone, which are recorded by *Inveges*⁵. But the *Sicilians*, after the famous *Sicilian Vespers*, having thrown off the *French* Yoke, acknowledged no other Laws but what they received from the Kings of *Aragon*; ſo that thoſe made by *Charles*, and the other Kings of the Family of *Anjou* were binding only in the Kingdom of *Puglia*, called *Sicily* on this ſide of the *Phare*: For *Charles* Prince of *Salerno* his Son, expreſſly declares, that the Laws eſtabliſhed by him during his Lieutenancy were made for the Kingdom of *Sicily* on this ſide of the *Phare*, and not for that Iſland.

THESE Statutes were collected, and afterwards printed in ſuch a confuſed and diſorderly manner, that we think the Pains we are going to take, in diſtinguiſhing them according to the Times and Occaſions in which they were publiſhed, will be well beſtowed; becauſe it is neceſſary for us to know, whence proceeded ſo great a Difference, as is obſerv'd between the Maxims of the *Norman* and *Suevian* Kings in their Conſtitutions, and thoſe of the Princes of the Family of *Anjou* in their Statutes. For *Charles* by holding this Kingdom of the Apoſtolick See as a real Fief, and having declared himſelf to be its Liege-man, had thoſe hard and

¹ *Conſtante del Sannio* lib. 4. cap. 26.

² *In the Archives of the Mint*, Caſſa H. mazzo 47.

³ *Tutini de Conteſtabili*, pag. 85.

⁴ *Chioccar. tom. 1. M. S. della Regal. Giuriſd.*

⁵ *Inveges Ann. di Paler. tom. 3.*

severe Conditions above mentioned laid upon him in the Investiture. Therefore the *Roman* Pontiffs were all very vigilant, in making of new Laws, not only not to derogate from their pretended Immunity and Liberty, but that every thing should be done agreeable to their Maxims and Instructions; and even when they found a fit Opportunity, they made bold to establish Laws themselves; as we shall observe: we shall therefore see new Laws contrary to *Frederick's* Constitutions; and from thence it proceeded, that the Writers who flourished in the times of these Kings, trained up in these Maxims, stuffed their Commentaries with Doctrines most prejudicial to the *Regalia* and Prerogatives of Kings; and in many respects struck at the Rights of the Empire of our Princes. It ought not to seem strange to find these Kings, who were *French*, suffer so many Indignities; for *France*, as we have seen in the preceding Book, in those times was no less oppressed than *Italy*; and the Ecclesiastical Jurisdiction had made wonderful Progress in that Kingdom: nor was it before the Edict of the Year 1539, that the Incroachments of the Clergy were retrenched, and reduced within the Bounds of Reason.

S E C T. I.

The Statutes of King Charles I.

ALL Writers agree, that *Charles's* Reign lasted only eighteen Years and a few Days; but some of our Professors^a by a manifest Error, have dated it from the Year 1265. for 'tis very evident from the best Authors, that this Prince was crowned King in *Rome* by Pope *Clement* on the sixth Day of *January* 1266. the Feast of Epiphany; and that on the twenty eighth of *February* the same Year he put *Manfred* to death, and took Possession of the Kingdom. Others have mistaken the Year of this Prince's Death; for they write, that he died on the seventh of *January* 1285, which is false; for he died in *Foggia* in *January* 1284. Whence proceed so many Errors in the common Edition of these Statutes, by not knowing how to fix the Years of this Prince's Reign; as we shall hereafter observe.

WE likewise find many Errors in computing the Years of his Reign as King of *Jerusalem*. Some have believed, that he got the Title of *King of Jerusalem*, at the same time that he was crowned King of *Sicily* in *Rome*. Others, who knew this Mistake, tho' they confess that *Charles* acquired that Title long after, by the Cession of *Mary*, yet they are not agreed about the Year, which was certainly 1277, as we have before observed.

THOSE who collected these Statutes in the manner we now read them, have neither observed the Order of Time nor of Matter, but have huddled them into a confused Heap. *Antonio de Nigris*^b, who wrote Comments upon them, was sensible of the Confusion, but did not know how to mend it, and went on with his Comments as he found them. Therefore, being resolved to follow the Order of Time, we shall begin with that Statute which *Charles* made for reforming the University of *Naples*. It was drawn up in the Year 1266. the first of his Reign, by the famous *Roberto da Bari*, Protonotary of the Kingdom of *Sicily* in *Nocera*, whither *Charles* had gone with his Wife *Beatrice*, who died, and was buried there. King *Robert* his Grandchild inserted it amongst his own Statutes, under the Title of, *Privilegium Collegii Neapolitani Studii*; where we read it dated thus: *Dat. in Castro Nuceria Christianorum* (there being another *Nocera*, called *de' Pagani*) *per manus Domini Roberti de Baro, Regni Protonotarii, anno 1266*. We have already treated at large of this Statute, in speaking of the restoring of the University of *Naples* by *Charles*.

IN the second and third we read of none, but in the fourth Year of his Reign, to wit, 1269, we find some Statutes made, under these Titles: *De furtis, De assecurandis hominibus illorum, qui turbationis tempore Conradini a fide regia defecerunt. De pœna, & vindicta proditorum, &c.* All these were made in *Trani*, and the same Year some were renew'd in *Foggia*, after the Defeat of *Conrad*; by which those

^a De Bottis Addit. ad Capit. 1. Regn. in princip.^b De Nigris in Comment. in fine.

who had sided with that Prince were promised Indemnity, upon asking Pardon, and returning to their Allegiance, excepting the *Germans, Spaniards, Catalans* and *Pisans*, who were immediately to depart the Kingdom. Other Provision was also made this Year for repairing the Disorders that had happened during this troublesome time; and severe Penalties were imposed upon those who should conceal the Rebels.

IN the sixth Year, to wit, 1271, while the King was in *Aversa*, there was another Statute published against those who should dare to contract Matrimony with the Children of Rebels without a Licence from his Court, under this Title, *Quod nullus contrahat matrimonium*, &c. and it is dated in *Aversa*, *A. D.* 1271, and by an Error we read *Regni nostri ann. 7.* in place of *anno sexto*.

IN the seventh Year, to wit, 1272, many more were published; some in *Naples*, some in *Aversa*, and others in *Venosa*. Those established in *Naples* in the Month of *March*, as also in *Aversa*, this same Year, are to be found under these Titles: *De Violentiis, De pœna violentorum*, &c. By these Statutes the Disturbers both of the publick and private Peace were proceeded against with the utmost Severity; and those, who during the late Troubles had been accustomed to live by Rapine and Violence, and had the Boldness still to disturb the State, now in Peace, were crushed. That dated in *Aversa* under the Title, *De pœna violentorum*, in the common Edition bears this Date: *Datum Aversa, A. D.* 1262, *anno octavo*: where we find two Errors; the first, instead of *A. D.* 1272, goes back ten Years; whereas at that time King *Charles* had not so much as thought upon the Expedition to the Kingdom. The second Error is in setting down the eighth, in place of the seventh Year of his Reign. The other Statute dated in *Naples* bears the right Date, to wit, *A. D.* 1272, *Regni nostri anno septimo*. We read another Statute of *Charles's*, dated at *Venosa* in the Month of *June* of the same Year, under the Title, *De occupantibus res Demanii*. In this the King's Royalties are taken care of, whereof *Charles* was very jealous and watchful. It bears the right Date, viz. *Datum Venusis A. D.* 1272. *Regni nostri anno septimo*.

IN the eighth Year of his Reign, viz. 1273, we read another of his Statutes, under the Title, *De testimonio publicorum disrobatorum*, &c. wherein a Rule is laid down for the Proof of that Crime; and it is established, that the Testimony of three Malefactors shall be as valid as that of two honest Men. It is dated thus: *Dat. Cav. A. D.* 1273, &c. *Regni nostri anno 9.* 'Tis no wonder to see *de Bottis*, who begins *Charles's* Reign in 1265, fall into this Mistake; but it ought to be, *Regni nostri anno octavo*.

IN the ninth Year, to wit, 1274, ought to be placed the first Statute established in *Naples*, which we find in this first Volume, dated in the Month of *February*, 1274, under the first Title, *Statutum editum super Portubus*. *De Bottis*, still in the same Mistake, adds to the Date, *Regnorum nostrorum anno decimo*, in place of *anno nono*. In this great care is taken about exporting Salt and Provisions out of the Kingdom; and some Instructions are given to the Collectors of the Customs concerning the same. The other Statute that follows is to the same purpose, under this Title *Aliud Statutum super extractione victualium*, made in *Brindisi*; and 'tis very probable, that it was made the same Year.

IN the three following Years we find no Statutes of this Prince; but in the thirteenth Year of his Reign in the Kingdom of *Sicily*, and the second of *Jerusalem*, to wit, 1278; he made many Statutes in *Naples*, which we read under the Title, *Quod officiales jurare debent*, with the three following, which bear this Date: *Dat. Neap. A.* 1278, *die 26 Januarii*. The rest that follow to the Title, *De pœna rei ablate*, were also this Year made in *Naples*, and dated thus: *Dat. Neap. 2 Decembris*. In these are many Provisions made concerning Justices and other Officers; amongst which there's one prohibiting under severe Penalties the giving them any Gifts, notwithstanding any Custom whatsoever. In this Year ought to be placed that Statute of this King, which we read at the end of the Statutes of King *Charles II.* under the Title, *Ad obviandum fraudibus*. It was made by King *Charles* while he was making a Progress to *S. Eramo* near *Capua*, and bears this Date: *anno D.* 1278, *Mense Aprilis sept. ejusdem 6 Indictionis. Regnorum nostrorum, Hierusalem anno secundo, Siciliæ vero decimo tertio*.

IN the fifteenth Year, viz. 1280, we read two Statutes made at *Lago Penfile*, the first under the Title, *De non mittendo ignem in refluchiis camporum*, dated the twenty seventh of *July* this Year; the second on the ninth of *August*, and in the
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vulgar Edition bears this most uncorrect Date: *Data apud Lacum Penfilem. Anno D. 1222. die 9 Augusti, 7 Indictionis: Regnorum nostrorum, Hierusalem anno tertio, Siciliae vero decimo quinto*: it ought to be, *A. D. 1280, & Hierusalem anno quarto.*

IN the sixteenth, viz. 1281, we read another Statute published against Coiners of false Money, under the Title, *De poena infligenda falsariis monetarum.* This was made in *Brindisi*, of this Date: *Dat. Brundusii A. D. 1281. mense Januarii &c. Regnorum nostrorum, Hierusalem an. 4. Siciliae vero 17.* which ought to be, *Hierus. an. 5. Siciliae vero an. 16.*

IN the seventeenth Year of *Charles's* Reign, to wit, 1282, very many Statutes were made by this Prince in *Naples*, which were his last. They begin from this Rubrick: *Constitutiones aliae factae per praedictum D. Carolum Regem Siciliae super bono statu*: to which he makes a long Preface, wherein he enlarges much upon the Care and Diligence his Officers ought to take in discharging their Duty; and assigns to each of them the Parts they were to act, and prescribes Bounds to them, which they were not to exceed, and enjoins them to perform their Duty without Avarice or Ambition. These Statutes, placed under different Titles, amount to the Number of fifty eight. Princes seldom think of governing their Subjects with Justice, but when they are warn'd of it by some Misfortune, whereby they are reduced to Extremity, and want their Assistance. The Revolution of *Sicily* moved *Charles* to give these new Laws to his Subjects, in which many commendable and prudent Provisions are made for the right Administration of Justice, and preventing Fraud and unjust Exactions in Officers, and for the Good of the Commonwealth; for which end he ordered them to be published in every District, City, Town and Village of the Kingdom. They were with consummate Wisdom and Prudence established in *Naples*, and bear this very just Date: *Actum Neapoli A. D. 1282. mense Junii 10. ejusdem 10. inditt. Regnorum nostrorum, Hierusalem anno 6, Siciliae vero 17.*

THESE were the last Statutes of *Charles*, who this Year, to his great Mortification saw *Sicily* revolt, and himself exposed to many Disasters; being therefore diverted by Matters of greater Importance, his Thoughts were afterwards otherwise employed, than about making Laws. Great and weighty Affairs obliged him first to go to *Rome*, afterwards to *France*, and then to *Bordeaux*; and leaving the Government of this Kingdom to the Prince of *Salerno* his Son, he made him his Lieutenant with full and absolute Power and Authority. This Prince during his Lieutenancy made many wise and provident Laws for the good Government of the Kingdom, of which it stood more in need at this time than ever.

S E C T. II.

The Statutes enacted by the Prince of Salerno during his Lieutenancy, while his Father King Charles was absent.

SINCE, by the famous *Sicilian Vespers*, *Sicily* had revolted from King *Charles*, the Prince of *Salerno* perceived, but too late, that one of the chief Causes of it was the severe Government of the *French* in that Island; and understanding that King *Peter*, on the contrary, had freed the *Sicilians* from the Taxes and Exactions introduced in his Father's time, and that he had provided that Kingdom with good and wholesome Laws; in order therefore to gain the Love and Affection of the People of the remaining Kingdom, and to remove the bad Opinion they had conceived of his Father, he was resolv'd to furnish them with salutary and useful Laws: which makes good the Maxim, that Princes recollect themselves, when they are induced by Adversity to have recourse to their Subjects, and when they are doubtful of their Loyalty: Considering also the Obligations he lay under to Pope *Martin*, who was a great Favourer of King *Charles*, and wholly intent upon recovering the lost Kingdom; by these new Statutes he purposed to please both the Subjects and the Pope, by enacting Laws favourable to the Church and Ecclesiastical Persons, and to the Barons and People. Therefore this Year 1283, having called a Parliament, consisting of the Prelates, Counts, Barons, and many other Subjects, to

meet in the Plain of *S. Martino*, a Town situated in the hither *Calabria*¹, (not in *Abruzzo*, as *Moles* believed², where he was with his Army after his Father's Departure) with whose Advice he enacted forty six Statutes, which bear this Title: *Constitutiones illustris D. Caroli II. Principis Salernitani*. To which he prefixed a long Preface, wherein he launches out upon the Care and Concern that both he and his Father had always had for the good Government of his People, and for relieving them from the Oppression of his Ministers; but that being diverted by weighty and serious Affairs, they had not been able to put their Designs in execution; but now, that this favourable Opportunity had offer'd, he, as the Executor of his Father's Will, was ready to reward them for their Loyalty; of which the *Sicilians*, by their Rebellion, had rendered themselves incapable and unworthy to be Partakers.

THEN follow twenty Statutes concerning the Privileges and Immunity of Churches and Ecclesiastical Persons, under this Rubrick: *De privilegiis & immunitatibus Ecclesiarum, & ecclesiasticarum Personarum*. First, in strong and precise Terms he enjoins the Payment of Tithes, which are due to the Churches and Ecclesiastical Persons. II. That according to the Agreement made between the Apostolical See and his Father, (meaning the Articles agreed upon, when Pope *Clement* gave him the Investiture) the Clergy shall not be obliged to appear before a secular Magistrate, excepting in Matters relating to Fiefs. III. That the Churches over all the Kingdom shall enjoy the Privileges granted them by the common Laws; that is to say, that Criminals who take Sanctuary in them, shall not be taken out, except in Cases allow'd by Law. IV. That the Houses of Prelates, Religious, and other Ecclesiastical Persons shall not be possessed by Officers on account of Hospitality; that criminal Sentences shall not be put in execution in them, even tho' the Owners should consent. V. That the Officers, Counts, Barons, or any other Laick whatsoever, shall not intermeddle themselves in the Elections of Prelates, the Collation of Ecclesiastical Benefices, or in whatever belongs to Spiritual Matters, unless it be by virtue of some Privilege, or the Right of Patronage. VI. That the Clergy, who live a religious Life, shall not be obliged to contribute with the rest towards Taxes, or any other Exactions whatever, either with respect to their Ecclesiastical, or Patrimonial Goods. VII. That all Persons may freely give, or leave to the Churches by Testament, their Lands or other Goods, provided they do not hold them of the King; and if the Tenure happen to be such, that it may not hinder the Alienation, they shall be understood to be conveyed to the Churches with the same Incumbrance. VIII. That the Vassals of the Churches, who are bound to perform personal Service to them, shall not, without the Licence of their Prelates, be forced to accept of Offices, or rather of personal Employments, either by the Court of Lieutenancy, the Counts, Barons, or any other Person whatever. IX. That all Rights and Privileges granted to the Churches, and Ecclesiastical Persons by the Catholick and ancient Kings of *Sicily*, and which they now possess, shall be preserved safe and untouch'd; as for those, of which they are not in Possession, Justice shall immediately be done them by competent Judges. X. That the Prelates shall give Information to his (the Lieutenant's) Court of all those who shall obstinately and contumaciously continue under Excommunication above a Year, that condign Punishment may be inflicted upon them by his Court. XI. That the Officers and Commissaries of his Court shall not presume against Justice to disturb the Possessions and Goods of the Churches, and much less to rob them of the said Goods. XII. That the Officers, or other Lay Persons, shall by no means intermeddle in the Cognizance of Ecclesiastical Crimes; nor hinder the Prelates and their Officers from taking Cognizance, and punishing them according to Law. XIII. That the Prelates, and other Ecclesiastical Persons, shall be at liberty to transport by Sea from one Place to another within the Kingdom, Grain, Pulse, and other Provisions, being the Product of their own Farms, without paying the Duty of Export. As for Goods bought, they shall be obliged to pay the Dues of the Custom-house, and not the Duties of Export; provided however they come from lawful and established Ports in small Barks, and likewise go to unload in licensed Ports. XIV. That the Justices, or other Officers, shall not summon the Vassals of the Church to appear before them, except in criminal Cases, or for exporting Arms, or the Breach of other penal Laws, and for other Crimes whereof

¹ Aſia. in Conſtit. Honorum. col. 1. in 3. lib. Summont. tom. 2. pag. 306 De Nigris in Comment. add. Capit. num. 6.

² Moles Decif. 1. Reg. Cam

the Cognizance belongs to the Royal Court, and its Officers. XV. That the Prelates and Ecclesiastical Persons, or their Officers, by lawful Means may force their Debtors to pay their Debts. XVI. That if the Vassals of the Church, who are tied to personal Services, shall fly from the Places where they ought to remain, the Prelates and Ecclesiastical Persons may force them to return to the Places from whence they fled, and oblige them to remain there. XVII. That the *Jews*, who are Vassals of the Church, shall not be entrusted with any Office, neither are they to suffer any Vexation or Oppression. XVIII. That as to Injuries and Offences done to the Religious, Clergy, and other Ecclesiastical Persons, even tho' they should not be Accusers, his Court shall proceed *ex inquisitione, & officio*, to the end that the guilty Persons may receive condign Punishment. XIX. That in order to make Marriage free, he abolishes and annuls *Frederick's* Constitution *honorem nostri diadematis*, and makes it lawful for Barons, Counts, and others possessed of Fiefs, and in general for all Persons, themselves and Sons freely to contract Marriage, and to give their Daughters, Aunts, Sisters and Neices in Marriage, without the Consent of his Court; provided nevertheless, they give not Fiefs for Portions, and contract not Marriage with suspected and disloyal Persons. XX. That the Prelates of the Churches, who, as such, hold Fiefs, as also the Counts, and all other Barons, in the Cases established by the Constitutions of the Kingdom, may exact the due and moderate Subsidies from their Vassals, without any other particular Writ; this Edict being published for that end.

PRINCE *Charles* having thus pleased the Pope, and the Ecclesiasticks of the Kingdom, his Business now was to gain the Affections of the Barons; therefore he granted them many Privileges, which we read under this Rubrick: *De privilegiis, & immunitatibus Comitum, Baronum, & aliorum Feuda tenentium*. First he ordered, That they should not be obliged to attend at his Court above three Months at their own Charges; but if his Service required their Attendance after that time, they shall receive their Salaries and ordinary Pensions. II. He likewise, out of Favour to them, repealed the Assent required by *Frederick's* above mentioned Constitution *honorem*, &c. that thereby they might freely marry. III. That without a particular Writ of Licence, they might exact the due and moderate Subsidies from their Vassals. IV. That when they have a Suit at Law, whether criminal or civil, depending before the Royal Court, whether Plaintiffs or Defendants, Accusers or Accused, they shall be judg'd, absolv'd or condemned by their Peers; and their Causes shall be quickly determin'd. V. He strictly commands the Steward, and other Officers of the Court, not to employ Barons in any Service about Court, which is not suitable to their Rank and Dignity.

IT only remained now, to ingratiate himself with the Citizens, Burghers, and in general with all the other Subjects of the Kingdom, that all might be reliev'd from the late Oppressions, and partake of his Clemency and Bounty; therefore in order to gain the Affections of all, he granted them many Privileges, and by means of many useful Regulations he put the Affairs of the Kingdom upon a better footing, by redressing many Grievances and other Hardships. These Statutes are under this Rubrick: *De Privilegiis, & immunitatibus Civium, Burgensium, & aliorum hominum, a Faro citra*.

THE first and principal was thought by all to be the relieving the People from the heavy Taxes wherewith they were loaded. Therefore by a particular Edict, which was to be inviolably observed, he ordered and appointed, that in the Collections, Taxes, general or special Subsidies, under whatever Name, the same Methods and Customs should be observed, as in the time of King *William II.* were practis'd, and are more fully contained in the Agreement made between the Apostolick See and the King his Father, at the time of his being placed upon the Throne; and since the same Methods and Customs do not now appear, few or none being alive that can declare what they were; the Prince ordain'd, that what Pope *Martin* should declare, determine and direct, should be observed: and in order speedily to obtain his Determination, he promised immediately to send Ambassadors to the Pope, so that they might be with him some time in the Month of *May* following; in which time the People of any Province whatever had liberty to send two Ambassadors of the best, richest, and most trusty of the whole Province, to assist and request the said Determination: and when obtain'd, he promised for his Father's Part, his own, and his Heirs, inviolably to observe it. Moreover, from this time he remitted all Arrears of Taxes whatever, which any Provinces or Cities owed,

and

and they were not to be in the least molested before the said Determination. In fine, he promised not to demand any thing, except in the Cases comprehended in the Constitutions; nor even to ask any thing by Way of Loan.

THIS Determination was not made in Pope *Martin's* time, but in that of Pope *Honorius* his Successor, as shall be mentioned; and when it appeared, it took no Effect; for in *Napodano's* time, which was next to this, it was not in the least observed; insomuch that this Writer exclaims, that six Taxes were exacted every Month, and the King's Officers squeeze'd the Subjects, *usque ad Sacculum & peram, & regularum exactionem* ¹.

SECONDLY, he order'd new Money to be coined with a good Impression, for which he did not burden the People with new Taxes; but that it should be given to the Merchants and Dealers in Exchange, who would willingly take it; and that it should not be altered, but that its Value should be perpetual and fixed. III. He lessened the Punishment usually inflicted for clandestine Murder. IV. He ordained, that the Statute made for the Barons concerning the Freedom of Marriage should be general, and indifferently comprehend all Persons. V. That calumnious Accusations should no more be received by the Officers of his Court. VI. That no Person, who is in Possession of any Farm belonging to the King, shall be deprived of it, before he be heard, and the Case decided by Law. VII. That the People shall not be obliged to serve the Court in any thing not suiting their Quality and Condition. VIII. That nothing shall be pay'd for the signing of Sentences pronounced either by the High Court, or any other Tribunal. IX. That the generality of the People shall not be obliged to make up the Loss by Robbery committed by particular Persons. X. That the Generality of the People shall not be bound on their own Expences to carry Money to the Exchequer, but it shall be at the King's Charges. XI. That they shall not be burdened with furnishing Provisions for the Officers when they make their Circuits. XII. A Rule is laid down, and the Fees for the King's Writs and other Acts and Dispatches fixed. XIII. That the Officers of the King's Court shall not buy Horses or Mules in the Province where they shall happen to be, but shall provide themselves elsewhere. XIV. That the Daughters of Rebels, who have not followed, nor do follow the wicked Example of their Fathers, may be married without a Licence from Court, if they do not possess Fiefs. XV. That nothing shall be pay'd for the Seal of the Chief Justice, or other Officer. XVI. That the Keepers of Prisons shall exact no Fees from Prisoners, but what were settled by King *Charles* his Father. XVII. That the Office of Master Jurat, and that of the Bailiwick, shall not be exposed to Sale. XVIII. That the Wives of those, who for their Crimes have been banished the Kingdom, shall no ways be troubled with respect to their Portions. XIX. That none shall be bound to repair the King's Ships at a certain Price. XX. That from the Cities in general appointed for repairing the Castles, no more Money shall be required than shall be sufficient, neither shall they be obliged to make any new Buildings. XXI. That in order to prevent the King's faithful Subjects from being oppressed by the Foresters, diligent Search shall be made for finding out the ancient Bounds of the Forests, and they shall be confined to certain Limits, as well as their Keepers. Lastly, That the Justices of the Provinces shall not entrust the Inspection of Fairs to their Domesticks; but the Master Jurats of the Places where they are held, shall have the Charge of them.

THESE Statutes being thus established, Prince *Charles* ordered, that together with his Father's new Constitutions published in *Naples* the preceding Year 1282, they should be inviolably observed, and which he also confirmed after he was King; and that they might effectually from this time forth be put in execution, he sent them to the Prelates, Barons, and to the Corporations of the most remarkable Cities, in order to have them every where published. He expressed himself in the end thus: *Ut autem ea quæ communi utilitate sancita sunt, communiter sciantur ab hominibus, & generaliter observentur, de eisdem constitutionibus singulis Prælati, Baronibus, ac locorum universitatibus sub sigillo pendente Vicariæ copiam fieri volumus, & mandamus. Data in Campis in planitie S. Martini A. D. 1283. die penult. Martii undecimæ indictionis.*

POPE *Honorius* IV. in the Year 1285. picking out such of these Statutes only, as had been made in favour of the Churches and Ecclesiastical Persons, and their

¹ *Napodan. in Comment. add. capit*

Immunities, and having altered some things by his particular Bull, while *Charles II.* was Prisoner in *Spain*, likewise confirmed them, and ordered them to be inviolably observed. The original Bull is preserved in the Archives of the Trinity of *Cava*¹; and King *Ferdinand* in the Year 1469 caused them to be inserted in *Pragmatica 2. de Clericis, seu Diaconis Sylvaticis*, which we read in the first Tome of our printed publick Acts. These are likewise commonly call'd, *The Statutes of Pope Honorius*, but it is a gross Mistake; for they are not the Statutes of *Honorius*, which he made the same Year, while King *Charles* was Prisoner, and the Cardinal of *Parma* was Legate in the Kingdom; but are quite different, as we shall shew, when in the following Book we shall have occasion to discourse upon those Statutes of that Pope.

¹ Reg. Moles decis. 1.

S E C T. III.

The Statutes of King Charles II.

THESE were the last Laws, which the Prince of *Salerno* made as Lieutenant of the Kingdom, for his Imprisonment interrupted the Course of his Government; and his Father being dead, and he still Prisoner in *Spain*, nothing else was done the following Years, only that by the Means of the King of *England*, a Treaty was carried on for setting him at Liberty; at last upon the Conditions which we shall relate in the following Book he obtained his Liberty, and returned to *Italy*, where he was honourably received by *Nicholas IV.* who had succeeded *Honorius*; and on *Whit-Sunday* the twenty ninth of *May* 1289, was crowned King of *Sicily* and *Puglia*. Then he left the Pope's Court and returned to *Naples*, where being received with great Pomp and Rejoicing, he immediately set about to repair the past Disorders.

ALTHOUGH it be not consistent with the order of Time to treat in this Place of the Statutes of this King, or of those of the other Princes of the Family of *Anjou* his Successors; yet that we may not have occasion to return again to discourse of the Statutes of the Kingdom, which at present make one of the principal Parts of the Laws of our Country; I shall therefore join them here altogether, that we may have an entire and complete History, both of the Laws and of the Authors, who have illustrated them with various Notes and Comments.

DURING the five Years that *Charles* was Prisoner, the Kingdom having been exposed to many Changes and Disorders, he was no sooner restored to it than he resolved with new Laws to re-establish it. In the Preface prefixed to those Laws he tells us, That it was after they had been thoroughly considered and examined by the Prelates, Counts, Barons, and the wise Men of the Kingdom that he had established them. They begin from the Title, *De Inquisitionibus*; and the many Laws under the subsequent Titles are entirely designed for regulating criminal Processes, and how they were to be founded; what Proofs were requisite; of what use Torture, and the Confessions of Criminals were; the Punishment of those who carried prohibited Arms, and of Murderers is fixed; in short, all that concerns Crimes, the Manner of proving them, and their Punishment are regulated.

AFTER he had dispatched criminal Matters, he goes on to civil. To pledge ploughing Oxen was prohibited¹. He made a commendable Law concerning the finding of Treasure, different from that of King *William*; for by this the Finders are not to be troubled, if it was found in their own Ground; if it was in Lands belonging to the Publick, or the King, he gets Half; if in another Man's the King has nothing, but the one half goes to the Finder, and the other to the Master of the Ground; at the same time it was declared, that Mines of Gold, Silver, and other Metals, or Salt-Pits were not meant by Treasure². He enjoins the Payment of Tithes³. He established a pecuniary Mulct upon those who continued

¹ Cap. de bobus arator.

² Cap. de Thesauris.

³ Cap. de Solv. decim.

above a Year under Excommunication¹. He preserved the Method of appointing Guardians, either when a Feudatory left a Will, or died intestate². He took care of Women's Portions, and made useful Provision against some foul Practices³. He likewise confirmed by new Laws all the Statutes, which during his Lieutenancy he had made in the Plain of *S. Martin*, thus : *Capitula eadem Constitutione presenti in perpetuum valitura, de nostra mera scientia, confirmamus, Et defectum omnem, si quis eis tunc infuit, qui Regni potestate Vicaria, non Dominica fungebamur, Regis dignitatis auctoritate supplemus*⁴. And that his People might be sensible how much he had Justice at Heart, and the restoring of the Provinces to a better State, he ordained⁵, That the Chief Justice, and the Judges of the High Court should go the Circuits six Weeks every Year through such Provinces as he should appoint, viz. over all *Abruzzo, Terra di Lavoro, Principato, Capitanata, Basilicata, Terra di Bari, and Terra d'Otranto*. And that during their Stay in these Provinces they were to curb the Irregularities of the Justices thereof and their Officers ; and if they found that they ought to be turned out, they were to give him an exact Account, that he might act accordingly.

IN order to ingratiate himself with the Counts and Barons, he enlarged the Degrees of Succession to their Fiefs⁶. And to remove the Disputes and Quarrels that happened about the Bounds of the Lands of Barons, Churches, and private Men, he ordain'd two Books to be formed out of the Registers of his Archives concerning Marches, one of which to be kept in his Exchequer, and the other to be fixed with an Iron Chain in the principal Church of the City⁷. He put a Stop to many Abuses in collecting the Taxes ; lastly, his whole Study was to see that his Subjects were not oppressed by unjust Exactions.

ALL these Statutes were made in *Naples* the same Year that he returned from being Prisoner in *Spain*, and therefore bear this Date ; *Data Neap. A. D. 1289*.

BESIDES these, we read many other Laws of this Prince's scattered up and down amongst those of King *Robert* his Successor, and which were made in the subsequent Years, such as that which we read under the Title, *Quod in pœnis pecuniariis*, &c, another under the Title, *Quod sit licitum accusatori*, &c. a third under the Title, *Exceptione excommunicationis*, &c. and some others ; and lastly, that which was published the last Year but one of his Reign, and we find it amongst King *Robert's* Statutes, under the Title, *Littere Domini Regis* ; and it bears this Date, *Dat. Neap. per D. Bartholomæum de Capua A. D. 1307. die 12. Decembris 11. Indiēt. Regnorum nostrorum anno 22*.

THIS Prince did not employ *Andrea d'Isernia* to draw up these Laws, as *Giovanni Antonio Nigris* believ'd⁸ ; but they were penn'd by the famous Lawyer *Bartolommeo di Capua*, Protonotary of the Kingdom, whom he and his Successor *Robert* raised to the first Dignities and Honours of the Kingdom.

¹ Cap. de morantib. in excomm.

² Cap. de Statuendo Balio.

³ Cap. de dotib. mulier. & seq.

⁴ Confirmatio capitulorum editorum in planitie S. Martini.

⁵ Cap. Quod Magister Justitiaris certis temporibus, &c.

bus, &c.

⁶ Cap. de prorogat. success. duratura.

⁷ Cap. de tollenda dissensione inter fideles nostros. Summon. tom. 2. pag. 360.

⁸ Nigris Comment. ad cap. 138. num. 6.

S E C T. IV.

The Statutes of King Robert.

THIS Prince, who for his Wisdom was reckoned another *Solomon*, left us also many prudent and useful Laws ; he made none while he was his Father's Lieutenant, but only after he was crowned King. His Son *Charles* Duke of *Calabria*, whom he appointed his Lieutenant, emulating his Father's Wisdom and Justice, made some also in his Father's Life-time. *Fabio Montelione da Gerace*¹ writes, that King *Robert* during his whole Reign made only fifty of those Statutes ; which Number we exactly see in the Vulgar Edition ; but there are many more in

¹ Fab. Montel. in Comment. super quatuor literis arbit. par. 2

the original Manuscript, which, as *de Bottis* writes ¹, was in his time in the Hands of *Barattuccio* the Advocate Fiscal; and *Goffredo di Gaeta* ² in his Treatise on the Customs of the Royal Chamber of Accounts likewise mentions some others.

ROBERT began his Reign in the Year 1309, and his first Laws were likewise penn'd by *Bartolommeo di Capua* Protonotary of the Kingdom, in which Post he was not only confirmed by *Robert*, but raised to greater Honours, for having been of so great use to him in the famous Dispute, which this Prince had in *Avignon* with his Nephew about the Succession to the Kingdom.

Bartolommeo was made Protonotary of the Kingdom in the Year 1284, which was the first of King *Charles II.*'s Reign, and possessed that high Post till the Year 1328, when he died. We find his Death to have happened this Year by the Inscription on his Tomb, which at first was placed in his own Chapel in the great Church of *Naples*, where he was buried; and though that Stone has been removed to some other Place since *Summonte* wrote ³, yet we read the Inscription (besides in *Summonte*, in *Cesare Eugenio* ⁴, and *Toppi* ⁵) in *Pietro Stefano* ⁶, who wrote before the Stone was removed, where amongst other things we read these Words:

*Annis sub mille trecentis Bis Et Octo,
Quem capiat Deus, obiit bene Bartholomæus.*

BUT we must observe, that *Pietro Stefano* translates these Words of the Inscription: *Annis sub mille trecentis bis Et octo* thus: *In the Year one thousand three hundred and sixteen*; so that *Summonte*, *Pier Vincenti* ⁷ and *Toppi* were induced likewise to write, that *Bartolommeo di Capua* died in the Year 1316, which is repugnant to many of King *Robert*'s Statutes, penned by *Bartolommeo* after that Year, such as in the Years 1318, 1324, and 1326. Whence some ⁸ interpret those Words, *bis Et octo*, twenty eight, and not *sixteen*, because in that Case it ought to have been *bis octo*, not *bis Et octo*; for according to the foolish way of writing in those Times, by adding three hundred to a thousand, and to that two, and then other eight, made exactly one thousand three hundred and twenty eight.

THE first Statutes of King *Robert* are those penned by *Bartolommeo di Capua*, and they begin from the third Year of his Reign, thus: *Cap. Robertus, &c. Ad quietem publicam*, under the Title, *Ut Comites, Et Barones, &c.* made in the third Year of his Reign; the vulgar Edition is dated wrong, for instead of *A. D. 1311.* it ought to be 1326. *Cap. Robertus, &c. Privilegia, &c. pro bono statu*, under the Title, *De exceptione excommunicationis.* *Cap. Importuna petentis*, under the Title, *De non creandis Judicibus in perpetuum.* *Cap. Robertus, &c. Ne per exemptionis*, under the Title, *Quod testes excommunicati debent absolvi ad cautelam*, which we now call, *cum reincidentia.* *Cap. eodem studio*, under the Title, *Quod in causis criminalibus, &c.* *Cap. Robertus, &c. Quia nulla legis*, under the Title, *Quod Justitiarius possit cognoscere de civilibus causis Ecclesiæ, &c.* *Cap. Robertus, &c. Nolumus*, under the Title, *Quod Barones, vel feuda tenentes, &c.* *Cap. Robertus, &c. Licet contra*, under the Title, *Quod receptatores pari pœna punire debent, qua Et Malefactores.* *Cap. Statuimus*, under the Title, *Quod liceat specialibus personis, &c.* *Cap. Robertus, &c. Frequenter ex abundanti*, under the Title, *Confirmatio Constitutionum per Genitorem Regis Roberti editarum.* *Cap. Juris censura*, under the Title, *Capitulum de arbitrio concessio Officialibus*, which, as *de Bottis* very well observes, was penn'd by *Bartolommeo di Capua* in the Year 1313. *Cap. Robertus, &c. Si cum Sceleratis*, under the Rubrick, *Litera arbitralis*, and is dated in 1313. the fifth Year of King *Robert*'s Reign. The famous *Cap. Ad Regale fastigium*, under the Title, *Quod Justitiarius possit cognoscere de gravaminibus illatis per Prælatos, vel alias Ecclesiasticas personas*, drawn up by *Bartolommeo di Capua* in the Year 1314, the sixth of King *Robert*'s Reign, as *de Bottis* very justly observes. *Cap. Robertus, &c. inter belli discrimina*, under the Rubrick, *Capitulum contra exceptionem hosticam, &c.* which, in the vulgar Edition, is most in-

¹ Bottis in addit. ad tit. de oblationib.

² Goff. de Gaeta rub. 5. de jur. Dohanæ, rit. 8. num. 207.

³ Summonte tom. 2. lib. 3.

⁴ Eugen. Nap. fac. del Duomo di Nap.

⁵ Toppi Bibl. Nap. in Barth. di Capua.

⁶ Stefan. Descriz de Luoghi sacri di Nap.

⁷ Vincenti Teatro de Proton. del Regno, from which Toppi in Bibl. took it.

⁸ Andreys disp. feud. cap. 1. §. 5. num. 28. pag. 34. Ut quem obiisse constat anno 1328. ex ejus sepulchro in nostrâ Æde Archiepiscopali. Fulvio Carac. allegaz. per la Citta di Napoli.

correctly dated, viz. in the Year 1416, when not only *Bartolommeo*, but *Robert*, and even his Grandchild and Successor *Joan* were dead, so that it ought to be corrected, and read 1316. *Cap. Robertus, &c. Pridem per diversas*, which follows under the same Rubrick. *Cap. Robertus, &c. Ad consultationem Magistri Justitarii*, under the Title, *Quod accusatore desistente, Curia ex officio procedere potest*. *Cap. Robertus, &c. Exercere volentes*, under the Title, *De componendo*. *Cap. Provisio juris sanctio*, under the Title, *Quod latrones, disrobatores stratarum, & piratæ omni tempore torqueri possint*. *Cap. Robertus, &c. Quorundam expositio*, which we find amongst the Statutes of King *Charles II.* under the Rubrick, *Litera super justitia retardata*. *Cap. Robertus, &c. Ordinata justitia*, under the Title, *Quod Bajuli Judices exercent officia, &c.* which was made while *Bartolommeo di Capua* was alive, since we have his Notes upon it. *Cap. Robertus, &c. Salubrem statum*, or, *Frequenter ex abundanti*, under the Rubrick, *Hoc Capitulum est ad confirmationem Capitulorum factorum per Regem Carolum*; and *Cap. Robertus, &c. Alienationis Actus*, under the Rubrick, *Non est Capitulum, sed litera declarans juris ambiguitatem, &c.* likewise penned by *Bartolommeo di Capua*, *A. D. 1326. die 5. Decemb. 10. indict. Regnor. nostr. A. 18.*

THESE are the Statutes established by King *Robert* from the third Year of his Reign to the Year 1326 inclusive, which was the eighteenth of his Reign, and were penn'd by *Bartolommeo di Capua* his Great Protonotary. We likewise read some other Statutes of this Prince, but since they related to his own Royal Patrimony, they were not penn'd by the Protonotaries, but by the Masters of Accounts, whose Province it was; for, as *Pier Vincenti*, in his Treatise of the Protonotaries of the Kingdom¹, very well observes, the same was afterwards practised in the Reign of the Kings of the House of *Aragon*. These are, *Cap. Robertus, &c. Novis Morbis*, under the Title, *De compilatione, & compositione rationum Officialium*, drawn up in *Naples* in 1317, the ninth Year of King *Robert's* Reign, by the Masters of Accounts, as may be seen by the Date: *Data Neap. per Magistros Rationales magnæ Curie nostræ, A. D. 1317. die 20. Septembris, 1. indict. Regnorum nostrorum anno nono*. *Cap. Robertus, &c. Fiscalium functionum*, under the Title, *De appretio, & modo faciendis in terris, & locis Regni*; which likewise bear this Date: *Datum Neap. Per eosdem Magistros Rationales Magnæ Curie, &c. A. D. 1333. die 7. Augusti, 1. indict. Regnorum nostrorum anno vigesimo quinto*. And the famous *Cap. Apud Fogiam*, under the Title, *Quid fiet mortuo Barone*.

ALL the other Statutes made by King *Robert* are penn'd by *Giovanni Grillo* of *Salerno* Vice-protonotary of the Kingdom, in which we find some Errors in the Dates of the vulgar Edition. *Bartolommeo di Capua* dying in the Year 1328, although King *Robert*, in his Father's Life-time, had raised his Son *Giacomo di Capua* to the Honour of Protonotary, with a Salary of a hundred and eight Ounces of Gold yearly, so that without any Precedent there were two Great Protonotaries; yet *Giacomo* having died before his Father, who afterwards died loaded with Honour and Years, that great Office for a long time continued vacant, till in the Year 1343 it was filled up by *Ruggiero Sanseverino*². In the mean time the Office was exercised by Vice-protonotaries; so that after *Bartolommeo's* Death, *Niccolo Frezza*, *Andrea Comino*, and *Giovanni Grillo* succeeded one another in that Office; all the following Statutes of King *Robert* are penn'd by *Grillo*. The two first of which we read under the Title, *De non procedendo ex officio, nisi in certis casibus, & ad tempus*; and bear this Date, *Data Neap. per Joan. Grillum de Salerno Juris civilis Professorem, Vicegerentem Prothonotarii Regni Siciliae A. D. 1328.* (but it ought to be read) *die 10. Feb. 12. Indict. Regn. nostrorum anno 20.* The other is under the Title, *De indebitatoribus Victualium, & Usuris*, which bears the same Date with that which was made on the twenty fourth of July the same Year. The fourth is, *Cap. Ut inter subiectos*, under the Title, *De prohibita portatione armorum*; penn'd by the Vice-protonotary *Grillo* the Year following, which was the twenty first of *Robert's* Reign; so the Date in the vulgar Edition ought to be corrected, and instead of *A. D. 1200*, it ought to be 1329.

Then follow three Edicts published by *Robert* the Year following, viz. 1330; the two first in the Month of May, and the third in June. The first is under the Rubrick, *De non componendo super receptatione bannitorum cum Universitate, personisque singularibus*. The second has this Title, *Tenor secundi Edicti, de damnis emendandis per Universitatem*; and the third under the Rubrick, *Tenor tertii Edicti, de familia Officialium quali-*

¹ P. Vinc. in principio.² P. Vinc. de Proton. in B. de Capua, fol. 75.

ter esse debeat. These Edicts bear the true Date 1330, the twenty second Year of King Robert's Reign. Two other Statutes were made the same Year, the first of which we read under the Title, *De non componendo super crimine capitali*; and the second under this Title, *Quod possit Regi Curia in Terris non Jurisdictionis.*

THE following Year 1331 King Robert made that famous Statute drawn up by Grillo, whereby he prohibited the Exportation of the Silver Carolins out of the Kingdom, which we read under the Rubrick, *De prohibita extractione Carolenorum argenti de Regno*; and the Date ought to be corrected, and in the room of *A. D.* 1303 it should be 1331, which was the twenty third Year of King Robert's Reign.

IN the following Year 1332 was published by Robert, and penn'd by the same Hand, that other famous Edict, in order to put a Stop to the frequent and scandalous Disorders which were practis'd in Naples by some lewd Persons, who, under pretence of Marriage, assembled in the publick Places of the City, dragged Virgins out of their Houses, and ravished them; by which Edict, under the most severe Punishment, he prohibited such enormous Crimes, of which *Summonte* makes mention in his History, as also of the Surnames of the Nobility of the Seggi of Capuana, Nido, Portanova, Mercato, Porto, Somma Piazza, Salito, Arco and S. Arcangelo. We read this Edict under the Rubrick, *Statutum contra Neapolitanos maleficos rapientes Virgines sub colore matrimonii*; and the Date ought to be corrected, and in the room of *Regnorum nostrorum A. 14.* it should be *A. 24.*

IN the Year 1334 two other Statutes were made; the first in August, under the Title, *De non componendo in delectis corporaliter puniendis*; and the second in October, as an Explanation of the first under the Rubrick, *De declaratione Constitutionis prohibentis compositionem in criminalibus*; both which in the vulgar Edition bear very true Dates, exactly denoting the twenty sixth Year of King Robert's Reign.

IN the following Year 1335 five famous and remarkable Edicts were published by King Robert, and penn'd by Grillo. The first in January under the Title, *De revocatione occupatorum Demanii Regii ad ipsum Demanium*; the Date ought to be corrected and read, *Data Neap. per J. Grillum A. D. 1335. die 16. Januarii 3. Indiēt. Regnorum nostr. anno 27.* and not 26. as we read it in the vulgar Edition. The second in the same Month and Year, under the Title, *De pecunia Fiscali non tenenda per Officiales post amotionem ab officio*; where the Date ought likewise to be corrected, and read, *Regnorum nostrorum A. 27.* We find the third under the Rubrick, *De non recipiendis Vasallis Demanii in Terris Baronum*; the fourth under the Title, *Quod Clerici conjugati solvant collectas Regias*; and the fifth under the Title, *Quod non extrahantur lignamina extra Regnum.*

THEN follow those famous Statutes, whereby a Remedy is provided against the Encroachments of the Ecclesiasticks. Those Statutes which we commonly call *Remedia*, or *Conservatoria*, are four in Number. The first was made by King Robert in the Life-time of the famous Lawyer *Bartolommeo di Capua*, and drawn up by him as Protonotary of the Kingdom, and begins, *Ad Regale fastigium*, and of which we have already taken Notice. The other three published afterwards follow. The second begins; *Charitatis affectus*, directed by Robert to the Justices of *Apruzzo*, *ultra flumen Piscarie*, and we read it under the Rubrick, *Conservatorium pro Laico contra Clericum*: The third begins, *Finis præcepti charitas*, directed to the Justices of *Val di Crati*, and *Terra Giordana*, under the Rubrick, *Conservatorium pro clerico contra clericum*: And the fourth, which was directed to the Deputy of the Lieutenant's Court, and his Judges, begins, *Omnis prædatio*, under the Title, *De spoliatis pro Laico contra Clericum*. We shall have Occasion to treat at large of these Statutes in the following Books, when we come to discourse of the Reign, the Justice and Wisdom of King Robert; as also of the *Quatuor literæ arbitrales*, of which this Prince was likewise Author, and which, amongst these Statutes, we have only barely mentioned.

LASTLY, We have that other famous Statute of King Robert's, whereby he takes particular Care of reforming the University of Naples; it begins, *Grande fuit*, and we read it under this Title, *De reformatione Studii Neapolitani, & interdicendo particulares scholas in utroque jure ubilibet infra Regnum*. That other Statute which begins, *Pondus æquum*, and which is commonly attributed to Queen Joan, Robert's Grandchild, is to be found under this Rubrick, *Litera Regine Joannæ*; and *de Bottis* takes it to be likewise King Robert's, and says, He found it in the Register begin-

ning thus: *Robertus, &c. Justitiariis Principatus ultra Serras Montorii presentibus, & futuris, &c.*

WE must not forget another Edict of *Robert's*, whereby the Clergy are prohibited to carry Arms; and if after they have been thrice admonished they still continue to do it, the Arms are to be taken from them. We have it not amongst these Statutes, but it is to be found amongst our Pragmaticks¹; and though the contrary be now practised, yet it is partly by disuse, and partly because in process of time the Bishops were allowed to have their Families arm'd; of which afterwards.

THESE are King *Robert's* fifty Statutes, which are printed with the Body of the Laws of the Kingdom, and have all Force and Authority with us, both in the Tribunals of the Cities and Kingdom; and all of them that have not been repeal'd by posterior Laws, or fallen into Disuse, are to be inviolably observed.

NOW follow the Statutes of the Duke of *Calabria* King *Robert's* Son, which he made while he governed the Kingdom as his Father's Lieutenant.

¹ Pragm. 6. de Cler. seu Diac. Sylvaticis.

S E C T. V.

The Statutes of Charles Duke of Calabria Lieutenant of the Kingdom.

KING *Robert* being obliged sometimes to go to *Provence*, sometimes to *Florence*, and often upon Expeditions to *Sicily*, perceiving in his Son *Charles* many shining Virtues, especially Religion, Justice, and Wisdom, he almost from his Infancy entrusted him with the Government of the Kingdom, by making him his Lieutenant; and the Duke acquitted himself so well and so prudently in his Office, that his Father was highly satisfied with him. He rendered the Tribunal of the Lieutenancy more splendid and conspicuous, by making *Filippo Sanguineti* Chief Justice of it with a Salary of a hundred and fifty Ounces of Gold yearly, and ninety Ounces yearly for the Pay of ten Horsemen, and sixteen Foot Soldiers for a Guard and greater Ornament to that Tribunal¹. He was wont every Year to make a Progress over the Kingdom in order to discover if the Barons and the King's Ministers oppressed the People. And by Means of several Edicts, which we have inserted amongst the Statutes of King *Robert* his Father, he made prudent Regulations concerning the good Government of the Kingdom, and the right Administration of Justice, of which he was a most strict Observer.

THE first of his Statutes is against the Barons and others who harboured *Banditti*, and other profligate Men, who disturbed the Peace of the Kingdom, whereby he makes it Death, and the Forfeiture of their Estates: This was directed to the Justice of *Terra d'Otranto*, and penn'd by *Bartolommeo di Capua*, and upon which we have some of his Notes; it is dated, *apud Hospitale Montis Virginis*, a Sanctuary in *Terra di Lavoro*, made very famous then by the Bounty and Piety of the Family of *Anjou*, who often took up their Residence there.

THE second, likewise penn'd by the said *Bartolommeo*, is the remarkable *Cap. Ex presumptuose*, which we read under the Rubrick, *Quod Feudatorio decedente absque legitima prole, possessio Feudi usque ad anni circulum in modum sequestri stet penes Fiscum*. The Author of this Statute was *Charles II.* his Grandfather, but because it had never been published, *Charles* the Grandchild by this Edict ordered it to be proclaimed, and strictly observed.

OTHER three of his Constitutions follow, likewise drawn up by *Bartolommeo di Capua*, concerning the Time, and the Manner of examining the Accounts of the Officers, which we read under the Rubrick, *Quod tempus Syndicationis non labatur, donec acta sunt compilata, & assignata*.

THEN follow other four; the first begins, *Legem veterem Digestorum*; the second, *Voluntas libera*; the third, *In forma Sigilli*; and the fourth, *Accusatorum temeritas*; all penn'd by *Bartolommeo di Capua*, and bear this Date; *Dat. Neap. per*

¹ Tutini de G. Giust.

Bar. de Capua, &c. A. D. 1324. die 8. Febr. 7. Indict. Regnorum Domini patris nostri anno 15.

WE have another Statute of the Duke's among those of Queen *Joan*, made for the Bishop of *Chieti*, concerning a Law Suit which the Bishop had with *Roberto Morello*, which begins; *Carolus illustris, &c. Ne personarum Casu, &c.* This was likewise penn'd by *Bartolommeo di Capua* in the Month of *September 1322.*

AMONGST the Usages of the High Court of the Lieutenancy we find another Statute of the Duke's, which begins, *Detestantes*, under the Rubrick, *De supplendis defectibus causarum*, directed to *Giovanni de Aja*, Deputy of the High Court, and bears this Date, *Dat. Neap. A. D. 1320. die 28. Decembris 3. Indict. Regnorum dicti Domini Patris nostri, anno 11.*

WE likewise read amongst his Statutes one drawn up by the Masters of Accounts; it relates to the Royal Prerogatives, and was made against those who counterfeited the *Gigliati**, and the *Carlini*, and therefore the Name of the Protonotary, or Vice-Protonotary, is not mentioned in the Date, but only, *Data per Magistros Rationales.* It begins, *Carolus illustris, &c. Jam saepe*, and is under the Title, *De demolientibus, & falsantibus Liliatos, Carlenos, & incidentibus.*

* A Coin with
Fleur-de-Luces
on it.

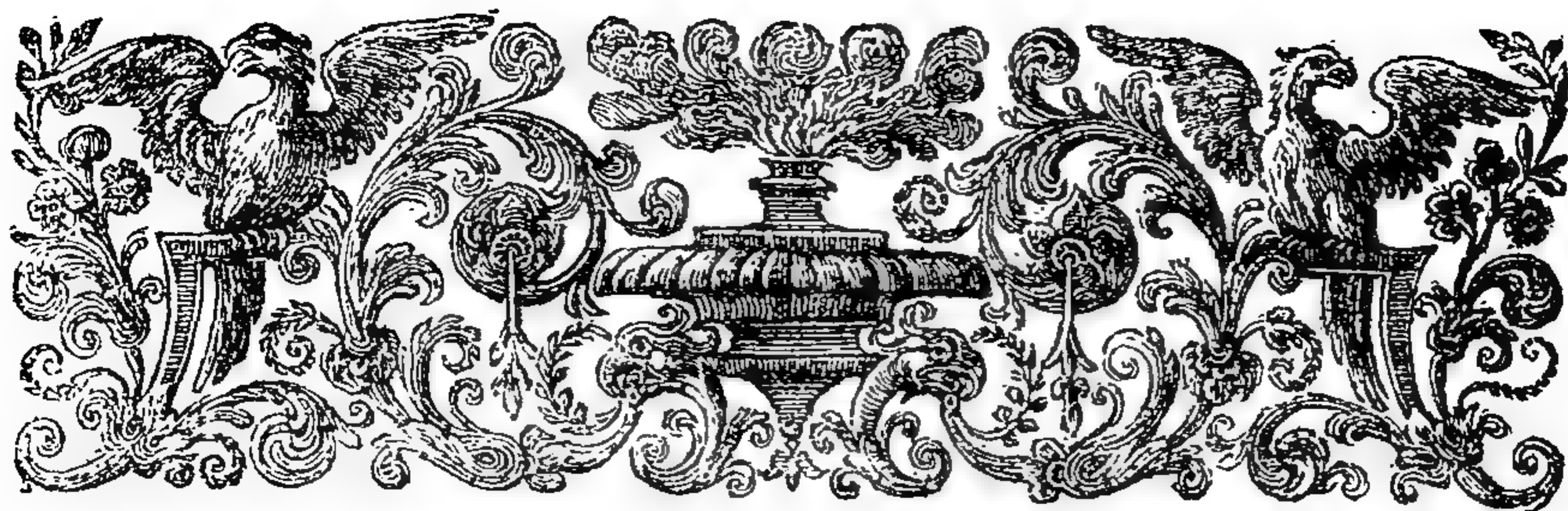
THESE are the Statutes left us by this wise and just Prince, who dying in the Year 1328, and King *Robert* having no other Sons on whom he could bestow the Title of Duke of *Calabria* and the Lieutenancy of the Kingdom, he resumed the Government himself, and, as we have observed, established many other Statutes penn'd by *Grillo* the Vice-protonotary; but in the Year 1343 dying without Sons, he left the Kingdom to *Joan I.* his Grandchild, the Daughter of Duke *Charles*, the Source of many Disorders and Confusions in the Kingdom; insomuch, that both she and her Successors living in continual Troubles, and in the midst of Armies, they had not time to think of Laws. For which Reason we have but few Laws of Queen *Joan's*, which she made for reviving Statutes that had fallen into Disuse, as she says herself: *Condita sunt Capitula infra scripta modica, & quasi nulla statuentia nova. Sed solum rememorantia, & reformantia Jura antiqua, & Capitula quæ per abusum malorum Officialium minime fuerunt observata modernis temporibus*¹. And we have no other Laws of the Kings of the Family of *Anjou* her Successors, excepting that famous Statute of King *Ladislaus*, whereby he prohibits Notaries that were Vassals to draw up the Writs of their Barons; and another of Queen *Isabel's* as Regent of the Kingdom for her Husband King *Renatus*, which we read amongst the Usages of the High Court of the Lieutenancy.

THESE are the Laws whereof the Volume of the Statutes of the Kingdom is now composed; and these are the Authors of them, viz. *Charles I. Charles II. Robert, Charles* his Son, and Queen *Joan*; one by *Ladislaus*, and another by *Isabel*.

FROM the time they were published, some have explained them with Notes, and others with full Comments. The first was *Bartolommeo di Capua*, who made some short Notes. *Giovanni Grillo* of *Salerno* also a famous Lawyer of those Times, who after the Death of *Bartolommeo* was Vice-Protonotary of the Kingdom. The celebrated *Andrea d'Isernia* made some Notes too. In the Reign of Queen *Joan I. Sebastiano Napodano*, and *Niccolo da Nopoli, Sergio Donnoroso*, who was Master of Accounts of the High Court, and Vice-protonotary², and *Luca di Penna* likewise made some Notes. And afterwards *Niccolo Superanzio, Pietro Piccolo* of *Monforte, Giov. Crispino* Bishop of *Chieti, Fabio Giordano, Gio. Angelo Pisanello, Marc' Antonio Pulverino*, and *Giacopo Anello de Bottis* did the same. Lastly, not to mention some, who made very small Notes of little Moment, *Gio. Antonio de Nigris* of *Compagna*, a City in the hither *Principato*, not a mean Lawyer, in the latter end of the Reign of *Charles V.* in the Year 1546, to the Notes of *Bartolommeo di Capua*, of *Sebastiano*, of *Niccolo di Napoli*, and of *Luca di Penna*, added his own most ample Commentaries.

¹ Cap. Reg. Joannæ. pro statu Regni, &c.

² Pier Vincenti, de Prot. 1352. pag. 90.



T H E
CIVIL HISTORY
Of the KINGDOM of
N A P L E S.

B O O K XXI.



AS the Death of *Charles I.* which happened in *Foggia* in the beginning of the Year 1284 was serviceable to *Peter* King of *Aragon*, not only because it fixed him in the Kingdom of *Sicily*, but likewise removed the Danger he was in of losing his paternal Kingdoms, which were invaded by *Philip* King of *France*, so it was a severe and lamentable Stroke to our Kingdom of *Puglia*, and to Prince *Charles* his Son; for the Kingdom was not only exposed to the Invasion of *Roger de Loria*, who having taken *Cotrone*, and *Catanzaro*, and some other Places of that Province, threatened the neighbouring Provinces, but was likewise without a King, and without Government, the Prince of *Salerno* who was to succeed, being still kept Prisoner in *Spain*. And there being none left to take care of the Kingdom, but the unfortunate Princess *Mary*, the Prince's Wife, and *Charles Martel* his Son, who was then but thirteen Years of Age, Pope *Martin*, in order to take Advantage of the Opportunity, immediately sent back *Girardo* Cardinal of *Parma* Apostolick Legate to govern the Kingdom jointly with the Princess. But *Philip* King of *France*, who was grievously afflicted for the Death of his Uncle, lest the Influence of the Legate with a Woman and a Child, might be of Prejudice to the Sovereignty of the Prince, quickly dispatched *Robert* Count of *Artois* his Son¹, to take care of the Royal Fa-

¹ Collen. lib. 5. Costanzo lib. 3. in princ.

mily, and assume the Government of the Kingdom. Nevertheless the Legate, by his own Cunning, and the Necessity the *French* then had of the Pope's Favour, was not only not excluded, but of his own Authority that very Year called a Parliament in *Melphis*¹, consisting of many Prelates and Barons, and made some Statutes for the good Government of the Kingdom, which were to be communicated to Pope *Martin*, and being confirmed by him, they were to be published, and observed in the Kingdom as his Laws, of which afterwards.

IN the mean time King *Peter*, on *Charles's* Death, seeing himself secure of the Kingdom of *Sicily*, in all haste set out for *Aragon* with his *Sicilian* Forces to oppose the victorious King of *France*, who had already taken *Perpignan*, *Girona*, and many other Cities of that Kingdom, which he was resolved to conquer for *Charles*, of *Valois* his second Son, who had got the Title and Investiture of it from the Church of *Rome*; and though *Peter's* Army was far inferior to that of his Enemy, yet out of his great natural Courage, improved by the Smiles of Fortune hitherto, he would needs come to an Engagement; but his Army was put to the Rout, himself wounded, and with great Difficulty he made his escape to *Villafranca*, where a few Days after, on the sixth of *October* 1285 he died. A King, most worthy of all Praise and eternal Memory; for with a handful of Troops, with Art and Industry, he alone defended two Kingdoms, far distant from one another, against two most powerful Kings, and a Pope his bitter Enemy; and was always ready with his Person, wherever the Necessity of Affairs required his Presence. He left four Sons, *Alphonfus*, *James*, *Frederick*, and *Peter*, and two Daughters, *Isabel* and *Violante*. To *Alphonfus* he left the Kingdom of *Aragon*, and to *James* that of *Sicily*, with this Proviso, that if *Alphonfus* should happen to die without Sons, *James* was to succeed to both Kingdoms.

BY the Death of King *Peter*, the Kingdom of *Aragon* would have certainly fallen into the Hands of the *French*, had it not been on the one Hand for a grievous Pestilence that seized the King of *France's* Army; and on the other for the wonderful Valour of *Roger de Loria*, who went and burnt the *French* Fleet in the very Harbour of *Rosès*, which obliged King *Philip* to retire to *Perpignan* for want of Provisions, with which he had been before furnished by his Fleet; and falling sick in *Perpignan*, on the eighth of *October* the same Year he departed this Life, and was succeeded by *Philip the Fair* his Son.

THIS Year was likewise mournful on account of the Death of Pope *Martin*, who died in *Perugia* the twenty fifth of *March* 1285², and *Honorius IV.* a *Roman*, of the noble Family of the *Savelli*, was immediately elected in his Place.

POPE *Honorius*, though an *Italian*, followed the Example of his Predecessors, by favouring the Family of *Anjou*, and at the same time, by the means of his Legate *Girardo*, providing for the Necessities of the desolate Kingdom; and the Count of *Artois*, who had heard of King *Peter's* Death, and that by his Will he had divided the Kingdoms, conceiving Hopes of recovering *Sicily* from King *James*, his whole Thoughts were employed upon that Undertaking; therefore *Honorius*, making Advantage of the Opportunity, was likewise resolved to intermeddle with the Civil Government of the Kingdom, and to provide it with new Laws conformable to the Wishes of the Barons, and in general of all the Subjects of the Kingdom; but especially to re-establish the Privileges and Immunities of the Churches, and Ecclesiastical Persons thereof. Notwithstanding, by a particular Bull drawn up the seventeenth of *September* 1285, he confirmed those Statutes made by the Prince of *Salerno* in the Plain of *S. Martin*, when he was Lieutenant of the Kingdom, but those only that regarded the Immunity and Privileges of the Ecclesiasticks; which Bull, taken from the Original which is preserved in the Archives of the Trinity of *Cava*, was likewise inserted in our Pragmaticks by *Ferdinand I.* of *Aragon*, and is quite different, as we have said, from that, of which we are now going to discourse.

¹ Males de la 1. Sect. 1. Jo. Franc. Martini. d. 3.

² Cieron. says the 27th.



C H A P. I.

Of the Statutes of Pope Honorius IV. and of what Use and Authority they were in the Kingdom.

WHETHER will but consider to what a lamentable Condition the Misfortunes of *Charles I.* and the Imprisonment of the Prince his Son reduced this Kingdom, he will cease to wonder how Pope *Honorius* was able to work up his Authority in it to such a pitch, as not only at his Pleasure to impose Laws upon our Barons, and the other Subjects, but even upon the Kings themselves, treating them as his Subjects, and mere Vassals. Our Princes stood so much in need of the Favour of the Popes in those calamitous Times, that Prince *Charles*, when he was Lieutenant of the Kingdom, was forced to put it under the Protection of Pope *Martin*, then alive, to whom he gave full Power to regulate the Government thereof, and left it to him to impose Taxes, to order the Method of collecting them, to reduce them to what they were in the time of good King *William*, and to redress the Grievances of the Subjects. The Cardinal of *Parma* discharged his Part very well, but he had not brought the Work to Perfection in *Martin's* time, as he did in that of *Honorius*, who not only took upon him to lay down Rules for the levying of Money, but made Regulations concerning Matters of greater Importance, such as the Succession to Fiefs, and other Points purely belonging to the supreme Authority of the Prince.

HOWEVER, we must look farther back for the Origin of these Encroachments, viz. the severe and hard Conditions with which Pope *Clement IV.* clogged the Investiture he gave of the Kingdom to *Charles I.* While that Prince was in his Prosperity, he did not much regard them; and as for Taxes and other Subsidies he continued them in the same manner, as they had been in the time of King *Manfred*; but as to the Rights of his Exchequer he shewed himself a more strenuous Assertor of them, than any of his Predecessors. But the Misfortune of the Loss of *Sicily* happening afterwards, the Prince of *Salerno* his Son, in order to gain the Hearts of the Subjects, by those Statutes made in the Plain of *S. Martin*, ordained the Taxes to be the same as they were in the time of good King *William*; but there being none alive then who could declare what was practised at that time, it was, as we have said, left to Pope *Martin* to fix them, according as the Syndicks of the Cities and Towns should inform him of the State of their Corporations.

POPE *Martin* by Reason of the Death of King *Charles*, and the Imprisonment of the Prince of *Salerno*, immediately sent back the Cardinal of *Parma* his Legate to *Naples*; who had no sooner arrived than he resolved to do what in him lay for the Benefit of the Ecclesiasticks; whereupon, he ordered the Prelates of the Kingdom to meet in *Melphis*, and on the twenty eighth of *March* 1334 the fourth Year of *Martin's* Pontificate, he made some Statutes in favour of the Ecclesiastical Jurisdiction and Immunity, which he got to be enlarged as much as was possible for him¹. And those Statutes were neither confirmed by *Honorius*, nor *Martin*, because they were made by Cardinal *Gerardo* at the very time that *Martin* died; so

¹ Reg. Moles decis. 1. §. 1. num. 12.

that when *Matteo d'Afflitto*¹ quotes them, he calls them the *Statutes of Gerardo*, as we see in the *Constitution presente*, where he quotes one *Ex Capitulis Gerardi*, which begins, *Cupientes Ecclesiarum & Locorum, &c.*². It is probable that those Statutes of *Gerardo* were in Manuscript in *Matteo's* time, since we have no Account of their having ever been printed, and that afterwards all Memory of them was lost, as useless; and the Statutes of *Honorius*, wherein were contained more numerous and exact Regulations, eclips'd them entirely.

BUT the Count of *Artois* arriving afterwards in *Naples*, having been sent by the King of *France* as Guardian, to take care of the Royal Family, and govern his Cousin's Kingdom, the Legate managed Matters so, as not to be quite excluded from the Government; but by his own Artifice, and much more by the Necessity there was then of the Pope, he was joined in the Government with the Princess *Mary* and the Count. But the latter being wholly taken up with military Preparations for a War he then intended for the recovering of *Sicily*, could not apply himself to the civil and political Government; so that Pope *Martin* being dead, and *Honorius* elected in his room, this new Pope, by the Directions of *Gerardo* the Legate, set about to establish new Statutes, which are the genuine *Statutes of Pope Honorius*.

HERE we must take notice of the sundry Errors into which our Doctors have fallen concerning the History of those Statutes, of which Deputy *Moles* himself was not free³, though he wrote more correctly than all the rest; for he believed that the Count of *Artois* had been appointed Guardian of the Kingdom by *Honorius*, to govern jointly with the Cardinal of *Parma*, and that therefore those Statutes had been directed by *Honorius* as well to the one as to the other. Much greater were the Errors of Deputy *Gio. Francesco Marciano*⁴, who says, that the Prince of *Salerno*, when he was Lieutenant, desired Pope *Martin* to send him an Apostolick Legate, in order to reform the State of the Kingdom, and to put it upon the same footing it was in the time of King *William*, and that therefore he sent him the Cardinal of *Parma*; whereas that Reformation ought to have been made where the Pope resided, whither the Prince had ordered the Syndicks of the Cities to be sent. This Cardinal was first sent to *Sicily* on account of the Revolt, and afterwards he went to *Naples*. But it was after the Prince's Imprisonment, and *Charles's* return from *France*, that the Cardinal was sent by the Pope; and he was recalled by *Martin* upon the Death of King *Charles*, in order to take upon him the Government of the Kingdom; and then hearing the Complaints of the Subjects about the Exactions and Taxes, and the Desire of the Barons to have the Degrees of Succession to Fiefs enlarged, concerning all which he drew up several Directions and Informations, and sent them to the Pope to have them redress'd; he likewise sent the Statutes, which the Prince of *Salerno* had made in the Plain of *S. Martin*. But the Pope's Death prevented his doing any thing in that Matter; whereupon *Honorius* was elected in his room, who being then at *Tivoli* on the seventeenth of *September* 1285, by a particular Bull confirmed those Statutes made by *Charles* in the Plain of *S. Martin*, in favour of the Ecclesiastical Immunity; which, as we have said, are inserted amongst our Pragmaticks, and the same Day he made those new Statutes, which he sent to the Cardinal of *Parma* his Legate, and they are the true *Statutes of Pope Honorius*; because those confirmed by his Bull, which we read amongst our Pragmaticks, are not his, but *Charles* Prince of *Salerno's*.

MANY were the Statutes which Pope *Honorius* made on this Occasion, partly concerning the manner of collecting the Taxes, partly in favour of the Barons, and partly for the general Good of the Kingdom; as for the Immunity and Benefit of the Ecclesiastical State, he had made sufficient Provision for these by his confirming the Prince of *Salerno's* Statutes.

IN relation to the levying of Taxes and Subsidies, he ordain'd, that in four Cases only it should be lawful for the King to impose them upon his Subjects, which was exceeding the Power given him by the Prince of *Salerno*, who only left it to

¹ Idem loc. cit. num. 13, & 14. Hæc ergo Capitula non ab Honorio, sed a Martino eius prædecessore fuerunt facta, & de eis meminit Afflict. in Constitutione Regni incip. presente, in eius rubrica, & in continuatione ipsius, cum allegat unum ex dictis Capi-

tulis Gerardi, quod incipit Cupiens, &c.

² Afflict. ad Const. Reg. tit. de administr. Eccles. post mortem Prælat. in rubr.

³ Reg. Moles. loc. cit. num. 16.

⁴ Jo. Franc. disp. 3. num. 1.

him to reform, but not to establish Cases wherein it should be lawful to impose them. The Cases were these. 1. For the Defence of the Kingdom, in case it should happen to be invaded, or if a Rebellion, or a lasting, not a sham civil War should fall out. 2. For ransoming the King's Person from the Hands of his Enemies, in which two Cases he ordained the Sum of fifty thousand Ounces of Gold. 3. When it shall happen that the King has a mind to knight himself, his Brother, or any of his Sons, in which case he ordered that the Sum should not exceed twelve thousand Ounces. 4. For marrying his Daughter, or Sister, or any of his Kindred in a direct Line, he appointed the Sum of fifteen thousand Ounces. And in all these Cases but once in a Year, and no more was to be imposed, excepting in Cases of Necessity, or other Circumstances, which were to be made known to him.

HE made likewise many other Statutes concerning the Alteration of the Coin, Murder, Theft, and the King's not alienating the Demesnes of the Kingdom. He likewise stript him of the Power he had over Feudatories, who held simple Fiefs: That Marriage ought to be free, abolishing the King's Consent, which the Barons were formerly obliged to have when they married. He likewise made other Provisions concerning Reliefs, Free-gifts, and other Subsidies given by the Barons to the King: He enlarged the feudal Succession in favour of the Barons, that the *Jus Francorum* should take place, as well in the Succession of Brothers, as of Sons. He made Regulations concerning the Election of Officers, and diverse other Points, which may be seen in his Bull, and also in Bishop *Liparulo*¹, and *Gio. Francesco Marciano*².

DEPUTY *Moles*³ declares, that these Statutes were long preserved in the Royal Archives, and quoted as Laws by our Professors. Deputy *Marciano*⁴ in like manner attests, that an authentick Duplicate of them is preserved in the Archives of the Trinity of *Cava*, together with the original Bull of Pope *Honorius* made in Confirmation of the Prince of *Salerno's* Statutes established in the Plain of *S. Martin*; and *Moles*⁵ says, That he had a Copy from these Archives of the said Bull extracted from that Original⁶. And *Gio. Francesco Marciano* says, That Deputy *Moles*, and Counsellor *Orazio Marchese* sent *Marcello Marciano* his Father then an Advocate to that Monastery to take Copies of the said Bull and Statutes, which he did; and that these two famous Lawyers made large Comments upon the said Statutes in order to be printed. But the Book being sent to the House of Counsellor *Gizzarello*, who had been pitched upon to revise it, a Fire happening one Night in the Library of the said Counsellor, it was burnt with all his other Books. And what had cost the Labour and Toil of so many Days was thus destroyed in one Night.

WE have had the good Fortune to be possessed of an antient Vault, which belonged to *Marcello Marciano*, wherein was this Copy in Manuscript, which he had extracted from the Archives of *Cava*, and which we have compared with the Original preserved there; we have therefore thought fit to print it here, being conformable to that, which *Rainaldo*⁷ printed in his Annals, which he says he extracted from the Archives of the Vatican.

¹ Lipar. ad Andr. in cap. 1. de nat. Success. feud. sub. num. 1. ante addit. vers. capitulum, lit. B.

² Marcian. disp. 3. num. 5.

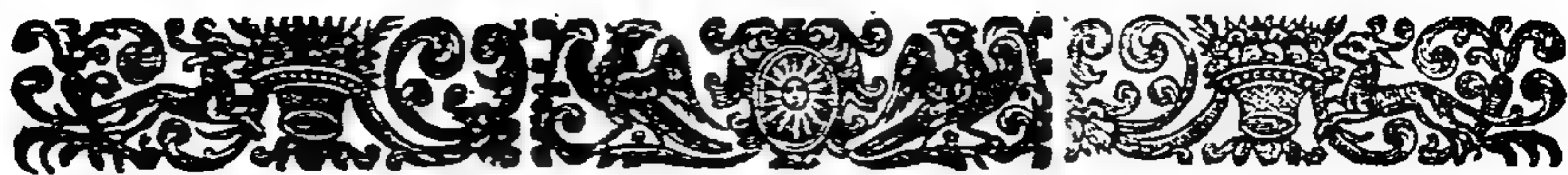
³ Moles decis. 1. Sect. 1. num. 19.

⁴ Marc. loc. cit. num. 3.

⁵ Moles loc. cit. num. 34.

⁶ V. Ros. in præl. feud. num. 48.

⁷ Raynald. Annal. Eccles. anno 1285.



Capitula Papæ Honorij.



HONORIUS Episcopus servus servorum Dei ad perpetuam rei memoriam. Justitia & pax complexæ sunt se, ita societate indissolubili sociatæ tuentur, sic se comiratu individuo comitantur, ut una sine altera plenè non possit haberi, & qui lædit alterutram, pariter offendat utramque. Hinc complexus earum graviter impeditur injuriis, per eas etenim læsa justitia, pax turbatur, ipsaque turbata, facile in guerrarum discrimina labitur. Quibus invalescentibus justitia inefficax redditur, dum & debitum sortiri nequit effectum; sicque ipsa sublata, nimirum pax, tollitur opus ejus, & ipsius fructus subducitur seminandus in pace, ac proinde complexis deficientibus necessariò deficit & complexus, in horum vero defectu licentia laxata dissidiis multiplicantur bella, pericula subeant, animarum & corporum crimina frequentantur. Nec rerum vastitas præteritur. Hæc in Præsidentium injuriolis processibus, & inductarum in subditos oppressionum excessibus patent apertius, & evidentiùs ostenduntur. In quorum multiplicatione sauciantur corda læsorum; & quanto minùs datur opportunitas licitè propulsandi, quæ illicitè inferuntur, tanto rancor altiùs radicatur interiùs, & periculosius prorumpit exteriùs opportunitate concessa. Fiunt enim plerumque hostes ex subditis, transeunt auxilia securitatis in metum, munitiones in formidinem convertuntur, nutant Regnantium solia, redundant Regna periculis intestinis, quatiuntur infidiis, extrinsecis insultibus impetuntur audaciùs, & regnantes in eis, qui operantes justitiam exaltationis gloriam merentur, humiliati propter injustitias frequenter in opprobrium dejectionis incurrunt. In præmissis & si Scripturæ nos instruant, efficacius tamen notis docemur exemplis. Quantis enim tempore, quo Friderici olim Romanorum Imperatoris propter illatas Regnicolis afflictiones illicitas, & oppressiones indebitas in Regno Siciliae non absque immensitate gravaminum inductas ab ipso, Regnum ipsum tempestatibus fluctuarit; quot, & quantis rebellionibus concussum extiterit, quot invasionibus attentatum, quantum per ipsum, & posteros suos depauperatum opibus, quot incolarum exiliis, & stragibus diminutum, nullum ferè angulum Orbis later; quam præcipiti Fridericus idem, & genus ipsius ruina corruerunt, probat notorius casus ejus, & manifestum eorundem exterminium posterorum. Verùm adeò Friderici ejusdem in dictis continuata, & aucta posteris, ac in alios exemplari derivatione transfusa processit iniquitas, quod per eum inventa gravamina usque ad hæc tempora duravisse, nec non & augmentata dicuntur aliqua eorundem, & adjecta nihilominus alia non minora; propter quod nonnullorum supponit opinio, quod claræ memoriæ C. Regem Siciliae, quem prosecutionis dictorum gravaminum eorundem Friderici, & posterorum perniciose exempla fecerunt saltem permissione participem, dum opinaretur forsitan licita, quæ ab aliis audiverat tam longis temporibus usurpata; reddiderunt etiam prædictorum consequentium ad illa discriminum non prorsus expertem, prout Siculorum rebellio multis onusta periculis, aliorumque ipsam foventium persecutio manifestant

non solum in ejusdem Regis, ac hæredum suorum grave adeò excitatæ discrimine, quod ipsis hæredibus, nisi per nos celerius occurratur, præactorum subductione gravaminum instans perditionis totius dicti Regni periculum comminantur; sed & in grande nostrorum, & Ecclesiæ Romanæ dispendium prorogata; cum sit per eas in Siciliæ Insula, & in nonnullis aliis ejusdem Regni partibus ipsarum incolis, nec nobis, nec Ecclesiæ ipsi parentibus, sed adhærentibus potius inimicis, nostra, & ipsius Ecclesiæ civilis interversa possessio, & in cæterarum aliquibus turbata frequentius, & turbetur. Ex quo datur patenter intelligi quantum in iis nostrum, & Ecclesiæ præfatæ interesse versetur, quantumque ad nostrum spectet officium, & hæredum ipsorum præcipuè necessitas exigat, non tantum præmissis obortis in eodem Regno, quod est ipsius Ecclesiæ speciale, tanquam ad jus, & proprietatem ejus pertinens, dictisque Regi, & hæredibus in feudum ab ipsa concessum obviare periculis. Sed etiam ne similia oriantur in posterum, diligentem curam, & curiosam diligentiam adhibere, præacta gravamina eorundem periculorum, ut veritati concurrat expressio, manifestas occasiones, & causas congruæ provisionis beneficio abrogando. Cum proprietatis Domino prædium, in quo est jus alii constitutum pro eo, quod sua interest tueri fines ipsius, custodire liceat, eo etiam cui jus debetur invito, custodiæ autem nomen id habeat, quod qui tenetur ad eam, non solum id debeat, ut si casu viderit in re custodienda fieri quid adversum prohibeat facientem, verum etiam ut curet dare operam, ne id fiat. Multiplex itaque nos ratio interpellat, & exigit, illud in hujusmodi gravaminibus, super quibus fama publica, & variæ inquisitiones per venerabilem fratrem nostrum Gerardum Sabinensem Episcopum Apostolicæ Sedis Legatum factæ de speciali mandato sedis ipsius, & indagationes alias habitæ nos informant, nostræ provisionis edicto remedium adhiberi, per quod injustis submotis oneribus circa ea in Regno præfato solidi stabilita iustitia, Regium Solium firmet, pacis tranquillia producat, sitque inibi publicè tranquillitatis silentium cultus ejus, & ipsa vinculum societatis humanæ. Sic superiorem populo sibi subiecto domesticet, eique ipsius populi corda consolidet, qui superior insidiarum sollicitudine absolutus securitatis jucunditate lætetur, populus pressuris indebitis liberatus sedeat, & in requie opulenta quiescat, & in unanimitate ipsorum, ac mutuo sinceritatis affectu ejusdem Regni statu roborato pacifico, non sit, profligatis hostibus, qui foris exterreat, aut qui pacatis incolarum ejusdem animis intus turbet; instantiæ quoque præmissæ interpellationis non modicum adjicit, quòd memorati Regis dum viveret, & dilecti filii nobilis viri C. sui primogeniti ex eo manifestè percipimus ad id, quo vota concurrere, quòd idem Rex super directione, ordinatione, reformatione, seu quacunque alia dispositione collectarum, exactio-num, matrimoniorum, aut aliorum quorumlibet, quæ gravamina dicerentur, vel dici possent, tam circa Ecclesias, Monasteria, & alias Ecclesiasticas personas, quam circa Communitates, & Universitates Civitatum, Castrorum, & aliorum locorum, & etiam circa singulares personas totius Regni prædicti, aut cujuslibet partis ejus, felicitis recordationis Martini Papæ Quarti prædecessoris nostri directioni, reformationi, dispositioni & ordinationi se plenè, ac liberè, altè, ac bassè submisit, dans, & concedens eidem super iis plenam & liberam potestatem, ac promittens quicquid per eundem prædecessorem ipso Rege, dictove primogenito tunc ejus Vicario in Regno eodem, & aliis suis Officialibus requisitis, vel irrequisitis etiam actum foret, se, ac hæredes suos ad hoc specialiter obligando inviolabiliter observare suis super hoc patentibus literis prædecessori concessis eidem, præmissa quoque in mortis articulo per alias suas similiter parentes literas plenius repetens, & confirmans eidem, prædecessori per eas humiliter supplicavit; ut omnia onera

fidelium

fideliū Regni sui, & quæ gravamina dicti possent, remove, tollere, & cassare, dictumque Regnum prosperè reformare, omniaque statuere, quæ ad bonum statum hæredum suorum, & fideliū eorundem expedire videret sua provisione curaret, non obstante, si Regem ipsum tunc infirmitate graviter laborantem naturalis debiti solutione contingeret præveniri, sicut præmissæ ipsius Regis literæ, quæ per nos, aut aliquos ex fratribus nostris diligenter inspectæ in Archivio ejusdem servantur Ecclesiæ, manifestius attestantur. Et tam idem Rex, quam dictus primogenitus super tollendis aliquibus eorundem gravaminum constitutiones varias edidisse dicuntur, & illæ plenioris executione observationis indigeant, non plenè (ut intelleximus) hætenùs observatæ. Volentes igitur, & illis robur Apostolicæ confirmationis adjicere (ut inferiùs exprimetur) & prædictum nostrum exequi, ac commodè provisionis adjectione propositum, infra scripta omnia prout substituta eorum series indicat, de fratrum nostrorum consilio, & assensu, ac potestatis plenitudine providendo, a gravamine illo deliberavimus incohandum, qui majorem scandali materiam, & generalius ministrabat.

IDEOQUE ut omnino cessit in Regno eodem onerosa exactio collectarum, præsentis edictali provisione, ac Constitutione valitura perpetuò prohibemus, per Reges, qui pro tempore fuerint, seu pro eis Dominantes in Regno prædicto, vel Ministros ipsorum collectas fieri, nisi tantum in quatuor casibus infra scriptis.

PRIMUS est, pro defensione terræ, si contingat invadi Regnum invasione notabili, sive gravi, non procurata, non simulata, non momentanea, seu transitura facilè, sed manente, aut si contingat in eodem Regno notabilis rebellio, sive gravis, similiter non simulata, non procurata, non momentanea, sive facilè transitura, sed manens.

SECUNDUS est, pro Regis persona redimenda de suis redditibus, & collecta, si eam ab inimicis captivari contingat.

TERTIUS est, pro militia sua, seu fratris sui consanguinei, & uterini, vel saltem consanguinei, sive alicujus ex liberis suis, cum se hujusmodi fratrem suum, vel aliquem ex iisdem liberis militari cingulo decorabit.

QUARTUS est, pro maritanda sorore simili conjunctione sibi conjuncta, vel aliqua ex filiabus, aut nepotibus suis, seu qualibet alia de genere suo ab eo per rectam lineam descendente, quam, & quando eam ipse dotabit. In prædictis enim casibus (prout qualitas tunc imminentis casus exigerit) licebit Regi collectam imponere, ac exigere a subjectis, dum tamen pro defensione, invasione, seu rebellionem prædictis, aut ipsius Domini redemptione, quinquaginta millium, pro militia duodecim millium, pro maritagio verò quindécim millium unciarum auri summam collectæ universalis totius Regni ejusdem, tam ultra Farum, quam citra quantitas non excedat. Nec concurrentibus etiam aliquibus ex prædictis casibus, collecta in uno, & eodem anno, nisi una tantummodo imponatur.

SICUT autem collectæ quantitatibus prædictas summas in suis casibus limitatas excedere, ut præmittitur, prohibemus, sic nec permittimus indistinctè ad ipsas extendi, sed tunc tamen, cum casus instantis qualitas id exposcit, & ut in prædictis etiam casibus possit Rex, qui pro tempore fuerit eo vitare commodiùs gravamina subditorum, quo uberiores fuerint redditus, & obventiones ipsius, cum à demaniorum donatione volumus abstinere, id sibi consultiùs suadentes.

SIMILI quoque prohibitione subjecimus mutationem monetæ frequentem, apertius providentes, quod cuilibet Regi Siciliae liceat semel tantum in vita sua novam facere cudi monetam, legalem tamen, & tenetæ, secundum consilium Peritorum in talibus competentis, sicut in Regnis illis observatur, in quibus est usus legalium monetarum, quodque usualis moneta

sit valoris exigui, & talis quod in eodem valore sit apta manere toto tempore vitæ Regis, cujus mandato cudetur, nec pro ea, vel aliqua magna moneta, quam idem Rex semel tantum in vita sua fecerit expendenda, fiat collecta, vel distributio, sed campforibus, & aliis mercatoribus volentibus eam spontè recipere tribuatur; & hoc ita præcipimus perpetuis temporibus observari.

IN homicidiis clandestinis providendo præcipimus, nihil ultra poenam inferiùs annotatam ab Universitatibus exigendum, videlicet, ut pro Christiano, quem clandestinè occisum inveniri continget, ultra centum augustales. Pro Judæo vero, vel Saraceno, ultra quinquaginta nil penitus exigatur. Augmento, qui circa eandem poenam idem Rex dicitur induxisse omnino sublato: præsertim cum memorati Rex, & primogenitus dicantur idem per suas constitutiones noviter statuisse, quas quoad hoc decernimus inviolabiliter observandas, & hæc intelligi tantum pro homicidiis verè clandestinis, in quibus ignoratur maleficus, nec aliquis accusator apparet. Adjicientes, quod non nisi tantum in locis magnis, & populosis exigi possit quantitas supradicta, in aliis verò infra quantitatem eandem pro quantitate locorum exactio temperetur.

EIDEM provisioni adjiciendo præcipimus, Universitates ad emendationem furtorum, quæ per singulares personas contingit fieri nullatenus compellendas.

NEC ad mutandum Regi, aut Curia suæ, aut Officialibus, vel Ministris ipsorum, aut recipiendum aliquatenus Regiæ massariæ custodiam, sive onus, seu possessionum regalium procuracionem, aut gabellæ, vel navium, seu quorumcumque Vassellorum fabricandorum curam, quicumque cogendum invitum: Usurpationibus, quæ contrarium inducebant penitus abrogatis, maximè cum dicti Rex, & primogenitus ad relevanda, non tamen plenè gravamina in præmissis inducenda, Constitutiones varias promulgasse dicantur.

CONCEDIMUS autem, ut si casus emergat, in quo sit necessarium, naves, vel alia Vassella pro utilitate publica fabricari, liceat tunc Regnanti, committere curam fabricationis hujusmodi expensis Regis faciendæ personis idoneis, videlicet hujus rei peritiam habentibus, & quos Officium tale decet, & ipsis satisfiat pro susceptione curæ prædictæ de competenti mercede, & idem servari præcipimus in faciendo biscotto.

AD Captivorum custodiam, Universitates, vel singulares earum personæ nullatenus compellantur, præsertim cum hoc ipsum dicatur ejusdem Regis Constitutione provisum, quod præcipimus inviolabiliter observari.

GRAVAMEN, quod in pecunia destinanda Regi, vel Regali Camera, seu ad loca quæcunque alia Universitatis alicujus expensis per aliquas personas ejusdem Universitatis periculo eligendas inferri dicti Regni Universitatibus dicebatur, provisione simili prohibemus ipsis Universitatibus, vel singularibus personis earum de cætero irrogari, maximè cum dicatur idem quoad Universitates dicti Primogeniti prohibitoria Constitutione provisum, quam in hac parte decernimus inviolabiliter observandum.

ILLUD, quod in eodem Regno dicitur usurpatum, videlicet, quod Incolæ ipsius Regni ad reparanda Castra, & construenda in eis, expensis propriis nova ædificia cogeantur, emendatione congrua corrigentes providendo præcipimus, ut nil ultra expensas necessarias ad reparationem illorum antiquorum Castrorum, quæ consueverunt hætenus incolarum sumptibus reparari, & ædificiorum, quæ in hujusmodi Castris fuerant ab antiquo, ab eisdem Incolis peti possit, & Constitutio, quam circa hoc idem Primogenitus edidisse dicitur, in hujusmodi antiquis Castris & Ædificiis solummodo intelligenda servetur. Antiqua vero Castra intelligi decernimus in hoc casu, quorum constructio annorum quinquaginta jam tempus excessit.

CIRCA personas accusatas, quæ in eodem Regno injustè capi dicebantur, si etiam idoneos fidejussores offerent, licet dictus Rex aliquid statuisse dicatur ad gravamen hujusmodi temperandum : Nos tamen, ut nulla super hoc querela supersit, providendo præcipimus jura civilia observanda, & eadem observari jubemus.

CIRCA destitutionem possessorum Comitum, Baronum, & quorumlibet aliorum, qui per Regalem Curiam, & Officiales ipsius, ac alios alienigenas feuda tenentes in Regno suis possessionibus, si quando Curia, Officiales, vel alienigenæ prædicti jus habere prætendebant, in illis spoliari, sive destitui dicebantur, & de possessoribus effici petitores, nullo juris ordine observato, nec non & cum aliquis dicitur invenisse thesaurum, & etiam cum quis apud eandem Curiam pro alio fidejussit, ita quod nec aliquis suæ destituatur possessionis commodo, vel spoliatur, aut destituatur eadem, nec quoad illum, qui difertur, aut convincitur de inventione thesauri, nec quoad fidejussores Curiae datos, aliter quam eadem jura statuunt procedatur.

REGIBUS futuris prò tempore in Regno prædicto, & memoratis incolis, qui de inordinata passuum ejusdem Regni custodia querebantur se immoderatè gravari, similiter de passu providentes eidem custodiæ moderamen competens adhibemus, videlicet, quod tempore impacato, seu imminente turbatione, aut verisimili turbationis suspitione, & contra ipsum Regem, aut dictum Regnum, seu in Regno eodem Rex facere possit, passus eodem ad evitandum pericula custodiri. Tempore vero pacifico Incolis Regni habitantibus in eodem, ac aliis non suspectis liber sit ex eo exitus, & ingressus in illud, ita tamen, quod equi ad arma nullo tempore sine Regis licentia extrahantur exinde ad vendendum.

VICTUALIA vero quælibet de suis possessionibus, vel massariis, seu oves, boves, & alia animalia humano competentia usui de gregiis propriis, armentis, vel redditibus habita extra Regnum, dum tamen non ad inimicos eorundem Regis, aut Regni, unusquisque liberè mittat, etiam ad vendendam, nisi sterilitas, aut præactæ turbationis instantia, seu verisimilis suspicio suadeat, circa missionem hujusmodi per Regem ejus temporis aliud ordinandum. Si vero prædicta victualia, vel animalia ex negotiarionis commercio habeantur, etiam fertilitatis tempore absque Regnantis licentia extra Regnum mittere, vel ex ipso extrahere non liceat sic habenti. In omnibus præmissis missionis, seu extractionis casibus, jure, quodcumque Regi competit, per omnia semper salvo. Infra Regnum verò etiam per mare liceat cuilibet.

ECCLESIASTICÆ, sæculariæ personæ frumentum, & alia blada, nec non & legumina de propriis terris, massariis, atque redditibus habita, sine jure exituræ, fundici, seu Dohanæ in loco, in quo victualia recipiantur, vel deponantur præstando, de uno loco deferre, seu facere deferri ad alium, a Rege, seu ipsius Officialibus licentia non petita. Emptitia verò jure exituræ, ac fundici non soluto, sed alio si quod Regi debetur, dummodò emptitorum delatio de portu licita, ad similem portum, & cum barca parvis centum solummodò salmarum, vel infra capacium tantum fiat, & deferentes, seu deferri facientes præmissa emptitia, dent particulari Portulano loci, in quo fiet oneratio eorundem, fidejussoriam cautionem, quod literas testimoniales de ipsorum victualium, & leguminum extractione à simili Portulano loci, in quo exoneratio ipsa fiet habeant infra certum terminum pro locorum distantia præfigendum, & hæc omnia perpetuò præcipimus observari.

ABUSUM contra naufragos, ut fertur, inductum in eo, quod bona, quæ naufragium evadebant, capiebantur per Curiam, nec ipsis naufragiis reddebantur,

bantur, ejusdem provisionis oraculo penitus abolemus, præcipientes bona hujusmodi illis restitui, ad quos spectant.

QUERELAM gravem hominum Regni ejusdem super eo nobis exhibitam, per Curiales stipendiarii regii, & alii regalem Curiam sequentes in civitatibus & locis, ad quæ cum dicta Curia, vel sine ipsos declinare contigit domos civitatis, seu locorum eorundem pro suo arbitrio Dominis intrabant invitis, & interdum ejectis eisque in aedilibus animalibus, & aliis bonis eorum, & quandoque horum occasione in personis ipsorum graves injurias inferebant, sopire competentis provisionis remedio cupientes, prohibemus, ne aliquis curialis stipendiarius, vel alius sequens Curiam memoratam, domum, vel hospitium aliquod capere, sive intrare propria autoritate præsumat, sed per duos, aut tres, aut plures, prout civitatis, aut loci magnitudo poposce-rit per eandem Curiam, & totidem, a locorum incolis electos, autoritate tamen regia deputandos, hospitia memoratis curialibus, stipendiariis, & aliis assignentur. Idem autem curiales, stipendiarii, & alii nulla bona suorum hospitem capiant, nec in illis, aut in personis eorum ipsis aliquam injuriam inferant, nec ipsorum aliquis pro eo, quod sibi hospitium fuerit aliquando taliter assignatum, si eum aliis ad eundem locum cum Curia, vel sine Curia venire contingat, sibi jus hospitandi vendicet in eodem, aut ipsum intrare audeat, nisi fuerit sibi simili modo iterum assignatum. Hujusmodi autem hospitia taliter assignata, præfati Rex, & illi de domo, & familia sua gratis semper obtineant; reliqui vero, sive stipendiarii, sive quicumque alii per unum mensem solum, si tanto tempore in eodem loco contingat Curiam residere, si verò ultra resederit, vel ipsos stipendiarios, aut alios ad aliqua loca sine Curia venire contigerit, satisfaciant Dominis hospitiorum, seu ipsorum actoribus de salario competenti per deputatos, ut præmittitur, moderando.

SIMILITER prohibemus, ne in locis, in quibus vina, & victualia possunt venalia reperiri, quisque ea per regalem Curiam, aut Curiales, seu per quoscunque ministros ipsorum, vel quoscunque alios invitus vendere compellatur, nec aliqua bona nolentibus vendere, auferantur, nec eorum vegetes consignentur, & si de facto fuerint consignata, signa eis imposita liceat Dominis autoritate propria remove, præsertim cum præfatus Rex hoc ipsum de remotione hujusmodi statuuisse dicatur; si vero in loco, ad quem Curiam, Curiales, & alios prædictos declinare contingit, talia venalia non habentur, abundantes in illis per aliquem, vel aliquos ad hoc a regali Curia, & totidem à locorum incolis electos, autoritate tamen regia deputandos omnia hujusmodi, quæ habent ultra necessaria suis, & familiarum suarum usibus, non solum Curia, sed Curialibus, & aliis eam sequentibus cogantur vendere pretio competenti per deputatos, ut præmittitur, moderando.

IN matrimoniis, in quibus volentibus ea contrahere varia impedimenta contrahendi adimentia libertatem per regiam, & suos ingeri dicebantur, Apostolicæ provisionis beneficium deliberavimus adhibendum; ideò provisione irrefragabili prohibentes regnicolis regni habitatoribus, matrimonium inter se contrahere volentibus per Regem, vel suos Officiales, aut alios quolibet inhibitionis, seu cujuslibet alterius obicem impedimenti præstari, declaramus, & declarando præcipimus, libera esse matrimonia inter eos, ita quod bona mobilia, vel immobilia, feudalia, vel non feudalia, liberè sibi mutuo dare possunt in dotem, nec iidem regnicolæ regni ut præmittitur, habitatores ejusdem super matrimonio inter se contrahendo, aut in dotem dando bona quælibet, licentiam petere teneantur, nec pro eo quod matrimonium esset cum bonis quibuslibet, aut dote quantacunque contractum fuerit a rege licentia non petita contrahentibus, aut alterutri eorundem, vel parentibus, consanguineis, sive amicis ipsorum in personis, aut rebus impedimentum, dispen-

dium, aut gravamen aliquod irrogetur, nulla in præmissis constitutione, vel consuetudine contraria de cætero valitura.

PROVIDENDO præcipimus, ut si quando in regno prædicto contra certam personam fuerit inquisitio facienda, nisi ea præsentem, vel se per contumaciam absentante, non fiat, si vero præsens fuerit, exhibeantur sibi capitula, super quibus fuerit inquirendum, ut sit ei defensionis copia, & facultas; simili provisione præcipimus, ut pro generalibus inquisitionibus, nihil, vel sub compositionis colore, vel aliàs ab universitatibus exigatur; sed si procedendum fuerit, justè procedatur ex eis, præsertim cum dictus Rex C. hoc idem statuisse dicatur.

HUJUSMODI præcepto adjicimus; ut quoties inter fiscum, & privatum causam moveri contingit, non solum in examinando jura partium, sed ad diffinitivam sententiam justè ferendam, sive pro privato, sive pro Fisco, necnon ad ipsius executionem nulla in hoc difficultate ingerenda per fiscum efficaciter procedatur, itaque nec in prædicto examine, nec in prolatione, vel executione sententiæ injustam moram, vel aliam injuriam patiatur per fisci potentiam justitia privatorum.

PROVIDENDO districtiùs, inhibemus forestas per Regem, aut Magnates suæ Curia, vel Officiales, seu quoscunque Ministros in Terris fieri privatorum, vel aliquarum forestarum occasione per Regiam Curiam, Magistros, vel Custodes forestarum ipsarum aliquem in cultura terrarum suarum, seu etiam perceptione fructuum impediri, sive ipsis propter hoc damnum aliquod, vel injuriam irrogari; factas vero de novo forestas hujusmodi omnino præcipimus amoveri.

OMNES Ecclesiasticæ, secularesve personæ regni Sicilia liberè suis salinis utantur, & præsentis provisionis oraculo prohibemus, ne illis per Regem, Officiales, aut quoscunque Ministros ipsius usus, aut exercitium interdicatorum earum, neque quisque prohibeatur sal de salinis ipsis proveniens emere ab eisdem.

ABUSIONES Castellanorum, per quos homines dicti regni ad portandum eis paleas, ligna, & res alias etiam sine pretio cogebantur inviti, & iidem Castellani de rebus, quæ circa, seu per castra eadem portabantur pedagia exigebant, præsentis provisionis beneficio prohibemus.

EJUSDEM provisionis edicto præcipimus, ut pro literis regiis, & sigillo nihil ultra ipsius regni antiquam consuetudinem exigatur, videlicet, ut pro literis justitiæ nihil omnino, pro literis vero gratiæ, in qua non est feudi, vel terræ concessio, nihil ultra quatuor tarenos auri ab impetrante solvatur, nulla in præmissis distinctione habita inter clausas literas, & apertas.

PRO literis autem super concessione feudi, vel terræ confertis, necnon & pro privilegiis aliis pro concessione seu privilegii qualitate, aut benevolentia concedentis Curia satisfiat; dum tamen summam decem unciarum pro quolibet concessio feudo integra satisfactio non excedat, sed nec prætextu sigilli regii justitiæ, sive gratiæ literis in aliquo casuum prædictorum impressi, vel appensi forsitan impetrans ultra quam præmittitur,olvere compellatur.

ANIMALIA deputata molendinis, quæ centimuli vulgariter nuncupantur, per regalem Curiam, vel Officiales, aut ministros ipsius, eamve sequentes, stipendiarios, vel quoscunque alios nullo modo ad aliquod eorum ministerium Dominis capiantur invitis, nec alia etiam, sed pro competenti pretio, de quo conventum fuerit inter partes, à volentibus conducantur, & hæc ita de cætero præcipimus observari, maximè cum ipse Rex statuisse dicatur, quod Justitarii, & Subofficiales eorum, ac Stipendiarii, & Subofficiales non capiant animalia deputata ad centimulos, sed cum est necesse, inveniantur alia habilia ad vecturam, & loerium conveniens tribuatur, & si

contrafecerint, restitutis animalibus cum toto damno eorum Dominis, poenæ nomine, & pro qualibet vice, & quolibet animali solvant Curiae unciam unam auri; præmissam quoque Constitutionem dicti Regis, similiter observari præcipimus.

DE creatione Officialium præsertim extraneorum, qui propter ignorantiam status regni, & favorem, qui eis a regali Curia præstabatur subjectos, impunè gravabant; consultè suggerimus, quod Rex creare studeat Officiales idoneos, qui subjectos injustè non gravent.

SUPER eo, quod regnicolæ querebantur, videlicet, quod eis gravatis pro revelationis obtinendo remedio ad regem aditus non patebat, suademus per regem taliter provideri, quod querelæ subditorum ad eum valeant liberè pervenire.

PROHIBEMUS, ne quisque pro animali sylvestri extra defensam, vel limites defensæ invento sine aliqua invenientis impulsione, arte, vel fraude, aliquatenus puniatur, etiamsi illud capiat, vel occidat.

NULLUS Comes, Baro, vel alius in Regno prædicto de cætero compellatur ad terridas, vel alia quæcunque vassella propriis sumptibus facienda. Per hoc autem juri regio in lignaminibus, vel marinariis, vel alio servitio vassellorum, quæ à quibusdam universitatibus, & locis aliis, sive personis singularibus dicti regni deberi dicuntur, nolumus in aliquo derogari.

SI contingerit Baronem aliquem mori, filio, vel filia superstitis, ætatis, quæ debeat cura balii gubernari, providendo præcipimus, quod Rex alicui de consanguineis ejus balium concedat ipsius, & quod ad hoc inter consanguineos proximior, si fuerit idoneus, præferatur.

SI aliquem feudum à Rege tenentem in capite, vel etiam subfeudatarium nullo hærede legitimo per lineam descendantem, sed fratre, aut ejus liberis superstitis, mori contingat, si decedentis feudum ab aliquo ex parentibus sibi, & fratri communibus pervenerat ad defunctum, idem frater, aut ex liberis suis usque ad trinepotem, ille qui tempore mortis supererit defuncto proximior in feudo succedat, habiturus illud cum onere servitii consueti.

AD Successionem feudi omnibus personis feudatario, aut subfeudatario defuncto simili gradu conjunctis eodem ordine admittendis.

IN successione verò præmissa inter feudatarios, & subfeudatarios viventes in Regno jure Francorum sexus, & primogenituræ prærogativa servetur, ut inter duos eodem gradu feudatorio conjunctos foeminam masculus, & juniorem major natu præcedat, sive sint masculi, sive foeminæ concurrentes, nisi forsan duabus concurrentibus esset primogenita maritata, & junior remanserit in capillo, tunc enim junior, quæ in capillo remanserit primogenitæ maritatæ in successione hujusmodi præferatur. Sed si nulla remanente in capillo, duæ, vel plures fuerint maritatæ, majori natu jus primogenituræ servetur, ut aliàs in dicta successione procedatur.

SI verò feudum, de quo agitur, non ab aliquo parentum processerat, sed inceperat à defuncto, tunc solus defuncti frater in eo succedat, nisi lex concessionis in præmissis aliud induxisset, & hæc ita de cætero præcipimus observari, qualibet contraria consuetudine, vel constitutione cessante.

NULLUS Subfeudatarius pro feudo, quod ab aliquo feudatario Regis tenet, compellatur ipsi Regi servire, sed si aliquod aliud feudum ab ipso Rege tenet in capite, pro eo sibi serviat, ut tenetur.

SI contingat, subfeudatarium crimen committere, propter quod publicanda fecerint bona ejus, aut ipsum sine legitimis hæredibus fati munus implere, si feudum ejus fuerit quaternatum, nihilominus immediatus Do-

minus illud cum onere servitii consueti personæ concedat idoneæ Regi post modum præsentandæ, ut ejus super hoc habeatur assensus. Si vero quaternatum non fuerit, sic ad eundem immediatum Dominum revertatur, ut ipsum hujusmodi personæ pro sua voluntate concedat, nec eam Regi præsentare, aut ejus super hoc requirere teneatur assensum; iis ita deinceps ex nostro præcepto servandis, constitutione, vel consuetudine contraria non obstante.

VASSALI Baronum per Curiam, vel Officiales ipsius ad aliqua privata officia non cogantur, & si ea voluntarii subeant ratione debiti ex hujusmodi officii receptione, vel gestione contracti, vel delicti forsan in ea commissi Baronibus eorum Dominis in bonis Vassalorum ipsorum, vel aliis præjudicium nullum fiat.

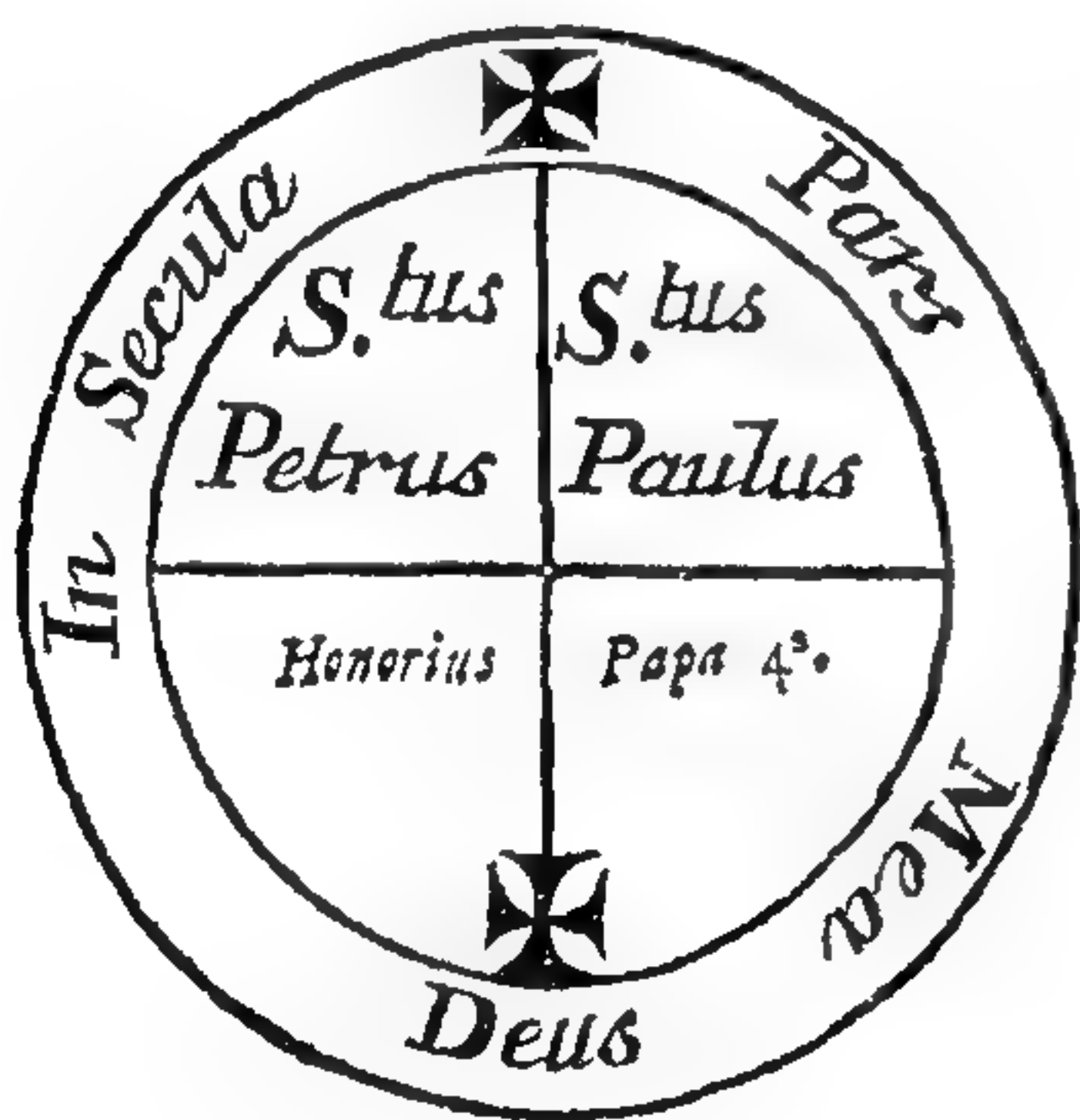
IN Terris Ecclesiarum, Comitum, & Baronum regni prædicti Magistros juratos poni de cætero prohibemus, & positos exindè præcipimus amoveri.

AD novas communantias Vassali Baronum, vel aliorum ire non compellantur inviti, sed nec voluntarii admittantur, si sint ascriptitiæ, similivè fortunæ, vel ratione personæ, non rerum tantum personalibus servitiis obligati. Si verò ratione rerum tantummodò servitiis hujusmodi teneantur, & ad easdem communantias transire voluerint, res ipsas Dominis suis sine contradictione dimittant.

BARONES, vel alii extrà Regnum, nec servire personaliter, nec addohamenta præstare cogantur. In casibus quoque, in quibus inter Regnum servire, vel addohamenta præstare tenentur, servitia exhibeant, & addohamenta præstent antiquitus consueta, videlicet, ut vel tribus mensibus personaliter serviant cum numero militum debitorum, vel pro singulis militibus, ad quos tenentur pro quolibet trium mensium prædictorum tres uncias, & dimidiam auri solvant, & hæc ità de cætero inconcussè de nostro præcepto observentur.

CÆTERUM, ut contra pericula, quæ sicut prædictum est, propter gravamina illata subditis excitata creduntur, nè (quod absit) recidant in tanto periculosius residuum, quanto residenti solet esse deterius, qui cadenti eo magis sit regnantibus in Regno prædicto securitas, quo minùs erit libera eadem gravamina irrogandi facultas, provisioni præmissæ subjungimus ad perpetuum sui roboris fulgimentum, quod si ventum fuerit in aliquo contra eam, licitum sit Universitatibus, & gravato cuilibet liberè ad Apostolicam Sedem habere pro sua querela exponenda, & obtinenda illati gravaminis emendatione reversum. Adjicientes inter illa, in quibus contra provisionem eandem fieri contingerit congrua distinctione delictum, videlicet, ut si ea fuerint, quæ per ipsam prohibitoriè, vel præceptoriè sunt provisa, & principaliter factum regnantis respiciunt, nec solet absque ipsius autoritate præsumi, ut est collectarum impositio, monetæ mutatio, matrimoniorum prohibitio, vel impedimentum aliud eorundem, nisi Rex ejus temporis illa infra decem dies revocaverit per seipsum, eo ipso Capella sua ecclesiastico sit supposita interdicto, duraturo solum, quousque gravamen fuerit revocatum. In reliquis verò prohibitoriis, & præceptoriis, & specialiter, si universitas, singularivè persona gravata, volens propterea recurrere ad sedem eandem, per Officiales Regios, seu quoscunque Ministros, vel quoslibet alios fuerit impedita, vel ipsos aut alios pro eis exindè damnum passum, nisi satisfactione læsis præstita, impedimentum infra mensem postquam ipse Rex scriberit, revocetur, ex tunc sit Capella eadem similiter interdicta. In quolibet autem casuum prædictorum, si regnans interdictum hujusmodi per duos menses sustinuerit animo contumaci, ab indè loca omnia,

nia, ad quæ ipsum, uxorem, & filios suos declinare continget, donec ibi præsentés fuerint, simili interdicto subjaceant, & si deindè per sex menses interdicta hujusmodi substinuerit animo indurato, exinde sit excommunicationis sententia innodatus, quàm si per alios menses sex contumacia obstinata substineat, ex tunc Subditi ad mandatum Sedis ejusdem ipsis propterea faciendum in nullo sibi obediant, quamdiù in hujusmodi obstinatione persistet. Ad majorem quoque provisionis hujusmodi firmitatem eidem specialiter adjicimus, quod quilibet Rex Siciliæ, quando juramentum fidelitatis, & homagii præstabit summo Pontifici, solemniter eidem, & Ecclesiæ Romanæ pro se, ac suis hæredibus in Regno sibi successuris eodem, promittere teneantur, qui provisionem præsentem in omnibus, & per omnia, quantum in eis erit, observabunt inviolabiliter, & facient ab aliis observari, nec contra eam, vel aliquam partem ipsius per se, vel per alium quoquomodo aliquid attentabunt, & super hoc tam ipse, quam quilibet eorundem successorum dent ipsi Pontifici, & Ecclesiæ suas patentes literas sui pendentis sigilli munimine roboratas, licet autem præmissæ provisionis verba gravamina certa respiciant, de quibus ad nos querela pervenit, Reges tamen, qui continuanda temporum, & successionum perpetuitate regnabunt in Regno prædicto, non propterea existiment gravandi alios subditos arbitrium sibi fore concessum; sed sciunt potius se debere ipsos in bono statu tenere ab omnibus illicitis exactionibus, & indebitis eorum oneribus per se, ac alios abstinendo. Sanè si quod in eadem provisione, vel aliquo ejus articulo dubium non tam sollicitatur, quam rationabilem dubitationem continens oriri contingat, interpretationem dubii hujusmodi nobis, quanquam etiam de jure competat, reservamus expressè. Decernimus ergo, ut nulli omnino hominum liceat hanc paginam nostram provisionis, constitutionis, inhibitionis, præcepti, declarationis, abolitionis, & abrogationis infringere, vel ei ausu temerario contraire, si quis autem hoc attentare præsumpserit, indignationem omnipotentis Dei, & Beatorum Petri, & Pauli Apostolorum ejus se invenerit incursum.



*Ego Honorius Cath.
Eccles. Episcopus*



- ✠ Ego Ordonius Tusculanus Episcopus Subscripsi.
- ✠ Ego Fr. Benevenga Albanensis Episcopus Subscripsi.
- ✠ Ego Fr. Latinus Ostiensis, & Velletrensis Episcopus Subscripsi.
- ✠ Ego Fr. Hieronymus Prenestrinensis Episcopus Subscripsi.

✠ Ego

- ✠ Ego Bernardus Portuensis, & S. Ruffinæ Episcopus Subscripsi.
- ✠ Ego Ancherus tit. S. Praxedis Præbyter Cardinalis Subscripsi.
- ✠ Ego Hugo tit. S. Laurentii in Lucina Præbyter Cardinalis Subscripsi.
- ✠ Ego Gervasius tit. S. Martini Præbyter Cardinalis Subscripsi.
- ✠ Ego Gaufridus tit. S. Sufannæ Præbyter Cardinalis Subscripsi.
- ✠ Ego Gomes tit. SS. Marcellini, & Petri Præbyter Cardinalis Subscripsi.
- ✠ Ego Gottifredus S. Gregorii ad Velum aureum Diaconus Cardinalis Subscripsi.
- ✠ Ego Jordanus S. Eustachii Diaconus Cardinalis Subscripsi.
- ✠ Ego Jacobus S. Mariæ in Via lata Diaconus Cardinalis Subscripsi.
- ✠ Ego Benedictus S. Nicolai in Carcere Tulliano Diaconus Cardinalis Subscripsi.

Datum Tibure per Manum Magistri Petri de Mediolano S. R. E. Vicecancellarii, quintodecimo Kalendas Octobris, Indictione 14. Incarnationis Dominicæ Anno millesimo ducentesimo octuagesimo quinto, Pontificatus vero D. Honorii Papæ IV. Anno 1.

Præsens copia Capitulorum Papæ Honorii sumpta est à transumpto existente in Archivio Monasterii Sanctissimæ Trinitatis Cavæ, me procurante, cum ad Monasterium prædictum ad hoc accessissem ordine Regentis Annibalis Moles, & Consilarii Horatii Marchesii. Et in eodem Archivio similiter adest transumptum Confirmationis factæ ab eodem Pontifice eodem die Capitulorum editorum per Carolum II. tunc Vicarium Caroli I. in hoc Regno, quorum copia similiter habeo ad pennam; sed hæc Capitula Caroli II. cum Confirmatione Pontificis sunt impressa cum Pragmaticis in tit. *De Clericis Pragm.* 2. sine die; & eadem originalia Capitula Caroli II. pariter impressa sunt cum aliis Capitulis Regni in tit. *De Privileg. & Immunit. Eccl.*

Marcellus Marcianus.

'TIS a great question among our Writers, whether this Bull was ever receiv'd in the Kingdom, and had any Force, or Authority of Law. Some indeed have been induced to believe that it had, because our Professors, such as *Andrea d' Isernia*, *Angelo*, *Baldo*, *Luca di Penna*, *Paris de Puteo*, *Aretino*, *Soccino*, *Afflitto*, *Capece*, *Loffredo*, *Camerario*, and many others, frequently quote the Statutes therein contained in their Works. But none strains more to curry Favour with the Popes than *Rainaldo*¹, by asserting in his Ecclesiastical Annals, that it had full Force and Authority, and was observed in the Kingdom. And 'tis certain, that during the Imprisonment of Prince *Charles*, both the Cardinal of *Parma*, and the Count of *Artois*, caused it to be observed in the Kingdom; for we read, that Pope *Honorius* sent it to the Cardinal with a particular Brief, and charged him to see it put in execution; and in the same Author we read two Letters written by the Count of *Artois*, one of which is dated in *Foggia*, and directed to the Justice of *Basilicata*; and the other dispatched from *Barletta* on the twenty second of *October* 1288, and directed to the Prefects of *Puglia*, by which he orders them to see the Pope's Statutes *super statu, & regimine regni*, duly executed; so that afterwards, in order to avoid the Displeasure of the Popes, in such Letters as were sent to the Officers, it was introduced as a Set-Form, to add, That they were to observe, and cause to be observed the Constitutions and Statutes of the Kingdom, and likewise those established by the Apostolick See.

BUT after Prince *Charles* was set at liberty, and crowned King by *Nicholas IV.* who succeeded *Honorius*, upon his Return to *Naples* in the Year 1289, finding how prejudicial *Honorius's* Bull was to his Rights and Royal Prerogatives, tho' he was unwilling to disoblige the Pope, who was so much his Benefactor, by expressly repealing the Bull, yet he would not allow it to be of any Force in the Kingdom. And *Pietro Piccolo*² of *Monteforte*, an ancient and famous Doctor of his Age, writes, That *Charles II.* out of the respect he was obliged at that time to pay to that Pope, begg'd of him, that he would be pleased to suspend it, and that Pope *Nicholas* did actually suspend it. And tho' *Rainaldo* restrains the Suspension to the Penalties therein threaten'd only, as not including the rest; yet, by what followed, we see that it was not put in execution at all; for not only with regard to the Penalties, but in many other Points, it was neither observed nor received. In fine, *Charles II.* after he returned to *Naples*, resolving to reform the State of the Kingdom, made many new Laws, and confirmed those Statutes only which he had established in the Plain of *S. Martin*³: But as for those of Pope *Honorius*, as being most prejudicial to the supreme regalia of the Crown, he did not so much as mention them; on the contrary, in his Reign, they by no means answer'd the Ends for which that Pope had established them. For notwithstanding the Prohibition to alienate the King's Demesnes, he still disposed of them as he thought fit; and even *Andrea d' Isernia* could not but confess, that it was not in Pope *Honorius's* Power to restrict our Kings in that Matter. This very *Andrea*, who was the Compiler of the Usages of the Royal Chamber of Accounts, witnesseth, that tho' *Honorius* in his Bull⁴ had ordained, that every Man might freely make use of his own Salt-Pits, and sell the Salt thereof to others; yet the Statute of *Frederick II.* relating thereto was observed, and not that of *Honorius*. Moreover, as to the levying of Subsidies in those four Cases allow'd by *Honorius*, nothing was observed; and all our Authors declare, that as well before, as after the Reign of King *Alphonfus I.* it was always in the Power of our Kings to impose them in all Cases, when they found the Necessity of the State required it.

NEITHER was the feudal Succession altered, but the Statutes of the Kingdom concerning the same, and the Privileges granted afterwards to the Barons by our Princes were observed; and those of *Honorius* were not received, except in some Cases, where Equity and Justice took place, and where they were thought to be reasonable. Whence the same *Andrea d' Isernia* says: *Quod illa non servantur, nisi quatenus sunt rationabilia*; so that he calls these Statutes *Hortatoria*, because with us they had not the Authority of Laws; but some of them were observed rather by the Strength of Equity and Reason, than of Law.

¹ Rainald. ad ann. 1285; à num. 53 ad num. 62.

§. 3. num. 10.

² Pet. de Montefort. in addit. ad Conflit. Reg. lib.

³ Cap. Confirmatio Cap. edit. in plan. S. Martini.

3. tit. 25. Conflit. post mortem. V. Murcian. loc. cit. num. 17 & 18. V. Andreys disp. feud. cap. 1.

⁴ Cap. omnes Ecclesiasticæ

SEBASTIANO NAPODANO believed, that these Statutes lost all their Force in the time of King *Robert*, of which opinion *Rainaldo* seems to be, when he says, That the Non-observance of these Statutes afterwards brought those Miseries and Calamities, which *Summonte* ¹ laments; but from what we have before observed, 'tis plain, that long before King *Robert*'s time, in the Reign of *Charles II.* they were not observed.

WHENCE also it came, that the Compilers of the Statutes of the Kingdom excluded them from that Collection, and inserted those only made by Prince *Charles* in the Plain of *S. Martin*, together with the other Statutes of all the Kings of the Family of *Anjou*. And when *James* King of *Sicily* established his Statutes in that Kingdom; being willing that the *Sicilians* should partake of what had been granted to the Inhabitants of our Kingdom, he made use of some of these Statutes of *Honorius*; and that they might have the Force of Law in that Island, he caused them to be inserted amongst his own Statutes, such as *Cap. si aliquem, cap. 2. de collectis, De frequenti mutatione monetarum, cap. 10. De matrim. liberè contr. cap. 32.* and the like: whence *Cunia*, who made Comments on these Statutes, speaking of *cap. si aliquem*, said, that it was not observed in the Kingdom of *Naples*, but was by that King's Order in *Sicily*. And whence Deputy *Tappia*, in his Collection of the Laws of our Kingdom, very prudently excluded these Statutes, as having no Force of Law in it.

FOR the same Reason we likewise see, that in the time of the Kings of the House of *Aragon*, when the supreme Tribunal of the High Court was erected, and that they were quoted by the Advocates, Deputy *Moles* testifies, that no Cause was ever decided by vertue of these Statutes; wherefore we cannot but wonder that Deputy *Ponte*, who is unjustly reputed one of the most strenuous Asserters of the royal Jurisdiction, in his Treatise, *De potestate Proregis* ², did not blush to say, that it was rather by *Disuse*, than the Want of the Authority of Laws, that these Statutes were not observed: and besides he adds, that Pope *Honorius*, as absolute Lord of the Kingdom, with the Consent of *Charles II.* who was Lord Possessor of it, had power of establishing Laws in it.

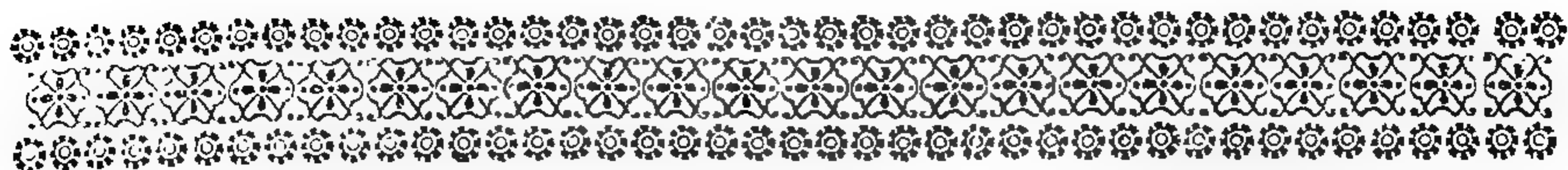
AT last *Rainaldo* ³ ends his Discourse with an Advice to Princes, wherein he insinuates, that whenever the Popes set about to reform their States, they ought to subject themselves to their Laws, and gives them as a Precaution this Instance, that as the Non-observance of these Statutes, in his Opinion, had brought so many Calamities and Miseries upon our Kingdom, so they ought to be obsequious and submissive to the Laws of the Popes, if they did not desire to see their Governments unhinged, and their Kingdoms desolate and involved in Ruin. Nevertheless, we shall likewise conclude this Discourse with an Advice of the same Nature to Princes, to beware of entrusting the Care and Government of their States to any others, than their faithful Ministers; for if, either out of Respect, or Necessity, they allow the Popes to intermeddle ever so little, yet by their exquisite Cunning, what was at first only Advice and Friendship they convert into Authority and Dominion; and manage Matters so, that in place of Fathers they become Lords; and Princes, instead of Sons, become Servants: and therefore they ought to take example from what happened to our Kingdom in the time of the *Normans*, and much more in the Reign of the Family of *Anjou*, when the Popes pretended to exercise much greater and more absolute Sway than our Princes themselves ever dar'd to take upon them; and not only over the Barons, and other Subjects, but they had even the Confidence to extend it with a high and imperious Hand over the very Kings themselves.

¹ Summont Hist. tom. 2. lib. 3.

² De Ponte de potest. Proreg. tit. de offens. re-

galibus super dotib. à num. 6. cum seqq.

³ Rainald. anno 1265. num. 61



C H A P. II.

Treaties made in England, and Oleron in Bearn, for setting Prince Charles at Liberty; his Coronation, and a Truce made with James King of Sicily.



WHILE a hot War was carried on in *Sicily* and *Calabria*, between the Count of *Artois*, and King *James*, who had been crown'd King in *Palermo*; the Prince of *Salerno* considering that the War might be spun out, and being impatient of returning to his paternal Kingdom, desired the Princess his Wife to dispatch Ambassadors to Pope *Honorius*, and *Edward* King of *England*, to beg of them that they would be pleased to treat with King *Alphonfus* about his Liberty. *Edward* very affectionately and readily began to treat of it; first by the Means of Ambassadors, and afterwards in Person, having gone to *Oleron* in *Bearn* to meet with *Alphonfus*, whither the Pope likewise sent an Apostolick Legate. In the *Acta publica* of *England*, in our time, printed by order of Queen *Anne*, we read many Transactions and Letters relating to *Edward's* Negotiations for this Prince's Liberty; the chief of which are those Articles agreed upon at *Oleron* between *Edward* and the King of *Aragon*. The Articles and Conditions, stipulated after long Debates, were these:

THAT before the Prince should go out of the Borders of *Aragon*, three of his Sons were to be delivered up as Hostages, viz. *Lewis* the second Son, who was afterwards Bishop of *Thoulouse*, and since canoniz'd; *Robert* Duke of *Calabria* the third, who was afterwards King; and *John* the eighth Son, who was afterwards Prince of the *Morea*, with sixty *Provensale* Knights at the choice of the King of *Aragon*.

THAT he should pay thirty thousand Marks of Silver.

THAT he should get the King of *France* to make a Truce for three Years; and that *Charles* of *Valois* that King's Brother, who had been invested by Pope *Martin* IV. with the Kingdoms of *Aragon* and *Valentia*, should yield to King *Alphonfus* all his Rights, and restore all those Places, which *Philip* his Father had taken in the Counties of *Roussignon* and *Ceritania*, and were still in his Possession.

THAT in case the Prince should fail in performing all the above Articles, he should be obliged within the Space of a Year to return to Prison.

THAT he should quit the Kingdom of *Sicily* to King *James*, and give him his Daughter *Blanch* for a Wife.

Giovanni Villani, and many other *Italian* Authors make not the least mention of these Articles of Peace agreed upon in *Oleron*; but besides *Costanzo*, the *Acta publica* of *England* clear this Passage of History.

WHILE these Things were transacting at *Oleron*, in the Month of *April* 1287 Pope *Honorius* died, and a Year after a *Dominican* Friar was elected in his Place, who took the Name of *Nicholas* IV. Although this Pope was a Native of *Ascoli* in *Marca*, yet no *French* Pope exceeded him in Love and Affection for Prince *Charles* and his Family; for understanding that the Articles agreed upon were to advantageous to King *Alphonfus* and King *James*, and that *Alphonfus* had a mind to sell the Prince's Liberty too dear, he disapproved of the whole Treaty, and published a Bull which we read in the said *Acta publica* of *England*^a, wherein he con-

^a Rymer's Fœdera, pag. 342.

^b Ibid. fol. 358.

demns these Articles; and he sent the Archbishops of *Ravenna* and *Monreale* with a Brief to *Aragon*, by vertue of which, as Apostolick Legates, they required King *Alphonfus*, under the Pain of Censure, to set the Prince at Liberty, and to forbear giving Assistance to King *James* the Usurper of *Sicily*, and a Rebel to the Holy Church¹.

THE King of *England*, who had a great Affection for the Prince his Cousin, and longed extremely to have him set at Liberty, seeing that the Pope did not approve of what had been done, interested himself very much, and went again to meet the King of *Aragon*, with whom he took great Pains to obtain more reasonable Conditions. *Alphonfus*, unwilling to reject the Intercession of the King of *England*, who had come into his Dominions to have an Interview with him; and in order to comply in some measure with the Pope, confirmed the first Articles, and excluded the last, making no mention of King *James*, nor the Kingdom of *Sicily*.

THEREFORE he was content to accept of the abovesaid Hostages, the thirty thousand Marks of Silver, and the Promise that the Prince should procure a Peace with the King of *France*, and the Cession of *Charles* of *Valois*; and in case the Treaty was not put in execution, the Prince was to return to his Prison. The King of *England* became Guarantee for the Performance; and upon these Conditions the Prince obtained his Freedom.

CHARLES being thus set at Liberty, both out of the Love he bore his Sons, who had been left Hostages, and as he was naturally a most faithful Prince, immediately went to the King of *France's* Court; where, though he was received with all the Tokens of Affection and Esteem, yet afterwards when he came to treat about performing the Conditions of the Peace, he found vast Difficulties; for the King referred every thing to his Brother's Approbation, who having no Dominions, was not willing to divest himself of the Expectation of two Kingdoms, and of the Possession of those Places, that his Father had conquered in the War of *Perpignan*; so that finding all his Labour lost he set out for *Provence*, where he had great Respect paid him; and then went to *Italy*, where he was kindly received by the *Guelf* Cities, and especially by the *Florentines*, and at last he came to *Rieti*², where he found Pope *Nicholas*, who, with the Approbation of the whole College, on the twenty ninth of *May* 1289 in the great Church of that City, crown'd and anointed him King of both *Sicilies*; in Memory of which Solemnity, on the twenty second of *June* the same Year, King *Charles* gave to the said Church, out of the Royal Revenues of the City of *Salmona*, twenty Ounces of Gold yearly for ever³.

THEN he set out for *Naples*, and in all Places of the Kingdom as he pass'd, was received with incredible Joy and Acclamations, on account of his Clemency and Generosity when he was Lieutenant of the Kingdom. And after he had been some time in that City, he began that Year by new Laws to reform the State of the Kingdom, which during his Imprisonment, by a Mixture of new Government had undergone several Alterations; then it was that he made those Statutes, of which we have treated in the preceding Book.

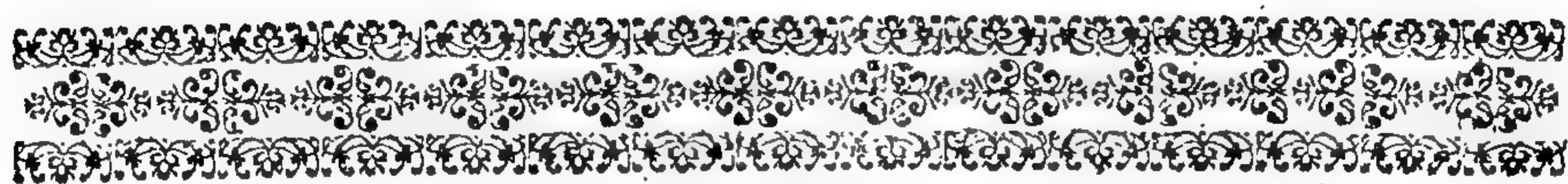
KING *James* seeing his Brother the King of *Aragon* involved in so many Wars, had sent to desire him to mind his own Interest, by concluding a Peace the best Way he could, without mentioning *Sicily*, which he hoped to be able to maintain with his own Forces; but when he saw afterwards that the new Pope was so much attach'd to King *Charles's* Interest, and that the Investiture given him comprehended both the *Sicilies*, he repented that he had not been included in the Peace; whereupon he resolv'd, in order to prevent a War in *Sicily*, to begin it in *Calabria*, where both Parties fought with equal Bravery and Courage; but King *James* finding that this Expedition was not attended with great Success, he set sail with his Fleet towards the Coast of *Gaeta*, and besieged that City, which being quickly relieved by King *Charles*, he was more closely besieged than *Gaeta*; but as Fortune would have it, Ambassadors from the Kings of *England* and *Aragon* arrived at that very time in *Charles's* Camp to treat about a Peace; and though *Charles's* Council strenuously oppos'd it, yet such was the Diligence of the Ambassador of *Aragon*, and so strong were the Arguments of the *English* Ambassador, that King *Charles*, contrary to the Opinion of all his Friends, agreed to a Truce for two Years, notwithstanding

¹ Costanzo lib. 3.

² Clodoveo. tom. 1. MS. Giurisd.

³ Idem lib. 3. says in *Peruggia*, and *Sammonte* in *Rome*.

ing that the Count of *Artois* had told him plainly, that that Truce would for ever put it out of his Power to recover the Kingdom of *Sicily*. King *Charles* alledged to him and his other Counsellors for Excuse, that he could not do otherwise, considering the Obligations he lay under to the King of *England*, who in so friendly a manner had procured him his Liberty, and had been at the Trouble to go to *Spain* on purpose; and besides, that he could not pretend to perform his Promise, in getting the King of *France* to make Peace with the King of *Aragon*, and *Charles* of *Valois* to give up his Claim to the Kingdoms of *Aragon* and *Valentia*, of which he had got Investiture from the Pope. The Truce being thus concluded, the Count of *Artois*, and the other *French* Lords, who had been five Years taking care of the Kingdom, and King *Charles's* Children, went away in Disgust, judging it impracticable to perform any glorious Action. On the other hand King *James*, glad that the Danger was over, set sail for *Sicily*. And *Charles*, after having for the Space of ten Years exempted the *Gaetans* from all Taxes, on account of their gallant Behaviour during the Siege of their City, returned to *Naples*.



C H A P. III.

Charles Martel crown'd King of Hungary. Peace concluded between King Charles and the King of Aragon; and Frederick crown'd King of Sicily.



CHARLES, upon his return to *Naples*, found there Ambassadors from the Kingdom of *Hungary*, who had come to desire him to send and take Possession of that Kingdom, which by lawful Succession belonged to Queen *Mary* his Wife, King *Ladislaus* her Brother dying without Issue. King *Charles* received the Ambassadors with all Marks of Honour, and answered them, That he would immediately send thither his eldest Son *Charles Martel*, to whom his Mother Queen *Mary* would yield her Rights to that Kingdom; with which they being very well satisfied, *Charles* sent to beg of the Pope, that he would be pleased to send a Prelate to *Naples* as his Legate to crown his Son. *Charles* did this for no other End, but only that by such a Solemnity he might have occasion to cheer up *Naples*, and the Kingdom with a sumptuous Feast, after so much Toil; not that he believed the Coronation to be necessary for maintaining the Rights he had, or acquiring new ones; for he knew very well, that according to the Custom of that Kingdom he must be crown'd again in *Vicegrad* with the ancient Crown of that Kingdom, which is kept there, in order to his being acknowledged as lawful King of that People[†]. Pope *Nicholas* following the Example of his Predecessors, who never minded whether they had a Right to do a thing or not, if they were desired, they always undertook it, out of an Opinion which still prevails, that they had Power to do every thing, immediately sent a Legate to *Naples*, who, in the Presence of many Archbishops and Bishops, crown'd him King of *Hungary*. This Coronation was celebrated in *Naples* on the eighth of *September* 1292, whereat were likewise present the Ambassadors of *France*, and of all the Princes of *Italy*, amongst whom the *Florentines* made the greatest Figure. The Feasts, Tournaments, and other Shews were most magnificent, but what made the brightest Appearance of all was the King's Beneficence and Generosity; he first

[†] Costanzo lib. 3.

knighted his Son *Charles Martel* before he was crown'd, and then gave the military Girdle to above three hundred *Neapolitans* and other Gentlemen of the Provinces of the Kingdom. He exempted the City of *Naples* from all Taxes, and likewise remitted a part of them to all those Places that had suffered any Damage by the *Sicilian* Army. Then he began to appoint a Household for the King his Son, by placing wise Counsellors, and trusty Servants about his Person, with a great Number of other Domesticks and noble Pages.

BUT while they were thus feasting in *Naples*, some Barons of the Kingdom of *Hungary* had proclaimed for their King one *Andrew*, a remote Relation of the late King's, and had got a great part of that Kingdom to submit to him. For which Reason King *Charles* put off the sending his Son to *Hungary*, and kept him in *Naples* for some Years after, and made him his Lieutenant when he returned again to *France*; and in the mean time, in order to support his Right, and enable him to drive the Usurper out of that Kingdom, he sent *Giacomo Galeota* Archbishop of *Bari* his Ambassador to the Emperor *Rodolphus* I. of the House of *Austria*, to treat about a Marriage between one of his Daughters and *Charles Martel* King of *Hungary*; which being happily concluded, the new King with a great Number of Barons and Knights set out for *Germany* to celebrate the Marriage, and then went to *Hungary*; and though he carried a good Army with him, yet he got not Possession of the whole Kingdom, because while his Rival *Andrew* lived, he still kept Possession of a part of it; he was received by his own Party with Royal Pomp, and great Demonstrations of Joy; and those *Neapolitans* who had accompanied him, magnified to *Charles* the Opulency of that Kingdom.

BUT *Charles's* Felicity in seeing his Son possessed of so great a Kingdom, was disturbed by continual Messages sent by *Edward* King of *England*, soliciting him to fulfill the Conditions of the Peace made with the King of *Aragon*, who at the same time was making his Complaints to *Edward*, that having set the Prince of *Salerno* at Liberty upon his promising to get the King of *France* to desist from undertaking any thing against his Kingdoms, yet he was now more hard put to it than ever by that King. And in the *Acta publica* of *England* lately printed¹, we read two Letters written by King *Alphonfus* to King *Edward*, wherein he complains of King *Charles's* Prevarications upon that Head.

CHARLES, as a very just King, and a Man of great Probity, seeing himself thus pressed, not only by the King of *England*, but by *Alphonfus* himself, resolved to go to *France* in Person, and there to use his utmost Endeavours to get the King and his Brother to lay aside their Designs upon *Aragon*, as he had promised in the Articles of Peace, with a firm Resolution to return to his Prison, in case he did not succeed. And, as we have said, having left his Son *Charles Martel* Lieutenant of the Kingdom, he set out, and among others took with him the famous *Bartolommeo di Capua* Great Protonotary of the Kingdom; and upon his Arrival found, that the Kings of *France* and *Majorca* were making great Preparations to invade the Kingdom of *Aragon*, the one by the way of *Navarre*, and the other by *Rouffillon*; and having waited many Days to no purpose, he had in a manner given over all Hopes, not only of persuading them to lay aside the Expedition, but even of delaying it, because those Kings having already been at great Charges, were unwilling to be disappointed. And in the said *Acta publica* of *England* we find a Certificate of King *Charles's* being arrived at a certain Place, in order to surrender himself Prisoner².

WHILE *Charles* was in this Perplexity of Mind, Cardinal *Colonna* and the Cardinal of *S. Sabina* Apostolical Legates very opportunely came to *France*, who, with the Authority of the Pope's Name, which was then much respected by the King, and the *French* Nation, obliged the King of *France* to wait the Result of the Peace, which they were about to treat on. And having retired to *Montpellier*, they conven'd the Ambassadors of *England* and *Aragon*, those of King *Charles*, the King of *Majorca*, *James* King of *Sicily*, and likewise those of the King of *France*, and began to treat about a Peace. But the more warmly it was discuss'd, the more difficult it seem'd to bring it to a Conclusion; for on the one hand the *Sicilian* Ambassadors declared that their Master was resolved not to part with *Sicily*; on the other hand the *French* Ambassadors said, that their King would not lose the Charges he had been at, nor would *Charles* of *Valois* give up his Claim, since King *James*

¹ Rymer's *Fœdera*, pag. 450, & 456.

² Idem. tom. 1. pag. 435.

was determined to keep Possession of that Island acquired so unjustly, and with the Slaughter of so many *Frenchmen*. The Pope likewise had ordered his Legates by no means to conclude a Peace, if the Kingdom of *Sicily* was not restored to King *Charles*, alledging, That if the violent Possessors of the Lands of that Island should go unpunished, it would be of great Prejudice to the Apostolical See. Matters being thus embroiled, *Bartolommeo di Capua*, who was one of King *Charles's* Ambassadors, an able Doctor, and a Man of great Judgment and Skill in managing Affairs, demonstrated to the Cardinal Legates, that there was only one way left for concluding a Peace, which was to exclude King *James* from it, and to persuade *Charles* of *Valois*, in lieu of the Hopes he had of conquering the Kingdoms of *Aragon* and *Valentia*, to marry *Clementia* King *Charles's* Daughter, with whom he should have the Dukedom of *Anjou* as her Portion. The Cardinals began to treat about the Matter with the Ambassadors of *Aragon*, whom they found very much inclined to exclude King *James*, because it was necessary for the King of *Aragon* to have the Peace concluded, who by no means was able to resist so many powerful Enemies; for besides the War which the Kings of *France* and *Majorca* threatened, he was attacked on the other side by *Sancho* King of *Castile*; and which was worse, his own Subjects were risen up in Arms, as they said, because they were interdicted from the Holy Offices, but much more on account of the Charges they were at in maintaining the War; and they insisted, that provided the War with *France* was at end, and the Pope pacified, King *Charles's* Sons ought not to be detained to please King *James*, but ought to be immediately set at Liberty, in order to pave the Way for Peace. There was nothing else remaining to be done, but to satisfy *Charles* of *Valois*; so that the Legates, and all the Ambassadors left *Montpellier*, and went to wait upon the King of *France*, and after much Debate the Peace was concluded on these Conditions:

THAT *Charles* of *Valois* should marry the eldest Daughter of King *Charles*, and have the Dukedom of *Anjou* for her Portion, and that he should renounce the Investiture of the Kingdoms of *Aragon* and *Valentia*.

THAT the King of *Aragon* should set at Liberty King *Charles's* three Sons, with the other Hostages, and pay to the Church of *Rome* the Tribute for the Kingdom of *Aragon*, which had been discontinued many Years.

THAT he not only should not assist King *James*, but should order all his Subjects, that were either in *Calabria* or in *Sicily* in the Service of that King, to quit it, and depart.

THAT on the other hand the Pope should receive the King of *Aragon* into the Bosom of holy Church as a dutiful Son, and take off the Interdiction from his Subjects.

THE Peace being thus concluded, the Articles thereof were immediately put in execution; for King *Charles* had no sooner got back his Sons, and the other Hostages, than he returned by Sea to *Italy*, and was honourably received in *Genoa*, where he made an Alliance with that Republick, which promised to assist him with sixty Gallies for the recovering of *Sicily*; and *Charles* of *Valois* sent to *Naples* for *Clementia*, who was conducted to *France* and married.

BUT *Alphonfus* dying soon after without leaving Children, the so much desired Peace was again interrupted; for *James* King of *Sicily* as lawful Heir being called to the Throne of those Kingdoms, without any Delay, took shipping for *Spain*, left his Brother *Don Frederick* Lieutenant of the Island, and took Possession of his Kingdoms. The Pope, the Kings of *France* and *England* at the earnest Desire of King *Charles* sent Ambassadors to represent to King *James*, that since he had succeeded to his Brother's Kingdoms, he ought to fulfill the Conditions of Peace lately concluded, and restore the Kingdom of *Sicily*, or not to assist the *Sicilians*; but to order all his Subjects serving in that Island to return to *Spain*, because otherwise the Peace would be looked upon as violated, and the Renunciation of *Charles* of *Valois* as void; and the Pope would again interdict his Kingdoms. King *James* answered, That he had succeeded to those Kingdoms, as the Son of King *Peter*, and not as the Brother of *Alphonfus*; and that therefore he was not bound to fulfill those Conditions, to which his Brother had consented, to the great Prejudice of the Crown of *Aragon*. Thus all Parties concluded the Peace to be broken, and a new and obstinate War was again begun in *Calabria* between King *Charles* and King *James*.

NEVERTHELESS the King of *France* and the Pope importun'd King *James* to part with the Kingdom of *Sicily*; and his Subjects of *Aragon* and *Valentia* begged of him to do it; but the Death of Pope *Nicholas*, which happened this Year 1292, was the Reason why he did it not, but waited to see what Time might bring about. And the Cardinals having disagreed among themselves, they left the See vacant for the Space of two Years and some Months; the King of *France* did not move, but lived in Peace almost two Years. But in the beginning of the Year 1294 the Cardinals came to a Resolution to elect a poor Hermit, named *Fr. Pietro di Morrone*, who lived in a little Hermitage two Miles from *Salmona*, upon the Skirts of the Mountain of *Majella*; and indeed it was thought, that both on account of the Sanctity of his Life, and his want of Experience, he would not accept of the Papacy. King *Charles* hearing of the Election, went immediately to wait upon him, and persuade him to accept of it; and he prevailed so far with him, as to induce him to send for the College of Cardinals to come to *Aquila*; and it was an easy Matter to persuade him, not that he was covetous of reigning, but merely because of his Humility, and great Simplicity. The Cardinals came to *Aquila*, just as the King, with *Charles Martel* his Son and the new Pope, had arrived; and on the ninth of *August*, with great Solemnity, and in presence of a prodigious Number of Spectators, being crown'd, he took the Name of *Celestine V.* King *Charles* thank'd and commended all those who had made so good a Choice, and very generously and magnificently furnished them with all manner of Provisions, and bore all their other Expences. All the World was astonish'd at the Novelty of the thing, seeing a Person, from so mean and abject a Condition, rais'd to the Pinnacle of human Dignity.

THIS Pope discovered himself to be more charmed with a contemplative Life, than his new Dignity; for he very soon began to declare his Desire of returning to his Hermitage; at which King *Charles* was exceedingly troubled, because he thought himself very happy in having one of his Subjects elected, and who was a Man of holy Life, from whom he expected to obtain whatever he desired; and finding that the Cardinals were willing that *Celestine* should return to his Hermitage, he persuaded him to come to *Naples*, in order to cajole and sooth him. *Celestine* came to *Naples*, but the Charms of that City, and the Caresses and Persuasions of King *Charles*, were not powerful enough to make him change his Resolution; so that in a few Days in the middle of *December* in the great Hall of *Castel Nuovo* he resign'd the Papacy into the Hands of the Cardinals, and returned to his Hermitage. We read in the Royal Archives ¹ a Charter of Donation made by King *Charles* to a Brother and two Nephews of *Celestine's* of twenty Ounces of Gold yearly for ever, payable out of the Bailiwick of *Foggia*, which was afterwards made payable out of that of *Salmona*.

AT this time Cardinal *Benedetto Gaetano* was a Man pretty much esteemed, both for the Nobility of his Family and Learning, as also for his Skill in managing secular Affairs; who seeing that King *Charles* by his Magnificence and Generosity had gained the Hearts of all the Cardinals, went to wait upon him to beg his Assistance for his Promotion to the Papacy, and in a manner demonstrated to him with strong Arguments, that there was not a Cardinal of the whole College that would be so ready to assist him, both in the recovering of the Kingdom of *Sicily*, and in every thing else; and the King being persuaded that it was true; for besides his other Qualities he was a mortal Enemy of the *Ghibellines*, he promised to do it; as indeed he did, for he went to all the Cardinals one by one, and got their Consent; so that on the Eve of *Christmas* he was unanimously elected, and called *Boniface VIII.*

BONIFACE, who was of a quite different Temper from that of his Predecessor, trusting to the Relation he had to many *Roman* Princes, went immediately to *Rome* in order to be crown'd, very well satisfied with *Charles*; for besides his having made him Pope, he spar'd no Charges to do him Honour; and therefore as soon as the Coronation was over, he began to shew his Gratitude for so many Obligations, by sending an Apostolick Legate to King *James*, to order him immediately to give up the Kingdom of *Sicily*; and also to threaten, that by a Sentence he should be deposed from the Kingdoms of *Aragon* and *Valentia*, in case he continued under the Interdiction, and refused to obey.

¹ Registr. anno 1298, 1299. B. fol. 161. recorded by Ciarlant. fol. 368.

ON the other hand King *Charles* sent *Bartolommeo di Capua* to *France*, to sollicite *Charles of Valois* to begin the War by virtue of his Investiture of the Kingdoms of *Aragon* and *Valentia*, because the Cession which he had made upon the Peace with *Alphonfus*, in favour of *James*, ought not to be valid, because *James* did not comply with the other Conditions. *Bartolommeo*, upon his Arrival in *France*, found not so great Difficulty to persuade *Charles* to begin the War, as to persuade the King his Brother to be at the Expences of it; nevertheless, the Apostolical Legate coming from *Valentia* to *France*, and declaring, That though King *James* had given fair Promises that he would obey the Pope's Order, yet he seemed to demurr, because he found his Subjects uneasy under the papal Interdiction, encouraged the King to comply with *Bartolommeo's* Request, proclaim War against King *James*, and put his Army in readiness to attack him.

THEN King *James* began to be of another Mind, and to know, that he was not in a Condition to carry on so many Wars at once; and in order to gain the Affection of the Barons of his Kingdoms, he called a general Parliament, in which he declared, That it was against his Inclination, that either himself or they should be under Interdiction, and that he desired to obey the Pope; but that on the other hand the strict Union between him and King *Charles* was to be feared; and that therefore he was of Opinion, that four Ambassadors ought to be sent to beg of his Holiness in the Name of himself and of his Kingdoms, that he would be pleased to set a Treaty on Foot, which, upon just and honourable Terms, he would accept of; and in the same Parliament Ambassadors were nominated, with full Power to assist at the Treaty of Peace. As soon as these Ambassadors had arrived in *Rome*, and declared to the Consistory the good Intentions of King *James*, the Pope answered them very graciously, and promised, that he would divest himself of all Passion, and would enter upon a Treaty that should be equally honourable for both Parties.

KING *Charles*, whom the Pope had advised of this Treaty by a Brief, ordered *Bartolommeo di Capua*, who was returning from *France*, to stop in *Rome*, and to assist as Ambassador at the Treaty of Peace, which was managed by the Pope with so great Dexterity, that the most ticklish Article, *viz.* the Restitution of the Kingdom of *Sicily*, was easily agreed to by the Ambassadors of *Aragon*; and it is thought the Reason was, because King *James* was not in a Condition to enter upon a War with *France*, for his People being all bent upon Peace, would not contribute towards the Expences of it; so that on the fifth of *June* 1295 the Peace was concluded on these Conditions. That King *James* should deliver up the Island of *Sicily* to King *Charles*, as entire as *Charles I.* had possessed it before the Revolution. That he should restore all the Places, Forts and Castles possessed by his Officers in *Calabria*, *Basilicata* and *Principato*; and on the other hand King *Charles* should give him to Wife his second Daughter *Blanch* with a hundred thousand Marks of Silver in Portion; and that those who had served either of the Parties should have a full Indemnity both as to their Goods and Persons; and that the Pope should absolve and receive into Favour both King *James*, and all his Subjects and Adherents, by removing the Ecclesiastical Interdiction, and absolving them from his Censures. The King of *France's* Ambassadors entered into the Peace for their King, whereby he was obliged to get the King of *Castile* likewise to come into it.

THIS Peace was a great Surprize to all the World, because it seemed impossible that King *James*, who for so many Years had maintained the Kingdom of *Sicily* with its own Forces only, now that he was possessed of two other Kingdoms, and many other Dominions in *Spain*, would be so mean as to make such a Peace; but Men of Judgment thought, that he had acted very prudently, because the Accession of these Kingdoms had made it impossible for him to defend them all, and they had proved more chargeable than profitable, having been obliged to fight in *Spain* with the Kings of *Castile* and *France*, and in *Sicily* with King *Charles*; so that he would have been obliged to maintain three Armies, and be in three Places at the same time, which was equally impossible, besides the Pope's Enmity, who made War no less upon him than the rest: It is further said, that he was induced to it by the Pope's promising to invest him with the Kingdom of *Sardinia*, and to get King *Charles* to assist him in the Conquest of that Island, as also of the Island of *Corfica*.

UPON the News of this Peace, which was soon carried to *Sicily*, *Don Frederick*, who was his Brother's Lieutenant, and a Man of great Spirit, began to aspire at the Dominion of that Kingdom, and dissembling his Design, he first sent Am-

bassadors to the Pope to signify to him, that as for himself, he had always been ready and willing to live under the Protection and Obedience of the Church, and to beg of him to receive him as such; the Pope having heard the Message, graciously received the Ambassadors, and answered, That they might tell *Don Frederick*, that he took their Embassy very kindly, and that he was very desirous to see him, and to do him what Service lay in his Power. *D. Frederick* went immediately to *Rome*, and took with him *Roger de Loria*, and *Giovanni di Procida*. After the Pope had received him very honourably, seeing his Disposition and the Comeliness of his Person, and the Wit he discovered in his Conversation, he in a manner despaired of gaining upon him, because he seemed to be well carved out for Government, and knew how to maintain the Kingdom; yet he did not fail to lay the Peace before him, and to exhort him to conform himself to the Will of his Brother King *James*; and he entreated him, that upon his return to *Sicily*, he would make no Difficulty in giving up that Island, because in return he would take a special care of him, whom he knew to be most worthy of the greatest Empire; promising to use his utmost Endeavours, that *Philip* the Son of *Baldwin* Emperor of *Constantinople* should give him his only Daughter for Wife, with a promise of the Succession to some Provinces which he possessed in *Greece*, and of the Rights of recovering the Empire of *Constantinople*; and he likewise promised that he would get King *Charles* to assist him, and that all the Forces of the Church should be at his Service. *D. Frederick* for the present thought fit to accept of the Offers, and promised to do what in him lay for the giving up of the Island, and departed.

BUT *D. Frederick* had no sooner acquainted the *Sicilians* with the Certainty of the Peace, than all in Despair and Discontent, as expecting nothing from the Hands of the *French*, their mortal Enemies, but Ruin and Destruction, met to consult what Course they had best to take; and with that Boldness, which commonly proceeds from Despair, they determined rather to undergo the utmost Danger, than subject themselves to such dismal Circumstances; whereupon they elected four Ambassadors to go to King *James*, and request him to give up all the Castles and Forts of the Kingdom to be guarded by the Natives thereof; and that since the King was resolved to restore the Island to King *Charles*, he would be pleased to return them their Homage, by freeing them from their Oath of Fidelity and Subjection; and to tell him plainly, that upon such an Exigent they were not bound to obey him.

THESE Ambassadors arrived at the same time with King *James's* Bride; and after the King had hear'd their Message, he answered them, That for the Sake of Peace, and the Security of his paternal Kingdoms, he had been forced to restore the Island to King *Charles* his Father-in-Law, therefore he commanded them to give it up without Opposition.

THIS Answer struck the Ambassadors to the very Heart, who having replied to the King, that he had no Power to sell them, they returned him his Homage, and protested, that from that time forth their Kingdom was free, and the Inhabitants were released from their Oaths, and that they would have another King, who out of Gratitude and Affection would protect them, and with that they departed, and in all haste returned to *Sicily*.

IN the mean time *Giovanni di Procida*, and *Manfredi di Chiaramonte*, waiting their return, had retired into some strong Holds, and taking it for granted that *D. Frederick* would gladly lay hold of so fair an Opportunity, they persuaded him not to let it slip, but immediately to call a general meeting in *Palermo*. *D. Frederick* forgot all the Pope's Promises, judging, that in order to maintain *Sicily* he was only obliged to be upon his guard at Home, but to gain *Constantinople* he must go well armed, and wrestle with many Difficulties, and be at Charges in foreign Dominions; so that he ordered an Assembly to be called, and invited to it not only the Barons, but the Syndicks of all the Cities and Towns, to whom the Ambassadors reported King *James's* Answer, and caused to be read a Copy of the Articles of Peace which they had brought with them. Terrible was the Outcry they all made, and then *Roger de Loria* and *Vinciguerra di Palizzi* gave it as their Opinion, that *D. Frederick* ought to be proclaimed King of *Sicily*, and were the first that offered to swear Allegiance to him; the Multitude did not wait till the other Barons had followed in order, but with a loud Voice cried out, *God bless D. Frederick King of Sicily*; and on the twenty fifth of *April* 1296 he was solemnly crown'd, and both very prudently and boldly ordered Men and Money to be raised; and he

not only prepared for the Defence of *Sicily*, but likewise for the Continuance of the War in *Calabria*.

IN the mean time King *Charles* being gone to wait on the Pope at *Anagni*, he entreated him to send an Apostolical Legate along with King *James's* Ambassadors, to order the *Sicilians* to deliver up the Island, which accordingly he did; but they were no sooner arrived at *Messina*, than they were given to understand that that City, and all the Island belonged to King *Frederick* of *Aragon*; and that they were to proceed no farther, because they might perhaps meet with what would not please them. The Ambassadors and Legate being surprized, returned first to *Naples* to wait upon the King, and then to *Anagni* on the Pope, and gave them both an Account of what had passed. *Charles*, who was a most upright Prince, expected no such thing; but the Pope, from the very time that he had seen *Frederick*, and considered his Proceedings, had always suspected him: They therefore resolved to send a Legate and Ambassadors to King *James*, to get him to employ all his Power for the effectual restoring of that Island.

WHILE the Legate and Ambassadors were on their way to *Spain*, King *Charles*, with the Advice of the Pope, and the most prudent of his Barons, in order to prevent King *Frederick's* gathering more Strength, and not to depend altogether upon King *James*, resolved to make War upon him; whereupon the War was carried on with equal Vigour and Courage for a long time in *Calabria*, where *Charles*, with alternate Fortune, strove in vain to recover those Places, which *Frederick* possessed in that Province; on the contrary *Frederick* was so bold, as to invade the Province of *Otranto*; he took and pillaged *Lecce*, fortified the City of *Otranto*, and went and encamped under the Walls of *Brindisi*. All the Loss that *Frederick* suffered by this War was, that out of Disgust *Roger de Loria* left him, and went over to King *Charles*.

THE Pope hearing of King *Frederick's* prosperous Success, and that *Charles*, with all the Forces he then had, was scarcely able to defend the Kingdom of *Puglia*, and that the recovering of *Sicily* was like to go on heavily, if more Forces were not sent him; partly in order to maintain the Authority of the Apostolical See, which he was resolved to raise as high as he could, and partly out of the Affection he had for King *Charles*, he laid aside the Care of all other Things, and was wholly bent upon having that Island restored to him; and to engage King *James* to act with Vigour, he sent him the Investiture of the Kingdom of *Sardinia*, and made him Standard-Bearer of Holy Church, and Captain General of all the Christians that were fighting against the Infidels, and sent to beg of him to use his utmost endeavour to fulfil his Promise. King *James*, besides his Engagements by the Articles of Peace, finding himself under Obligations to the Pope, ordered great Preparations to be made in his Kingdoms for fitting out a Fleet, and came to *Rome* to excuse himself to the Pope, and to swear before him, that he had no Hand in his Brother's Contumacy and Fault, and that he would demonstrate it to all the World with Sword in Hand; and for the present he sent *Peter Comaglies* a Monk of the Order of Preaching Friars to *Sicily* to discourse with his Brother, and to persuade him to obey the Pope. Friar *Peter* not being able to obtain the Restitution of *Sicily*, advised King *Frederick* at least to part with those Places he was possess'd of in *Calabria*, to which he had not the least Title, either just, or pretended; for although he had a Mind to keep Possession of *Sicily*, because the *Sicilians* had elected him, or because of the last Will of King *Alphonfus* his eldest Brother; yet as for the Kingdom of *Puglia*, though King *Peter* had the same Title to it as he had to that of *Sicily*, they both being King *Manfred's* Inheritance, nevertheless, by the Cession made by King *James* at the Peace, all Right was devolved to King *Charles*, even though the Investitures and Confirmations of so many Popes were to be reckoned of no Force. All that Friar *Peter* got by this Message was, that before he left *Sicily* King *Frederick* sent to recall *Roger de Loria*, and promised to withdraw all the Garrisons from the Cities of *Puglia*. The Friar returned and gave the Pope and King *James* an account of what he had done, with which neither of them being satisfied, *James* sent the Bishop of *Valentia* to entreat King *Frederick*, that he would be pleased to come and confer with him either in the Island of *Procida*, or *Ischia*, where they might set Matters to rights. King *Frederick* answered, That he could not move without the Advice of his Barons; and having asked some of them what was fit to be done,

Roger de Loria advised him to comply with his Brother, and go meet him; but the King, by the Insinuation of *Roger's* Enemies, became diffident of him, which he understanding, he spoke with so great Rage, that the King commanded him not to stir out of the Palace; but at his earnest Entreaty the King let him go, so he immediately departed; and there were Means found afterwards to get him to enter into King *Charles's* Service.

MEAN while new Ambassadors came from King *James* to *Sicily*, with Orders, that if the Bishop of *Valentia* had not prevailed with King *Frederick* to come and speak with him, they were to conduct Queen *Constantia*, and the Infante Donna *Violante* to *Rome*, where King *James* expected them. *Frederick*, unwilling to disoblige his Brother in that, said to his Mother, That it depended upon herself either to go, or stay in *Sicily*, and that if she went, she might likewise take his Sister along with her. That prudent Queen, who loved both her Sons, chose to go, though she knew that she was to see King *Charles*, the Son of him who had put her Brother to Death, and killed Queen *Sibilla* her Mother, and her only Brother in Prison, because she was in hopes to assuage King *James's* Wrath against *Frederick*; and thus she and her Daughter took Shipping and sailed for *Rome*. It was truly a singular Instance of the Vicissitude of human Affairs to see that Queen, accompanied by *Giovanni di Procida*, and *Roger de Loria*, who had waited at Sea with his Gallies till she embarked, pass in sight of King *Charles*, to whom they had done so many remarkable Mischiefs. King *James* received his Mother and Sister with the utmost Respect, and told them, That by the Pope's Means he had promised to give his Sister in Marriage to *Robert* Duke of *Calabria*, who was expected the Day following. His Mother was satisfied, hoping, that the more they were tied by Affinity, it would be the more easy in time to conclude a Peace amongst them. Two Days after, King *Charles* with the Duke of *Calabria* and three other of his Sons arrived with so great Pomp, that it was a new and strange Sight in *Rome*; for besides a vast Number of Counts, and the King's Officers and Counsellors, it was a beautiful thing to see each of the Sons attended by an infinite Number of Gentlemen in excellent Order, and Pages and Armour-Bearers cloathed with most rich Devices; and the Pope, who was likewise of a princely Spirit, for his part would have the Marriage Ceremony performed in his Presence, and ordered his Nephews most nobly to regale both the Kings, and their Sons; but when the Feasting was over, he brought upon the Carpet the Expedition which they were to make against King *Frederick* for the recovering of *Sicily*; and the first and most important Points agreed upon were, that *Roger de Loria* should enter into King *Charles's* Service with the Title of Admiral of both Kingdoms; that King *James* should return to *Catalonia*, and King *Charles* to *Naples* for giving Orders to rig out their Fleets; but before *Charles* left *Rome*, to shew his Gratitude to the Pope, he gave in Marriage *Giovanna dell' Aquila*, Heiress of the County of *Fondi*, and of six Towns in *Compagna di Roma*, to *Giordano Gaetano* the Pope's Nephew by his Brother; and at the very same time died in *Rome* *Giovanni di Procida*, a Man famous over all the World both for his Courage and Conduct.

BUT to return to King *Charles*, he had no sooner arrived in *Naples*, than he granted most ample Privileges and great Honours to *Roger de Loria*, and not only restored him all his ancient Lands in *Calabria*, *Basilicata*, and *Principato*, but gave him many others; and also ordered all the Governors of Provinces, and other Officers to take their Orders from him concerning the fitting out of the Fleet.

ON the other hand King *Frederick*, who was appriz'd of what had pass'd, and was preparing against him, likewise made Preparation to ward off the impending Storm. He caused *Roger de Loria* to be summoned, and condemned him as a Rebel, and immediately deprived him of the Lands he had in *Sicily*. King *James*, after he had recalled all the *Aragonese* and *Catalans* that were in *Sicily* and *Calabria*, had fitted out a good Fleet, with Intention to join that of King *Charles*, not only to force his Brother to quit *Sicily*, but likewise to conquer the Kingdom of *Sardinia*, whereof he had received Investiture from Pope *Boniface*. He set sail from *Barcelona*, and arrived at *Civitavecchia*; and from thence he went to *Rome*, where he found the Pope, who received him with all Marks of Esteem and Gladness.

NO Pope had ever had so high and extravagant Notions of the Papacy as *Boniface VIII*. He was persuaded, that he was no less absolute Monarch of the Universe in Temporals, than in Spirituals. For the greater Proof of it, in the Year 1300 having published a Jubilee, which he ordered to be renewed every hundred

Years.

Years, whereby having drawn a vast Concourse of People to *Rome*, in order to make the more shining Figure, he appeared at all the Ceremonies with the Triple Crown, and clothed with an Imperial Mantle, taking for his Device, *Ecce duo gladii hic*; whereby he believed he had Power to give and take Kingdoms at his Pleasure. He invested the King of *Aragon* with the Kingdom of *Sardinia*: He had promised King *Frederick* the Empire of *Constantinople*; and *Roger de Loria* by his Valour having acquired *Gerba* and *Karkim*, two Islands on the Coast of *Africa* belonging to the Kingdom of *Tunis*, and not to *Sicily*, *Boniface*, upon *Roger's* promising to pay him fifty Ounces of Gold, *Sicilian* Weight, yearly as a Quit-rent; gave him the Investiture of them for him and his Heirs, and ordered *Fr. Bonifacio Calamendrano* Great Master of the Knights of *Jerusalem* to receive the wonted Oath of Fidelity and Homage. We read the Investiture given to *Roger* of these Islands on the eleventh of *August* 1295, the first Year of his Pontificate, in *Tutini*^{*}, who copied it from the Archives of the Vatican. So now upon King *James's* Arrival in *Rome*, with great Solemnity he made him Standard-Bearer, and Captain-General over all the World against the Infidels, and delivered him the Standard.

KING *James* left *Rome*, accompanied by Cardinal *Marmaldo* Apostolick Legate, and in a short time arrived in *Naples*, where he found *Robert* Duke of *Calabria* his Brother-in-Law with thirty six Gallies, and a greater Number of Ships of War and Transports; and this Fleet being joined with that of *Catalonia* made up eighty large Gallies, and more than ninety other Ships; besides lesser Vessels, such as Tenders and small Barks. With this great Fleet on the twenty fourth of *August* 1298, the King, the Duke, *Roger de Loria*, and the Apostolick Legate set sail from *Naples*, and in different Places landed and invaded *Sicily*. At first the Expedition seemed to be successful, for *Patti*, *Melazzo*, *Nucara*, *Monteforte*, and *Castello di S. Pietro*, with many other Places of that Valley surrendered.

ON the other hand King *Frederick*, with *Corrado Doria* a *Genoese*, whom he had made Captain-General of his Sea-Forces, in all haste set about to fortify the Places of greatest Consequence, and to prevent the Enemy from getting Provisions; whereupon King *James*, seeing Affairs go but slowly on, and that the Season was already far advanced, did not think fit to venture so great a Fleet on that Coast exposed to the North-wind, but pass'd the *Phare*, and sailed for *Syracusa*, where there was a spacious Harbour; but arriving there about the end of *October*, he found that *Giovanni di Chiamonte* was in the City with a Garrison, who seemed not at all inclined to surrender; so that he began to lay waste the Country, and sent part of his Army to take Possession of the Towns in the Neighbourhood of *Val di Noto*: And some Priests who were in *Syracusa*, in order to make Court to the Apostolick Legate who was in the Camp, having laid a Plot to deliver up to *Roger de Loria* a Tower of the City, they managed it so foolishly that it was discovered, and *Giovanni di Chiamonte* brought the Traitors to condign Punishment.

IN the mean time this Siege going on heavily, King *Frederick* assembled all the *Sicilian* Cavalry, and with frequent IncurSIONs infested all those Places that had surrendered to King *James*, and sent Provisions to his Camp. The Citizens of *Patti* seeing that *Syracusa* held gallantly out, and that King *James's* Army sunk daily in its Reputation, declared for King *Frederick*, and laid Siege to the Castle of that City, whither the Garrison left by King *James* had retired. During the Siege of this Castle there happened several Skirmishes, in which King *James's* People being always worsted, it put him in the utmost Consternation; insomuch, that seeing the Winter at Hand, and his Army for the most part sick through the Fatigue of the Siege, and lest the Enemy should be so bold as to come and encamp over-against him, he raised the Siege of *Syracusa*, and set sail for *Naples* with much more Confusion than Honour; but with a Design to return as soon as possible, and to carry on a more vigorous War; when being overtaken by a most violent Storm near the Island of *Lipari*, which dispersed the greatest part of his Fleet, with great Difficulty he arrived at *Naples* with the rest. He had no sooner landed than he was seized with a great Infirmary both of Body and Mind, contracted no less through the Fatigues of War and the Storm at Sea, than the Grief occasioned by so unfortunate an Expedition, and his having been so long in Danger of his Life; at last being enlivened by Queen *Blanch's* bringing him a Son, who was afterwards his Successor in these Kingdoms, about the end of this Summer 1299, he

^{*} Tutini degl' Amm. fol. 70. Reg. in Vatic. lib. 1. Bonifacii epist. 115.

took Shipping with her for *Spain*, and in a few Days arrived safely in the Harbour of *Roseto*: He spent all that Winter in making necessary Preparations for renewing the War with more Vigour in the beginning of the new Year, and to be able to invade the Island sooner than had been done the preceding Campaign. And indeed this Prince shewed himself to be a Man of a generous Spirit, being most eager in employing his utmost Force in order to perform what he had promised to the Pope, and King *Charles* his Father-in-Law. On the other hand King *Charles* tho' naturally a peaceable Man, and not of a warlike Disposition, yet pushed on by his Sons, bold and martial Youths, he with the like Application fitted out that part of the Fleet which came to his Share; and on the last Day of *April* 1300, King *James* arriving with his Fleet at *Naples*, on the twenty fourth of the following Month set sail for *Sicily*; and at the same time was followed by *Robert* Duke of *Calabria*, and *Philip* Prince of *Taranto*, King *Charles's* Sons; then by the unanimous Consent both of the Princes and of King *James*, *Roger de Loria* was made Admiral of both the Fleets.



C H A P. IV.

The War renewed in Sicily. The Death of Charles Martel King of Hungary; and Peace concluded with King Frederick.



THE last Year of this thirteenth Century was not less remarkable for the many Battels which happened in *Sicily*, than for the undaunted Courage of King *Frederick*, and the many glorious Actions of so many gallant Princes, and excellent Commanders, and especially of the famous *Roger de Loria*; which being so minutely and lively described by the celebrated *Costanzo*¹, that observing our usual Method, we shall content ourselves with only touching upon them lightly here, and refer those, who want to be more particularly informed, to that most grave Historian.

KING *Frederick* was no sooner delivered from this first Attack, than he reduced to his Obedience those Places of the Island that had surrendered to the Enemy; and being apprised of the vast Preparations that were making against him, caused immediately to be fitted out in all parts of the Kingdom as many Gallies as was possible, with a Design to go out and meet his Enemies, and with unparallel'd Bravery to venture all in one Engagement.

WE ought not to pass over in Silence a judicious Remark of the foresaid Writer², That it was truly very surprising (considering the Difficulty he saw in his own time, and which is still greater in ours, to fit out Fleets) how those poor Kings were able at that time in so short a Space to put to Sea so great a Number of Gallies, as were employed during the War of *Sicily*; some say, that King *Frederick* had fifty eight in good order; nay it seems to be even incredible, that in so short a breathing time as he had between the two Wars, he should be in a Condition to equip such a Number.

FREDERICK then hearing that the Enemy's Fleet was to be at Sea in a few Days, sailed out of *Messina* in order to fight it, trusting to the Courage and Resolution of the *Sicilians*, who no sooner had discovered it, than with a Huzza they were immediately for engaging. The King restrained them till the dawning of the next Day, when he in the Admiral Galley posting himself in the Center of the Fleet, they advanced with terrible Shouts towards the Enemy. *Roger de Loria*, see-

¹ *Costanzo*, lib. 4.

² *Idem*, loc. cit.

ing that the Rashness of the *Sicilians* had given *Frederick* hopes of Victory, posted in the Center of his Fleet the Admiral Gallies of *Aragon* and *Naples*, in which were the Duke of *Calabria*, and the Prince of *Taranto*, and advancing towards the Enemy began the Battel. They fought a long time with equal Courage and Boldness, but not with equal Skill; for *Roger* making as if he fled, drew the Enemies Gallies into a Place where he could easily hem them in; so that he broke the Fleet, and they were all either taken or sunk; and only *Frederick*, with twelve Gallies that follow'd him, made his Escape by Flight to *Messina*.

BY this notable Defeat, so much to *Roger's* Glory, the *Sicilians* were reduced to so lamentable a State, that every body then believ'd, that in a few Days *Sicily* must fall into the Hands of King *Charles*; but human Judgment is frequently liable to be deceived; for King *James*, thinking that he had so much depress'd and weaken'd the Power of the King his Brother, that King *Charles's* Army, under the Conduct of *Roger de Loria*, had nothing more to do, but in a few Days to take Possession of the Island, would proceed no further; being of opinion, that he had satisfied the World, the Pope, and King *Charles*, by having in two Wars been at so great Charges; in the first of which he had expos'd his own Person, and been seiz'd with Infirmities, and in this Battel had been wounded. After his Wound had been dress'd, the Duke of *Calabria*, the Prince of *Taranto*, and *Roger* coming to visit him, he spoke to them thus: That it having pleas'd God to make good his Promises by so notable a Victory, and there being nothing more wanting but the taking Possession of *Sicily*, it was now time for him to return to his own Kingdoms in *Spain*, in order so to dispose his Affairs, that his Subjects, who had been impoverish'd in supporting these Wars, might recover themselves, by having an end put to their Burdens; therefore he left them to enjoy the Fruit of the Victory. The Duke, who was a Youth of twenty three Years of Age, greedy of Glory, taking all the King said to be in good earnest, both commended and thanked him in the Name of the King his Father, and wish'd him a prosperous Voyage: and the King was no sooner gone, than he was overjoy'd, believing that the Honour of bringing the Expedition to its desired Issue would redound to him: But *Roger* was much more glad, thinking, that as he had had the Glory of the Victory, so he should likewise reap the Honour of its Consequences. Some have said, that King *James* withdrew rather out of brotherly Affection, than because he judg'd King *Frederick's* Affairs to be desperate.

NEVERTHELESS, *Frederick* with his twelve Gallies arriving at *Messina*, was encourag'd and intreated by those Citizens not to abandon them; and upon Advice that King *James* had separated, and was sail'd for *Spain*, being still more animated, he endeavour'd to assemble all the Foot and Horse he could; and with his whole Army posted himself at *Castro Giovanni*, a Place very strong by Nature, and from whence he could soon relieve any Place in Danger. On the other hand the Duke of *Calabria* took *Chiaromonte*, and after a stout Resistance *Catania* at last surrender'd. The News of the Surrender of this City was not only spread abroad, but that two thirds of the Island had declar'd for the Church and King *Charles*: whereupon Pope *Boniface*, who believ'd it, flattering himself, that without the shedding of Christian Blood he would be able to reduce the whole Island to the King's Obedience, immediately sent thither the Cardinal of *S. Sabina* as Apostolick Legate, in his Name to promise, that if the *Sicilians* would surrender, they should be kindly treated; and to threaten, that if they did not, they should be anathematiz'd and interdicted. But *Roger de Loria*, knowing the invincible Obstinacy of the *Sicilians*, which would yield to nothing but the Force of Arms, gave the Duke to understand, that in order to put an end to the War, other Assistance, than what the Legate had brought, was necessary; and that the Enemy was to be subdued by Force, and not by the tingling of a Mass-Bell, and Excommunications. Therefore new Supplies were demanded from *Naples*, and other twelve Gallies, with many Ships of Burden, were sent them by King *Charles*; and the Prince of *Taranto*, with six hundred Horse and a thousand Foot, came to an Engagement at *Falconara*, where he was taken Prisoner, and his Men were routed. After the taking of this Prince, *Frederick* carried on the War with more Vigour; and having discover'd a Conspiracy against his own Person, he immediately suppressed it, and punished the Guilty. The Duke of *Calabria* went and laid Siege to *Messina*;

but it being reinforced by *Frederick*, and the Duke seeing his Army afflicted with Famine and Sickneſs, he rais'd the Siege. Then it was that by means of *Violante* Dutcheſs of *Calabria*, *Frederick's* Siſter, a Truce was ſet on foot, which was concluded for ſix Months; and during that time the Duke went to *Naples* to ſee his Father, and left the Dutcheſs *Violante* with a Son, of which ſhe had been delivered in *Calabria*, in order to make his Partizans believe, that he had not abandoned the Undertaking, but was to return with greater Force.

DURING this Truce a new Incident fell out, which by the means of Pope *Boniface* turn'd to King *Charles's* Advantage, it was this: *Charles* of *Valois's* firſt Wife, who was King *Charles's* Daughter, being dead, he had married a Daughter of *Philip*, the Son of the laſt *Baldwin* Emperor of *Conſtantinople*, and Heir of many Provinces in *Greece*, and of the Title and Right to the Empire, which had been poſſeſſed by *Palæologus*; and with the Aſſiſtance of the King of *France* his Brother, and the Pope, he had undertaken an Expedition upon *Conſtantinople*. And upon his March thither arriving at *Florence*, which was then in great Confuſion by reaſon of their wonted Faſtions, he was requeſted by the Citizens to reconcile their Differences; but inſtead of that he ſow'd more Diſſention than had been before, and went for *Rome*, where Pope *Boniface* perſuaded him, that his Deſign upon *Conſtantinople* would be the more eaſily compaſſed, if he aſſiſted King *Charles* in the Recovery of *Sicily*; for then *Charles*, by reaſon of the ſmall Diſtance between *Puglia* and *Greece*, would be in a Condition to afford him more ready Aſſiſtance and Relief than the King of *France*. *Charles* of *Valois* took his Advice, and marched immediately for *Naples* with his Men, where he joined his Gallies and Ships to thoſe that were fitting out there; upon which they embark'd a ſtrong Army, and with a proſperous Voyage, he and the Duke arriv'd in *Sicily* juſt as the Truce was expir'd. No doubt but, upon ſeeing ſo great a Number of Enemies in that Iſland, every body believ'd *Frederick's* Affairs to be deſperate; but that Prince, with his ſingular Preſence of Mind and Prudence, in which he excel'd all the Kings in his time, divided the few Troops he had into the Places of greateſt Conſequence, and thus waited till time ſhould diminiſh the Forces of his Enemies. And at laſt, *Charles* of *Valois* having ſpent many Days without reaping any conſiderable Advantage, King *Frederick* conceiv'd great hopes of being victorious without fighting.

THIS Year 1301, while theſe things paſſed in *Sicily*, the untimely Death of *Charles Martel* King of *Hungary* happened in *Naples*. This Prince the Year before, upon account of the new Jubilee publiſhed by Pope *Boniface*, had come to *Rome* to viſit *St. Peter's* Church, and afterwards to *Naples*, to pay his Reſpects to his Father; and perhaps, his Father being old, to ſecure his Succeſſion to the Kingdom of *Naples*; leſt, while he was at a diſtance, his Brothers ſhould poſſeſs themſelves of it: but it was his Fate to die firſt, not without Suſpicion, according to *Carafa*, that his Brother *Robert*, out of Ambition to reign after his Father, had cauſ'd him to be poiſoned. He died at the Age of thirty Years, univerſally lamented by the whole Kingdom, upon account of his Generoſity and Meekneſs; and many noble *Neapolitans*, and others of this Kingdom, who liv'd ſplendidly at his Court, were depriv'd of that Support. He left by *Clementia* his Wife, the Daughter of the Emperor *Rodolphus*, a Son named *Carobertus*, who ſucceeded him in the Kingdom of *Hungary*. He was buried in the Cathedral Church of *Naples*, near the Tomb of *Charles I.* his Grandfather, where his Monument is to be ſeen with his Arms, and thoſe of the Houſe of *Auſtria*, which are his Wife's; whence, in the Reign of *Philip III.* Count *Olivares*, the Viceroy, was induced to put in a more eminent place above the Gate of that Church, and in a more magnificent Form, thoſe two Monuments, together with that of the Queen his Wife.

BUT to return to the Affairs of *Sicily*: King *Frederick* perſiſting in his Reſolution, never appear'd in the Field, but was wholly intent upon guarding the fortified Places; becauſe he ſaw, that ſo great an Army, as that of the Enemy, muſt ſoon dwindle away, either for want of Pay, or Proviſions. Nevertheless, with his uſual good Conduct, and the Aſſiſtance of the *Sicilian* Cavalry, who ſtood him in good ſtead, he never failed to be preſent wherever there was an Opportunity of attacking the Enemy's Convoys that were carrying Proviſions. It was not long before the Neceſſaries of Life became very ſcarce in the Camp, and the Soldiers fell ſick in great numbers; whereupon *Charles* of *Valois* began to think of making Peace, becauſe if his Army ſhould be too much diminiſhed, he would not be in a Condition to purſue his Deſign upon *Conſtantinople*. Some ſay, that it was by the

the Interposition of the Dutchess *Violante*, that a Peace was propos'd. Therefore Persons of Note were chosen on both Sides, with full Powers to negotiate it. King *Frederick*, and the *Sicilians*, upon account of the great Poverty of the Kingdom, were very desirous of it. Thus on the nineteenth of *August* 1302, a Peace was concluded to the Satisfaction of all Parties, and especially of *Frederick*, as being very honourable for him. But the Dutchess *Violante*, to the great Grief of her Husband and Brother, died before the signing of the Articles of Peace, which were as follow :

THAT King *Frederick*, during his Life, should be King of *Sicily* ; and afterwards it should return to King *Charles*, and his Heirs.

THAT he should not call himself King of *Sicily*, but of *Trinacria*.

THAT in the space of fifteen Days, all the Places possessed by King *Charles* in *Sicily*, should be restor'd to *Frederick* ; and on the other hand, in the same space of time, all the Cities, Towns, and Forts of which he was possessed in *Calabria*, should be deliver'd up.

THAT both Parties should set all Prisoners at liberty without Ransom.

THAT King *Frederick* should marry *Leonora*, King *Charles*'s third Daughter.

THAT King *Charles* should get the Pope to ratify the Peace, and also to give King *Frederick* the Investiture of *Sardinia*, or of *Cyprus*, where hereafter the Children born of this Marriage should fix themselves. And upon King *Frederick*'s getting Possession of either one or other of those Kingdoms, he should go thither to reign ; and immediately resign the Kingdom of *Sicily* to King *Charles*, who upon that Event was to pay him a hundred thousand Ounces of Gold as a Portion with his Daughter.

THUS ended the War of *Sicily*. The Prince of *Taranto*, and the other Barons that were Prisoners, were set at liberty ; and King *Frederick* went to the Camp to pay a Visit to *Charles* of *Valois* and the Duke of *Calabria*, and with great Affection they embraced each other, and jointly sent to King *Charles* to get the Peace ratified, and the Bride sent to *Sicily*. King *Charles*, who was naturally of a peaceable Disposition, being well advanced in Years, and very weary of the War, agreed to the Articles of Peace ; and after he had ratified them, he sent his Daughter with *John* Prince of the *Morea*, his eighth Son : and such Feasts were made in *Sicily*, as the Circumstances of the Times would allow, where joyful Hearts serv'd for Pomp and Magnificence : and *Charles* of *Valois*, with the Duke and Prince, and the other Barons, return'd to *Naples* ¹.

THIS Peace was look'd upon throughout all *Europe* to be very advantageous and honourable for King *Frederick*, and his Valour was extolled to the very Skies ; because, with the few Troops of a small Kingdom, he alone had been able to withstand and defend himself against so many powerful Enemies ; and tho' the Article, whereby he was to be King during Life, seem'd to be honourable for King *Charles* ; yet Men of Judgment consider'd, that after his Death, Possession must be got rather by the Force of Arms, than by vertue of that Article. On the other hand it was looked upon to be very dishonourable for *Charles* of *Valois* ; and *Giovanni Villani* writes, that he was bantered over all *Italy*, for having gone to *Florence* to make Peace, where he fomented new Quarrels ; and that he had gone to *Sicily* to make War, and left it by a dishonourable Peace.

CHARLES of *Valois* being returned to *Naples*, spent many Days in refitting his Fleet, and giving time likewise for preparing that of King *Charles*, who as a Friend was resolv'd to assist him, and to send along with him to *Greece* the Princes of *Taranto* and *Morea* his Sons. But it far'd with this as it usually does with all great Enterprizes ; a cruel War breaking out between Pope *Boniface* and the King of *France*, against whom the Pope stirr'd up the King of *England* to make War ; *Charles* of *Valois* was not only depriv'd of the Assistance of the Pope and the King of *France*, but also was obliged to return home to the Relief of that Kingdom ; and he never had an Opportunity afterwards to go upon that Expedition : But in process of time having two Daughters by his Wife, who was Grandchild to the Emperor *Baldwin*, he married the one to the Prince of *Taranto*, who by her Right took the Title of Emperor of *Constantinople* ; and many Years after the other was married to *Charles* Duke of *Calabria*, the Son of *Robert*.

¹ Costanzo lib. 4.

ROGER DE LORIA, who thought that he had not been so much taken notice of in this Peace, as his great Services deserved, tho' King *Charles* had given him large Possessions in the Kingdom, in place of those which he had lost in *Sicily*, return'd to *Catalonia* loaded with Glory, where he afterwards died, with the Reputation of as great and successful a Sea-Commander as any of those celebrated by the *Greek* or *Latin* Historians.

BUT to return to the Peace; some others say, that the Apostolical Legate being present at the making of it, obliged King *Frederick* to promise a certain Acknowledgment to the Apostolick See; but whether that be true or false, it never took effect; for Pope *Boniface*, soon after his Imprisonment, died of Grief in *Rome* on the twelfth of *October* 1303; and *Benedict* XI. born in *Trivigi*, of the Order of Preaching Friars, was elected in his room; and on the eighth of *June* 1304 died, not without Suspicion of having been poison'd, and left the College in great Discord; for it was divided into three Factions, the Head of one was *Francesco Gaetanus*, *Boniface's* Nephew, whom his Uncle had made very powerful, both in Riches and Adherents; the Head of another was *Napoliore Orsino*; and of the third Cardinal *di Prata*; so that the See was vacant for thirteen Months; and at last on the fifth Day of *July* 1305, the Archbishop of *Bordeaux*, a *Frenchman*, was elected, who was then in *France*, and was call'd *Clement* V.

IT was this Pope, who, either by the Persuasion of the King of *France*, or out of Love to his native Country, instead of coming to be crown'd in *Rome*, translated the Apostolical See to *Avignon*, and sent for the Cardinals to come to that City; where, to the great Detriment of *Italy*, it continued for more than seventy Years, till *Gregory* XI. restor'd it to *Rome*: and in complaisance to that King, he was crown'd at *Lyons*, where *Charles* of *Valois*, and many other Ultramontan Princes were present. The Pope soon after sent three Cardinal Legates to *Rome* with Senatorial Power, in order to govern that City, and the Ecclesiastical State.

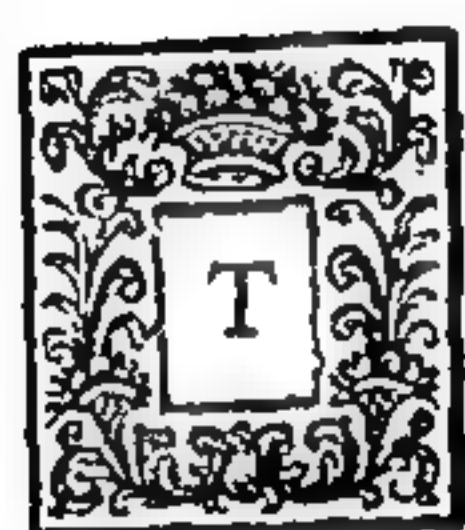
FROM this Year 1305 to 1309, in which he died, King *Charles* passed his time in great Tranquillity in the Kingdom of *Naples*, and applied himself to the beautifying the City of *Naples*, and to other Works of Peace, as shall be related. And it seem'd as if Fortune had a mind by another Way to retrieve the Reputation he had lost by the Peace made with King *Frederick*; for the *Florentines*, upon account of their intestine Broils, came and begg'd him to send the Duke of *Calabria* to *Florence*, to whom of themselves they offer'd the Government of their City; with which he comply'd, and the *Florentines* receiv'd him as their Lord. The Duke shortly after went to visit the Pope in *Avignon*; and after he had transacted some Affairs with him in favour of the *Guelfs*, he made a Progress over *Provence*, where those People made him very rich Presents; and at the same time he married a second Wife, who was Daughter to the King of *Majorca* of the House of *Aragon*, and Cousin German to the Dutchess *Violante* his first Wife: and with the Consent of *Charles* his Father, he gave his fourth Sister *Mary* in Marriage to the King of *Majorca's* eldest Son. While these Marriages were on foot in *France*, others were concluded in *Naples*; for *Beatrice*, King *Charles's* youngest Daughter was married to *Azzo* Marquis of *Ferrara*, and the Daughter of *Charles* of *Valois* to the Prince of *Taranto*; with which Lady the Title and Rights to the Empire of *Constantinople* were made over to the Prince of *Taranto*; for *Valois* having laid aside all thoughts of being able to pursue that Enterprize, he gave it up to the Prince, a warlike Man, who, with the Assistance his Father was able to give him, was capable of making some Conquest in that Country. *Tutini*¹ says, that these Rights came not to the Prince by *Charles* of *Valois's* Daughter his second Wife, but by the third, who was *Katharin*, the Daughter of *Baldwin* Count of *Flanders*, and Emperor of *Constantinople*; and he quotes a Charter of Investiture made by the Prince and *Katharin*, wherein they take the Title of *Imperatores Constantinopolitani*; and by which Charter they create *Martinus Zacharias* Lord of the Island of *Scio* King of *Romania*, and *Asia Minor*, and Lord of all the Counties, Baronies, and adjacent Islands, and grant him all royal and lordly Prerogatives: that he should drink out of a golden Cup, wear a Crown, Scepter, and red Buskins, with other royal Ensigns, as shall hereafter be related.

¹ Tutini degli Ammir. pag. 103.



C H A P. V.

The City of Naples enlarged by Charles II. and render'd more magnificent by stately Edifices; the Splendor of his Royal Palace, and other famous and remarkable Works of Piety performed by him not only in this, but in other Cities of the Kingdom.



HIS Prince being more inclined to Peace than War, and he, as his Father had done before him, having fixed his Royal Seat in *Naples*, and consequently made it more populous, he resolved to enlarge it; and having caused many Gardens, which were about it, to be demolished, he ordered Buildings to be erected upon the same Ground; and enlarging the Circuit of the Walls of the City, he made the Gates to be remov'd farther off; so that those Places, that were formerly without the Walls, were now enclosed within them, whereby the City was much enlarged: And to invite more Inhabitants, he freed the City from all Duties payable to his Exchequer. At the Request of the Citizens he ordered the Tax, called *del buon denaro*, to be applied for repairing the Streets, and for other publick Uses, as may be seen in the Statutes of the Kingdom of the Year 1306¹. For the Encouragement of Commerce, and the Security of Ships, he caused the Mole to be built, which now is call'd the little Mole, because of the greater built by the Kings of the House of *Austria*². Some have likewise written, that he caused the Castle of *S. Eramo* to be built, which takes its Name from the little Church, which formerly stood upon that Hill dedicated to that Saint; tho' *Colenuccio* and others will have it, that it was built by his Son *Robert*. The two supreme Tribunals of the High Court, and of the Vicariate being established in this City, for the Convenience of the Judges and Parties, he caused a costly Palace to be erected near *Castel Nuovo*, in which these and all other Courts of Justice were to be held³; which Palace being afterwards converted into a Church in Honour of our Saviour's Crown by Queen *Joan I.* these Tribunals were remov'd to the Piazza of *Nido*, and held in the Hospital of *Venice*, as *Tutini*⁴ gathers from a Writ drawn up in the Year 1431, wherein we read these Words: *In quo Hospitio M. C. Magistri Justitiarum Regni regebatur, & regitur ad presens.* From thence they remov'd to the Street of *S. George the Greater* to a Palace adjoining to the Steeple of that Church, which to this day retains the Name of *The Old Vicariate*; till in the time of *D. Peter of Toledo* in the Year 1540, they were all remov'd to *Castel Capuano*, where 'tis the most surprizing Sight not only of *Italy*, but of all *Europe*, to behold such an infinite Number of Parties, Judges, and Advocates.

IN order to render this City yet more magnificent than his Father had done, he enlarged the Privileges of the University, and to add to its Lustre, he invited to it the most famous Professors of *Italy*, and gave them large Salaries. He brought from *Bologna* the famous Lawyer *Dino de Muscellis*, and gave him a yearly Salary of a hundred Ounces of Gold⁵. He likewise invited from *Bologna* *Giacomo di Belviso*, and gave him the same Salary which his Father had appointed, which was fifty

¹ Summont. tom. 2. pag. 360.

² Idem tom. 2. pag. 355.

³ Costanzo lib. 4.

⁴ Tutin. de' M. Giust. pag. 7.

⁵ Reg. anno 1296. lit. G. fol. 295. Vocavit Dominum Dinum de Muscellis, ut Bononia ad Neapolitanum studium lecturus cum annuo Salario unciarum centum auri. Summ. tom. 2. pag. 362.

Ounces of Gold yearly. In the Year 1302 by a large Salary he induced to come and teach the Canon Law *M. Benevenuto di Milo* a Canon of *Benevento*, and another famous Canonist of those Times, who was *Biaso di Morcone's* Master ¹. In the Year 1308 he also invited *Filippo d'Isernia*, a renowned Lawyer to read the Civil Law. And it being a Custom in those Days, which is still kept up in *Spain*, that the Professors from the Chair stepped to the Gown and the Mitre, the Canonist *Milo* was afterwards made Bishop of *Caserta*; and *Filippo d'Isernia* was called to the King's Council, and in the Reign of King *Robert* was made Attorney General. He likewise gave a Call to *Filippo di Castrocelli* to be Professor of Physick, and augmented the Salary from twelve, which his Father had made it, to thirty six Ounces of Gold yearly. *Accorsino da Cremona*, famous for his Knowledge in the Liberal Sciences, and other learned Professors were invited to teach Logick ². And in order to keep up that Lustre, which *Frederick II.* had given the University, he renewed the Prohibition made by that Prince, whereby Professors were forbid under the Penalty of fifty Ounces of Gold to teach in private, or in any other Place, except publicly in that University; and in the Royal Registers of this Prince's Reign we find many such Prohibitions ³. For it having been represented, that some Persons took upon them to teach the Canon Law in *Solmona*, at the Instance of the *Neapolitan* Professors he dispatched a rigorous Order forbidding it, as a thing that belonged to the University of *Naples* only ⁴.

HE not only adorned this City, but the Kingdom also, with stately Churches, and large Monasteries, some of which he rebuilt, and enlarged others. Besides his having brought to Perfection, and enlarged the Cathedral Church of *Naples*, and the Church of *S. Lorenzo*, to which he added a very large Convent of Friars Conventuals of the Order of *S. Francis*, Works begun by his Father, but not finished, he rebuilt from the Foundation the Church and Convent of *S. Peter the Martyr* belonging to the *Dominicans*. He also rebuilt another Church which he called *Magdalena*, though it retains the Name of *S. Dominick* from the Monks of that Order, and its being dedicated to that Saint. The Church of *S. Augustin* ⁵, and that of *S. Martin* upon Mount *S. Eramo* were likewise of his founding; though the most exact Writers make *Charles Duke of Calabria* his Grandchild the Founder of this last ⁶.

HE built the Church and Convent of the *Dominican* Friars in *Aversa*, and dedicated it to *S. Lewis* King of *France* his Uncle, and endowed them with rich Revenues. But the most flagrant Monuments both of the Piety and Magnificence of this Prince are those three famous Churches of the Kingdom, *viz.* that of *S. Nicholas* in *Bari*, the other of *S. Mary* in *Lucera*, and the third formerly founded by the Emperor *Frederick II.* in *Altamura*; in which it is to be observed, that the *Roman* Pontiffs were so prodigal, not only in granting to our Kings of the Family of *Anjou*, but likewise on their Account, to these Churches so many Privileges and Prerogatives, as if they had vied with one another: And as the Kings were profuse in bestowing temporal Riches upon these Churches, so the Popes were equally lavish in granting spiritual Pre-eminencies and Favours.

¹ Ciarlant. pag. 371. Istor. del Sannio.

² Reg. anno 1300. fol. 252. & anno 1301. fol. 273, & 330.

³ Reg. anno 1301. fol. 8. anno 1308.

⁴ Ciarlant. pag. 373.

⁵ Summ. pag. 348. tom. 2.

⁶ V. Eugen. Nap. Sac. fol. 585.

S E C T. I.

Of the Church of S. Nicholas of Bari.

THE Royal Church of *S. Nicholas of Bari*, as has been related in the preceding Books of this History, was founded in the Year 1087, when some Merchants of that City transported from *Myra* a City of *Lycia* to their native Country the sacred Relicks of that Saint. Pope *Urban II.* about the end of *September* 1089, accompanied with a great Number of Cardinals and Bishops, who had been present with him in the Council assembled in *Melphis*, solemnly consecrated the great Altar of the low Church, where the holy Relicks are deposited, which he himself clearly witnesseth in his Bull drawn up in *Bari* the ninth of *October* 1089, the second Year of his Pontificate, recorded by *Baronius* and *Ughellus*.

THIS Church, from its first Foundation, was built in the ancient Palace of the *Catapani*, where they kept their Residence while they governed *Puglia* in the Name of the Emperors of the East: *Puglia* being afterwards taken from the *Greeks* by the *Normans*, it came under the Dominion of *Robert Guiscard*, the first Duke of *Puglia*, and afterwards of *Roger* his Son, this Church, from its Foundation, was free and exempted from the Jurisdiction of the Ordinary; which the Exemption granted to it by *Alessandro* Count of *Cupertano* and *Catanzaro* by order of *Roger* King of *Sicily* sufficiently witnesseth, and which is recorded by the same *Ughellus*; as also the Bull of *Paschal II.* directed to *Eustachio II.* Abbot, who succeeded the first so much renowned *Elias*, obtained by the Intercession of *Boemond* Prince of *Antioch*, and Lord of *Bari*, *Roger's* Brother in the Year 1106¹, and the Bulls of *Boniface VIII.* in 1296², of *Clement V.* *Paul III.* *Pius V.* and other Popes³.

KING *Charles II.* being made Prisoner, and his Fleet destroyed, was, as we have said in the preceding Book, in great Danger of being beheaded; but having escaped Death, and being set at Liberty, mindful of so signal Benefits, which he believed he had received by the Intercession of this Saint, to whom he was a great Votary, he resolved to augment the Worship and Devotion which he paid him, by enriching his Church with most ample Revenues, in making many Donations to it, and reserving to himself the Power only of distributing them, as a Canon of this Church, where he sat in the Choir with the other Canons. By the Means of the Prior *Guglielmo Longo* of *Bergamo*, who was made Cardinal Deacon of *S. Nicholas in carcere*, in the Year 1294 this Prince obtained of *Boniface VIII.* ample Privileges, Exemptions, and Immunities in favour of this Church, for the Service of which he appointed a hundred Clergymen, including the Canons and other Dignitaries, besides the Prior, and declared it his Chapel Royal.

HE obtained of the same *Boniface VIII.* in the Year 1296 a Bull, whereby he was empowered to annex to this Royal Cathedral, such of the Churches and Chapels in his own Gift as he thought fit, which, as well as those to which they were annexed *pleno jure*, should belong to him; and the Abbey and Monastery of all Saints were annexed to it⁴.

IN the Year 1298 he assigned, as a perpetual Endowment of this Church, three hundred Ounces of Gold yearly, to be paid out of the Taxes and Customs of the City of *Bari*, to which Sum, three Years after, he added another hundred Ounces, eighty of which were given to the Prior, twenty to the Treasurer, and the remaining three hundred were divided amongst the Priests and Ministers of the Church; but because his Officers were often backward in payment, he gave to the Church in exchange for this Sum three Villages, which had devolved to him, *viz. Rutigliano, S. Nicandro* and *Grumo*, with which he invested the Treasurer for the time being, and his future Successors.

¹ Bulla Paschalis II. apud Ughel. where there is an Error, for instead of XIV. it ought to be read IV. ² belonged to him pleno jure.
³ V. Chiocc. tom. 7. MS. giurisd. de Eccl. S. Nic. de Baro.
⁴ In which Bulls we read nullo modo, not nullo medio, whence therefore Charles II. in the Writ of Endowment of the Year 1304 said, That this Church

⁴ Bulla apud Beatil. histor. S. Nicol. lib. 2. cap. 17.

IN the Month of *October* of the same Year 1298, by vertue of the Power given him by *Boniface* he annexed the Archpriestship of *Altamura* with all its Churches, Chapels, Rights and Appurtenances to the Office of *Treasurer*, which he confirmed by another Grant dated the second of *December* 1301, whereby he likewise annexed the Churches of the Trinity of *Lecce*, and of *S. Paul* of *Alessano* to the Office of *Chanter*, and the Church of *S. Mary* of *Casarano* to that of *Subchanter*.

ON the eighteenth of *January* 1301 he appointed fourteen Officers to serve in this sacred Temple, whereof eight were to attend and guard the Doors of the Choir on festival Days with a Royal Silver Mace in their Hands, whence they took the Name of *Mace-Bearers*, and six for more inferior Offices, such as repairing the Fabrick, mending the Benches and Seats, and such like Things, called therefore *Masters of the Fabrick*, whom he exempted from Taxes, and the secular Courts in civil Cases, by putting them under the Jurisdiction of the Treasurer, with Power to appeal from the Decrees of his Court to that of the Chaplain Major; which Exemptions and Immunities were confirmed by King *Robert* in the Year 1340, and by King *Ladislaus* in 1403; and the other Kings his Successors after his Example enriched this Church with a Multitude of Grants and Prerogatives.

HAVING thus endowed this Royal Church, there was a new Form of Service introduced like that used in the Royal Chapel of *Paris*, and in reciting the Divine Offices, he would likewise have his Ministers to make use of the ancient *Parisian Breviary*, which *Philip III.* by his Letters dated the last Day of *December* 1603 ordered to be left off; and that for the time to come they should make use of the *Roman Breviary*, commonly called *Pius V's*.

BY a particular Writ dated the twentieth of *June* 1304 he appointed, that in this Church, besides the Prior, there should be three Dignitaries, viz. the *Treasurer*, whom he made the first and most honourable of the three, the *Chanter* and *Subchanter*, and a hundred beneficed Priests, forty two Canons, twenty eight middling Clergy, and thirty inferior, as they are called in the Writ, with many particular Regulations concerning the Prior and Treasurer.

AFTER King *Charles II.* had appointed the Dignitaries, the Number of Canons, and other inferior Clergy of this Church, assigned the Revenues, and ordered all that he thought was proper for the good Government and Regulation thereof; he reserved to himself and his Successors in the Kingdom the Dignity of Treasurer, with the Prebend annexed thereto; so that whenever he should happen to be in *Bari*, he was to sit in the Choir as Treasurer, in the Seat built over against that of the Prior; upon which the Royal Arms are carved, and in Letters of Gold is written, *Sedes Regalis*, with the Image of this most pious Prince in the Habit of Treasurer, with the Inscription below it; a lasting Monument of his having reserved to himself and Successors the first canonical Dignity, and that of Treasurer ¹.

KING *Charles* had learnt this from the *French*, and especially those of his own Family of *Anjou*; and accordingly in reciting the Offices, and in other things relating to the Worship of this Church, he would have them to be performed in the same manner as in the Church of *France*. We read in *Eginard* ² that *Charles* the Great took great Delight in singing with the rest in the Choir; and in the Chronicle of *England* we read the same of *Fulk III.* surnamed the Good Count of *Anjou*, who in the Year 960 was admitted a Canon of *S. Martin's* Church, and was frequently present at the canonical Hours in his canonical Habit ³. *Inglerus* Consul or Count of *Anjou* (for he promiscuously made use of both Titles) likewise after he had obtained to be Prebendary of the Church of *S. Martin* in *Tours*, he was declared Treasurer, that Office being then vacant, Defender of the Church, and Guardian of her Possessions; and while he lived he possessed the Treasurer's Seat, in which

¹ The Words of the Inscription are these; Serenissimus Rex Carolus II. hanc Basilicam munificentia Regali donavit sibi & Successoribus suis prima Canonica dignitate servata. A Letter of the said Charles dated the third of November 1304, recorded by Beatil. Istoria di Bari, lib. 3. fol. 443. where we read, In signum devotionis retinemus nobis, & heredibus nostris, quod cum personaliter erimus nos, vel nostri heredes in Baro, quotidianas distributiones accipiemus sicut unus de Canonicis ipsius nostræ Ecclesiæ recipit, & recipere debeat.

² Egin. apud Duchesne tom. 2. pag. 103, & 104. Legendi atque psallendi disciplinam diligentissime emendavit; erat enim utriusque admodum eruditus; quanquam ipse, nec publice legeret, nec nisi summum, & in commune cantaret.

³ Script. antiq. Eccl. Anglic. tom. 1. pag. 455. Biblioth. Clun. notæ, pag. 21. Spicileg. tom. 10. pag. 403, & 437. Canonicus adscriptus fuit in Ecclesiæ S. Martini, infestis Sancti ejusdem in Choro inter psallentes Clericos cum veste Clericali, & sub disciplina eorum adstabat.

Dignity the Kings of *France* succeeded the Counts and Dukes of *Anjou*, and possessed that Lay Canonship ¹.

IN the preceding Books of this History it may be observed, that many *French* Customs have been introduced among us by our Kings, beginning from the Time of the *Normans*; and a great many were brought us by the Kings of the Family of *Anjou*; so that it is not to be wondered at, that some of them, quite different from those of all the rest of *Italy*, still continue among us. In *France*, as *Coppin* witnesseth ², the Treasurer of the Royal Chapel of *Paris*, besides his exercising Jurisdiction over the Canons thereof, has the keeping of the sacred Vessels, the Ornaments, and also all the Writs, Privileges, and Concessions relating to the Fiefs, and other Possessions given to that Church. The Treasurer of the Church of *Bari* has likewise the Charge and Keeping of all that; and as this City was long under the Government of the *Greeks*, many *Greek* Customs still prevail; for we see that the Offices of Chamberlain, and Master of the Records of this Church are lodged in the Treasurer; and as in the East there were two *Chartophylaces*, or Masters of the Records, one of which had the Charge of the Charters and Records of the Church, and had the Direction of the Archives; and the other had the Care of the Revenues of the Church, and kept account of the Expences ³; so in *Bari* the Treasurer of this Church has the Charge and Direction of all that. And as in some Places it was the Treasurer's Duty not only to keep the Records and Ornaments of the Church, but likewise the Royal Diadem ⁴; so some taking that Fable to be true, that our Kings were wont to be crowned in *Bari* with the Iron Crown, have written that the Treasurer of this Church, among the Ornaments of it, likewise kept that Crown ⁵.

TO this Prince therefore our Kings owe the many Prerogatives and Pre-eminencies acquired not only by Foundations and Endowments, but likewise by the Grants of Popes, of which they are at present in Possession, whereby they are looked upon as Heads and Governors of this Church, which is in the Royal Gift, they confer the Priory, and other Dignities of it, and appoint a Judge of Appeals, who is the Chaplain-Major, who revises the Processes of the Prior and Treasurer, and is altogether independent upon the Archbishop of *Bari*.

ACCORDING to the ancient Discipline of the Church, all Cathedrals, built within the Diocese of a Bishop, were subject to him ⁶. But from *Charles* the Great's time the Popes by their Grants and Exemptions began to alter the ancient Polity; and in order to induce Princes to enrich the Churches with temporal Estates, and to make them the more devoted and submissive to the Apostolick See, they granted them, and the Churches they founded, ample Privileges and Prerogatives, mutually communicating to one another what was in their Power. But in that the Princes came always off losers; for after they had enriched and founded the Churches, there frequently happened great Contests with the Ordinaries, and the Dispute was not about the Goods already given to the Church, but about the Privileges given to the Princes; the Popes, who assumed to themselves the Power of interpreting, moderating, and often of revoking those Privileges, always sided with the Ordinaries; and when that did not succeed, they drew the Controversy to *Rome*, and took Cognizance of it themselves; of which we need no better Proof, than the obstinate Dispute which happened upon that account between the Prior of this Church, and the Archbishop of *Bari*, which, notwithstanding the so many Privileges and Exemptions during the Course of no less than two hundred Years, has never been quite determined ⁷. In like manner the Dispute on the same Account was no less between the Archpriest of *Altamura*, and the Bishop of *Gravina*; and the same happened to other Churches in the Royal Gift. This ought to be a warning not only to Princes, but to private Persons, to leave to the Church and her Ministers what belongs to them, and not to intermeddle with such Affairs, nor trouble them-

¹ Biblioth. Clun. not. pag. 48. Cum omni consilio dederant Ingellerio Comiti præbendam B. Martini, ipsi, & hæredibus ejus in perpetuum possedendam. Quia vero Ecclesia ejusdem Sancti carebat Thesaurario, & Aedituo, Consulem Ingelgerium intronizaverunt, & Thesaurarium constituerunt, & Defensorem Ecclesiæ fecerunt, & Tutorem omnium possessionum ejus ubicunque essent delegaverunt. Qui sedem Thesaurarii, & Domos cum redditibus quædam ad-

vixit, obtinuit. Duchesne tom. 4. pag. 640.

² Renat. Chop. de S. polit. lib. 3. tit. 6.

³ Cyron in parat. lib. 5. Decret de offic. Custod.

⁴ Innoc. III. lib. 1. epist. 489.

⁵ V. Beatil. Istor. di S. Nic. di Bari lib. 11. cap. 11.

⁶ Concil. d'Orleans cap. 9. Nicol. I. can. si quis Episcopos. caus. 16. qu. 2.

⁷ V. Chiocc. tom. 7. MS. Giurisd.

selves about regulating Chapters, and Religious Societies, as if they had not Business enough of their own to employ themselves about; for Experience hath taught us, that though at first such things were undertaken by the Impulses of Devotion, yet they afterwards end in vain-glory, there being nothing in them spiritual, but worldly and carnal. And on the other hand, after they have enriched Churches and Chapels, the Priests and Monks will have the Management of the Revenues, demand an account of them, and will have such of their Tools and Underlings to take care of them, as they can lead by the Nose to do whatever their Ambition and Avarice prompt them to. Which is owing to that pernicious Custom, for an Age backwards hitherto too much practised in this City and Kingdom, of having so many Fraternities of Laicks and Tradesmen, who, instead of minding their Business, and doing Justice to their Neighbours, are altogether taken up with what they call Devotion in their Chapels and Fraternities, with Processions, bearing of Standards, Crosses, Censers and Torches, and obtaining Devices from *Rome* for their Habits, which many procure of a purple Colour, in order to appear the more gaudy at Solemnities; and they are so puffed up with the Title of Prior, Dean, or Coadjutor, that they believe they have fulfilled the Duty of good Christians. And the most surprising thing is, that after they have chanted their Prayers in their Congregations, heard the Father preach, and walked through the City with Crosses and Standards on *Sunday*; yet on *Monday* Morning when they open their Shops, they endeavour to cheat the first Customer, by imposing upon him in the Price of their Goods, or Handy-work.

WHENCE the Priests and Monks, looking upon them not to be altogether Laicks, if there happen to be any Dispute about Precedency, the keeping of the Vessels and Ornaments, the Administration, Accounts, or other such things, will have the Cognizance of these Causes, and bring them before the Ecclesiastical Courts, for which they have particular Congregations erected; whence they are still kept wrangling not only before the Ecclesiastical Tribunals, but also before the Delegate of the Royal Jurisdiction, and when they ought to be minding their Employments, they spend their time in attending those Trifles. Much good may such Exercises do them; for as if their was a Scarcity of Priests and Monks, they will be meddling with Functions no ways belonging to them, not considering, that after they have consumed both their Time and Substance, they are not bettered either with Respect to their Souls or Morals, but live in continual Distraction and everlasting Contention, which breeds Hatred and Animosity amongst them, and often ends in Disorder and Confusion.

S E C T. II.

Of the Church of S. Mary of Lucera.

AFTER King *Charles* had defeated *Manfred*, and routed the *Saracens*, who were in his Pay, the miserable Remains of these retired into *Lucera* in *Puglia*, and fortified themselves in that Castle; and although *Manfred* had entirely lost the Kingdom, yet when they surrendered, King *Charles* by Paction, allowed them to live there with their Families; but *Charles* his Son, a pious Prince, and most zealous for the Catholick Faith, knowing, that by the living of those Infidels in that City, the Divine Worship was vilified, the Cathedral Church almost ruined, and Religion reduced to a very bad State, resolved to drive them out altogether, and invite new Christian Inhabitants, both which he performed; and to the end that the City might be quickly peopled, he assigned much Land to the Christian Inhabitants which he shared out according to their Qualities and Conditions; and that the City thus purged might be reputed quite new, he would have it to be no more called by the ancient Name of *Lucera*, but of *Santa Maria*, after its own Cathedral Church. Because this Church was situated in a Place little frequented, and without the Wall of the City, and was like to tumble down; and had so small a Revenue, that the Bishop had not wherewithall to subsist, as the Pastoral Dignity required, and by Reason of the small Income it was likewise in want of Ministers: *Charles* II. built

a new one much more magnificent within the City, and in the Year 1303 he ordered the Governor of the old Castle to give certain broken Metal, which was there for making a Bell ¹. He endowed it with large and rich Revenues, and at the same time he allotted to it a hundred Ounces of Gold yearly out of his Royal Revenues he received from that City, for the Maintenance of the Canons, which he increased to the Number of twenty, and bound them to Residence, to be present at the Divine Offices, as well in the Night as in the Day time, and to divide equally amongst them the Revenue, which he had assigned; so that each of them was to have five Ounces of Gold of yearly Income. He reserved to himself and Successors the Collation of the half of the Canonships, and the other half was to be in the Bishop's Gift; so that the first Vacancy was to be in the King's Gift, and the next in the Bishop's alternately. Moreover he instituted in the same Church the Dignities of Deacon, Archdeacon, Treasurer and Chanter, and allotted for them thirty Ounces of Gold yearly, which Dignities were to be in the Royal Gift ².

POPE *Benedict XI.* commended the King's Piety and Munificence; and by his Bull dated the twenty eighth of *November* the same Year 1303, approved and confirmed the Institution, granting to the King, his Heirs and Successors the Power of presenting to the Bishop the Persons, whom they had a mind to raise to the Deaconry, Archdeaconry, and Chantery, to whom the Bishop was to give Institution and Confirmation. He likewise granted them Power in the Pope's stead to confer the half of the Canonships abovementioned when they became vacant, with Power likewise to dispose of the other Dignities. Moreover, if it should happen that the King should please to create other Canonships, he might freely do it, upon Condition that when they became vacant half of them was to be filled up by the Bishop and his Successors. And lastly, out of special Favour, though by the Agreement made with *Charles* his Father, the Assent that was formerly necessary in the Election of Bishops was taken away: He granted, that when a Bishop of this City was to be elected, the Chapter ought first to ask the Assent of the King and his Successors, before they demanded Confirmation of the Bishop elect, without which Assent he could not be confirmed; as we read in the Bull transcribed by *Chioccarelli*, which *Tommasino* has also recorded ³. This we see likewise practised in the Reign of King *Alphonfus I.* which is plain from two Letters of that King, one written to the Bishop of *Naples* in the Year 1450, and the other to the Pope, recorded by *Chioccarelli* ⁴.

THIS Prince not thinking that he had done enough for this Church, the following Year 1304 he resolved to enrich it more, by giving to *Stefano* Bishop of this See, and his Successors the Lands of *Apricena*, *Palazzuolo*, and *Guardiola* lying in the Province of *Capitanata*, and he gave them in Fief-noble, being satisfied with the Oath of Fidelity only, without any other personal or real Service, excepting that the Bishop and his Successors were bound to give the King every Year a Silver Basin, with twenty five Pounds of Wax, *viz.* the first Year at the Feast of *Christmas*, and the second at *Whit-Sunday*; which Basin was usually returned to the Bishop, who was obliged to convert it into Vessels for the Divine Service of the said Church. Moreover he ordained, That in this Church there should be a Dean, Archdean, Treasurer, Chanter, and besides the Canons, eight Clerks; that the Dean should have fifteen Ounces of Gold yearly, the Archdean as much, the Treasurer twelve Ounces, the Chanter the same, and each of the eight Clerks four Ounces; and the Treasurer should have likewise four Ounces for the Lights. He ordered, That these Sums should be raised out of the Bailiwick and other Royal Duties and Revenues, which the King's Court possessed in the said City; and that the Dignities of Dean, Archdean, Treasurer and Chanter, as they became vacant, should be filled up by the King and his Successors; but that the one half of the Canonships should be in the King's Gift, and the other half in the Bishop's alternately as above; that the other Clergy should be appointed by the Bishop; that the Dean should give the King and his Successors for himself and Chapter twelve Pounds of Wax; and that the Persons enjoying these Dignities and Parsonages together with the Canons should

¹ Chioc. MS. giurisd. tom. 2. de Capitulo Civit. Lucer.

² Idem loc. cit. in princ.

³ Thomas. Vet. & Nova Eccl. disc. pag. 2. lib. 2. c. 37. num. 4. transcribes the Words of the Bull, which are these: Quoties electionem Episcopi S. Mariæ Luceriæ, per quam Capitulum contingerit

vacationis ingruente tempore celebrari, teneantur ipsi Capitulum, priusquam ejusdem electionis confirmatio postuletur, tuum, & eundem successorum tuorum, assensum requirere, ne possit eadem electio nisi prius hujusmodi requisitus assensus fuerit, confirmari.

⁴ Chioc. loc. cit. in fin.

elect the Bishop, and present the Elected to the King, and ask his Assent: Which Grant was confirmed by *Charles* himself the Year following, and in 1332 by *Robert* his Son ¹.

AS *Charles* II. had appointed in the Church of *Bari*, that in celebrating the Divine Offices, the *French* Rites should be observed, so he likewise would have the same to be practised in this Church of *S. Mary of Lucera*; whereupon on the twenty fifth of *November* 1307 he wrote to the Bishop and Chapter of that City; and told them, that being desirous of forwarding both the temporal and spiritual Concerns of this his Church founded by him; therefore he would have it to be governed according to the approved Rites of the Cathedral Churches of the Kingdom of *France*; for which end he prescribed and appointed some Rites which were observed in *France* concerning the Celebration of the Divine Offices, and other Ceremonies of the Church ².

OUR Kings still retain these Prerogatives over the Church of *Lucera*, excepting that since the time of *Alphonfus* (notwithstanding the Bull of *Benedict* XI.) the Assent required in the Election of the Bishop came to be controverted, which by dexterous Management, and sundry Contrivances is now quite lost; as on the other hand the Lands given by this Prince are taken from the Bishop; so that the Tribute of the Silver Basin and Wax is no more paid.

¹ Chiocc. loc. cit.

² Idem, loc. cit.

S E C T. III.

Of the Church of Altamura.

ALTHOUGH the Church of *Altamura* was founded by the Emperor *Frederick* II. and by his Grant dated in *Melphis* in the Year 1232, afterwards confirmed by a Bull of *Innocent* IV's dated in *Lyons* in 1248 was exempted from the Jurisdiction of all Ordinaries whatever. Nevertheless *Charles* II. took it under his Protection, when *Sparano da Bari* Protonotary of the Kingdom, under Pretence, that King *Charles* his Father had given him *Altamura*, endeavoured likewise to usurp the Property of this Church, which was of Royal Patronage; and he wrote very pressingly to his Son *Charles Martel* King of *Hungary*, to order the Protonotary not to meddle with any thing belonging to this Church, as being his Chapel Royal, and to bid him take care not to provoke him; and he commanded his Son, without shewing any Regard to the said *Sparano*, to put his Orders in execution¹. He took it yet more under his Protection, when the Bishop of *Gravina* endeavoured to subject it to his Jurisdiction. In the Year 1299 he commissioned the Bishop of *Bitonto*, and *Lupo* Judge of the same City to go to *Altamura*, and to examine the Bishop's Pretensions; and after having thoroughly canvassed the Matter, it was compounded thus: That the said Church was a Royal Chapel: That the Collation belonged to the King: That both the Chapels and Clergy thereof should be exempted: That the *Jurisdictio spiritualis contentiosa* should belong to the Archpriest: and That what concerned the Episcopal Order should belong to the Bishop's Jurisdiction, to whom the King gave likewise seven Ounces of Gold yearly for ever ².

THIS Church being declared a Royal Chapel, and exempted from the Jurisdiction of the Ordinary, King *Charles*'s Successors took care to adorn it with other Prerogatives; in the Year 1485, at the Request of *Pietro del Balzo* then Prince of *Altamura*, *Innocent* VIII. by his Bull, from a Parochial raised it to be a Collegiate Church, with all the Badges and Dignities thereto belonging: Power was likewise given to create new Dignities in it, viz. an Archdean, Chanter, and Treasurer, with twenty four Canons, in the Gift of the Archpriest. To him was granted the Episcopal Rights and Privileges, such as to wear the Rochet, the Mitre, the Ring, and all the other Pontifical Badges; to give the solemn Blessing, with Power like-

¹ Chiocc. tom. 7. MS. giurisd.

² Idem loc. cit.

wife of conferring the lesser Orders on those under his Jurisdiction and Authority, to punish all his Priests, and absolve his Parishioners in all Episcopal Cases. And seeing the Popes likewise assumed to themselves the Power of erecting Towns and Villages into Cities when they created Bishops in them, *Innocent* putting its Archpriest almost upon a Level with a Bishop, declared *Altamura* a City, and ordered, that for the time to come it should be so named, as we read in his Bull recorded by *Chioccarelli* ¹.

THE Church of *Altamura* and its Archpriest being raised to such Dignity, therefore our Princes boast of that singular and great Prerogative of creating the Archpriest without any other Provision from the Pope; for upon his obtaining the Royal Letters, he exerciseth Jurisdiction in his Diocese over all the Priests and Clergy of this Church, and its Vassals, and enjoys all the Episcopal Rights, and all the other Prerogatives abovementioned; and although our Kings have the Presentation of many Cathedral Churches, by naming both the Archbishops and Bishops; yet their bare Presentation and Nomination makes them not such, but the Pope's Provision is likewise necessary, which ordains and confirms them in their Sees, which is not required in the Case of the Archpriest of *Altamura*: Whence it is, that our Kings have never suffered this Collegiate Church to be made a Cathedral, nor its Archpriest to be made a Bishop.

BUT notwithstanding that the Grant of *Frederick II.* confirmed by *Innocent IV.* the Provision of *Charles II.* and the Bull of *Innocent VIII.* had so much favoured this Church, yet they were not sufficient to prevent the Disputes, which the Bishop of *Gravina*, favoured by *Rome*, brought again upon the Carpet about the Year 1605, for he pretended to visit the Archpriest and his Church, and had obtained Provisions for it from *Rome*; but being stopped from making use of them, he publickly excommunicated both the Chapter and Magistracy of *Altamura*, and affixed Schedules of Interdiction against the whole City, which contained no less than eighteen thousand Souls; and these Disputes were so strenuously maintained by the Bishop, favoured by *Rome*, that Persons of the greatest Credit, and the most able of the King's Ministers were employed in settling them, which, after they had lasted twenty two Years, were at last compounded; and it was declared and agreed, that in the Visitation the Bishop, as Delegate of the Apostolick See, could only examine and admonish, but not chastise or punish; and that the Clergy of *Altamura* should not be allowed to have a Judge of Appeals *in partibus* from the Decrees and Sentences of the Archpriest, but as the Custom had been, they were to appeal to the Court of the Chaplain Major. The Counsellor *Gio. Baltista Migliore* had a great Hand in this Affair, having been sent for that purpose to *Rome* by Cardinal *Zappala* then Viceroys; by whose Vigilance, after the City had been interdicted, and the Chapter and Magistracy thereof excommunicated for the Space of eighteen Years, an end was put to that Affair, which was looked upon to be of the greatest Importance. The Process of this Controversy, and the many Consultations and Allegations concerning it, together with the Brief of Pope *Gregory XV.* confirming the Agreement, are recorded by *Chioccarelli* in the sixth Tome of his *M. S. Giurisdizionali*.

OUR Princes have the Collation of many other Churches and Chapels; and in the Year 1300 *Charles II.* ordered a distinct and complete Inventory to be made of them; by whose Example the Kings his Successors, and particularly King *Philip II.* in order to preserve the Remembrance of them, did the same. Their having erected from the Foundation many Churches in the Kingdom, and endowed others with very ample Revenues made them deserve such a Prerogative; and as the Right, which the most serene Kings of *Spain* enjoy of presenting the Bishops to the Cathedral Churches, is grounded, according to Bishop *Covarruvias* ², only upon their having founded and endowed them; so our Kings, as may be observed in the preceding Books of this History, and in those that follow, likewise founded and endowed with great Revenues a vast Number of Churches; whence, either by the Concessions of Popes, or by Custom and immemorial Prescription ³, they obtained the Collation of those Churches, without having recourse either to the Bishop, or

¹ Chioc. loc. cit.

² Covar. in reg. possessor. par. 2. §. 10. num. 5. Guerrero tract. de reformat. Eccl. cap. 14.

³ V. Jo. Anor. in cap. 2. de præbend. in 6. Abbat. in cap. quanto in primo notab. de consuet. & in cap. cum Apost. in fin. de iis, quæ sunt a Prælato.

even to the Pope¹. Which ought not to seem strange, particularly with respect to Kings, who are not reckoned purely Laicks; since for many Ages that spiritual Ceremony has been practised among Christian Princes, that when they are crowned by the Bishop, he likewise anoints them with the sacred Oil; and by this holy Unc-tion their Persons become sacred, and capable of these and the like Dignities and Prerogatives².

WHENCE it comes, that besides the Right of Presentation, by vertue of the Royal Patronage, which our Kings have to many Churches in the Kingdom, even to some Cathedral Churches, of which we shall discourse in a more proper Place, they have the Collation of many Royal Churches and Chapels founded and endowed by them, such as in *Naples* the Church of *S. Niccolo del Porto*, of *S. Chiara*, *S. Agnello*, *S. Angelo a Segno*, *S. Silvestro*, *SS. Cosma and Damiano*, *S. Severino*, and many others. And in all the Provinces of the Kingdom, such as in *Lecco* the Chapel of the Trinity, the Chapel of *S. Angelo* in the Castle of that City, and others; in *Abruzzo* the Abbey of *Santa Maria della Vittoria*; in the Diocess of *Sarno*, the Abbey of *S. Maria di Real Valle*; in *Salerno* the Chapel of *S. Pietro in Corte*, of *S. Catarina*, and others; in *Bari* the Abbey of *S. Lionardo*; in *Barletta* the Church of *S. Silvestro*; in the Diocess of *Sora* the Church of *S. Restituta di Morea*; in *Montefuscoli* the Church of *S. Giovanni*; in the Diocess of *Nardo* the Church of *S. Niccolo di Porgolito*; in *Catanzaro* the Chapels of *S. Maria* and *S. Gio. Battista*, and many more, which may be seen in *Mazzella*³, and in the Inventories made by order of King *Charles II.* and King *Philip II.* recorded by *Chioccarelli* in the sixth Volume of his *M. S. Giurisdizionali*.

¹ V. Marin. de Caramanico in proem. Constit. reg. col. 4. num. 50, & 60. Andr. de Hernia in proem. Constit. Regn. num. 40. Afflict. ad Constit. Regn. in preliud. qu. 28. num. 2.

² Aleff. Patrit. in Marte Gallico lib. 1. cap. 8. Ut persona uncta sit sacratio, sit venerabilior Christianis. &c.

³ Mazzella descriz. del Reg. di Nap. fol. 289.



CHAP. VI.

Of the Royal Family; its Splendor and Magnificence; and of the Officers of the King's Household.



THE Royal Family of *Naples* never appeared in so great Splendor and Magnificence, as in the Reign of this Prince, either with respect to the Lustre of the numerous Royal Family, and the Grandeur of the Barons, or to the Number and splendid Appearance of the Officers of the Court; which not only contributed to raise the City of *Naples*, but the whole Kingdom, and made it famous above all the other Dominions of *Europe*.

THIS Prince saw his eldest Son *Charles Martel* King of *Hungary*, and he dying, his Son *Carobert*, his own Grandchild, settled King of that Kingdom, having defeated his Adversaries. He saw all his other Sons raised to the height of Grandeur; for *Lewis* his second Son, though in his Youth he was made a Friar Minor in the Convent of *S. Lorenzo* in *Naples*, he was afterwards made Bishop of *Thoulouse*, and on account of his holy Life was at last put in the Catalogue of the Saints Confessors by Pope *Gregory XXII.* *Robert* his third Son, who succeeded him in the Kingdom, was Duke of *Calabria*, Lieutenant of the Kingdom, and had the chief Command of his Armies. From this time it was thought that the Title of *Duke of Ca-*

labria was more suitable to the next in Succession to the Crown, than that of *Prince of Salerno*; for *Charles II.* having many Sons, some of which he had adorned with the Title of Prince, such as *Philip*, who had been made Prince of *Taranto*, *Tristan* Prince of *Salerno*, and *John* Prince of *Achaia*; he judged it therefore more proper and graceful to give the Title of *Duke of Calabria* to the Heir of the Kingdom; an ancient Title taken by the first *Normans*, and which was not confined to a single City, but comprehended two large Provinces. From henceforth this Title was given to the eldest Sons of our Kings; and as in *France* the eldest Son has the Title of Dauphin, in *Spain* that of Prince of *Asturia*, so in the Royal Family of *Naples* the eldest Son was called Duke of *Calabria*; for this Reason it was that *Robert* gave this Title to his eldest Son *Charles*; and thus it was practised by all the Kings of the House of *Aragon*; and afterwards when this Kingdom was united to the Crown of *Spain*, the eldest Sons of the Kings of *Spain* were not only called Princes of *Asturia*, but Dukes of *Calabria*.

PHILIP the fourth Son was Prince of *Taranto* and *Achaia*, Lord of *Romania*, High-Admiral of the Kingdom, and by Right of his Wife had the Title of Emperor of *Constantinople*; and though he did not possess that Empire, yet he made a King, and a Lord in *Romania*, and *Asia Minor*. *Tutini*¹ found in the Archives of the *Great Dominicans* in *Naples* the original Letters Patent, which he has inserted in his Book of the Admirals of the Kingdom, wherein *Philip*, and *Katharine* his Wife, who take the Title of Emperors of *Constantinople*, create, and make *Martinus Zacharias* of *Castro* Lord of *Chio*, King and Lord of *Romania*, and of *Asia Minor* called *Anatolia*, granting him Investiture for himself, his Heirs and Successors, with all the Counties, Baronies and Cities thereof, with the adjacent Islands, viz. *Plænotia*, *Marmora*, *Turnero*, *Mitileno*, *Chio*, *Siamo*, *Mitanea*, *Lango*, and other Islands; besides, they gave him all Royal and Lordly Prerogatives, viz. to drink out of a golden Cup, to wear a Crown, Scepter, and red Buskins both within and without the Palace of *Constantinople*; these are the Words of the Patent: *Infra vero Palatium ipsum, caligas Despotales, & alia insignia Regalia, & Despotalia deferre, ac portare possit, & valeat, secundum Regalem, & Despotalem usum, & consuetudinem Constantinopolitani Imperii*; for according to the Oeconomy of the Imperial Household of *Constantinople* related by *Leunclavius*², the first Officer of the Palace was the Δεσπότης, or Lord. *Philip* would have the Kingdom to hold of him in Fief, and therefore he caused Homage to be paid, and the Oath of Fealty to be taken by Friar *Jureforte* a *Constantinopolitan* of the Order of Preaching Friars, King *Martinus*'s Proxy and Ambassador for that purpose. The Patent was drawn up in *Naples* by *Roberto Ponciaco* Civilian, Counsellor and Domestick of the Emperor, and it bears this Date: *Datum Neapoli per manus D. Roberti de Ponciaco J. C. Professoris, dilecti Consilarii, & familiaris nostri. A. D. 1305. die 24. Maii 8. Indiēt.* *Philip* died in *Naples* in the Year 1332, and was buried there in the Church of the *Dominicans* of the Order of Preaching Friars, where his Tomb is to be seen at this Day.

Raimond Berlingier his fifth Son, for his great Justice and Prudence was made Deputy of the Vicariate, and he was Count of *Andria*, and Master of the Order of *Monte S. Angelo*, who died afterwards with the Character of a good Man. *John* his sixth Son died in holy Orders while he was a Youth. *Tristan* his seventh Son, so called, because he was born in a sorrowful time when his Father was Prisoner in *Spain*, was Prince of *Salerno*. *John* his eighth Son was Prince of *Achaia*, and Duke of *Durazzo* in *Greece*; *Durazzo* a City situate in *Peloponesus* now called the *Morea*, of which we have an exact Description in *Thucydides*; it was a Metropolis City, and its Metropolitan was subject to the Patriarch of *Constantinople*, and according to *Leunclavius*³, he had many Suffragan Bishops under him; *John* was afterwards Count of *Gravina* as Successor to his younger Brother. *Peter* the youngest Son was Count of *Gravina*, and was nothing inferior to the rest both in Virtue and military Valour.

THE female Progeny of this Prince was no less illustrious than numerous, being married to some of the most conspicuous Princes of *Europe*. *Clementia* was married to *Charles* Count of *Valois*, the King of *France*'s Brother. *Blanch* to *James* King of *Aragon*; *Leonora* to *Frederick* King of *Sicily*; *Mary* to *James* King of *Majorca*; *Beatrice* the youngest to *Azzo d'Este* Marquis of *Ferrara*, and then to *Beltramo del*

¹ Tatin. degli Ammir. pag. 103. Archiv. cas. |
fig. n. 4.

² Leunclav. tom. 1. lib. 2. Jur. Græco. Rom.

³ Idem Jur. Græc. Rom. tom. 2. lib. 3.

Balzo Count of *Montescaglioso* and *Andria*, and lastly to *Robert* Dauphin of *Vienne*. His Royal Household was also graced with many great and illustrious Barons; such as the *Orsini* Counts of *Nola*; the *Gaetani* Counts of *Fondi* and *Caserta*; the *Balzi* Counts of *Avellino* and *Andria*; the *Chiaramonti* Counts of *Chiaramonte*; the Counts of *Lecce*, of *Chieti*, and many other renown'd Barons.

BY such a Number of illustrious Sons, King *Charles* had not only the Pleasure that attends the Father of virtuous and excellent Children, but he likewise gain'd the Hearts of the People of *Naples*. The Lustre which they reflected upon the King's Family, and the Magnificence of so many Courts, not only adorn'd the City, but brought great Advantage to the Citizens; for by their living in so sumptuous a manner both the Tradesmen reap'd great Profit; and those of higher Degree, who were employ'd in their Courts, were afterwards rais'd to higher and more considerable Offices in the King's Household, which at this time were so numerous, and so various, that they deserve to be particularly mention'd in this Place.

S E C T. I.

Of the Officers of the King's Household.

THERE is no occasion to confound the Officers of the King's Household with those of the Crown; of which we have spoken in the eleventh Book of this History. These last were not liable to be changed upon a Revolution, or on the Death of a King, as the others were; their Office not being limited to any Place or Province, but was in general extended over the whole Kingdom; and properly they were Servants of the State, not of the King's Person: On the contrary, the first were Servants of the Household, because they attended daily upon the King's Person; and therefore these of whom we are treating, are really the King's Officers, because they immediately serve and wait upon his Royal Person.

WE must likewise distinguish them from those, who are also the King's Officers, upon whom the King confers publick Offices, such as Judges and other Magistrates; for they are not Officers of the King's Household, nor are they his Domesticks; whence it is, that in the Civil Law ¹ the Domesticks of the Emperor were called *Palatini*.

FORMERLY all the Officers of the King's Household were subordinate to the Officers of the Crown, and each of them, according to his Office, was subordinate to him, who was in the same Rank of Dignity. Therefore the Officers of the Crown had Substitutes under them, who officiated in the King's Household, and commanded the lesser Officers, as in the ancient Empire under every great Officer there was another called *Primicerius Officii*, who had the Title of *Spectabilis*, at the same time the great Officers had that of *Illustres*.

SO likewise in *France*, which was imitated in *Sicily*, those of the first Rank were called Officers of the Crown, and the others Great Officers only, or Superintendants of the King's Household. But in the Empire of old, and in the Kingdom of *France*, both the Officers of the Crown, and those of the Household were called *Comites*, that is to say, Companions of the Prince, or rather his Courtiers; the Prince's Court in *Latin* being called *Comitatus* ². But seeing there were likewise Counts both in the Provinces and Cities, so call'd, because they were chosen out of the principal Courtiers: in order to distinguish them from those employ'd in the chief Offices of the Court, the first were call'd *Comites Palatini*. Whence, the better to express their Quality, to the Title of *Comes*, the Name of their Office was added, such as *Comes Palatii*, *Comes Stabuli*, *Comes Sacrarum Largitionum*; whence in *France* these Officers were call'd *Count of the Palace*, *Count of the Stable*, to denote the Courtiers, who had the Charge of the Palace, and of the King's Stables, or his Equerry; so that *Comes* signified the Head of an Office: And lastly, *Comes Palatii* by the Civil Law, and *Cassiodorus* is call'd *Magister Palatii*. Whence

¹ Tit. de Palatinis, & tit. de Castrens. Palatin. |

pecul.

² L. 43. de testam. milit. l. 13, §. ignominios, de re militari, l. de his, qui per met. &c.

in *France* he was call'd Master of the King's Household; and with us the Officers of the Crown were formerly call'd *Masters*, such as Master Justice, Master Steward, and afterwards Great Justice, Great Steward, Great Admiral, &c. And the Title of *Master* was only given to the inferior Officers; such as Master Porter, Master Pantler, &c.

FORMERLY the great Officers of the King's Household were under some of the Officers of the Crown; but many since have been exempted from obeying any but the King: yet with us many have acknowledged the Great Steward for their Head, who is the same with the Great Master of the King's Household in *France*, as we shall see in enumerating these Officers.

THE Great Steward, as we have observed in the eleventh Book of this History, was great Master of the King's Household, and at the same time was number'd among the Officers of the Crown; because tho' his Office regarded the Government of the King's Household, as that of the Great Constable the Direction of War; that of the Lord Chief Justice the overseeing of Justice; and that of the Great Chamberlain the Inspection of the Finances; nevertheless, his Authority was not confined to any Place or Province, but extended over the whole Kingdom; neither was it alterable upon any Change of a King: and therefore he was said to serve the State and the Publick, and not the King's Person only.

UNDER the ancient Empire he was call'd *Magister Officiorum*, and therefore had under him in the King's Household many great, as well as inferior Officers. At last the great were exempted from obeying any other but the King; whence came other Officers, who cannot be said to be of the Crown, but still great Officers; of which hereafter.

CAMILLO TUTINI^{*} made a Catalogue of the Names of these Officers of the royal Household of *Naples*, and promised a Treatise upon it, but it has never been published: He collected the Names from the Statutes of the Kingdom, and the Archives of the Mint, which contains the Deeds and publick Acts of the Kings of the Family of *Anjou*, during whose Reigns, and particularly in that of King *Charles II.* there was a prodigious Number of such Officers about the Royal Family of *Naples*. And as this Prince did every thing in Imitation of *France*, so after the Example of that Kingdom, he introduced many of these Officers: And he not only imitated *France* in his Household, but likewise, as we have seen, in the Churches he founded and endow'd.

TUTINI has not been so exact in that Catalogue, as might have been expected from him; for in it he does not distinguish the Officers of the Crown, and those subordinate to them, from the Officers of the King's Household, and those under them. Having found the Officers of the Royal Household of *Naples* to be exactly the same with those of the Household of *France*, we shall follow the same Order, that those who have treated of the Offices of that most august House, have observ'd.

^{*} Tutini in princ. degli Uffici del Regno.

SECT II.

Of the Great Officers.

THE Officers of the King's Household were divided into Greater and Lesser Officers. The Greater, who were under the Great Steward, were, The chief Master of the Household, or Palace, whom *Tutini* calls Master of the King's Lodgings, and others, Steward of the Royal Lodgings: The chief Master of the Pantry, with which Office we find in the Registers^{*} of King *Robert*, that that King honour'd *Giacomo Ulcano*: The chief Cup-Bearer; and the chief Carver, or the King's Sewer.

UNDER the Great Chamberlain were, The first Gentleman of the Bed-Chamber, whom *Tutini* calls the *Major-domo* of the King's Household: The Master

^{*} Registr. anno 1325. fol. 229. recorded by Summont. Ilstor. tom. 2. pag. 440.

of the Wardrobe: The Master of the Ceremonies: The Master-Porter: The Introducer of Ambassadors, and the Gentleman of the Bed-Chamber in ordinary. In *France* these Officers obey none but the King, from whose Hands they take the Oath, and they pay respect to the Great Chamberlain out of Complaisance only.

SOME, according to *Loyseau*¹, likewise put the *First Physician* of the King's Household, and his Library-Keeper under the Great Chamberlain; others don't allow them the Rank of Great Officers, only because they are, as the *French* say, of the *Long Robe*: but these last are widely mistaken; for the Physicians of the Emperor's Palace under the ancient Empire were as much Officers of the Court as any of the rest, or the Counts Palatins. In *Constantinople*, after they had taught for twenty Years in that University with a publick Salary, they were admitted into the Palace, and were enrolled into the first Class of Courtiers; not as Professors, but because they were Physicians of the Emperor's Palace; and they were also reckon'd to be *intra Palatium Militare*, as the Emperors *Honorius* and *Theodosius* describe them². Therefore they were called Physicians of the Sacred and Imperial Palace, and not of the Emperor. When the Prince chose one of them to take care of his own Person, that one was advanced in Dignity, and was call'd the Prince's first Physician, Judge and Chief of all the other Physicians; and this was not introduced by any of the Emperors, but by our *Theodorick* the *Ostrogoth* King of *Italy*, as we read in *Cassiodorus*³, who represents that Prince speaking thus: *Huic peritiæ deesse Judicem, nonne humanarum rerum probatur oblitio? Et cum lascivie voluptates recipiant Tribunum, hoc non meretur habere primarium! Habcant itaque Præsulem, quibus nostram committimus sospitatem. Sciant se huic reddere rationem, qui curandam suscipiunt humanam salutem.*

THE very same Custom was practis'd in *Persia*, where the first Physician of that King was both Head and Judge of all the other Physicians, and without whose Approbation none could practice Physick in that Kingdom; and by the *Persians* he was call'd *Hakim Pasci*⁴; as by the Testimony of *Alpinus*, in the City of *Cairo*, the chief Physician, who has the same Power, is likewise call'd *Hakim Pasci*. *Hakim* in the *Arabick* Language signifies *Wise*, or *Doctor*; whence the *Spaniards* in a degree of Excellency call a Physician *Doctor*, as the *French* call a Midwife, whom they reckon among the Number of Physicians, *Sage-femme*.

WITH us the chief Physician was call'd *Protomedico*; and in the Reigns of the Kings of the Families of *Anjou* and *Aragon* we find frequent mention of him under that Name; and in the famous Act of Indemnity of Queen *Joan I.* recorded by *Summonte*⁵ we find, that *Carlo Scondito* was then first Physician; and in the Reign of the Family of *Aragon*, *Pannuccio Scannapeto*, *Sylvestro Galeota*, and others were successively first Physicians: of whom *Toppi* in his *Bibliotheca* has made a Catalogue. *Theodorick* granted him great Authority and Prerogatives; that all those who practis'd Physick were to give an Account to him of their Skill in their Employment; that in case of Disagreement amongst the Physicians about the Cure of the Sick, he was to determine it; and they were to stand to his Decision: And lastly, that he was to be the Prince's Physician⁶.

WE had also a *Proto-chirurgus*, but that Office was suppress'd, and annexed to that of first Physician, who is made by the King, or his Lieutenant, and ought to be a native of the Kingdom; and not only the Surgeons, but the Midwives are under his Cognizance, as also the Apothecaries, whom he appoints and licenses, and whose Shops he visits; and he has the same Authority that *Frederick II.* by two Constitutions gave to his Officers and Physicians, to take care that the Syrups, Electuaries, and other Medicines, be rightly prepar'd, and to regulate the Prices of them⁷; and therefore he is Head of the College of Apothecaries, call'd *The College of Eight*. He has a Tribunal, and with his Assessor takes Cognizance of Complaints against the Midwives, Apothecaries, &c. and against those who

¹ Loys de OÛc.

² Cod. Theod. l. 1. de Comitib. & Archiatris sacri Palatii. ibi: Archiatros intra Palatium militantes. l. 16. C. Th. de Medicis, & Professorib. ibi: Universi, qui in sacro Palatio inter Archiatros militarant, & Comitivam primi ordinis, vel secundi adepti sunt: & l. 18. eod. tit.

³ Cassiod. 6. var. 19. in formula Comitib. Archia-

trorum. V. Gothofr. in l. 1. C. Th. de Comitibus & Archiatris.

⁴ Gabriel Chinnon in Notitia Orientis.

⁵ Summonte tom. 2. pag. 459.

⁶ Cassiod. loc. cit. Goth. in C. Th. l. 1. de Comitib. & Archiatris.

⁷ Constitut. de Medicis. Constit. de Fidelium numero super electuariis, & Sympis statuendis.

practise Physick without a Licence; and he is subject to the Tribunal of the Royal Chamber of Accounts, yet he appeals from that to the Tribunal of *S. Clara* ¹.

THE Great Master of the Horse (an Office likewise in the Empire of the East known by the Name of *Scuterius*) had under him the first Gentleman of the Querry.

THE Great Huntsman, whom the Greeks reckon'd likewise an Officer of the Palace of *Constantinople*, and was called *Primus Venator*, whom we now call *Montiere Maggiore*, had under him the Great Falconer; the Master of the Waters and Forests, of whom there is frequent mention made in the Statutes of the Kingdom ²; and the four under Huntsmen.

WE cannot expect to find such Officers in the ancient Empire; for the *Romans*, as they delighted in Agriculture and pastoral Affairs, so they despised hunting; whence *Salust* ³ reckons Hunting among the servile Exercises; and *Tiberius* branded with Infamy a Captain of a Legion, because he had sent some of his Soldiers a hunting ⁴. Our *Scipione Ammirato* ⁵ has examined into the Reasons of this, among which these are of some Weight: In order to take the Pleasure of Hunting, the *Romans* would have been obliged to go a whole Day's Journey from *Rome*, because that City for many Miles was surrounded with Villages, Gardens, and other Places of Pleasure; and because they had so many Games, and publick Shews, such as Gladiators, and many other military Exercises, at home, they had no occasion to have recourse to Hunting. On the contrary, the foreign Princes, whom they call'd Barbarians; such as the Kings of *Macedon*, *Persia*, *Parthia*, and many others, valued themselves upon being exquisite Hunters; but above all the *German* and Northern Princes, who in the Decay of the Empire conquered *Europe*, took great Delight in it; whence it came, that our Princes despised Agriculture and pastoral Exercises, and were so much taken with that of Hunting. These People, as the *Abbot de Fleury* ⁶ has wisely observed, lived in Countries covered with Woods, where there was neither Corn, nor Wine, nor good Fruit; so that they were forced to live upon the Game they could catch, as the Savages of the cold Countries of *Armenia* continue to do. After they had passed the *Rhine*, and been settled in a better Climate, they were willing to reap the Benefit of Agriculture, Arts, and Commerce, but they could not apply themselves to them. They left these Professions to the *Romans*, whom they had subdued, and follow'd their own Customs; and as they neglected Agriculture, so they extolled Hunting, which was in no Esteem among the Ancients. They made it a great Art, and brought it to the utmost Perfection; insomuch that the Nobility employed most of their time in Hunting.

IT was likewise look'd upon to be a fit Exercise for those who professed Arms, because it inured Men to rise early, to suffer Cold and Heat, to Fasting, Travelling, and Coursing, and to endure all the Hardships incident to War; and therefore they would bear them the better in the Army. The Princes themselves were persuaded, that Hunting was a most beneficial Exercise to them, as well for accustoming their Bodies to Hardship and Fatigue, as for learning the Situation of Mountains, Defiles, Passes, and Plains, the Course of Rivers, and where marshy Grounds lay; which was a double Advantage to a Prince, because thereby he not only knew the Situation of his own Country, which made him know the better how to defend it; but he likewise might have a Notion of the Situation of other Countries, all bearing some Resemblance one to another; which Knowledge could not fail to turn to Account in many respects, especially in leading Armies, in chusing proper Grounds for Camps, and taking Advantage of an Enemy.

HOW much our Princes, whether *Goths*, *Longobards*, *Normans* or *Suevi*, applied themselves to Hunting, may be observ'd in the preceding Books of the History; and especially the Emperor *Frederick II.* and *Manfred* his Son, who wrote particular Books upon Hunting. The Kings of the Family of *Anjou* follow'd their Example; for having fixed their Royal Seat in *Naples*, and that City in these times not being surrounded with so many Villages and Gardens, nor its Plains so well cultivated, as at present, but the Province of *Terra di Lavoro* being full of large

¹ V. Tasson. de Antefato, ver. 3. obs. 3. Tribun. XIX.

² Capit. Regni, sub Rubr. de Magistris, & Forestieris, & Subofficialibus eorum. De Forestis antiquis & novis.

³ Salust. in Proœm. Catilin.

⁴ Suet. in Tiber. cap. 19.

⁵ Ammir. sopra Corn. Tacit. lib. 2. disc. 1.

⁶ Fleury des Coutum. des Israélites par. 2. cap. 2.

Forests and Woods, their ordinary Exercise was Hunting; whence many Officers of the Royal Household were appointed for attending the King at that Sport, who had their Head, call'd the *Great Forester*, who had under him many Master-Foresters, and these had many Huntsmen subordinate to them *.

THE Authority and Jurisdiction of this Officer, with us call'd *Montiere Maggiore*, in the Reign of the Family of *Anjou*, were not so extensive as they were made afterwards in the Reign of the *Spanish* Kings; for in those times the Jurisdiction of the Great Master of the Forests was extended over the King's patrimonial Forests only. But Hunting being afterwards established as the Prince's Royalty, his Authority became boundless; insomuch that he granted Licences to Sportsmen to carry Arms, and to hunt over all the Kingdom, (although the Barons by their Investiture were invested with their Forests, and a Right to hunt) and he has his own Judge, and particular Tribunal *.

* Capit. Regni: De Magistris Foresteriis, & Subofficialibus eorum. obs. 5. Trib. XXVII.

* Tasson. de Antef. vers. 3

S E C T. III.

Of the Inferior Officers.

THE Inferior or lesser Officers were so call'd, not that they were little in themselves, but in comparison of the Greater Officers abovemention'd. In the ancient Empire they were call'd *Militie*, or Posts and Offices upon the same footing, because there were many of each sort, whereas the Great Officers are in a manner all singular in their kind. We find these *Militie* frequently mention'd in *Justinian's* Code and *Novelle* *; and *Cujacus* *, and *Vinnius* have treated of them most accurately, and have rejected the Opinion of *Laelius Taurellus* concerning the *Militie ex casu*.

THEY were of two sorts, the one given to Gentlemen, and the other to Plebeians.

THOSE given to Gentlemen are the Places of Gentlemen of the Bed-Chamber; the Gentlemen of the Game; and as for the Pages (by *Tutini* call'd Valets) they receiv'd no Salary, but got the King's Livery only. The Gentlemen of the Bed-Chamber, who in the ancient Empire were call'd *Decuriones Cubiculariorum*, commanded the other inferior Officers, and there was a great number of them. The Gentlemen of the Game were those who attended the King at Sport, and were different from the Royal Huntsmen, who were Plebeians, and had the Charge and Direction of the Sport. The Gentlemen of the Falconry, who had the Charge of that Sport, were different from the Falconers of the Royal Household, who had the appointing of the Sport. As we have said, we need not look for these Officers in the ancient Empire, because the Emperors were not so much in Love with Hunting, as our Kings were.

THE Royal Chamberlains, who undressed the King, and put him in Bed, and were of his Privy Chamber; the Archers of the King's Guards; the Grooms who attended the King's Person; the Grooms of the Stable, by the Civil Law call'd *Stratores*, and in *France* *Marechaux*, Farriers, a *German* Word, which signifies an Officer belonging to the Horse, whom *Tutini* calls the King's Master Farrier; whence we call those *Mariscalchi*, who cure and shoe Horses, who are different from the *Marescialli degli alloggiamenti*, Quarter-Masters.

THE Quarter-Masters, who in time of War had the Charge of lodging the Soldiers, follow'd the Great Constable; and the Officers who succeeded to their Office were call'd Grooms, and also Grooms of the Stable, to distinguish them from the Grooms who attended the King's Person.

THERE were likewise *Masters of the King's Pensioners*, whose Business it was to keep an account of those in his Majesty's Pay, and of whom there are yet some

* L. penult. C. de Collationibus. l. si quis 11. C. de proxim. Sac. Scrin. lib. 12. l. ult. C. de pign. l. commutato 30. §. 2. C. de inoff. testam. Nov 53 cap. 5.

* Cujac. ad Nov. 53. Vinn. Tract. de Collationibus, cap. 13. num. 16. & 19.

Footsteps remaining ; for in the Church of *S. Nicholas* in *Piozzo bianco* we read an Inscription, which shews the Founder of that Church to have been *Errico Barat*, a Domestick of King *Charles I.* *ac Stipendiariorum Regiorum Magistrum* ¹ : Whose Office, and that of Quarter-Master of the Army, in the Reigns of the *Aragon* and *Spanish* Kings were transferred to the Royal Secretary of Accounts, of whom we shall treat in the Reigns of those Princes.

THERE was also the *Master of the King's Studs*, whom we now call *Cavallerizzo Maggiore*, the first Gentleman of the Querry ; which Officer, during the *Spanish* Government, as shall be related, raised his Jurisdiction to a great Pitch, and had his own Auditor, and particular Tribunal.

THE Dependents upon the King's Secretaries were very numerous. Those who in the Empire were in the *Militia* of the Tribunes of the Notaries, and as *Cassiodorus* witnesseth, were likewise called *Candidati* ², in the Kingdom of *Sicily* acknowledged the Great Protonotary for their Head ; who was one of the seven Officers of the Crown, as we have said in the eleventh Book of this History. He was the Head of the Notaries, and in the ancient Empire called *Primicerius Notariorum* ; he was of the Proconsular Dignity, and after he had exercised his Office two Years he became *illustris*. In the ancient Empire there were likewise three Sorts or Degrees of Notaries, which are clearly distinguished in the *Theodosian Code* ³. The first had the Title of *Tribuni Prætoriani*, & *Notarii*, and were of the Dignity of *Comites*. The second were only called *Tribuni*, & *Notarii*, and they were of the same Dignity with the *Vicarii* ; and the third were called *Notarii familiares*, or *domestici*, and were of the same Rank and Dignity with the Presidents of Provinces. We need not confound these with those we now call Notaries, who were quite different, and were called *Tabelliones*, or *Tabularii*, as we observed in the foresaid Book.

IN *France*, according to the Writers of that Kingdom, there are likewise three Sorts of King's Notaries, also Secretaries after the Example of *Vopiscus*, who calls the Notaries of the ancient Empire, *Notarios Secretorum*, and by the Civil Law are intitled *A Secretis* ⁴. Therefore they are differently called, Secretaries of State ; Secretaries of the King, and Secretaries of the King's Household. The Secretaries of the Cabinet are intrusted with the Dispatches, *Cubicularii qui emittebant Symbola, sive Commonitoria*, as they are named in *Justinian's Novellæ* ⁵. In *France* the Secretaries of the King, of the Household, and of the Crown for dispatching all the Letters Patents of the Chancellery were sixty in Number. And seeing all Grants and Privileges pass through their Hands, it was but reasonable in them to obtain from the King so many in their own Favour.

IN the Reign of the Family of *Anjou* there were likewise many of these Secretaries and Notaries of the King in the Royal Household of *Naples*. There were the Notaries of the King's Household, and at this time *Niccolo d'Alife* was *Charles II.*'s Notary, and was a famous Lawyer of that Age : There were the Masters and Inspectors of the Subscriptions of the Letters of the Royal Exchequer. The Notaries of the Royal Treasury ; the Sealer of the King's Letters ; the Writer of the King's Patents ; and other inferior Officers in the Secretary Office.

AMONG these Officers we ought likewise to reckon the Master of the Royal Armoury ; the Master Groom of the Stables ; the Master of Arrests ; the Overseer of the Officers of the Royal Hospital ; the Master of the Wardrobe ; the Master of the Royal Chamber of Accounts (amongst which, in this King's time, were *Andrea d'Isernia*, and the said *Niccolo d'Alife*) and other such like Officers, of whom there is frequent mention made in the Statutes of *Charles I.* and *II.* ⁶.

IN the last Place follow the lesser Offices left to the *Ignoble*, which are those for dressing the Victuals of the King, the Princes, and their Domesticks, which in *France* are called the Seven Offices ; not from the Employments, but from the Kitchens where they are exercised, and they are called Offices of the Households of the King and Princes. In the two Kitchens, the Heads are called Grooms of the Kitchen, and their Assistants Master Cooks.

¹ Eugen. Nap. Sacr. fol. 73.

² Cassiod. lib. 4. ep. 3.

³ L. 2, 3. Cod. Th. de Primic. Notar.

⁴ L. 9. C. pui milit. pos.

⁵ Nov. 8. 24, 26, 27.

⁶ Capit. Regni sub rubr. de Offic. Magistrorum Massariorum, cum tribus seq.

SO likewise with us, those that dressed the Victuals of our Kings and Princes were called Overseers of the Royal Kitchen, and the King's Master Cooks; whence it is said that those three *Frenchmen*, *John Dottum*, *William Burgund*, and *John Lyons*, who founded the Church and Hospital of *S. Eligio*, were three Cooks to King *Charles I.*

THERE were also the Overseers of the King's Pantry, Scullery, Fruiterie, and Butchery; these had many Assistants under them; the Groom of the Bason, and many other such under Officers.

IN this Class ought to be placed the Royal Standard-Bearers; the Porters of the King's Bed-chamber; the King's Huntsmen; the King's Falconers, that is to say, those who have the Management and Direction of the Sport and Flight; the King's Bird-keeper; the forty Soldiers of the Royal Hospital, and other such inferior Officers.

Camillo Tutini in the Catalogue of these inferior Officers reckons some, who belong not in the least to the Royal Household, or the Great Officers of the Palace, but depend solely upon the Officers of the Crown; such as the Marshals of the Kingdom, the Constables of Provinces, and the Castellans, who were subordinate to the Great Constable. The Master of the Royal-Port, and the Port-reeves, or Vice-Admirals, who are under the Great Admiral. The Royal Treasurer, and the Secretaries of Provinces, who are subordinate to the Great Chamberlain; and the Justices of Provinces, and of the Students, who acknowledge for their Head and Superior the Lord Chief Justice.

WITH so many and so honourable Posts was the Royal Household of *Naples* adorned in the Reign of *Charles II.* who with an impartial Hand distributed these Offices for the most part amongst the *Neapolitans* and Natives, as we read in the Royal Archives; for he had as great a Value for the Subjects of this Kingdom, as for those of his other paternal and maternal Dominions; and if sometimes we find that he likewise gave the Subjects of those Dominions Posts in this Kingdom, we also find, that he provided for our Natives and *Neapolitans* in the same manner in *Provence*, *Forcalquier*, and *Piedmont*, as we read in the said Archives; and the Arms of the *Neapolitans* who have governed in those Places are still to be seen there. And although in every thing he imitated the Kingdom of *France*, and was much inclined to gratify those of his own Nation, yet in Affairs of State he did not regard Nations, but followed the Advice of the most knowing and prudent Men.

BUT as soon as *Naples* lost the Honour of being the Royal Place of Residence, all these Officers in a manner vanished, and but very few remained; for in the Reign of *Ferdinand the Catholick*, and much more in that of the House of *Austria*, a new Polity being introduced, from which sprung new Offices; and as those above-mentioned were introduced by the *French Kings* in Imitation of those of *France*; so the *Spanish Kings* were pleased to introduce new Officers in Imitation of those of *Spain*; of which in their Reigns we shall give a particular and distinct Account.

^a Costanzo, lib. 3.

S E C T. IV.

Of the Master of the King's Chapel, whom we now call Chaplain-Major.

THE Master of the King's Chapel must not be numbered amongst the Officers of the King's Household; for though he may be reckoned among them, as having the Inspection of the King's Oratory, which is within the Palace, yet as he had the Direction of Ecclesiastick and Sacerdotal Affairs, he was distinct from those, who had the Direction of the Affairs of the Government, and of the King's Household. In order to establish the Royal Household of *France* upon a more splendid and magnificent Footing, it was thought prudent to introduce into it all the three States of the Kingdom, and that not only that of the Nobility, and the third State should share in it, but likewise the Ecclesiastical, which in that Kingdom is a separate State, which is quite different from what is practised with us, where the Ecclesiasticks

clerical are mixed with the two States of the Nobility and People. From the Nobility they took, as we have seen, the Gentlemen of the Bed-Chamber; of the Hunting, of the Falconry, and others, with which they filled up the Places of the King's Household. From the third State they took the Registers, Secretaries, Clerks, and all those to whom the inferior Offices were left. So likewise of the Ecclesiastical State they took the Great Almoner, the Master of the Chapel, or Oratory, and the King's Confessor in Ordinary; and in the time of the Kings of the first Race, the Authority of the King's Chaplain, also called *Archicapellanus*, was so great in the Royal Household, that he and the Mayor of the Palace divided the Government of the Kingdom between them; this Office being suppressed during the second Race, and the King's Household under another Form of Government, the Authority of the Archchaplain was very much diminished, and the Great Almoner stepped over his Head, and had under him both the Master of the Oratory, and the King's Confessor¹.

IN the Kingdom of *Sicily*, the *Normans* having fixed their Royal Seat in *Palermo*, the King's Chaplain, like that ancient one of *France*, had extended his Jurisdiction over all that Kingdom, not excepting the Almoner, nor the King's Confessor. Amongst the Letters of *Peter de Blois*, we read one directed *Ad Capellandum Regis Siciliae*², wherein he puts him in mind, that by his Office he ought to admonish the King not to give the Bishoprick of *Agrigento* to an unworthy Person.

SINCE Christian Princes thought fit to have their own Oratories within their Palaces, of course there started up the chief Priest of the Court Clergy; and wherever they fixed their Royal Seat, there he was to reside; whence it is, that with us we find no Record of a Royal Chaplain, till the Kings of the Family of *Anjou* fixed their Residence in *Naples*, and began to have a Royal Chapel. Formerly the *Norman* and *Suevian* Kings had their Royal Seats fixed in *Palermo* in *Sicily*; whence it is, that the Royal Chaplainship of *Sicily* is more ancient than that of *Naples*.

BEFORE the Kings of the Family of *Anjou* fixed their Royal Seat in *Naples*, there was no such Office among us as the Master of the King's Chapel; and from that time to the Reign of *Ladislaus* he was called *Magister Regie Cappelle*, or *Magister Sacrae Cappelle*, and often *Protocappellanus*³, as being the Head of all the King's inferior Chaplains, as with the *Greeks* the chief Priest of the Court Clergy was called *Protopapa* of the Palace; of whom we find frequent mention in *Codinus*, *Zonara*, *Cedrenus*, and in the *Notitiae Imperii*; to him was committed the principal Care of performing Functions and Solemnities in the Chapel of the Imperial Palace, where he had the Inspection of the spiritual Offices; of whom *Tommasino* has likewise treated in his Book upon Benefices⁴. In like manner the Master of the Royal Chapel of *Naples* had the chief Care of the King's Oratory, and had the Inspection of all the Clergy of the Royal Palace; and in the time of *Charles II.* we read that *Pietro* was his Royal Chaplain, who was present at the Absolution from the Oath, which Pope *Boniface VIII.* gave to *Leonora Charles II.*'s third Daughter, for dissolving the Marriage she had contracted with *Philip* Lord of *Tusciaco*, and Admiral in the Reign of *Charles I.*⁵; and in the time of King *Robert* we read, that *Landulfo di Regina*, a Doctor and Canon of *Naples*⁶ was his Chaplain. And from this Reign, not from that of *Alphonfus I.* as, contrary to *Freccia's* Opinion, we observed in the eleventh Book of this History, the High Chancellor was excluded from exercising Jurisdiction over the Clergy of the Royal Palace; and all was lodged in the Person of the Chaplain Major, as chief Priest of the Court Clergy.

HIS Authority grew much greater in the Reign of *Charles II.* for it had been an ancient Custom, that Princes should have their Royal Chapels, not only in the Metropolis where they resided, but in any other City where they used to remain for some time, and likewise could declare any Church for which they had a particular Respect to be a Royal Chapel, and accordingly endowed it as such, as remains upon Record since the time of Count *Roger*; who, among other Things, which he gave to *S. Bruno*, in the Year 1094 gave the Church of *Santa Maria di Arsofia*, his Chapel, which he held in *Calabria*, exempted from the Jurisdiction of the Ordinary;

¹ Loyseau des Ordres.² Epist. P. Blefensis, epist. 10.³ V. Chioec. tom. 2. MS. Giurisd.⁴ Tommasin. de Benefic. part. 1. lib. 2. cap 5.

num. 11.

⁵ Summont. lib. 3. tom. 2. pag. 350.⁶ Regitr. anno 1334. fol. 47. Summon. tom. 2. pag. 410.

the Charter of which Donation is recorded by *Taffoni* ¹, where we likewise find that *Falcone* was his Chaplain; from that time the Royal Chapels multiplying in our Kingdom, of course the Authority of the Royal Chaplain increased. The Church of *S. Nicholas* of *Bari* was declared a Royal Chapel, and therefore as the Prior and the Chapter were exempted from the Ordinary, so they were subordinate to the King's Chaplain Major. The Church of *Altamura* was likewise declared a Royal Chapel, and therefore the Archpriest and his Clergy, as Royal Chaplains, pretended to be independent of the Bishop of *Gravina*, and to acknowledge none for Superior but the King's Chaplain Major ². A great many other Churches to which the King collated, being declared Chapels Royal, of which we have discoursed in the preceding Chapter, likewise pretended Exemption from their Ordinaries, not owning any other for their Superior, but the Chaplain Major.

AFTERWARDS those Chapels that were built within the King's Castles were also reckoned Royal; therefore as their Number multiplied in the Kingdom, the Royal Chapels likewise multiplied. There was yet another Cause of the Increase of their Number; for our Princes having obtained of the Popes many Privileges and Exemptions to them, such as not to be bound to Residence, though they held Benefices with Cure of Souls; not to be subjected to the Payment of Tithes, which the Popes imposed upon the Ecclesiasticks, and other such like things ³, every one endeavoured to get themselves declared King's Chaplains; for a Custom had crept in, that many who did not actually serve in the King's Chapels, and were at a Distance, used to obtain Letters from the King, whereby they were declared Royal Chaplains, which when they had obtained were of great Service to them; because whenever Tithes were imposed upon the Ecclesiasticks, the Chaplains had recourse to the King for being exempted, and accordingly they got Protections, many of which we read in the second Volume of *Chioccarelli's M. S. Giurisdizionali*; and among the rest one granted at the Desire of the Archbishop of *Otranto*, who represented to the King, that he being one of the ancient Chaplains of the Royal Chapel, and that when he had been in *Naples* he had always officiated in it, he ought not to be liable to the Payment of Tithes. So that the Popes being sensible of this bad Practice made several Bulls, ordaining, That those only were to enjoy the Privileges and Exemptions granted to the Royal Chaplains, who actually served in the Chapel Royal, but those Bulls being too stinting, especially those of *Leo X.* and *Clement VIII.* they were not received without being discuss'd and explained. From henceforth the Authority of the Chaplain Major over all the Castles of the Kingdom, and over the Churches declared Chapels Royal increasing, it gave Rise to the many Disputes between him and the Archbishop of *Naples*, the Bishop of *Cotrone*, and many others, of which the second Volume of *Chioccarelli's M. S. Giurisdizionali* is full.

IN the time of the Kings of the House of *Austria* his Authority was augmented, by his getting the Charge and Inspection of the Royal University, and a part of that Jurisdiction over the Scholars, which formerly their own Judge had; and the Collateral Council frequently referred to him the Causes brought before them by Ecclesiasticks for Injuries or Violence done them by Laicks; and Jurisdiction was likewise given him over the Musicians of the Royal Chapel ⁴, of which we shall occasion to discourse more at large, when we come to the Reigns of those Princes.

¹ Taffon. de Antef. vers. 4. obs. 5. num. 40. privil. anno 1094. Quod Monasterium Arisaphim Capella mea erat exempta ab Episcopali jurisdictione per Sacrosanctam Romanam Ecclesiam.

² Chiocci. tom. 7. MS. giurid.

³ Idem, tom. 2. MS. giurid.

⁴ V. Reg. Constitutum in l. unica. num. 21. C. de Palat. & Domib. Dominic. lib. 11. Taffon. de Antef. vers. 3. obs. 3. Trib. 9. num. 271 & 284.



C H A P. VII.

Of the Usages of the City of Naples, and of Bari, and of some other Cities of the Kingdom.

AMONGST those Advantages hitherto enumerated, whereby it pleased King *Charles II.* so much to favour and raise the City of *Naples*, that of the Collection of its *Ufages* ought not to be look'd upon as the least. Before these were digested into order, and put in writing, the Citizens were involved in continual Pleas and Discord by Reason of their Uncertainty; every one alledged for themselves the *Ufages*, and to prove their Allegation produced their Testimonies; and according to those Proofs the Plea was decided. It happened in such Cases, that by relying on the Proof of those Testimonies, in another Judicature the contrary was proved, by which Means a different Decision was the Consequence; whence it was, that they were always uncertain and doubtful, and involved in perpetual Pleas and Controversies. In order to remove so great Confusion, *Charles II.* resolved to apply a Remedy.

HE had a very recent Example of this, set him by his Father King *Charles* in the City of *Bari*, and another in the same City long before by the famous *Roger I.* King of *Sicily*. That City having been long under the Dominion of the *Longobards* was governed by their Laws; and particular *Ufages* had been established there, for the most part agreeable to those Laws. The People of *Bari*, that they might not fall into the same Confusion, under which they saw *Naples* at that time labouring, caused those *Ufages* to be put in writing; and their City having been taken by *Roger*, they presented them to him, who (as we read in the Preface) *Et laudavit, Et servavit illesus; imo potius suo magno favore firmavit, Et eis perfectis, demum robur sue constitutionis indulxit* *. But in the time of *Charles I.* they had the good Fortune to have two of their own Citizens famous Lawyers, who very succinctly and elegantly, considering the Age, collected them into a small Volume, and in a tolerable Style transmitted them to Posterity; and it is that Volume, which is now so common; which deserved a more learned Commentator, than *Vincenzo Massilla*, who being ignorant of the *Longobard* Laws, from which they are taken, in a very insipid Style, and full of Puerilities, in the Year 1550 wrote Comments upon them.

THE two Lawyers that collected them into the Form we now see them, were *Andrea di Bari* a Judge, and the famous *Spairo*, or *Spurano*, likewise a Judge of *Bari*. This last was one of the greatest Lawyers that flourished in the time of *Charles I.* and was by that Prince much honoured and esteemed; for besides his having made him first Justice of *Terra di Bari*, and then Master of Accounts of the High Court, after the Death of *Roberto di Bari*, he was made Great Protonotary of the Kingdom. He was likewise made President of the Tribunals in the Counties of *Provence* and *Forcalquier*; and had the Title of *Vir Nobilis*, in those times given to Men of Quality, and Persons of the first Nobility; and lastly he knighted him, and enriched him with many Fiefs.

* In procem. Consuet. Bari.

Andrea li Bari, in that Book which he wrote, followed, as much as was fitting, the Order and Method of *Justinian's Code*, and in some measure imitated the Pandects. Therefore, after a pretty tolerable Proem, in Imitation of *Justinian*, he began with the Title *De Sacrosanctis Ecclesiis*, where he treats of things concerning the Cathedral Church of *Bari*, and that of *S. Nicholas*. In Imitation of *Tribonianus* in the Pandects, he ends his Work with the Title *De Regulis Juris*, wherein he likewise follows the Example of the Compilers of the Decretals.

S PARANO, with no less Elegancy, to *Andrea's* Book adds another of his own, and follows a different Method. Knowing, that these Usages were for the most part taken from the *Longobard* Laws, he thought it more fit to follow the same Order, which the Collectors of those Laws had observed; and therefore as they had begun their first Book of the *Longobard* Laws with criminal Affairs, so he begins his with the same. It is likewise said of this Lawyer, that he composed other Works; but these two only have reached us, viz. this Collection, and a little Book intitled: *Rosarium Virtutum, & Vitiatorum*; which, with the Appendix of the Abbot *Paslo Fusco da Ravello*, in the Year 1571 was printed in *Venice*.

CHARLES II. then having raised *Naples* to such a pitch of Grandeur, would not allow *Bari* to excel it in this. Therefore finding that its Usages had not been put in writing, which was the Occasion of the abovementioned Confusion, he first gave it in charge to the Archbishop of this City, and directed him to call for twelve Men of known Probity, and well skilled in the Usages of their City, and with them to begin the Work. *Filippo Minutolo* was then Archbishop of *Naples*, who, on account of his Wisdom and Learning, had been appointed chief Countellor to *Charles*, when his Father had left him his Lieutenant in *Naples*; so that he was equal to the Work, and from whom a happy Issue was to be expected¹. At the same time he ordered the University of *Naples* to chuse such Men as were not only of undoubted Probity, but most knowing in the Usages of their native Country, who were to search into the Usages of the City, and those especially that were most genuine, ancient, agreeable, and most approved of in the Judicatories; and after having carefully examined them with the Testimony of Men of Probity and Integrity, they were to put them in writing into one Volume; which being revised and examined by the Archbishop, and those twelve Persons appointed for that end, it was to be presented to him, that these only might be confirmed and approved by his Constitution, and all others rejected; so that they were to have no Force in any Judicature, or otherwise.

THE Archbishop and those Delegates put their Orders in execution, and in name of all the Citizens presented ahe Book to the King, that he might confirm it. At that time the Ecclesiasticks had not as yet pretended, as they strongly insisted upon afterwards, to be free and exempt from these Usages. Then *Charles* caused the Book to be revised by *Bartolommeo di Capua*, at that time Protonotary of the Kingdom, who having taken out some things, and added others, put it into a better Form, and in the Stile we now read it. Which being done, these Usages were approved by the King, and except such as were contained in this Volume, it was declared unlawful to quote any other, either in the Courts of Judicature, or out of them; this was done in the Year 1306, the Archbishop *Minutolo* being then dead.

IF the Usages of *Naples* were to be compared with those of *Bari*, we should certainly find, that the two Judges *Andrea* and *Sparano* penn'd those which the People of *Bari* presented to King *Charles I.* in a more elegant Stile, than *Bartolommeo* wrote those presented by the *Neapolitans* to *Charles II.* The Stile of the first was not so insipid and perplex'd as that of the last, which may be observed by any that will be at the Pains to read both; but *Charles* in his Preface excuses *Bartolommeo*, by saying, that he thought fit not to alter the Stile and Terms peculiar to the Country, that they might be the better understood by the Citizens: *In stilo distaminis eorundem Civium: ut magis propriè illarum usualia verba remaneant*².

THERE appears another Difference between those two Collections; for as *Bari* was long under the Dominion of the *Longobards*, so the Usages of that City for the most part are derived from the Laws of that Nation. On the contrary *Naples* was never subject to the *Longobards*, but was originally a *Greek* City; and during all the

¹ Chioco. de Archiep. Neap. anno 1238.

² Proem. consuet. Neap.

time that the other Provinces of the Kingdom were under the Dominion of the *Longobards*, it was under that of the *Greeks* and the last Emperors of the East; so that the Usages of *Naples* are derived from the *Grecian* Laws.

KING *Charles* having said that these Usages were most ancient, some therefore have believed that they were the Remains of those ancient Laws whereby *Naples* was governed in the time of its *Archontes* and *Demarchi*, as we said in the first Book. Others, with greater Probability, and without having recourse to Times so remote, have believed, that they were derived from the *Novellæ* of the last *Greek* Emperors; which Opinion is supported by the many Rites and Customs of the later *Greeks*, which are still observed, and by the many Words of that Nation still in use.

THE Order and Method observed by *Bartolommeo di Capua* were likewise quite different from those, which *Andrea* and *Sparano* followed. These, at least as far as was possible, imitated *Justinian*, and the Collectors of the *Longobard* Laws, as we have said; *Bartolommeo* of his own Head took a new Method. In the first Place he treated of the Order of Succession *ab intestato*, and then of that *ex testamento*; of the Power, which by vertue of these Usages the Sons of a Family have of making Wills, and of what Goods; of the Power which married Women have when they are no longer under the Tuition of their Fathers, to bequeath their Portions; how much of them they can so, or otherwise dispose of; of the Maintenance which Fathers and Mothers ought to give their Children. Then he goes on to treat of Dowries, and of the fourth part of the Husband's Goods due to the Wife; of Contracts between Husband and Wife; of Instruments, which in those Times were wont to be drawn up by the *Curiali**, and of their Authority; and in short, of all that concerns the *Materia* * Certain Officers belonging to the Pope. *Dotalis*, and the Wife's fourth Part.

BEFORE he proceeded to the other Contracts, he intermixt eight Titles; in the first he treated of Cases, in which one Person of his own Authority could pledge the Goods of another; in the second *de ratione congrui*; in the third he examines of what Credit the Word of a *Colonus partiarus* may be; in the fourth he discusseth the Testimony of Clowns, and what Credit it deserves; in the fifth he treats of Servitude; and in the three following, of Things thereto belonging. Then he returns to Contracts, and discourses of Leases, Pledges, Buying and Selling, and Earnest Money; but those Titles are intermixt with others, such as *De Communi dividendo*, & *Glande Leggenda*.

AT last he concludes with these Titles, *De ripa, vel efrico*, and *De restitutione in integrum*. Such was the Order that *Bartolommeo di Capua* observed in his Collection of the *Neapolitan* Usages, which was finished and confirmed by the King on the twentieth of *March* 1306, as we see by the Date: *Data Neapoli per Manus ejusdem Bartolommei de Capua Militis Logothetæ, & Prothonotarii Regni Siciliae. Anno Domini 1306. die 20. Martii 4. Indict. Regnorum nostrorum anno 22.*

THESE Usages were by King *Charles* ordered to be placed in his Royal Archives, that the *Neapolitans*, by having them thus set down in writing, and confirmed by his Authority, might no longer be involved in so many Disputes, and might know whither to have recourse for a Decision¹.

OUR Doctors began afterwards to write Comments upon them, and forty four Years had not passed, after they had been collected by *Bartolommeo*, when *Napodano Sebastiano di Napoli* appeared, who was the first that employed his Talents upon them in the Reign of Queen *Joan* I. Great Grandchild to King *Charles*, in the Year 1350. He flourished in that Queen's time, and was reputed one of our ablest Professors; he was a noble *Neapolitan* of the *Sebastian* Family, which boasted as much of its being descended of *S. Sebastian*, who was Lieutenant General to the Emperor *Dioclesian*; or if they were mistaken in that, of that other *Sebastian*, who was Prætor in the Time of the Emperor *Zeno*; or when they could do no better, of the Lords of *Sebastæ*, a City of *Samaria*²; as *Matteo d'Afflitto* did of the Descent of his Family from *S. Eustathius*, and *Sannazaro* of his from *S. Nazarius*. While the Bishop of *Florence* was Chancellor, *Lorenzo Poderico* Professor in the University, and *Sergio Donoroso* Vice-Protonotary of the Kingdom, *Napodano* underwent a public Examination in the College of *Naples*; and having applied himself to the Study of the Law, he became the first Lawyer of that Age. The first thing he did was

¹ In procem. consuet. Sect. pro certiori.

² Addit, in comment. ad Consuet. in fine.

to write Comments upon the Constitutions, and Statutes of the Kingdom; afterwards by that fatal Pestilence, which happened in *Italy* in the Year 1348, with great Beauty and Eloquence described by *Boccaccio*, having lost all his Children, in order to alleviate his Grief, he retired to a *Villa* near *Naples*, and in that Solitude applied himself to write a Comment upon these Usages, and finished his Work on the fifth of *April* 1351, as he says in the End of it. *Scipio Januarius*¹, who made some Additions to this Comment of *Napodano*, declares that he had heard from his Fore-fathers, who said that they had it from theirs, that the *Villa*, to which *Napodano* retired to write this Comment, was the very same, that in his time was possessed by *D. Luisa Roffa* Widow of Doctor *D. Paolo Marchese*, and is situate in the Entry of the Street that leads to *S. Martino*.

THE Comment, which this Lawyer wrote upon the Usages, acquired so great Authority with our Doctors, that it has at present no less Force and Authority than the Text itself; and by our Professors is as much explained and commented on, or with some Notes illustrated. Eleven Years after he had finished this Work, on the twentieth of *August* 1362 he departed this Life, and was buried in the Church of the Great *Dominicans* in *Naples*, where his Tomb is to be seen².

AFTER *Napodano*, these Usages were illustrated either with Notes or Additions, or with sundry Decisions of the High Court of the Royal Chamber of Accounts, or of the High Court of the Vicariate, by other famous Lawyers, who flourished in the following Ages. The first were *Antonio Alessandro* President of the Royal Chamber of Accounts and Viceprotonotary of the Kingdom; *Stefano di Gaeta*; the famous *Matteo d'Afflitto*; the Counsellor *Antonio Capece*, and *Marino Freccia*; the Counsellor and President of the Royal Chamber *Diomede Mariconda*; *Antonio di Vivaya*, and in the Year 1518, *Scipio Januarius*; who having compared the Copy which he had with *Napodano's* Original, caused it to be printed in *Naples* with the Additions, which the preceding Year he had made to the Comment on it; and this is the oldest Edition of these Usages.

THERE were other Editions published afterwards with new Glosses and Additions, such as those made by the Counsellor *Vincenzo de Franchis*, *Camillo Salerno*, *Antonio Barattucci*, *Bartolommeo Marziale*, and *Cesare Vitelli*, by *Coluccio Coppola*, *Gaspere di Leo*, and *Gio. Angelo Pisanello*; by the Counsellor *Felice Scalaleone*, *Giacommo Anello de Bottis*, and *Felice de Rubeis*; by the President of the Royal Chamber *Scipione Buccino*; by the Deputy *Francesco Revertero*; by *Tommaso Naclero*; by *Provenziale*; by *Caputo*, and lastly by *Carlo di Rosa*, who collected into one Volume the greatest part of all their Notes and Additions.

BESIDES these, we likewise had in the last Age other Writers, who, either by way of Dispute, or Decision, or Reasoning, or in Treatises, have written very fully upon these our Usages, amongst whom the famous *Molfesio* is in the greatest Esteem, and has written several Volumes upon them; so that at present, to our Professors, the Law, with respect to these Usages, is become one of the most necessary parts of the Practice of the Courts, which like other Professions, has its own Subtleties and Intricacies, all owing to the exorbitant Number of Writers; and therefore requires the greatest Learning and Skill to manage it well.

THE other Cities of the Kingdom followed the Example of *Bari* and *Naples*; the Usages of *Aversa* were also put in writing, which, with the Comment of *Nunzio Pelliccia*, are now very common. *Flavio Ventriglia* a *Capuan* Gentleman wrote a Comment upon those of *Capua*. *Gaeta* has likewise its own particular Usages and Statutes. *Amalfi*, and its Duchy had their own particular Usages, which were collected by *Giovanni Agostaricci*, who died in *Amalfi* in the Year 1282, where, in the old Cloyster of *S. Andrew*, his Tomb and Inscription are to be seen³. *Catanzaro* has likewise its own Usages explained by *Giovan Francesco Paparo* born in the said City. And so of the other Cities of the Kingdom, of which it is to no purpose here to make a longer and more troublesome Catalogue.

KING *Charles II.* having raised the City and Kingdom of *Naples* to so great Grandeur, at last in the sixty first Year of his Age, being seized with a burning Fever, in the twenty fifth Year of his Reign, on the fifth of *May* 1309, died in the Palace called *Casanova* without the *Capuan* Gate, which he had built two hundred Paces distant from *Naples*, where he used to live in the Summer time, for

¹ Scipio Januar. in princip. Consuet.

² In lapide Sepulchr. in Eccl. S. Dominici. Scipio

| Januar in proem num. 1.

³ Toppi Biblioth. Nap. lit. G. pag. 113.

the Benefit of the Waters of *Sebeto*, which enter the City there, and go through it; which Place being now become a very large Village, still retains the same Name, though there be not the least Remains of the ancient Palace.

COSTANZO writes, that there was no Record that the Death of any Prince had been so much lamented as that of this King, both for his Liberality, his Clemency, and the other Virtues wherewith he was adorned. For his Liberality he was compared to *Alexander the Great*; and as he was very little skilled in military Affairs, so he was eminent in those of Peace and civil Government. His Body was buried with Royal Pomp in the *Dominican Church*, and soon after was transported to *Provence*, and placed in the Monastery of the Nuns of the Order of Preachers of *S. Mary of Nazareth*, built by him in *Arles*¹; but his Heart, by order of his Son *Robert*, was preserved in an Ivory Urn, and deposited in that same Church in *Naples*, where it is to this Day very religiously and respectfully kept by those Monks in Memory of his having enriched that Convent.

¹ Collenue. Comp. Ilstor. lib. 5.





T H E
CIVIL HISTORY
Of the KINGDOM of
N A P L E S.

B O O K XXII.



PON the Death of King *Charles II.* immediately arose that famous Debate between the Uncle and Nephew about the Succession of the Kingdom; for on the one side the young King of *Hungary* sent Ambassadors to Pope *Clement* to demand the Investiture, not as Nephew, as *Tiraquello* ¹ mistakes it, but as the Son of *Charles Martel* the eldest Son of King *Charles II.* On the other side *Robert* Duke of *Calabria*, who was then with the Pope in *Avignon*, said, That the Investiture was his Right as Son, and nearest of Kin to the deceased King. The Point was strongly debated before the College of Cardinals; in which the Pleadings of *Bartolommeo di Capua* were of very great Service to the Duke of *Calabria*; for *Bartolommeo* was a most excellent Lawyer, and a Man, who for many Years had held the first Place in King *Charles's* Council, and by long Experience was most skilled in Affairs of State. He exerted himself with much Boldness in the Duke's Defence, and amongst the Works of *Luca di Penna*, and *Matteo d'Afflitto* ² we read the Arguments which he offered in

¹ Tiraq. qu. 40. num. 167. tract. de primogen.
119. num. 3.

² Afflit. in tit. de Success. Feud. & decis.

this Cause. *Niccolò Ruffulo* an able Doctor of those Times likewise wrote in *Robert's* Favour, whose Arguments are printed with the Works of *Luca di Penna*. And *Gio. Vincenzo Ciarlanti* ¹ obliged *Robert* also to take with him to *Avignon* *Andrea d'Iernia* another famous Lawyer, that he, together with *Bartolommeo*, might defend his Cause. But we have no Record of any that defended *Carobert's* Cause; and if we may credit what *Baldo Perugino* wrote concerning this Debate ², his Case was not argued so much to the purpose before the Pope, as so difficult and intricate a Dispute required.

BUT what above all things made Pope *Clement V.*'s Decision in *Robert's* Favour just and prudent in the Opinion of the World, and of Writers, was, that *Bartolommeo di Capua* did not manage this Cause purely as a Lawyer; but he demonstrated to the Pope and Cardinals, that besides the Right which the Duke of *Calabria* had by Law, it was necessary for the common Good of *Italy* and of *Christendom*, to give the Kingdom to *Robert*, a prudent Prince, and most expert both in Peace and War, and who was reputed another *Solomon* of his Age, and not to the young King, who was altogether ignorant of the Affairs of *Italy*, born and brought up in *Hungary*, where the Manners of the People were quite different from those of the *Italians*, and who would be obliged to govern the Kingdom by the Means of his Ministers and *Hungarian* Barons, the result of which would be a civil War; and it was both impossible and inconvenient, that the Duke of *Calabria*, the Prince of *Taranto*, and the Prince of *Achaia* the young King's Uncles should be ruled by *Hungarian* Barons ³; whereupon, after mature Deliberation, it was decided in favour of *Robert*; and on the first of *August* in the Year 1309 in the publick Consistory he was declared King of *Sicily*, and Heir of the other Dominions of King *Charles* his Father; and on the twenty sixth of the said Month, *Robert* from the Hands of the Pope took the Oath of Fealty and Homage, and receiv'd the Investiture from him ⁴, not only of this Kingdom of *Puglia*, but likewise of that of *Sicily* ⁵; for the Popes, looking upon the Kings of *Aragon* who possessed *Sicily* without having sought Investiture of them, as Usurpers, in order to keep up their Right, invested the Kings of the Family of *Aragon* with both the Kingdoms, according to the ancient Use and Form. This Investiture is not only inserted by *Chioccarelli* in the first Tome of the *M. S. Giurisdizionali*, but we likewise find it amongst the Writs of the Royal Archives ⁶, wherein, amongst the usual Conditions and Agreements, *Robert* obliges himself to pay yearly to the Holy See, on the Feast of *S. Peter*, eight thousand Ounces of Gold as a Quit-Rent, in Acknowledgment of the Fief; repeating also what had been establish'd in the former Investitures, that the City of *Benevento* should continue to be excluded, and as no part of the Kingdom for ever to belong *Dominio utili, & directo Ecclesie Romanæ*. So on the eighth of *September* *Robert* was crowned King in *Avignon* with all the usual Ceremonies, great Pomp and Solemnity ⁷; and the Pope in Token of his Affection for *Robert*, by an authentick Bull subscribed by all the College, made him a Present of a great Sum of Money, which was thought to exceed three hundred thousand Ounces of Gold, which King *Charles* his Father, and his Grandfather owed the Church of *Rome* for the Charges which Pope *Boniface VIII.* and his Predecessors had been at in the War of *Sicily* ⁸.

ALL these things having been transacted in *Avignon* in the Pontificate of *Clement V.* it is very strange how our Professors came to believe, that Pope *Boniface VIII.* pronounced this Sentence in favour of *Robert*, when that Pope many Years before had been made Prisoner in *Anagni* by the *Colonna*, and died of Grief in *Rome*. In which the Blunder of *Tiraquello* and of some others ⁹ is not pardonable, who, contrary to what we read in all grave Historians ¹⁰, have written, that it was *Boniface* who pronounced Sentence in favour of *Robert*; perhaps they have been led into this Mistake by *Baldo's* Commentaries ¹¹, which are very erroneous in the vulgar Edition.

¹ Hist. de Sanno lib. 4. cap. 23.

² Baldo in l. liberti, libertaque, C. de oper. lib. num. 25.

³ Coranzo lib. 5.

⁴ Chiocc. in MS. giurisd.

⁵ Scip. Ammirat. ne' Ritratti, pag. 292.

⁶ Archiv. lib. 1. lit. H. anno 1309. Indict. 7. fol. 1. Summent. lib. 3. pag. 370. tom. 2.

⁷ Baluz. Vitæ Papar. Aven. tom. 1. cap. 15, 34. 70. & 104.

⁸ Scip. Ammirat. ne' Ritratti pag. 292.

⁹ Ursino de Success. feud. p. 1. q. 5. art. 1. n. 19, 22.

¹⁰ Baluz. loc. cit. Sabell. l. 7. Ennead. Costan l. 5.

¹¹ Baldus in l. cum in antiq. C. de jur. delib.

THIS Sentence was highly commended by *Bartolus* ¹, and what is more by *Gino da Pistoja* ², that most severe Rebuker of the Popes and Court of *Rome*; and tho' *Baldo* ³ once disapprov'd of it, by saying, That the Pope *fuit magis partialis, quam talis qualis esse debuerat*; yet elsewhere ⁴ examining the Matter, and finding it full of Difficulty, and not so easy to be decided, insomuch that he was forced to say, *Solvat Apollo*; and adds, That the Apostolick See having thus determined, *esset ridiculum, & quasi hæreticum disputare, quia injuriam facit judicio Reverendissimæ Synodus*, which Words our *Matteo d' Afflitto* likewise made use of.

THIS Sentence, according to *Bzovius* ⁵, was afterwards confirm'd by *Benedict XII.* who by his Legates having received the Oath of Fealty and Homage from *Robert*, confirmed him in the Kingdom, and invested him with it, upon the same Conditions contained in the Investiture of King *Charles I.* his Grandfather ⁶. There are not wanting very grave Lawyers, who have supported it both with Reason and Examples, such as *Cujacius* ⁷, *Hotomannus* ⁸, *Moriscus*, *Mariana* ⁹, *Arniseus* ¹⁰, and many more. Whence it was, that *Robert*, in order to shew, that as being elder, and nearer of kin than *Carobert*, he ought to enjoy the Primogeniture preferable to him, intituled himself, *Robertus Primogenitus*, &c. as *Gio. Antonio de Nigris* ¹¹ very much to the purpose observes in his Commentaries.

ROBERT therefore lying under so many Obligations to Pope *Clement* left *Provence*, and returned to *Italy*; and there to shew his Gratitude to the Pope, he made a Progress through all the Cities, where he encouraged the *Guelfs*, and declared, That he would be an Enemy to all those that should offer to disturb the Ecclesiastical State, or its Friends.

AT last he arrived at *Naples*, where he was receiv'd with universal Joy, and royal Pomp; for not only each Province of the Kingdom, but all the Cities and Towns sent their Syndicks to compliment him, and pay Obedience to him; and he to shew himself worthy of the Pope's Decision, and of the Good-will of the People, made a Progress over all the Kingdom, and examining into the Conduct of the Barons and Officers towards the Subjects, he commended those that had behaved well; and on the contrary reprimanded the unjust and tyrannical, ordering them to observe the Laws and Statutes of the Kingdom, which his Grandfather and Father had establish'd. Then he returned to *Naples*, and created *Charles* his only Son Duke of *Calabria*, and honoured many great Barons with the Title of Count; and in Imitation of his Forefathers he began to embellish and render the City more magnificent, not having as yet any War upon his Hands. This Year 1310 he began to build the Monastery of *S. Clara*, and to make it fit for entertaining a great Number of Nuns of that Order, with a separate Convent for a good many Friars Conventuals; and he was pleased to declare that magnificent Church his Chapel Royal ¹². He built it so stately and sumptuous, that it vied with any modern Edifice in *Italy*; and it is said, that from the first Day of his Reign he assigned three thousand Ducats a Month to be employed while he lived, first in building the Church, and the Convents, and then in buying Lands, the Rents of which were to be applied for the Subsistence of the Nuns and Friars. And there are some who have written ¹³, that it was as a Propitiation for his having had a Hand in the Death of his Brother *Charles Martel*, in order to make Way for his Succession in the Kingdom, that *Robert* was so profuse in these pious Works, as if that Edifice had been sufficient to blot out so great a Wickedness, if he was really guilty of it; and as if the building of Churches and Monasteries, and enriching them with large Revenues and Possessions were sufficient Atonements for clearing Men from their Crimes. *Scipione Ammirato* ¹⁴ says, That it had been handed down by Tradition in *Naples*, that *Robert* having put the last Hand to the Fabrick of this Church, ask'd his Son the Duke of *Calabria* what he thought of it; to whom the Duke, not out of Disrespect, but having no mind to flatter his Father, answered him freely, that in his

¹ Bartol. in Auth. post fratres, C. de legit. hæred.

² Cin. in l. Si viva matre, C. de bon. matr.

³ Baldus in l. liberti libertæq. C. de oper. lib. n. 25.

⁴ Idem in l. cum in antiquiorib. C. de jur. delib.

⁵ Bzovius anno 1355. Ann. Eccl.

⁶ Chiocc. tom. 1. MS. reg. jurisd.

⁷ Cujac. de Feud. lib. 2. tit. 11.

⁸ Hotom. qu. illust. qu. 3.

⁹ Mariana lib. 13. Hist. Hisp. cap. 9. in fin. & lib. 14. cap. 8.

¹⁰ Arnif. tom. 1. cap. 2. Sect. 10.

¹¹ Nigris in Comment. ad Capit. Rober. incip. Privilegia cap. 1.

¹² Costan. lib. 5. Eugen. Nap. Sacr. di S. Chiara.

¹³ Giannetas. Hist. Neap. lib. 22.

¹⁴ Ammirat. Ritrat. pag. 302.

Opinion it resembled a Stable. And he said so, because the Church having no Wings, the little Chapels, which in an irregular Manner are placed about it, not reaching to the Roof, looked like Mangers. But the King, as it is natural for Men to take it ill to hear their Works discommended, or moved by a Spirit of Prophecy, said to him, *God grant, my Son, that you be not the first that will eat in this Stable*; and it is very certain, that Duke Charles was the first of the Royal Family that was buried in *S. Clara*.



C H A P. I.

The Emperor Henry VII. in Confederacy with the King of Sicily, makes War upon King Robert, and reviving the ancient Rights of the Empire, by his own Sentence deprives him of the Kingdom; but Henry dying, the Undertaking dropt, and the War was renewed in Sicily.

KING Robert spent the first three Years of his Reign in the Arts of Peace; and at the same time favoured the *Guelf* Faction thro' all *Italy* to the utmost of his Power; but the Death of the Emperor *Albert* of *Austria*, which had happened some Years before, interrupted those Exercises of Peace; for *Henry VII.* King of the *Romans*, the first Emperor of the illustrious House of *Luxembourg*, being chosen in his Place, and crowned in *Aix la Chapelle*, all the *Ghibellins* of *Italy* sent to invite him to come and be crowned in *Rome*; and seeing his own Dominions in *Germany* were but inconsiderable, and that the Riches of *Italy* would be necessary for supporting the Imperial Dignity, a Diet was called, to which all the Princes of *Germany* came; and wherein it was concluded, that the *German* Nation should maintain an Army for convoying *Henry* to *Italy* in order to be crowned in *Rome*. Upon the News of which, *Clement* afraid, that by his Residence in *Avignon*, *Henry* would possess himself of all the Ecclesiastical State, and fix the Imperial Seat in *Rome*, created King *Robert* Count of *Romagna*, and Vicar-General of all the State of the Church, in order to oppose him. Therefore *Robert*, upon hearing that *Henry* was resolved to come into *Italy*, in the Year 1312 sent *D. Luni di Reana* with a hundred Horse to assist the *Florentines*, and likewise sent *John* Prince of *Abruzz* his Brother with six hundred *Catalan* and *Neapolitan* Horse to oppose the Emperor's Coronation¹.

ON the other hand *Frederick* King of *Sicily*, who had been highly displeas'd that the Kingdom had fallen to *Robert's* Share, and not to the King of *Hungary's*, from whom at that Distance he would have had little to fear, and who had resolved upon all Occasions to pull down *Robert's* Power, had promised himself a fair Opportunity upon the Emperor's coming, though at first he did not discover himself. But being offended with *Robert*, for having put in close Prison (where he died) one of his Ministers, whom he had sent to *Naples* to visit *Ferdinand* the Son of the King of *Morocco*, made Prisoner in *Greece* by the Prince of *Taranto*; *Frederick* could no longer conceal his Intentions, and upon the Emperor's Arrival in *Italy*, he sent *Manfred de Carimont* to compliment him, and enter into a League with him against King *Robert*. The Emperor finding his Account in this Embassy, concluded the Alliance,

¹ *Annal. Riccardi*, pag. 292. *Baluz. Vita Papae Aven.* tom. 1. pag. 18. 21. 44. 45. & 48.

and declar'd *Frederick* Admiral of the Empire, and sent to beg of him, that with his Fleet he would infest the maritime Places of the Kingdom, and that he himself would quickly attack it by Land.

THE *Genoese*, now finding that the Emperor was become more powerful by this Alliance, receiv'd him as their Lord; insomuch that he began to be formidable to all *Italy*; and upon his Arrival at *Rome* on the first Day of *August* 1312, he was with great Solemnity crown'd in the Church of *S. John Lateran*¹; then he went to *Pisa*, and caused *Robert* to be summoned, as a Vassal of the Empire, to make his Appearance before him.

THE Emperors of the West, as we have seen in the preceding Books of this History, pretended to have Sovereignty over these Kingdoms, and their Investitures, as we have before observed, are more ancient than those of the Popes; whence *S. Bernard*, taking occasion to flatter the Emperor *Lothaire*, said, that *omnis, qui in Sicilia Regem se facit, contradicit Cæsari*: for which cause, whenever the Emperors gather Strength in *Italy*, they never fail to keep up their Pretension. *Henry* cites *Robert*, and he not appearing, declares him contumacious, and on the twenty-fifth of *April* 1313, he pronounces Sentence against him², whereby he banishes him the Kingdom, deprives him of it, and of all his Dominions, and as a Rebel to the Empire condemns him to be beheaded. We read this Sentence in the first Tome of the *M. S. Giurisdizionali* collected by *Chioccarelli*; and it is likewise recorded by *Albericus* in his Commentaries³.

AT the same time King *Frederick* with a powerful Fleet infested *Calabria*, and *Robert* would certainly have been in a very bad Situation, if Death had not very opportunely come to his Relief; for while *Henry* was returning to *Tuscany*, from whence he was resolved with a strong Army to march against *Robert*, he was taken ill on the Way; and being arriv'd at *Buonconvento*, a Castle in the County of *Sienna*, on the twenty fourth of *August* 1313, he departed this Life. There are not wanting Writers who say, that his Death was occasion'd by the *Florentines*, who having bribed a *Dominican* Friar call'd *Pietro di Caseltrinaldo*, 'tis said, that when he desir'd the *Viaticum*, the Friar gave him a poison'd Host. Others deny it, and say that his Illness was occasion'd by a pestilential Air, and that he died of a Fever⁴. Be that as it will, *Henry's* Death put the Generals of his Army, and King *Frederick* into so great Consternation, that every one shifted for himself, and *Frederick* in great Perplexity return'd to *Sicily*; but King *Robert* being furiously enrag'd at him, for having broken the Peace, and upon the Emperor's Arrival declaring himself to be in his Interest; he drew together a Fleet of an hundred and twenty *Provensale*, *Neapolitan*, and *Genoese* Gallies, and embark'd himself with *John* and *Philip* his Brothers, in order to invade that Island. They were very successful in their first Attempt; for having taken *Castello a Mare* by Storm, and laid Siege to *Trapani*, they were in great hopes of becoming Masters of it; but they were outwitted by the Citizens, who in concert with *Frederick* promising to surrender, kept *Robert* so long in Suspence, that being in want of Provisions, his Army daily dwindling away, and King *Frederick* shunning to come to an Engagement, either by Sea or Land, he was forced to make a Truce with the *Sicilians* for three Years; and on the first Day of the Year 1315, with great Loss return'd to *Naples*.

NEVERTHELESS, upon King *Henry's* Death, Pope *Clement V's* Party having recover'd Strength, he published a Bull, whereby he repeal'd and annull'd the Emperor's Sentence against *Robert*. Which Bull we now read amongst the Decretals of the Popes; the Collectors of the Canon Law having inserted it among the *Clementines*⁵; and it is likewise to be found in the first Volume of *Chioccarelli's M. S. Giurisdizionali*.

KING *Robert*, being obliged sometimes to go to *Provence*, sometimes upon Expeditions against *Sicily*, and after to *Florence*, *Genoa*, and other Places, according to the Custom of his Predecessors, had appointed *Charles* Duke of *Calabria* his Son, to be Lieutenant of the Kingdom, by whom, as we have said, we have many Statutes made during his Lieutenancy in his Father's Absence. But *Robert*, having no other Sons, resolv'd to marry him, and concluded a Match between him and *Katharine*

¹ Baluz. loc. cit. pag. 48 & 93.

² Idem, pag. 51.

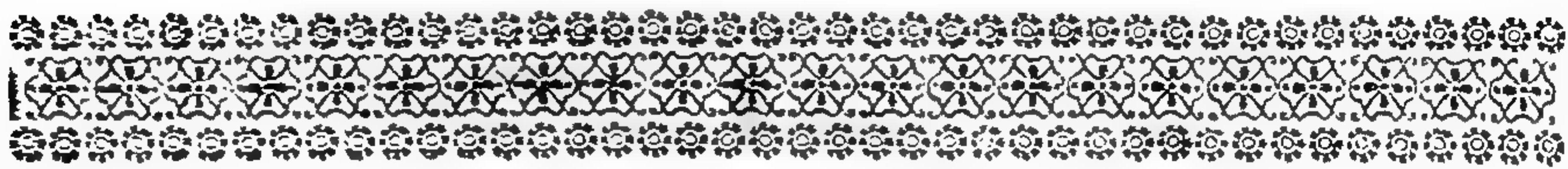
³ Alberic. in l. quisquis, num. 11. C. ad L. Jul. Majest.

⁴ Baluz. pag. 21. 53. 94. & 614.

⁵ Clement. Pastoralis, de Sent. & Re judic.

the Daughter of the Archduke of *Austria*; and he sent into *Germany* the Count *Camerlingo*, and the Archbishop of *Capua* his Ambassadors, with a great Retinue of Nobility, to conduct the Bride to *Naples*; but soon after her Arrival she died without Issue: so that *Charles* for his second Wife married *Mary* the Daughter of the Count of *Valois*, by whom he had three Daughters; of which hereafter.

MEAN while the Truce with the *Sicilians* being expired, King *Robert* resolv'd to pursue his Design upon *Sicily*; and having fitted out a great Number of Vessels, he so distressed that Island, and King *Frederick's* Army, that it was the general Opinion, if King *Robert* had continued the War with the same Vigour, he certainly would have recover'd that Kingdom; but *Clement V.* dying in the Month of *April* 1314, and *John XXII.* being elected in his Place, the *Sicilians* immediately sent some of the chief Men of the Island Ambassadors to congratulate him upon his Election, and to beg of him to endeavour to make a Peace, or a Truce, between the two Kings. For which end the new Pope sent a Legate to King *Robert*, who prevail'd with him to renew the Truce for other five Years.



C H A P. II.

The Emperor Lewis of Bavaria comes to Rome, and makes War upon King Robert. The Duke of Calabria dies, whereupon a Marriage is agreed upon between Joan, Robert's Daughter, and Andrew the second Son of the King of Hungary.

BUT new Troubles interrupted King *Robert's* Progress, and disturb'd his Quiet; for upon the Death of the Emperor *Henry*, the Electors being met in *Frankfort* in the Year 1314, were divided in the Election of a Successor; one Party electing *Lewis of Bavaria*, the other *Frederick* the Son of *Albert Archduke of Austria*. Pope *John XXII.* refused to confirm either of the two elected, and declar'd the Empire vacant. The two Pretenders made War upon each other in *Germany*, and their Partisans did the same in *Italy*. At last in the Year 1323, *Frederick* was defeated, and taken Prisoner with his Brother *Henry* by *Lewis of Bavaria*. The third Brother *Leopold* had recourse to the Pope, who pronounced Sentence against *Lewis of Bavaria*. This Prince appeal'd to a General Council, and a future Pope lawfully elected; on the other hand the Pope continued to act his Part, and excommunicated *Lewis*, and declar'd him a Heretick. *Italy* of course was disturbed by the *Guelf* Faction, Partizans of the Pope, and by the *Ghibellins* Adherents of the Emperor; but of the *Guelfs* our King *Robert*, and his Son *Charles Duke of Calabria*, signalized themselves the most. The Pope invited *Robert*, and rais'd Troops to make War upon *Lewis's* Faction. The *Ghibellins* seeing that the *Guelfs* were daily growing more powerful by the Conjunction of so potent a King, solicited *Lewis* to come to *Italy*. Accordingly he came, and being arrived at *Trent*, *Cane della Scala* Lord of *Verona*, *Passerino* Lord of *Mantua*, *Azzo*, and *Marco Visconte*, *Guido Tarlati* Bishop and Lord of *Arezzo*, the Ambassadors of *Castruccio Castracani*, and those of the *Pisans*, and all the Heads of the *Ghibellin* Faction, as well of *Lombardy* as of *Romagna* and *Tuscany*, went to meet him. A Parliament was held, wherein *Lewis* promised and swore to come to *Rome*, and to support the *Ghibellin* Name and Faction: And on the other hand the Princes and Ambassadors, who were present in the

* Baluz. Vitæ Papar. Aven. tom. 2. pag. 478.

Parliament, promised to give him an hundred and fifty thousand Florins of Gold, upon his Arrival in *Milan*.

IN this Parliament *Lewis* likewise caus'd a Process to be published against Pope *John XXII.* in which by the Sentence of those Bishops and Prelates that he had with him, the Pope was declar'd a Heretick, and guilty of Errors against sixteen Articles established in Councils, which were maintained by the Catholick Church, and then he came to *Milan*¹; and being invited by the *Romans*, he set out for *Rome*. King *Robert* weighing the Consequence of *Lewis's* coming to *Rome*, and that the Pope's Assistance would be but weak and too late, he did his utmost to prevent it. For which end he sent the Prince of the *Morea* his Brother with a strong Body of Cavalry to *Rome*, to keep *Lewis* out; he likewise sent a new Army into *Sicily*, the Truce being expir'd, in order to hold King *Frederick* in play, that he might not be able to send any Assistance to the Emperor: But all these Efforts were not sufficient to hinder *Lewis* from coming to be crown'd King in *Rome*; so that the King was forced to recall the Duke of *Calabria*, who had the Government of *Florence*, and to send him to guard the Frontiers of the Kingdom. On the twenty eighth of *September* 1327, the Duke, his Wife, and all the Barons he had with him, left *Florence*, and by the Way of *Sienna*, *Perugia* and *Rieti*, arriv'd in *Aquila* the same Day that *Lewis* with great Solemnity was crown'd in *Rome*; which happen'd on the sixteenth Day of *January* 1328.

BUT *Lewis*, by lingring in *Rome*, saved King *Robert*; it being then said, that he would not have been able to stand his Ground against the *German*, who had with him fifty thousand good Horse, if, without tarrying in *Rome*, after he had been crown'd, he had marched directly to the Conquest of the Kingdom. But nothing would serve him but he must make a new Pope; by whom he must be crown'd a second time, and new Laws, and give other Orders; so that when he intended to pursue the Conquest of the Kingdom, the Opportunity was slipt: insomuch that the King's Troops had again taken *Ostia* and *Alagna*, and having fortified the Passes, at last forc'd the *Bavarian* to leave *Rome*, and return to *Tuscany*².

THE Designs of *Lewis* and the *Ghibellins* proving unsuccessful, King *Robert* was not only freed from the Cares of War, but was grown very powerful, and with the Assistance of the Pope, become formidable to all his Enemies; so that having settled the Affairs of *Tuscany*, he was in a fair Way to have put an end to the Conquest of *Sicily*; but as in the height of Prosperity we are often made sensible of the Instability of human Affairs, it happened, that the Duke of *Calabria* being taken ill in *Naples*, on the first Day of *November*, the Vigil of *S. Martin*, in the Year 1328, he died, to the unspeakable Grief of his Father, and all the Kingdom, and was buried in the Church of *S. Clara*. 'Tis said, that when this Prince was carried to his Grave, the unfortunate Father seeing himself bereft of his only son, said, *The Crown was fallen from his Head*: As it really fell out through the Ruin and Troubles which afterwards came upon the Kingdom; for tho' while the Duke was in *Florence*, *Mary* of *Valois* his Wife brought him a Son, whom he named *Charles Martel*, yet he liv'd only eight Days; neither did he leave any Sons by *Mary*, but only two Daughters, and another with which she was big. The eldest was named *Joan*, who was afterwards Queen of *Naples*. The second was *Mary*, who died soon after, and was buried in the Church of *S. Clara*. The Dutches Dowager shortly after was brought to bed of another Daughter, who was also named *Mary*, and, as shall be related, was afterwards Dutches of *Durazzo*.

ALTHOUGH *Charles* Duke of *Calabria* could not be said to be a warlike Prince, yet he was adorn'd with all the other Virtues proper for a King. He was most religious, just, merciful and liberal, a Lover of good Men, and an Enemy to the Wicked; and he was such, that in a manner from his very Youth his Father entrusted the Government of the Kingdom to him. He made him his Lieutenant, which Office he executed so discreetly and prudently, that the King his Father was very well satisfied with him. The Tribunal of the Lieutenancy in his time was in a most flourishing State. He made *Filippo Sanguineti* Judge of it, with a Salary of an hundred and fifty Ounces of Gold yearly, and allow'd ninety Ounces for ten Horsemen, and sixteen Foot for a Guard and Ornament to that Tribunal. He was wont to make a Progress yearly over the Kingdom, in order to examine and redress any Hardships put upon the People by the Barons and King's Ministers. By

¹ Costanzo, lib. 5.

² *Ann. Ritr.* pag. 293

means of many Statutes established by him, while he was Lieutenant of the Kingdom, he made sundry Provisions and Regulations concerning good Government, and the right Administration of Justice, of which he was so zealous a Lover, that in order to represent his Virtue, we see engraven upon his Tomb under his Feet a Vessel full of Water, out of which a Wolf and a Lamb are drinking peaceably together.

AFTER the Solemnity of the Duke's Funeral was over, the King spar'd no pains to have the Infant that was to succeed him in the Kingdom well educated; and at the same time, like a Prince of a great and generous Spirit, he did not neglect the Government of the Kingdom, nor to provide for the War of *Sicily*.

BUT some time after, finding himself grown old, he was anxious to settle the Succession of the Kingdom; and although the Royal Family was then very numerous, such as *Robert*, *Lewis* and *Philip*, the Sons of the Prince of *Taranto*; *Charles*, *Lewis* and *Robert*, the Sons of the Prince of the *Morea*, and others, amongst whom he might have chosen one fit to succeed him in the Kingdom, by giving him his Grandchild in Marriage; nevertheless being mov'd, as 'tis thought, and as *Baldus* writes*, either by a Remorse of Conscience, because the Kingdom by Right ought to have been his Nephew's the King of *Hungary*, the Son of *Charles Martel* his elder Brother; or by some other secret Motive that obliged him to do it, he resolved to restore the Kingdom to that Branch from which it had been taken; and therefore he determin'd to pitch upon one of the Sons of the said King *Henry* of *Hungary*†: tho' the unhappy Consequences that attended this Match plainly demonstrated, how much human Judgment is liable to be deceiv'd.

FOR this end he sent a solemn Embassy to *Carobert* King of *Hungary*, who with much Joy receiv'd the Message; and having pitched upon *Andrew* his second Son, he dismissed the Ambassadors with rich Presents, and bid them acquaint King *Robert*, that in a few Days he and the Bridegroom would set out for *Naples*, which he did without Delay; for having left *Hungary*, with his little Son, and a great Train of his Barons, by the Way of *Friuli*, on the last Day of *July* 1333, he arrived at *Vesfi* a City of *Puglia*, situate at the Foot of *Monte Gargano*, where he was honourably received by *John* Prince of the *Morea*, sent thither by the King, with many Barons and Knights of the Kingdom. On the twenty sixth of *September* the same Year, the Ceremony of betrothing was perform'd between *Andrew* and *Joan* both of the same Age of seven Years; and about the end of *October*, the King of *Hungary*, joyful at having left a Son so well provided for, and secur'd of the Succession of so opulent a Kingdom, return'd to *Hungary*, leaving some of his *Hungarians* to attend his Son, already intitled, *Duke of Calabria*; and among the rest he left with great Authority a Religious named *Friar Robert*, who was to be the young Duke's Preceptor.

* Baldus in L. si viva matre, C. de bonis mater.
V. Annotat. Rottom. pag. 220.

† Froissard, in the *sevens Book* of his History, is

guilty of many Mistakes with relation to this Marriage.



C H A P. III.

The War renew'd in Sicily, but interrupted by the Death of King Robert.



KING Robert having thus settled the Succession, all his Thoughts were now bent upon the recovering of *Sicily*, which all the Successors of King *Charles I.* had in vain attempted; for which purpose he sent a new Army into that Island, where, tho' they did much mischief, yet they could not reduce one fortified Place. But upon the Death of King *Frederick*, in the Year 1337, who was succeeded by *Peter* his eldest Son, *Robert* sent immediately to *Avignon*, to intreat Pope *Benedict XII.* who on the twentieth of *December* 1334, had succeeded *John XXII.* that he would be pleased to send an Apostolick Legate to *Sicily*, to require King *Peter* to surrender that Kingdom, and to observe the Articles of Peace made in the time of *Charles of Valois*; and this he did, not from any hopes he had of obtaining the Island by that means, but with a Design, that the Pope, being slighted by King *Peter*, might be a Sharer in the Charges of the War. Neither did he fail to send his Compliments to Queen *Eleonora* his Sister, and to endeavour to prevail with her to persuade her Son to give up that Kingdom, promising her, that he would assist him in the Conquest of the Kingdom of *Sardinia* with much greater Forces than what had been stipulated by the Treaty of Peace; but the prudent Queen answer'd him, That she had not so great Interest with her Son as was sufficient for that; but beg'd of her Brother, that he would rather look upon him as his Servant and Son; and especially since he himself had no Heirs Male, nor could leave the Kingdom of *Naples*, or any other of his Dominions, to any Person nearer in Blood to him than King *Peter* was. As this Message had little effect, so the Apostolick Legate succeeded no better; but finding that he could do nothing else, he excommunicated the King and the Island; which the King little regarding, caused himself to be crown'd immediately.

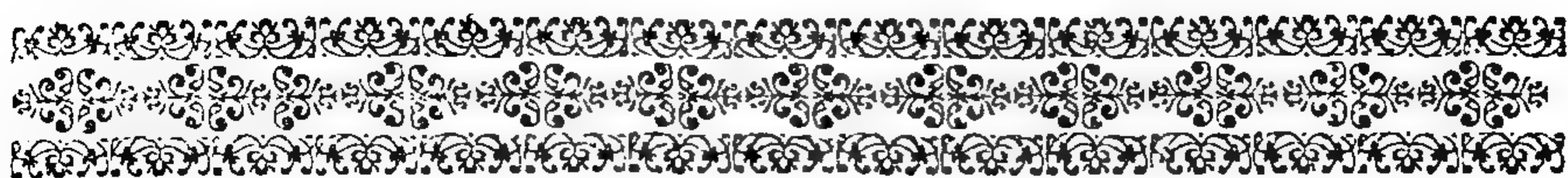
ROBERT therefore made all necessary Preparations for War, and on the fifth Day of *May* 1338, he sent a Fleet of sixty Sail of Gallies and Barks with twelve hundred Horse to harass *Sicily*, and soon after another greater, and better provided; but except the taking of *Tremole* by Siege, they performed nothing of any Consequence. The King not yet weary of this Undertaking, two Years after sent thither *Giuffredi di Marzano* Count of *Squillaci*, his High Admiral, which Expedition was better managed than any of the former, for the Count took *Lipari*, and defeated the *Messinese*. The taking of *Lipari* facilitated the Conquest of *Melazzo* by *Ruggiero Sanseverino*, who the Year following was sent to *Sicily* with a new Fleet; and this was the last Attempt that King *Robert* made upon that Island. But what in a Tract of many Years, and by many and obstinate Wars could not be effected, if Death had not prevented, would have been accomplished by the means of a small Incident: For King *Peter*, who had succeeded his Father, reign'd only a few Years, and at his Death, having left no other Son but *Lewis*, an Infant under the Tutelage of his Uncle; the *Palizzi*, very powerful Barons in *Messina*, with many of their kindred, and *Federico* of *Antioch*, with the Citizens of *Lentino*, *Ventimiglia* and *Abati*, to whom the *Catalans* were become more hateful than the *French* had been to their Predecessors, made themselves Masters of *Messina*, and from themselves, and from that City, sent to swear Homage to King *Robert*: But the Messenger found that the King had got the extreme Unction, and soon after died. An evident Instance of Fortune's sporting with Men; forasmuch as King *Charles I.*

Charles II. and King *Robert*, for the space of sixty Years successively, having harassed the Kingdom of *Sicily* with powerful Armies, and almost every Year attacked it with numerous Fleets, without being able to recover it, Fortune, as it were in Derision, had reserv'd the Offer of it to *Robert*, when he was at the Point of Death; whereas, if such an Opportunity had offer'd two Years before, without all doubt the Island had been recover'd; because a very few Troops would have been able to crush the Infant King, and wholly exterminate the *Catalans* from that Kingdom.

THIS wife King died, no less oppressed with Years, than with Vexation and Trouble, which in the latter end of his Days overwhelmed him with Grief. He saw, that in the six Years that *Andrew Duke of Calabria* had been in the Kingdom, and brought up in his Court, the Nursery and Seat of all Virtue, he had not in the least left off the barbarous *Hungarian* Customs; nor had such as he had seen daily made the least Impression upon him, but continued to converse with those *Hungarians* his Father had left with him, and with others, which from time to time came to visit him; insomuch that the King repented of his Choice, and pitied exceedingly his Grandchild *Jean*, a most excellent young Princess, (and who at that Age, which was not above twelve Years, not only exceeded in Prudence those of the same Age, but many Ladies of riper Years) who was to live with a stupid and worthless Man. The Dissentions which, like a prudent Prince, he foresaw would arise in the Kingdom after his Death, likewise griev'd him very much; for he knew that the Government would fall into the Hands of the *Hungarians*, who, by governing insolently, and not treating the Princes of the Blood as he had done, would oblige them to take up Arms, whereby every thing would go to Wrack and Confusion. Therefore, thinking to remedy this, he call'd a Parliament of all the Barons and Royal Cities, and made them swear to *Jean* alone as Queen, with design, that after his Death she should establish a Council altogether dependent upon herself, and that the Husband should have the Title of the Queen's Consort only.


TO this another Trouble was added, for at the very time when he saw, that his Life was drawing to a Period, and that there was no hopes of his Successor's being able to curb the Insolent, civil Dissentions arose in all the great Cities of the Kingdom, attended with great Blood-shed, which the Justices (the Title then given to the Governors of Provinces, whom we now call Presidents) were neither able to prevent, nor crush. Whence the Number of Outlaws was so great over all the Kingdom, that they became insupportable, and the King was forced to make a sort of a War upon them, by sending Troops in order to suppress them, which they found impracticable; because the Guilty not only dispersed themselves in different Places, but many Barons favoured, and receiv'd them into their Castles. Oppressed with these Vexations and Anxieties, on the sixteenth of *January* 1343, this great King died, after he had reign'd thirty three Years, eight Months and sixteen Days; and was buried behind the great Altar of the Church of *S. Clara*, under that stately Tomb which is to be seen at this day.

ROBERT died with the Character of the most prudent and gallant King of his Time, adorned with Wisdom, Justice, Liberality, Modesty, Courage, and all other Virtues both military and civil. As for his Justice, the Kingdom had never been so well and so prudently govern'd, as under him; which the many prudent Laws he left, the well-regulated Tribunals and Magistrates, and the Care he took in the Choice of able and uncorrupted Ministers clearly demonstrated. He studied to maintain Peace and Quiet among the People; he curb'd the Insolent, and exterminated the *Banditti*, and the Wicked that disturbed them: he suppressed the Violence of Ecclesiastics, who often oppressed their Vassals: and to this Prince we owe those Remedies which are now a Buckler and Defence against their Incroachments and Severities, which we call *The Royal Prescriptions*, of which we shall here discourse more fully.



C H A P. IV.

Of the Royal Preservatives.

N the Reigns of *Charles I.* and *II.* on the Occasions mentioned elsewhere, the Privileges and Immunities of the Clergy being grown to an excessive height; and (excepting in feodal Cases) being exempted from the Jurisdiction of the civil Magistrate, both in civil and criminal Cases, their Licentiousness and Freedom rose to such a pitch, that thinking their Excesses and Oppressions not liable to be redressed by the Lay Judges, the Prelates, the Priests, and even the Monks frequently insulted the Laicks, and sometimes the inferior Clergy. They invaded their Possessions, tyranniz'd over their Persons, oppress'd them with Injuries, Rapine, and other Hardships. King *Robert* himself tells us, That in his Hall of Audience no other Complaints, Groans, or Clamours were heard, but of those Violences and Oppressions¹. The prudent King, as a Remedy for this, prescribed a Rule to his Justices whereby to suppress so great Insolence, and to redress the Grievances. In that famous Statute, which begins, *Ad Regale Fastigium*, penn'd by the celebrated *Bartolommeo di Capua*, this King enacted, That the Justices were not to proceed upon these Excesses according to due course of Law, nor to seek *Cognitionalia ordinare certamina*, but only *facta de injuriis, rapinis, & damnis illatis informatione summaria per facti notorium, vel rei evidentiam, famam publicam, aut designationem aliam attestantem commissam injuriam*, to correct, and speedily redress them.

HE likewise prescribed to them, that for proving those Disturbances they had no more to do, but to issue out a general Proclamation; wherein, without specifying the Disturbers, they were to invite in general, *Quicumque sua interesse putaverit, visurus accedat producendorum in causa testium juramenta, & oppositurus, quæ circa rei substantiam voluerit allegare*.

WHOEVER will but read the many Reasons contained in this Statute, which *Robert* gives for justifying it, and to evince the Moderation of it, as not exceeding his Royal Power, cannot but be wonderfully surprized to see a King that had no other Intention but to preserve Peace and Tranquillity in his Kingdom, and for that end to banish Rapine and Violence out of it, that he might not in the least encroach upon the Ecclesiastical Liberties, speak with so much Reserve and Moderation, and with so many Clauses full of the utmost Respect and Reverence; as if it had not been lawful in Princes for the Quiet of their Dominions to make the strongest and most effectual Laws for extirpating those Evils and Disorders with which they were oppress'd. In the first Place he declares, That though his Power in every thing be not extended to the Persons of the Prelates and Clergy; yet as he was obliged to protect and defend all his Subjects from being oppress'd, he did this in Maintenance and Support of his supreme Authority. Moreover he consented, that his Judges should not proceed against the Persons of the Prelates and Clergy, and in their Causes according to due course of Law, and by formal Processes; he therefore ordain'd, that the Proceedings should be summary, and the Cognizance extrajudicial,

¹ Cyp. Robertus, &c. *Ad Regale Fastigium*. Sanè in Auditorio nostro inculcatione frequenti lata plurium querela perstrepuerit, & clamor validus tumultuosa quadam vociferatione perduxit, quod Prælati Regni nostri Scillæ, Hospitalarii, Monachi, aliique Clerici, &c.

with great Moderation, and respectful Reservation. He likewise declares and protests, That he was solely moved so to do out of Love to Charity and Compassion. Therefore he quotes the Example of King *David*, who reliev'd the oppress'd *Israelites*; of those who for a Refuge run to the Statues of Princes; that by the Law of Nature we were obliged to ward off the Injuries from our Kinsmen, or Neighbours; lastly, he cites the Example of *Moses*, who seeing a *Hebrew* ill used and oppress'd by an *Egyptian*, killed him upon the Spot.

BUT his Moderation will still appear greater, when we consider, that he established all this not by a Law, or solemn Edict, but by *Royal Writs*, so that he would not have this Regulation to be regarded as a Constitution, by virtue whereof his Magistrates could proceed of themselves, as they regularly did in all other Cases, as Executors of the Laws, without having occasion for any other special Power from the Prince; but he directed, That the Justices, in such Cases, should have recourse to the Prince, and from him receive special Writs, whereby that Power might be communicated to them, thereby meaning, that in such Cases they were not to proceed by virtue of their ordinary Authority, but by that thus conveyed to them by the Prince, who, by the oeconomic Power of governing his Dominions, has a Right upon extraordinary Occasions to proceed by uncommon and extraordinary Methods. Whence the same *Bartolomæo di Capua*¹, who penn'd the Statute, observes, that this was not a Statute, that is to say a Constitution, or Edict, *Sed forma literarum Regiæ, quæ debet dirigi Officiali à Rege in pendent, alias Officialis ipse non potest procedere secundum formam hujus Capituli: Et ita se habet consuetudo Magnæ Curie Vicariæ, & omnium Civitatum Regni*; so that as *de Bottis*² very much to the Purpose, observes, no Officer could proceed, *nisi ex Regia commissione*.

AND from this arose the Practice handed down to our present Time, that without the King's special Commission no Tribunal can proceed, *servata forma hujus Capituli*. In the Reign of the *Aragon* Family, and in the beginning of that of *Austria*, when, as we shall see, the Tribunal of the sacred Council of *S. Clara* was at its height, and in its greatest Splendor, and superior to all the rest, it proceeded without any other Royal Commission; but the Reason was, because that Tribunal in every thing represented the King's Person, and all was done in his Name; whence it came, as the same *de Bottis* testifies, that those Causes were frequently remitted to the High-Court of the Vicariate, to which Authority was given to proceed against Ecclesiasticks, *Servata forma Capitulum Regni*. Whence we find in the Archives of the said Tribunal many Processes drawn up according to the Statutes of the Kingdom. But afterwards in the time of the *Austrian* Kings the Tribunal of the Collateral Council being raised above all the rest, and having engrossed to itself all the supreme Pre-eminences, and oeconomic Power, and leaving the other Tribunals independent, with respect to Matters of Justice, that Custom was introduced, which is still observed, that from this Tribunal, as representing the King's Person, the Royal Writs are issued, by which the Sacred Court is ordered to proceed, *Servata forma Capitulum Regni*, and formerly they were likewise directed to the Chaplain-Major. But the Mystery is easily unfolded why these Writs cannot still be directed to the Deputy of the High Court of the Vicariate, or to the Presidents of the Provinces, who were anciently called Justices, and to other of the King's Officers. We have many such Writs directed by the same King *Robert* to the Deputy of the Vicariate, and its Judges, such as that which we read under the Title, *de Spoliatis pro Laico contra Clericum*, and it begins, *Omnis prædatio*; and the other which we read in *Chioccarelli*; to the Justices of *Abbruzzo*, *Ultra & Citra flumen Piscarie*; to the Justices of *Val di Crati*, and *Terra Giordana*; to the Justices of *Terra di Lavoro*; and to those of *Contado di Molise*. *Charles* Duke of *Calabria* his Son, *Charles* III. of *Durazzo*, *Alphonfus* I. and the other succeeding Kings did the same, as we shall see hereafter. But in our times, and in those of our Grandfathers, the Boldness and Indiscretion of the Prelates being greater than ever, in order not to expose those inferior Officers to their Censures, and to avoid Quarrels with them on that account, it was thought more expedient to direct those Writs to the supreme Tribunal of the Sacred Court, which proceeds regularly therein.

BUT King *Robert*'s great Moderation and Respect were not sufficient to prevent the Prelates and Canonists from declaiming against this Regulation. From the time of *Luca di Penna*³, who wrote in the Reign of Queen *Joan* I. *Hoc Statutum*,

¹ In not. ad dictum Cap. in princ.
cap. Regie Fæderum.

² Bottis ad d. Capit.

³ Luc. de Penna in not. ad

as he says, *multi Prælati & Canonistæ nitebantur infringere, dicentes Principem Secularem nihil posse contra Clericos, & eorum causas directè, vel indirectè statuere, sed ipsi circa hoc iniquè loquuntur*; so that he was forced to write in order to confute their Errors. And in latter Times, the Licentiousness of the Ecclesiastical Writers being grown to a greater height, these Remedies were still impugn'd, and looked upon by them, as an Infringement upon the Ecclesiastical Immunity. In the thirteenth Tome of *Chioccarelli's M. S. Giurisdizionali* we have an Account of the many Controversies that have been between the King's Ministers and the Ecclesiasticks about these Regulations: We likewise read several Allegations from Law made in their Defence, and to shew the Justice of them; on the other hand we have an Account how much the Ecclesiasticks laboured to have the Observation and Execution of them abolish'd and laid aside; but notwithstanding all their Efforts, for several Ages they have continued firm and stable, and have been in force and practis'd under all our Kings since the Reign of King Robert, and are at present in full Force and Vigour.

BESIDES the Statute *ad Regale fasligium*, we have three other of King Robert's, directed, according as the Cases happened, to his Officers, which we find printed amongst the Statutes of the Kingdom, and which were made by him in the latter end of his Reign. The first is under the Rubrick, *Conservatorium pro Laico contra Clericum*, which begins, *Charitatis affectus*, directed to the Justices of the Further *Abruzzo*, at the Instance of *Ruggiero* Count of *Gela* on account of some Hardships put upon him by the Abbot and Monks of the Convent of *S. Maria della Vittoria*. The second, which begins, *Finis præcepti charitas*, and is under the Title, *Conservatorium pro Clerico contra Clericum*, was directed to the Justice of *Val di Crati*, and *Terra Giordana*, and was made at the Instance of *Giovanni Tavolaccio di Castrovillari* a Canon of *Cosenza*, on account of Injustice done him by *Guglielmo* and *Oliviero Persona* Priests of *Rossano*, and their Associates. The third was directed by Robert to the Deputy of the High Court of the Vicariate, and its Judges, and is under the Title, *De Spoliatis pro Laico contra Clericum*, and begins, *Omnis prædatio*; it was made at the Instance of *Perotto Scarlese* of *Naples*, who having been violently dispossessed of some Lands, which he held of the City of *Capua* by the Vicar of the Archbishop of that City, he had recourse to King Robert for Reparation. Besides these which are printed with the Statutes of the Kingdom, *Chioccarelli* collected from the Royal Archives some other such Royal Preservative Writs drawn up by the Order of the same King Robert, of *Charles* Duke of *Calabria* his Son, and of many other Kings his Successors for the same Purpose, and directed to their Officers.

CHARLES Duke of *Calabria*, while he was Lieutenant of the Kingdom, in the Year 1322, directed the like Writs to the *Capitano* of *Naples*, obtain'd at the Instance of *Francesco Cannavacciolo* of *Naples*, on account of his being disturbed in the Possession of a House belonging to him, situate within the City of *Naples*, by the Abbot *Guglielmo Caracciolo*, and some other Clergymen. In the Year 1324 the same *Charles* ordered the Justices of *Calabria*, according to the Tenor of his Father's Statute, to take Cognizance of the Robbery of a Vineyard and certain Oxen from *Giovanni* a Canon of the Great Church of *S. Mark*, by *Guglielmo Malopere*, Vicar of the Archbishop of *Cosenza*. In the Year 1328, King Robert wrote to the Justices of *Terra di Lavoro*, *Contado di Molise*, and the *Hither* and *Further Abruzzo*, that *Francesco* Abbot of the Monastery of *S. Maria* of *Cinquemiglia* having represented to him, that the Bishop of *Valve* pretending that the said Abbey belonged to his Church, had designed to rob him of it, and ordered them to maintain him in the peaceable Possession of the said Monastery, *Donec justa causa possessionis duraverit*. The same Robert in the Year 1337 sent the like Writs to the Deputy and Judges of the Vicariate, ordering them to proceed *juxta tenorem novi nostri Capituli* upon the Complaint made to him by *Tommaso Monsella di Salerno* Master of Accounts of the High Court, that he being possessed of the Castle of *S. George* situate in *Calabria*, the Bishop of *Melito*, together with some Laicks disturbed him in it, and violently possessed the Territories thereof.

KING *Charles* III. of the Family of *Anjou*, in the Year 1383 wrote to the Lord Chief Justice of the Kingdom, or his Lieutenant, and to the Judges of the High Court to redress the Grievances and Violence done by the Archbishop of *Naples*, or his Vicar, by the means of a Priest his Secretary in their Name, to *Simone Guazza* of *Giugliano*, in seizing by his own Authority some moveable Goods, while an Ap-

peal was lodged against a Sentence given in favour of the said Secretary, for a Debt, which he pretended to pursue in the Name of the said Archbishop.

KING *Alphonfus I.* of *Aragon* in the Year 1440 directed the like Writs to the Bishop of *Valenza* President of his Council and Vice-Prothonotary of the Kingdom, and to his Counsellors, that according to the Tenor of these Regulations they would redress the Outrage done to *Febo Sanseverino* Bishop of *Cassano* by *Gelisorte Spinello*; who, notwithstanding that *Sanseverino* was advanced to that Bishoprick by Pope *Boniface IX.* and confirmed by Pope *Martin V.* and for many Years had peaceably possessed it, asserting that he was Bishop, by Force and Fraud had robbed him of, and intruded into the said Bishoprick. The same King in the Year 1478 wrote to his Viceroy, and his other Officers in *Calabria*, that *Guglielmo di Cambini* Priest of *Mangano*, an Appurtenance of the City of *Cosenza*, had represented to him, that he with other Priests for above twenty Years having possessed some Benefices, had been robbed of them by certain other Priests; therefore he ordered them, that if they found the said Robbery to be evident, they were to redress it, and maintain him in Possession both of the Benefices and Fruits.

KING *Ferdinand I.* in the Year 1481 wrote to the Bishop of *Martorano* not in the least to molest *Palamede di Leandro* Bishop of *Catanzaro*, nor to hinder him from gathering in the Fruits and Revenues of his Bishoprick; but if he had any Revenues or Rights within the Diocess of his Bishoprick, he should allow him to receive them according to Justice; and in the Year 1485 he wrote to the Castellan of *Catanzaro*, to protect him in the peaceable Possession of his Bishoprick, and in the Enjoyment of all its Revenues and Fruits. This King the said Year wrote to *Carlo Carafa* Lord of the Village of *Monte Sarchio*, telling him, That *Fra. Jacopo* of the Order of *S. John* of *Jerusalem*, Commendatory of the *Commendam* of the said Village, had represented to him, that being possessed of the said *Commendam* given him by his Order, he had been turned out of it by *Fra. Ipolito d'Amelia*, by vertue of certain Letters surreptitiously obtained from the Court of *Rome*; therefore he ordered him, that if the said Robbery was clear, he should restore him to the Possession of his *Commendam*.

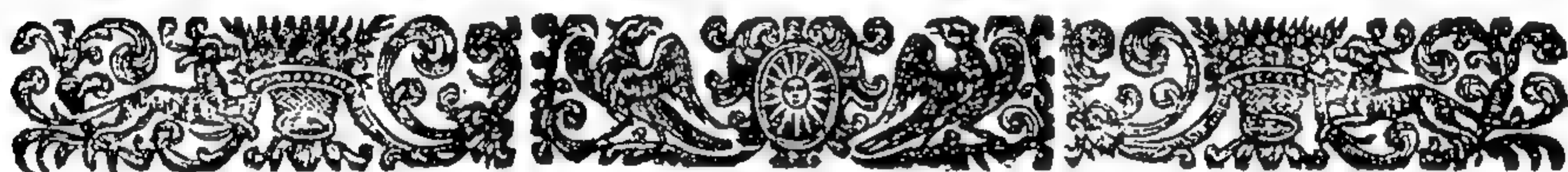
THE Great Captain *D. Gonsalvo de Cordua* in 1503 wrote to one of the King's Officers, that the Abbot *Guglielmo Germano di Maratea*, by vertue of Apostolick Bulls being in Possession of the Abbey of *S. John* in the Diocess of *Cassano*, he had been robbed of it by *Giovanni Caseo*; therefore he ordered him, according to the Tenor of the Statutes of the Kingdom, to restore the said Abbot to the Possession of the Abbey, and to maintain him in it, *donec justa causa possessionis duraverit*. The same Great Captain in the Year 1506 ordered the Governor of *Calabria*, That if it was true, that the Abbot of *S. John* of *Floria* in *Calabria* had been actually robbed of some Churches and Barns annexed to his Abbey by the Priest *Martino di Torpomisibus*, to restore him to his former Possession, and to preserve him in it, *Donec, &c.*

THE Viceroy *D. John* of *Aragon* Count of *Ribagorça* in 1507 wrote to the Governor of *Calabria*, and to the other Officers of that Province, that *Fra. Lodovico Nicotera* Vicar General of the said Province of the Order of *Observantins* of *S. Francis* had represented to him, that many Prelates of that Province grievously oppressed the Friars *Observantins* of his Order; therefore he ordered the said Officers, that upon Application made by the said Vicar, they should proceed with the usual Remedies, and effectually prevent the said Prelates from using Violence against the said *Observantins*; but if they had any Claim they were to lay it before the Judges competent. This Count at the same time wrote to the *Capitano* of *Cariati*, telling him, That his Council having lately issued out an Edict agreeable to the Statutes of the Kingdom in favour of *Tommaso Assagno Palæologo*, who had complained that he had been disturbed in the Possession of the Village of *Belvidere*, and the Territories of *Malapezza* by the Bishop of *Cariati*; that when he was going to affix the said Edict upon the Doors of the Great Church of *Cariati*, and having the Beadle ready with the Edict in his Hand, in Presence of the Judge, Notary and Witnesses; the Bishop's Vicar, with the greatest part of the Clergy rushing out of the Church, snatched the Edict out of the Beadle's Hand, tore it, and at the same time abused both him and the Notary, to the great Reproach of his Council; therefore he commanded the said *Capitano* to order the said Vicar, and those Priests that were present to come to *Naples* within fifteen Days and present themselves before the Viceroy, and not to depart without his express Licence.

IN the Year 1574 *Decio Caracciolo* Abbot of the Royal Chapel and Abbey of *S. Peter in Salerno* having petitioned the Viceroy to be protected and maintained in the Possession of exercising some spiritual and temporal Jurisdictions which he had in that Abbey, in which he was disturbed by the Archbishop of *Salerno*, who pretended to rob him of them; the Matter was referred to the King's Chaplain-Major to be decided by him according to the Tenor of these Regulations, and the usual Summons being sent to the Archbishop, he appear'd, and the Matter being examin'd, the Abbot was maintain'd in the Possession of the Jurisdictions of his Church.

IN the Year 1593 *Giovanni, Alfonso, Ferrante*, and others of the Family of *Buonuomo* in the City of *Pozzuolo*, having represented to the Viceroy, that they having a Chapel, with a Tomb in the Great Church, the Bishop of *Pozzuolo* in the Night time had caused the said Tomb to be thrown down, and removed; they demanded, that as the Tomb had been removed, it ought to be again rebuilt in the same Place, and they restored to their former Possession. The Viceroy referred the Matter to the Chaplain-Major, who, according to the Tenor of these Regulations, issued out the usual Edict; and though the Bishop upon this Summons had had recourse to *Rome*, and had got the College of Cardinals to dispatch a Letter to the Nuncio at *Naples*, to order the Chaplain-Major under the Pain of Excommunication to revoke the Edict, and not to suffer the like Practice, as prejudicial to the Ecclesiastical Jurisdiction; nevertheless the Chaplain-Major and the Collateral Council having seriously deliberated upon the Matter, they advised the Viceroy to have no regard to the Pretensions of *Rome*, these Regulations having been observed in the Kingdom time out of Mind, and founded upon Justice, in order to prevent Robbery and Violence.

FOR the course of almost another Age down to our Time, the Custom has been constantly kept up, and the Archives of the sacred Council are full of Processes founded upon the Observance of these Regulations; insomuch, that at present they are never disputed, nor do they admit of the least Doubt or Difficulty.



C H A P. V.

Of the four Arbitrary Letters.

AMONGST the Statutes of King *Robert*, the four Arbitrary Letters are no less famous than the Royal Preservatives: This wise Prince was likewise Author of them, who sometimes using Severity, sometimes Clemency, according as the Quiet and Tranquillity of the Kingdom required, directed them to the Justices of the Provinces. We likewise find another directed to *Giovanni di Haya* Chief Justice of the Court of the Vicariate, which in some Copies goes under the Title, *Litera arbitralis*; in others under this, *De Præeminentia M. C. Vicariæ*, and begins, *Si cum Sceleratis*. This last contains the great Prerogatives, which were granted to the Lord Chief Justice and his Tribunal only, and not to the Justices of the Provinces; such as to proceed against Highwaymen, Homicides, Thieves, notorious Robbers, and others, on account of their heinous Crimes, without Accusation, or Warrant; and by a Process for Information only to proceed to torture the Criminals (a Prerogative which solely belongs to the Tribunal of the Vicariate) and as the four Arbitrary Letters were directed to the Justices of the Provinces, but not this, it was not reckoned among them, but went under the Title, *De Præeminentia M. C.*

M. C. Vicariæ. *Girolamo Cala* ¹ in the Treatise he wrote upon this Subject believes, that such a Prerogative was not given to that Tribunal by King *Robert*, but that it had been given to it before by King *Charles II.* his Father by the Statute *in Accusatis*; and that by the Statute, *si cum Sceleratis*, King *Robert* rather took it away, than granted it, seeing this Letter was directed to *Giovanni di Haya*, to whom alone such Authority was granted on account of his Justice, and other shining Virtues, and of the Hatred he bore against wicked Men; yet he says, that this Prerogative was restored to that Tribunal by King *Robert's* Statute, *juris censura*, and by that other *provisa juris Sanctio*. But there is no occasion to differ from the Opinions of our other Writer, that such Authority and Power was given by *Robert* to *Giovanni di Haya*, not on account of his eminent Virtues, but as Chief Justice of the Court of the Vicariate, by whom it was communicated to his Tribunal. This Author was much more mistaken, when he wrote, that *Robert* restored this Prerogative by the Statutes *juris censura*, and *provisa juris sanctio*, as if these Letters had been directed to the Chief Justice of that Tribunal. The Statute *juris censura*, as we shall see hereafter, was directed to the *Capitano* of *Naples*, an Officer, as we have said, at that time quite different and distinct from the Chief Justice of the Vicariate; and the other in general directed to all the Justices of the Provinces, and not to the Chief Justice of the Vicariate alone.

THEY were call'd *Arbitrary Letters*, not only because King *Robert* granted them revocable at his Pleasure; but because it was left in the Power of the Officers to proceed in criminal Cases at all times, either with, or without Torture, either upon Accusation, or for Inquisition, either mercifully to moderate the Punishment established by the Laws, or vigorously to put it in execution. Therefore the first of these Letters bears this Title: *De Arbitrio concesso Officialibus*. The second, *De componendo, & commutatione pœnarum*. The third, *Quod Latrones, Disturbatores Stratarum, & Piratæ omni tempore torqueri possunt*; and the fourth, *De non procedendo ex officio, nisi in certis casibus, & ad tempus*. That which was directed to *Giovanni di Haya* was likewise call'd an *Arbitrary Letter*, because in the End it contains these Words: *In his enim tibi plenam potestatem meri & mixti imperii, ac arbitrium competens duximus concedendum*. It is probable that it was penn'd by *Bartolommeo di Capua*, since it is dated in 1313, the fifth Year of King *Robert's* Reign.

Fabio Montelione da Girace in that ridiculous Comment, which in the Year 1555 he made upon these four Arbitrary Letters, dedicated by him to *Carlo Spinelli I.* Duke of *Seminara*, is of Opinion, that the first Arbitrary Letter was that, which among the Statutes of the Kingdom we read under the Title, *De non procedendo ex officio, &c.* which begins, *Ne tuorum*; but if the Order of Time be to be considered, we shall find it the last. This was penned by *Giovanni Grillo* Vice-Prothonotary of the Kingdom, after the Death of *Bartolommeo di Capua*, in the Year 1329, the twenty first of King *Robert's* Reign, as the Date bears, which ought to be corrected, and instead of *Regnorum nostrorum anno 20.* it ought to be *anno 21.* In this Power and Authority is given to the Presidents and *Capitani* to proceed in some Crimes *ex Officio*, without Complaint or Accusation, that is to say in all such, as by the Laws deserve Death, or the Loss of a Member; in those whereby Injuries are done to Ecclesiastical Persons, Pupils and Widows; and lastly, in clandestine Murders, when no Accuser appears.

THAT which we read under the Title, *De Arbitrio concesso Officialibus* is certainly more ancient, which begins, *Juris censura*. This was penn'd by *Bartolommeo di Capua* in the Year 1313, the fifth of King *Robert's* Reign, as is clear from the Date given us by *Jacopo Anello de Bottis* in his Additions to this Statute. To whom it was directed is left doubtful by the vulgar Edition, in which we read, *Magistris Rationalibus, &c.* and by *de Bottis*, who says, that in other Editions it is directed *Jusficiaris Basilicatæ*. But from the Body of the Letter we may easily perceive, that it was directed to the *Capitano* of *Naples*; since on account of the frequent Crimes which were committed in the Cities of *Naples* and *Pozzuolo* and their Districts, by notorious Robbers, Highway-Men, Incendiaries, Ravishers of Women, and other wicked Persons, he had full Power and Authority to proceed against these with all Severity and Rigour; laying aside all Method, and the Rules prescribed by the Statutes of the Kingdom, but regarding only the pure and naked Truth, with the Advice of his Judge to extirpate these Reprobates and Villains out

¹ *Cala de Przemia. M. C. V. cap. 2.*

of these Places, that therein Tranquillity might be restored, *Nocendi facultas abeat, & pacis optata amœnitas suavis reviviscat.* At this time the *Capitano* of Naples had likewise the Government of *Pozzuolo* and its District, as *Camillo Tutini*, in his *Teatro de Gran Giustizieri del Regno* has plainly demonstrated, and as we have related elsewhere.

THE third Arbitrary Letter which we read under the Title, *Quod Latrones, Disrobatores, &c.* and which begins, *Provisâ juris Sanctio*, without all doubt is likewise *Robert's*, and penned by *Bartolommeo de Capua*, seeing we have some Notes upon it written by that Lawyer. By this, Power is given to the Justices of the Kingdom, at all times, even upon the Feast of *Easter*, without observing any Rule, and without Accusers, to proceed to torture notorious Highwaymen, Housebreakers and Pirates, and others guilty of enormous Crimes.

WE read the fourth under the Title, *De componendo, & commutatione pœnarum*, and it begins, *Exercere volentes benignè.* *Robert* in this moderates the great Rigour hitherto practised, by empowering his Officers to compound, and commute into pecuniary Mulcts the Penalties established by the Laws against the carrying of Arms for clandestine Murder; to change the Punishment, which the Officers themselves may have imposed, or for the future shall impose by their Proclamations either upon Corporations or particular Persons; the Penalties in prohibitory Cases, *de parendo juri*, and in other arbitrary Cases, and in Fines. In all these Cases, after having had due regard to Poverty and Inability, or to any other reasonable Cause, he allows, *in certa quantitate pecuniæ componere pro Curie nostræ parte.*

KING *Robert*, on account of this arbitrary Letter, was by his Detractors accused of Avarice, which had eclipsed his other Virtues; and *Scipione Ammirato* says the same; and that he was looked upon to be the Cause of the many Discords and Divisions, which arose amongst the Citizens in many Cities of the Kingdom, because of the Compositions which he drew from his Subjects in Money, preferably to Blood; and that he was wont to alledge for his Excuse, that it was necessary for him to do so in order to have wherewithall to maintain the great Fleets, which almost every Year he was obliged to fit out for the Recovery of the Kingdom of *Sicily*. But whoever will consider, that *Robert* restricted these Compositions to certain slight Crimes with so much Reserve and Moderation, and with all regard to the Conditions of the Persons, and to many other Circumstances, will certainly not condemn him as a sordid and covetous Man.

THESE are the arbitrary Letters so famous with us, upon which in the Reign of Queen *Joan I.* the Vice-Protonotary *Sergio Donnoroso* wrote a Comment, which he mentions in his Notes on the Statutes of the Kingdom¹, as does also *Pier Vincenti* in his *Teatro de Protonotari del Regno*²; which Letters, together with the *merum & mixtum imperium* were afterwards granted to the Barons in the Investitures of their Fiefs; but they did not get them from *Robert*, for in his time they were directed to the Justices, not to the Barons, who then had no Jurisdiction in criminal Matters, nor *merum & mixtum imperium*, as the Justices of the Provinces had. Till the Reign of *Alphonfus I.* of *Aragon*, or, as some have believed, of *Joan II.* the Barons had only Jurisdiction in civil Matters. Before *Alphonfus's* time the Feudatories who possessed Lands with Vassals could exercise no other Jurisdiction, but the very lowest, which reached only to the settling of Differences and Quarrels amongst their Tenants; for which end they appointed some annual Officers called Chamberlains, who had no other Jurisdiction, but the taking Cognizance of, and deciding some trifling Causes.

THE Justices of the Provinces, and the Tribunal of the High Court were those Magistrates, who exercis'd eminent and full Jurisdiction over all Castles and Places of the Kingdom³. In the same manner as was practis'd in the time of the *Romans*, who in their Cities and Towns had inferior Magistrates, whom they elected out of their own Corporations call'd *Defensores*, who exercis'd a low Jurisdiction, which consisted in taking Cognizance of frivolous civil Causes.

IN place of those *Defensores*, as *Andrea d'Isernia* very well observes⁴, in our Kingdom the Bailiffs succeeded, who took Cognizance of civil Causes, of Petty

¹ Tit. de tormentis, fol. 27.

² P. Vinc. anno 1352. pag. 90.

³ Constitut. Ea quæ ad speciale decus. Franc. de Amic. de his qui feud. dar. poss. in c. sumus modo,

fol. 43. num. 2. Rosa in prælud. feud. lect. 11; num. 10.

⁴ Andr. in Constit. locor. Bajuli.

Larceny, Weights and Measures, and other Causes of small Moment¹. But Matters of Consequence, and especially those relating to *merum imperium*, and the Jurisdiction in criminal Cases, according to the *Roman* Laws, belonged to the Presidents of the Provinces, in whose Place afterwards in our Kingdom the Justices of Provinces were appointed². And therefore it is no Wonder, that the Concessions of Lands with Vassals implied only that low Jurisdiction, as inherent to, and inseparable from them, and not the *merum imperium*, and Jurisdiction in criminal Cases, which could not be said to be inherent to them, and which formerly were not exercised by their own Magistrates, but by the Presidents; and afterwards not by the Bailiffs of the Places, but by the Justices of the Provinces.

*Marino Freccia*³ therefore testifies, that having read the special Grant of *Charles I.* when he gave the City of *Salerno* to his only Son, with the Title of Principality, with other Lands and Cities, such as *Ravello*, *Amalfi*, *Sorrento*, *Nocera* and *Sarno*, he gave him civil Jurisdiction only in these Places: And it was taken notice of as a rare thing, that in the City of *Salerno* he likewise gave him criminal Jurisdiction; however it was confin'd to the Circuit of the Walls, and reached no farther; but that was *propter titulum sue dignitatis*, as that Writer says, seeing at that time the Barons had no criminal Jurisdiction. The Opinions of our Authors about what King it was that first granted it are different. *Matteo d'Affitto*⁴, *Grammatico*⁵, *Caravita*⁶, the President *de Francòis*⁷; and others maintain, that King *Alphonfus I.* was the first, and this last Writer says, that it was not practis'd but by the *Aragon* Kings. Others, such as *Francesco d'Amico*⁸, Deputy *Capicelatro*⁹, and *Capobianco*¹⁰, carry it a little further back, viz. to the Reign of Queen *Joan II.* but if we may give Credit to that most grave Historian *Angelo di Costanzo*¹¹, we must allow our King *Robert* to have been the first. This Author speaking of the Generosity of that Prince, says, That by the innumerable Privileges granted to Barons and private Gentlemen, both of the City of *Naples* and of other Cities of the Kingdom, it may be seen how generous he had been to them, *In giving them Titles, Castles and Fiefs, with criminal Jurisdiction, which before that time had very rarely been given to Counts*; and this Historian himself likewise says, That King *Ladislaus* granted criminal Jurisdiction over *Teverola* to *Antonello di Costanzo*, where he and his Predecessors for eighty Years had had no other but civil Jurisdiction¹².

HOWEVER that may be, whether *Robert*, or any of his Successors did practise such unusual Generosity to some of their Favourites, it is certain, that *Alphonfus I.* and the other *Aragon* Kings his Successors did so; and criminal Jurisdiction was more frequently given in Concessions made to Barons; and in the Investitures they also had granted them the Power and Authority contain'd in these four Arbitrary Letters, and at present it is the Stile, and in a manner the set Form of all Investitures given, to insert also a Clause containing that Power.

WHENCE it came, that as formerly these Letters were revocable at the Prince's Pleasure, and under certain Restrictions, so as to what concerns the Persons of Barons, by the Concessions contained in their Investitures, they are irrevocable; and their Authority and Power are thereby greater, than what the King's Officers have, to whom (such as the Deputy of the High Court of the Vicariate, and his Judges, the Governors of Provinces, *Capitani* of Cities, and other Officers of the Kingdom) the Emperor *Charles V.* by his Pragmaticks¹³ prescribed a Rule in compounding of Crimes, and in commuting corporal Punishment into pecuniary Mulcts, and prohibited the doing of it without his, or the Viceroy's Consent, and without the Pardon of the Party offended, or in Crimes that ought to be punished with Death, or the Loss of a Member. And seeing that these Letters had been granted to the Barons, that their Power might be confined to due Bounds and Justice, the

¹ Constitut. locor. Bajuli, & ad officium Bajuli.

² Constit. Justitiarum nomen, & normam. Constit. Justitiarum per Provincias. Constitut. Praesides, & Constit. Capitaneorum.

³ Freccia de Subfeud. lib. 2. auth. 2. num. 21.

⁴ A.E. in Constitut. contingit 3. notab. & in Constit. eoque ad speciale decus 4. notab.

⁵ Grammat. voto 23.

⁶ Caravita ritu 49.

⁷ Francòis decisi. 510. num. 4. & decisi. 370.

num. 8.

⁸ Franc. de Amic. ad tit. de his, qui feud. dar. pos. fol. 43. num. 2.

⁹ Capicelatr. cons. 41. num. 10.

¹⁰ Capibl. de Baron. prag. 8. par. 1. num. 63 & 84.

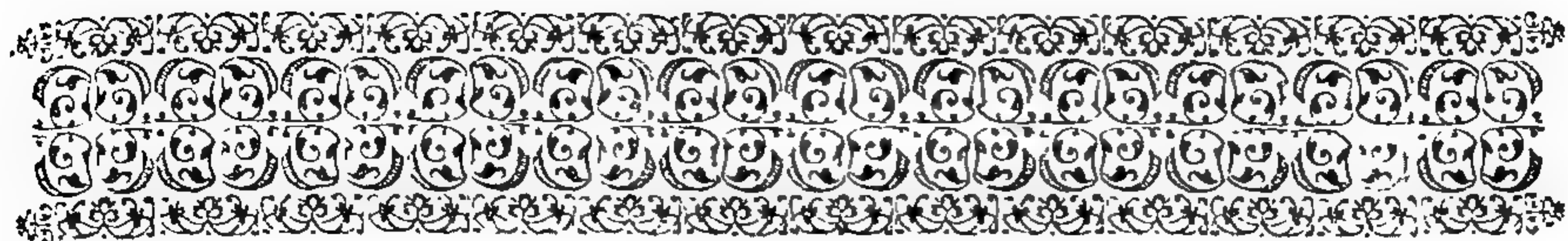
¹¹ Costan. lib. 6.

¹² Idem Hist. lib. 12. in fin.

¹³ Pragm. In sperata delictorum venia. Pragm. Et quia, &c.

same Emperor *Charles V.* afterwards by another special Pragmatick ¹ established for the Barons and their Officers, order'd them not to make an ill use of their Authority, which they had of commuting Punishments, but to make use of it with all Discretion, and in a reasonable manner, threatening in case of Abuse to deprive them of their Privileges.

¹ Pragm. mandamus etiam.



CHAP. VI.

Of the Usages of the Royal Chamber.



IN the Reign of King *Robert* were likewise collected the Usages of the Royal Chamber. This Tribunal not only in the time of the Emperor *Frederick II.* was govern'd by the Masters of Accounts, but likewise in the Reign of these Kings of the Family of *Anjou.* These Officers had great Authority, and therefore we see Persons of the greatest Distinction employed in these Offices; and by Queen *Joan I.* their Prerogatives and Privileges were much enlarged. Their chief Business was to inspect the Royal Rights and Revenues, to oblige the under Officers, such as the Collectors of the Revenues, Treasurers and others, to give an account of their Administration, to take in the Accounts of their Collections, and to receive the Money in order to send it to the Royal Chamber. These Revenues for the most part rose from Tributes, Taxes, Customs, Royalties, and other Duties belonging to the Exchequer, as well old, as new. During the Reign of the *Normans* these Collections were confin'd to a small Number, and were very moderate, particularly in the time of King *William the Good*; but after the Emperor *Frederick I.* restored the *Regalia*, which were almost worn out of Use in *Italy*, and that other Princes, after his Example, had a mind to restore them in their Dominions, their Number encreased, and they became more heavy: So when this Kingdom went from the *Normans* to the *Suevi*, *Frederick II.* imposed new Collections; an Example, which was afterwards followed by the Kings his Successors, as very conducive to the enriching their Exchequer, whereby they could maintain greater Armies, and more numerous Fleets. Although the Kings of the Family of *Anjou* in their Statutes often promis'd to moderate them, and reduce them to what they were in the time of King *William the Good*; yet, by Reason of the long and obstinate Wars which they had upon their Hands, and particularly that of *Sicily*, they performed nothing; on the contrary, they from time to time increas'd them. By which means Duties paid into the Exchequer were distinguished by the old and new.

AS for the old, *viz.* those which were before *Frederick II.*'s time, in the Reigns of *William* and his *Norman* Successors, we find that *Andrea d'Isernia* made two Catalogues of them ¹; one of which we read in the Notes, which he made upon the Constitutions of the Kingdom under the Title, *de decimis*; and the other amongst the Usages of the Royal Chamber, also under the same Title ². They differ only in a few things, and in the Order; the Number which he inserted amongst the Constitutions is as follows.

¹ Andr. in Conflit. quanto cæteris, de decimis.

² Rit. 1. de decimis, &c.

Jura Vetera sunt hæc, videlicet.

<i>Dobana.</i>	<i>Portus, & Piscaria.</i>
<i>Anchoragium.</i>	<i>Jus Affidaturæ.</i>
<i>Scolaticum.</i>	<i>Herbagium. Pascua.</i>
<i>Glandium, & Similium.</i>	<i>Beccaria.</i>
<i>Jus Tumuli.</i>	<i>Passagium Vetus.</i>

Jus Casei, & olei non est ubique per Regnum.

The Number, which he put amongst the Usages of the Royal Chamber, is as follows.

Jura Vetera sunt hæc

<i>Jus Dobanæ.</i>	<i>Jus Portus, & Piscariæ Vetus.</i>
<i>Jus Anchoragii.</i>	<i>Jus Bucceriæ Vetus.</i>
<i>Jus Scolatici, or</i>	<i>Jus Affidaturæ herbagii, pascuorum,</i>
<i>Jus Colli.</i>	<i>glandium, & similium.</i>
<i>Jus Tumuli.</i>	

Jus Casei, & olei, non est ubique per Regnum.
Jus Passagii vetus.

OF the new in the foresaid Places we have two Catalogues by the same Author. These were introduced by *Frederick II.* by the *Guelf* Writers, who wrote during the Reign of the Kings of the Family of *Anjou*, reputed a Tyrant, and who oppress'd his Subjects with innumerable Taxes; of all the rest *Andrea d'Isernia* has used him the worst, and represented him as a cruel Prince, for which he sends him to the tormenting Fire of Hell. In his Notes upon the Constitutions¹ he says, That the Church would not take the Tithes of these Taxes, because they were unjust, and impos'd by *Frederick* in Opposition to God and Justice: *De illis non vult Ecclesia Decimas, tanquam de malis oblatiis, quæ imposita fuerunt per illum contra Deum, & justitiam; per quod videtur ille Federicus quiescere in pice, & non in pace.* And in the first Usage, under the Title, *de jure Tinctoriæ, & Celandræ*, speaking of these Taxes as new and odious, and that they ought rather to be suppress'd, than explain'd, he writes; *Imposita fuerunt hæc ab eo, qui depositus fuit, a Regno, & Imperio; pœna sua propterea in inferno crescit semper, sicut pœna Arii, ut Augustinus dicit.* But these were idle Complaints, and Words at random. He blam'd and hated *Frederick* for having introduced them; they were exclaimed against as impious and unjust; but for all that the Kings of the Family of *Anjou*, this same *Robert*, and *Charles* his Father, under whom he wrote, did not lay them aside; on the contrary *Robert*, for having too rigidly exacted and increased them, was accus'd of Avarice.

THE same *Andrea*², inveighing against them, says, That the Church would not so much as take the Tithes of them; and tells us, that *Filippo Minutolo* Archbishop of *Naples*, displeas'd with the Agreement made with *Charles II.* that Tithes should be paid for the two third Parts, leaving one, which was thought to be new and unlawful Taxes; thinking that he had been impos'd upon, entered an Action at Law; but after a long Dispute, it appeared, that by not taking the Tithes of the new Taxes, which amounted to a much greater Sum than those of the old, he was at a great Loss, and that therefore he must have Reparation; and troubling himself no more about the unlawful Exaction, he resolved not to insist upon it for the future; but begged of the King, that as a Favour he would be pleas'd to let him have the Tithes of the other third Part, and to allow him to gather in the two Thirds

¹ Andr. Censur. quanto de cæteris, de decimis.

² Rit. 2. R. Cam. de decimis.

as formerly; and in order to remove all Scruple, the King consented, that for the Time to come he should have the two Parts entire; but the other third, of which he made him a Present, should be laid out upon the Edifice of the Cathedral Church of *Naples*, which being completed, the Payment should be continued with the Burden of praying for the Souls of his Father and Mother, and of erecting some Altars in that Church; and *Isernia* says, that it was done and paid in his time ¹.

THESE new Duties, according to the Number, which *Isernia* has inserted in the Constitutions of the Kingdom are

Nova sunt hæc, videlicet.

<i>Jus Fundici Ferri.</i>	<i>Saponis. Molendini.</i>
<i>Azarii. Picis.</i>	<i>Bechariæ novæ.</i>
<i>Salis.</i>	<i>Imbarcaturæ. Jus Sepi.</i>
<i>Jus Stateræ, seu Celandræ.</i>	<i>Jus Portus, & Piscariæ novum.</i>
<i>Ponderaturæ.</i>	<i>Jus Exituræ.</i>
<i>Jus mensuraturæ.</i>	<i>Jus Decini. Tentoriæ.</i>
<i>Riæ de novo.</i>	<i>Jus Marbium.</i>
<i>Jus Setæ. Jus Cambii.</i>	<i>Jus Balistarum. Jus Gallæ.</i>

Jus Lignaminum non est ubique.
Jus Gabellæ auripellis non est ubique per Regnum.
Jus Resinæ, seu Resicæ majoris, & minoris non est ubique, sed Neapoli.

The other Catalogue of them, which he inserted among the Usages follows.

Jura Nova sunt hæc.

<i>Jus Fundici.</i>	<i>Jus Imbarcaturæ.</i>
<i>Jus Ferri.</i>	<i>Jus Sepi.</i>
<i>Jus Azzarii.</i>	<i>Jus Portus, & Piscariæ novum.</i>
<i>Jus Picis.</i>	<i>Jus Decini.</i>
<i>Jus Salis.</i>	<i>Jus Balistarum.</i>
<i>Jus Stateræ, seu Ponderaturæ.</i>	<i>Jus Resicæ majoris, & minoris.</i>
<i>Jus Mensuraturæ.</i>	<i>Jus Marium, Saponis, Molendini,</i>
<i>Jus Exituræ.</i>	<i>& Gallæ, non sunt ubique, sed in</i>
<i>Jus Setæ.</i>	<i>Apulca.</i>
<i>Jus Tinctoriæ, & Celandræ.</i>	<i>Jus Lignaminum, non est ubique.</i>
<i>Jus Cambii.</i>	<i>Jus Gabellæ auripellis.</i>
<i>Jus Bucceriæ novum.</i>	

OF all these Duties paid into the Exchequer; of their Collections; of the Persons, who were oblig'd to pay them; of the Method of taking in the Accounts of them from the Collectors of the Customs, Toll-gatherers, and other inferior Officers; of their Mal-administration; of the publick Sales, advertis'd by Placards; of the pretended Discounts; and of all Controversies and Disputes that arose concerning the same between the Parties and the Exchequer; this Tribunal of the Chamber of Accounts was the Judge-competent. Besides the Deputy of the Great Chamberlain its Head, it was governed by the Masters of Accounts; so call'd, *a rationibus quibus præsumt* ². This Tribunal therefore was call'd *Auditorium rationum*; afterwards it was call'd, *Audientia Summaria*; and lastly, *Camera Summaria* ³. Of course there often happen'd many Doubts concerning all these Matters, and the Masters of Accounts decided them; and from their Decisions, which were always uniform and stable, proceeded sundry Usages and Methods of judging, and in process of

¹ V. Chioccar. de Archiep. Neap. ann. 1288 pag. 168.

² L. fin. C. si propter pensitationes.

³ Auctor. Anonym. in notis Rit. R. C. rub. 36.

time various Rules to be made use of in the like Cases. Before *Andrea d'Isfernia* these Usages and Rules could not be found, but in the Books of the Tribunal, where they were set down; and as it was a difficult Matter for every one to have a Copy of them, or an Opportunity leisurely to consider them, they were not universally known, and made publick. It is true, some Regulations concerning them were inserted in our Constitutions, as in that under the Title, *De officio Magistrorum Fundicariarum*, and in some others; but the same *Andrea* in the Notes upon that Constitution says, That *Frederick's* other Statutes relating to them were in the Custom-House, and were not inserted in that Volume of the Constitutions: *Sicut dicunt alia Statuta Imperialia, quæ sunt in Dobanis, nec sunt redacta in hoc volumine.* It was this grave Lawyer then, that extracted them from the Registers of the Custom-house, and from the Acts of that Tribunal collected and reduc'd them into that Form, in which they now are. It was not to be expected, that any other could have perform'd this Work with so much Care and Exactness, as he did. He had been made Master of Accounts by King *Charles II.* and continued such during all King *Robert's* Reign, which was thirty four Years more, till he was by Queen *Joan I.* made Lieutenant of this Tribunal; so that none was more capable to give us the Usages of it, or to collect them with so much Exactness and Learning, as he was.

THAT he was the Compiler of them is not to be doubted; by comparing the two Catalogues of the Exchequer Duties it may be seen that he was the Author of both. And it is also manifest by comparing what the same *Andrea* wrote in the Commentaries upon Fiefs, under the Title, *Quæ sint Regalia, in §. Vectigalia, in add. num. 14.* and in the Notes upon the abovemention'd Constitution, *De officio Magistrorum Fundicariarum*; and by what we read in these Usages under the Title, *de jure fundici*¹, where the same Words are repeated *ad literam*. The same *Andrea* in the last Usage *de jure Dobanæ* in the End quotes himself, and refers to what he had written *in cap. unico, §. Sacramentum, de consuet. rect. feud.* His cotemporary Authors, or those who flourished not long after him, also witness it. *Luca di Penna* was his Cotemporary, because he was coetaneous with *Bartolo*, and he attests, that *Andrea* was the Compiler of these Usages². *Goffredo di Gaeta*, who in the Year 1460, as he says in the second Usage, *De decimis*, compos'd Commentaries, or Readings upon these Usages, in many Places takes it for an undoubted Truth, that *Andrea* was the Author of them³. *Liparulo*⁴ in *Andrea's* Life, and the anonymous Author⁵ of the Notes upon the said Usages say the same. And lastly, we read it in Text Letters in the Volume of these Usages, which is preserved in the Archives of the Royal Chamber, and has in the Frontispiece this Title: *Ritus Domini Andreae de Isfernia super universis juribus Dobanarum, & aliarum Regni Siciliae Gabellam.*

THESE Usages were call'd by *Andrea*, *jura Imperialia*; not that the Emperor *Frederick* had caus'd them to be compiled in the manner we now find them, but because some Duties, which we read among them, were newly introduced by him, and therefore call'd, *jura Nova*, or *Imperialia*, to distinguish them from the ancient, call'd *jura Vetera*, which had been before his Time in the Reign of the *Normans*. Although *Andrea d'Isfernia* was at the Pains to collect this Work for his own private Study, and not by publick Authority, as the Usages of the High Court of the Vicariate were afterwards order'd to be collected by Queen *Joan II.* who by her Constitution gave them Force and Authority; yet these have always been, and still continue to be observed, and put in execution, and with us have the same Force, as our written Laws, as proceeding from an uninterrupted Custom, and the ancient Usage of this Tribunal⁶. It is true, that in the course of little less than four Centuries, since they were collected many things have been altered, and others new introduced, so that besides the Usages, we have many Decrees of this Tribunal collected by Deputy *de Marinis*; nevertheless, such of them as have not been altered by a new Law, or by a contrary Practice disus'd, have all Force and Authority.

ANDREA in this Work comprehended all the Duties both ancient and new; and the better to distinguish them, divided them into many Rubricks, and under

¹ Ric. 18.

² Luca de Penna in l. si tempora, C. de fid. instrum. & hoc sic lib. 10.

³ Goffred. de Gaeta de jure Dobanæ, num. 179 & 181 & in rubr. de non positis, aut substract. in question. & l. num. 2.

⁴ Lipar. in vita Andr. vers. Invenimus etiam Andream compilasse, &c.

⁵ Auth. in annot. ad rubr. 1.

⁶ Revit. decis. 28. num. 4. Galeot. resp. Fiscal. 15. num. 15. Philippis diff. Fiscal. 1. num. 147.

each of which he placed more or less Usages, according as the Copiousness or Brevity of the Subject required. He also, by way of Appendix, treated of many things relating to the Officers, who have the Administration and Collection of these Duties, in separate Rubricks, as may be seen in the Rubricks 1, 25, 26, 27, 28, 29, 30, 31, 33, 34, 35, 36, 37 and 38. It must be observ'd, that amongst these Usages we find some Decrees made by the Masters of Accounts since *Andrea's* Collection, and afterwards put in the Places adapted to the Subject; such as the Decree which we read under the eleventh Rubrick *de Tracta*, made in *September* in the Year 1382, and the like. Besides the Rubrick 38. which is the last, *de Jure Falangæ, seu Falangagii*, was added after *Isernia's* Collection, because that new Duty or Tax, which is a Branch of the Revenues of the Custom-house, was imposed in the Year 1385 by King *Charles III.* that Prince laid that Tax upon all the Coast of the *Tyrrhenian Sea* from *Gaeta* to *Reggio* *. *Alphonfus I.* afterwards in the Year 1452 extended it over all the Kingdom from the River *Tronto* to *Reggio* and along the Coast of the *Adriatick Sea*, between which two Seas the Kingdom is situate.

THE first who, something more than a Century afterwards, wrote Notes upon these Usages was *Goffredo di Gaeta*, the Son of *Charles*, who flourished under King *Ladislaus* and Queen *Joan II.* in quality of Attorney General. *Goffredo* his Son emulating the Father's Virtues, and following the same Footsteps, in the Reign of Queen *Joan II.* was a long time Master of Accounts. *Alphonfus I.* having afterwards added to the Chamber of Accounts four Presidents of the Long Robe, and two private Men, that King made him President of that Tribunal, in which Office he continued in the Reign of *Ferdinand I.* till the Day of his Death, which happened in the Year 1463; and it is probable he began this Work in the Reign of *Alphonfus*, and finished it under *Ferdinand*; for in the second Usage, *de decimis*, he says, That with respect to the time in which he wrote, viz. in the Year 1460, the Taxes impos'd by *Frederick* could no longer be said to be new, but ancient, it being then two hundred and sixteen Years since the Day of his being depos'd, which he places in the Year 1244. His Commentaries are learned, grave and adapted to the Subject he treats upon, without making Digressions to trifling Disputes foreign to the Purpose, which was then the common Fault of other Commentators. Therefore by the Professors of the succeeding Times they were exceedingly valued, and the Author was look'd upon to have been one of the greatest Lawycis of his time. He died in *Naples* in the Year 1463, according to the Inscription upon his Tomb, which is to be seen in the Church of *S. Peter the Martyr* in the Chapel of his Family, where he lies buried with *Charles* his Father.

ABOUT a Century afterwards we find, that those Notes, which we read upon these Usages, were written by an uncertain and anonymous Author; seeing he quotes Decrees and Sentences of the Chamber of Accounts pass'd in the Year 1554, such as in the first Usage, *de jure Ponderaturæ*, and in the Year 1565, as in the Usage 14. *de Jure Fundici*; and elsewhere he cites many other Writings and Decisions of that Tribunal made in these Years. He often quotes *Goffredo di Gaeta*, *Matteo d'Affitto*. and frequently Authors of the sixteenth Century also. These Notes are pertinent, learned and most useful, full of Remarks upon the Decrees and Sentences of that Tribunal, its Writs, Deliberations, Royal Writs, Registers, and upon all other Things, that might conduce to the right understanding of the Terms and Meaning of these Usages, and of the Alterations, and Additions, which had happened to his own time, and upon the Imposition of other new Duties and Taxes, their Rise, Progress and Abuse; so that it is a pity his Name should be buried in Oblivion.

WE have since that time had in our own Days another Comment, or as the Author calls it, *new Additions*, upon these Usages made by *Cesare Niccolo Pisani* a *Neapolitan* Lawyer, who in the Year 1699, together with the Commentaries of *Gaeta* and the Notes of the anonymous Author, caus'd them to be printed in *Naples*. They are not worthy to be compared, or put with the Works of these two famous Lawyers, being stuffed with idle trifling Things, and a Heap of absurd Enquiries foreign to the Subject; loose, insipid, and without Order, or Method, huddled together for no other end but to swell the Volume.

* Annot. in rubr. ult. de jure Falangæ.



C H A P. VII.

Of Men famous for Learning, who flourished in the Reigns of King Robert, and of Queen Joan his Granchild.



AMONG the other Virtues wherewith King *Robert* was adorn'd, he was a great Lover of all the eminent learned Men of his Time, a great Scholar himself, and a Protector of Learning.

IT may justly be said of this Prince that he encouraged the Muses, and applied himself to them at the same time. Read but the many Panegyricks of *Giovanni Villani*¹, *Petrarca*², and *Boccaccio*³ his Contemporaries, who have so much extolled him on that Account. We read a Treatise of the moral Virtues compos'd by this King in different *Tuscan Rhimes*. Count *Federico Ubaldini* caus'd this Treatise to be printed in *Rome* in the Year 1642, together with some of *Petrarca's* Verses taken from his Original, the *Tesoretto* of *Ser Brunetto Latini*, and four Songs of *Bindo Bonichi da Siena*, which bears this Title, *A Treatise of the moral Virtues by Robert King of Jerusalem*. According to *Ubaldini* he strain'd his Wit even in his old Age, by applying himself to Poetry, and by this Work imitated the wisest Kings of the Earth, such as *Solomon* (for which end he would take no other Title in his Book, but that of *King of Jerusalem*) the Emperor *M. Aurelius Antoninus*, who wrote twelve moral Books of his own Life (if they be not fabulous, as *Cassiodoro* took them to be) *Basilus Macedo*, *Leo Isauricus*, *Emanuel Comnenus*, and other Greek Emperors, who compos'd such like Books; and to go back to his own Predecessors Kings of *Sicily*, such as the Emperor *Frederick II.* King *Manfred*, *Entius*, and others, who, being all intent upon Love Matters, made Songs upon that Subject only. Besides the abovementioned Poems, he also wrote some Letters in *Latin Prose*, two of which are translated into *Italian* by *Villani* in his History, one of them sent in the Year 1333 to the People of *Florence*, and the other to *Walter Duke of Athens* in the Year 1341, when he took upon him the Government of *Florence*.

IN his Reign Learning was so much encouraged, that Professors of all kinds, though of mean Birth, were by him rais'd to the chief Honours, and with the greatest Gentleness he entertain'd and care's'd them; he went on Foot to hear the publick Lectures, which were read in *Naples*, and honoured the Scholars.

AND to pass over an infinite Number of Instances, when *Petrarca* came from *France* to take the Laurel Crown in *Rome*, he sent *Gio. Barrile* as his Ambassador in his Name to be present at the Ceremony in the Capitol, and to make his Excuse to *Petrarca*, that nothing but old Age would have prevented him from being present in Person with his own Hand to have put the Crown upon his Head; and he was very earnest to have *Petrarca's Africa* dedicated to him. He was a great Patron of Divines and Philosophers⁴, insomuch that in his Reign these Faculties began to flourish in *Naples*.

THE Scholastick Divinity in his time reduc'd to an Art, and made a Slave to *Aristotle's* Philosophy, according to the Method laid down by the *Averroists*, got footing, and grew very considerable by the famous Factions of the *Thomists* and the *Scoists* supported by two Orders, at that time very considerable, the *Preaching Fri-*

¹ Villani lib. 11. hist. & lib. 12.

² Petrarca rer. memor. lib. 2 & 3.

³ Boccaccio in Genealog. Deor. lib. 14. cap. 9 &

22. & lib. 15. c. 13.

⁴ Petrarca. Rer. memorand. lib. 2. Sacrar. Scriptur. peritissimus: Philosophiae, clarissimus alumnus.

ars, and the *Friars Minors*. The first followed the Doctrine of *Albertus Magnus*, and afterwards of *S. Thomas*, call'd the *Angelical Doctor* his Disciple, who afterwards became Head of the Sect of the Scholasticks, from him call'd *Thomists*. The last followed *Alexander Hales* of their own Order, and afterwards the famous *John Duns*, call'd the *Doctor Subtilis*, and *Scotus*, because he was a *Scotsman*; though some will have it that he was an *Englishman*, others an *Irishman*, who became Head of that Sect, and from him his Followers were call'd *Scotists*; whence proceeded the Division of these two Schools. Nevertheless some have made a third Faction, who following a new Method, were call'd *Nominals*, and one of the principal Heads of this Sect was *William of Ockham* in the County of *Surrey* in *England*; who, though he was of the Order of *Friars Minors*, differed from the rest, and made himself Head of this Sect, for which Reason he got the Title of *Doctor Singularis*. Their Schools were spread over all *Europe*, and in *Robert's* time their Masters being numerous in *Naples*, Divinity thus metamorphosed, was publickly, and with the greatest Applause taught, and the Professors were favoured by this Prince; for he made it his Business to get many of the best of them provided with Prelatures and Bishopricks in the Kingdom, and always respected them above the Lay Barons¹.

ON account of the great Number of *Greeks*, and the continual Commerce with the East, the Monks of the Convents founded under the Rule of *S. Basil* and *S. Benedict* in the two *Calabrias* and *Terra d'Otranto* did not embrace this Divinity but very late, they followed the *Greeks* and their Doctrine; and *Barlaamo* a *Basilian* Monk of *Calabria*, born in *Seminara*, a very learned and subtle Man, distinguished himself above all the rest, who having gone to *Constantinople*, was much caressed by the Emperor *Andronicus*, and employed by him in the most weighty Affairs of State, and also to reconcile and reunite the *Greek Church* with the *Latin*. He was sent to *Naples* by *Andronicus* to demand Assistance of our King *Robert*; but as he did not expect to succeed, without the Union of the two Churches, he also got a Commission for that Purpose. The Union was long treated of, but all Projects were rejected, and his Labour was lost.

HE had great and obstinate Disputes with *Palamas* his Antagonist; but after various Turns, at last seeing *Palamas's* Doctrine approv'd of in a Council held in *Constantinople*, and his own condemn'd, he left the East and return'd to the West, and sided with the *Latin Church*; whereupon he was made Bishop of *Geraci* in *Calabria*². He left us many of his Works, which he wrote against *Palamas*, and the *Quietist Monks* whom he persecuted, and accused as Renewers of the Errors of the *Euchytes*, and upon other Subjects.

HE wrote a Book *De Primatu Papæ*, *De Algebra*, and other famous Works, of which *Allaci* and *Nicodemo* made copious Catalogues³. He instructed many of our Countrymen in Discipline, and the *Greek* and *Latin* Languages, and he taught *Giovanni Boccaccio*, *Paolo Perugino*, a Lawyer and Library-Keeper to our King *Robert*, *Leonzio* of *Theffalonica*, and many others⁴.

AT this very time flourished in *Otranto* a Monastery of *Basilian* Monks about a thousand and fifty Paces distant from that City. It was dedicated to *S. Nicholas*, and its Monks professed not only Divinity, but Philosophy, and they were well skilled in the *Greek Learning*, and some of them also in the *Latin*. They instructed the Youth in the *Greek Discipline* and Language. Scholars flocked to them from all parts of the Kingdom, whom they very generously furnished with Masters, Lodging and Provisions gratis; insomuch, that the *Greek Learning*, which by the Decay of the Empire of the East was upon the declining Hand, was by them kept up, and restored in our Kingdom. *Antonio Galaeto*⁵ says, That in the time of his Great Grandfathers, which coincides with the Reigns of King *Robert* and Queen *Joan*, when *Constantinople* was not as yet in the Hands of the *Turks*, the renowned Philosopher *Niccolo d'Otranto*, named *Niceta*, was Abbot of this Monastery, who restored a famous Library, and spared no Charges in sending over all *Greece* to collect Books of all kinds to be placed in his Monastery, and among the rest many of Philosophy and Logick. On account of his Wisdom and Integrity he was employed

¹ Costanzo lib. 6.

² Allacci de Eccl. Occid. &c. lib. 2. cap. 17.

³ V. Allacci loc. cit. V. Nicod. in Addit. de Biblioth. Toppi.

⁴ Boccac. Genealog. lib. 15. cap. 6. Nicod. loc. cit.

⁵ Galat. de situ Japigyæ.

by the Emperors of the East and the Roman Pontiffs in several Embassies, who in the Disputes between them, either on account of Religion or State, made use of him to reconcile them; and he was often sent from *Constantinople* to *Rome* by the Emperors, and from *Rome* to *Constantinople* by the Popes. In process of time, by the Negligence of our *Latins*, and their Contempt of the Greek Learning, some of these Books were carried to *Rome* to Cardinal *Bassarione*, and from thence to *Venice*; and the rest were all lost and destroy'd by the remarkable Pillage of *Otranto* by the *Turks* in the Year 1480.

ROBERT, besides his favouring the *Divines*, did not neglect the *Philosophers* and *Physicians*¹. He procur'd the best Professors of that Age to teach these Sciences in the University of *Naples*; and that these, as well as other faculties might be taught in *Naples* only, he renew'd the Edicts of the Emperor *Frederick II.* and prohibited Schools in all other Cities of the Kingdom²; he made the Privileges granted to the University by King *Charles II.* his Father to be better observ'd, which he inserted in that Statute of his, which begins, *Universis*; which we find among his Statutes, under the Title, *Privilegium Coll. Neap. Studii*. Seeing in his time *Aristotle's* Philosophy, according to the Method prescribed by the *Averroists*, was universally taught in the Schools, and it only in Vogue, all the other antient Philosophers, for the Reasons before given, were neglected: and Physick being taken from the Books of *Galen* only, *Robert* therefore, in Imitation of *Frederick II.* order'd *Niccolo Ruberto* a famous Physician and Philosopher of those Times, to translate *Aristotle's* Books of Philosophy, and *Galen's* of Physick; as we have it from the Royal Registers, and related by *Summonte*³.

ROBERT likewise took great pleasure in having his Court and Chancery fill'd with learned Men, and made it his chief Study to employ the most eminent of the Age: which, as *Cosanzo* very well observes, may be known by the Style and Phrases of his Statutes and Grants, which are more polite, and set off with many elegant Clauses, according to the Times, in which Eloquence and Elegancy in writing were not arriv'd at that Sublimity, which we have seen since in our Grandfathers and our own Times. And although, as the same Author subjoins, of all Learning he took the least Delight in Poetry, yet he was very desirous to have the famous *Petrarca* with him, and, as we have observed, to have him dedicate his Poem of *Africa* to him⁴. Upon that account, above all others of his Courtiers, he lov'd *Giovan Barile*, to whom he gave the Government of *Provence* and *Languedoc*, and *Guglielmo Marmaldo*, both learned Men and Friends of *Petrarca*⁵; and *Petrarca* and *Boccaccio*⁶ write, that he repented in his old Age of his having had so little regard for the Poets, and look'd upon it as his Misfortune to have been so late in discovering their Beauties and Wit, which in his old Age put him upon writing of the moral Virtues in Verse.

BUT those, who above all others flourish'd most in *Robert's* Reign, and in the peaceable Years of Queen *Joan I.* his Grandchild, were our Lawyers, who were rais'd to the first Honours of the Kingdom, and were in great Esteem and Reputation. Above all the other Lawyers *Bartolommeo di Capua*, and *Niccolo d'Alife* made the brightest Figure in *Robert's* Court. 'Tis needless to repeat here what has been said of *Bartolommeo* in the Reigns of *Charles II.* and *Robert*: this last rais'd him to be Great Protonotary of the Kingdom, and his Privy Counsellor, and all Matters were managed by his Advice and Pen: he not only advanced him to the chief Honours of the Kingdom, but gave him many Lands, and Castles which he erected in the County of *Aitavilla*. *Bartolo*⁷ a famous Lawyer in those Times bestows the greatest Encomiums upon him, and says, that for his Virtues he deserv'd to have been made Great Count by *Robert*. *Luca di Penna*, *Baldo*⁸, *Guido Pancirolo*⁹, and others, have celebrated the Learning of this great Man. And *Angelo di Cosanzo*¹⁰, to the time that he wrote his most excellent History, observes, that the many Rewards given by *Charles* and *Robert* to this renowned Lawyer might be justly said to be a great Indication of the Worth and Virtue of this Man; since, notwithstanding so many Revolutions that had happened in the Kingdom to that

¹ Petrar. loc. cit. Philosophia charissimus Alum-
natus: Orator egregius: incredibili Physicæ noticia.

² Cap. Robertus, &c. Grande fuit.

³ Summont. tom. 2. lib. 3. pag. 411.

⁴ Boccac. in Gen. Deor. lib. 15. cap. 13.

⁵ Petrar. Rem. memor. lib. 2.

⁶ Boccac. in Genealog. Deor. lib. 14.

⁷ Bart. in Auth. Presbyteros, C. de Episc. & Clericis.

⁸ Bald. L. properand. in fin. C. de Judiciis.

⁹ Pancirolo. de Clar. LL. interpr. lib. 2. cap. 48.

¹⁰ Cosanzo lib. 6.

time, they had never been lost, but continued in his Posterity, who, by their war-like Exploits, had augmented them with the Titles of the Principalities of *Molfetta* and *Conca*, and of the Dukedom of *Termole*; and in our Days his Offspring, besides these, being enriched with greater Estates, is a clear Proof, no less of the Justice and Virtue, than of the Worth of this great Lawyer.

NICCOLO ALUNNO of the City of *Alife* was also one of the famous Lawyers, who flourished in the Reigns of *Robert* and Queen *Joan* I. his Grandchild. *Pier Vincenti*, in his Treatise of the Protonotaries of the Kingdom, makes him to be of the same Family with *Giovanni d' Alife*, who in 1262, under King *Manfred*, was Great Protonotary of the Kingdom. In the Reign of King *Robert* he was Secretary and Notary of the Chancery, and was afterwards made Master of Accounts by Queen *Joan* I. not by King *Robert*, as *Costanzo* has it. Upon the Death of the Bishop of *Cavillon* he was made Lord High Chancellor of the Kingdom, which Office he exercised till his Death, which fell out on the last Day of *December* 1367. He was buried in *Naples* in the Church of the Ascension without the Gate of *Chiaja*, which he had built for the Celestine Monks, where his Tomb is to be seen with a long Inscription upon it, recorded also by *Eugenio* in his *Neapolis Sacra*¹. He had a Grant of some Lands from the King in the Province of *Bari*, which he left to his Sons, one of which in the Year 1384 was made a Cardinal by Pope *Urban* VI². This Lawyer wrote nothing upon the Law, as *Bartolommeo di Capua*, *Andrea d' Isernia*, *Niccolo di Napoli*, *Luca di Penna*, and others his Contemporaries did.

THE famous *Andrea d' Isernia* flourished also in the Reigns of King *Robert* and Queen *Joan* I. On account of his profound Skill in the Law, and particularly in feudal Matters, in the Reign of King *Charles* II. he was made Attorney-General, and afterwards Judge of the High Court, and then by the same *Charles* made Master of Accounts, an Office at that time of great Authority: he likewise got many Lands and other Rewards from that King. *Robert* his Son continued him in the same Post of Master of Accounts, in which he officiated for many Years, till after *Robert's* Death, when Queen *Joan* made him her Counsellor, and Lieutenant of the Royal Chamber, a Tribunal in which he had serv'd many Years in the Quality of Master of Accounts.

SOME, following the Errors of *Ciarlante*³, believe, contrary to what ancient Writers have handed down to us, that he had been made Attorney-General by *Charles* I. and add, that Queen *Mary* his Wife from Attorney-General made him her Counsellor and Master of Accounts: altho' it be evident from all Authors, that he died at the Age of seventy three, yet they will have it, that he died a natural Death in 1316, in the Reign of King *Robert*, and not in 1357, in the Reign of Queen *Joan* a violent Death; attributing this last kind of Death not to this *Andrea*, but to another *Andrea* his Grandchild the Son of *Roberto* his Son, who, as they say, was likewise made Lieutenant of the Royal Chamber by Queen *Joan*, as his Grandfather had been by King *Robert*.

THIS Opinion, besides its having with clear Arguments been confuted by the incomparable *Francesco di Andrea* in his learned feudal Dispute⁴, is repugnant to all History, and by many Reasons prov'd to be fabulous. First, what is said of his Wife and Sons, and of the great Employments which they got from Queen *Joan*, is all fabulous, as has been demonstrated by the Bishop *Liparulo*, who very carefully, and with great Exactness, wrote the Life of this Lawyer. II. If they will make *Andrea* Attorney-General in the Reign of *Charles* I. they must say, that he was an older Doctor than *Bartolommeo di Capua*, which is false: *Bartolommeo* was not only Contemporary with *Bartolo*, but a more ancient Author than he: *Bartolo*, who in his Works makes honourable mention of that Lawyer, died in *Perugia*, as *Baluzio* proves⁵, in 1357, at forty six Years of Age⁶, twenty nine Years after *Bartolommeo's* Death, who, as we have observed, died in 1328. On the contrary *Andrea* was Contemporary with *Baldo*, and had Disputes with him upon feudal Matters, wherein *Baldo* was confuted: they were not in Friendship, and *Baldo* could not forbear abusing him, by calling him fickle and inconstant, and that sometimes he inclined

¹ Cæsar Eugen. Neap. Sacra, pag. 657.

² P. Vincenti de' Protonot. Ciarlan. del Sannio lib. 4. cap. 29.

³ Ciarl. del Sannio lib. 4. cap. 24.

⁴ Andrey's Disp. Feud. An fratres. &c.

⁵ Baluz in Notis ad Vitas Papar. Aven. tom. 1. pag. 971.

⁶ Boxornius in Monum. Vir. illustr. pag. 102 Panciroli de Cl. inter lib. 2. c. p. 67.

one way, and sometimes another ¹. And 'tis well known to every body, that *Baldo* was *Bartolo's* Disciple, and liv'd many Years after him; and if we will believe *Hofman*, he died in 1400; but others will have it ², that he died in 1420, decay'd with Age, after having read the Civil Law in *Bologna* and *Paria* fifty six Years. Whence we see how widely the Counsellor *de Bottis* is mistaken, who writes, that he had read in an ancient Book of Commentaries of *Andrea d' Iferniz* some short Notes written with *Bartolommeo di Capua's* own hand; for besides it's being a very hard matter for *de Bottis* two hundred and fifty Years after, when he wrote, to be able to testify, that those Notes had been written with that Lawyer's hand, it seems altogether improbable, that so great a Man as he was in the Reign of King *Robert*, and who had the Management of every thing, would have condescended to write Notes upon the Commentaries of *Andrea*, a Doctor then of small Repute with him: to this may be added, that the same *de Bottis* says, that he had seen the like Observation written with *Iferniz's* own Hand, whereby he supposes, that *Iferniz's* Book had been printed, which if it had, it could not be in *Bartolommeo's* time, when the Art of Printing was not known in *Italy*. III. His fixing *Andrea's* Death in the Year 1316, and consequently before that of *Bartolommeo*, in order to carry it back to the Reign of *Charles I.* is repugnant to many ancient Records, and to the very Works of that Lawyer. We have some Notes of his upon the Statutes of King *Robert*, penn'd by *Giovanni Grillo* Vice-Protonotary of the Kingdom. After *Bartolommeo's* Death *Grillo* exercis'd that Office; for while he liv'd, being Protonotary, the Statutes were penn'd by him, and not by *Grillo*. We likewise find, that this same *Andrea* in the Preface to the Notes, which he made upon the Constitutions of the Kingdom ³, speaking of *Innocent III.* Author of the Decretal *Cum Interest*, wrote, that that Pope had then been dead above a hundred Years, and quoted the Chronicles, which he said could be brought to prove the Truth of it: therefore having carefully examin'd the Chronicles, he certainly found, that *Innocent* died in *Perugia* the sixth Day of *July* in the Year 1216; so that if at the time when *Andrea* wrote, there had above an hundred Years past from *Innocent's* Pontificate, 'tis evident that he wrote those Notes upon our Constitutions after the Year 1316. Moreover, in the very same Notes, and the same Preface, he frequently quotes *Thomas Aquinas* with the Title of Saint; on the contrary, in the Commentaries on Fiefs written before, he quotes that Author with the Title of Friar only, as *Liparulo* in many Places hath observ'd: *Thomas* was canoniz'd a Saint by Pope *John XXII.* in the Year 1323; 'tis plain then, that he wrote upon our Constitutions after the Year 1323.

ANDREA then, tho' born in the latter end of the Reign of King *Charles I.* about the Year 1280, four Years before that King's Death, began to shine, and give Proof of his Talents in the Reign of *Charles II.* who, for his profound Knowledge and Learning made him Attorney-General, and Judge of the High Court, and then Master of Accounts. In the latter end of that Reign he wrote Commentaries upon the Fiefs; and the Notes upon the Constitutions of the Kingdom were written in the Reign of King *Robert*, about the Year 1232, as the Writer of his Life has demonstrated ⁴.

BALDO his Rival, finding some Variation and Inconstancy of Opinion held by him in the Commentaries upon the Fiefs, which he afterwards alter'd in those upon the Constitutions, not able to deny his profound Learning, accused him of that Fault: and not only *Liparulo*, but the incomparable *Francesco d' Andrea* found out the Mystery. King *Robert*, charm'd with *Bartolommeo di Capua*, and seeing with no other Eyes but his, nor governing his Kingdom by any other Advice, was intent upon raising him above all others: *Andrea* was not so much taken notice of, nor rewarded according to his Merit. At King *Robert's* Accession he was Master of Accounts, which Office had been conferred upon him by King *Charles* his Father, and in which he continu'd during *Robert's* Reign; on the contrary all Honours were bestow'd on *Bartolommeo*, which so incens'd *Andrea* to see his Rival so much exalted, and himself depressed, that not able to be otherwise reveng'd on the King, he began by his Writings to lessen his Royalties; and as in the Commentaries upon the Fiefs, which he wrote in the Reign of *Charles II.* he shew'd himself a great Royalist, so afterwards in the Notes upon the Constitutions, which he wrote in the Reign of *Robert*, he discover'd himself to be quite the Reverse. Very many In-

¹ See in Vita Andreae.

² Arthur Duck lib. 1. cap. 5. § 15.

³ Andrea in proem. Constit. 20. col. in fin.

⁴ Liparul. in Vita Andreae.

stances of his being thus exasperated may be read in *Liparulo* ¹. and in *Francesco d' Andrea* ². And these Authors have observ'd, that in the Commentaries upon the Fiefs, whenever he had Occasion to mention King *Charles I.* and *II.* (which he often had) he never mentions them without Encomiums: On the contrary, in the Notes, which he wrote upon the Constitutions in *Robert's* Reign, although he had an hundred Opportunities, and sometimes necessarily to quote him, he never could be induced to mention him; insomuch that *Matteo d' Afflitto* ³, speaking of *Andrea*, greatly surpriz'd was once forc'd to say: *Et satis miror, quod non alleget Capitulum Regis Roberti, cum ipse fucrit eo tempore, & usque ad tempus Reginae Joannæ I.* And being obliged once out of cruel Necessity to mention that King, who in his time was reputed another *Solomon*, he speaks of him no otherwise, than if he had been a common Man, without any Elogy, tho' he wrote in his Reign, thus: *Et fuit determinatum in Consilio, quando Rex Robertus erat Vicarius patris sui* ⁴.

BUT upon *Robert's* Death, and the Accession of *Joan* his Grandchild, having no other Competitor, it was easy for him, on account of his Learning, to get into her Favour, by whom he was made Lieutenant of the Royal Chamber of Accounts, and her Counsellor, which Office he bore till 1353, the Year of his Death. When modern Writers bring us but slight Proofs, and weak Arguments about his Death, we ought not to depart from what the ancient have left us concerning it. Two very grave Authors, who wrote about a hundred Years after it happen'd, have given us such an Account of that untimely Death, as they might have had from their Grandfathers; these are *Paris de Puteo* ⁵, who flourished in the Reign of *Alphonfus I.* of *Aragon*, and was Preceptor to *Ferdinand* his Son and Successor, and *Matteo d' Afflitto* ⁶, who wrote his Commentaries upon the Fiefs in the Reign of the same *Ferdinand*, which they had from our Regifiers; they say, that *Andrea* having judg'd in a Cause of a *German* named *Conrad de Gottis*, against whom Sentence was pronounced, by which he lost a Barony which he possessed; *Conrad*, furiously enraged on account of his Loss, in the Night-time, accompanied with some of his own Countrymen, as *Andrea* was returning from *Castel Nuovo* to his House, near *Porto Petruccia*, attack'd him, and said, that as he by his Sentence had depriv'd him of his Estate, so he with his Arms would deprive him of his Life; and with furious Strokes his Assassins murder'd him. *Matteo d' Afflitto* speaks of this unhappy Event thus: *Fuit autem interfectus præfatus Doctor insignis in Civitate Neapolis Die 11 Octobris 12 Ind. 1353, &c.* and elsewhere: *Et ego vidi Privilegium Reginae Joannæ I. vindicantis mortem Andreae de Isernia ejus Consilarii occisi tarda hora noctis, dum veniret a Castro Novo, prope Portam Petrutiam per quosdam Teutonicos, acriter condemnatos de crimine læsæ Majestatis.* The Queen inflicted condign Punishment upon the Assassins; their Goods were confiscated, their Houses demolished, and themselves condemned to die in the same manner as if they had been guilty of High Treason, according to *Andrea's* own Doctrine, who, as if he had foreseen his own unhappy Fate, had taught, that he who kill'd a Counsellor of the Prince, was guilty of the Crime of High Treason, and ought to be punished with the like Punishment.

THIS renown'd Lawyer left us his incomparable *Commentaries upon Fiefs*, which he wrote in the latter end of King *Charles* the second's Reign: a Work in which he exceeded himself, and from Posterity gain'd him these Elogiums and Surnames *Princeps*, & *Auriga omnium Feudistarum*, *Evangelista Feudorum*, and the like, recorded by the Writer of his Life. Upon which Work our Professors have employ'd all their Talents; and it gain'd so great Authority, that it had no less Force than the feudal Laws themselves. *Bartolommeo Camerario* ⁷ employ'd the greatest Part of his Life in reading and correcting it; and he himself declares, that by his too much studying it, he lost an Eye. He was look'd upon, not only in his own Country, but in foreign Nations, to be the greatest Feodalist in all *Europe* in those Times: he confounded *Baldo*, and obliged him in his old Age to study the feudal Law ⁸, and was by our Countrymen, as well as Foreigners, intitled Prince of the Feodals.

¹ Lipar. in vita Andreae.

² Andreys in disp. feud. cap. 1. Sect. 6. num. 33 34.

³ Afflit. in Constit. hostici, Cap. si Comes, aut Baro, num. 26.

⁴ Andr. in Constitut. Sancimus, de offic. Magistr. Justitiar. verb. miserabilium, in princ.

⁵ Paris de Puteo de Sindicatu, tit. de excessib.

Consiliar. in fin.

⁶ Affl. Com. in feud. Quæ sint Regalia §. & bona, num. 43.

⁷ Costanzo, lib. 6.

⁸ Camer. conf. 371. post cannetium.

⁹ Card. de Lucca de emphyt. disc.

HE likewise wrote in the Reign of King *Robert* about 1323, and the following Years, the Notes upon the Constitutions, and Statutes of the Kingdom: he collected the Usages of the Royal Chamber, and wrote other Treatises of Law, recorded by *Toppi* ¹. 'Tis likewise said, that he wrote some Treatises upon Divinity and the common Law; whence by succeeding Writers he got the Titles of *Excelsus Juris Doctor*, *Theologus maximus*, and *utriusque Juris Monarcha*.

HOWEVER 'tis true, that by the Fault of the Times in which he wrote, rather than by his own, his Style was barbarous and confused, and without Method; which gave occasion to *Alvarotto* ² to say, that he was more commendable for his abundance of Matter, than for his Method; and to our *Loffredo* ³ to complain, that he had treated of many things very obscurely and without Order, which he might have explain'd more distinctly and clearly.

LUCA DI PENNA, another famous Lawyer, also flourished in the latter end of King *Robert's* Reign, and much longer in that of Queen *Joan I.* He was Contemporary with *Bartolo*, as he himself in his Works testifies ⁴: this Doctor was in great Esteem with that Queen, and bore a great Sway in Law Matters. He wrote most copious Commentaries upon the three last Books of the Code 10, 11, and 12 ⁵; but the Subject which he undertook to trim up in those Times of little Learning, and in which there was but small Knowledge of the *Roman* Affairs, Customs, and History, things all necessary for that Work, lead him into a Multitude of Errors: yet it ought to be look'd upon as an Undertaking worthy of a great Genius, and of great Boldness. The Method and Style were a little more elaborate than what that Age generally afforded; and according to the Opinion of *Francesco d' Andrea* ⁶, in his Method of Teaching and Perspicuity, he far excel'd *Andrea d' Isernia*. As the *Germans* endeavoured to rob us of *Pietro delle Vigne*, so the *French* pretended that *Luca di Penna* was of their Country, and born in *Thoulouse*; but 'tis as clear as the Light of the Sun, that he was ours, and born in *Penna* a City of *Abruzzo*, as *Niccolo Toppi* in his *Apologia* has clearly demonstrated. Neither have the gravest *French* Authors disputed it, not even their famous *Papinian Carolus Molinæus* ⁷, who, in his *Glossa Parisiensis*, and elsewhere, calls him *Parthenopeus*, that is to say, of the Kingdom of *Naples*.

TO *Andrea d' Isernia* and *Luca di Penna*, we must add the famous *Niccolo di Napoli*, of whom we have some Notes upon the Constitutions and Statutes of the Kingdom. This *Niccolo Spinello*, call'd *di Napoli*, but born in *Giovenazzo*, was a great Favourite of Queen *Joan I.* He was Count of *Gioja*, and High Chancellor of the Kingdom, and employ'd by the Queen in her most weighty Affairs of State; and when *Pope Urban VI.* was elected, he was sent to *Rome* to congratulate him upon his Advancement to *S. Peter's* Chair, and to pay him Homage ⁸. These three Lawyers were reputed by *Camerario* to be of so great Authority and Learning ⁹, that he did not stick to say: *Nos Andream de Isernia, Nicolaum de Neapoli, & Lucam de Penna, in nostri Regni Juribus interpretandis, non aliter venerari, quam veluti humanam Trinitatem.*

THERE was likewise the Vice-Protonotary *Sergio Donneroso*, Master of Accounts, of whom we have some Notes upon the Statutes of the Kingdom: 'tis said, that he also wrote a Comment upon the four Arbitrary Letters, of which he makes mention in the said Notes: he was Vice-Protonotary in the Year 1352, when *Neapelione Urino* was Great Protonotary of the Kingdom. The Family of *Donneroso* was very ancient in *Naples*, and gave Name to one of the Gates of the City, anciently called *Porta Donneroso*, which was close by the Church of *S. Peter a Majella*, and was afterwards upon the last Enlargement of the City removed near the Church of *S. Maria Constantinopoli* ¹⁰.

TO these we may add the Judge *Blasio da Morcone* of the Family of *Paccona*: in the Reign of King *Charles II.* he was Disciple of *Benevento di Mila da Morcone*, who, as we have said, was Professor of the University, and taught the Civil Law.

¹ Toppi in Bibli. th. de Jure Prothonotarios, seu de Jure congrui. super Auth. habita, nō filius proprius. Et in prim. Codicis.

² Alvar. in praelud. feud.

³ Loffredo. in tit. si contentio sit inter Dom. & agn. S. d. si quis per 30. in fin. fol. 31.

⁴ Luc. di Penna in L. unic. C. de his, qui se deferant, lib. 10.

⁵ Toppi de orig. Trib. pag. 1. lib. 3. cap. 11.

⁶ Andreys disp. feud. cap. 1. §. 8. numb. 41. pag. 45.

⁷ Molin. gloss. Paris. tit. de feud. in princ.

⁸ Costanzo lib. 6.

⁹ Camerari. tit. an agnat. num. 152.

¹⁰ Pier Vincenti de Proton. anno 1352. pag. 90.

He made wonderful Progress in that Study; insomuch, that King *Robert*, who succeeded *Charles II.* made him his Counsellor, and Domestick-Chaplain. He was also in great Esteem with *Charles Duke of Calabria*, who, when he was Lieutenant of the Kingdom, gave him Power to plead, and appointed him Advocate in the Provinces of *Terra di Lavoro*, the County of *Molise*, *Abruzzo*, and *Capitanata*, and in the Year 1323 wrote him very favourable Letters full of Encomiums and Commendations¹. He left us many of his Works, amongst which the most remarkable was the Treatise of the Difference between the *Roman* and *Longobard* Laws, and the large Commentaries upon these Laws. *Marino Freccia*² tells us, That he had that Volume in MS. in his Custody, to which he often referred by quoting it. This Work makes us certain, that in those Times the *Longobard* Laws were not quite in disuse in our Kingdom. Although the Pandects, and the other Books of *Justinian* were publickly taught in the Academies of *Italy*, and in that of *Naples*, and had begun to have Force and Vigour, yet their Authority was not so great, as to turn the *Longobard* Laws quite out of Doors, as happen'd in the Reign of the Kings of the House of *Aragon*; even in which, as in that of the *Spanish* Kings, there were some Remains, whence *Prospero Rendella* took occasion to write that little Book, *In reliquias juris Longobardorum*. He also wrote some other Treatises, such as the *Cautelæ*, and the *Notes* upon the Constitutions and Statutes of the Kingdom³. The Writers of the succeeding Times make honourable mention of these his Works. *Francesco Vivio*⁴ calls him a Man of great Authority in the Kingdom, and especially on account of his Treatise of the Difference between the *Roman* and *Longobard* Laws. The Author of the Gloss upon the Pragmatic *Dubitatio, de termino citandi auctorem in causa reali*, praises him much, and all those, who have studied his Works, load him with Commendations. He was Cotemporary, and in great Friendship with *Luca di Penna*, as he himself testifies, when writing upon the Constitution, *Majestati nostræ, de Adulteriis*, and finding something that was doubtful, he went to ask *Luca di Penna's* Opinion of it, who, as he says, *A me interrogatus sic de verbo ad verbum, respondit, &c.* He spent some part of his Life in very low Circumstances in *Cerreto*, and was always grateful to his Master *Benvenuto di Milo* Bishop of *Caserta*; confessing in the Title, *De Ædificiis dirutis reficiendis*, that from nothing he had brought him to the Condition he was then in.

Giacomo di Milo his Countryman flourished in the same Rank of Counsellor to King *Robert*, which that King made him on account of his Learning and Wisdom, whereof the Patent may be seen in the Registers of the Years 1337 and 1338, *Lit. B. fol. 28.* so that *Morcone*, a Town in the County of *Molise*, became remarkable in those Times for three famous Citizens, a most learned Bishop, and two renowned Counsellors and Lawyers. About the same time flourished *Filippo d'Isernia* a notable Lawyer, and chief Professor of the civil Law in the University of *Naples*, at the same time that he was Counsellor, and Domestick to King *Robert*, with whom he was in so great Esteem, that he not only made him his Counsellor, but in the Year 1320 chose him to be Advocate for the Poor, and then his Attorney General⁵. There also flourished *Bartolommeo di Napoli*, Cotemporary with *Dino*⁶, *Bartolommeo Caracciolo*, who, in the Opinion of *Agnello Ruggiero di Salerno*⁷, was Author of the Chronicle published under the Name of *Giovanni Villano*; and some others recorded by *Toppi*, who not having left us any of their Works, their Memories are but obscure with us.

AS for *Napodano Sebastiano*, who flourished in the Reign of Queen *Joan I.* we spoke enough of him in the preceding Book; he died in the Year 1362, and we may say, that with him the Science of the Law was buried. The troublesome Times, and Revolutions that followed, and which continued for a whole Century, to the peaceable and quiet Reign of *Alphonfus I. of Aragon*, put a Stop both to the Study of the Law, and to all other Learning. From *Napodano* to *Paris de Puteo*, *Goffredo di Gaeta*, and *Matteo d'Afflitto*, in whose Times it began to revive, we have no Writer that has left us any Record of it. Which shews us the Vicissitude of the Jurispru-

¹ Ciarlan. lib. 4. cap. 26.

² Freccia de Subfeud.

³ Corrad. Gesnero in Bibliotheca. *The Author of the Index of the Law Books.* V. *Toppi* in Biblioth. P. 5. 400.

⁴ Viv. decis. 163.

⁵ *Toppi* in Biblioth. pag. 400.

⁶ Gesner in Biblioth. fol. 105. *Toppi* in Biblioth. fol. 40.

⁷ Agnel. Rug. Orat. Literar. Theatrum.

dence in those Provinces, and how much it depends upon the Favour of learned Princes, and the Love of Peace.

IN the time of King *Robert*, and in the beginning of the Reign of Queen *Joan* his Grandchild, there flourish'd many eminent and famous Lawyers in the Universities and Courts of *Italy*, neither were those of the University of *Naples*, and the Court of our Kings inferior.

IN this fourteenth Century there began in *Italy* as it were a new Period of the Civil Law, and the Age of Commentators commenc'd; for after *Accursio* none made Glosses, but the Lawyers began now to illustrate it with full Commentaries. Those who distinguished themselves in the other Cities of *Italy* were *Bartolo di Sassoferato*, *Baldo Peruzino* his Disciple, *Angelo* Brother to *Baldo*, and then *Alessandro Tartagna*, *Bartolommeo Saliceto*, *Paolo di Castro*, *Giasone Maino*, *Cino*, *Oltrado*, *Pietro di Bellapertica*, *Raffael*, *Fulgose*, *Raffaele Cumano*, *Ipolito Riminaldo* and many others, who to the Body of the Civil Law added new Commentaries. We were nothing short of them in famous Lawyers, who flourished at the same time, such as *Bartolommeo di Capua*, *Andrea d'Iernia*, *Luca di Penna*, *Niccolo di Napoli*, and the others abovementioned. And truly, as Foreigners likewise confess¹, it was much to the Praise of *Italy*, that it distinguished itself in that above all other Nations. And although by the Ignorance of History, of Languages, and Learning, there be many things in their Commentaries to be found Fault with, yet that Fault ought not to be imputed to them, but to the unhappy Age in which they wrote. But they made sufficient Amends by the Perspicuity and Sharpness of their Wit, and by their long and indefatigable Labours, so that where History and the Languages, or the Knowledge of the Ancients were not absolutely necessary, they compassed their Ends by the mere dint of Reason, and their penetrating Wit. The farther Explanation was reserved for the following Century, when, as shall be related, by the Ruin of the City of *Constantinople*, Learning began to revive and flourish with us; the Glory of which is owing to our *Italy*, and with respect to the Jurisprudence, to *Andrea Acciatio di Milano*, who was the first that restored it to its Purity and Brightness.

BUT as in the Reign of King *Robert*, when the Kingdom was in the greatest Tranquillity, the Barons and Gentlemen covetous of Honour and Titles had Opportunities to shew their Courage in the Wars, which were carried on Abroad, sometimes in *Sicily*, and in other parts of *Italy*; sometimes in *Greece* and *Palestine*, and by their noble Behaviour in presence of the King, or his Generals, to deserve to be rais'd higher, and enriched with honourable Rewards; so that the Rise of their Families was owing to the Wars, and which they were enabled to keep up in Splendor for many Ages afterwards; so Men of Learning and good Behaviour by serving their Princes, were rais'd to divers and eminent Posts, and employ'd in the most weighty Affairs, whose Successors, to this very Day, are in Possession of the first Ranks and Titles; which shews us, that the handling the Pen, as well as the Sword, uses to make both Men and Families honourable and illustrious; and that these only are the two Fountains, from whence the Nobility and Grandeur of Families spring. But when by the Death of the wise King *Robert*, without leaving male Issue, the Line of those powerful and gallant Kings became extinct, and, amidst the Dissentions of a numerous Royal Family, the Kingdom fell to the Share of a Woman; and those Arms, which hitherto had been employed in making War upon others, and maintaining the Kingdom in Peace and Quiet, were made use of to ruin and destroy it: The Result was not only a change of Ministers, violent Deaths of Princes, the Destruction and Calamity of the People, but in the midst of Commotions and intestine Broils, Virtue and Learning also declin'd; neither did they revive with us, till after many Revolutions, which shall be the Subject of the following Books; at last the Kingdom came to be restored to its former Tranquillity under the Dominion of *Alphonso* I. of *Aragon*, a wise and magnanimous King.

¹ Arthur Duck de Auth. &c. lib. 1. cap. 5. §. 15. Struv. de Hist. Jur. Justin. restaur. cap. 5. §. 14



C H A P. VIII.

The Ecclesiastical Polity of the fourteenth Century during the Residence of the Popes in Avignon, to the Schism of the Popes of Rome and Avignon.



It is the usual Fate of the Affairs of this World, that whenever they are arrived at the highest Pitch, that very Exaltation is the beginning of their Fall; so it exactly happened to the *Roman Pontificate* in this fourteenth Century; the Polity of which we are now about to treat of. *Boniface VIII.* following the Footsteps of his Predecessors, believed that he had raised the Pontificate to so great a height, that being crowned with the triple Crown, and clothed with the Imperial Mantle, he would have himself to be looked upon as Monarch, not only in Spirituals, but in Temporals; and that the greatest Kings and Princes of the Earth were subject to him even in Temporals, for besides his taking the two Swords for his Device, he declared it openly in that his extravagant Bull, *Unam Sanctam*. Therefore he set up for deciding the Controversies of Princes, and among others those of *Edward King of England*, and *Guido Count of Flanders* with *Philip the Fair King of France*. He undertook entirely to ruin the *Ghibellin* and *Colonna* Factions in *Italy*, and to let all Princes know his Power over them, in forbidding them by his Bull to exact any thing upon the Goods of Ecclesiasticks. These bold Resolutions highly offended *Philip King of France*, who being appris'd that the Prohibition, though general, concerned the Kingdom of *France*, he oppos'd it with all Vigour, and caused a Manifesto to be drawn up against the Bull; and on the other hand *Boniface* pursuing the Destruction of the *Ghibellin* and *Colonna* Factions, these were forced to fly to *France*, where they were kindly received by the King; whereupon the Disputes became more imbitter'd, which at last broke out not only into Affronts and Reproaches, but into Acts of Hostility; for *Monsieur de Nogaret* the King's Ambassador in *Italy*, assisted by *Sciarra Colonna*, entered *Anagni*, where the Pope was, and made him Prisoner; and though he was set at Liberty by the Inhabitants and fled to *Rome*, yet it grieved him so much, that he died soon after; and *Dante*, who was a *Ghibellin*, writes¹, that his Soul was impatiently expected in Hell by Pope *Nicholas III.* in order to place him among the Simoniack Popes.

THESE Quirrels, which in the beginning of this Century arose between King *Philip* and Pope *Boniface*, and more especially the Disputes, which grew so hot afterwards between *Lewis of Bavaria* and *John XXII.* and *Benedict XII.* were the Causes, whence the *Roman Pontificate* sunk not a little both in its Credit and Authority; for besides the Loss it sustain'd by removing the Apostolick See to *Avignon*, and the Schism that followed thereupon, of which hereafter: These Disputes between the Popes and Princes about temporal Authority occasioned a nice Enquiry into that Matter; whereas formerly it was not much minded, and Learning by Degrees beginning to revive among the Laity, there appeared Men of Wit, who, according to the Factions, began to dispute it, and the *Ghibellins* wrote particular Treatises upon it, whereby they endeavoured to discover the Usurpations, and to demonstrate, that the spiritual Power had nothing to do with the temporal, which belonged altogether to Princes.

¹ Dante, infer. canto 19.

Dante Alighieri a *Florentine* ought to be reckoned among the first, who, in his three Books *De Monarchia*, written in the time of *Lewis* of *Bavaria*, maintains it strenuously. About the same time *William* of *Ockham* of the Order of Friars *Minors*, who, though he was born in a Village, from which he takes his Name, in the County of *Surrey* in *England*, in the beginning of this Century being a Professor in the University of *Paris*, was of the same Opinion with *Dante*, and wrote a Treatise, *De Potestate Ecclesiastica & Seculari*, in order to defend *Philip the Fair* against *Boniface*; and he was afterwards one of the greatest Adversaries of Pope *John XXII.* who condemn'd him to Silence under the Pain of Excommunication. He afterwards declared openly for *Lewis* of *Bavaria*, and the Antipope *Pietro di Corbaria*, who took the Name of *Nicholas V.* and wrote against *John XXII.* who excommunicated him in the Year 1330. Then he left *France*, and went to the Court of *Lewis* of *Bavaria*, which was then at *Munick*, where he died in the Year 1347. *John* of *Paris* Doctor of Divinity of the Order of Preaching Friars, surnam'd *Magister Parisiensis*, about the Year 1322 also wrote a Treatise, *De Potestate Regia & Papali.* *Arnoldus de Villanova* a *Catalan*, *Marsilio di Padova*, and *Giovanni Jande* also impugn'd the Authority of the Popes over the Temporalities of Princes; but these knew not how to keep within Bounds, but ran upon Extremes; for *Arnold* advanced many Propositions against the Authority of the Church, against the Sacraments, the Clergy, and the Religious; and *Marsilio* and *Giovanni* by favouring Princes too much, attributed to them a Jurisdiction, which solely belongs to the Church. *Radulfo Colonna*, *Leopold de Babenberg*, *Ralph de Prelles*, and *Philip de Mezieres* famous Lawyers, in their Treatises also maintained the Rights of Princes; but in *France*, the most vigorous Defender of the Rights of King *Philip* of *Valois* against the Encroachments of the Ecclesiasticks, was *Peter de Cunicres* his Attorney-General in the Parliament of *Paris*. In the Year 1429, he had hot Disputes with *Nicholas Bertrand* Bishop of *Autun*, afterwards Cardinal, and with the other Prelates of *France*, about the Rights of Spiritual and Temporal Jurisdiction. The Clergy of *France* calumniated him, and artfully spread a Report, that under pretence of retrenching their Jurisdiction, he had a Desire to rob them of their Goods, although *Cunicres* in his Pleadings mentioned no such thing; so that King *Philip* afraid of raising new Troubles, and jealous of the Authority which the Clergy then had in *France*, did not think fit to recede from his Encroachments altogether, as was afterwards done by the Edict of 1539.

BESIDES the *French* and *Germans*, the *Spaniards* began afterwards to rouse themselves out of their long Sleep; for not only *Arnoldus de Villanova* the *Catalan*, but also *Alvarus Pelagius* of *Galicia* in *Spain*, of the Order of Friars *Minors*, and afterwards Bishop of *Silva* in *Portugal*, wrote a Treatise, *De Planctu Ecclesiæ*, an excellent Work upon the Reformation of the Discipline of the Church. About the end of this Century, and after the middle of the following, before and after the Council of *Constance*, Cardinal *Francesco Zabarella* Archbishop of *Florence*, *Theodore de Nisines*, *Niccolo di Cusa*, and afterwards *Aeneas Sylvius*, wrote upon the same Subject. And after their Example many others wrote large Treatises upon it; of all which Works *Simon Sebaraius*¹ made a Collection, and afterwards *Melchior Goldastus* in his Volumes of the *Monarchy of the Empire* made one much larger.

BY these Disputes they began in *France* and *Germany* to oppose the Ecclesiasticks in the exercise of temporal Jurisdiction, and in taking Cognizance of those, which they had drawn to the Episcopal Court, of which we made mention in the XIX. Book of this History. They were opposed in meddling with many civil Causes under pretence of Excommunication, of Sin, and of Oaths; it was also attempted to attack the Immunity of the Clergy, and of the Goods of the Church; and although the Ecclesiasticks boldly defended their Rights, yet some Abuses were redressed, and by Degrees they lost a part of their temporal Jurisdiction; and in *Germany*, from the time of *Lewis* of *Bavaria*, the Pontifical Law, especially that contained in the *Decretals*, began to lose its Authority and Force².

BUT it happened not so in our Kingdom under the Kings of the Family of *Aricon*; they had no Dispute with the *Roman* Pontiffs; on the contrary, they were more at their Beck than ever; and *Robert*, much more than his Predecessors, on account of the many Favours he had received from *Clement V.* *John XXII.* and *Benedict XII.* the Popes of *Avignon*, who preferred him to his Nephew in the Suc-

¹ Simon Sebaraius Syntagma Tractatum, de Imperio Jur. Eccl.

² V. Struvium Hist. Jur. Canon. cap. 7. Sect. 145

cession to the Kingdom; and they always assisted him against *Henry VII.* and *Lewis of Bavaria*, in the *Sicilian Expedition*, and against all his Enemies. Therefore this Prince followed not the Example of *France*, but maintained the Ecclesiastical Jurisdiction and Immunity entire; and he carried his Complaisance so far, that as we have told in the XIX. Book of this History¹, he would needs include in the Immunity even the Concubines of the Clergy, leaving them to be punished by the Prelates of the Church². Whence it came, that in establishing the *Preservatives* against the Oppressions of the Clergy, he made use of so many Reserves, Cautions, and Considerations, in order to preserve their Immunity untouched; and whence it also came, that the Translation of the Apostolick See to *Avignon* made no Alteration in the Polity of our Churches; and that our Natives did not join in the Complaints of all the rest of *Italy* on account of this Translation, but chose rather to humour the *French*, than grieve with the *Italians*; of which we shall be obliged to discourse at large.

¹ Book XIX. chap. V.² V. Chioccar MS. Giurisd. tom. 10.

S E C T. I.

The Translation of the Apostolick See to Avignon.

THE Pontificate of *Benedict*, who succeeded *Boniface*, lasted only nine Months; he died in *Perugia* on the eighth of *July* in the Year 1304. and the Cardinals having assembled in Conclave there for electing a Successor, they quarrelled among themselves, and divided into two Factions, whereby the See was kept vacant for the Space of eleven Months. *Matteo Orsini*, and *Francesco Gaetano Boniface's* Nephew were at the Head of one Faction; *Nepoleone Orsini dal Monte*, and *Nicholas de Prat*, who, before he was made Cardinal, was of the Order of Preaching Friars, were at the Head of the other Faction. The Dispute between the *French* and *Italian* Factions running so high, that they could not agree upon a Person, at last it was resolved, that the *Italians* should propose three *ultramontan* Archbishops, and that the *French* Faction should chuse which of the three they liked best. The *Italians*, among the three proposed, named *Bertrand Got* Archbishop of *Bordeaux*; whereupon the Cardinal *de Prat* speedily acquainted *Philip the Fair* King of *France*, who sent for *Bertrand*, and told him, That it was in his Power to make him Pope, and that he would do it, if he consented to some Conditions: *Bertrand* most ambitious of that high Dignity, agreed to whatever the King was pleas'd to ask; whereupon the King wrote back to the Cardinal *de Prat*, to take care to get *Bertrand* elected, which was accordingly done upon the fifth of *June* 1305, and he was called *Clement V.* It is said, that among the Conditions agreed upon, he was to annul whatever *Boniface* had done against him and his Kingdom, and to raze it out of the Records; that he should restore to the Cardinalship *Jacopo* and *Pietro Colonna*, who had been degraded by *Boniface*; that he should extirpate the Order of the *Templars*, and that he should cause himself to be crowned in *France*. He actually revoked the Bull, *Unam Sanctam*, and *Boniface's* other Bulls; he restored the *Colonna's* to their Dignity; he declared void all the Sentences pronounced by that Pope; he absolved all those that had been excommunicated by him, excepting *Nogaret* and *Sciarra Colonna*; and he ordered the Cardinals to come to *Lyons* in *France*, because he was resolved to be crown'd there. The *Italian* Cardinals were very much offended at this; and *S. Antonino*¹ Archbishop of *Florence*, who had it from *Giovanni Villani's* History, says, That Cardinal *Matteo Orsini*, who was the eldest, could not forbear reproaching the Cardinal *de Prat*, by telling him: *Affectus es voluntatem tuam in ducendo Curiam ultra montes, sed tardè revertetur Curia in Italiam.*

CLEMENT, notwithstanding the Averseness of the greatest part of the Cardinals, was resolv'd to be obeyed; whereupon he went to *Lyons*, and on the eleventh of *November* was crown'd there, keeping the Promises he had made to the King of

¹ S. Antonin. par. 3. tit. 21. cap. 1.

France; and taking his Authority upon him, he created many Cardinals, partly *Gascoons*, and partly *French*, all of them the King's Favourites. He resided sometimes in *Lyons*, sometimes in *Bordeaux*, and sometimes in *Avignon*, where in the Year 1309 he settled, and remained till the Council of *Vienna*, which was held in the Year 1311; and during his Pontificate he passed his time in different Cities of *France*, but never thought of going to *Italy*. He died in *Carpentras* in April 1314, and at the same time the Cardinals entered the Conclave, where they continued till the twenty second of July, without being able to agree in the Election of a Successor; for the *Italian* Cardinals were for having a Pope of their Nation, who would go to reside in *Rome*; the *Gascoons* were resolved to have a *Frenchman*, who would take up his Residence in *France*; and the Dispute rose to that height, that the People, led on by the Nephews of the deceas'd Pope, went arm'd to the Conclave, demanding to have the *Italian* Cardinals delivered up to them, and a *French* Pope elected; which being denied them, they set Fire to the Conclave, whereupon the Cardinals having made their Escape, some fled one Way, and some another; and they continued dispersed for two Years¹. *Philip the Fair* endeavoured by all means possible to get them to meet, but to no purpose. *Philip* dying, was succeeded by *Lewis Hutin*, who sent his Brother to *Lyons*, who conven'd the Cardinals, and caused them to be shut up in the Convent of the Preaching Friars of that City, and told them, That they should never come out, and should be treated very harshly, if they did not immediately elect a Pope: The Cardinals, after they had been shut up for the Space of forty Days, at last in the Year 1316, elected *James d'Esuse*, a Native of *Cahors*, formerly Bishop of *Frejus*, and afterwards of *Avignon*, and was then Cardinal Bishop of *Porto*. This Pope after his Election took the Name of *John XXII.* and having caused himself to be crowned in *Lyons* on the fifth of *September* the same Year, went immediately to *Avignon*, where he fixed his Residence, not wandering from one City of *France* to another as *Clement* had done; whence his Successors kept their Court in *Avignon*; for *John* having held the Pontificate eighteen Years, he fixed the See the more firmly in that City, where he died in the Month of *December* 1334; and the Cardinals in the same Month elected, and crowned in the Church of *Avignon* Cardinal *James Fournier* Bishop of *Pamiers*, named *Benedict XII.* who shewed a great Inclination to reside in *Italy*; but having sounded the *Bolognese*, to see if they would receive him into that City, and finding them averse to it, he fixed his Residence in *Avignon*, as his Predecessor had done, where he remained till 1342, the Year of his Death. *Clement VI.* *Innocent VI.* and *Urban V.* his Successors did the same, till *Gregory XI.* who endeavouring to remove his Seat to *Rome* in spite of the *French*, gave Rise to that scandalous Schism, that after his Death broke out between the Popes of *Rome* and those of *Avignon*, which for a long time afflicted the Church, of which we shall have occasion to discourse in the following Books.

CONCERNING this Translation of the Apostolick See to *Avignon*, there is a great Dispute between our *Italian* Writers and the *French*. The *Italian* call it the *Babylonish Captivity*, because, while it lasted, the Church was under the Slavery of the *French*, particularly of *Philip the Fair*; they call it a betraying of the House of God; the Scandal of the Christian People, and the Ruin of Christianity². That the Popes who governed the Church in those Times were rather Monsters of Impiety and Wickedness, than Vicars of Christ; that they minded nothing but to heap up Money, in order to feed their Ambition and Pride, basely submitting themselves to the Kings of *France*. Therefore in their Works they represent the Popes of *Avignon* as *Simoniacks*, Luxurious, Cruel, Avaricious and Rapacious, and *Avignon* as another *Babylon*. *Dante* in his Comedy writes horrible things of *Clement V.*³. *Giovanni Villani*⁴, and *S. Antonino* Archbishop of *Florence*⁵, wrote a most bitter Satyr upon him; that he was Avaricious, Cruel, a *Simoniack*, Luxurious, and that he kept as his Concubine *Brunifinde* Countess of *Perigord*, a most beautiful Lady, Daughter of the Count of *Foix*, and Mother of Cardinal *Talairande*. Our Lawyer *Alberico di Rosate* writes, That the Extirpation of the Knights-Templars, and the Cruelty with which he treated them, were contrary to Justice, and done to please the King of *France*, which, he says, he had from one who had a Commission

¹ Beluz. Vitz PP. Aven. tom. 1. pag. 112.

² Blondus Flavius Anton. Campus lib. 3. H. 3.
Clement. Oden. Reynald. anno 1314.

³ Dante, Infern. cant. 19.

⁴ Villani, lib. 2. cap. 58.

⁵ S. Antonin. ut. 21. cap. 7. Sect. 2.

to examine the Cause, and who took the Deposition of the Witnesses; his Words are these: *Destructus fuit ille Ordo tempore Clementis Papæ V. ad provocationem Regis Franciæ. Et sicut audiui ab uno, qui fuit Examinator causæ, & testium, destructus fuit contra justitiam. Et mihi dixit, quod ipse Clemens protulit hoc: Et si non per viam justitiæ potest destrui, destruat tamen per viam expedientiæ, ne scandalizetur charus filius noster Rex Franciæ.* Whence many Writers look upon the Condemnation of the Templars as unjust, and that they were falsely accused of many Crimes, and their Confessions extorted by exquisite Torture, and the fear of Death; that *Philip the Fair* had been their Enemy for a long time, accusing them of having excited and fomented a Rebellion against him; that he had hated the Great Master in particular; and that he and Pope *Clement* had resolv'd to divide the Booty between them, although they gave it out, that they intended to employ their Riches in the Expedition to the Holy Land.

WHAT they relate of *John XXII.* his Successor is much worse. *Giovanni Villani*¹ makes him the Son of a Vintner, and that being brought up under *Pietro de Ferrariis* Chancellor to King *Charles II.* and bred a Scholar, he owed his Fortune to him; that as soon as he was made Pope, none was more eager upon squeezing Money out of every thing than he, nor so ready at inventing Ways and Means to heap up Riches. He bestowed many Bishopricks in *France*, and when a fat Benefice fell vacant, he was wont to give it to him who had one of a smaller Income, which he gave to another; and sometimes he would go so far as to make Provision for six, always translating from the Smaller to the Greater, and providing him, who had the least, of a new Benefice; so that all were satisfied, and all paid. He likewise invented the *Annats*, an Imposition upon Benefices unheard of before him; he corrupted the Discipline of the Church by so many *Dispensations*, that he most scandalously heaped up immense Treasure; and although he spent and gave away as lavishly as his Predecessors, yet at his Death he left many Millions². And *Villani* says, That after this Pope's Death, one of his Brothers, who was a Cardinal, was appointed to take an account of his Money, which he found to be eighteen Millions in coin'd Money, and seven Millions in Plate and Ingots, which he weighed. *Lewis* of *Bavaria* pursued him judicially, got him to be depos'd, and also declared a Heretick. His Constitutions call'd *Joanninæ* were deem'd to be both simoniacal and heretical. He is thought to be the Author of the *Regulæ Cancellariæ*, wherein many cunning Regulations are made for gathering of Money: In short, that he above all others had corrupted the Discipline of the Church, looking upon Kingdoms, Cities, Castles, Riches, and Possessions to be the Patrimony of Christ; and the Goods of the Church not to be the Contempt of the World, a zealous Faith, and the Doctrine of the Gospels, but Oblations, Tithes, Taxes, Collections, Purple, Gold and Silver.

THEY also write of his Successor *Benedict XII.* that he was a most covetous, obstinate, cruel, diffident and niggardly Pope; that he delighted in Buffoonery, and lewd Conversations; that he was luxurious, and kept many Whores, and that falling in Love with *Petrarca's* Sister, he pursued his Point so eagerly, that he got her in his Clutches, and debauched her³; that he was a great Wine-bibber, insomuch, that the common Proverb at drinking Bouts, when People had a mind to be merry, was, *Bibamus Papaliter*⁴. For which Reason, when he died in *Avignon* in the Year 1342, some body fixed these Verses upon his Tomb.

*Isle fuit Nero, Laicis mors, Vipera Clero,
Devius a vero, cuppa repleta mero*⁵.

THESE opprobrious Actions were no less laid to the Charge of *Clement VI.* than of *Benedict*, and that he as well as his Predecessor defiled himself with Whores. But he made himself much more the common Talk of the World by his Bull, which in the third Year of his Pontificate he published in *Avignon*; wherein, considering the Shortness of human Life, he restricted the time of the Jubilee to fifty Years; for in order to encourage all sorts of Persons to come to *Rome* from all Parts of the World, even without asking Leave of their Superiors, he assured them, that in case

¹ Villani lib. 9. cap. 79.

² V. Struv. Histor. Jur. Can. cap. 7. Sect. 28.

³ V. Baluz. in Notis PP. Aven. tom. 1. p. 825.

⁴ Vita 8. Bened. XII. apud Baluz. tom. 1. pag. 240.

⁵ Vita 7. Bened. XII. apud Baluz. loc. cit.

they should happen to die by the Way, they had fully gained the Indulgences, and the Remission of their Sins, and that their Souls should be immediately conveyed to Heaven, and therefore he commanded the Angels of God, that without the least Delay they should introduce them among the blessed in Paradise; these are the Words of the Bull: *Et nihilominus prorsus mandamus Angelis Paradisi, quatenus animam illius a Purgatorio penitus absolutam in Paradisi gloriam introducant* ¹.

THEREFORE they did not stick to say, that the Popes of *Avignon* and their wicked Lives were the Causes of the Rise of so many Heresies and Errors in this Century; and that they had given a Handle to *Joannes Oliva* a Friar Minor to write a Commentary upon the *Apocalypse*, and to adapt those Visions to his own Age, and to the dissolute Lives of the Clergy; and to open a Door to his Followers to represent the Church of *Avignon* as another *Babylon*, and therefore to promise themselves a new Church more perfect under the Auspices of *S. Francis*, as one who had established the true Evangelical Rule observ'd by Christ and his Apostles; and breaking out afterwards into other Blasphemies, they declared the Pope to be Antichrist, the Church of *Avignon* the Synagogue of *Satan*; and that therefore they ought no longer to pay Obedience to *John XXII.* nor to acknowledge him any longer as Pope.

ON the other hand the *French* Writers, too partial to their native Country, and their Countrymen, cannot hear without Indignation, what our *Italian* Authors have written concerning this Translation, and their *Avignon* Popes. In our latter Times the most active Man in their Defence is *Stephanus Baluzius* ², who shews us how much the *Italians* are in the wrong in comparing this Translation to the *Babylonish* Captivity; that they ought rather to have blam'd the *Romans*, who having filled *Rome* with Confusion, by Tumult and Faction, forced *Clement V.* to translate his See to *France*, which has always been a safe Refuge of the *Roman* Pontiffs; that the *Italians* had no other Reason to complain of this, but only because they were deprived of the Prerogatives and Profit, which the Court of *Rome* brought them; that if there was any room for Complaint, *France* had greater Reason to be sorry for this Translation to *Avignon*, which thereby receiv'd great Detriment, because the debauched *Italians* that came thither, corrupted the Manners of the *French*; whereas formerly they led an innocent and frugal Life; but the See was no sooner translated to *France*, than they learn'd from the *Italians* Luxury, Cunning, Simony, Deceit, and their wicked Customs; insomuch, that *Nicholas Clemange* ³ was wont to say, that with this Translation Depravation of Manners was first brought to *France*.

THE *French* also maintain, that the Residence of the Popes in *Avignon* did not in the least lessen the Authority of the Holy See, but that it was preserv'd there in the highest Degree and entire; and that it was not in Bondage, but was protected and revered by their Kings. That the Lives and Manners of the Popes of *Rome*, who governed the Apostolick See there before the Translation, and after it was re-established in *Rome*, being compared with those of the Popes of *Avignon*, were found to be much worse, and more scandalous. That we ought not to give entire Credit to *Giovanni Villani*, and the other *Italian* Writers who followed him, as being prepossess'd with Passion; neither ought the Extirpation of the Templars to be attributed to the Design that *Clement V.* and *Philip the Fair* had of seizing their Goods, but to their enormous Crimes, and execrable Heresies, proved by the reiterated Confessions of the Guilty. And *Baluzius*, in his Notes on the Lives of the *Avignon* Popes, employs all his Art in clearing *Clement* from what *Villani* lays to his Charge; he also defends *John XXII.* and frees *Benedict XII.* from the Rape of *Petrarca's* Sisters. He endeavours to make it appear that *Clement VI.'s* Bull about the Jubilee was apocryphal, and in short he takes upon him strenuously to defend all those Popes that resided in *France*.

BUT though the *Italians* differed in Opinion from the *French*, yet our Countrymen were forced to follow the Example of their Princes, and to side with the *French* in Opposition to all the rest of *Italy*. Our Kings of the Family of *Anjou*, as may be observ'd in the preceding Books of this History, lay under great Obligations to the Popes of *Avignon*, and consequently were at their Beck, and their Wills were to them as Laws. *Clement V.* had no sooner acquainted King *Charles II.* with the Resolution he had taken, and put in execution in *France* against the Templars, and at

¹ Baluz. 5. vita Clem. VI. tom. 1. pag. 312 |
Cornelius Agrippa, &c.

² Baluz. in Præfat. ad vitas PP. Aven.

³ Nicol. de Clemang. cap. 27. de corr. Eccl. Statu.
the

the same time requiring him to do the same in his Dominions, than immediately that King obeyed him; and he wrote to the Prince of *Achaia* also to put the Pope's Orders in execution in the Principality of *Achaia*, by immediately imprisoning all the Templars, seizing their Goods, and keeping them in the Name of the Apostolick See¹.

KING *Robert*, as has been said, had entered into stricter Bonds of Friendship with Pope *Clement*, and no less with his Successor *John XXII.* This last, before he was Pope, was brought up in *Naples* in King *Robert's* Court, and after the Death of *Pietro de Ferrariis*, he succeeded him in the Post of the King's Chancellor²; and afterwards at his Instance he was made Bishop of *Avignon*; and as soon as he was rais'd to the Pontificate they kept up a strict Friendship and Correspondence. Therefore the Orders of this Pope, which *Germany* and the other States of *Europe*, on account of the Quarrel which *John* had with *Lewis* of *Bavaria*, could not bear with, were inviolable Laws to us. He introduced the *Regulæ Cancellariæ*, and all the Ways and Means for raising Money were readily put in execution in the Kingdom by King *Robert*. Wherefore in those Times we find the Titles of *Nuncio's* and *Apostolical Collectors* more frequently mentioned amongst us; and they even laid their Hands upon the Revenues of vacant Churches.

¹ Chiocc. MS. Giurisd. tom. 8.

² Baluz. in notis ad vitas PP. Aven. tom. 1. pag. 796.

S E C T. II.

Of Nuncios, or Apostolical Collectors residing in Naples.

FROM the time of *Charles I.* of *Anjou* we read of Apostolical Nuncio's residing in *Naples*; particularly we find in the Royal Archives of the Mint, that King *Charles I.* in the Year 1275, at the Request of Master *Sinisi* Clerk of the Pope's Chamber of Accounts, and Apostolical Nuncio, ordered *Charles* Prince of *Salerno* to cause to be deliver'd to the Protector of the said Nuncio some sequestrated Goods, notwithstanding the Pretensions of the Secretary of *Terra di Lavoro* and other Creditors, in order to have them agree the Matter with the Nuncio in his Court¹. We read such Letters written by King *Robert*, wherein he makes mention of Nuncio's in the time of *Clement V.* and in the Year 1311 he impowers *M. Guglielmo di Balacro* a Canon of the Church of *S. Alterio*, and *Giovanni di Bologna* Clerk of the Chamber of Accounts to *Clement V.* the said Pope's Nuncio's to exact and receive the Rents due to the Church of *Rome* on whatsoever Account, Legacies, Goods, Tithes, and others². As also in the Year 1335 he authorised *M. Giraldo di Valle* Dean of the Cathedral Church of *Naples*, and appointed him Nuncio of the Apostolick See in the Kingdom, to transact some Affairs which he had in Commission from the said Sec³; and in 1339 we read others of this King's Letters, wherein he gives his Royal Assent to the said Nuncio to put his Commissions in execution⁴.

THESE Nuncios were appointed as Collectors of the Revenues, which the Apostolick See had in the Kingdom; for, as we have said in the fourth Book of this History, it had some particular Patrimonies of an old standing in *Naples*, which during the course of many Centuries were still increasing. But till the Pontificate of *John XXII.* these Nuncios did not exact the Revenues of the vacant Sees; for, as we observed elsewhere, although in the Investiture given to *Charles I.* he was depriv'd of the Royalties, which the Kings of *France* and *England* had in their vacant Churches; yet, as for the Fruits of such Churches, nothing was altered contrary to the ancient Discipline, as may be read in the Investiture⁵: *Custodia Ecclesiarum earundem interim libere remanente penes personas Ecclesiasticas juxta Canonicas Sanctiones*; which Words certainly import, that the Goods of the deceas'd Prelate, or Incumbent, ought to be preserv'd for the future Successor, as being so ordained

¹ Registr. Car. I. ad ann. 1275.

² Registr. R. Robert. anno 1311.

³ Idem, anno 1335.

⁴ Idem, anno 1339.

⁵ Rainald. anno 1253. num. 3. & anno 1265.

by the Canons, which was also established by Pope *Honorius* in his Bull and Statutes, as we have related elsewhere. But in the Pontificate of *John*, King *Robert* unwilling to thwart that Pope's Covetousness, and Desire of heaping up Money, the Apostolick Nuncio's seiz'd also upon the Revenues of the vacant Churches, and instead of leaving them to the Successors, they deliver'd them into the Apostolick Chamber; which being once introduced, was afterwards continued by *Benedict XII.* his Successor, to whom King *Robert* was no less beholden, than to his Predecessors, he having confirm'd *Clement V.*'s Sentence, whereby he had been prefer'd to the Succession of the Kingdom before the King of *Hungary*. Whence it is, that in the Royal Archives of the Mint we find many of this King's Letters, whereby he orders all Favour and Assistance to be given to these Collectors in gathering in the Rents of vacant Churches. For instance we read, that on the twenty eighth of *November* 1339 this King commanded all the Officers of the Kingdom to give all Favour and Assistance to *Guglielmo di S. Paolo*, appointed by the Apostolick See Collector of the Fruits and Revenues of the vacant Churches, in the Collection thereof for the Use and Benefit of the Church of *Rome*. And on the twenty sixth of *June* 1341, he also order'd all the Officers of the Kingdom to give all Favour and Assistance to *M. Raymond de Camerate* a Canon of *Amiens*, and to *Ponce Parrete* a Canon of *Chartres* appointed in *Avignon* by Pope *Benedict XII.* to be Commissioners to receive in the Name of the Apostolick Chamber the moveable Goods, and all the Debts and Rights, which *Raymondo* Bishop of *Cassino*, and *Leonardo* Bishop of *Aquino* had left at their Deaths ¹.

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OUR Kings of the Family of *Anjou*, and particularly *Robert*, were most observant to the Popes of *Avignon*, and their Laws; and when the Collection of the *Clementine* and *Extravagant* Constitutions which appeared in this Century were little minded in *Germany*, yet, for the Reasons already alledged, they had all Force and Authority with us.

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T H E
CIVIL HISTORY
Of the KINGDOM of
N A P L E S.

B O O K XXIII.



THE renowned King *Robert* was no sooner laid in his Grave, than the City of *Naples* caus'd the Names of *Joan* and *Andrew* to be proclaimed every where; but, as *Costanzo* writes[†], a few Days produced as great a Difference as there is between Day and Night; for the *Hungarians*, by the Cunning of Friar *Robert* their Head, took the Government of the Kingdom upon them, and by Degrees turned out of the Council all King *Robert's* most faithful and prudent Counsellors, in order to manage every thing at their Pleasure; so that the poor Queen, who was only sixteen Years old, was nothing but nominal Queen, and in effect the Prisoner of those Barbarians; and what afflicted her most, was the Indolence of her Husband, who was no less under the Subjection of the *Hungarians* than herself. Queen *Sancia*, the Widow of King *Robert*, seeing the Royal Family in such Confusion, which in her Husband's time had been in so great Order, grown weary of the World, shut herself up in the Monastery of the Holy Cross, which she had built near the Sea, where in less than a Year she died with the Reputation of great Sanctity. Those of the Royal Family that were in *Naples*, seeing themselves depriv'd by Friar *Robert* of that Respect wherewith King *Robert* us'd to treat them, went all to their own Estates,

[†] *Costanzo*, lib. 6.

which occasioned great Discontent in *Naples*. The *Neapolitan* Gentlemen, seeing King *Andrew* wholly given up to Idleness, and not the least mention of War, went and offer'd their Service to *Robert* Prince of *Taranto*, who was then making ready for an Expedition to *Greece*; and being honourably received by the Prince, they, with all their Followers, engaged in his Service, and many private Gentlemen of the Kingdom followed their Example, and went upon that Expedition; and with this Army the Prince regained as far as *Thessalonica*; and he was in great Hopes of recovering also the City of *Constantinople*, if the Commotions of the Kingdom (of which hereafter) had not obliged those Gentlemen, with almost all the other Cavalry, to return to the Defence of their own Properties. Friar *Robert* from these Proceedings foreseeing, that the Princes of the Blood had a Desire to use their utmost Power to wrest that Authority from him which he had usurp'd, sent to sollicite *Lewis* King of *Hungary* *Andrew's* elder Brother to come and take Possession of the Kingdom, as Heir to his Grandfather; but *Antonius Bonfinius* Author of the History of *Hungary* says, That King *Lewis* sent Ambassadors to the Pope to persuade him to give Orders to crown his Brother *Andrew*, and to give him the Investiture, not as the Husband of Queen *Joan*, but as Heir to *Charles Martel* his Grandfather; and that these Ambassadors for that end attended for a long time at the Pope's Court, which was then at *Avignon*, because they met with great Opposition; and *Boccaccio* writes, that it was with great Difficulty they obtained the Bull for the Coronation. In the mean time *Joan* had been solemnly crown'd in *Naples* by Cardinal *Americo* sent by Pope *Clement VI.* who likewise sent her the Investiture, and she was intitled, *Queen of Sicily and of Jerusalem, Duchess of Puglia, Princess of Salerno, Capua, Provence and Ferraquier, and Countess of Piedmont*; and on the last Day of *August* 1344 in the Church of *S. Clara* the Queen took the Oath of Homage from the Hands of the same Cardinal, and promised to pay the usual Tribute, as may be read in the Investiture recorded by *Summonte*, who copied it out of the Royal Archives, where it is preserved¹.

THE Pope had sent Cardinal *Americo* not only to take *Joan's* Oath, but had also made him her Guardian during her Minority; to whom he also gave Power to revoke all Donations and Concessions made by *Robert* and *Joan* in prejudice of the Church of *Rome* and the Kingdom²; but this Guardianship took no Effect³, because Friar *Robert* and his *Hungarians* had the whole Government. And although the *Roman* Pontiffs had always pretended to send Guardians, yet they never had any Share in the Government.

MOREOVER the Queen, like a prudent Woman, had sent for *Charles* Duke of *Durazzo* the eldest Son of the Prince of the *Morea*, and gave him her Sister for Wife, by whom he had one Son named *Lewis*, who died before he was a Month old, and was buried in the Church of *S. Clara*, where his Tomb is to be seen at this Day. And the same Year *Lewis* of *Durazzo*, the second Son of the Prince of the *Morea*, and Brother of *Charles*, married a Daughter of *Roberto Sanseverino*, by whom he had a Son, who was afterwards *Charles III.* King of *Naples*⁴.

IN the mean time it being known in *Naples*, that the Pope had granted a Bull for the Coronation of *Andrew*, and that the Ambassadors who were bringing it were arrived at *Gatta*; some Barons who had a Desire to prevent it, pushed on by the Princes of the Blood, who were for opposing it, (*Andrew's* Indolence, and the Insolence of the *Hungarians* still continuing) incited those, who had conspired to kill *Andrew*, to dispatch him speedily, fearing that if the Design were discovered, Friar *Robert*, upon the Arrival of the Pope's Order for *Andrew's* Coronation, would cause them to be seiz'd, and put to Death. In fine, the King and Queen went to *Aversa*, and lodged in the Castle of that City, where the Convent of *S. Peter a Maiella* was afterwards built⁵; and on the Evening of the eighteenth of *September* 1345, when the King was in the Queen's Bed-chamber, one of his Gentlemen came to tell him from Friar *Robert*, that there was Advice of great Importance arrived from *Naples*, which required him to be immediately upon his Guard; and the King leaving the Queen's Chamber, which was divided by a large

¹ Summonte tom. 2. lib. 3. pag. 317. Baluz. notæ ad Vitis Papæ. Avén. tom. 1. pag. 842.

² Baluz. loc. cit.

³ Prima Vita Clem. VI. apud Baluz. tom. 1. pag. 226. sed circa regimen, & administrationem Regni

memorati modicum facere potuit, per distam Joannam jam doli capacem impeditus.

⁴ Costanzo lib. 6.

⁵ Grammat. decis. 1. num. 27.

Hall from the Room where publick Affairs were treated of, and being in the middle of the said Hall, a Cord with a Noose was thrown about his Neck, with which he was strangled, and thrown out of a Window, while the *Hungarians* (it being in the Night-time) lay buried in Sleep and Wine¹.

THE oddness of this Fact put all the City into a Consternation, especially there being none that durst be so bold as to enquire after the Authors of the Murder. The Queen, who was eighteen Years of Age, was so terrified, that she knew not what was fit to be done; the *Hungarians* had lost their Courage, and were afraid to be cut in pieces if they should pretend to govern any longer, so that the King's Body being carried to the Church, it lay some Days unburied; but *Ursillo Minutolo* a *Neapolitan* Gentleman and Canon went to *Aversa*, and at his own Charges transported him to *Naples*, and buried him in the Cathedral Church in *S. Lewis's* Chapel, where he lay in a mean burying Place till the time of *Costanzo*, when *Francesco Capece* Incumbent of that Chapel, vying with *Ursillo* in Generosity, erected him a Monument of Marble, and that Chapel being afterwards converted into the Vestry by the Archbishop *Annibale di Capua*, it was placed in the Wall opposite to the Door of the said Vestry, where it remains to this Day.

THE Widow Queen went immediately to *Naples*, and the *Neapolitans*, with such Barons as were in the City, went to condole with her for the Death of the King, and to beg of her, that she would be pleased to give Orders for the Tribunals to go on in the Administration of Justice, since *Priar Robert* and the other *Hungarians* were so dispirited, that they had not the Courage to appear in publick. The Queen being shut up with the most prudent and faithful of King *Robert* her Grandfather's Counsellors, in order to remove the Suspicion that was whispered Abroad, of her having had a Hand in the infamous Murder, with their Advice gave it in charge to Count *Hugo del Balzo* to make a strict Enquiry after the Authors of the King's Death, with full Power to bring those that should be found guilty to condign Punishment. Count *Hugo*, after he had caused two *Calabrians*, Gentlemen of King *Andrew's* Bed-chamber, to be rack'd to Death, ordered *Filippa Catanesse* with her Son and Grand-daughter to be seiz'd; and after all the three had been put to the Rack, he caus'd them to be set upon a Cart, and their Flesh to be torn off with red hot Pincers, but the miserable decrepit *Filippa* died before she came to the Place where she was to be beheaded².

ON the other hand, the News of this Fact coming to Pope *Clement* in *Avignon*, he reckoned, that it belonged to him and the Apostolick See to take Cognizance of this Crime, upon which he likewise began to proceed against the guilty. First he excommunicated, interdicted, and declared them infamous Rebels, and outlaw'd in general; but by reason of the Distance of the Place, all Enquiry for finding out who were the particular Persons being to no purpose, he, by his Bull drawn up in *Avignon* in the Year 1346, the fifth of his Pontificate, gave a Commission to *Bertrando del Balzo* Lord Chief Justice of the Kingdom, Count of *Montescaglioso* and *Adria*, with full Power to proceed against the guilty; and in this Bull recorded by *Camillo Tutini*, and which he copied from the Royal Archives³, we read these Words: *Nos nolentes, sicut nec velle debemus, tam horribile, & detestabile, ac Deo, & hominibus odiosum facinus, cujus cognitio prima ad nos, & Romanam Ecclesiam in hoc casu pertinere dignoscitur, relinquere impunitum, &c.*⁴. And having also with the Queen's Permission made diligent Search, he found guilty, as Accomplices, Conspirators, and Authors of the Crime, *Gasso di Dinisisco* Count of *Terlizzi*, *Roberto di Cabano* Count of *Evoli* and High-Steward of the Kingdom, *Raimondo di Catania*, *Niccolo di Miliczano*, *Sancia di Cabano* Countess of *Morcone*, *Carlo Artus*, and *Bertrando* his Son, *Cerrado di Catanzaro*, and *Corrado Umfredo da Montefusco*. And though some of these resided in the Kingdom, yet it being a difficult Matter to seize them, both on account of the Protection they expected from those of the Blood-Royal, and because they had fortified themselves in their Castles, Count *Bertrand* had recourse to the Queen, that by her general Edict she would order the Empress of *Constantinople*, and *Lewis* of *Taranto* her Son, to send under a faithful and safe

¹ G. Villani lib. 12. cap. 50, 78, 98. Matteo Villani lib. 1. cap. 11. Petrarca lib. 6. rer. fam. epist. 6. V. Baluz. in notis ad vitas PP. Aven. tom. 1. pag. 860.

² Costanzo lib. 6.

³ Tutin. de M. Giustiz. fol. 62. V. Baluz. loc. cit.

⁴ Prima vita Clem. VI. apud Baluz. tom. 1. pag. 247. Contra alios vero dictus Papa fecit processus, & fulminavit sententias quantum ratio dictabat, & iustitia suadebat.

Guard *Carlo*, *Bertrando*, and *Corrado Umfredo*; and also to order the Prince of *Taranto*, the Duke of *Durazzo*, and their Brothers, and all Counts, and Barons, and especially the Citizens of *Naples*, in case the said Empress did not send them, to go with all their Possé to the Castles and Places where they were, and to make them Prisoners, offering also to go himself in Person, in order to bring them to condign Punishment; and besides, that she would write to the Bishops, Vicars, and their Officers, effectually to put in execution the Interdictions and Excommunications thunder'd against them by the Pope, by declaring the Castles, in which they were, interdicted, and their Abettors and Harbourers excommunicated, and strictly to observe and obey the said Interdictions. The Queen, in Conformity to these Demands, on the seventh of *October* 1346 issued out a severe Edict, which was drawn up by *Adolfo Camano di Napoli* Vice-Protonotary of the Kingdom, of which he sent many authentick Copies to all the Cities and Provinces of the Realm; and that it might be known and made publick to all, he caused Copies to be affixed in *Naples* upon the Gates of *Casfel Nuovo*, and of the High-Court. The Edict is recorded by *Turni*, in which we find likewise inserted the said Bull of *Clement*.

THE Queen, in order to clear herself of all Suspicion, sent the Bishop of *Tropea* to *Hungary* to King *Lewis* her Brother-in-Law to beg of him, that he would be pleas'd to take under his Protection herself a Widow, together with her young Son his Nephew, of whom there is mention made in the said Edict, by the Name of *Carobert* Duke of *Calabria* &c. But this Message had not the design'd Effect, for King *Lewis* being beforehand perswaded, that the Queen had been privy and accessory to *Andrew's* Death, answered her, according to *Antonius Bonifolius*, by a Letter of this Tenor; *Impetrata fides præterita, ambitiosa continuatio periculatæ Regiæ, neglecta vindicta, & excusatio subleuata, te viri tui necis arguant consciam, & fuisse parturientem. Neminem tamen Divini, humanæ judicii penas nefario scelere debitas evasuram.*

¹ *Edict. tom. 2. Viti PP. Aven. pag. 689, 690.* *then to pitch upon the Archbishop of Naples, or Bisi,*
gives account of two Letters written by Clement to
the Queen, wherein he desires to be Godfather to her
Son, and the Pope left it to the Queen's choice to
or Brand. or any other Prelate to join Godfather
in his Name, which accordingly was done by the
shop of Cavillo the Queen's Chancellor.



CHAP. I.

Queen Joan marries Lewis of Taranto. The King of Hungary invades the Kingdom, and forces the Queen to fly to Avignon: She returns, and with the Assistance and Mediation of the Pope makes Peace with the King of Hungary.

UPON the Bishop's return the Queen imparted the Answer to all her Council, who were unanimously of Opinion, that the King of *Hungary* was resolved to revenge his Brother's Death, by his blaming the Queen for having retain'd, and continuing to exercise the Royal Authority; they likewise concluded, that he pretended the Kingdom was his own; of which his asking of the Pope the Investiture of the Kingdom for his Brother *Andrew*, not as the Husband of Queen *Joan*, but as the Heir of *Charles Martel* his Grandfather, was a plain Indication. Therefore they all judg'd it necessary, that the Queen should make Preparations for defending herself; and that in order thereto, she ought in the first Place to take a Husband,

Husband, who with his Power and Person might be able to make Head against so powerful an Enemy: *Robert Prince of Taranto*, who came to *Naples* to visit her, proposed his second Brother *Lewis* a gallant Prince, and in the Flower of his Age. All the rest of the Queen's Council approv'd of this Proposal, and it being above a Year since *Andrew's* Death, on account of the News of the King of *Hungary's* Preparations, the Marriage was immediately solemniz'd, without waiting for the Pope's Dispensation.

BUT the Report of the Power of the King of *Hungary*, the small Ability of the Queen's new Husband, and the general Opinion that the Queen had had a Hand in the Death of her late Husband, put the greatest part of the Barons and People to a stand; and although *Lewis* of *Taranto* with great Application endeavoured to make all possible Preparations, yet he had not that Obedience paid him that was requisite, and before the fourth part of the necessary Provisions was made, it was known, that the King of *Hungary* was arrived in *Italy*. Whereupon the Queen, who truly inherited the Wisdom of the great King *Robert* her Grandfather, by a prudent Resolution, in the Prime of her Youth, discovered what she was to be, and which she proved when she came to the Age of Maturity; for considering that it was not in her Husband's Power to make a Stand, and the Backwardness of her Subjects, she resolved to get the better of the Enemy by flight, since she could not do it by Resistance; and having call'd a Parliament, wherein were present all the Barons of the Kingdom, the Syndicks of the Cities, and the Governors of the City of *Naples*, she acquainted them with the coming of the King of *Hungary*; and after she had made a sad Complaint against some, who wrongfully accused her of so great a Wickedness, she told them, That for two Reasons she was resolved to leave the Kingdom, and to go to *Avignon*; the one in order to represent her Innocence to Christ's Vicar upon Earth, as it was manifest to God in Heaven; and the other to make it known to the World, by the Confidence she had in the Assistance of God Almighty. Nevertheless she was unwilling that her Barons and People should partake of her Sufferings, and therefore, though she was confident all her Subjects, were it but for the Respect they bore to the Memories of her Father and Grandfather, would not fail to appear in the Field to vindicate the Justice of her Cause; she chose rather to yield by retiring out of the Kingdom, and allowing them to submit themselves to the enraged King of *Hungary*; she afterwards absolved all her Barons, People, Castellains, and Tributaries from their Oaths, and ordered them not to make the least Resistance, but to carry the Keys of the Cities and Castles to the Conqueror, without waiting for Herald, or Trumpet. This Speech being delivered with a noble Grace, drew Tears from almost all present; and to comfort them, she said, That she trusted in the Justice of God, that by publishing her Innocence to the World, he would restore her both to her Kingdom and Honour. On the fifteenth of *January* 1347, she took shipping at *Castel Nuovo* for *Provence*, accompanied by her Husband and the Princess of *Taranto* her Mother-in-Law, who was intitled Empress, and by *Niccolo Acciajoli* a *Florentine* and faithful Friend of the House of *Taranto*, and a Man of exceeding Valour.

IN the mean time the King of *Hungary* with his Army had entered the Kingdom, and been received in *Aquila*, whither the Counts of *Celano*, *Loreto*, *S. Valentino*, and *Neapolione Orsino*, with other Counts and Barons of *Abruzzo*, went to wait upon him, and swore Homage to him; and after he had taken and pillaged the City of *Salerno*, by long Marches, without any Resistance, he advanced towards *Naples*; upon which the Princes of the Blood, confiding in the Relation they had to the King of *Hungary*, prepared themselves to meet him in a friendly manner, and expected to be courteously received; the rather, because they carried along with them, as King, young *Carobert* King *Andrew's* Son, who was then three Years old; and having conven'd a good Number of the principal Barons, the Prince of *Taranto*, *Philip* his Brother, *Charles* Duke of *Durazzo*, *Lewis* and *Robert* his Brothers set out from *Naples* and met the King as he was marching from *Benevento* to *Aversa*, who very lovingly kiss'd his Nephew, and received them all with great Demonstrations of Kindness; and besides, when he came to *Aversa*, a great many other Barons and Gentlemen flocked to him from all Parts to pay him Homage; and after he had halted there five Days, resolving to be in *Naples* the sixth, he put on all his Armour, ordered the whole Army to do the same, and then mounted his Horse; and as he came over-against the Place where King *Andrew* had been strangled, he stopt, and calling the Duke of *Durazzo*, he asked him out of which Window King *Andrew* had

had been thrown: The Duke answered, that he knew not; whereupon the King shewed him a Letter written with the Duke's own Hand to *Charles of Artois*, telling him, that he could not deny his own writing, and caused him to be seized, and immediately beheaded¹; he ordered also, that he should be thrown out of the same Window out of which King *Andrew* had been thrown: By the King's Orders his Body lay unburied till the next Day, when it was carried to *Naples*, and buried in the Church of *S. Lorenzo*, where his Grave is to be seen at this Day. Such was the Death of the Duke of *Durazzo*, the Son of *John*, who was the fifth Son of King *Charles II.* who by *Mary*, the Sister of Queen *Joan*, left no Male Issue, but only four Daughters, *Joan*, *Agnes*, *Clementia*, and *Margaret*, of whom hereafter. King *Lewis* ordered the rest of the Princes of the Blood to be confined Prisoners in the Castle of *Aversa*, and some Days after sent them from thence into *Hungary*, together with young *Carobert*; and continuing his March towards *Naples*, he caused to be displayed and carried before him a black Standard, representing the terrible Spectacle of a strangled King: The greatest part of the *Neapolitans* coming to meet and welcome him, he put on a morose Countenance, and made as if he neither saw nor heard them, but entered *Naples* with his Helmet on his Head, and rejecting all Demonstrations of Respect, he went directly to *Castel Nuovo*, of which the Governor had already delivered him the Keys: Upon this the whole Inhabitants were put in a terrible Consternation, expecting, that their City was to be pillaged by the *Hungarians*, because they immediately began to plunder the Houses of the Princes of the Blood; the Duchess of *Durazzo* with great Difficulty escaped, and fled by Sea to her Sister in *Provence*. The King would give no Audience to the Magistrates of the City, but ordered them to be all changed, and new ones to be chosen in their Place, who were to do nothing without consulting the Bishop of *Waradina Hungarian*. The K. of *Hungary* remained two Months in *Naples*, went afterwards to *Foggia*, where he appointed *Conrad Wolf* a German Baron his Lieutenant; and having made *Gilfort Wolf*, *Conrad's* Brother, Governor of *Castel Nuovo*, and made great Preparations of War in different parts of the Kingdom, he embarked at *Bari* in a light Galley and landed in *Salerna*, and from thence went to *Hungary*, having remained only four Months in the Kingdom.

DURING these Transactions, Queen *Joan*, with her Husband *Lewis*, being arrived at the Pope's Court in *Avignon*, were most graciously received by *Clement*, who gave them a Dispensation for having married within the forbidden Degrees of Consanguinity², and the Queen in a publick Consistory defended her own Cause with so much Wit and Eloquence, that the Pope and the College of Cardinals, who had lying before them the Process against *Filippa Catanesio* and her Son *Robert*, wherein finding, that the Queen was not so much as mentioned, nor in the least blamed, they were persuaded that she was innocent, took her Cause under their Protection, and immediately sent an Apostolick Legate to *Hungary* to treat of a Peace. The Legate found the King very haughty, which proceeded either from the Passion he was in for his Brother's Death, or that he was puff'd up with his having taken Possession of so noble and opulent a Kingdom, which he looked upon as his own, since young *Carobert* died soon after his Arrival in *Hungary*; but notwithstanding the Difficulty of negotiating, the Legate was resolved not to leave *Hungary*, but from time to time studied, with all his Art, to smooth the Ruggedness of the King's Temper.

IN the mean time the *Neapolitans* were no sooner rid of the King of *Hungary*, than they heard of the Pope's Good-will towards the Queen; and finding themselves ill-us'd by *Gilfort Wolf* the Governor and King's Lieutenant in *Naples*, they began to mutiny; and many who had been King *Robert's* and the Queen's Favourites went to wait upon her in *Provence*, and encourage her to return, because the Power of the *Hungarians* was so much diminished, and the Hatred of their barbarous Customs so much increas'd, that a handful of Men from *Provence* would easily drive them out of the Kingdom. There were also many Barons, who by private Messages and Letters invited her, which were of great Service to the Queen, because by shewing those Letters to the Pope, it confirmed the Opinion he had of her Innocence; so that the Queen being assured of the Pope's Favour, and of the Love

¹ Secunda vita Clem. VI. apud Baluz. tom. 1. pag. 271.

² Secunda vita Clem. apud Baluz. loc. cit. miseri-

corditer dispensavit, quoniam in secundo consanguinitatis gradu se invicem ex duobus stirpibus continebant.

of the Barons of the Kingdom, she began to recover both her Reputation, and the Good-will of her Subjects, who thought, that her appearing before the Pope, the Father and universal Judge of Christians, and by him deem'd innocent, and worthy to be restored to her hereditary Kingdom, was binding upon them to behave themselves like good and faithful Subjects; whereupon the People of *Provence*, and of her other Dominions on the other side of the Mountains being encouraged, all of them strove who should be foremost in presenting and supplying her with Money, of which she stood in so great need, that she sold the City of *Avignon* to the Pope¹, with the Price of which, and the Money given her, she fitted out ten Gallies, and after taking leave of the Pope, she, with her Husband *Lewis*, departed. *Angelo di Costanzo* writes², that at her departing she did not sell, but made a Present of the City of *Avignon* to the Pope and the Church, which so endear'd her to the Pope, knowing that she was desirous of having the Title of King given her Husband, in giving him his Blessing he call'd him King; so that both being satisfied, and full of good Hopes, they went and embarked at *Marseilles*, and with a fair Wind arriving at *Naples*, the whole City went to meet them at the Bridge of *Little Sebeto*, two hundred Paces distant from the City, because the Gallies durst not enter the Harbour of *Naples*, *Castel Nuovo*, and all the other Forts, being garrison'd with *Hungarians*. After they had landed, and been received with incredible Demonstrations of Joy by all the People, they were conducted under a Canopy to a House prepared for them near the *Seggio di Montagna*. In a few Days many Counts and Barons came to wait upon the Queen, and to congratulate her upon her return, and to offer their Service in driving out the *Hungarians*. The Queen and King in return, so far as their present narrow Circumstances would bear, rewarded all those, who had expressed their Affection for them, with Privileges, Titles, Honours, and Dignities, and especially the Youth about their own Ages, who, more out of Love than for Pay, would be ready and willing to make up an Army able to drive the Enemy out of the Kingdom. And at this time the Custom was first introduced among us to give to Barons the Title of Duke, for formerly that of Count was wont only to be bestowed upon them, and the Title of Prince, or Duke, belonged to those of the Royal Family only; and the first who had this Honour was *Francesco del Balzo*, whom this Queen created Duke of *Andria*, and the second was the Duke of *Sessa*. King *Lewis* likewise appointed a magnificent Court, and made *Niccolo Acciojoli* a *Florentine* Lord High-Steward of the Kingdom; and because the Subjects were oppress'd by *Conrad Wolf* and his *Hungarian* Officers, he left the Castles of *Naples* besieged, and with a goodly Company of Counts and Barons, and of the Flower of the *Neapolitan* Youth, he marched against the Count of *Apici*, and having defeated him, advanced into *Puglia*, where he took *Lucera*, and from thence went to *Bartetta*. *Puglia* and *Terra di Lavoro* were for a long time the Theatre of a cruel and bloody War, and not only these, but the other Provinces of the Kingdom were in a Combustion. *Conrad Wolf* presently sent Advice of what had happen'd to the King of *Hungary*, who, upon receiving of it, made such Dispatch, that he arrived in *Slavonia*, and embarked for *Puglia*, before it was known that he had resolved to come: Upon his arrival in *Puglia* he found his Army composed of ten thousand Horse, and a prodigious Number of Foot. The War therefore grew more furious and obstinate, till both Parties being wearied, at last Pope *Clement* found means to make Overtures of Peace between the two Kings. For which end *Clement* sent two Legates, who, with all their Management, could only obtain a Truce for one Year; whereupon King *Lewis* returned to *Hungary*, leaving Garrisons in all the Cities he was Master of. But after that he arrived in *Hungary*, whether it was owing to the Dexterity and Prudence of the Apostolick Legate, who never left him, or that he had resolved to make War upon the *Venetians*, who had made themselves Masters of some Cities of *Dalmatia* belonging to the Kingdom of *Hungary*, at last he made Peace with King *Lewis* and Queen *Joan*, and out of Compliment to the Pope, and the College of Cardinals, he relinquished all his Pretensions, and set at Liberty the five Princes of the Blood, who had been four Years Prisoners in the Castle of *Vicegrad*. This Peace was concluded in *April* of the Year 1351. and some add, that the Pope, as Mediator of the Peace, having awarded, that King *Lewis* and Queen *Joan* should pay thirty thousand Florins to the King of *Hungary*

¹ Secunda vita Clem. apud Baluz. loc. cit. pag. 272 Civitatem Avenionem, &c. emit a Regina præ-

dicta pretio invicem concordato.

² Costanzo lib. 1.

for his Expences of the War, he generously refused to take it, saying, That he went not to *Naples* out of Ambition or Covetousness, but only to revenge his Brother's Death, and having done what he thought was fitting, he desired no more; for which he was much commended and thanked by the Pope and College.

KING *Lewis* and Queen *Joan* having got clear of these Troubles, they sent Ambassadors to thank the Pope and the College of Cardinals, and to desire his Holiness to send an Apostolick Legate to crown them, which was readily granted, and the Bishop of *Braga* was deputed for that Purpose. Therefore great Preparations were made in *Naples*, and the twenty fifth of *May* the Feast of *Pentecost* was appointed for the Coronation; and all the Kingdom inur'd to Hardships, Burnings, Death, and Rapine, began to rejoice; and besides the Barons, a Multitude of People from all Parts flocked to *Naples* to be present at this Solemnity, which was likely to make them forget their past Calamities. On the Day appointed the Legate being come to the Place where Preparation had been made, with great Pomp and solemn Ceremony he anointed and crowned the King and Queen, and many Tournaments, Tiltings, and sumptuous Feasts were made. And afterwards all the Cities and Barons solemnly swore Homage to the King and Queen, who gave a general Indemnity to all those, who in the late War had sided with the King of *Hungary*; and King *Lewis*, in Memory of this Coronation, as we have said elsewhere, instituted the Society of the *Nodo*, (*Knot*) into which he admitted sixty Lords and *Neapolitan* Gentlemen of different Families, the most gallant Men of those times.



C H A P. II.

King Lewis's Expedition against Sicily: Peace following thereupon, and his Death.



AS our Kingdom of *Puglia* was brought to a very happy State by the Peace, and the Presence and Clemency of King *Lewis*, so on the contrary the Affairs of *Sicily* grew daily worse and worse; for by the Weakness of the young King *Don Lewis*, the Quarrels among the *Sicilians* increasing, and all the Barons and People of the Island being divided, the Tillage of the Fields was neglected, which is the principal Revuene of that Kingdom; in like manner all other Traffick was laid aside, and nothing but Robberies, Burnings, and Slaughter were minded: Hence proceeded Indigence and Misery to the whole Island, as well as Poverty and Weakness to the King, the People being not only unable to pay the extraordinary Subsidies, but even the wonted and ordinary: Under these Difficulties the Barons divided themselves into two Factions; the Heads of the one were the *Catalans*, who had usurped the Guardianship of the King; and of the other those of the House of *Chiaromonte*, who were so powerful, that they were Masters of *Palermo*, *Trapani*, *Syracusa*, *Girgento*, *Mazara*, and many more of the best Cities of *Sicily*; and altho' they were not the King's open Enemies, yet they lorded it over all these Cities in every thing, the Title only excepted; and because those who governed the King were in Possession of the least part of *Sicily*, they were forced to draw out of it wherewithal to maintain the Royal Dignity of the King and his Household, and also to enrich themselves: The People being discontented began to mutiny, and the City of *Messina*, which was the chief of those in the King's Possession, not able to bear the harsh Government of Count *Matteo Palizzi*, the Citizens rose up in Arms, went to the Royal Palace, and killed him; and the other Barons with Difficulty saving

saving themselves, retired to *Catania*. After the Example of *Messina*, the Inhabitants of *Sciacca* also murdered the King's Ministers that were there; and Count *Simone di Chiaromonte* having been the Author of this Commotion, and knowing that he should incur the Indignation of the King and his Council, sent to King *Lewis* in *Naples*, inviting him not to make a bare Attempt, as formerly King *Robert* had done, but assured him of certain Victory, seeing the Affairs of *Sicily* were in such a Situation, that with a very small Number of Troops he might easily conquer it.

THE late Wars had put King *Lewis* and the Kingdom into as bad a State as the *Sicilians*, and they had but just then begun to reap the first Fruits of Peace and Tranquillity; and those Forces, which in the time of King *Robert* were powerful and united, by the Presence of so many Princes of the Blood, amongst whom the Kingdom was divided, were then weak and separated; so that the King could not send that Number of Troops and Provisions which so great an Undertaking required; nevertheless, he sent the High-Steward *Acciajoli* with a hundred Cuirassiers, and *Giacomo Sanseverino* Count of *Melito* with four hundred Foot, aboard of six Gallies, and many great Ships of Burden, with what Provisions could be got. These arriving in *Sicily*, with the Assistance of Count *Simone* marched, and took Possession of *Melazzo*, where, in the King's Name, they left a Garrison and a Governor, and with a great Part of the Provisions they marched to *Palermo*, and the Citizens being in extreme want of all Necessaries of Life, they were joyfully received; and those of the House of *Chiaromonte* set up King *Lewis's* Standard in *Trapani*, *Syracusa*, and in all the other Cities they were Masters of; and although they had not Soldiers sufficient to garrison them all for King *Lewis*, yet so weak was the King of *Sicily's* Party, that without the Force of Arms, with the Provisions only, which were sent them from *Calabria*, they held out for the King of *Naples*.

UPON this Success the Governors of the King *Don Lewis*, earnest to prevent King *Lewis's* Men from settling in *Sicily*, before they could be reinforced used their utmost Efforts to recover *Palermo*, but to no purpose; because the Citizens, who had destroyed all the Provisions, continued faithful to King *Lewis*, and punctually obeyed the High-Steward and the Count of *Mileto*, who defended the City, so that they were forced to leave it.

IN a few Days the King *Don Lewis* died, and his younger Brother *Frederick* was proclaimed King, who being but thirteen Years of Age, was under the Management of the *Catalans*, by whose means *Niccolo Cefario*, the Head of a strong Faction in *Messina*, being banished out of that City, also joined King *Lewis's* Party; and having kept a Correspondence with some of his Followers, in the Night-time he entered *Messina* with some Soldiers and Adherents of the House of *Chiaromonte*, and attacked his Enemies. The People being all in an Uproar, gave Opportunity to two hundred Horse, and four hundred Foot, (sent by the High-Steward, and the Counts of *Chiaromonte*, as had been agreed between them) to enter the City, and driving out those of the opposite Faction, they set up King *Lewis's* Standard. Immediately upon the News of the taking of that City, which King *Lewis* looked upon as his own, since the other Cities were rather in the Possession of the *Chiaromontese*, than of his Officers, he, with Queen *Joan*, came to *Reggio* in *Calabria*, and sent fifty Spear-men, and three hundred Foot, with great Store of Provisions to the High-Steward in *Messina*, of which he was in great want. The Citizens were so overjoyed, that with this Reinforcement they attacked the Castle of *San Salvatore* and *Mattagrifone*, which were obliged to surrender with two of the King's Sisters, *Blanch* and *Violante*, who, with an honourable Convoy, were sent to *Reggio* to the Queen, and were very courteously and lovingly received and caressed by her. The King thought fit not to delay any longer, but with the Queen pass'd the *Streights*, and on the Eve of *Christmas* 1355, with great Pomp made their Entry into *Messina*, and were lodged in the Royal Palace, where, with the usual Ceremonies, every one swore Homage and Fealty to them.

A few Days after the Counts *Simone*, *Manfredi*, and *Federico di Chiaromonte* came to wait upon the King, who received them very graciously, as Heads of the Family, and Authors of the Conquest of that Kingdom; but Count *Simone*, desirous that King *Lewis* would give him *Blanch*, King *Frederick's* Sister for Wife, and persuading himself, that on account of his Merit, and as a Reward for the Kingdom he ought not to deny him, spoke confidently of it to the King. This Demand seemed to be of great Importance, not in itself, but in those Consequences which might attend such a Marriage; for King *Frederick* being the last of the Race of the Kings
of

of *Sicily* of the House of *Aragon*, and of so tender an Age, and weak Understanding, that he was called *Frederick the Simple*, it might probably happen, that *Blanch's* Right being added to Count *Simons's* Power, he might drive out both King *Frederick* and King *Lewis*; so that then he neither gave him a Denial, nor a Promise; but shortly after he offered to give him for Wife the Duchess of *Durazzo*. *Simone* then, by this Offer, finding himself baulk'd, took it so much to Heart (because he presumed that he merited so much of the King, that he could not refuse him any Favour) that in a few Days he died of Grief; and the rest of that Family, as if *Simone* by his Will had appointed them to revenge that Injury, began to cool in their Affection for King *Lewis*. In the mean time he ordered *Catania*, where King *Frederick* was with his few Troops, to be besieged; but King *Lewis's* Men being repulsed, and routed, Count *Raimondo del Balzo* the High-Chamberlain was taken Prisoner, and the High-Steward *Acciajoli* with great Difficulty escaped. The News of this Defeat struck *Lewis* to the very Heart, insomuch, that he stripped his Queen of her Jewels, and sold them to raise Money for the Count's Ransom, which he sent by a Herald to King *Frederick*, who refus'd to accept of it; but bid the Herald tell him, that the Count's Liberty depended solely upon that of his two Sisters. And as *Lewis* had an extreme Value for the Count, he was satisfied to send him his Sisters honourably accompanied to *Catania*.

WHILE these Things were transacting, the Innovations which happened in the Kingdom obliged King *Lewis* to return to *Naples*; and being resolved not to quit his Design upon *Sicily*, which, because of the extreme Poverty of the Enemy, he looked upon as already conquered, he left the High-Steward *Acciajoli* his Captain General in that Island, and with the Queen returned to *Naples*. New Disorders and Confusions, not inferior to what were in the time of the *Hungarians*, began to break out afresh in the Kingdom; for the Prince of *Taranto*, who, because he was the King's elder Brother, thinking that he might govern both the King and the Kingdom, had conceived a Hatred against, and was persecuting many Barons, because they would acknowledge none for their Lords and Masters but King *Lewis* and Queen *Joan*. And *Lewis* of *Durazzo*, the King's Cousin, finding that himself and his Brother were not regarded but as two poor Barons of the Kingdom, joined the Count of *Minorvino*, who had been so bold as to possess himself of the City of *Bari*, and to take the Title of Prince of *Bari*, and *Palatine* of *Altamura*, besides other Titles, of which he was very vain; and he maintained a good Band of Spear-men, and so many Horse, that he seemed to vie both with the Prince of *Taranto* and the King; and in order to be able to support these Men, he over-run the richest Parts of the Kingdom, and put the Country under Contribution, without the least Regard either to the King or Queen. Wherefore King *Lewis* found himself under a Necessity of crushing the Insolence of this Man, and after divers Engagements, which put many Provinces of the Kingdom into Confusion, he at length subdued the Rebels; and *Lewis* of *Durazzo* remaining alone, and without Troops, on account of his Relation, the King and Queen were reconciled with him; and after the King had taken sundry Precautions for the Quiet of the Kingdom, he bent his Thoughts upon the War of *Sicily*.

ON the other hand the *Sicilians* of King *Frederick's* Party, seeing their Troops much inferior to those of King *Lewis*, managed Matters so, as to get their King to marry the Sister of the King of *Aragon*, but that new Alliance was of no stead since the Bride died soon after: In the mean time, by an Alliance which the *Chisaramonteje* made with the Count of *Vintimiglia*, the Head of King *Frederick's* Party, a Treaty was set on Foot between that Prince, and King *Lewis* and Queen *Joan*, which, after much negotiating, was at last concluded upon these Conditions. That King *Frederick* should take the Title of *King of Trinacria*: That he should take for Wife *Antonia del Balzo* the Duke of *Andria's* Daughter by King *Lewis's* Sister: That he should hold his Kingdom of King *Lewis* and Queen *Joan*, and as an Acknowledgment should pay to them yearly on the Feast of *S. Peter* three thousand Ounces of Gold; and when the Kingdom of *Naples* should happen to be attacked, to send a hundred Spear-men, and ten armed Gallies to defend it. On the other hand, that King *Lewis* should deliver up all the Cities, Towns, and Castles, which to that Day had been taken, or had set up his Standard.

THIS put an end to the Wars of *Sicily*, which had continued so many Years, and wherein so much Blood had been shed, and inestimable Treasure spent. But it is a thing truly worthy of Observation, that the Kingdom of *Sicily*, which the

Roman Pontiffs claimed as their Fief, and that it belonged to them to give the Investiture of it, insomuch, that they made many Attempts to wrest it from the Kings of *Aragon*, and now become subject and tributary to the Kings of *Naples*, should in process of Time be altogether withdrawn from the Subjection of them all, and at present be looked upon more free and independent, than the Kingdom of *Naples* itself; since, after the famous *Sicilian Vespers*, by reason of the continual Wars with the Kings of the Family of *Anjou*, who had always the Popes for their Confederates, the Kings of *Aragon* never sought Investiture from the Apostolick See for that Island; and even after this Peace made with the King and Queen of *Naples*, they did not demand it; and in fine the King *Don Frederick* dying without leaving Male Issue, and in the Year 1368 his Daughter *Mary* succeeding him, she would neither be called Queen of *Trinacria*, nor take Investiture from the Pope. King *Martin I.* of *Aragon*, who in the Year 1402 succeeded *Mary*, and *Martin II.* his Successor followed her Example. And this last dying without Children, and in the Year 1411 *Ferdinand* of *Aragon* the Son of *John* of *Castile* being elected King of *Aragon*, *Valentia*, and *Sicily*, he transmitted the Kingdom of *Sicily* with the same Conditions to his Son *Alphonfus*, who in the Year 1416 succeeded him in all his Kingdoms, but never sought Investiture from the Popes, neither did any of his Successors; so that, as of old through Necessity, or the Circumstances of the Times requiring it, the Custom of taking the Investiture of that Island from the Popes was introduced: So now by Disuse, and the contrary Practice, that Custom is quite laid aside and abolished; insomuch, that at present that Kingdom continues altogether free and independent.

AND although by the Articles of this Peace made with King *Lewis* and Queen *Joan*, the Kingdom of *Sicily* became subject and tributary to the Kings of *Naples*; yet those Conditions were never fulfilled, nor put in execution; for though in a Bull of *Gregory XI.*'s quoted by *Inveges*¹, published in 1363. soon after the Conclusion of this Peace, the Kingdom of *Naples* being called the Kingdom of *Sicily*, and that of *Sicily*, *Trinacria*; yet none of the Kings of that Island intitled themselves *Kings of Trinacria* in their publick Writs, but of *Sicily*, *ultra Pharus*; and they called the Kingdom of *Naples* *Sicily citra Pharus*, as we read in the Letters Patent of King *Martin*, and of the Kings of *Sicily* his Successors. And these two Kingdoms being afterwards united in the Person of *Alphonfus I.* of *Aragon*, he was the first, who began to take the Title of *King of both the Sicilies*. Neither do we read that that Kingdom was ever acknowledged to be held of the Kings of *Naples*, or that on the appointed Feast of *S. Peter* the three thousand Ounces of Gold were paid, or the ten armed Gallies sent, as stipulated in the said Articles of Peace; for the Kings of *Naples*, till *Alphonfus I.* of *Aragon*, were involved in so many Wars, and distracted by so many intestine Commotions, that they could not think of any thing but their own Safety, and the Preservation of their own Kingdom, as shall be related.

THE War of *Sicily* being thus ended, and the intestine Commotions suppressed, our Kingdom began to enjoy Peace and Tranquillity; but it continued not long in that State, for in the Year 1362, King *Lewis* being seized with a violent Fever, died in the forty second Year of his Age. This Prince was exceedingly handsome, of a sweet Temper, and no less valiant than wise; but he was very unfortunate in his Undertakings, for finding the Kingdom involved in Troubles, and impoverished by so many Wars and Dissentions, he had neither Means nor Opportunity to employ his Courage, especially in the Expedition of *Sicily*.

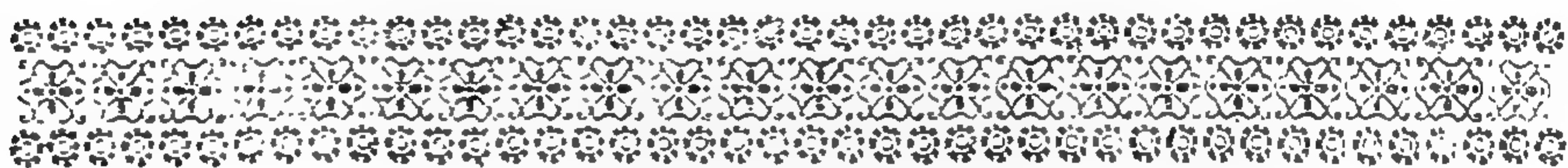
Matteo Palmerio in the Life of the High-Steward *Acciajoli* writes, that *Innocent VI.* *Clement*'s Successor, was grievously offended with King *Lewis*, because he did not pay him the usual Tribute, and therefore the King, in order to pacify him, sent *Acciajoli* and *Giovanni* Archbishop of *Naples* his Ambassadors to *Avignon*; and *Bzovius* adds, that *Innocent* gave Power to *Bertrando Giovanni*'s Successor to absolve King *Lewis* *in articulo mortis* from the Excommunication, *Ob non solutum Romanæ Ecclesiæ censum*². King *Lewis* reigned five Years before he was crowned, and ten after his Coronation. His Body was sent to the Monastery of *Monte Vergine* near *Avellino* twenty Miles distant from *Naples*, and it was buried near the Grave of the Empress *Margaret* his Mother, where his Tomb is still to be seen supported by eight

¹ *Inveges* tom. 3. *Histor. Paler.*
Archiep. Neap. pag. 195 & 196.

² *V. Chioccar de Archiep. Neap.* anno 1359. *Ughell. de*

Pillars with his Effigies only, without Inscription. He left no Children, the two Daughters he had by Queen *Jean* having died while they were Infants.

NOT long after the Prince of *Taranto* died in *Naples*, and was buried in the Church of *S. George the Greater*, and he left *Philip* his third Brother Heir to the Principality, and to the Title of Emperor¹. This Prince a little before had married *Mary* the Queen's Sister, who died shortly after; and for his second Wife he married *Elizabeth* the Daughter of *Stephen* King of *Poland*, with whom he lived till 1368, the Year of his Death². He died in *Taranto*, where he was buried, and having no Children, left the Principality of *Taranto*, with the Title of Emperor to *Giacomo del Balzo* the Son of his Sister *Margaret*, and of *Francis* Duke of *Andria*. *Lewis* of *Durazzo* Count of *Gravina* and *Morcone* died also, and was buried in the Church of the Holy Cross, near Queen *Sancia's* Tomb; he left a Son named *Charles*, who, as shall be told, was afterwards King of *Naples*; and shortly after *Robert* Prince of the *Moras*, the Count's Brother, both of them Sons of *John* Duke of *Durazzo*, died in *France*; so that of the numerous Progeny of King *Charles II.* there remained no other Male Issue but *Lewis* King of *Hungary*, and *Charles* of *Durazzo* the Son of the abovementioned *Lewis* of *Durazzo*. And soon after, all that this Progeny was possessed of in *Greece* was lost; for while they were still in Possession of *Cerfu* and *Durazzo*, Queen *Margaret* the Wife of King *Charles* of *Durazzo* (while she governed in her Husband's Absence, who had gone to *Hungary*) having caused a *Venetian* Ship richly loaded to be seiz'd, and refusing to restore either the Goods or Ship, the *Venetians*, upon the King's Death, under this Pretence made themselves Masters of the Duchy of *Durazzo*, by which King *Charles I.'s* Race lost all footing in *Greece*³.

¹ Costanzo lib. 7.² Sammonte tom. 2. lib. 3. p. 446.³ Costanzo lib. 8.

C H A P. III.

Queen Joan marries a third and fourth time, and the Rebellion of the Duke of Andria.

BY the Death of King *Lewis* of *Taranto* the Queen being left a Widow, in order to prevent the Princes of the Blood from meddling in the Government of the Kingdom; both the *Neapolitans* and the Barons were for having her to govern alone, and therefore those of the Queen's most favourite Courtiers began to encourage her immediately to take a Husband, not only for the Support of her Royal Authority, but likewise for the Quiet of the Kingdom, to endeavour to leave Successors; and presently the Infant of *Majorca*, named *James* of *Aragon*, a handsome and gallant Youth, was pitched upon to be her Husband, and the Queen being but thirty six Years of Age, it might reasonably be expected that they would have Children; and the Marriage being concluded in the Year 1363, the Bridegroom took shipping and came to *Naples*, where he was received by the Citizens as King. The Marriage being solemnized, the Queen created him Duke of *Calabria*; but such was the cruel Destiny of our Kingdom, that this Marriage proved very unfortunate; for the King of *Majorca* being at War with his Cousin the King of *Aragon* about the Counties of *Roussillon* and *Ceritania*, the Queen's new Husband must needs go to serve his Father in that War, wherein he was first made Prisoner, and afterwards ransomed by the Queen, but returning a second time, he died. The Queen continued many

many Years a Widow, and governed with so much Prudence, that she gained the Character of the wisest Queen that ever sat upon a Throne; and being resolved not to venture upon another Husband, she began to think of settling the Succession of the Kingdom. She had brought up at her Court *Margaret* the youngest Daughter of the Duke of *Durazzo*, and of her own Sister *Mary*, whom she resolved to give in marriage to *Charles* of *Durazzo* with Apostolick Dispensation, because they were Cousin Germans; but there was a Stop for some time put to this intended Marriage, because the King of *Hungary* being at War with the *Venetians*, he sent to invite *Charles* of *Durazzo* to come and serve in that War. Though *Charles* was very young, yet he went with a goodly Company of Gentlemen, and served many Years, which startled the Queen, and made her suspect that the King of *Hungary* still harboured some Remains of the old Grudge, and therefore might induce *Charles* to revolt; nevertheless this Marriage, as shall be told, was at last consummated, which by other means proved the Queen's Ruin.

BUT on the other hand it appearing an easy Matter for any Man to surprize a Woman, in a manner left alone with the Burden of the Government of so great a Kingdom, and of so bold a People; though there were now no Princes of the Blood to disturb it, yet there were not wanting Neighbours, and powerful Barons. The first who attacked it was *Ambrosio Visconte* a Ballard Son of *Bernabo* Lord of *Milan*, who with twelve thousand Horse having entered the Kingdom by the way of *Abruzzo*, and taken by Storm some Castles, was advancing and ravaging the Country; but the Queen with her noble and masculine Courage soon crushed him, for having the best way she could assembled her Troops, she defeated his Army, and freed the Kingdom from that Invasion.

THE Queen overjoyed at this Victory, and the Kingdom being now in a peaceable State, went to visit *Provence*, and her other Dominions in *France*; but her principal Errand was to go to *Avignon*, to visit Pope *Urban V.* who had succeeded *Innocent VI. Clement's* Successor, by whom she was most graciously and honourably received*. After she had spent some Months in visiting these People, who very lovingly made her handsome Presents, she returned to *Naples* highly contented, because she had made the Pope her Well-wisher and Friend.

UPON her arrival in *Naples*, the Marriage of *Charles* of *Durazzo* with her Niece *Margaret* was consummated; and it was evident to every Body, that her Intention was to leave them the Kingdom after her Death; yet for all that, *Charles* would not quit the King of *Hungary's* Service, but with the Queen's Liberty, in the Spring of the Year 1370 he returned to serve that King against the *Venetians*, leaving *Margaret* with a Daughter of about six Months old, named *Mary*, after his Wife's Mother; and in the beginning of the Year following she was delivered of another Daughter, who was named *Joan*, after the Queen her Aunt, and was afterwards, as we shall observe, Queen of *Naples*.

BUT while the Kingdom was recovering itself, and free from foreign Invasions, it was again turned upside down by an intestine War, which was the Occasion of much Mischief; for all the other Princes of the Blood being extinct, *Francesco del Balzo* was left a most powerful Lord, because, as has been said, by the Death of *Philip* Prince of *Taranto* his Cousin, who had left *Giacomo del Balzo* his Son Heir to his Estate, as his Son's Tutor, he possessed a very great Lordship, and was thereby become formidable to all the Barons of the Kingdom; so that pretending that the City of *Matera* belonged to the Principality of *Taranto*, which was then in the Possession of a Count of the Family of *Sanseverino*, he went with open Force, and took it from that Count, threatening also to take some other neighbouring Cities from him. Upon this Insult the *Sanseverini*, who for Numbers and Estates were the most powerful Barons of the Kingdom, had recourse to the Queen, who immediately sent to tell the Duke, that if he was satisfied to refer the Matter to Arbiters, and not to shew so much Disrespect to her, she would chuse such as could not be suspected. But the Duke, rejecting all Advice, persisted in his Obstinacy of retaining the Cities by Force; whereupon the Queen, after having called all his Relations, and proposed many Expedients, willing to try every thing before she should be obliged to proceed by way of Justice, and seeing that the Duke continued obstinate, she ordered him to be summoned; and the Duke being still inflexible, upon a Day appointed for that Purpose, being seated on her Throne with all her Council

* IV. Vita Urb. V. apud Baluz. tom. 1. pag. 424.

about her, she pronounced Sentence against the Duke as a Rebel: Then she ordered the *Sanseverini* to go and possess themselves, not only of the Cities taken from them, but likewise of all the Cities belonging to the Duke in *Puglia* in the Name of the Royal Exchequer, as justly devolved to the Crown by his open Rebellion. It took a long time to subdue the Duke, who stood in his own Defence; at last he was overcome, and forced to fly the Kingdom; whereupon the Queen after she had taken Possession of all his Estates, and *Tiano* and *Sessa* had surrendered to her, in order to indemnify herself of the Expences of this War, she sold *Sessa* to *Tommaso di Marzano* Count of *Squilacci* for twenty five thousand Ducats, and *Tiano* for thirteen thousand to *Goffredo di Marzano* Count of *Alisi*; but to *Tommaso* she gave the Title of Duke of *Sessa*, and he was the second of the Kingdom next to the Duke of *Andria*. She likewise sent to take Possession of the Principality of *Taranto*, because the young Prince, after his Father's Flight, had retired into *Greece*, where he was possessed of some Lands.

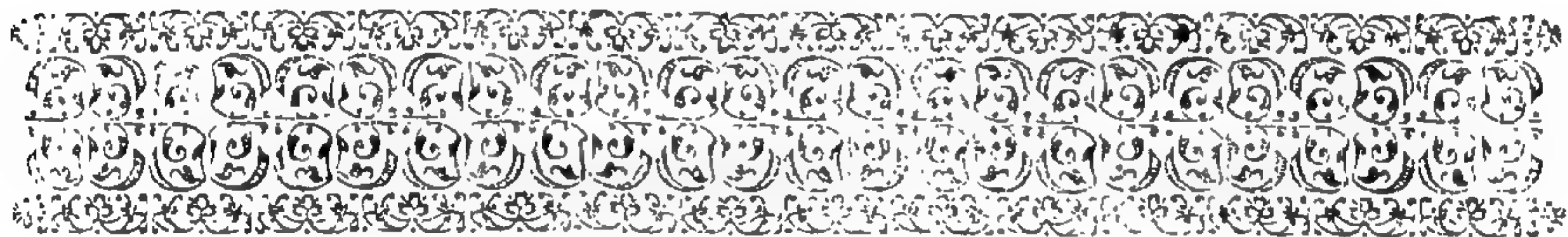
BUT the Duke of *Andria* did not fail to make new Attempts, for *Gregory XI.* his Kinsman having succeeded *Urban*, he had recourse to him, and was very kindly received, and partly with the Money he got of him under Pretence of Subsistance, partly with some which he raised out of the Estate he had in *Provence*, he returned to *Italy*, where with great Facility he found Means to disturb both the Queen and the Kingdom; for *Italy* being then in profound Peace, many *Ultramountain* Soldiers of Fortune were out of Pay, so that with the Money he had gathered, and many fair Promises, they were easily persuaded to go along with him. He entered the Kingdom with thirteen thousand Horse and Foot Soldiers, and with great Expedition arrived at *Capua* before the Queen had time to make the least Provision for a Defence; so that the whole Kingdom was not only put in Confusion, but the City of *Naples* itself was in great Fear and Danger; nevertheless the Queen, who was loved and respected by every body, soon put herself in a Posture of Defence, and made every thing ready for assembling her Army at *Nola*, when the Duke, being on his March towards *Aversa*, went to visit his Uncle *Raimondo del Balzo* Lord High Chamberlain of the Kingdom, a Man much respected both on account of his Age and Loyalty, and of great Authority, who was then in a Village of his own called *Casaluce*. As soon as this great Man saw his Nephew he began to rebuke him, and at the same time to exhort him not to be both the Ruin and Reproach of the Family of *Balzo*, by pursuing so foolish and unjust an Undertaking; for he was very well informed, that though the People he had brought along with him were many in Number, yet but of little Courage, they would certainly be defeated, for he had not only to do with the Queen's Troops, but with the whole Barons of the Kingdom, to whom he was become odious on account of his insupportable Pride. The Duke being struck to the very Heart, and ashamed at the Words of the good old Gentleman, knew not what to reply, but that what he did was only for recovering his own Estate, which he found was by no other Means to be got, notwithstanding his sincere Repentance for his Rebellion. The Uncle replied, that the Way he had taken was bad, and likely to deprive him of his Estate for ever, and that the best Course now was to retire, and by the Mediation of the Pope, endeavour to pacify the Queen. The Authority of this Man was so prevalent, that the Duke, overcome by these Reasons, immediately with his Followers marched directly for *Puglia*, under pretence of recovering the Cities of that Province, and upon his arrival in the Plains of *Andria*, he caused a Ship to be prepared for him, in which he embark'd, and return'd to *Provence* to wait upon the Pope. The Duke's Men finding they were impos'd upon, in order to induce the Queen to give them honourable Conditions, they began to pillage some small Towns; and as she was a great Lover of Peace she agreed with them, that upon their receiving sixty thousand Florins, they should march out of the Kingdom. These Transactions lasted till the Year 1375, in which *Raimondo del Balzo* Lord High Chamberlain died, leaving a most honourable Reputation behind him; the Queen was sadly afflicted for the Loss of such a Baron, and in his Place she created *Giacomo Arcucci* Lord of *Cirignola* High Chamberlain.

AT this time the Queen, whether she had conceiv'd a Jealousy of *Charles* of *Durazzo's* too great Affection for the King of *Hungary*, and that she was afraid of what afterwards happened, or that she was stirred up by her Council, who saw her thus alone always forced to struggle with the continual Commotions of the Kingdom, was determined to take a Husband; for though she was in the forty sixth Year of her Age, yet she was so vigorous, that she seem'd to be very fit for bearing Children;

Children; therefore she married *Otho Duke of Brunswick*, a Prince of the Empire and of Imperial Race, a prudent and gallant Man¹, and of an Age suitable to her own, and it was agreed, that he should not take the Title of King, in order perhaps to keep *Charles of Durazzo* still in hopes of succeeding in the Kingdom. On the Feast of the Annunciation in the Year 1376, *Otho* came and made his Entry into *Naples*, conducted with great Honour under a Canopy through all the City to *Castel Nuovo*, where the Queen was, and where for many Days there were Royal Feasts.

THIS Marriage very much displeas'd *Margaret of Durazzo*, who at the same time brought forth a Son named *Ladislaus*, who was afterwards King; and though she was pretty sure that the Queen would have no Children, yet she was afraid that *Otho* and his *Germans* having once got footing in the Kingdom, would be so much Masters of the Fortresses, and of all the Kingdom, that it would be no easy Matter to dislodge them, and that she and her Husband might be deprived of the Succession. But the Queen stood firm to her Resolution of not giving her Husband the Title of King, reserving it to her Son, if it should please God to give her one; and in her Discourse she seem'd always to have a special care, that the Kingdom should remain in the Male Line of King *Charles II.* And to shew the Love and Regard she had for her Husband, she made him a Present of all the Prince of *Taranto's* Estate, devolved to her by the Rebellion of *Giacomo del Balzo* the Duke of *Andria's* Son, which Estate was equivalent to a Kingdom. After this Marriage the Kingdom continued in Peace and Quiet for the Space of two Years; and the Queen gave a second Husband to her Niece *Joan of Durazzo* the eldest Daughter of the Duke of *Durazzo*, and of the Dutchess *Mary* her Sister, by marrying her to *Robert Count of Artois* the Son of the Count of *Arras*.

¹ Theodor. a Niem. lib. 1. de Schismate, cap. 6, 7, 24. & 65.



CHAP. IV.

Of the Schism occasioned by the Popes of Rome and those of Avignon.

THE famous Schism which happened in the Years following, and which lasted till the Council of *Constance*, put the Kingdom in great Confusion and Disorder. Pope *Gregory IX.* had translated the Apostolick See from *Avignon*, whither in the Year 1305 it had been transferred by *Clement V.* and where it had continued seventy Years, to *Rome*, where he arrived the seventh Day of *January* this Year 1377, and where he died on the twenty seventh of *March* 1378. The *Romans*, who had been at a vast Loss during the Time that the Apostolick See was in *France*, resolved to lay hold of this Opportunity for re-establishing the Pope's Court in their City, by endeavouring to get a *Roman* elected, or at least a Native of *Italy*; on the other hand finding, that there were then but sixteen Cardinals, of which twelve were *Ultramontans*, and only four *Italians*, they were afraid, and very justly, that the first being most in Number, it was not likely that the Plurality of Votes would be in favour of an *Italian* Pope; therefore having raised a Tumult they took up Arms, and on the fifth of *April* 1378, when the Cardinals had entered the Conclave, a Multitude of People conven'd, surrounded the Palace, and began to cry out, *We will have a Roman.* This Cry lasted all Night; the Day following the People being assembled in greater Numbers, went with more

Fury to the Conclave, threatening to break open the Doors, and to cut the *French* Cardinals in pieces, if they did not elect a Pope that was a *Roman*, or at least an *Italian*. The Cardinals being frighted promised to the People that they would do so, but protested among themselves, that what they were to do was by Compulsion, and that the Election was to be void. At last in a tumultuous manner they elected a Person, who was not of the College of Cardinals, and who was so insignificant, that it would be an easy Matter to turn him out of the Papacy. This was *Bartolommeo Prignano* Archbishop of *Bari*, according to *Pancinio*, born in *Naples* of mean Parents; but our *Giovanni Villani*¹, and *Theodore de Nismes*² say, that he was born in the Village of *Itri* in the County of *Fondi*³. He had lived for the most part in *France* at the Court of the Popes, and had had a Post in the Apostolick Chancery, and afterwards had been Archbishop of *Acerenza*, and then of *Bari*. A Report being spread in *Rome* that the Archbishop of *Bari* had been elected, the People confounding him with *John of Bar* a *Frenchman*, and Domestick of the late Pope's, began their Outrages afresh. The Cardinal of *S. Peter*, in order to pacify the Mob, appeared at a Window of the Conclave, and many of them seeing him said, That's the Cardinal of *S. Peter*; whereupon the Populace immediately believed that he was the Cardinal that had been elected, and fell a crying, *Viva viva S. Pietro*. A short time after the Mob broke open the Doors of the Conclave, seiz'd the Cardinals, and robbed them of their Goods, still demanding a *Roman* Cardinal for Pope: some Domesticks of the Cardinals having said to them, Have not you got the Cardinal of *S. Peter*? they took the Cardinal, clothed him with the Pontifical Garments, placed him upon the Altar, and adored him, though he cried out, that he neither was, nor would be Pope. The Cardinals had much ado to save themselves, some running to their Houses, and others to *Castel S. Angelo*. The Archbishop of *Bari* in an instant became proud, austere, and very artful, for smelling the Intention of the Cardinals, assisted by the Magistrates, he forced some Cardinals to proclaim him. He took the Name of *Urban VI.* and wrote to all Christian Princes, notifying his Election; and in the beginning he very much curb'd the Cardinals, being afraid of what afterwards happened, *viz.* That they had a Mind to turn him out of the Papacy⁴. On the other hand the Cardinals, though they had been forced publicly to acknowledge him, wrote privately to the King of *France*, and other Christian Princes, that the Election was void, and that it was never their Intention to have acknowledged him for Pope; and shortly after, under pretence of shunning the Heat of the Summer, in the Month of *May* the twelve *Ultramontan* Cardinals left *Rome* one after another, and went to *Avignon*. But Cardinal *Ursino* the Count of *Nola*'s Brother, under Pretence of coming to *Naples* to visit his Relations, got leave of *Urban* and came to wait upon the Queen; and being firmly persuaded that the Cardinals would make void the Election, he began to entreat her, that in that Case she would be pleas'd to intercede with the *Ultramontan* Cardinals, since there was a new Election to be made, in order to please the People of *Rome*, to elect him.

THE Queen, like a wise and prudent Woman, turned a deaf Ear to the Cardinal's Request, but sent *Niccolo Spinelli di Napoli*, and the Count of *Gioja* a famous Doctor of the Law and High Chancellor of the Kingdom to *Rome*, to congratulate *Urban* upon his Election, and to do him Homage. But this new advanced Pope seem'd so much to disregard the Respect paid him by the Queen, and the Person of the Chancellor, by treating him very unmannerly⁵, that the Chancellor, who knew him in a private Life, and to be an Upstart, and by his froward Disposition judging him unworthy of the Papacy, returned so ill satisfied with him, that it is thought, that from that time he resolved to be an Instrument of the Election of another Pope. To this was added, that soon after Prince *Otho* having gone to *Rome* to visit *Urban*, some say to get the Investiture of the Kingdom⁶; others will have it, to beg of him, that since the Kingdom of *Sicily* by Succession had fallen to a Woman, he would use his Interest to get her to marry Duke *Baldassar* of *Brunswick* his Brother; but be that as it will, it is most certain, that he not only did not obtain what he was asking, but was hated, and unhandsomely used. *Theodore* of

¹ Villani lib. 12. cap. 74.² Theodor. lib. 1. de Schismate, cap. 9.³ Belluz in notis ad vitas PP. Aven. tom. 1.

p. 1235

⁴ Idem loc. cit. pag. 1176 & seq.⁵ Idem in notis ad vitas PP. Aven. tom. 1. pag. 1125.⁶ Idem loc. cit. & pag. 1124.

Nismes, who was *Urban's* Secretary, tells us ¹, that *Otho* being one day present when the Pope was at Dinner, and, as the Custom is, taking a Glass to offer him Wine, the Pope, pretending to be discoursing of other Affairs, suffered him to continue a good while upon his Knees without drinking, till one of the Cardinals, who was his Confident, said to him, *Holy Father, 'tis time for you to drink*; for which Cause the Prince return'd in greater Indignation than the Chancellor.

THE same Author ², and he, who wrote *Urban's* Life, say, that he was more bent than ever any Pope had been upon enriching his Kindred with the Revenues of the Apostolick See; and from that time was resolved to give the Kingdom of *Naples* to *Charles* of *Durazzo*; taking it for granted, that he would get from him better Settlements, and greater Lordships in the Kingdom for *Butillo* and *Francesco Prignano* his Nephews, than he should have from Queen *Joan* and Prince *Otho*. The Duke of *Andria*, who had followed Pope *Gregory XI.* to *Rome*, in hopes that he would have got him restored to his Estate, was then in *Rome* in a very low Condition; and after *Gregory's* Death perceiving, that the new Pope was no Friend of the Queen's, he began to treat with him about his inviting *Charles* of *Durazzo* to attack the Kingdom, assuring him, that the Undertaking would be easy, and could not fail of a prosperous Success; because he had Advice from *Naples*, that the whole Kingdom was dissatisfied, and afraid of falling into the Hands of *Otho*; and that it was the earnest Desire of the Barons and Noble *Neapolitans* to see *Charles* of *Durazzo* the only Branch of the Family of *Anjou* in the Kingdom; and so much the more, because in the Service of the King of *Hungary*, he had become famous in the Art of War, not only by his personal Bravery, but likewise by his Conduct. With these Arguments it was no hard matter to persuade the Pope to do that, for which of himself he had the greatest Inclination; and therefore without delay *Urban* sent to invite *Charles*, who was in *Italy* making War in the *Trivigiano* against the *Venetians*, to come with a Body of Troops to *Rome*, because he had resolved to dethrone Queen *Joan*, and shut her up in a Monastery, and to give him the Investiture and Possession of the Kingdom ³. *Charles* at first received the Invitation very coldly, because the Regard he had for the Queen, and the Favours he had received from her, which deserved a grateful Return, straitened him on the one hand, and on the other the Difficulty of the Undertaking, being afraid, that if he should leave the King of *Hungary* in the Heat of that War, he could not expect to be assisted by him.

THIS underhand Dealing could not be kept so secret, as not to come to the Queen's Knowledge in *Naples*; whereupon she shut herself up with her Council, and consulted how to guard against it. Our Lawyer *Niccolo di Napoli*, a daring Man, and of great Sway in the Council, who bore the Pope a private Grudge, said, that the best Expedient that could be thought of to divert the Pope from this Enterprize, was to excite the Cardinals to make a new Election: this Proposal being approved of by *Onorato Gaetano* Count of *Fondi*, a very powerful Man in *Campagna di Roma*, and who having been Vicar General, and Governor of all the Ecclesiastical State of *Compagna* while the Apostolical See had been in *France*, in order to be restored to his former Posts, wanted to have the Pope's Court fixed any where but in *Italy*: it was agreed, and resolved upon, that a Council should be held in the City of *Fondi*. The *French* Cardinals, who in all haste had gone to *Avignon*, met there, and declar'd, that *Urban's* Election was void, as made contrary to their Inclinations and the usual Method; so that they no sooner heard of what had passed in *Naples*, than they all came to *Fondi*, where they had appointed the three *Italian* Cardinals to meet them; and at last on the twentieth of *September* having enter'd the Conclave, after a great deal of pains to remove all Dispute with the *Italian* Cardinals about the Election, and after having declared *Urban's* Election void, the Cardinal of *Florence* proposed to elect *Robert* Cardinal of *Geneva*, a *German* by Birth. All the Cardinals, except the three *Italians*, gave their Votes ⁴; he took the Name of *Clement VII.* and was crowned on the twenty first Day of the same Month. He was Brother to *Amadeus* Count of *Geneva*, and had been Bishop of *Tervana*, and afterwards of *Cambray*, and had been made Cardinal by *Gregory XI.* and now began the Schism. *Urban* with the Cardinal of *S. Sabina* alone kept Possession of *Rome*, but *Castel S.*

¹ Theod. a Niem. de Schism. lib. 1. loc. cit. V. |
Baluz. loc. cit. pag. 1124.

² Theodor. lib. 1. cap. 7 & 8.

³ Idem loc. cit. cap. 21. Baluz. loc. cit. pag. 1127.

⁴ V. Baluz. loc. cit. pag. 1098, 1237, & 1298.

Angelo stood it out for *Clement*. The *Romans* besieged it, and at last took and demolished it. *Urban* immediately made a new Election of Cardinals, and wrote to all the Princes and Republicks of *Christendom*, notifying, that the Rebellion of the Cardinals was on account of their Wickedness, and not, that they doubted of his being lawfully created Christ's Vicar; and he persuaded them all, to look upon the Pope whom they had elected as Antipope, and them as Hereticks and Schismatics, and deprived of all Dignity and Holy Orders; declaring likewise, that this Rebellion was owing to the Fear the Cardinals had of a Reformation, which he intended to make, upon account of their wicked Lives. The Cardinals, which he made, were for the most part *Neapolitans*, and among the rest Friar *Niccolo Caracciolo* a *Dominican*, Inquisitor of *Sicily*, *Filippo Caraffa* Bishop of *Bologna*, *Guglielmo da Capua*, *Gentile di Sangro*, *Stefano Sanseverino*, *Marino del Giudice di Amalfi* Archbishop of *Taranto* and Chamberlain of the Apostolical See, and *Fraancesco Prignano* his own Nephew; and to strengthen his Interest in the Kingdom of *Naples*, he bestow'd upon them and their Adherents all the principal Churches and other Ecclesiastical Dignities in the Kingdom. Moreover in order to sow Dissention in the City of *Naples*, he deprived *Bernard de Montore* a *Burgundian* of the Archbishoprick of that City, and bestow'd it upon the Abbot *Bozzuto*, a Gentleman of great Authority and Parentage in the City; and at last he sent the Duke of *Andria* for *Charles* of *Durazzo*, who was then in *Frioli*. Upon this second Invitation *Charles* was a little more pliable than formerly, because he had receiv'd Advice from *Naples*, that the Queen, having conceiv'd a Jealousy of him, had bestow'd many Favours upon *Robert* of *Artois*, who was the Husband of *Margaret's* eldest Sister; so that being now jealous in his turn, he promised the Duke that he would come, provided the Pope would engage to obtain his Liberty, and some Favour and Assistance from the King of *Hungary*, because he had no Forces of his own, but about a hundred *Neapolitan* Horse, who had always serv'd with him in that War; and in the mean time he was making ready to go to *Rome*, as soon as ever he should hear from the King of *Hungary*.

URBAN having thus set the City of *Naples* at variance, in which he did not much confide, he drew to his Party many other Cities, Provinces, and Kingdoms. Almost all the Cities of *Tuscany*, *Lombardy*, together with the *Romans*, acknowledged him as Pope. *Germany* and *Bokemia* sided with him, *Lewis* King of *Hungary* acknowledged him; *Poland*, *Prussia*, *Denmark*, *Sweden* and *Norway* follow'd the Example of *Germany*; and in *England*, Deputies from the two contending Parties being heard in Parliament, *Urban's* Election was approv'd, and that of *Clement* rejected.

ON the other hand Pope *Clement* was acknowledged in *France*, *Scotland*, *Lorrain*, *Savoie*, and *Spain*, which last, tho' at first it espoused the Cause of *Urban*, yet afterwards it declar'd for *Clement*; but above all he was acknowledged and favoured by our Queen *Joan*; and when *Clement* left *Fondi*, and came to *Naples*, she receiv'd him most magnificently in *Casfel del Uovo*; and to do him Honour, she caused a Bridge of a great Length to be built in the Sea, where he alighted. The Queen, with all those that had gone to meet *Clement*, convened under the great Arch of the Castle, which was adorned with rich Tapestry, and there placed the Pontifical Chair in the usual manner; in which the Pope was no sooner seated, than the Queen, with Prince *Otho*, went and kissed his Foot, and after them *Robert* of *Artois*, with the Dutchess of *Durazzo* his Wife did the same, as also *Agnes* the Widow of the Lord of *Verona*, who had retir'd to *Naples*; and lastly *Margaret* of *Durazzo* her Sister, the Wife of *Charles* of *Durazzo*, who was then living in *Naples*: and then a great Number of Knights, Barons, Ladies, and young Gentlewomen richly clothed, likewise kissed his Foot; and afterwards having gone up to the Apartments of the Castle, the Pope with all the Cardinals were nobly lodged, and for several Days there was nothing but feasting and Rejoicings; and at the Queen's Desire the Pope made *Gerardo di Gifoni*, General of the Friars Minors, a Cardinal.

BUT in the midst of all this Mirth in *Casfel del Uovo*, the People of *Naples* began to murmur; though perhaps they would have been quiet, if they had seen that the Queen with greater Confidence had receiv'd the Pope in the City, and made the common People (who are always greedy of new Sights) partake of these Feasts; for it seem'd to many, who were of a factious Disposition, that the Queen, as conscious of her Error, durst not make that Shew in publick; therefore they

exclaim'd against her, that by the bad Counsel of her Ministers, pushed on by their own Passions, she had a mind to support an Anti-pope of a foreign Nation, and to the great Scandal of all the World, to nourish a Schism against the Apostolical See, which had always favour'd her and her Predecessors, and against a *Neapolitan* Pope, from whom they had reason to expect both Honour and Profit; and as 'tis customary with the Vulgar, they spoke both licentiously and disrespectfully; and one of these Days it happen'd, that on the *Piazza Sellaria* a Tradesman speaking impudently against the Queen, he was reprimanded by *Andrea Raxignano* a Nobleman of *Porta Nova*; but the Tradesman persisting to say worse things than he had done before, *Andrea* rode up to him, and with a Blow beat out one of his Eyes; whereupon the People of that Street in great Rage rose up in Arms; and at the same time a Taylor came from the Piazza of *Scalezia*, named *Brigante*, Nephew to the said Tradesman, a seditious and insolent Man, who finding the People in Arms, with a loud Voice cry'd out, *God save Pope Urban*; and being follow'd by the Mob through all the lower Parts of the City, they plunder'd the Houses of all the *Ultramontans*, who liv'd there. Then the Abbot *Luigi Bozuto*, who, as we have observ'd, had been made Archbishop of *Naples* by Pope *Urban*, and had kept privately in his House for fear of the Queen, nor had he dar'd to take Possession of the Archbishoprick, came out, and with the Assistance of the Mob took Possession of the Church, and of the Episcopal Palace, by turning out Archbishop *Bernard's* Family.

THIS Mutiny in *Naples* with the Pillage of so many Houses in the neighbouring Villages, had so terrified *Clement*, that though the Nobility and the chief Inhabitants had taken Arms and quell'd the Commotion, and, to shew their readiness to serve the Queen and the Pope, had gone to wait upon them in the Castle, and offer'd to stand by them; yet all that was not sufficient to stop the Pope; but with his Cardinals he took shipping, and went first to *Gaeta*, and then to *Avignon*, where he re-established the Pontifical See, and where for a long time he was obey'd not only by *France*, but by *Spain*, *Scotland*, *Lorrain* and *Savoy*.

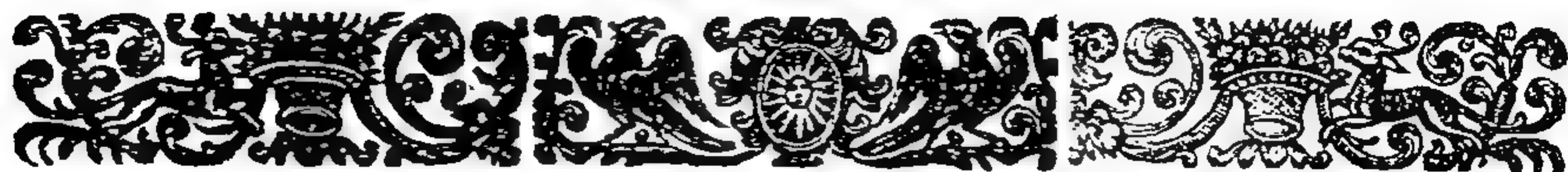
ALTHOUGH these Commotions had very much disturbed the Queen, yet with her usual Courage, relying on the Nobility, who had so readily put a stop to the Fury of the People, she ordered *Raimondo Ursino* the Count of *Nola's* Son, and *Stefano Ganga* Deputy of the Vicariate, with a good Body of Men to go out against the Robbers of the adjacent Parts of the City; and after they had cut a great Number of them in pieces, and taken many, who had their Flesh torn off with red-hot Pincers, and were afterwards quartered, they returned to the City, and by the Queen's Order went to *Bozuto's* House; but he being fled, and finding that the People had laid down their Arms, they caused his House in the *Seggio Capuana* to be pulled down, and his Lands to be laid waste. *Brigante*, with some other Heads of the Sedition, were immediately hang'd; so that the Commonalty, seiz'd with Fear, shut themselves up in their Houses.

NOT long after the City of *Naples* was again in Arms and Confusion, on account of a Dispute between the Nobility of the *Seggi* of *Capuana* and *Nido*, and those of *Portanova*, *Porto*, and *Montagna*; those of *Capuana* and *Nido* pretending, that by virtue of a Sentence of King *Robert's*, they had been prefer'd as well in the publick Deeds, as in the Government of publick Affairs to all the Nobility of the other three *Seggi*, whom out of Derision they call'd *Mediani* (middling Nobility) as if they had been a second State, betwixt the Nobility and the Commons. On the other hand the Nobility of the three *Seggi* framed a Genealogy of the Families of the other two, and made them to be of very mean Extractions, by deriving them originally from the Coast of *Amalfi*, and the Villages and Places in that Neighbourhood, where, as they said, their Relations were still Mechanicks. From Reproaches they proceeded to Blows, the Result of which was a great Slaughter on both Sides, and the City put into Disorder and Confusion. The poor Queen, who had Matters of greater Consequence to trouble her, and who had sent Prince *Otho* to *S. Germano*, in order to avert the impending Storm, was then unwilling to punish the Authors of this Tumult and Slaughter: but it being of great Importance to her to apply a speedy Remedy, she published an Indemnity, whereby she ordain'd, that both Parties should take an Oath from the Hands of *Ugo Sanseverino* Great Protonotary of the Kingdom to live quietly, and not to molest one another, and pardoned all those concerned in the late Commotion and Slaughter, till the Return of the Prince her Husband, when an end should be put to all these Disputes. This Indemnity, which is

mention'd by *Pier Vincenti* ¹ in his *Teatro de Protonotari*, and likewise recorded by *Summonte* ² in his History, was drawn up in *Castel Nuovo* by *Facio da Perugia* a Lawyer and Vice-Protonotary of the Kingdom, on the third of *September*, 1380.

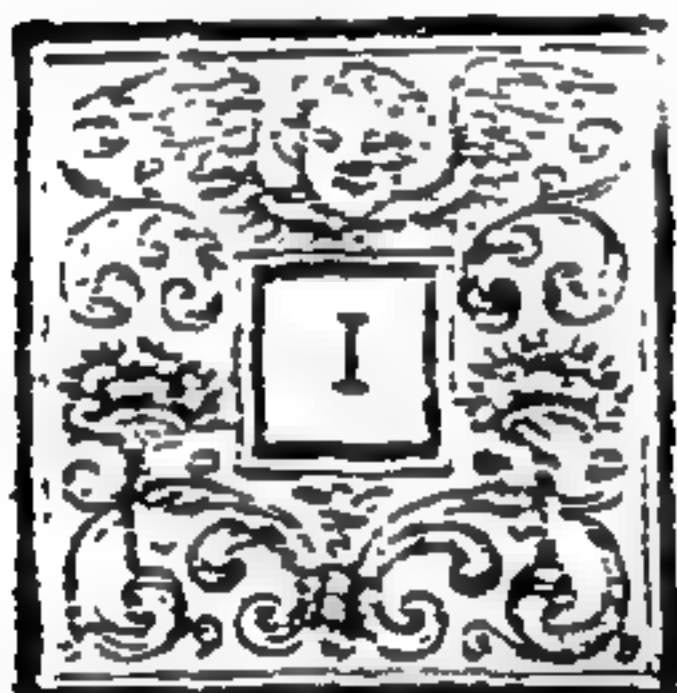
¹ Vincenti in Teatr. Ugo Sanseverin,

² Summonte par. 2. cap. 3. pag. 457.



CHAP. V.

Charles of Durazzo is crowned King by Pope Urban, who deposes Queen Joan, and she adopts for her Son Lewis of Anjou, Brother to Charles V. King of France. Charles of Durazzo invades the Kingdom, defeats Otho, and makes the Queen Prisoner, whom he afterwards puts to Death.



IN the mean time *Margaret of Durazzo*, having secret Advice that her Husband had got the King of *Hungary's* Consent, and was preparing to go to *Rome*, ask'd a safe Conduct of the Queen to go to *Friuli* to her Husband; and the Queen, whether out of Greatness of Soul, or that she did not know for certain that *Charles* intended to invade her Kingdom, or that she might not provoke him, gave her what she demanded, and sent her away with an honourable Convoy; of which she had good reason more than once to repent, having had it in her power to detain her and her two Children *Ladislaus* and *Joan*, who both reign'd afterwards, and to have made use of them as Hostages in the Misfortunes which afterwards happened to her.

CHARLES, having obtain'd Leave of the King of *Hungary*, was at last come to *Rome*, where he was joyfully receiv'd by *Urban*. This Pope in the Month of *July* of the preceding Year 1370, had published a Bull ¹, whereby he declared Queen *Joan* excommunicated, a Schismatick, and accursed, depriving her of the Kingdom, and of all Possessions and Fiefs which she held of the Church of *Rome*, of the Empire, or of any Church, or Ecclesiastical Person, and absolved her Vassals from their Oaths of Fidelity, and ordered them never any more to obey her ²; so that upon *Charles's* Arrival in *Rome*, on the first Day of *June* 1380, he gave him the Investiture of the Kingdom by a Bull drawn up for that Purpose, and declared him King of *Naples* and *Jerusalem*, and anointed and crowned him ³. And *Charles*, with the Money he had got from the King of *Hungary*, list'd a great Number of Soldiers; but the Pope would not allow him to depart from *Rome*, till he had first given the Writ of Investiture of the Principality of *Capua*, and of many other Lands, to *Butillo Prignano* his Nephew. The Pope having got the Investiture for his Nephew, immediately sent for Count *Allerico Barbiano*, who was then a Soldier of Fortune in *Italy*, and had a good Body of Troops under his Command, and engaged the Count with his Troops in his own Service, and ordered them to join *Charles*; and he likewise sent with him the Cardinal *di Sangro* as Apostolical Legate, hoping, by the Conquest of the Kingdom, to have a good Share of it for his other Relations.

¹ Chiocearelli in MS. Giurif. tom. 1

² Cossanzo lib. 7.

³ Rainald. anno 1380 § 2

ON the other hand the Queen being assured of *Charles's* Coronation, presently sent for *Otho* her Husband, who was then at *Taranto*, and caus'd all the Barons of the Kingdom to be summon'd to their usual Service; and having conven'd the Magistrates of the City, she publish'd the coming of the Enemy, and obtain'd of the City a small Subsidy for putting in order and paying the Soldiers, which Prince *Otho* had brought with him from *Puglia*. But upon this Occasion it was found, that *Charles's* Party was very strong in the Kingdom, and that the many chief Families which Pope *Urban* had rais'd and adorn'd with the red Hat, oppos'd her with all their Might; and it was known too late, that the Queen had not sufficiently guarded against his Artifices, which should have been when *Clement* was in *Naples*, to have got him to make a great many *Neapolitan* Cardinals, who would have stood firm to her Interest, and not have contented herself with having got one single Friar made a Cardinal, from whom nothing could be expected. The Queen therefore diffident of her being able to stand her Ground with what Forces she had, fell upon an Expedient which proved very fatal and lamentable to this Kingdom, and which was the Occasion of the so many Revolutions and Calamities, which it suffered for two Ages following¹; and it was this, she sent the Count of *Caserta* to *France* to ask Assistance of King *John I.* of *France*, and to engage him the more, she sent Letters of Adoption in favour of the Duke of *Anjou* one of the King's Sons, named *Lewis*, and Brother to *Charles V.* King of *France* *John's* Successor, whereby she made him her Heir and lawful Successor of the Kingdom, and of her other Dominions; and she ordered the Count to procure the Consent of Pope *Clement* to this Adoption, who by his Bull dated the thirtieth of *May* 1382, gave the Investiture of the Kingdom to *Lewis* and Queen *Joan*, that is to say, to her during Life, and to *Lewis* for ever²; she likewise sent to *Provence*, and ordered ten Gallies which she had there to be fitted out in all haste and sent to *Naples*, that upon any emergent Occasion she might make use of the same Shift, which had so well succeeded upon the King of *Hungary's* Invasion.

THIS Step of the Queen's alienated the Minds of many from her; for though in general they had a great Esteem for her, yet when they knew of the Count of *Caserta's* going to *France*, and the Queen's Intention, they were much more desirous to have for their Lord *Charles* of *Durazzo*, born and brought up in the Kingdom, and a Blood Relation of many of the chief Lords and Barons thereof, than to have a new *French* Lord set over them, who of course would bring with him new *Ultramontans*, whom he would be obliged to enrich with the Estates and Goods of the Natives. Whence it came to pass, that when Prince *Otho* went to *S. Germano* to make Head against *Charles*, who was marching that Way, he was followed by very few Barons, insomuch, that without seeing the Enemy, he was forced to abandon the Pass, and to retire with all his Men to *Arienzo*. But *Charles* would not take the direct Road to *Naples*, judging it much better to go and find out the Enemy, and to beat them in the open Field, and thereby put an end to the War in one Day; for which end he marched to *Cimitile* near *Nola*, where the Count of *Nola* waited upon him, and received him as King. Prince *Otho* removed his Camp, and posted himself between *Cancello* and *Maddaloni*; and though *Charles* advanced in order of Battel to fight him, yet he kept close in his Camp, and by the Way of *Acerra* and *Salice* retired towards *Naples*; and *Charles* by the Road between *Marigliano* and *Somma* directed also his march towards *Naples*; so that upon the sixteenth of *July* 1381 about eleven of the Clock in the Forenoon he arrived with his whole Army at the Bridge of *Sebeto* without the Gate *del Mercato*, at the same time that the Prince arrived and encamped at *Casa Nova* without the Gate *Capuana*. These two Armies were encamped within Sight of one another; there were in *Charles's* Camp the Cardinal *di Sangro* Apollolick Legate, Count *Alberico* Captain General of the Pope's Troops, the Duke of *Andria* the Pope's Nephew, who took the Title of Prince of *Capua*, *Giaunotto* Protogiudice, who by his great Virtue and Experience in War had been made High Constable of the Kingdom by *Charles*, *Roberto Ursino* eldest Son of the Count of *Nola*, and many other Barons and *Neapolitan* Knights³ and other Soldiers of Fortune: There were not so many Barons in the Prince's Camp, but a great many private *Neapolitan* Gentlemen, and abundance of People of lower Rank, because the Queen would have

¹ Scip. Ammir. in his Ritratti speaking of Queen Joan I.

² Chiocc. MS. Giurisd. tom. 1.

³ Costanzo lib. 7.

those of greatest Credit to remain in *Naples*. The two Armies stood for the Space of three Hours, expecting one another's Motion; for *Charles* was then in suspense, not knowing the Inclinations of the People of *Naples*, whom it was not safe for him to attack, if they were still faithful to the Queen; but when he understood that the City was in the utmost Confusion, being divided into three different Factions, one of which was for him to be King, another cried out for the Pope, and the third sided with the Queen: Then *Palamede Bozzuto*, and *Martuccio Ajes*, two *Napolitan* Knights and Captains of Horse advanced with their Troops, and being guided by some of those who had come out of the City, they moved to the Sea-side, waded and entered the Gate *della Conceria*; for those within having trusted to its being washed by the Sea, it was neither lock'd, nor guarded; and from thence having marched to the Market-place, with a great Huzza they called aloud, *God save King Charles of Durazzo and Pope Urban*, and being followed by those who were on the Market-place, they easily beat off the Queen's Party, and forced them to retire to the Castle, while they opened the Gate *del Mercato*, at which *Charles* with all his Army entered, and having posted a strong Guard at that Gate, he marched to the Gate *Capuana*, where he also posted a good Guard, and sent another to that of *S. Januario*, while he with the rest of the Army took their Quarters at *S. Clara*; so that they could hinder the Enemy from entering by the Gates *Donorob* and *Reale*. Prince *Orso* having Advice that *Charles's* Cavalry were got into the City, marched with his Army to attack the Enemy's Rear-guard, but finding the Gates shut, he retired that same Evening to *Sicciano* a Village near *Margliano*.

THE next Day *Charles* laid Siege to *Castel Nuovo*, whither, besides the Duchess of *Durazzo*, with *Robert* of *Artois* her Husband, almost all the Ladies of the best Quality had flocked, who, because of their sincere Affection for the Queen, were afraid of being ill us'd; there were likewise there a vast Number of Noblemen with their Families, which occasioned so sudden Destruction; for the Queen, partly out of the Mildness of her Disposition, and partly because she hop'd, that the Gallies of *Provence* would quickly arrive, received and fed them all with the Provisions of the Castle, which perhaps would have been sufficient for the Garrison for six Months, but were consumed in one. The Prince, who during this Siege left no Means unattempted for relieving the Queen, returned to the Marshes of *Naples*, thinking that *Charles* would come out and fight him; but his Officers would not let him stir, because it was more for his purpose, that the Body of the Army should guard the City, and keep the Castle close block'd up, whither they knew so many People had retired, that in a short time they would be reduced to Famine, and forced to surrender; so that the Prince finding that all his Endeavours were to no purpose, retired to *Aversa*.

IN the mean time the Queen began to be in want of Provisions, and she had no other Hopes, but in the coming of the Gallies, with which she not only designed to make her escape, but to go in Person to persuade the King of *France* and Pope *Clement* to give her powerful Assistance, in order to return with her adopted Son, and drive out the Enemy. But the Gallies not appearing, and the Castle being reduced to great Straits for want of Provisions, on the twentieth of *August* the Queen sent *Ugo Sanseverino* Great Protonotary of the Kingdom to capitulate with King *Charles*, and to treat about a Truce, or some sort of Agreement. The King, who grounded all his Hopes upon the Queen's Necessities, though he gave *Sanseverino* an honourable Reception, because he was his Kinsman, yet he would give no longer delay than five Days, during which time, if the Prince did not come to relieve the Castle, and raise the Siege, the Queen must deliver herself up into his Hands; and *Sanseverino* being returned with these Conditions, *Charles* sent after him some Servants with a Present to the Queen of some Fowl, Fruit, and other Eatables, and ordered daily to be sent whatever she should think fit to command for her own Table, thereby thinking to induce her to surrender the more patiently, and with the greater Confidence; but what is more he sent to visit her, and to excuse himself, that he had sincerely esteemed her as Queen, and would continue to do so, and respect her; that he would not have taken the Kingdom by force of Arms, but would have waited till it had fallen to him by Succession, if he had not seen that the Prince her Husband, besides his having fortified so many important Cities of the Principality of *Taranto*, kept up a powerful Army; whence it appeared very plain, that he would have been in a Condition to keep Possession of the Kingdom, and to de-

prive him the only Branch of the Race of King *Charles* I. and that therefore he was come more to secure himself against the Prince, than to turn her out of the Throne, in which he was rather resolv'd to maintain her. The Queen seem'd to thank him, but at the same time sent to hasten the Prince to come and relieve her within the five Days; the twenty fourth of the Month had pass'd, and the next Morning, which was the last Day of the five, the Prince with all his Army march'd by the way of *Piedigrotta*, and when he had pass'd *Echia*, he began to beat down the Barricadœ made by King *Charles*, in order to send a Relief of Men and Provisions into the Castle; but King *Charles* march'd immediately and met him with his Army in order, and the Signal for Battel being given on both Sides, they fought with so much Bravery, that for a great while the Victory was doubtful; at last the Prince, who could not bear to be disappointed in his Hopes of such a Kingdom, rush'd forward towards King *Charles's* Royal Standard with so much Boldness, that none durst follow him; so that being surrounded with the best of the Enemy's Cavalry he was forced to surrender, and by his being made Prisoner his Army was routed. The next Day the Queen sent *Ugo Sanseverino* to surrender, and to beg of the Conqueror to take those who were in the Castle with her under his Protection. The same Day the King with his Guard and *Sanseverino* enter'd the Castle, and saluted the Queen, assuring her that he would perform whatever he had promis'd, and would have her to remain in an Apartment of the Castle, not as Prisoner, but as Queen, and to be serv'd by the same Servants as formerly.

THE Month being ended, on the first of *September* the ten *Provensal* Gallies under the Command of the Count of *Caserta* appear'd, in order to take the Queen and conduct her to *France*. King *Charles* went to visit the Queen, and to beg of her, that since she knew his Intention, she would be pleas'd to do him the Favour to make him her universal Heir, and likewise after her Death to yield to him her Dominions in *France*, and to send and order those *Provensals* that were in the Gallies to come ashore, as Friends; but the Queen suspecting that this smooth Behaviour was nothing but Artifice, and likewise calling to mind the Compact she had made with the King of *France*, by adopting *Lewis* Duke of *Anjou* his second Son, she also had a Mind to dissemble, and said, That if he would send a safe Conduct to the Captains of the Gallies, she would speak to them, and endeavour to persuade them to own their Subjection to him; the King immediately sent the safe Conduct, and being deceiv'd by the Queen's Countenance, who seem'd willing to please him, he allow'd the *Provensals* to enter her Chamber, without being present himself, or any Person for him. As soon as they were enter'd the Queen spok to them thus:

“ Both the Behaviour of my Ancestors, and the sacred Tie under which the County
 “ of *Provence* was to my Crown, required greater Dispatch than you have made
 “ in coming to relieve me, who, after having suffer'd all those Hardships, which
 “ are not only grievous to Women, but to the most robust Soldiers, even to the
 “ eating of the filthy Flesh of unclean Animals, have been forc'd to deliver my self
 “ up into the Hands of a most cruel Enemy; but if this, as I believe, has been
 “ through Negligence, and not out of any ill Intention, I conjure you, if there
 “ be remaining in you the least Spark of Affection towards me, or the smallest Re-
 “ membrance of your Oaths, and of the Favours you have receiv'd from me, that
 “ by no Means you ever accept of this ungrateful Robber for your Lord, who
 “ from a Queen has made me a Slave; and even if ever any Writing shall be men-
 “ tion'd to you, or shewn you, whereby I may have appointed him my Heir, don't
 “ believe it, but look upon it as forg'd, or extorted from me against my Inclinati-
 “ on; because my Will is, that you should have the Duke of *Anjou* for your Lord,
 “ not only in the County of *Provence*, and my other Dominions beyond the Moun-
 “ tains, but likewise in this Kingdom, to all which I have already appointed him
 “ Heir, and to be my Champion, in order to revenge this Treason and Violence;
 “ go then and obey him, and if you are not void of all Sense of Gratitude for the
 “ Love I have shew'd your Nation, and of Pity for a Queen under such Calamity,
 “ you will go and take Revenge with your Arms, and pray to God for my Soul;
 “ and I not only advise you to do so, but as you are as yet my Subjects, I command
 “ you.” The *Provensals* with sad Lamentation excus'd themselves, and appear'd
 most sensibly affected with her Captivity, and promis'd to do what she had order'd
 them, and then return'd aboard of their Gallies, and set sail for *Provence*, where
 they were no sooner arriv'd, than the Count of *Caserta* went directly to wait upon
 the Duke of *Anjou*. King *Charles* being return'd to the Queen to know what An-
 VOL. II. U u u swer

swer the *Provençals* had given, and finding that it was not to his Mind, he began to take another Course, by placing Guards about the Queen, and keeping her as Prisoner, and in a few Days after he lent her to the Castle of the City of *Muro* in the *Basilicata*, which was his own Patrimony; and Prince *Otho* was sent to the Castle of *Altamura*, and after the City of *Naples* and all the Barons had sworn Allegiance to the King in the Archbishop's Palace, he took the Oath of Homage to the Apostolick See from the Hands of the Cardinal *di Sangro* the Legate. Then he wrote to the King of *Hungary*, giving him an Account of all that had pass'd, and ask'd how he should dispose of *Jean*; and it was answered, That she ought to be treated after the same manner as the late King *Andrew* had been; which, as a notable Instance of the greatest Cruelty, the Year following 1382 was put in execution¹, he having caused her to be smother'd with a Bolster in the Castle of *Muro*², and ordered her Body to be brought to *Naples*, and to be kept seven Days unburied in the Church of *S. Clara*, in order to be seen by every Body, and to put her Partizans out of all Hopes; then she was buried in a Place between the Sepulchre of the Duke her Father, and the Door of the Vestry without any Pomp, under a fine Tomb, which is to be seen at this Day.

SUCH was the End of Queen *Jean I.* a most excellent Lady, who, being brought up under the Tuition of King *Robert*, and of the virtuous and prudent Queen *Sancia*, govern'd the Kingdom in time of Peace with so much Prudence and Justice, that she acquired the Name of the wisest Queen that ever sat upon a Throne, as is clearly evinc'd by the few Laws she left, all of them fram'd for restoring the antient Discipline both in the Tribunals and Magistracy; and by the Testimony of two famous Lawyers who flourish'd in her Time, viz. *Baldo*, and *Angelo da Perugia*, who in their Works highly commend her. And though then by the Vulgar, and afterwards by some Writers she had been charged with having had a Hand in the Death of *Andrew* her first Husband; nevertheless from the many Proofs which she gave of her Innocence, the best and wisest Men of those Times look'd upon her to be altogether innocent; and the Character which *Angelo* gives her in his *Adversus*³, is a most convincing Argument of it, wherein he calls her, *Most Pious, an Ornament to the World, and the Glory of Italy*; which Epithet, as *Costanzo* very justly observes⁴, so famous and excellent a Doctor would have been very loth to have given her, if at that time the most judicious Men had not believ'd her to be innocent; since, if he had spoken it by way of *Antiphrasis*, every body would have taken it for Banter. But excepting this Blemish, with which those Writers pretended to stain her Reputation, in all the rest of her Life it was never known that she was guilty of any dishonourable or unchaste Action. Besides *Collenuccio*, *Scipione Ammirato* says⁵, That her marrying so many Husbands proceeded more from a Desire of leaving a Successor of her own Body, than of living under the sacred Tie of Matrimony, she being accustomed to satisfy her Lust another Way. But the grave and discreet *Costanzo*, as if he had a Mind to rebuke him, writes, That her taking so many Husbands was rather a Token of her Chastity; because those Women who resolve to satiate their Lusts, desire no Husbands, as being Obstacles to their Designs, and especially such as she took, who, except *Andrew*, were most gallant and prudent Men. All the time that she reign'd it was never known that ever she had any Courtier or Baron, on whom she bestow'd such extraordinary Favours, as to make her be suspected of lewd Conversation. Only *Boccaccio* writes, That in her Youth, and the beginning of her Reign, the Son of *Filippa Catanse* the Nurse of her Father the Duke of *Calabria*, and who had brought her up from the Cradle, was very much in her good Graces; but it is very surprising, that during all the rest of her Life, after she began to reign, she should be able to manage so artfully, that though she was daily conversing familiarly with Barons, Officers of her Army, Counsellors, and other Ministers, yet with such an unblemish'd Character, that her greatest Enemies could never see any thing wherewithal to reproach her, though Men are apt to put the worst Construction upon every thing, and to question all sincere Virtue. Neither does *Collenuccio* tell Truth, not only in charging the Queen with Incontinence, but likewise *Mary* Duchess of *Durazzo* her Sister, for whom he fancied that *Boccaccio* wrote those two Books, *Il Filocolo*, and

¹ V. Balaz. in Notis ad Vitas PP. Aven. tom. 1. pag. 1157.

² Felyn. Epit. de Regno Apulizæ, & Sicilizæ cap. 2. Grammat. decis. 1. num. 23, 27.

³ Angel. conf. 110.

⁴ Costanzo lib. 7.

⁵ Ammirat. in bis Ritratti (Characters.)

⁶ Costanzo lib. 7.

La Fiammetta, and that her Head was struck off by King *Charles*; whereas *Mary*, as may be seen upon her Tomb in *S. Clara*, died some Years before, Wife of *Philip* Prince of *Taranto*; and it was not for her that *Boccaccio* wrote the *Filocolo*, but for *Mary*, the Bastard Daughter of King *Robert*, with whom he fell in Love in the Church of *S. Lorenzo*, as is evident from the beginning of the said Book; neither could it be this *Mary* Duchess of *Durazzo*, because *Boccaccio* was well advanced in Years, when she was in the Flower of her Age.

JOAN, according to the Character given her by *Angelo da Perugia*, was very religious; and the Monuments, which she has left us in *Naples*, are Proofs of her great Piety and Devotion. She built the Church and Hospital of *S. Maria Coronata*, where formerly a Court of Justice was held, and put them under the Direction of the *Carthusian Monks*; she built the Church and Hospital of *S. Antonio di Vienna* without the Gate *Capuana*, and endowed them with great Revenues; and she beautified and enlarged the Church and Monastery of *S. Martin* upon the Mount of *S. Eramo*.

THERE are some Writers who have blam'd her for having favoured the Schism against *Urban VI.* and adher'd to *Clement*. But if she committed any Error in that, it was not with regard to Religion, but to Policy, for her having thus so highly enrag'd *Urban*, and made him her implacable Enemy, was her utter Ruin. Her not having acknowledged him for true Pope, was not an Error in her alone, but in almost the half of *Europe*, which did not own him as such. His Election was look'd upon to be void and null by the most knowing Divines, as proceeding from Fear, and the Violence made use of by the People of *Rome* against the Cardinals in the Conclave.

AND though our Lawyer *Baldo* being in *Tuscany*, where *Urban* was acknowledged, and soon after this Election, having been desired, wrote his famous Consultation about the Validity of the Election; nevertheless the best Divines of *France* look'd upon *Clement's* Election to be valid, and that of *Urban's* null; and the greatest part of the *French* Writers were of the same Opinion: And in our time *Stefano Baluzio* in his Notes upon the Lives of the Popes of *Avignon*¹ maintains *Clement's* Cause against *Urban*; and retorting the Argument upon the *Italian* Writers, he brings the same against Pope *Urban* of *Rome*, that they had written against the Popes of *Avignon*; that *Urban* was a sham Pope, a Liar, Cruel, Proud, Inexorable, and Furious, and that he never would refer the Case of his Election to the Decision of a general Council². *Froffard*³, a famous Writer of the Affairs of *France*, tho' he ought not to be followed in what he writes concerning our Kingdom, as being a Stranger, and not well inform'd of the Affairs thereof, says, That the King of *France* having been advis'd of Pope *Clement's* Election, caus'd immediately the Estates of the Kingdom to be summon'd, and especially the Divines, in this Contrariety of Opinion to examine which of the two Popes was to be obey'd: The Matter was long debated, and at last the King's Brothers, the Peers, the Ecclesiasticks, and a great Number of Divines determined, that they ought to acknowledge *Clement*, and not *Urban*, as being elected by Force. The King was pleas'd with the Decision, which was publish'd, and dispers'd over all the Kingdom of *France*, that the People might know which of the two Popes they ought to acknowledge for the lawful one. Though *Spain* at first acknowledg'd *Urban*, yet being inform'd of the Violence made use of in the Election, afterwards acknowledg'd *Clement* for the true Pope⁴. The Count of *Savoy*, the Duke of *Milan*, and the *Scots* did the same; and the Province of *Hainault* in *Flanders* would neither acknowledge the one nor the other. Therefore what we have said in the eleventh Book of this History concerning the other famous Schism in the Reign of King *Roger* between *Innocent II.* and *Adrian* happens to be to the Purpose; and likewise what *S. Antoninus*⁵ Archbishop of *Florence* lays down for a Rule in the like doubtful Cases, who does not impute it as an Error in *S. Vincenzo Ferreri* his having sided with *Benedict XIII.* *Clement's* Successor. And *Niccolo Tedesco*, commonly call'd *Abbas Panormitanus*⁶, the Cardinal *Zabarella*⁷, and Cardinal *Gaetano*⁸ likewise maintained, that those

¹ Baluz. tom. 1. pag. 1093. & seq. usque ad 1104, & pag. 1182. usque ad pag. 1192.

² V. Baluz. tom. 1. pag. 1278, 1459, 1036, 1101, 1126, 1369 & 1474.

³ Paul. Æmil. lib. 9. de reb. in Gallia gest. Froffard. hist. lib. 2.

⁴ Paul. Æmil. lib. 9. de reb. in Gallia gest.

⁵ S. Antonin. par. 3. tit. 22. cap. 2. §. 2.

⁶ Panormit. in procem. Decret.

⁷ Zabarel. Tract. de Schismate pag. 569.

⁸ Cajet. Tract. de auth. Papæ, & Con. cap. 8.

who acknowledged *Clement* ought not to be reputed Schismaticks; and lastly, *Baluzio*¹ and *Lewis Maimburg*², against *Odorico Rainaldo*, make it appear, that as Men of the best Judgment did not take upon them to call *Urban* a false Pope, so neither did they use to call *Clement* an Antipope.

JOAN, with regard to Justice, was like her Father the Duke of *Calabria*; for, as far as the troublesome Times she lived in would bear, she took care to have severe and uncorrupted Magistrates, by chusing Men of the greatest Learning and Integrity that flourish'd in her Age; and in doubtful Cases of Law, and of Succession to Fiefs among the Barons, besides the Advice of her own best Lawyers, she likewise consulted the most famous foreign Lawyers that flourished at that time in *Italy*; of which we have a most clear Instance, when after the Death of *Andrea d'Isernia*, there having arisen a Doubt about feudal Succession with respect to uterine Brothers, the Queen sent to advise the Case with those two famous Lawyers, who flourished then in *Italy*, *Baldo* and *Angelo*, requiring them to give their real Opinions; to which they gave their Answer, which we read among *Angelo's* Consultations³. She was a great Lover of Men of Letters, and especially had the Lawyers and Universities much at Heart. She bestowed Honours and Pensions upon all those, who in the latter end of the Reign of her Grandfather King *Robert* had begun to flourish, and who in her own, though troublesome Reign, had advanced in Learning; among the rest she rais'd *Niccolo Spincilo di Napoli*; for besides giving him the County of *Gioja*, she made him High Chancellor of the Kingdom, and Steward of *Provence*, and employed him in the most weighty Affairs of State, such as Embassies, and Matters of the greatest Confidence. And she was so prudent and discreet in bestowing her Favours, that she was wont to say, that those Princes did ill, who taking into Favour and enriching some, left all the rest to pine away in Misery, and that Rewards and Benefits ought rather to be given moderately to many, than profusely to a few.

SHE was very careful to keep *Naples* well stored not only with things necessary for Life, but likewise for the Splendor and Ornament of the City. And in order thereto she encourag'd Merchants from all Nations to come thither with their Commodities; and in whatever Straits she was in, she never laid any heavy Duties upon them, as is usual for Kings, who are oppress'd by Invasions and Wars. There are still lasting Monuments of the Care she took, that Strangers in her time should be well us'd, and not be disturb'd; for which end she appointed the *French* and *Catalan* Streets, that these Nations being separated they might be the more quiet. She made between *Casfel Nuovo* and that of *Uovo*, a Street for the *Provensals*, which is now demolish'd, and where the Royal Palace is built; and she built a Piazza for the *Genese*, where now nothing but the Name remains. She was very moderate in her Table, and of a Beauty, which rather express'd Majesty than Wantonness and Effeminacy; and in fine, she spoke with such an agreeable Air, was so prudent in all her Proceedings, and so grave in all her Actions, that she seem'd truly to inherit the Spirit of the great *Robert* her Grandfather.

¹ Baluz. in Præfat. ad vitas Papar. Aven. tom. 1.

² Angelo conf. 110.

³ Maimburg Hist. Schis. Occiden. lib. 1, & 3.



T H E
CIVIL HISTORY
Of the KINGDOM of
N A P L E S.

B O O K XXIV.



CHARLES III. by the Defeat of Prince *Otho*, and by his and the Queen's Imprisonment, being fixed in the Throne, all the Barons sent immediately to do him Homage, excepting the Counts of *Fondi*, *Ariano*, and *Caserta*, who were firmly resolved to adhere to the Queen; but *Charles* little regarding them, set about purging the Kingdom, by turning out of it all the foreign Soldiers that had served under the Queen; then in order to regulate the Affairs of Justice, he sent Governors and proper Officers to all the Provinces and Cities of the Realm. The Count of *Nola Orsino* being at this time a great Favourite, persuaded the King to call a Parliament against the Month of *April* following 1382, in order to obtain a free Gift; and the King, who well knew that it was necessary to make some Provision, since he foresaw that the Duke of *Anjou* having been adopted by the Queen would not readily give up his Right, sent Letters summoning all the Barons to Parliament; and to make his Court to Pope *Urban*, he caus'd *Gerardo de Gifoni*, created a Cardinal by *Clement*, to be made Prisoner, and carried to *S. Clara*, where having publickly made him to be stripped of the Cardinal's Habit, and the Hat being taken off his Head, they were all thrown into a Fire, which for that purpose had been lighted in the middle of

the Church; he likewise made him abjure, and with the Tongue confess, that *Clement* was a false Pope, and himself an unlawful Cardinal, and then ordered him to be put in Prison, to be disposed of as Pope *Urban* should think fit¹.

IN *November* following, his Wife *Margaret*, with her two Children *Joan* and *Ladislaus* arriv'd, and on the Feast of *S. Katherine* with great Pomp she was anointed and crowned, and according to Custom led through the City under a Canopy. And in order to smother the hidden Grief, which, on account of the Queen's Death, was spread over all *Naples*, great Feasts and Tournaments were made for many Days, at which the King performed with great Applause; then in Imitation of King *Lewis* of *Taranto*, he instituted a new Order of Knights, which he call'd the Society of the *Ship*; alluding to the Ship of the *Argonauts*, that the Knights, whom he advanced to that Order, might rival the *Argonauts* in Valour.

NOW came the Day appointed for the meeting of the Parliament, on which all the Barons being met in *Naples*, the Count of *Nola*, a Man of great Authority, not only on account of his Age and Nobility, but likewise the great Valour of *Roberto* and *Raimondo* his Sons, proposed that every Baron and City subject to the Crown should supply the King with a good Sum of Money, and to give a good Example to others, he tax'd himself in ten thousand Duckets; and because it was dangerous to appear refractory, the King having his Army still about him, there was not a Baron that refus'd to tax himself, insomuch that the Sum amounted to thirty thousand Florins; and after the Parliament was over, all the Barons took leave of the King, each of them promising to send their Quota; and with this free Gift, and the Pope's Friendship it appear'd, that King *Charles* might be able to fix himself in the Kingdom, and not be afraid of the Invasion, which was now daily approaching.

¹ Costanzo lib. 8.



CHAP. I.

The Ground of the Quarrel between Pope Urban and King Charles. Lewis I. of Anjou invades the Kingdom, and his Death. Charles besieges Urban in Nocera, who, with the Assistance of the Genoese, Ramondello Orsino, and Tommaso Sanseverino, makes his escape, and flies to Rome.



AFTER Pope *Urban* saw that King *Charles* was established in the Kingdom, and that he delayed to make good the Agreement made between them, when he gave him the Investiture, he was out of all Patience; insomuch, that he sent him a Brief, entreating him, that since he was now in Possession of the Kingdom, to put *Buttillo* in Possession of the Principality of *Capua*, and of the other Estates, which he had promised him; but the King by no Means could be persuaded to dismember the City of *Capua* from the Crown; and therefore in order to spin out the time he gave fair Words; whence began those Dissentions, which afterwards broke out into open War, to the great Detriment and Calamity of the Kingdom; for *Urban* seeing himself thus deluded, began to think of turning *Charles* likewise out of the Kingdom, and in order to have a strong Party, he made a new Creation of Cardinals, among which he promoted *Pietro Tomacello di Napolione*.

BUT while these things were transacting in *Italy*, *Lewis Duke of Anjou*, without any Obstacle made himself Master of the County of *Provence*, in which he was favoured by the *Provençals*, who, in obedience to *Queen Joan's* Commands, would acknowledge no other for their Sovereign but *Lewis*, who was likewise favoured by *Clement*, by confirming the Adoption, investing him with the Kingdom, and causing him to be proclaimed King of *Naples* in *Avignon*; and besides, he furnished *Lewis* with a good Sum of Money, which he hoped would enable him not only to make himself Master of *Naples*, but of all *Italy*. As soon as this was known in the Kingdom, many Barons that had taxed themselves in Parliament, not only did not send their Quota's, but besides resolved to set up the Duke of *Anjou's* Standard; and among these were *Lallo Campanesco* in *Abruzzo*, and *Niccolo d'Eugenio* Count of *Lecce* in *Terra d'Otranto*.

AT the same time *Giacomo del Balzo* the Son of the Duke of *Andria*, seeing that *Otho* Prince of *Taranto* was Prisoner, returned to the Kingdom, recovered all the Principality, and took to Wife *Agnes* Queen *Margaret's* Sister, and Widow of *Cane della Scala* Lord of *Verona*. This Alliance so much offended the Family of the *Sanseverini*, mortal Enemies of that of *Balzo*, that though they were akin to the King, they soon discovered themselves to be his Enemies; whereupon the King seeing that so many Barons in the greatest and most important Provinces of the Kingdom had revolted, and understanding that the Count of *Caserta*, who was then in *France*, kept a private Correspondence with many of them, he began to look about him; to this was added, that the Duke of *Andria* was displeas'd with the King, because he had expected, that immediately upon the Conquest of the Kingdom, he would have been entirely restored to the Possession of all his Estate as formerly, which the King had not done because of the Power of the Family of *Marzano*, which was in Possession of the Cities of *Sessa* and *Teano*. And lastly, while he was thus perplexed, there were some who began to make him jealous, that *Giacomo del Balzo* Prince of *Taranto*, who likewise intitled himself Emperor of *Constantinople*, had a Mind to make himself Master of the Kingdom, pretending that it belonged by right to *Agnes* his Wife Queen *Joan's* Niece, and elder than Queen *Margaret*. This Jealousy made so much the sooner Impression upon the King, because Pope *Urban*, naturally froward and turbulent, threatened to drive him out of the Kingdom, and it was probable he had pitched upon the Prince of *Taranto* as a fit Person for putting it in execution; and therefore the King in great Wrath, in order to secure himself against all those, who by any Claim might pretend to the Kingdom, caus'd the Dutcheß of *Durazzo* Queen *Margaret's* elder Sister to be imprisoned, and did what he could to have the Prince of *Taranto* likewise seiz'd, but he suspecting the King's Intention, fled in a *Genoese* Ship to *Taranto*, leaving his Wife in *Naples*, whom the King sent to Prison, and afterwards to the City of *Muro*.

IN the mean time *Lewis* of *Anjou*, having taken Possession of the County of *Provence*, and of the Queen's other Dominions beyond the Mountains, set out upon his Journey, and sent twelve Gallies before him to the Coast of the Kingdom, to encourage those of the Queen's Party, and to secure his own coming by Land. On the seventeenth of *June* 1383 these twelve Gallies appeared upon the Coast of *Naples*, and took *Castello a Mare*, and the Night following came unawares, and pillaged the Village of *Carmelo*, then they went to *Ischia*. King *Charles* seeing that so small a Fleet could do but little Hurt, made ready to go and meet King *Lewis*, who was coming by Land, and assembled his Troops to the Number of thirteen thousand Horse. But that Number was very small in Comparison of the vast Army of King *Lewis*, who, by the Connivance of *Ramondaccio Caldora*, who had the guarding of the Pass, entered the Kingdom; and his Army being joined by those Barons, who looking upon *Charles's* Troops as unable to stand their Ground, had gone over to King *Lewis*, was increased to thirty thousand Horse; therefore King *Charles* thought fit not to leave *Naples*.

THOSE who came from *France* with King *Lewis* were, the Count of *Geneva* Pope *Clement's* Brother, the Count of *Savoy* and his Brother, the Lord of *Morlaix*, *Pier de la Couronne*, the Lord of *Monjoy*, Count *Henry* of *Britany*, *Bonjean Aimone*, Count *Beltran* the German, and many other *Ultramontans* of less Note. Those of the Kingdom who went to meet him were, the High-Constable *Tommaso Sanseverino*, *Ugo Sanseverino*, the Count of *Tricarico*, the Count of *Matera*, *Giovanni Luxemburgo* Count of *Conversano* (though he was obliged to *Charles* for the Order

Order of the Ship) the Count of *Caserta*, the Count of *Cerreto*, the Count of *S. Agata*, the Count of *Altavilla*, the Count of *S. Angelo*, and many other Barons and Captains¹. At last King *Lewis*, by the way of *Benevento*, having entered *Terra di Lavoro* (because *Capua* and *Nola* held out for King *Charles*) marched to *Caserta*, which had set up his Standard, and from thence sent and took Possession of *Madaloni*; but in the mean time the Forage and Provisions being consum'd, he was forced to march into *Puglia*; and though King *Charles* had endeavoured to stop his Passage, yet at last he led his Army safely into the Plains of *Foggia*.

KING *Charles* being disappointed in his Design, and hearing that Pope *Urban* had left *Rome*, and was on his way to *Naples*, lest that naturally proud and passionate Man should alienate the *Neapolitans* from him, he immediately set out for *Naples*, and by long Journeys arrived at the same time that the Pope came to *Capua*, whither he presently went to wait upon him, and came together to *Aversa*; they both dissembled with one another; but when they came to *Naples*, the King would not allow the Pope to lodge in the Archbishop's Palace, but under Colour of Friendship and good Manners conducted him to *Castel Nuovo*, where they discoursed of their Affairs; the Pope demanded of the King the Principality of *Capua*, with many adjacent Cities, such as *Cajazzo* and *Caserta*, which formerly belonged to the Principality; he likewise demanded the Dukedom of *Amalfi*, *Nocera*, *Scafati*, and a great Number of other Cities and Castles, and a yearly Pension of five thousand Florins to his Nephew *Buttillo*; and in return he promised to assist the King in the War, and to leave him the Kingdom in full Sovereignty, on the same Terms with which the Kings his Predecessors had held it. These Stipulations were agreed to, and adjusted to the great Joy of both Parties. The Pope obtained Liberty of the King to leave the Castle, and to lodge in the Archiepiscopal Palace, where he was received with great Pomp by the Archbishop *Bozzuto*, who had been restored to that See after the Queen's Disaster, whither the King and Queen went frequently to visit him, and by their Means two of the Pope's Nieces were married, the one to the Count of *Monte Dirisi*, and the other to *Matteo di Celano*, a great Lord in *Abruzzo*; and on the Eve of *Christmas* the Pope went down to the Church, and Vespers were sung with Pontifical Solemnity. At this very time there happened a great Tumult in *Naples*, for *Buttillo* Prince of *Capua* entered by force into a Monastery of Nuns, and ravished one of the most beautiful and noble of them, upon which the City was all in an Uproar; and the Magistrates having gone to complain to the King, he sent them to the Pope, to whom they made a grievous Complaint of this Outrage; but the Pope, though he was most severe in other things, was too indulgent and favourable to his own Relations; and he answered, that it was no great Matter, the Prince his Nephew had been spurred on by Youth: and *Theodore de Nismes*, who writes this, ridicules the Pope's excusing his Nephew on account of his Youth, who was at that time above forty Years of Age². The first Day of the new Year being come, and King *Lewis's* going on with Success in *Puglia* requiring *Charles's* Presence to make Head against him, the Pope said a solemn Mass, and declared King *Lewis*, whom he call'd Duke of *Anjou*, a Heretick, excommunicated, and accursed; and likewise published a Crusade against him, promising plenary Indulgence to whoever would take up Arms against him, and made King *Charles* Standard-bearer of the Church, and blessed the Standard, which the King held in his right hand during all the time of the Mass.

THEN *Charles* made ready for going to *Puglia* to drive out the Enemy, and ordered the Chancery to write to all the Feodatories to be in readiness; and as the Pope gave nothing but fair Promises and Indulgences, but no Money, he was forced to take from the Custom-house all the Cloth which was there belonging to the *Florentines*, *Pisans*, and *Genoese*, which he distributed partly to the common Soldiers, and partly to the *Neapolitan* Gentlemen, who had offered to follow him; and in April 1384 he set out for *Puglia*, and arrived at *Barletta*; and though King *Lewis* offered to come to a decisive Battel, King *Charles*, by the Advice of Prince *Otho*, who for that end had been taken out of Prison) would not accept of it, but the two Armies made several Skirmishes; so that *Lewis* seeing that he could not come to an Engagement retired to *Bari*, where he found *Ramondello Ursino*, to whom he

¹ Tacini de Contestabili, pag. 123 Costanzo lib. 8.

² Costanzo.

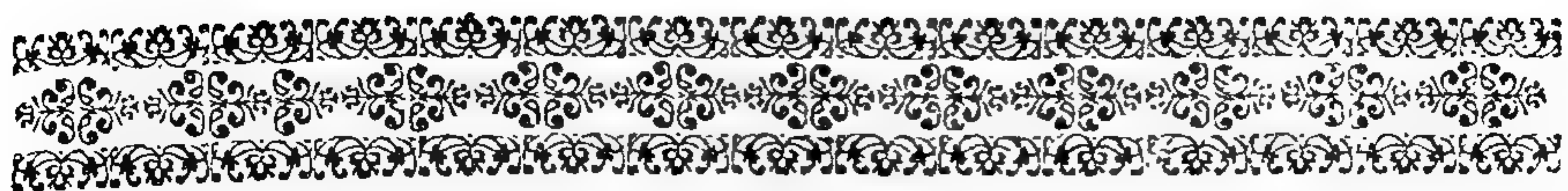
gave in Marriage *Maria d'Eugenio* a very noble and rich Lady, who by the Right of her Father had succeeded to the County of *Lecce*.

WHILE these things passed in *Terra di Bari*, the Pope, out of all Patience with the tedious Promises of *Charles*, (who in effect was eluding what he had promised the Pope's Relations as much as he could) at last in great Wrath left *Naples*, and with all the Cardinals, his Relations, and Friends went to *Nocera*, which had already been freely given to *Buttillo* his Nephew, but not *Capua*, where the King had Garrisons in all the Forts. The Pope, as he was a passionate and proud Man, dropt some Words, which discovered his ill Intentions against the King; inso-much, that *Charles* was more afraid of him than of King *Lewis*, and he would certainly have been induced to leave the War of *Puglia*, if *Lewis's* Death, which on the seventh of *October* this Year 1384 happened very opportunely, had not freed him from that Trouble; for the *French* being left without a King, and in great Consternation, returned to *France*. *Lewis* of *Anjou* died in *Bisceglia*, a gallant and prudent Prince, who was the first *Lewis* of the House of *Anjou*, who reigned in a part of the Kingdom of *Naples*, though as to Name he was the second, with respect to King *Lewis* of *Taranto*, who was the first.

CHARLES then by the Death of so considerable an Enemy, being relieved from the War of *Puglia*, set out for *Naples*, where he arrived on the tenth of *November*, and with great Demonstrations of Joy was received by the *Neapolitans*; and after he had rested himself for some Days, he sent a solemn Embassy to the Pope in *Nocera*, to tell him, that he wanted to know the Reason of his leaving *Naples*, and at the same time to beg of him to return, because there were many things which required a Conference between them. The Pope, with his usual Stubbornness, answered, That if he wanted to confer with him, he ought to come to him, it being the Custom, that Kings should come to Popes, and not that Popes should go to Kings at their Pleasure; and he was so little Master of his Passion, that he could not forbear to bid the Ambassadors tell the King, that if he had a Mind to make him his Friend, he must immediately take off the Taxes which he had laid upon the Kingdom. The King having heard these things from the Ambassadors, answered, That he would have willingly gone to wait upon him, had he not been at the Head of a strong Army: That as for the new Taxes laid upon the Kingdom, it did not belong to the Pope to forbid them; let him meddle with the Priests, for the Kingdom was his own, which he had got by the force of Arms, and the right of his Wife; and that the Pope had given him nothing, but *four Words written in the Investiture*^r. The Pope replied, That the Kingdom belonged to the Church, and was given to him in Fief, with a Design that he should govern it with Moderation, and not to extort Money from his Subjects; and that therefore he and the College of Cardinals had Power to take it back again, and to give it to a more loyal and just Feudatory; which so incens'd the King, that he sent Count *Alberico* his High-Constable to besiege the Pope in the Castle of *Nocera*; which he did, because he was afraid, that if Pope *Clement* should happen to die in *Avignon*, *Urban* would be ready to confirm the Kingdom to the Sons of the deceas'd Duke of *Anjou*. The Pope seeing himself besieg'd, had recourse to his usual Weapons of Excommunications and Maledictions; he excommunicated King *Charles*, and thrice a Day from a Window, with the Sound of Bell and lighted Torches, he curs'd and excommunicated the King's Army, which was in his Sight. The five Cardinals that were with him, the chief of which was Cardinal *Gentile di Sangro*, seeing themselves in so great Danger, began to persuade him to be reconciled with the King, at least till he should be in *Rome*, because it was a very difficult Matter to withstand so powerful an Enemy, without any other Arms than the Sound of a Bell. Therefore, because they seem'd to be too desirous of a Pacification, and that a Cypher had been found, directed to one of the Cardinals, he became so suspicious of them, that he caus'd all the five to be seiz'd, and most cruelly tortured without respect of Persons, and *Theodore de Nismes*, who was present, and his Secretary, writes, That it was a comical thing to see the Pope walk up and down saying over his Beads, while the Cardinal *di Sangro*, a corpulent Man, was upon the Rack, and now and then stopping, and calling out, Tell me how the Conspiracy was carried on; at last, though none of them confess'd, he put them all five to Death. *Collenuccio* says, That there were seven Cardinals, and that

when *Urban* made his Escape out of *Nocera*, in his Passage to *Genoa*, he caused five of them to be put in Sacks, and thrown into the Sea; and the other two being judicially convicted in *Genoa*, in Presence of the Clergy and People, he caused their Heads to be struck off with an Ax, and their Bodies to be dried in Ovens, and reduced to Powder, which was put into Bags; and when he travelled, he ordered these Bags, together with their red Hats to be carried before him upon Mules, in order to terrify those who might have a Design to murder him, or to conspire against him. *Pantini* makes the Number of Cardinals imprisoned and put to the Rack in *Nocera* to be six, viz. the Cardinal *di Sangro*, *John* Archbishop of *Corfu*, *Lodovico Donati*, a *Venetian*, Archbishop of *Taranto*, *Adam*, an *Englishman*, Bishop of *London*, and *Eleazaro* Bishop of *Rieti*: he will have it, that the first five were thrown into the Sea, and that at the Instance of *Richard* King of *England* the sixth was pardoned, but he makes no mention of the seventh.

POPE *Urban* seeing himself still more closely besieged, sent privately to *Genoa* to beg of that Republick to send him ten Galleys, which in a short time after were accordingly sent, and they appeared upon the Coast of *Naples*, but no body knew their Errand. At this time the *Neapolitans*, who were grievously offended at the Quarrel between the Pope and the King, went to beg of him, that he would be pleas'd to be reconciled to *Urban*, because the Result of such a Dissention could not fail to be a great Detriment both to his Crown and all the Kingdom; the King answered them, that he would always demean himself as an obedient Son both to the Pope and Holy Church; and as a Proof of it, he was willing to empower such Persons as the City of *Naples* should appoint, in his Name to make up all Differences with the Pope; and at last, though we have no Record of the Names of those deputed by the other *Piazza's*, yet we find that the Nobility of the *Piazza* of *Nido* sent *Niccolo Caracciolo*, according to *Summonte*, or, as *Costanzo* writes, *Giovanni Carafa*, and *Giovanni Spinello di Napoli*, in the Name of their *Piazza* to treat of a Peace between the King and the Pope. Mean while *Urban*, at the same time that he sent to *Genoa* for the Galleys, sent likewise to *Puglia* for *Ramondello Ursino* to come and force his Way through the Besiegers, and to conduct him aboard of the Galleys: *Ramondello* came, and with eight hundred choice Horse boldly made his Way in spite of Count *Alberico's* Army, and got safely into the Castle, where he was honour'd and thank'd by the Pope; and after he had known the Pope's Intention, finding that his Men were too few for carrying him in Safety through the Enemy, he persuaded him to send a Brief to *Tommasino Sanseverino*, to come, and with his Troops to set him at Liberty, and he offered to carry the Brief, and to conduct him. The Pope took his Advice, caused the Brief to be drawn up, and gave him above ten thousand Florins of Gold, and his Blessing. *Ramondello* departed in all haste, and at the end of thirteen Days returned with *Sanseverino*, and three thousand choice Horse, and by the Way of *Materdomini* entered the Castle, and having kissed the Pope's Foot, they mounted him a Horseback, and by the Way of *Sanseverino* and *Gifoni* conducted him to the County of *Buccino*, and from thence sent Orders for the *Genoese* Galleys to come to the Mouth of the River *Sele*, where the Pope embark'd. The Pope out of Gratitude gave to *Ramondello* the City of *Benevento* and the Barony of *Flumari*, consisting of eighteen Villages. *Sanseverino* return'd to *Basilicata*, and *Ramondello* to *Puglia*, and the Pope arrived safely at *Civita Vecchia*.



C H A P. II.

King Charles is invited to the Throne of Hungary, his Election, Coronation, and Death.

LEWIS King of Hungary, who came twice to the Kingdom of Naples in order to revenge the Death of his Brother *Andrew*, dying without Male Issue, the chief Men and Prelates of Hungary swore Allegiance to his eldest Daughter, an Infant, named *Mary*¹; and to shew that the Respect and Love they had had for the deceased King *Lewis* was intailed upon the Daughter, they made a Decree, that she should not be called *Queen*, but *King Mary*, and she was proclaimed so by all the People; but since her Mother *Elizabeth*, who was her Guardian and Tutorefs, governed every thing by the Direction of *Nicholas Ban of Gara*, (Ban in that Kingdom is a Title of Dignity, there being neither Princes, Dukes, nor Marquisses there) many other Barons out of Envy began to mutiny, and repent of their having sworn Fealty to *King Mary*; and the more, because they understood she was designed for Wife to *Sigismund* of *Luxemburg*, the Son of *Charles IV.* Emperor and King of *Bohemia*; and being acquainted with *King Charles* at the late King *Lewis's* Court, and in the Camp when he fought for that King against the *Venetians*, they judged him a proper Person to be their King, because of the Relation he had to the deceased King. Therefore they sent the Bishop of *Zagrab* Ambassador to invite and intreat him, that since their Kingdom wanted a warlike King, and not an Infant Queen, he would be pleased to come, and without the least Obstacle they would put the Crown of that most opulent Kingdom upon his Head. Queen *Margaret* no sooner heard the Ambassador's Message, foreseeing what afterwards happened, than she begg'd of her Husband by no means to accept the Offer; that he ought to be satisfied, that from a private Count God had been pleased to put him in Possession of this Kingdom, in which it would be more prudent to fix himself thoroughly, and drive out his Enemies, than to give them an Opportunity to drive her and her Children out, while he was robbing a poor Infant of her paternal Kingdom, at the Solicitation of a faithless and perjured People, who not having kept their Oaths to their Queen, the Daughter of so beloved and deserving a King, it was not to be expected that they would be faithful to him. On the other hand King *Charles* finding that Fortune had so favoured him, as to rid him of his two greatest Enemies, King *Lewis* being dead, and Pope *Urban* fled; and considering also, that King *Lewis's* Children were so young, that he would have time to take Possession of that Kingdom, without being in Danger of losing this: at last, on the fourth Day of *September*, he set out with a very small Retinue; for two Reasons, the one to shew the *Hungarians* that he was not come to take Possession of the Kingdom by Force of Arms, but only with their Consent; and the other, that he might leave his own Party the stronger against that of King *Lewis*: and having embark'd at *Barletta*, with a prosperous Voyage he arrived in six Days at *Zagrab*, where the Bishop entertained him with great Magnificence, and he staid there some Days, in order to give notice of his coming to the other Barons that were in the Plot, that they might the more openly, and without Regard, act against the Queen; and by Letters to several of his Friends, who still

¹ Bonfidius, Hist. Hungar. Costanzo lib. 8.

continued loyal to the Queen, he endeavoured to strengthen his Party, not only by promising to free them, but all the Kingdom from Taxes, and to grant them new Privileges, and an Indemnity to all that were in Exile. And by these Arts in a few Days he found he had gain'd Ground so much, that without any Trouble he might go and be crown'd King, because it seem'd as if none had continued faithful to the Queen but the Ban of *Gara*; so that he set out for *Buda*.

THE old Queen *Elizabeth* and King *Mary*, being well apprized of all these Transactions, very prudently in all haste sent for *Sigismund*, and solemniz'd the Marriage between him and *Mary*, lest King *Charles*, in order to facilitate his Possession of the Kingdom, should give out every where, that he was not come to dispossess King *Mary*, but to marry her to his Son *Ladislaus* Duke of *Calabria*, by which means he certainly would have drawn in all the rest of King *Mary*'s secret Friends, who hating *Sigismund* the *Bohemian*, would have been contented with him; but after the Marriage had been consummated, *Sigismund* understanding that King *Charles* was advancing, in great haste went to *Bohemia*.

THE News of this Marriage was very shocking to King *Charles*, because he judged, that the Emperor *Charles* IV. *Sigismund*'s Father, would never suffer his Son with his Wife to be turn'd out of their Kingdom, but would rather endeavour to drive him out; but the two Queens, after *Sigismund* was gone, very artfully dissembling, sent to ask King *Charles* whether he came as a Relation or an Enemy; because if he came as a Relation, they would pay him all the Respect due to him, in going to meet him, and receive him with all Demonstrations of Kindness; if as an Enemy, which they did not believe, they would wait upon him, and, as two unfortunate and abandoned Women, beg of him to have some Regard for them, not on account of their Parentage, but because they had never offended him either in Word or Deed. King *Charles* dissembling, answer'd, that he was come as the Queen's Brother, because he had heard of the Trouble she was in, occasioned by the Dissentions of the Kingdom; and as he had a great Regard for the Memory of King *Lewis* his Benefactor, he had ventured to leave his own Kingdom in Danger, in order to come and quiet the Kingdom of *Hungary*, and reduce it to the Obedience of King *Mary*, and that therefore they might be both very easy; and flattering himself, that the Queens believed him, he went the more boldly to *Buda*, being likewise persuaded that the Emperor would give Credit to what he pretended; and therefore would not move at the Desire of the two Queens to disturb him in his Design. But the Queens, tho' they did not trust to this Answer, seeing they could not resist with open Force, resolved to fight him with his own Weapons; and seeming to be overjoy'd at the King's coming, as a Brother, they caused a great Feast to be prepar'd in the Castle, and with great Pomp went out to meet him, with so much Dissimulation, that not only King *Charles*, but all the *Hungarians* truly believ'd that they were caught in the Snare, and that this Reception was no less sincere than apparent: and therefore as soon as *Charles* saw them, he dismounted from his Horse, and embraced them; and when they had entered the City together, to shew his Modesty, he would not go to lodge in the Castle, but went to a private Palace in the City, till he should find an Opportunity to get himself proclaimed King. The Day following having gone to the Castle to visit the Queens, with the same Dissimulation, the mutual Marks of Affection and Gratitude were repeated; and thus in appearance they had trick'd one another; tho' both Parties were suspicious, and kept secret Spies upon one another's Actions.

NICHOLAS Ban of *Gara*, a most faithful Servant to both the Queens, sensible that he was the Occasion of all this Mischief, never left them, and took care that their Guard was made up of most trusty Men, that no Violence might be offered. On the other hand King *Charles*, who took upon him the Title of Governor of the Kingdom, was watching an Opportunity to seize it, and enter the Castle; and the two Queens were as much upon their Guard as possible. But this Guard of the Queens rather promoted than obstructed *Charles*'s Interest; for as soon as the Commonalty observed that there was little Access to the Court, because the Guards gave Admittance but to very few; they had them in Contempt, for all Business was done in the Governor's House; and therefore those, who had invited King *Charles*, went about stirring up the People, by telling them that the Government of Kingdoms did not belong to Women, who are born to spin and sow; but to gallant and prudent Men, who in War and Peace are able to defend, enlarge, and govern subjected Nations; and with these and the like Speeches they made the People rise

up in Arms; so that the frighted Queens were not only in Danger of losing the Kingdom, but likewise their Lives. Nevertheless some Bishops and Barons, real Favourers of King *Charles*, appear'd, and under pretence of quelling the Tumult, promised to the People to set about the King's Election; and the Tumult still continuing, King *Charles* pretended to be afraid of it, went to the Castle, and finding the Guards in a Consternation, he posted some *Italians*, that came along with him, in their Places, and then went up to the Queens, and bid them take Courage; and soon after returning to his Palace, he found that he had been proclaimed King by the Commonalty, which not only many Barons, but every body approv'd of, some by Words, and others by Silence, because those of King *Mary's* Party, for fear of the People, durst not make Opposition; whereupon *Charles* persuaded the Barons, Prelates, and People, to depute one to tell King *Mary*, that for the Good of the Kingdom, which could not be well governed by Women, they had elected a new King, and to order her to resign the Kingdom and the Crown, and not to withstand the general Voice of all the People.

UPON this Message the poor Queens were for some time astonished, but King *Mary*, soon recovering herself, boldly answer'd: *I will never renounce my paternal Crown and Kingdom; as for you, pursue the Methods you have taken; as for me, tho' I be not able to withstand, I hope, that when I beg of you for the sake of Lewis my Father, you will allow me to go to my Husband in Bohemia, and not be so inhuman, after you have robbed me of my hereditary Kingdom, as to deprive me of my Liberty and Honour likewise: this I request of you as the last Duty of the Allegiance which you have sworn to me, and which you have so soon forgot.* But Queen *Elizabeth*, in order to qualify her Daughter's Answer, which was more daring than the time requir'd, begg'd of him who brought the Message, to signify to the Lords of the Council, that since the Weakness of Women was such, that without much Thought or Advice they could not come to a Resolution in an Affair of so great Importance, they would be pleased to give her and her Daughter time to answer; and as soon as he was gone, they, with all the Men and Women of the Court, cried out so lamentably, that they were heard all over the City, where many conscientious and good Men were walking very much dejected, and dreading lest God by a Miracle would shew his Wrath against a Kingdom that had forgot so many Benefits receiv'd, and that suffer'd so great a Wickedness. But a new Message being sent to the Queens to demand the Crown and Scepter from them, Queen *Elizabeth*, seeing that to withstand was to bring their Lives in Danger also, very prudently advised her Daughter to yield, and quit the Castle, before the tumultuous Rabble should come and turn them out; assuring her, that God the Punisher of Wickedness would some Way or other relieve her; and putting her in mind of the Savageness of the *Hungarians*, who to day, when enraged, are most cruel and furious Creatures, and to morrow, when their Rage is spent, are as tame as Sheep; and as they think not of what they do, soon repent of what they have done: she therefore took the Crown, and went to wait upon King *Charles*, leaving her Daughter overwhelmed with Grief; and being receiv'd by *Charles* with great Respect she spoke to him thus: *Since I see, that by reason of the rugged and cruel Nature of the Hungarians, 'tis impossible that the Kingdom of Hungary can be well governed by Women, and that 'tis the Desire of all the People to have my Daughter depriv'd of it, I have encouraged her, and by the Authority which I have over her as a Mother, have commanded her to yield to their Will and to Fate; and I am pleased that you, who are descended of the Race of King Charles, should have it rather than any other; and all I beg of you, is to let us depart the Kingdom freely.* The King answered very courteously, that she might rest contented, that he look'd upon her as his Mother, and her Daughter as his Sister, and that he would comply with what they desir'd: and such was the Prudence and Constancy of this Woman, and she knew so well how to dissemble her own and her Daughter's inward Grief, that it was rumour'd abroad in the City, that they had willingly renounced the Kingdom in favour of King *Charles* their Relation; and King *Charles* himself was so far deceiv'd, that he sent to invite them to the Solemnity of his Coronation, which was to be perform'd in *Alba Regalis*; and the two Queens with admirable Cunning went along with him, as if they had been likewise to be Sharers in the Solemnity, and not led thither to their great Grief and Confusion.

THE Day of the Coronation being come, and King *Charles* placed in the Royal Chair, he was crowned by the Archbishop of *Gran*, whose Office it is to crown those whom the Barons, Prelates, and People chuse for Kings; and when he came

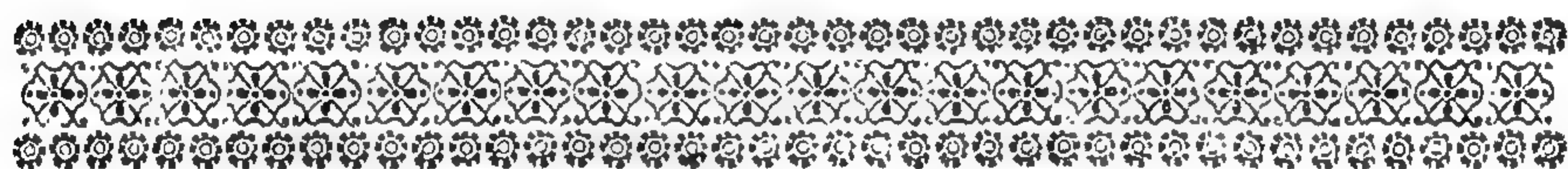
to that Part of the Ceremony of turning about upon the Scaffold, to ask the Spectators three times, if they would have *Charles* for their King, the more he raised his Voice, he was answered with the fewer Consents and clapping of Hands; for truly none answer'd the third time, but those who had had a hand in *Charles's* coming; and without doubt the Presence of the two Queens mov'd the Compassion of the greatest Part of the Crowd, especially of those who were most sensible of the Obligations that the Kingdom lay under to the Memory of King *Lewis*; and an universal Regret immediately appeared among all those who had comply'd with King *Charles's* Adherents, and a Coldness among those very Adherents, which was increas'd by an Accident that happened, and was looked upon to be a very bad Omen: when the Coronation was over, as the King was returning home, the Person, who according to antient Custom was carrying before him the Standard of King *Stephen*, (who for his Virtue was canonized a Saint) not having taken care to port, or lower it, struck it against the Architrave of the Door of the Church, and the Wood being very old, and the Standard much decay'd, the one broke, and the other was torn to pieces: and afterwards, on the very same Day, there came so great a Tempest of Thunder and Wind, that the Tiles of the Houses flew in the Air, and many old Houses were blown down, and a vast Number of People kill'd; and to this was added another Prodigy, that an infinite Number of Ravens, with a terrible Noise, entered the Royal Palace, and were so very troublesome, that they could by no means be driven out; which created a general Consternation: of which King *Charles* being apprized, he made light of it, and said, that these were natural things; and to be afraid of them was effeminate.

THE two Queens being retired to the Castle, had no other Comfort but the good Offices of *Nicholas* Ban of *Gara*, who never left them, but most zealously served and encouraged them; and because they had already perceived the Repentance of the *Hungarians*, and the little Satisfaction they had shewn at the Coronation of King *Charles*, they began to take Courage; and King *Mary* and her Mother discoursing one Day with *Nicholas* about what Course was necessary to be taken for recovering the lost Dignity and Kingdom, *Nicholas* told them, that if they pleased he would do all he could to procure King *Charles's* Death. The two Queens caught greedily at these Words, and both of them answered at the same time, that there was nothing in the World they desir'd so much; and *Nicholas* taking upon himself to find out an Assassin, left it to them to contrive Means how to get *Charles* to come to their Apartment; and while he was contriving how to perform his Part, the Queens with their usual Dissimulation found Means to induce the King to come to their Apartment; for Queen *Elizabeth* said, that she would do her Endeavour to persuade *Sigismund* her Daughter's Husband to give up the Kingdom, as they had done, provided the King upon certain Conditions would send his Wife to him in *Bohemia*; and King *Charles* having heard what the Queen had said, with great Joy sent to thank her, and beg of her to bring the Treaty to a Conclusion; and that for his Part he was ready, not only to allow the young Queen to go to her Husband, but likewise to carry with her all the Royal Treasure, both hidden and publick. After some Days, *Nicholas* having found out a very bold and intrepid Man, named *Brasius Torgas*, who undertook to kill the King, conducted him to the Castle; and after he had posted a great Number of his Confidants with secret Arms, some of them within the Castle, and some without; the Queens sent to tell the King, that they had receiv'd Letters with joyful News from *Sigismund*, and the King, who desired nothing more, went immediately to wait upon them in their Chamber; and while they were shewing him the Letter, *Nicholas* entered under Pretence of inviting the King and the Queens to the Wedding of one of his Daughters, and with him entered *Brasius*, who immediately with an *Hungarian* Sword gave the King a Stroke on the Head, which cleft him to the Eyes. The King crying out fell to the Ground; and the *Italians*, who saw him down, and the Blood gushing out, took care to shift for themselves; and the Men that *Nicholas* had posted gathering together in an Instant, *Brasius* had no Difficulty in making his Escape, but with the bloody Sword went out of the Castle; and *Nicholas* finding that the King's Guard and the *Italians* were in a Consternation, without the least Opposition placed Guards upon the Castle, composed of Men all well affected to the Queens. As soon as the wounded King was carried to his Chamber, and there was no hopes of his Life, the *Italians* began to fly, and make their Escape by the Favour of some *Hungarians* of King *Charles's* Party; the Night following, upon the Noise of so remarkable

markable an Event, not only the Inhabitants of *Buda*, but of the neighbouring Villages, assembled in vast Multitudes, and cried out, *God bless Mary the Daughter of Lewis, God bless King Sigismund her Husband, and let the Tyrant Charles with all his traiterous Followers die*: and with the same Fury they plundered all the Houses of the *Italian Merchants* in *Buda*. The two Queens overjoy'd, caused King *Charles* thus wounded to be carried to *Vicegrad*, under Pretence of doing him Honour, in sending him to be buried in the usual Burying-place of the Kings of *Hungary*; and there are some who say, that lest he should not have died of his Wound, they caused him to be poisoned and choaked, because they understood, that *John Ban* of *Croatia*, the Head of *Charles's* Party, with a great Number of stout Men, was coming to his Assistance. The King's Body was buried in *S. Andrew's Church* amongst the other Kings; but soon after there came an Order from Pope *Urban* to take him up, and remove him out of the Church, because he had died excommunicated, and a Rebel to Holy Church.

THIS was the end of King *Charles III.* of *Durazzo*, who might have proved an excellent Prince, if he had not given way to Ambition, but contented himself with the Possession of that Kingdom to which he had a specious Pretence. According to what *Paris de Putens*[†] writes of him, he was a most gallant Prince, and a Lover of learned Men, tho' few of them flourished in his troublefome and unsettled Reign; he was most affable and liberal to all Men; he was only blamed for his Cruelty and Ingratitude to Queen *Joan* and his Wife's Sisters; for which he had no other Excuse, but his Fear of Pretenders to the Kingdom. We have no Laws of his. He lived forty one Years, and reigned four in *Naples*, from *August 1381*, to the first Day of *January 1386*. By his Wife *Margaret* he left two Children, *Joan*, already a Woman, and *Ladislaus*, who was but ten Years of Age.

† Paris de Put. lib. de Duello, cap. 14 lib. 9.



C H A P. III.

Ladislaus proclaimed King. A new Magistracy instituted in Naples. A War with King Lewis II. of Anjou, Ladislaus's Competitor.



HE dismal News of King *Charles's* Death at last came to *Naples*; and though Queen *Margaret* found Means for some time to keep it secret; yet hearing that it had reached Pope *Urban* in *Rome*, not able to conceal it any longer, she published it to the City; and, with great Demonstration of Grief, she ordered his Funeral Ceremonies to be solemnized: She was left a Widow at thirty eight Years of Age, and the tender Years of her Son affected her no less than the Fear of her Enemies. There were many that advised her to cause herself to be proclaimed Queen, seeing the Kingdom belonged to her as Queen *Joan I.'s* Niece. But those prevailed, who persuaded her to have her Son *Ladislaus* proclaimed King, lest the Pope should say, that Queen *Joan* could not transmit the Kingdom to her Heirs, she having been deprived of it in her Life-time by a Sentence, as a Schismatick. Therefore on the twenty fifth of *February 1386*, King *Ladislaus*, who was then little more than ten Years of Age, was proclaimed over all *Naples*; and the first thing the Queen did, was to send *Antonio Dentile* Ambassador to the Pope, in order to soften him, and humbly to beg of him, that after the Example of him, whose Vicar he

he was upon Earth, he would be pleased to forget the Offences of the Father, and to take the innocent Child under his Protection, and what Cities of the Kingdom for his Relations he should think fit. The Pope, partly out of Compassion, partly satisfied with King *Charles's* Death, and partly with a Design to have the Disposal of a good part of the Kingdom, contrary to his Nature, gave a most gracious Answer, and made *Ramondello Orsino* Standard-bearer of Holy Church, and by an Apostolical Brief sent him to command his Troops, and to espouse the Interest of King *Ladislaus*, and by the Bishop of *Monopoli*, his Nuncio, sent him twenty thousand Duckets, in order to levy Soldiers for augmenting his Army, which gave the Queen some Comfort.

BUT *Margaret*, little skilled in Government, especially at such a time, being told by her Ministers, that Money was the Sinews of War, whereby Kingdoms were best supported, careſ'd those Ministers most, who brought most Money into her Coffers, without minding whether they did it by just or unjust Means; nor would she give Ear to those who came to complain. Besides, she was so covetous and intent upon heaping up Money, that she suspected all those who came to advise her to the contrary, without considering whether they were Men of Credit, or well-affected to her Party. To this was likewise added, that finding she had made an ill choice of her first Officers, and afterwards making others upon the Recommendation of the first, these proposed none but Persons depending upon themselves, little regarding whether they were capable or not; so that the Doctors of the Law, and other wise and judicious Men lost all Hopes of having any Share in the Government, or other Offices; whence both the Citizens and Nobility daily suffered a thousand Injuries. Therefore the five *Seggi*, joining with the People, resolved to redress themselves, and created a new Magistracy, which was called the Magistracy of the *Eight Lords of Good Government*, who were to take care that the King's Ministers should do no Injustice. Those eight were *Martucella dell' Averſana*, for the *Seggio Capuana*, *Andrea Carafa*, for *Nido*, *Juliano di Costanzo*, for *Portanova*, *Tucillo di Tera*, and *Pasio Boccatorio*, for *Montagna*, all Noblemen; and for *Porto*, *Giovanni di Dura*, likewise a Nobleman, and *Ottone Pisano*, and *Stefano Marsato* Commoners, who with great Authority began to exercise the Magistracy, one of them going every Day to the Tribunals, to see that no Injustice was done to any Person: So that in a short time the Officers of Justice were more afraid of them, than the rest of the City were of those first Officers; and though the Queen and her supreme Council did their utmost to abolish this Magistracy, yet they never could bring it about, which made them dread the Loss of *Naples*, as in a short time happened.

NEVERTHELESS Queen *Mary*, Widow of *Lewis I.* and Mother of young King *Lewis*, being under the Protection of Pope *Clement*, went to him in *Avignon* to obtain the Investiture, and the Re-establishment of her Son in the Kingdom; and during his Minority she had declared herself his Governante and Guardian; but *Clement* as well as his Predecessors pretending that the Guardianship belonged to the Apostolick See, would not allow of it, till first a Way could be found out for removing that Difficulty; whereupon the Affair being concerted between the Cardinals and the Queen's Ministers, it was resolved that Queen *Mary* in a publick Consistory should ask the Guardianship from the Pope and Cardinals, which was done, and *Clement* gave his Assent; then the King and Queen took the Oath of Fealty, and did Homage; and the Pope invested *Lewis* with the Kingdom, by giving him the Standard as a Symbol of the Investiture, and in May 1385 sent him the Bull of it¹.

THE *Anjou* Faction acknowledging another Pope, and another King, and among the rest *Tommaso Sanseverino* the High-Constable, and Head of that Faction, and of his own Family, no sooner heard of the State of the City of *Naples*, than he usurped the Title of Viceroy for *Lewis II.* Duke of *Anjou*; and for the publick Good assembled a Parliament at *Ascoli*, in which were present all the Barons of that Faction; and after the Example of *Naples*, which had created *Eight for the good Government of the City*, in this Parliament six Deputies were elected for the *Good Government of the Kingdom*. These were the said *Tommaso*, *Ottone*, Prince of *Taranto*, *Vincisio Sanseverino* Count of *Venosa*, *Niccolo di Sabrano* Count of *Ariano*, *Giovanni di Sanfronzondo* Count of *Cerreto*, and *Francesco della Ratta* Count of

¹ V. Baluz. in notis ad vitas PP. Aven. tom. 1. pag. 1253

Caserta. It was likewise concluded in Parliament, that all the Deputies with all their Followers should meet at *Montefusco*, and accordingly two Months after the Parliament was over, they all appeared, to the Number of four thousand Horse, and two thousand Foot, and made an Attempt upon *Aversa*; but not succeeding, they marched and encamped within two Miles of *Naples*, and sent *Pietro della Mendolea* into the City to sound the *Eight Lords of good Government*, and to endeavour to persuade them to deliver up the City to *King Lewis II. of Anjou*, Queen *Joan I.*'s Heir. The *Eight* answered, That they were resolved to continue faithful to *King Ladislaus*, and went immediately to the Queen, and offered to assist her in the Defence of the City. The Queen enraged, complained that all this Mischief was occasioned by their Government, and was upon the Point of sending them to Prison, but was dissuaded from it by the Duke of *Seffa*, who bid them take care to defend the City, because they should quickly see the Standard-Bearer of the Church who was in the County of *Sora* raising Men in order to its Relief. *Pietro* having been two Days in *Naples* returned to the Camp with the Answer of the *Eight*, and said, That it could not be long before there was some Revolution in *Naples*, because he had left the common People ready to mutiny, and the Masters of the Villages complaining that they could not get out to their Vintage. What *Pietro* had prophesied came to pass, for the Camp continuing where it was, the Peasants were always running to tell their Masters what Damage the Soldiers did to their Vineyards; so that on the twentieth of *September* some Citizens went to *S. Lorenzo* to speak with the *Eight*, and to sollicite a Redress: These gave them fair Words, and hopes that in a short time they should see the Standard-Bearer with the Pope's Army come to their Relief; but the meaner sort of People, who at this Season were wont to go to the Villages to bring Grapes and other Fruits, seeing themselves deprived of that Liberty, at a time when they stood most in need, rose up in Arms, and in great Fury went to *S. Lorenzo*; and if they had not been prevented by many Noblemen and Gentlemen who ran to the Assistance of the *Eight*, and by the Interposition of some old Gentlemen and Citizens of Credit, they would not have stuck at any Mischief. The old Gentlemen and Citizens, positing themselves between the Mob and the Nobility, began to treat with the *Eight* about Means for quelling the Tumult, and at last the *Eight*, lest the Mob should open the Gate *del Mercato* to the Deputies of the Kingdom, were content to make a Truce, that the Citizens might go out to their Villages, and that thirty at a time of the Soldiers of the Army of the Deputies might enter the City, for what they wanted.

THE Queen, who out of Hatred to the *Eight* had been mightily pleased with this Tumult, in hopes that the Mob would have torn them to pieces, was grievously vexed when she heard that a Truce was concluded, whereby all her Council said, that *Naples* was inevitably lost; whereupon, in order to apply some Remedy, she got the Archbishop *Niccolo Zanasio*, who had succeeded *Bozzuto*¹, the Abbot of *S. Severino*, and some others of the Clergy to ride through the City, stirring up the Commonalty again, by telling them, that it was a Shame that so Christian a People, and so much beloved by *Urban* the true Pope, should suffer the Soldiers of the Schismatical Antipope to resort to *Naples*; and while they were thus haranguing up the People, some of the Nobles of *Portanova* began to rebuke them, by telling them, That it was not the Duty of good Pastors to go about to raise Sedition and Dissention, and especially among a People, who if once let loose, it would be a difficult Matter to quell them again; and the Archbishop and those that were with him, trusting to their sacred Functions, and answering very haughtily, some of them were pretty roughly handled, and soundly beaten. But two Days after, Advice being brought to the Queen that *Ramondello* was coming with a good Body of Men, the Queen's Ministers, with all those of the *Durazzo* Faction, without regarding the *Eight*, under pretence of driving out the Soldiers that had come into the City, rose up in Arms, and assaulted the Houses of some Gentlemen, who were thought to be Well-wishers to the *Anjou* Faction, who likewise arming themselves began to make a stout Defence; the *Eight* sent immediately to order both Parties to lay down their Arms, which Order, and the Night coming on, ended the Fray. But Advice being brought the next Morning that *Ramondello* was at *Capua*, the *Eight*, and those of the *Anjou* Faction afraid of being overpowered, sent to desire *Tommaso Sanseverino* to move his Camp nearer the City, which accordingly he did that Even-

¹ Ughell. tom. 6. Ital. Sacr. de Archiep. Neap. pag. 207.

ing. At the same time arrived from *Provence* two Gallies sent by King *Lewis* with twenty five thousand Duckets for paying the Army, which Queen *Margaret* hearing, she left *Castel Nuovo*, whither she had retired, and seeing her Son's Affairs in a desperate State went to *Gaeta*, which had still been faithful to her and her Son, where she remained during all the time of this War, which lasted thirteen Years. But the next Morning after *Sanseverino* had moved his Camp, *Ramondello* arrived, and in a hostile manner entered the City at the Gate *Capuana*, which had been quickly opened to him, (for the City had hitherto been faithful to King *Ladislaus*) and cried out, *God bless Pope Urban, and King Ladislaus*. The *Eight*, with the greatest part of the Nobility, were under Arms at *Nido*, crying out, *God bless King Ladislaus, and the Good Government*. But *Ramondello* no sooner came to *Nido* than he attacked them, made a great Slaughter, and drove them to the Rails of *S. Clara*; then those of *Portanova* and *Porto*, who were of the *Anjou* Faction, went and opened the Gate *Petrucchia*, at which the Army of the *Deputies* entered, one part of which attacked *Ramondello*, crying out, *God bless King Lewis and Pope Clement*. *Ramondello's* Men giving way, obliged him to retire to *Nola*, so that *Tommaso Sanseverino* became entirely Master of the City, and being victorious, at the Desire of the *Eight*, by publick Proclamation he forbid any Violence to be offered to the Houses of the contrary Faction; and the Day following having given a safe Conduct to all, in the Church of *S. Clara* he made them swear Allegiance to King *Lewis II.* and caus'd himself to be proclaimed his Viceroy, and leaving a few Soldiers in the City, he distributed the rest among the Villages.

AFTER *Tommaso Sanseverino* had thus made himself Master of the City of *Naples*, considering that he could not hold it long against foreign Force, he proposed in a Parliament of the Barons, and many noble and powerful *Neapolitans* of the *Anjou* Faction, that the Baronage and the City should send to King *Lewis* and Pope *Clement* to acquaint them, that they had been brought to their Obedience rather by Affection than Force, and that of Necessity they must send powerful Assistance not only to protect the *Anjou* Party, but entirely to crush the Queen's and Pope *Urban's* Faction, against which with the Forces of the Kingdom they could not long stand their Ground. It was immediately resolved that they should send, and accordingly Ambassadors were appointed, who with a prosperous Gale arrived at *Marseilles*, where they found *Lewis*, saluted him King, and were most courteously received; then they pressed him either to go to *Naples*, where he was most impatiently expected, or to send a Supply of Men and Money. The Ambassadors, after they had been some Days in *Marseilles*, at last finding that *Lewis* was an indolent Prince, and not so well provided of Money, as to be able to send powerful and speedy Succours, went to *Avignon* to wait upon Pope *Clement*, by whom they understood that they would be more readily supplied, in order to crush Pope *Urban's* Faction. *Clement* was overjoyed at the arrival of the Ambassadors, and highly delighted when they told him, that *Urban's* Faction in the Kingdom was very inconsiderable, which in a short time they hoped to reduce to his Obedience; and in a publick Consistory after he had highly commended the Barons and the City of *Naples*, who knowing the Justice of his Cause, had shaken off all Obedience to the Schismatical Pope (such he called *Urban*) and had submitted to him, the true and lawful Pope; and who being mindful of the Benefits received from good Queen *Joan*, had chosen to adhere to King *Lewis* her lawful Heir, by turning out the Son of the Tyrant and Usurper, who with so much Ingratitude had deprived her of her Kingdom and Life, he promised powerful and speedy Assistance, and in a few Days to crown King *Lewis*, and with a great Army send him to *Naples*.

ALTHOUGH the Ambassadors had seen with what Eagerness the Pope had spoken, yet having received Letters giving them to understand that the Commonalty of *Naples* would ill bear the Inconveniencies of a Siege; and that Pope *Urban* and Queen *Margaret* were preparing to besiege the City both by Sea and Land, they thank'd the Pope for the Assistance he had promised, and entreated him to send it as soon as possible; and the Pope assuring them that there was nothing in the World he had more at Heart, and having given some of them Mandates for Benefices to their Relations, they departed very well satisfied. They arrived in *Naples* about the end of the Year, and the Account they gave of the great Preparations that were making both at *Marseilles* and *Genoa*, and of the Bounty, Mildness and Affability of King *Lewis*, with Pope *Clement's* Forwardness to assist them, so rejoiced the *Neapolitans*, that they all looked upon the War as already over.

WHILE these things were transacting in *Provence*, *Ramondello Ursino* and Queen *Margaret* were using their utmost Endeavours to hinder all Provisions from coming into *Naples*, in order to starve it, and oblige the Citizens to surrender; but by the Vigilance of *Sanseverino*, the City was delivered from the Terror of a Famine; and some *Provensale* Gallies sent by Pope *Clement* arriving with thirty thousand Crowns of Gold for paying the Army, and the City being furnished with Provisions, the Queen despaired of taking it by Famine, and returned to *Gaeta*. A few Days after the Queen's Departure the *Provensale* Fleet arrived at *Naples*, and in it came my Lord *Monjoy* with the Title of Viceroy and Captain General, which revived the *Neapolitans*, and all King *Lewis's* Adherents, not considering the Consequences; for *Monjoy* by his haughty Behaviour was rather the Cause of disturbing than of securing the Kingdom to King *Lewis*. For *Tommaso Sanseverino* being offended, because the King had not confirmed him in his Viceroyalty, in disgust retired to his Estate; and a few Days after *Monjoy* discoursing with Prince *Otho*, and not shewing him that respect, which was due to a Person of his Rank and Birth, and who had been married to a Queen, the Prince left him, and went to *S. Agata de Goti*. The Lords of *Good Government* went in a Body to *Monjoy*, and told him, That by his way of Management the Kingdom in a short time would be lost, for he alienated the most powerful Lords from the Government; and that it was necessary by all Means to endeavour to sooth Prince *Otho*; and though *Monjoy* promised them that he would pacify him, yet all he could do was to no Purpose, because the Prince insisted upon such Conditions, as were reckoned extravagant, and not to be complied with, not only by the Viceroy, but by all Men of Honour. And by this it was conjectured that the Prince was then making Terms for going over to the Queen's Party, which was afterwards confirmed, for he soon joined the *Durazzo* Faction. Therefore *Angelo Costanzo* believed that to be true which he had read in a Manuscript written by *Paris de Putco*, that the Prince had a Design to marry Queen *Margaret*, and that that most prudent Lady had given him some Encouragement; but afterwards she excused herself, by telling him, That he having been married to Queen *Joan*, her Aunt, the Pope had refused to grant a Dispensation; and thus she put him off, at a time, when in Honour he could not leave her, and to his Death he kept firm to her Interest; whereupon many Changes happened, and the *Durazzo* Faction began to have Hopes of being able to recover *Naples*, and the rest of the Kingdom that sided with King *Lewis*.



C H A P. IV.

*King Ladislaus marries the Daughter of Manfredi di Chiaramonte.
Pope Urban dies, Boniface IX. is elected in his Place, and
King Lewis comes to Naples.*



IN the mean time Queen *Margaret*, who with many of her Adherents was still in *Gaeta*, not able to bear the trifling away of Time, as if all Hopes of recovering of *Naples* had been lost, was wholly intent upon contriving Means whereby to raise Money, in order to levy Men for recruiting the Army. But it happened that some Merchants of *Gaeta*, who had been to buy Corn in *Sicily*, in the Queen's Presence spoke much of the Riches of *Manfredi di Chiaramonte*, and of the great Beauty of his Daughter; whereupon the roving Mind of the Queen fixed upon a Resolution of sending to demand his Daughter for Wife to her Son King *Ladislaus*, who

was

was then fourteen Years of Age; and as she was of a fiery Nature, and resolute in all her Actions, she immediately caused her Council to be called, and said, That after she had deliberated on all Methods for raising of Money, in order to renew the War, she had not found one so sure as that Marriage, which in all Probability would bring a very great Portion, and that therefore she was resolved to send to *Sicily* to treat about it. There was not one of the Council but commended the Queen's Wisdom, and with unanimous Consent the Count of *Celano*, and *Bernardo Guasfaffero di Gaeta* were pitched upon to go to *Sicily* to treat about the Marriage; the Count, because he was very rich, and could carry a splendid Retinue along with him, and *Bernardo*, because he was a Doctor of Law, and a knowing Man. These Ambassadors embarked at *Gaeta*, and with two Gallies arrived the fourth Day at *Palermo*. *Manfredi di Chiaramonte* was by Title Count of *Modica*, but in effect King of two thirds of *Sicily*, for taking Advantage of the King's Childhood, and the Dissension of the Barons, he had made himself Master of *Palermo*, and of almost all the chief Cities of the Island; and with his own Troops had conquered the Island of *Gerba*, from which he drew great Profit, not only by the Tribute which the *Moors* paid him, but likewise by the Gain which he made by the Merchants that traded to *Barbary*, and being naturally inclined to make a shining Figure, he received the Ambassadors in a most magnificent manner; and after that he had understood their Errand, the great Virtue and Merit of Queen *Margaret*, that King *Ladislaus* was a promising Youth, and the Certainty of driving his Enemies out of the Kingdom, if he was assisted with Money, he was very well satisfied, seeing he had not only an Opportunity offered him to make his Daughter Queen of a most potent Kingdom, but with the Assistance of his Son-in-Law to be able to make himself Master of the remaining part of the Island, and to be King; therefore without Delay the Marriage was concluded; and though the *Neapolitans* did all they could to hinder it, yet *Manfredi* was positive in his Resolution; so that *Cicco del Borgo*, King *Ladislaus's* Viceroy, coming to *Palermo* to conduct the Bride to *Naples*, *Manfredi* delivered to him his Daughter *Constantia*, and sent some of her Relations to accompany her with four Gallies, and besides her great Portion, gave her a vast Quantity of wrought Plate, Jewels, and Tapistry. Taking leave of *Palermo* with prosperous Gale, in a few Days they arrived at *Gaeta*, where the Queen and King with great Joy received the Bride, and for many Days made most sumptuous Feasts.

THE Feasts were scarcely over, when *Ladislaus* received the welcome News of the Death of Pope *Urban*, who had done him no Service; for on account of his cruel and froward Nature he was no less hated by the College of Cardinals, than by all the People under his Obedience; and having put many Cardinals to Death, and upon Suspicion degraded others, his chief Care was to be upon his Guard against Conspiracies, which he was afraid had been hatched against him. *Urban* died in the Year 1389, and Cardinal *Pietro Tomacello* was elected in his Place, and called *Boniface IX.*¹, who, as shall be told, was King *Ladislaus's* great Protector. There were few that lamented Pope *Urban's* Death; for though he was a Man of singular Integrity, yet he was naturally proud, stubborn, and intractable, and sometimes he knew not himself what he would be at: He was buried in *S. Peter's Church* in *Rome* with a homely Epitaph, but in *Naples*, in the Church of *S. Maria la Nuova*, in the Chapel of *Francesco Prignano*, near the Sepulchre of *B. Giacomo*, he had a famous Tomb with a Statue erected for him, which may be seen at this Day. His Successor, who was but thirty Years of Age, was made Pope on account of his good Life; but he was no sooner crowned, than he appeared in a quite different Shape, making it his chief Study to raise his Brothers and Relations; and because he might expect great things from King *Ladislaus*, who, whenever he should subdue his Enemies, who were very rich, would distribute a part of those Riches among his (the Pope's) Creatures; he resolved to assist him, and gave a most gracious Reception to *Raimondo Cantelmo* Count of *Alvito*, and *Goffredo di Marzano* Count of *Alifi*, who had been sent by *Ladislaus* and the Queen to congratulate him, and do him Homage; and he promised to give *Ladislaus* the Investiture of the Kingdom, which he could never obtain from Pope *Urban*. And a few Days after he sent the Cardinal of *Fiorence* to *Gaeta* to crown him, where, on the eighth of May 1390 the Coronation of the King and Queen *Constantia* with great Solemn-

¹ I. Vita Clement. VII. apud Baluz. tom. 1. pag. 524

nity was performed, and the Bull of Investiture read, which was the same with that made by Pope *Urban* to King *Charles III.* And the same Day the King and Queen rode a Horseback through *Gaeta* with their Crowns on their Heads.

THE *Neapolitans* seeing King *Ladislaus* in so prosperous a State, sent *Baldassar Cossa*, who was afterwards Cardinal, and then Pope, to King *Lewis* in *Provence*, to tell him, that their common Cause was in great Danger, and daily grew worse and worse, by the excessive Pride of my Lord of *Monjoy*, who had alienated the Barons from him, and especially the *Sanseverini*, who were Masters of all the Arms and Troops of the Kingdom, and that his Presence was necessary; for at that time, of four parts of the Kingdom three were his, which his Presence would not only secure to him, but likewise be a Means to reconcile the Differences among the Ministers, whereby in a short time he might expect to drive out his Enemies, and be Master of the whole Kingdom. Upon this Message, and by the Persuasion of Pope *Clement*, King *Lewis*, who the Year before, in the Presence of the King of *France*, had been solemnly crowned King of *Sicily* in *Avignon*¹, having drawn together twenty Vessels, some of them Gallies, and some of them Brigantines, and three large Ships, in *July* embarked at *Marseilles*, and on the fourteenth of *August* came in sight of *Naples*, when he was overtaken by a Storm, and by great Difficulty in the Admiral's Galley he got near the Shore, and landed upon a Bridge, on purpose prepared at the Mouth of the River *Sibeto*, where he found a great Number of Noblemen and People, with some Barons, who received him with great Acclamations, and mounting a Horseback, he rode to *Formello*, where he found Deputies from *Naples*, who presented him with the Keys of the City: Being arrived at the Gate, he was received by eight Knights under a Canopy of Cloth of Gold; and in passing through the *Seggi* of the City, he knighted many young Noblemen, and at Night went to *Castel Capuana*, the whole City being highly delighted with his Presence; for he was a Prince of a noble Aspect, fit to gain popular Applause, and which expressed both Clemency and Humanity. The Day following all the five *Seggi* confirmed their Oath of Allegiance, which they had taken from the Hands of *Tommaso Sanseverino* when he was Viceroy, and then the Merchants and People swore. Then the Barons began to come in, and the first were the Count of *Ariano* of the Family of *Sabrano*, *Marino Zurlo* Count of *S. Angelo*, *Giovanni di Luxemburgo* Count of *Conversano*, *Pietro Sanframondo* Count of *Cerreto*, *Corrado Malatacca*, &c. and some of the principal Foreigners who possessed Lands in the Kingdom. These brought above eleven hundred Horse with them. But afterwards came the *Sanseverini*, who exceeded all the rest in Magnificence, Number, and the Quality of their Followers; for they brought with them eight hundred Horse, all well equipped, as if they had been going to an Engagement, that thereby the new King might see of what Importance they were to his Crown, which was looked upon to be very arrogant in them. These were *Tommaso* the High-Constable, the Duke of *Venosa*, the Count of *Terra Nuova*, the Count of *Melito*, the Count of *Lauria* of the same Family; then came *Ugo Sanseverino* from *Terra d'Otranto*, with *Gaspare* Count of *Matera*, and others of the same Name, who had Lands in that Province: After them came the Lords of *Gesualdo*, *Luigi della Magna* Count of *Boccino*, *Mattia di Borgenza*, *Carlo di Lagni*, and other Barons of less Note. But from *Abruzzo* there came only *Ramondaccio Caldora* with some others of that Family, for the rest were all of King *Ladislaus's* Party.

I MUST not pass over in Silence what that most grave Historian *Angelo di Costanzo* says of the Times we are now speaking of, in comparing them with the Age in which he wrote, viz. in the Reign of *Philip II.* He writes, that though the City of *Naples* was in a most flourishing State in his time, and abounded in illustrious Cavaliers fit for warlike Exercises, yet it would have been a difficult Matter to adjust a Tournament, or even to raise a thousand Men at Arms completely mounted in the whole Kingdom: therefore he says, That if he had not known it to be Matter of Fact, and found it vouched by Men of undoubted Veracity, and likewise seen it recorded in the Registers, he would scarcely have been able to believe what he was writing concerning those Times, in which so great a Number of Horse was so ready at a Call; now if that grave Author was so much surprized at the Difference between the Age in which he wrote and that of which we are treating, what would he have said if he had lived in our Days, wherein, to our great Shame,

¹ Vita Clem. VII. apud Baluz. loc. cit.

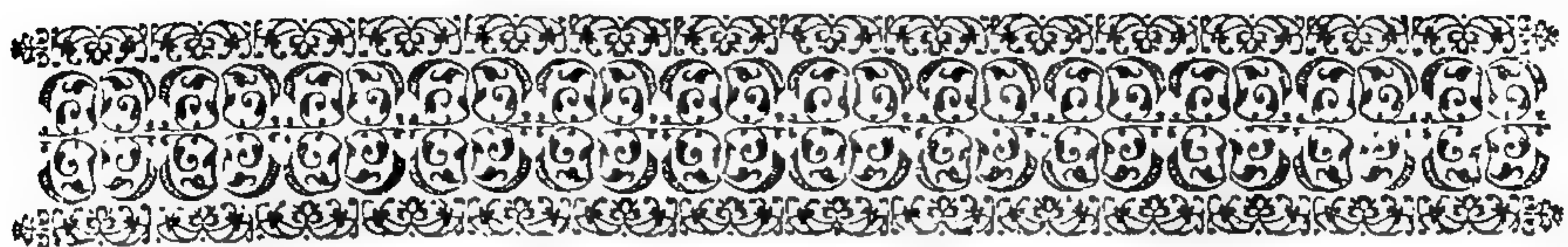
Luxury hath infinitely increased beyond what it was in the Reign of *Philip II* ? But all this, says he, ought to be attributed to the change of Times, which likewise alters Customs. At that time every little Baron was well provided of Horse and warlike Men, for fear of being turned out of his House by some more powerful Neighbour ; and the *Neapolitan* Nobility living with great Frugality, minded nothing so much as to be well provided of Horse and Arms, in which they placed their chief Delight: They did not lay out their Money in garnishing their Tables, even those of Princes were not served with costly Dishes; they wore no gaudy Apparel, all their Revenues were spent in maintaining gallant Men, and feeding their Horses. Now by Reason of the long Peace, the Minds of every body are set upon magnificent Buildings, sumptuous and dainty Living ; and we now see that the House which formerly belonged to the High-Steward *Coracciolo*, who in the time of Queen *Joan II.* was in a manner absolute Master of the Kingdom, having fallen into the Hands of Persons, without Comparison of Estate and Rank inferior to him, is enlarged with new Buildings, the old, wherein he, who at his Pleasure gave and took away Lordships and Estates, lived so much envied, not being sufficient for them. I speak not of Tapestry and other Furniture, since it is well known, that many Noblemen have bestowed as much upon the Furniture of two Rooms, as would have maintained two hundred Horse a whole Year ; and *Cosanzo* having spoken of the Grandeur of Princes, he gives us one instance of that of a private Man, viz. that he had seen the Houses of five Noblemen turned into one for a Tradesman: So that we may readily believe, that if our present way of living could be known to our Ancestors, they would wonder no less at us than we do at them.

IF *Angelo di Cosanzo* who wrote in the Reign of King *Philip II.* was surprized that the Houses of five Noblemen were not sufficient for one single Tradesman, what would he say now if he saw, that all those large and stately Edifices, which like so many new Cities have been added to the old, are not sufficient for the Inhabitants ? And what would he say if he saw the Pride and Vanity of those of our present Age, who squander away their Incomes in such a manner, that they could scarcely raise a Troop of a hundred Horse ? But leaving it to the Judgment of the Readers, whether it be more commendable in Men to give their Minds to Arms and Horses, and to the severe and toilsome Exercise of War, or to Ease and Luxury, we shall return to where we left off.

AFTER King *Lewis* had received the Oath of Allegiance from all Ranks and Degrees of People both of the City and Kingdom, he assembled a Parliament at *Santa Clara*, in which *Ugo Sanseverino* Great Protonotary of the Kingdom proposed to give the King a thousand Men at Arms, and ten Gallies at the Charges of the Barons and People till the War was at an end, which was very readily agreed to, to the great Joy of the King ; because at that time *France* being engaged in a War with *England*, he could expect but small Assistance from *Provence* and the Duchy of *Anjou*. *Lewis* therefore very prudently began to make up his Household of noble *Neapolitans*, and other Subjects of the Kingdom, allowing them all honourable Pensions, which seemed to lighten the unusual Burden, newly laid upon the Kingdom, and gained him the Good-will of the *Neapolitans*.

WHILE these things were transacting in *Naples* and other parts of the Kingdom, Queen *Margaret* conven'd all the Barons of her Party, and sent Count *Alberto di Cunio* to levy Soldiers, resolving to try the Fortune of War; for with her Daughter-in-Law's Portion and the Pope's Favour she had augmented her Army. *Giacomo di Marzano* Duke of *Sessa*, and High-Admiral of the Kingdom, *Goffredo* his Brother Count of *Alifi*, and High-Chamberlain, Count *Alberigo* High-Constable, *Cecco del Borgo* Marquis of *Pescara*, *Gentile d'Acquaviva* Count of *S. Valentino*, *Berardo d'Aquino* Count of *Loreto*, *Luigi di Capua* Count of *Altavilla*, *Giovanni d'Atrezzo* Count of *Trivento*, *Giacomo Stendardo*, *Cola* and *Cristofano Gaetani*, *Gurrello Carafa*, and *Malizia* his Brother, *Gurrello Origlia*, *Salvatore Zurlo*, *Florido Latro*, and *Onofrio Pesce* immediately met in *Gaeta*, and consulted where they should begin the War. It was resolved, first to go and subdue the *Sanseverini*, who kept their Men dispersed in different Places ; but after several Skirmishes, at last the *Sanseverini* gained the Victory. Whereupon *Renzo Pagano* Governor of *S. Eramo*, who held out for King *Ladislaus*, entered into a Treaty for delivering up the Castle to King *Lewis*, for which he made a good Bargain, having got the Bailiwick of *S. Paolo*, the Office of Judge of the Students, the Duty upon Meal, and other

other Advantages. But *Andrea Mormile* Governor of *Castel Nuova*, notwithstanding the many and great Rewards offered him, could never be prevailed upon to surrender, till extreme Necessity obliged him; and all the Reward he sought, was the Safety of himself and Garrison, and when King *Lewis* entered the Castle he highly commended him, there being found in it Provisions only for one Day. *Martuccio Bonifacio* Governor of *Castel del Uovo*, being likewise unable to hold out any longer, surrendered upon honourable Conditions. Great Demonstrations of Joy were made through all the City for this prosperous Success, and it looked as if the War would soon be at an end; for after the Castles had surrendered, there was nothing but Peace and Contentment in *Naples*, and a hearty Affection for King *Lewis*.



C H A P. V.

King Ladislaus divorces Queen Constantia, and his Progress in recovering the Kingdom, which at last returns under his Dominion.

BY the Poverty of King *Ladislaus* on the one hand, and the pacifick Nature of King *Lewis* on the other, the Kingdom was for some Months in perfect Tranquillity. But during that time there happened great changes in the Island of *Sicily*, for by the Death of *Frederick III.* without Male Issue, that Kingdom had devolved to *Mary* an Infant, and Daughter to the late King of *Aragon*; and in the Year 1386 the *Sicilian* Barons had married her to *Marino* the Son of the Duke of *Monblanco*, who was Brother to *John* King of *Aragon*, and was called *King Martin*, who in the Year 1390 with his Father and a strong Army landing in *Sicily* at the same time that *Manfredi di Chiaramonte* died, easily recovered *Palermo*, and all the other Cities which had been possessed by *Manfredi*; and a Report was spread, that the Duke of *Monblanco* the King's Father had amorous Conversation with *Manfredi's* Widow. Queen *Margaret*, whether induced by this Report, or that by marrying the King to another Woman, she was in hopes to get Money for renewing the War, persuaded him to go to the Pope and endeavour to obtain a Divorce; because it was dishonourable for one of his Birth and Rank to have for a Wife the Daughter of the Concubine of a *Catalan*; besides by taking another Wife he might get both a new Portion and Assistance. The King being young, and his Mother's Advice prevailing more upon him than the Love of his Wife, went to *Rome*, where he was honourably, and with many Demonstrations of Kindness received by Pope *Boniface*, and not only obtained the Divorce, but a good Supply of Money, in order to renew the War. The Pope, by an unprecedented Instance, sent with him the Bishop of *Gaeta*, to perform the Solemnity of the Divorce; and the first Sunday after the King's return, in the Cathedral Church of *Gaeta*, whither the King and Queen had gone, as the Queen thought to hear Mass only, the Bishop in presence of all the People read the Bull of Divorce, and went from the Altar and took the Wedding-Ring from Queen *Constantia* and returned it to the King; and the unfortunate Queen, with an old Woman and two Maids, was conducted to a private House prepared for that Purpose, whither, by way of Alms, Victuals were sent from Court for herself and Servants; all Queen *Margaret's* best Friends loudly condemned this Action, so full of Cruelty and Inhumanity, Baseness and Ingratitude;

tude; that the King having with much Importunity obtained her of her Father a few Years before, together with a Portion wherewith his Necessities were relieved, should afterwards unjustly divorce her, at a time when her Family and Relations were in such calamitous Circumstances, that it might have been expected, she as a Queen should have been in a Condition to entertain and relieve them, rather than be sent back to them deprived both of her Crown and Portion; but Pope *Boniface* was loaded with much more Hatred, for having out of Ambition, and for his own private Ends, granted this Divorce.

THIS being over, King *Ladislaus* ordered all the Barons to meet him the Spring following in the Plain of *Trajetto*, for being now of Age fit for Arms, he designed to encounter his Enemies; but by Reason of the Defeat of the preceding Year the Barons were so ill provided, that all the Month of *June* was spent before they were ready; however about the end of *July* they all met under *Trajetto*, and encamped upon the Banks of the *Garigliano*; and the Barons, leaving their Men there, went to wait upon the King in *Gaeta*, with whom having held a Council of War about what was fit to be done, after much Reasoning it was concluded, that they should undertake nothing that Campaign but the Siege of *Aquila*, which alone of all the Cities of *Abruzzo* obstinately held out for *Lewis*; because they might raise as much Money in that City, which was very rich, as might enable them to augment the Army the Year following, and be in a Condition for greater Undertakings; since the King had then no more than three thousand Horse, and sixteen hundred Foot. The Council of War being over, the young King in Armour went with Queen *Margaret* to the Cathedral Church to hear Mass; and after it was ended, having taken leave of his Mother, who gave him her Blessing, and with many Tears recommended him to the Barons, armed Cap-a-pee he mounted his Horse, and *Cecco del Borgo* Marquis of *Pescara* went and gave him the Truncheon, and said, *Most serene King, be pleased to take the Truncheon, which I have for many Years carried in my Hand in your Majesty's Name, and I pray to God, that as I deliver it to you this Day, so he may deliver all your Rebels and Enemies into your Hands.* The King took the Truncheon, and once more taking leave of his Mother, and saluting the By-standers, he departed with a passionate Desire of Glory, and fully bent upon noble Exploits, amidst a thousand Blessings of the People, who with a loud Voice prayed to God to preserve him, and give him Victory. Being arrived at the Camp the next Morning he marched with all the Army against the Counts of *Sora* and *Alvito*, both of the Family of *Cantelmo*, and divested them of their Estates, because they had not obeyed his Orders, and were suspected of having a Design to go over to King *Lewis's* Party. Then by the County of *Celano* he entered *Abruzzo*, whither a great Multitude of People flocked from all Parts to see him, and make him Presents, and a great Number of young Peasants, taken with the King's Presence, both on Horseback and a-Foot followed the Army as Volunteers. The *Aquilans*, upon hearing that the King was coming against them, had sent to King *Lewis* for Succour, which he had promised them, but it could not be there in time, because he was obliged to send for the *Sanseverini* and their Men, who were dispersed up and down in several Provinces; so that they made the best Terms for themselves they could; and that the City might not be given up to be plundered, they paid forty thousand Duckets, and surrendered to King *Ladislaus*. This Prince, encouraged by so successful a beginning, marched against *Rinaldo Ursino* Count of *Manupello*, who in a few Days with all his Estate fell into the King's Hands. The *Caldori* retired all into the Castle of *Palena*; and the King not willing to lose time in besieging them, through the County of *Molise* returned to *Gaeta*, enriched with a great Booty, and a good Sum of Money, partly got in Presents, and partly in Ransoms from the contumacious Cities and Barons; and he gave Liberty to all the Barons to go home, ordering them to be ready against the next Spring. But the great Sickness with which *Ladislaus* was seized the following Year 1394, after he had made every thing ready, and was on his March to besiege *Naples*, frustrated his Design; for when he came to *Capua* he was taken so ill, that it was rumoured over all the Kingdom that he was dead, and had been poisoned, yet with strong Remedies he was cured, but was a Stammerer to his Death; so that the Design upon *Naples* was delayed, and he returned to *Gaeta*. In the mean time there was a Treaty of Peace set on Foot between him and King *Lewis*, but it came to nothing; for it was said, that as *Ladislaus* himself was pretty backward in it, he was besides advised by Pope *Boniface* not to make Peace. The War therefore was renewed with greater Fury: King *Lewis* besieged *Aversa*, which

held out for *Ladislaus*; but the Fidelity of the *Aversans*, and the quick Relief which *Ladislaus* threw into it, rendered *Lewis's* Attempt fruitless: *Ladislaus* having relieved *Aversa* went to *Rome* to wait upon the Pope, from whom he expected a Supply for the next Year. He was very much honoured, caressed, and made welcome this second time by *Boniface*: The manner how they were to carry on the War was debated, and it was concluded, that the Pope should pay the King twenty five thousand Florins; and the King in return gave to the Pope's Brothers the Counties of *Sora* and *Alvito*, which he had taken from the *Cantelmi*, and the Barony of *Montefusco*, with many other Lands, to the great Joy and Satisfaction of *Boniface*; because though two Years before *Ladislaus* had given them the Duchy of *Amalfi*, and the Baronies of *Angri* and *Graguano*, yet they had not been able to take Possession of them, because the Duchy was in the Possession of the *Sanseverini*; and after the Death of *Pietro della Corona*, King *Lewis* had given the Baronies to *Giacomo Zurlo*. Some rich Cardinals followed the Pope's Example, and upon the King's promising to give their Relations Cities and Villages, then in the Hands of the Enemies, they furnished the King with Money, and he gave them Investitures. With this Money, and large Promises from the Pope, *Ladislaus* left *Rome*, and on the nineteenth of *November* 1394 returned to *Gaeta*, and those who had been with the King gave out, that he had received much more Money from the Pope than he really had.

ON the other hand, as soon as King *Lewis* heard of these Preparations, he sent *Barnabo Sanseverino* to Pope *Clement* in *Avignon*, to acquaint him with the great Assistance which *Boniface* had given *Ladislaus*, and to ask the like of him, since in the Spring following he expected to be vigorously attacked both by Sea and Land. *Barnabo* got from *Clement* wherewithal to hire six Gallies, and a Sum of Money besides. And this was the last Supply that he gave; for *Clement* having promised to the King of *France*, who was endeavouring to remove the Schism, to enter into a Treaty for restoring the Peace of the Church; and the University of *Paris* having given their Opinion about the most ready Means for putting an end to the Schism, and proposed, that by the mutual Consent of the two contending Parties, the Difference should be referred to the Decision of a general Council, was much surprized at such Propositions, and the more, when he found that his own Cardinals thought them just; which so much afflicted him, that he died on the sixteenth of *September* that same Year 1394¹. But the Pope's Death did not put an end to the Schism; for the Cardinals who were in *Avignon*, in spite of the King of *France*, proceeded to the Election of a new Pope, and on the twenty eighth of the same Month elected *Peter de Luna* an *Aragonese* Cardinal Deacon of *S. Mary*, who was named *Benedict XIII.* This Pope immediately shewed himself as willing to assist King *Lewis* as his Predecessor had been, and the Governor of *Provence* had sent him three Gallies newly fitted out, with some Money; *Benedict* likewise sent him fifteen thousand Duckets. The two Kings being thus supplied by the two Popes, with greater Vigour renewed the War, which *Ladislaus* had carried to the very Gates of *Naples*. But the Bravery of *Ladislaus*, and the frequent and vigorous Assistance sent him by Pope *Boniface*; and on the contrary King *Lewis* being more fitted for the Arts of Peace than those of War, the slow and small Succours sent him from *France*, and the little Hopes of getting more, obliged the High-Constable *Tommaso Sanseverino* seriously to consider of the Danger King *Lewis* was in, and consequently of the irreparable Ruin of himself, and of all his Family, if some Remedy was not immediately found; therefore he told the King, that since they could not so strengthen their own Party as was requisite, they must do their utmost Endeavours to weaken that of their Enemies, adding, that he had thought upon Means for bringing over the Duke of *Seffa* from King *Ladislaus*; and he made no doubt of Success, if he (the King) would be pleased to demand the Duke's Daughter in Marriage, because he believed, that the Duke would prefer the Grandeur of his Family, by making his Daughter a Queen, to the Love he bore King *Ladislaus*. The King, who was of a pliable Temper, commended the Thought, and with the unanimous Advice of his Council, sent *Ugo Sanseverino* to treat of the Marriage, who in a few Days, partly by his own Interest, which was very great, partly by the Assistance of the Duchess, who was of the Family of *Sanseverino*, most ambitious, and fond of being the Mother of a Queen, and partly by the Duke's own

¹ Baluz. in notis ad vips PP. Aven. tom. 1. pag. 1397.

Ambition of so great an Honour, concluded the Marriage, and returned to *Naples*; and *Lewis* immediately sent my Lord *Monjoy* to the Bride with Royal Presents, and in his Letters gave her the Title of *Queen Mary*. Pope *Boniface*, extremely vexed at this Alliance, and the Duke's changing sides, sent *Giovanni Tomacello* his Brother to endeavour to bring back the Duke to King *Ladislaus's* Party; but many Obstacles intervening he could do nothing then, the Duke giving only fair Promises, without performing any thing; at last King *Ladislaus* seeing the Indolence of King *Lewis*, marched against the Duke of *Sessa*; but Pope *Boniface*, desirous of a Reconciliation, which in a short time would be able to reduce the whole Kingdom to the Obedience of *Ladislaus*, sent *Giovanni* again to treat of an Accommodation, and to persuade the King to hearken to it, which five Months after was accordingly made, upon Condition that the King should receive the Duke and his Brother into favour, and restore them to their Estates, and that they, upon the Pope's Surety, should go and again swear Allegiance to the King. By this Treaty and Reconciliation the Marriage of the Duke's Daughter with King *Lewis* was quite laid aside; and though she was afterwards married to another Man, yet she still retained the Title of *Queen* given her by *Lewis* when he sent her the Presents.

AT this time King *Ladislaus* (whether of himself, or by the Advice of his Mother, or of others is not known) moved with Compassion for *Constantia di Chiaramonte* formerly his Wife, who had lived in great Patience, Modesty, and Chastity in a low Condition, from the time of her Divorce, gave her in Marriage to *Andrea di Capua* the eldest Son of the Count of *Altavilla*, of the same Age with himself, and his Favourite, and the Marriage was solemnized with great Magnificence: But for all that this great Woman did not fail to shew that she had a Soul worthy of her former State; for that Day her Husband conducted her to *Capua*, being got upon Horseback, in presence of many Barons and Gentlemen, who were going to accompany her, and of a Multitude of People, she said to her Husband: *Andrea di Capua, you may look upon your self to be the happiest Man in the Kingdom, since thou hast for thy Concubine the lawful Wife of King Ladislaus thy Lord and Master.* These Words raised Compassion and Admiration in all that heard them, and when they were told the King, he was struck with Remorse and Confusion.

IN the mean time *Ladislaus* having laid close Siege to *Naples* both by Sea and Land, King *Lewis* was advised to leave the City and go to *Taranto*. The *Neapolitans* wearied with so long a War, after sundry Treaties so well and minutely related by *Angelo di Costanzo*, at last surrendered the City to *Ladislaus*, who having granted them many Articles and Conditions which they demanded, entered the City; and in order to quiet the Minds of all, he conferred many more Favours upon the City than he had promised, and gave the Magistrates that Jurisdiction which they still have over those who furnish the Necessaries of Life¹.

ADVICE of the Surrender of *Naples* coming to King *Lewis* in *Taranto*, he was extremely afflicted, and despairing of being able to recover it, and looking upon all other parts of the Kingdom, which were under his Obedience, as lost, he resolved to go *Provence*. *Ramondello Ursino* to no purpose did all he could to divert him from his Resolution, demonstrating to him, that though *Naples* had surrendered, yet he was still Master of two Thirds of the Kingdom, and had many Barons at his Devotion; that with the Fleet which Pope *Benedict* had sent for the Relief of *Naples*, and a few Months hence by assembling the Land-Forces, it would be an easy Matter to recover the whole Kingdom; and seeing Queen *Margaret*, with the Possession of *Gaeta* only did not despair, without any other Assistance, to recover the Kingdom to her Son, it would be a great Reproach to him, who was possessed of so many larger Cities than *Gaeta*, and of great Dominions in *France*, to go away and abandon so noble a Kingdom. But the King, either offended at *Ramondello*, who could never be persuaded to march his Men, and join those of the High-Constable, or tired with those Proceedings, embarked in the Fleet, and the greatest part of the *Neapolitan* Gentlemen, who were of his Household, went with him, and having sailed about *Calabria*, he steered along the Coast of *Naples*, looking upon it with great Grief, and sent to treat with King *Ladislaus*, to allow *Charles* of *Anjou* his Brother, and the *French* Garrison, with Bag and Baggage, to march out of *Castel Nuovo*, which should be delivered up to him: All which was readily

¹ Costanzo lib. 11.

agreed to; so that having sent Gallies to take aboard his Brother and the Garrison, he set sail for *Provence*, to the great Grief of all those of his Party. Thus in the Year 1400, *Naples*, and almost all the Kingdom, came under the Dominion of *Ladislaus*; and *Taranto* alone continued faithful to King *Lewis*, and held out for a long time.



C H A P. VI.

King Ladislaus first marries Mary Sister to the King of Cyprus, and then the Princess of Taranto. His Expedition against the Kingdom of Hungary, which proved unfortunate.



AFTER *Ladislaus* had driven his Rival out of the Kingdom, crush'd the *Sanseverini*, and ruined the Duke of *Sessa* and his Family, and taken Possession of their Estates, he thought it time peaceably to enjoy the Kingdom, and to have Children, who might succeed him; so that he began to think of taking a Wife. Pope *Boniface* hearing of the King's Resolution, took it upon him to find him one; and in the mean time there came Ambassadors from *Leopold* Duke of *Austria* to demand *Joan* the King's Sister in Marriage for their Master; to which the King consented: and though he was making ready to accompany her to the Borders of the Dutchy of *Austria*, yet the Journey was delayed, because *Boniface* had already concluded a Marriage between him and *Mary* Sister to the King of *Cyprus*; whereupon *Ladislaus* resolved to celebrate his own Marriage first, and immediately sent *Gurrello di Tocco*, with the Archbishop of *Brindisi*, and many other Gentlemen, to *Cyprus* for his Bride. In a very short time this Princess came, accompanied by the Lords of *Lamech* and *Barut* her Uncles; and in the Month of *February* 1403, were affectionately and honourably received in *Naples* by the King, and Queen *Margaret* his Mother; and the Marriage was quickly solemnized with great Magnificence.

AT this time the *Hungarians*, displeased with their King *Sigismond*, had revolted, and some of the Barons had imprisoned him, declared for King *Ladislaus*, and proclaimed him King, as the Son and Heir of *Charles III.* *Ladislaus*, fond of enlarging his Power in divers Kingdom, accepted of the Sovereignty; but considering the Fickleness of that Nation, and if what his Adherents had promised should miscarry, he should be obliged to return to *Naples*, with the Loss of his Reputation, under Pretence therefore of accompanying his Sister to *Austria*, he resolved to set out; and having left his Wife Queen *Mary* Regent of the Kingdom, which she was to govern by the Advice of the Archbishop of *Consa*, *Gentile de Merolinis di Sulmona*, *Gurrello Origlia*, and of *Leonardo d' Afflitto* her Counsellors¹, he went with *Joan* his Sister, and embarked at *Manfredonia*, and landed at *Friuli*; and having committed the Care of his Sister to many Barons of the Dutchy of *Austria*, who had come there to attend her, he went on to *Zara* a City of *Hungary*, in order to make his first Attempt upon that Kingdom. The Gates of *Zara* were opened to him without Resistance, and imagining he had done enough for this time, he fortified that City, left the Lord of *Barut* with a sufficient Garrison, and returned to *Naples*. Some have written, that before *Ladislaus* returned he was crowned on the fifth of *August* this Year King of that Kingdom by the Bishop of *Gran*, to the great Joy of all the People, and of many *Hungarian* Barons and Prelates, who had met him at

¹ Summonte tom. 2. pag. 534.

Zara. Others that Pope *Boniface* caused him to be crowned by the Cardinal of *Florence*, and remitted him the Tribute due to the Church of *Rome* for the Kingdom of *Naples*, which was above eight hundred thousand Florins, and likewise granted him the Tithes of the Kingdom for three Years, for maintaining the War; and that after the Coronation *Ladislaus* sent to *Hungary* as his Viceroy *Tommaso Sanseverino* Count of *Montescaglioso* with five hundred Spearmen, designing to be there himself soon after. Some others, such as *Cosanzo*, say, that these Events happen'd some Years after, to wit, after the Death of Queen *Mary*, and after the Death of Pope *Boniface*, which fell out in the Year 1404, whose Successor was *Innocent VII.* and after King *Ladislaus's* Marriage with the Princess of *Taranto*, which was concluded in the Year 1406, in order to recover the Principality of *Taranto*, which had the desired Effect. Then it was, says *Cosanzo*, that the *Hungarian* Ambassadors came to acquaint *Ladislaus*, that Queen *Mary* being dead, the *Hungarians*, not able to bear the Tyranny of King *Sigismund*, had imprisoned him, and set up his Standard; they therefore begg'd of him with all haste to make ready, to go and take peaceable Possession of an opulent Kingdom, and that Dispatch was more necessary than Force. *Ladislaus*, both out of a Desire to reign, and to revenge his Father's Death, with a choice Body of Troops went with the Ambassadors, and embarked at *Manfredonia*, and with a prosperous Gale in a few Days arrived at *Zara*; and having sent the Ambassadors before him, to acquaint the chief Men of the Kingdom with his Arrival, in a short time after he understood, that King *Sigismund* was set at Liberty, and was assembling a great Army of *Bohemians*; for which Cause, remembering the Fate of his Father, he continued some Days in *Zara*, consulting what was fit to be done. But it happen'd, that one Day some Soldiers and Seamen having gone ashore to gather Grapes in the Vineyards, the Citizens of *Zara* rose in Arms, and kill'd twenty of them; nor was that enough, being yet in Arms they went to the Palace where the King was, and with barbarous Insolence told him, that if he did not curb his Men, they wanted neither Arms nor Resolution to keep them in awe. The King being offended at so great Insolence, began to consider how savage the People of that Kingdom bordering upon *Scythia* and the *Rhiphaean* Mountains must be, since those of *Zara* in the Neighbourhood of *Italy* were such: and upon this Disgust, new Advice coming, that King *Sigismund* was entered *Hungary* with his Army, and that that King's Adherents had put to flight and dispersed the opposite Party, *Ladislaus* resolved to be revenged of the Citizens of *Zara*, and to give over that dangerous Undertaking.

THEREFORE he entered into a Treaty with *Francesco Cornaro*, *Leonardo Monzenigo*, *Antonio Contarino*, and *Fautim Michele*, *Venetian* Ambassadors, for selling *Zara* to that Republick, to which the People of *Zara* were bitter Enemies; and the News of that Treaty being carried to *Venice*, the Senate sent an hundred thousand Duckets of Gold, and a sufficient Number of Soldiers for a Garrison to that City, and King *Ladislaus* put them in Possession of it. Then being disgusted at the *Hungarians*, as *Bonfinius* in his History of *Hungary* relates, he wrote to King *Sigismund*, excusing himself, that this Expedition was none of his own chusing, but having been invited by others, he was willing to see if it was the Will of God, who gives and takes away Kingdoms, that he should sit upon the Throne of *Hungary*; but having found the contrary, and experienced the fickle Nature of that Nation, who would change their Kings every day, he had resolved to yield to him, and likewise shew himself his good Friend and affectionate Kinsman; adding, that he could do him no greater Pleasure, than to use the Traitors as they had endeavoured to use him: and then he returned to *Naples*. Nevertheless, not only *Ladislaus*, but Queen *Jean II.* and all the Kings of *Naples* their Successors, amongst their other Titles, always kept that of *King of Hungary*.

S E C T. I.

King Ladislaus's Expedition against Rome.

THE Death of Pope *Boniface* freed *Ladislaus* from all the Promises he had made him, and from the Respect he owed him as his Benefactor and Friend. This Pope, had it not been for the excessive Love he had for his Relations, which obscured his Reputation, was otherwise a Man of great Worth; but his Passion for them was such, that he did not stick to give them plenary Indulgences, in order to be sold: but that Impiety was afterwards attended with adequate Punishment; for his Brothers *Andrea* Duke of *Spoletto*, and *Giovanni* Count of *Sora* and *Alvito* having procured many other Lands to sundry of their Relations, in a very short time were deprived of them, and left in great Poverty.

COSMATO MIGLIORATO Cardinal of the Holy Cross, who took the Name of *Innocent VII.* being elected in *Boniface's* room, shewed himself to be no Friend to *Ladislaus*: on the other hand the King undervaluing him, and seeing himself peaceably possessed of the Kingdom, and not engaged in any other War, as he was naturally of an active enterprising Disposition, and covetous of Empire and Glory, he resolved to make himself Master of *Rome*. There never could have been a more favourable Opportunity; for the *Romans*, wearied by the long Schism, and out of Hatred to the Memory of *Boniface*, and that which they now entertained against *Innocent*, on account of his having put many of their Fellow-Citizens to Death, in the Beginning of his Pontificate, raised great Commotions in *Rome*; for they demanding to have the Freedom of the Capitol restored, and an End put to the Schism. *Innocent* was so much enraged at their Insolence, that he sent for *Lodovico* Marquis of *La Marca* his Nephew, and a good Number of Soldiers, in order to be revenged of the *Romans*. The People revolted, and invited *Ladislaus* to come to their Assistance. The King came immediately to *Rome*: so that the Pope and his Nephew were forced to leave the City, and retire to *Viterbo*. *Ladislaus* being Master of *Rome*, went and took Possession of *Peruggia*; but the *Romans* in an instant changing their Minds, recall'd the Pope, and the King's Soldiers were driven out by *Paolo Orsino*. *Ladislaus* finding the Fickleness of the *Romans*, left all things at random, and returned to the Kingdom, in order to assemble a strong Army, and be revenged of them; but while the King was fully bent upon this Expedition, on the sixth of *November* this Year 1406, Pope *Innocent* departed this Life. The King of *France*, who was still endeavouring to have an end put to the Schism, did what he could to prevent a new Election; but *Innocent's* Cardinals, who were then in *Rome*, instead of deferring the Election, on the thirtieth of the same Month elected *Angelo Cornaro* a *Venetian*, who took the Name of *Gregory XII.* All those Cardinals before the Election had sign'd a Writing, whereby they bound themselves, that whoever of them should be elected should renounce the Papacy, provided *Benedict* and his Cardinals would do the same, in order afterward to proceed to the Election of a lawful Pope. *Gregory XII.* protested, that he was ready to renounce, if his Competitor did the same. The King of *France* endeavoured to get the two contending Parties to renounce; but neither of them had a mind to do it, but put it off with cunning Shifts. At last it was agreed to by both Parties to meet in *Savona*, in order to treat of an Accommodation. *Benedict* and his Cardinals went thither; but though *Gregory* had left *Rome* in order to be there likewise, yet upon several Pretences he shun'd the Conference. *Ladislaus* took Advantage of this Confusion; for in the Beginning of the Year 1407, when he found that the Pope had left *Rome*, he assembled his Army, consisting of fifteen thousand Horse, and eight thousand Foot, and marched towards that City. *Rome* was at this time under the Care of *Paolo Orsino*, a Man of great Authority, and on account of his great Bravery much belov'd and esteem'd by the *Romans*. *Paolo* with two thousand Horse, and the Citizens that were able to bear Arms, prepared to defend the City, and having posted Guards in all the proper Places, the King despair'd of being able to enter by Force; but the Galleys entering the *Tiber*, and the King having taken all the Castles upon the *Teverina*, and given strict Orders that no Provisions should be allow'd to go down that River to

Rome, he was forced to surrender himself and the City upon honourable Terms; and on the twenty fifth Day of *April* 1408, *Ladislaus* made his Entry into *Rome* as Lord thereof under a Canopy of Cloth of Gold, carried by eight *Roman* Barons, and at Night went to the Capitol.

THE next Day a *Florentine*, who held out *Castel S. Angelo* for Pope *Gregory*, capitulated to surrender it, for which he got *Quarata*, a good City in *Puglia*; and the King went to lodge in the Vatican, *S. Peter's* Palace. He made *Riccardo di Sangro* Governor of *Rome*, and *Giannotto Torto*, a great Baron in *Abruzzo*, Senator; and remain'd there till the twenty fifth of *July*. Thus did *Ladislaus* make himself Sovereign of *Rome*. He was the first who to his other Titles added that of *King of Rome*: whence it is, that in his Deeds and Letters Patent we read *Rex Romæ*; a Title that heretofore neither the *Goths*, *Longobards*, nor the *French*, though Kings of *Italy*, durst take, some out of Respect, others standing in Awe of the Emperors of the East, who were the true Sovereigns thereof.

BUT *Ladislaus*, perhaps, according to *Costanzo*, allur'd by the Charms of the Fair Sex, left *Rome*, and returned to *Naples*, where he spent all the Summer in Wantonness and Feasts; and while he was thus wallowing in Pleasures, neglecting his new Conquest, he had Advice that *Rome* had revolted; for *Paolo Orsino*, partly disgusted that he had preferred *Giannotto* to him in the Office of Senator, and partly not able to bear that *Giannotto* should use the *Romans* severely, without taking notice of him, persuaded the People of *Rome* to rise in Arms, and go to the Capitol to make the Senator Prisoner; and he with his own Troops attacked those of the King, who were going to the Senator's Assistance, and kill'd *Francesco di Catania* a noble *Capuan*, with many other gallant Soldiers; whereupon every one cried out, *God save the Church of Rome, and down with the Tyrants*; the King's Troops having retired without making further Opposition. This News gave the King a great deal of Uneasiness, but the Winter drawing on, he did not think of doing any thing that Year.

SECT II.

A Council call'd in Pisa, in order to put an end to the Schism, which proved unsuccessful.

WHILE these things were transacted in *Italy*, the King of *France* was still pursuing his Design of bringing the two contending Parties to renounce, in order to have a lawful Pope elected; but *Gregory* would not so much as hear of renouncing: whereupon his Cardinals, offended at his Conduct, deserted him, went to *Pisa*, and appealed from the Sentences which he pronounced against them to a future Council; but *Gregory* notwithstanding continued to proceed against them. On the other hand the King of *France* gave *Benedict* to understand, that he must absolutely renounce, and consent to an Accommodation, otherwise he would withdraw himself from his Obedience: but *Benedict*, no less obstinate than *Gregory*, immediately put forth a thundering Bull against the King's withdrawing, and sent it to *France*. The Bull had but a bad Reception, and those who carried it were arrested, and ignominiously treated; the Bull was torn, and a Neutrality published in *France*. *Benedict*, who was in *Avignon*, retired to *Aragon*. *Gregory*, to shew that the Accommodation had not failed on his Side, began to exculpate himself, and wrote a circular Letter, laying the Blame upon *Benedict*, that the Accommodation had not been concluded, and call'd a Council in *Aquileia*. *Benedict*, who had retired to *Aragon*, made the like Protestation, and convened another Council in *Perpignan*. The Cardinals of both Parties, seeing that by this Division the Church of God was without a Pope, and that the Estate of the Church was possessed by several Tyrants, having a secret Correspondence amongst themselves, call'd another Council in *Pisa*. Thus in the Year 1408 three Councils were call'd, the first in *Perpignan* by *Benedict's* Bull: the second in *Aquileia* by *Gregory's* Bull, which he published on the second Day of *July*, whereby he appointed the opening of the Council to be on *Whitsunday* following; and the third by the Letters of the Cardinals of both Parties, dated at *Lezborn* the fourteenth of *July*; whereby they intimated the opening of the Council to be in *Pisa* on the twenty fifth of *March*, 1409. *Benedict* was

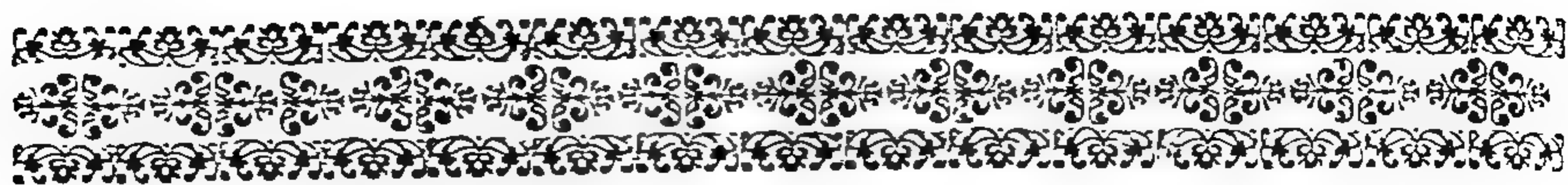
beforehand with them all, and opened his Council on the first Day of *November*, 1408. There were present at this Council in *Perpignan* the Bishops of *Castile*, *Aragon*, *Navarre*, and many other Prelates of *France*, *Gascony*, and *Savoy*, to the Number of an hundred and twenty, besides the four Archbishops honour'd with the Title of Patriarchs. When the Affair of the Schism came to be debated, the greatest Part of the Bishops left *Perpignan*, and the Council was then reduced to eighteen, who acknowledged *Benedict* for lawful Pope; therefore in order to unite the Church they advised him to renounce, in case his Competitor should either do the same, or die, or be deposed; and to send Legates to the Cardinals that were in *Pisa* with full Power to appoint a Treaty.

WHILE the Council in *Perpignan* was proceeding in this manner, the Cardinals of the two Colleges were employ'd in engaging all Princes to acknowledge their Council, and to approve of their Proceedings. Therefore on the twenty fifth Day of *March*, 1409, they opened the Council. First of all they summoned *Pietro di Luna* and *Angelo Cornaro*, the pretended Popes, and none of them appearing, the Council declared them contumacious. Then it was decreed, that the united College of Cardinals had Power of calling a Council, and that a General Council being convened, could proceed to a definitive Sentence. Then it was order'd, that no Person should obey the two pretended Popes: and lastly, having taken Cognizance of their Conduct, it was declared, that they had forfeited the Right which they pretended to the Papacy, and by a definitive Sentence they were deposed. The two Colleges proceeded afterwards to the Election of a lawful Pope, according to the Decree of the Council, and elected *Pietro Filareto di Candia*, Cardinal of *Milan*, of the Order of Friars Minors, who took the Name of *Alexander V.* and presided in the following Sessions of the Council, which he put an end to on the seventh Day of *August*, 1409. This Council was composed of twenty two Cardinals, four Patriarchs, twelve Archbishops, sixty seven Bishops in Person, eighty five Delegates, a great Number of Abbots, Generals and Deputies of Orders and Chapters, and of sixty seven Ambassadors of Kings and other Sovereign Princes.

ALEXANDER V. was acknowledged by the greatest Part of the Princes of *Europe* as true and lawful Pope; and though he was a *Franciscan* Friar, he had been many Years Archbishop of *Milan*, and afterwards made Cardinal by Pope *Innocent VII.* and being a Man of great Experience in worldly Affairs, he was no sooner crown'd than he resolved to restore the Apostolical See to its former State and Reputation; and seeing that King *Ladislaus* was preparing to make himself Master of *Rome* and the Estate of the Church, he enter'd into a League with the *Florentines*, who were already jealous of the Greatness and Courage of *Ladislaus*; and being likewise favour'd by *France*, which acknowledged him for true Pope, he sent thither to invite King *Lewis*, in order to oppose King *Ladislaus* in his Designs, and engage him in a new War.

ON the other hand *Gregory* had not neglected to open his Council in *Aquileia*, or *Udine*, on the Feast of the Holy Sacrament this same Year 1409; but it was very thin, there being but a very small Number of Prelates present: nevertheless, he got it declar'd in Council, that he and his Predecessors had been canonically elected; and that not only *Pietro di Luna*, and his Predecessors, but likewise *Pietro di Candia*, newly elected, were Intruders, and that they had no Right to the Papacy. Therefore he declar'd, that he was ready to renounce the Papacy really and *de facto*, provided *Pietro di Luna* and *Pietro di Candia* should renounce personally, and in the same Place. He created new Cardinals as well as *Benedict* had done: so that now, after the Council of *Pisa*, instead of two Popes there were three, by whom the Church was miserably rent. As soon as *Gregory* had put an end to the Council, not thinking himself safe in *Udine*, he went in Disguise to *Abruzzo*; whereupon *Ladislaus* having discover'd *Alexander's* Intrigues, immediately sent for *Gregory*, who was then with two Cardinals at *Pietra Santa*; and readily embracing *Ladislaus's* Invitation, he embark'd in the Port of *Luna*, and came to *Gaeta*, where he fixed his Residence, and where the King receiv'd him with great Respect as true Pope, and order'd him to be acknowledged as such in the Kingdom, and all his other Dominions. *Gregory* being acknowledged as Pope by no other Prince but *Ladislaus*, had a very thin Court. On the contrary, *Alexander V.* was own'd as lawful Pope by almost all Christendom, excepting our Kingdom, (which alone obey'd *Gregory*) and the Kingdoms of *Aragon*, *Castile*, *Scotland*, and the Dominions of the Count of *Armagnac*,

Armagnac, which acknowledged *Benedict*. Germany was divided, for *Robert* King of the *Romans* hinder'd *Alexander* from being acknowledged, because in many Letters he had given the Title of King of the *Romans* to *Wenceslaus* King of *Bohemia*.



C H A P. VII.

King Lewis II. upon Pope Alexander's Invitation, returns to the Kingdom ; Alexander deposes Ladislaus, and gives Lewis a new Investiture.



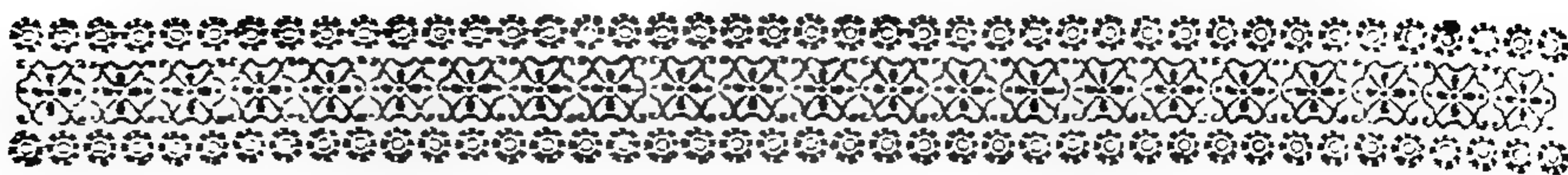
WHILE Matters were in this Situation, King *Lewis* being invited by Pope *Alexander* ; and remembering of what Importance the Friendship of a Pope was to any one who desired to conquer, or keep Possession of the Kingdom of *Naples*, immediately embark'd, and with some Vessels that were in the Port of *Marseilles*, came to *Leghorn*, and from thence to *Pisa* to kiss the Pope's Feet ; by whom he was receiv'd with great Honour in a publick Consistory, and exhorted, according to the Example of his most Christian Predecessors, to take the Church under his Protection ; and that he might the more lawfully proceed to the Conquest of the Kingdom, the Pope, in another Consistory, pronounced King *Ladislaus* excommunicated and a Schismatick, depriv'd him of the Kingdom, and gave King *Lewis* new Investiture of it, declaring, that the Investiture he had got from *Clement*, who was not a true Pope, was invalid ; and it was resolved, that *Braccio da Montone*, *Sforza da Cotignola*, and *Paolo Orsino*, all of them Officers of great Renown, should be engaged in the Service. Whereupon *Lewis* went to *Florence*, to induce the Republick, by vertue of the League, to contribute towards the Pay of these three Officers, and Pope *Alexander* went to *Bologna* ; but being seventy Years of Age when he was chosen Pope, he was taken ill there, and on the third Day of *May* this Year 1410 he died. The Cardinals enter'd the Conclave, and on the fifth Day unanimously elected *Baldassare Cossa* a *Neapolitan*, and Cardinal of *Bologna*, who had been recommended by King *Lewis*, and who took the Name of *John XXIII*. This Pope, naturally as fiery and troublesome as *Ladislaus*, began his Pontificate with a Resolution of turning *Ladislaus* out of the Kingdom ; and because the *Florantines* were in Suspence, and unwilling to advance Money, before they knew whether the new Pope would confirm the League, King *Lewis* went to *Bologna* to adore him, and found him much readier to favour him than *Alexander* had been ; for he not only agreed to bear a Share of the Charges of the Land-Army, but had likewise hired a great Number of *Genoese* Gallies, which being joined with the *French* Fleet expected from *Provence*, were to attack the Kingdom by Sea.

MEAN while *Ladislaus* lost no time, for he no sooner heard of Pope *Alexander's* being taken ill, than he with his Army marched from the County of *Sora* to *Rome* ; and as that City was without a Garrison, and pretending to reduce it to Pope *Gregory's* Obedience, who was then in *Gaeta*, he took it without Opposition ; he there hearing of the Preparations of his Enemies, left *Perretto d' Ibreia* Count of *Troja*, and *Gentile Monterano* in *Rome* with three thousand six hundred Horse, and distributed the rest of his Army amongst some Cities of *Compagna*, giving Orders to the Officers, in Case of Need, to go to *Rome* and assist the Count of *Troja*, and went himself to *Naples* to raise Money, and to guard against any Attack that might be made upon the City by Sea. Having raised a great Sum of Money by selling Cities and Villages

Villages at a very low Price, he fitted out eight Ships and six Galleys; and having thus taken care of the Sea-Affairs, he assembled all the Barons with a Design to go to *Rome*. But King *Lewis* having drawn near to that City, the *Romans*, at the Instigation of *Paolo Orsino*, who had come to *Porta di S. Pangrazio*, rose up in Arms; and though the Count of *Troja* made Resistance, he was at last forced to surrender. King *Lewis* having made himself Master of *Rome*, and appointed Magistrates in the Name of Pope *John*, he was eager to enter the Kingdom, and pursue the Victory; but *Braccio*, in order to recover some Cities of *S. Peter's* Patrimony, which held out for *Ladislaus*; and *Paolo Orsino*, in making himself Master of some Castles in *Campagna* spent so much time, that *Ladislaus* had leisure to look about him, and assemble a powerful Army. And in this place *Angelo di Costanzo*, very much to the Purpose, considers the Misfortune of the Kings of these Times, who rather serv'd than were served by the Soldiers of Fortune, who had their own Interest more at heart than the Victory of the Princes that paid them; of which *Ladislaus* was so sensible, that after he was of Age to fight for himself, he never made use of them, but when he could not do otherwise, always employing his own Subjects, or Foreigners, who had not so many Men as might make it dangerous to dismiss them, when they did not punctually obey his Commands.

AFTER *Paolo* and *Braccio* had driven *Ladislaus's* Soldiers out of those Places, they marched with *Lewis*, and by the *Via Latina* advanced with the Army towards the Kingdom. On the other hand *Ladislaus* with thirteen thousand Horse and four thousand Foot marched for *Capua*, and arrived under *Rocca Secca* about the same time that *Lewis* with his Army came to *Ceprano*; and King *Lewis* advancing a little further, encamped within a Mile of him. Both Parties consider'd, that to consume Time would occasion a Scarcity of Money for paying the Soldiers, who consequently would desert, therefore they willingly came to an Engagement. The Battel was begun about Evening, and with great Bravery on both Sides, lasted till it was dark Night; but at last *Lewis's* Army obtained the Victory; and *Ladislaus*, who to the very last struggled hard to defeat his Enemy, despairing of Victory, retir'd to *Rocca Secca*, and changing his Horse, went to *S. Germano*, whither all that escaped likewise went that very Night. Tho' *Lewis* gained the Battel, yet he knew not afterwards how to make use of the Victory; and it was very strange, that his victorious Army, led by the most skilful Commanders in *Italy*, did not pursue the Victory, whereby, without Dispute, he might easily have conquer'd the Kingdom. After the Victory King *Lewis's* Soldiers refused to march further till they were paid, expecting that Pope *John* would have sent Money upon the first News of the Victory; so that *Lewis*, instead of going forward, was obliged to return, with *Braccio* and *Sforza* to the Pope in *Bologna*. *Pietro d' Humile*, who was present at the Battel, writes, that *Lewis's* Army was so poor, that the Horsemen, who had made those of King *Ladislaus's* Army Prisoners, after having taken their Arms and Horses from them, and, according to the Custom of those Times, set them at Liberty, offer'd to return them both their Arms and Horses for eight or ten Duckets. Therefore King *Ladislaus* order'd *Tommaso Cecalese* his Treasurer to give Money to those who could not provide themselves from home; and it was not long before a great Number of Soldiers Boys went with a Trumpet from *S. Germano*, and return'd with Horse and Arms; so that in a short time King *Ladislaus's* Army was in a manner compleat again. To this was added, that *Ladislaus* beyond his Expectation was at full Liberty to do what he thought fit; for when King *Lewis* arriv'd at *Bologna*, to ask Succour of Pope *John*, he found him in great Trouble of Mind, because the Emperor *Sigismund*, mov'd with Christian Zeal for putting an end to the Schism, which had lasted so many Years, not only went in Person to some, but sent Ambassadors to all the rest of the Christian Princes to exhort them to join with him in order to force *Benedict XIII.* who was in *Catalonia*, *Gregory XII.* who was in *Gaeta*, and *John XXIII.* to come to a General Council, where it might be decided which of them was the true Pope, and to exclude him that did not come. And having got all the Princes to consent, he had caused Prelates from all Nations to be assembled in *Constance*, which had been pitched upon for holding the Council, and at that time he had sent to require Pope *John* to go to the Council: wherefore the Pope, doubtful of himself, was forced to tell King *Lewis*, that it behov'd him to mind his own Affairs, and make use of his Soldiers against the Tyrants, which upon the Noise of this Council had risen up against him, advising him to defer the War against the

Kingdom of *Naples* to a more fit Opportunity; upon which Speech King *Lewis* left him in great Disgust, and went to *Provence*, where he died soon after, leaving three Sons, *Lewis*, *Renatus*, and another, of whom hereafter.



C H A P. VIII.

King Ladislaus makes new Attempts upon Italy. His Death, Virtues, and Vices; and in what Condition he left the Kingdom to Queen Joan II. his Sister and Heir.



LADISLAUS, beyond all Expectation, being freed from his Anxiety by *Lewis's* Departure, in order to be revenged of Pope *John*, began to infest the Ecclesiastical Estate. The Pope was at this time in the greatest Perplexity; for having shut himself up with his most trusty Friends to consult about his going to the Council, he found them of different Opinions; for many of them advised him not to go, and among these *Cosmo di Medici* a *Florentine*, a Man of great Wisdom, was one who told him, that it was inconsistent with the Decorum of the Pontifical Authority and the Dignity of *Italy*, upon an Order to go and deliver himself into the Hands of Barbarians, and be subject to their Determination: but being a Man of great Spirit, and trusting to the Justice which as it seem'd to him was on his Side, having been elected universal Pope by those very Cardinals who had rejected *Benedict* and *Gregory* as Anti-Popes, he resolved to go; and in Answer to all Reasons to the contrary, he gave a very plausible one, saying, that it would be of very ill Consequence, if by his Contumacy he should give them an Opportunity of electing another Pope in *Germany*, who afterwards, with the Emperor's Assistance, might come to *Italy*, when he was at War with King *Ladislaus*, and turn him out of the Chair. However, before he went, he endeavour'd to make Peace with *Ladislaus*; for which end he sent Cardinal *Brancaccio*, a Man of an excellent Life, and venerable for his Age, to *Naples*, who managed Matters so dexterously, that though *Ladislaus* knew very well, that the Pope was put to his Shifts, yet he got him to accept the Peace, by virtue whereof the King set at Liberty a Brother and some Relations of the Pope's, who were Prisoners, and the Pope paid him eighty thousand Florins.

THIS Year 1412, Queen *Margaret*, who had been many Years in *Salerno*, which, with other Cities, and that of *Lefina*, had been given her as her Dowry, being obliged to leave that City on account of the Plague that raged there, went to *Acqua della Mela*, a Village belonging to *S. Severino*, where she fell sick, and on the seventh of *August* died in the Arms of the King her Son, and was honourably interr'd in the Church of *S. Francis* in *Salerno*, where he caused a stately Monument of Marble to be erected, with an Inscription according to the Custom of those Times, which is to be seen at this Day.

POPE *John* being now resolv'd to go to the Council, appointed *Braccio* General of the Church, in order to subdue *Francesco di Vico*, who had revolted from her, and intitled himself *Prefect of Rome*. King *Ladislaus*, who was impatient of Ease, hearing of the Pope's Departure, assisted the Rebel: wherefore *Braccio* wrote to the Pope, that the King had broken the Peace. But the Affairs of the Council went so cross with *John*, that he did not mind those of *Italy*; so that *Ladislaus*, without any Regard to the Peace, the Year following, 1413, made himself Master of *Rome*, and very artfully, not only engaged *Sforza* in his Service, but likewise *Paolo Orsino*; for it was the Custom of those Times, that Soldiers of Fortune, after they were discharged from the Service of one Prince, went to serve another, without retaining

taining any Grudge for the first whom they had serv'd: Nevertheless, *Paolo* knowing the King to be of a revengeful Temper, was doubtful; and thinking his bare Promise not sufficient, would have Security from the King, which was given him. Therefore *Paolo* and *Orso Orfini* came with a good Body of Troops well arm'd and accoutred, and the King put on a chearful Countenance. The better to conceal the Design he had of putting them to Death, he pretended to have a great Regard for *Sforza*; and though he hated him, as he did all Soldiers of Fortune, yet he carried fairer, and was more cautious of breaking his Engagements with him, than with the other two. *Ladislaus* was now ready to enter into a War with *Tuscany*; and the *Florentines*, jealous of his Ambition, were preparing to defend their Liberty. But *Ladislaus*, in order to surprize them, made a shew of marching his Troops another Way; so that having left *Rome*, and with great Ease taken Possession of all the Cities belonging to the Church, he distributed his Army amongst those Cities; and he staid himself in *Perugia*, with a Design not to discover his Intention for some Days, in order to keep the Cities of *Tuscany*, *Romagna*, and *Lombardy* in Awe, and to draw Contribution from them: whereupon *Florence*, *Lucca*, *Sienna*, *Bologna*, and other Cities, immediately sent Ambassadors, all which he receiv'd with great Complaisance, but spoke to them ambiguously, now and then pretending to be going to *Lombardy*. But at last accepting Presents from the other Cities, he put off the *Florentine* Ambassadors with fair Words. They, finding that he had a mind to attack *Florence*, had recourse to Treachery; for understanding that the King had an Intrigue with the Daughter of a Physician of *Perugia*, with whom he had familiar Conversation, 'tis said, that with a great Sum of Money they bribed the Physician, by the means of his Daughter to poison him: and that the Physician, through Avarice, preferring his own Profit to his Daughter's Life, perswaded her to anoint her privy Parts with a poisonous Ointment, when she was to lie with the King, making her believe, that it was a Composition of such Ingredients as would give the King so much Pleasure in the Act of Copulation, that he would still be the more in Love with her; and that by this means the King was seiz'd at first with a lingring unknown Illness; at which time *Paolo* and *Orso* coming to visit him, he caused them both to be secured, and put into close Prison; and all the Commanders having come to intreat him not to break the Promises he had given, the King answer'd them, that having been inform'd, that *Paolo* kept a Correspondence with the *Florentines* in order to betray him, for his own Safety he was obliged to have him secur'd; but if it was not true, he should be set at Liberty. This Solicitation prov'd very lucky for their Safety; for the Disease increasing, and the King having gone from *Perugia* to embark at *Ostia*, when the Commanders saw that he was resolved to carry the Prisoners with him, they pitched upon the Duke of *Atri*, who was to accompany the King, to take care that the Prisoners should not be thrown into the Sea. Upon the King's Arrival at *Ostia* he embarked in great Agony, and in a manner delirious declar'd, that he had no other Intention, but that the Prisoners might not escape; and arriving at *Naples* on the second of *August* this Year 1414, he was carried from the Shore to the Castle in a Litter; and he was no sooner laid in his Bed than he order'd *Paolo* to be beheaded. The Duke of *Atri* spoke to *Joan* the King's Sister, who managed every thing, (for the Queen was used rather like a Prisoner than a Queen) and told her how prejudicial it would be both to the King's Soul and his Dominions, if so great a Man, without any just Cause, should be put to Death; and he prevailed so far, that those who should visit the King the next Morning were order'd to tell him, that *Paolo* had been beheaded and quartered. Nor did the extreme Pleasure which this gave the King in the least abate the Violence of the Dis-temper, of which, on the sixth Day of *August*, he died, with the Character of a bad Christian. *Joan*, because he had died under Excommunication, order'd him to be buried without Pomp in S. *John's* Church; but she afterwards caused a stately Royal Tomb to be erected for him, which is to be seen there at this Day.

LADISLAUS, according to *Sannazzaro*, died before he had reign'd thirty Years complete;

Mors vetuit sextam claudere Olympiadem.

and he liv'd thirty nine Years. As the Example of the Prince has usually a great Influence upon the People, so in this Reign Arms flourished, and Learning was neglected; therefore we read of no such famous Lawyers, or other learned Men in these Times,

Times, as flourished in the Reigns of King *Robert* and Queen *Joan* his Grandchild. The many Wars in a divided Kingdom, where often two Kings reign'd, oblig'd the People to have Arms more in their Hands than Books; whence we see, that in order to the better establishing the Civil and Political Government, no new Laws were thought upon for regulating the Tribunals and University: Amongst the Statutes of the Kings of the Family of *Anjou*, we have only one of *Ladislaus*; and the two contending Kings, *Lewis* and *Ladislaus*, keeping each of them his own Court, occasion'd that Confusion which in these Times we observe among the seven Officers of the Crown, of whom there can be no certain and continued Series and Succession set down. For the same Reason we likewise read of two High Constables, and two Great Protonotaries at the same time; and so of the rest.

AS the warlike and undaunted Spirit of *Ladislaus* restor'd military Discipline in the Kingdom, so it increased the Number of Barons; and his selling and giving away so many Fiefs did not a little diminish the Royal Patrimony, which produced a remarkable Change in the Baronage. Formerly there were but few Barons, and much fewer Counts; as for Dukes, (seeing those of the Royal Family only, or their near Relations, had Principalities) there were none but the Duke of *Anania*, of the Family of *Balzo*, and the Duke of *Sessa*, of that of *Marzano*: Afterwards, in the Interval between the Death of Queen *Joan* I. and the Reign of *Ladislaus*, some Lords, who entertain'd military Men, possessed themselves of Cities, and usurp'd Titles at their Pleasure; and of these *Vincilio Sanseverino* was one, who, seeing the Title of Duke in the Families of *Balzo* and *Marzano*, likewise usurp'd the Title of Duke of *Venosa*. The Duke of *Atri*, of the Family of *Aquaviva*, did the same; and though the Marquis of *Bellante*, descended of this Duke, told *Angelo di Costanzo*, that the Family of *Aquaviva* possessed the Title of Duke by a Grant from Queen *Joan* II. some Years before she died; nevertheless *Costanzo* writes¹, that before that time he found the Title of Duke in that Family in a Book belonging to the Duke of *Monteleone*, the Paper and Character of which was so ancient, that it was plain it had been written in those Times; and that he had likewise read of it in the Annotations of *Pietro d' Humile*, who very accurately wrote the Transactions of *Ladislaus*, and Part of those of Queen *Joan* II; whence both the one and the other may be true; and that this Duke of *Atri*, who was alive when *Ladislaus* died, and the Father, who was General at *Taranto*, may have been call'd Dukes before they had that Grant from Queen *Joan* II. And it is truly worthy of Observation, that amidst the many Revolutions and Changes which in the Course of many Ages have happen'd in this Kingdom, this Family only has retained the Title of Duke, and with the Title the Possession of those very Lands, which by the noble Exploits of the illustrious Men of this Family for so many Ages were acquir'd. Some others, such as the Family of *Sanseverino*; the *Ruffi*, of the County of *Sinopoli*; that of *Capua*, of the County of *Altavilla*, retain also the Title of Counts, which their Predecessors had, but not of Dukes. The Dutchess of *Andria* and *Sessa* are more ancient, but are possessed by other Families.

AS for Marquisses, although such a Title began to be in Use in the other Parts of *Italy*, yet it was not known in our Kingdom till the Reign of *Ladislaus*, wherein we find *Cecco del Borgo* Marquis of *Pescara*; and *Costanzo* observes, that before him no other had had the Title of Marquis in the Kingdom of *Naples*.

ALTHOUGH, not only in the Reign of the Family of *Anjou*, but likewise in the Times of the *Suevi* and *Normans*, there were a great many Counts, yet in the Reign of *Ladislaus* their Number was hugely increased, of whom *Summonte* has given us a long Catalogue; and this Prince, by the Concession of so many Fiefs, much augmented the Number of Barons. Besides his being often in great Straits for Want of Money to maintain so many Wars, which oblig'd him to sell Fiefs at a very low Price, he was out of all measure most liberal; and whether he had, or wanted, he made use of just and unjust Means indifferently in order to have Money. Being a Lover of gallant Men, and frequently diverting himself with Tournaments and warlike Exercises, in which he was very skilful, he thought he could never give enough either of Honour and Riches to the Man he saw give Proof of his Skill in these Exercises. When he triumph'd in *Rome* the second time, hearing of the Preparations which King *Lewis*, with the Assistance of the new Pope *Alexander*, was making to invade the Kingdom, he left *Rome*, and came to *Naples* to raise

¹ Costanzo lib. II.

Money; and *Angelo Costanzo* ¹ writes, that he then, according to the Registers, sold a vast Number of Cities and Villages at a very low Rate, not only to *Neapolitan* Gentlemen, but to many of the Commonalty, and *Jews* newly baptiz'd. He likewise sold many Offices, and even the Order of Knighthood, which he afterwards was wont to make a Jest of; and of some Cities he made different Grants at the same time to different Persons. Afterwards, when he was making Preparation for the War of *Tuscany*, he likewise came to *Naples* to raise Money, and began to sell Cities and Villages not only belonging to those who had been forfeited for Rebellion, but likewise to those who were not in the least suspected. There is a great List to be seen in the Royal Archives of Cities and Villages bought by *Gurrello Origlia* at a very low Rate. And 'tis truly wonderful to consider the Riches of this *Gurrello*, who, in dividing what he had acquir'd among his Sons, reckoned up more than sixty, Cities, Towns and Villages, and of six Sons, there was not one, to whom he gave less than eight; but that Felicity was of short Duration; for Queen *Joan*, who succeeded, deprived him of every thing. This Prince also, in order to fix *Sforza* the more in his Interest, gave to *Francesco* his eldest Son *Tricarico*, *Senisi*, *Tolve*, *Crachi*, *Salandra*, and *Calciano*, and was as profuse in giving to the *Stendardi*, *Mormili*, and others, of whom *Costanzo* ² has made a long Catalogue.

WHENCE it came to pass, that whereas formerly there were but few Counts that possessed Counties, but very many Barons, in this Reign the Number of Counts increas'd, and that of the Barons in proportion; for not only Citizens of the other principal Cities of the Kingdom, but likewise many Families of the City of *Naples*, though not belonging to the *Seggi*, had Fiefs and Villages; and whereas before the Ruin of so many great Barons expelled by *Ladislaus*, there were no more than seventeen Families in all the *Seggi* that had Cities and Villages, and those but few and small; at his Death it was found, that more than twenty two other Families had been added, particularly to the *Seggi* of *Porta Nova* and *Porta*, the Nobility of which were his special Favourites, and that besides those that did not belong to the *Seggi*, who were possessed of Baronies either by Gift or Sale.

ALTHOUGH *Ladislaus* had three Wives, *Constantia*, whom he divorced; *Mary*, Daughter to the King of *Cyprus*; and the Princess of *Taranto*; yet he had no Children by any of them; therefore his Sister *Joan* succeeded him in the Kingdom. Besides these Wives, being a most lustful Prince, he had many Concubines, viz. the Daughter of the Duke of *Sessa*, another call'd *Contessella*, whose Name or Sirname *Costanzo* could not find; and he kept these two in *Castel Nuovo*, from whence they never mov'd, not even when he married the Princess of *Taranto*; at which she was so much offended, thinking herself slighted, that he sent them to *Castel dell' Uovo*, where *Maria Guindazzo*, another of his Concubines, staid. He had also some others in *Naples* and *Gaeta*, where he had his Pimps for furnishing him with the most lively and beautiful Women, after the manner of the Sultans of *Egypt*, and the *Ottoman* Emperors now-a-days. His Sister *Joan* would not have it said, that she came short of her Brother in that; for she was no sooner left the Duke of *Austria's* Widow, than she took care to provide herself with Gallants: so that we may say, that King *Charles III.* and Queen *Margaret* his Wife brought into the World two prodigious Monsters of Lust and Filthiness. Of all his Concubines only one Lady of *Gaeta* bore him a Bastard Son named *Rinaldo*, to whom he gave the Title of Prince of *Capua*, though without Lands, whom he married to a Daughter of the Duke of *Sessa*. During all the Revolutions that happened in the Reign of Queen *Joan* his Aunt, *Rinaldo*, not thinking fit to stay in *Naples*, retired to *Foggia*, where he ended his Days, and was buried in the great Church of that City, in the same Chapel where the Corpse of King *Charles I.* the Stock of the Family of *Anjou* had been deposited. He left one Son, named *Francesco*, and many Daughters. *Francesco* had only one Son, after his Grandfather named *Rinaldo*, who having married *Camilla Tomacella*, died soon after, and was buried in the same Chapel, where his Father, who soon followed him, caused a Monument to be erected to him, with an Epitaph, transcribed by *Summonte* ³, which is still to be seen.

¹ Ang. Costanzo lib. 11. in fine.

² Idem lib. 11.

³ Summont. lib. 4. pag. 602.



T H E

CIVIL HISTORY

Of the KINGDOM of

N A P L E S.

B O O K XXV.



Y the Death of King *Ladislaus*, much lamented by all the noble *Neapolitans*, who followed the Art of War, all military Discipline was at an end, and nothing but Confusion come in its Place; for the Soldiers wanting Pay, listed themselves under *Fabrizio* and *Giulio Cesare* of *Capua*, the *Caldori* and Count of *Troja*, who carried them to their own Estates, where they maintained them, expecting to be employed by other Princes, as some of them afterwards were. And in this manner in a short time that great Army, which had fought under the Banners of this valiant King, was dispersed. And of so many Cities taken in *Compagna di Roma*, *Ostia* alone remained in the Possession of *Joan* the Widow of the Duke of *Austria*, and the Castle of *S. Angelo* in *Rome*; and the same Day that her Brother *Ladislaus* died, she was proclaimed Queen by the *Neapolitans*, without seeking Investiture. *Sforza* hearing of the King's Death came to wait upon Queen *Joan* in *Naples*, and entered into her Service.

ALTHOUGH there was but a small Number of Noblemen of the *Anjou* Faction left in the City of *Naples*, many of them having gone to *France*, and those who had staid were very poor; yet during the Reign of *Ladislaus* they were in great

great Reputation, not only for the Art of War, which was then in vogue, and brought great Honour and Advantage to many Noblemen, but much more on account of Estates, which either by Gift or Sale *Ladislaus* had distributed among the Families of all the *Seggi*, and others. But in the beginning of the Reign of Queen *Joan* II. such a change of Government was discovered, that many wise Men prophesied, that in a short time the *Durazzo* Faction would be in no better State than that of *Anjou*, to the utter Ruin of the Kingdom; for *Joan*, when she was Duchess of *Austria*, had fallen in Love with her Cup-Bearer, or as others will have it, her Carver, named *Pandolfello Alop*, to whom she had privately prostituted her Person; but afterwards when she came to be Queen, shaking off all Fear and Shame, she likewise prostituted the Government of the Kingdom; for having made him High-Chamberlain, whose Office, as we have told elsewhere, is to have the charge of the Royal Demains and Revenues of the Kingdom, and suffering him to manage every thing as he thought fit, the whole Kingdom was in a manner at his Disposal. But *Sforza* conversing in the Castle with the Queen about Affairs relating to his Command, and she jesting familiarly with him, and blaming him for not marrying, *Pandolfello* became jealous; for though *Sforza* was about forty Years of Age, yet he was of a comely Stature, robust, and had a Soldier-like Countenance, fit to inflame the Queen's natural Lasciviousness; and without giving them time to go on in their Discourse, he said to the Queen, That *Sforza* was in King *Lewis*'s Interest, and had sent to invite his Army to come to the Kingdom, in order to take *Naples*, the Castle, and her self; and that he had had Advice of this from very sure Hands, and which required immediate Provision for preventing it. The Queen being put to a stand, bid him look to it; and gave Orders, that the first time that *Sforza* should come to the Castle he should be told, that she was in the Tower *Beverella*; so that *Sforza* having come, found People there who disarmed him, and forced him to go down to the Prison where *Paolo* and *Orso* were.

WHEN this was known in *Naples*, the *Durazzo* Faction was grievously offended, and especially those who had been of *Ladislaus*'s Council, who immediately went and told the Queen, that they were very much surprized, that by the Advice of Count *Pandolfello* alone she had caused so famous and able a General as *Sforza* to be imprisoned, when it required the Advice not only of all the most knowing Men of *Naples*, but of the whole Kingdom, because both the Interest of the Crown and Kingdom was at stake, and nothing but Blood and Confusion would be the Consequence, if *Paolo*'s Soldiers should join with those of *Sforza* for setting their Generals at Liberty. The Queen answered, That she had ordered the Count to advise with the Council, but the Danger being so imminent, he had not had time; and that she would give Orders to have the Matter judicially examined, and if he was found innocent he should be set at Liberty. Those Counsellors urged again, that *Stefano di Gaeta* a Doctor of the Law should take Cognizance of the Matter, which was ordered accordingly.



C H A P. I.

Queen Joan II. marries James Count de la Marche, of the Blood Royal of France.



HIS Expostulation very much perplexed both the Queen and Count *Pandolfello*, but especially the Count; and so much the more, that all those of the Council in a Body went and represented to the Queen, that she being the only remaining Branch of the Stock of King *Charles*, and of the many Kings that had reigned for a hundred and fifty Years, she ought to take a Husband in order to have Children, and to secure the Quiet of the Kingdom, which, in the State it was in, could not be long without some Commotions. To this was added, that Ambassadors from *England*, *Spain*, *Cyprus* and *France*, arrived in *Naples* at *Christmas* to treat about the Marriage, which induced the Queen to come to a Resolution. And as the Infant *Don John* of *Aragon*, the Son of King *Ferdinand*, seemed to be the best Match, because *Ferdinand* was in Possession of the Island of *Sicily*, from whence he could quickly send Assistance to the Queen against her Competitors; the Council persuaded her to send *Messer Goffredo di Mont' Aquila* a Doctor of Law, and *Friar Antonio di Tassi*, Head of the Conventuals of *S. Francis* to *Catalonia* to treat about the Marriage; from *Catalonia* they went to *Valencia*, where, to the great Joy of that King they soon concluded it. But when the Ambassadors returned to *Naples*, and told, that the Infant *Don John* was only eighteen Years of Age, the Queen being then forty seven, a Messenger was sent to undo all that had been agreed to, and *James Count de la Marche* of the Blood-Royal of *France*, but at a great Distance from the Crown, was pitched upon, judging that he might be treated with upon easier Terms than the others, who might pretend to greater Titles; and it was agreed with the *French* Ambassadors, that he was not to take the Title of King, but should be contented with that of Count, and Governor General of the Kingdom; as to the rest the Queen was to use him with all the Respect imaginable. The Ambassador, after having been solicited by many to hasten the Count's coming, left *Naples*, and with this the Minds of the People were at Ease. But *Pandolfello* thinking, that though the Queen's Husband was only to have the Title of Count, yet that was not sufficient for his Security, and knowing that he was envied by many, who wanted to have him ruined, resolved to strengthen himself by Friends and Alliances; for which end, in order to make court to *Sforza*, he went to visit him in the Prison, and made him believe, that the Queen, at the Instigation of others, had made him Prisoner, and that he himself was doing what he could to have him set at Liberty. *Sforza*, who was naturally a downright and sincere Man, taking what he said to be true, thanked him, and promised to do him all the Offices of Gratitude in his Power; *Pandolfello* bid him take Courage, for he would get *Catarinella Alop* his Sister, a great Favourite of the Queen's, to interpose in his Behalf. A few Days after having imparted his Thoughts to the Queen, he persuaded her to agree to what he was about, and returning to the Prison, he told *Sforza*, that he had not only obtained his Liberty, but his Advancement also; and that the Queen had granted him his Liberty expressly upon Condition that he should marry *Catarinella*, who had been at so great Pains to procure it for him; and that instead of a Portion she would make him High-Constable, with eight thousand Duckets a Month for paying his Soldiers. *Sforza* came out of Prison,

son, and the Marriage was celebrated with great Pomp; but the Council were highly offended with the Queen on account of this Marriage, looking upon it as a most scandalous thing, that a pitiful Cup-bearer (for so they called him) should have the Disposal both of the Queen's Mind and Person; but the Servants of King *Charles III.* and King *Ladislaus* were much more enraged to see the Memory of these two glorious Kings dishonoured, and among the rest *Giulio Cesare di Capua* seemed to be the most affected, who having entertained a great Number of *Ladislaus's* Soldiers upon *Sforza's* Imprisonment, aspired at great Matters; but when he saw him set at Liberty, and joined with *Pandolfello*, it seemed that these two had set up for a *Duumvirate*, that should be able to cope with the Count *de la Marche*, and share out the Kingdom; so that when Advice came that the Count was in *Venice*, and in a few Days would be at *Manfredonia*, *Giulio Cesare*, with some Barons, without any Order, went to meet him in the Plains of *Troja*, and was the first that dismounted, and saluted him King, and the rest followed his Example. Then he told him in what a miserable State the Kingdom was, and the great Hopes the People had of being relieved by his Majesty, for the Queen, being madly in Love, had basely given herself up a Prey to a Scoundrel, who having contracted Alliance with another Villain, a Commander of Soldiers, disposed of and tyrannized over the Kingdom, to the great Reproach of the Crown and the Blood-Royal; and therefore it behoved him, with the Character of King, and not of Count, to take the Government upon him, and not to suffer these two Hangmen to strangle him, as King *Andrew*, the Husband of another Queen *Joan*, had been served; for whenever the Queen should find herself debarred from her Amours with a Man she loves so much, she would not fail to lay Snares for his Life. King *James* was struck with Grief and Shame, for not having brought an Army with him, it looked as if he was uncertain of Empire, but very certain of Danger and Infamy; nevertheless he thanked *Giulio*, and promised, that he would take his Advice in every thing, and trust to his Courage. The next Day *Sforza*, being sent by the Queen with a great Train of Attendants, met the King about six Miles from *Benevento*, and without dismounting saluted him, not as King, but Count: The King, with a stern Countenance, made him no other Answer, but asked how the Queen did; whereupon those that were in Company with him, seeing *Sforza* so coldly received, and understanding that the Count had been proclaimed King, went and kissed his Hand as such. But *Sforza* coming afterwards to wait upon the King, *Giulio Cesare*, with a Design to please the King, meeting him on the Stairs, said to him, That it did not become him, who was born in a Village of *Romagna*, not to give that Lord the Title of King, which the native Barons of the Kingdom had given him; and *Sforza* answering, That though he was born in *Romagna*, with Sword in Hand he would make it appear, that he was a Man of as much Honour as any Lord in the Kingdom; and both of them, with a great Noise, drawing their Swords, while the other Gentlemen who were present were endeavouring to part them, the Count of *Troja* came out of the King's Chamber, who, as High-Steward, had Power to punish Insults offered in the King's House, and caused them both to be locked up in different Rooms; but *Giulio Cesare* was set at Liberty that same Evening, and *Sforza* was put into a Dungeon.

THE Queen having Advice that same Night of what had happened, sent the next Morning to call the Magistrates of *Naples*, and told them, that her Husband being to make his Entry into the City the Day following, they must take care to receive him as King. The *Neapolitans* accordingly received and saluted the Count as King, who, upon his arrival in the Hall of the Castle, found the Queen there, who dissembling her inward Grief, received him with the greatest Demonstrations of Joy imaginable; and the Archbishop of *Naples* being likewise in the Hall with the Queen in his Pontifical Garments, the Marriage was solemnized with the usual Ceremonies, and they both went to the Bed-chamber, where there were two Royal Seats; and the Queen holding her Husband by the Hand, turned towards the Ladies, Gentlemen and others present, and said, *You see this Lord to whom I have given the Government of my Person, and now I give him that of the Kingdom: Let whoever loves me, and has a regard for my Family, call him, acknowledge him, and serve him as King.* These Words were followed by an universal Acclamation, crying out, *God bless King James and Queen Joan our Sovereigns.* The rest of the Day was spent in Balls, Concerts, and was concluded with a Supper, and then the King went to Bed to the Queen.

THE Day following, when the Ladies and Gentlemen returned in order to continue the Feast as was expected, they perceived by the Countenances of the King and Queen that their Thoughts were taken up with more serious Matters than Feasting; for *Sforza* had been brought from *Benevento* in Chains, and as a remarkable Instance of the Vicissitude of Fortune, was committed to the same Prison, out of which a few Days before he had been taken with so much Grandeur.

THE next Day the King caused Count *Pandolfello* to be taken, and carried to Prison in the Castle *dell' Uovo*, where he was most cruelly tormented, and confessing all that the King wanted to know, he was condemned to die, and on the first of *October* he was led to the Market-place, where he was beheaded, and his Body was afterwards shamefully dragged through the City, and then hung by the Feet, to the Queen's great Grief, and the great Joy of all the Servants of King *Ladislaus*.

KING *James* having found what *Giulio Cesare* had told him of the Queen's dishonourable Life to be true, resolved to deprive her of the Means of getting a new Gallant; for which end he dismissed all her Favourites from Court, and in their room took as many of his own *Frenchmen*; and he began to keep her so close, that no Person whatever could speak to her, unless an old *Frenchman*, pitched upon for that purpose, was present, and who performed his Office with so much Severity, that without his Permission the Queen could not so much as retire to go to Stool.

IF King *James*, after he had thus curbed the Queen, had known how to ingratiate himself with the Barons, every thing would have gone on to his Heart's Desire, because all the Barons so much detested the Memory of the time of *Pandolfello*, and the dissolute Life of the Queen, who was ready to prostitute herself to every vile Fellow, that they were overjoyed to see her humbled; and they were more willing to obey the King, than be in danger of being tyrannized over by a new Gallant. But though the King used them with a great deal of Courtesy, yet his bestowing all Offices upon *Frenchmen*, much alienated them from him; so that it seemed as if they had fallen out of the Frying-Pan into the Fire; but of all the rest *Giulio Cesare* was the most disgusted; and being naturally ambitious, and having always aspired to be one of the seven Officers of the Crown, he could not bear to see the Offices of High-Constable, High-Chamberlain, and High-Steward given to *Frenchmen*, and himself, who had advised the Count to take the Title of King, neglected. Besides, the Queen's Confinement was a great Loss and Inconveniency both to the *Neapolitan* Nobility and Commonalty; for not only a great Number of those who had been employed in her Court were discarded, and without Support, but all the rest had lost Hopes of having wherewithal to live as Matters then stood; moreover, there being no more Balls, and the Youth not having the usual Pleasure of making their Court to the Queen, by their Dexterity at Tournaments, nor the Ladies an Opportunity of partaking of the Diversions of the Court, Melancholy was spread over all the City; therefore it being now three Months since the Queen had been seen, a great Number of Gentlemen, and Citizens of Credit met, went to the Castle, and said, That they wanted to see the Queen their Mistress; and although the old *Frenchman* told them that the Queen was retired diverting herself with the King, and would receive no Messages: all of them said, that they would not depart without seeing her. The King seeing this Obstinacy came out, and with a chearful and mild Countenance told them, That the Queen was indisposed, and that if they wanted any Favour, he was as ready to grant it, as the Queen. Then they all cried out with a loud Voice: We want no other Favour of your Majesty, but that you would use our Queen well, and as becomes her, who is descended of so many Kings our Benefactors, for by so doing we shall have Reason to love your Majesty. These Words, which seemed to be spoken with a strong Emphasis, put the King to a stand, and he answered, That for their Sakes he would do so.

Giulio Cesare being informed of what had passed, pushed on by Indignation and Ambition, resolved to be revenged of the King's Ingratitude, and to endeavour (by setting the Queen at Liberty) to succeed *Pandolfello*; and coming to *Naples*, after he had with great Diffimulation and profound Respect waited on the King, he said, That he would gladly visit the Queen. The Courtiers knowing the King had an entire Confidence in him introduced him to her Chamber, and gave him Opportunity to speak whatever he had a Mind. Then out of the height of Folly, trusting himself to a Woman whom he had so grievously offended, he told her, that he had

a great

a great Mind to put the King to Death, and thereby put an end to her present Bondage and Misery. The Queen suspected that it was a Contrivance of the King's for feeling her Pulse; whereupon, in order to sweeten the King and be revenged of *Giulio*, she resolved to discover the whole, and in the mean time to say that she was very well satisfied. The Queen imparted the Secret to the King, and that he might hear it with his own Ears, it was agreed, that when *Giulio* returned the King should be placed behind the Hangings. He returned, and the King heard after what manner he was to assassinate him, but when he went out of the Court, and was putting his Foot in the Stirrup, he and his Secretary were seized, and carried to *Castel Capuano*, and being convicted, two Days after they were led to the Market-place and beheaded. All these things happened in five Months after King *James's* arrival at *Naples*.

BY this Instance of *Giulio Cesare*, the King finding what sort of Men he had to deal with, began to be upon his Guard, and to keep at a Distance those Barons and Gentlemen, with whom he was wont to be very familiar; and besides he daily enlarged the Queen from her Confinement, and seemed to be sensible of the Obligation he lay under to her, for the Fidelity she had shewed him; but yet he would suffer no Person to visit her, and the importunate old *Frenchman* was still continued as a Guard upon her, which still kept up the Discontent of the People, for very few had access to the King, and none to the Queen; and in this manner did they live from the beginning of the Year 1415 to the Month of *September* following.

IN this Month it happened that the King gave the Queen Liberty to dine in a Garden belonging to a *Florentine* Merchant, and as soon as it was heard in the City that the Queen had got abroad, a great Number of the Nobility and Commonalty run thither to see her; and they saw her in such a Condition, as raised their Compassion; and she very artfully, with Tears in her Eyes and Sighing, looked upon them all with a gracious Countenance, and as if, with a pitiful Silence, she demanded their Assistance. Among the rest *Ottino Caracciolo* and *Anacchino Mormile* a Gentleman of *Porta Nuova*, and a great Favourite of the People, had gone to see the Queen. These two having agreed to set the Queen at Liberty, went to stir up the Nobility and People, and with a great Multitude of armed Men, returned at the very instant that the Queen was stepping into her Coach; and making Way through the Courtiers, they bid the Coachman drive to the Archbishop's Palace. The Queen with a loud Voice cried out, *My faithful People, for the Love of God don't forsake me, for I put both my Life and Kingdom into your Hands*; and all the Multitude, with a loud Voice cried out, *God save Queen Joan*. The terrified Courtiers run all to *Castel Nuovo* to tell the King of the Tumult, and that the Queen was not returning to the Castle. The King, afraid of being besieged in *Castel Nuovo*, went to *Castel dell' Uovo*. A vast Number of Ladies went immediately to wait upon the Queen; and the most antient Nobility of all the *Seggi* joined in a Body, and judging that it was not convenient for the Queen to be in that Palace, they carried her to *Castello di Capuana*, and made the Governor deliver it up to her. The Youth were much delighted with this Hurly-burly, and cried out, *Let us besiege the King*; but the most prudent of the Nobility were of Opinion, that the present Fermentation of the City was to be allayed in such a manner, as they might not fall out of the Frying-pan into the Fire; for they foresaw that the Queen, seeing herself free of all Restraint, would give herself and the Kingdom up into the Hands of some other more insupportable Gallant. Therefore they began to think of Means, whereby they might put a Stop to the insolent Behaviour of the King, and at the same time keep a Check upon the Queen; whereupon Deputies were sent from all the *Seggi*, to treat of an Accommodation with the King, who being destitute of all Assistance, was forced to yield to whatever Terms were proposed, and these were the Conditions they agreed to: *That upon the Faith of the Neapolitans he should come and live with his Wife: That he should allow the Queen, as lawful Sovereign of the Kingdom, to appoint and establish a suitable Court, and that the Kingdom should be Hers, as had been stipulated at first, when the Marriage was made: That he should retain the Title of King, and have forty thousand Ducquets yearly for maintaining his Court, which for the most part should consist of Neapolitans.*



C H A P. II.

King James's Imprisonment; his Release by the Mediation of Martin V. elected Pope by the Council of Constance; his Flight and Retreat to France, where he turned Monk; and the Coronation of Queen Joan.



THE Queen, in appointing her Court, pitched upon *Sergianni Caracciolo* to be her High-Steward; *Sergianni* was above forty Years of Age, but in his Person handsome and robust, and a Gentleman of great Prudence. She made *Marino Boffo*, a Doctor and a Gentleman of *Pozzuolo*, President of her Council, to whom she gave for Wife *Giovannella Stendarda* a rich Heiress: She gave the Office of High-Chamberlain to the Count of *Fondi* of the Family of *Gaeta*; and her Court was made up of handsome and gallant young Men; the chief of which were, *Urbano Origlia* and *Artuso Pappacoda*; and she caused *Sforza* to be taken out of Prison, and restored him to the Office of High-Constable; and being in love with *Sergianni*, her whole Thoughts were employed to dispatch the King, in order to enjoy him at her Pleasure. But *Sergianni* very prudently told her, That if she should offer any Violence to the King, all the City of *Naples* would immediately come to his Assistance, since the Accommodation was made upon the Faith of the *Neapolitans*, and that she ought first, with Favours and good Offices, to gain the Good-will of the chief Men of all the *Seggi*, that thereby, for their own Advantage, they might by Degrees desert the King; whereupon it was concerted, that the Queen should dispose of the Offices in such a manner, that not only the Nobility, but the chief Men of the Commonalty should partake of them. By this Means the City was fully satisfied: Only *Ottino Caracciolo* and *Anneccchino Mormile* were exceedingly offended, complaining of the Queen's Ingratitude, who, having been relieved by them from so rigorous a Bondage, had entirely neglected them; of which *Sergianni* being apprized, he got the Queen to give *Ottino* the County of *Nicastro*, which put *Anneccchino* in a much greater Rage. And *Sergianni* being jealous of *Sforza*, who was in a higher Station, and more powerful than he, and being at Court might gain the Precedence in Council, and turn him out of the Queen's Favour, whose Lasciviousness he very well knew: He found an Opportunity to have him sent from Court; for *Braccio da Montone*, a famous Soldier of Fortune, having made himself Master of *Rome*, had laid Siege to *Castel S. Angelo*, which held out for the Queen; whereupon he proposed in Council, that *Sforza* should be sent to relieve it (perhaps expecting that *Braccio* would defeat and ruin him) and accordingly the Queen ordered him to go.

HAVING got *Sforza* removed, he resolved to rid himself likewise of *Urbano Origlia*, who by his Comeliness and Valour was daily creeping into the Queen's Favour, and under Colour of doing him Honour, he got the Queen to send him her Ambassador to the Council of *Constance*, which was endeavouring to remove the Schism that had lasted so many Years, and where the Ambassadors of all other Christian Princes met the Emperor *Sigismund*, in order to acknowledge the Pope that should be elected in that Council. *Sergianni* having thus made himself Master of the Queen's Household, he began now to think of making himself Master of her Person likewise; and he had such Influence upon the Queen, that one Night as she

was at Supper with the King, she told him, That she would have all the *French* turned out of the Kingdom; the King answered, That they must first be paid for their Service in following him out of *France*; and the Queen replying in a haughty and imperious manner, That she would have them turned out in spite of him, the King not able to bear so great Insolence, rose from the Table and went to his Chamber, and the Queen put him under a Guard of Men that were there for that Purpose. The next Day she issued out a Proclamation, ordering all the *French*, in the Space of eight Days, to leave the Kingdom. The *French*, seeing the King a Prisoner, made haste to be gone.

THUS both the Kingdom and Queen fell into the Hands of *Sergianni*, who being resolved to make use of his time, got the Queen to restore the Count of *Nolæ* to his Estate, and the Office of Lord Chief Justice, provided he would marry one of his Sisters; and he gave another of them in Marriage to the Brother of the Count of *Sarno*; it looked very odd, that two Women, who a few Days before had been upon the Point of marrying two Gentlemen of no great Quality, without Portions should rise so high.

THIS so sudden absolute Sway of *Sergianni* created him much Envy, and equally drew great Infamy upon the Queen, especially with those of the *Durazzo* Faction, and those that had been Favourites of King *Charles III.* and King *Ladislaus*, who saw the Memories of these two glorious Kings, and the Name of the most antient Family in the World dishonoured by such abominable Wickedness; and they went about murmuring and stirring up the Nobility and People, saying, that they ought not to suffer an innocent King, to whom so noble and honourable a City had pledged its Faith, to be kept Prisoner in the very same House where the Adulterer lay with his Wife; and that perhaps all *France* would revenge the Injury done to their Royal Blood, and of all the rest *Annechino Mormile* was the most violent.

BUT *Sergianni*, who was one of the most artful and prudent Men in those times, caused all the Pensions that had been given to the *French* to be distributed among the principal Gentry and Citizens; and to make good his Interest with the Common People, who were the most easily provoked, he bought with the Queen's Money great Store of Provisions, and sold them at a very low Price, and by this Art he rendered all the Attempts of his Enemies fruitless.

HE was now afraid of none but *Sforza*, who having relieved *Castel S. Angelo*, was returned very much dissatisfied with him, saying, That *Sergianni* had not sent Money to pay the Soldiers in due time, on purpose to oblige them to mutiny and take Service under *Braccio*; and therefore he had halted at *Mazzone*, and from thence, without coming to wait upon the Queen, he marched into *Basilicata*. By this *Sergianni* found that *Sforza* bore him a Grudge, and in order to strengthen himself, and that *Sforza* might not have all the Troops of the Kingdom under his Command, he immediately engaged in the Queen's Service *Francesco Orsino*, who at that time had the Reputation of a good Officer; he likewise caused *Giacomo Caldora* to be set at Liberty, and gave them Money, in order to go to *Abruzzo* and levy Men; and under pretence of a Correspondence with *Sforza*, he caused *Annechino* to be imprisoned, lest upon *Sforza's* coming he should stir up the People to receive him and his Men into the City.

WHILE Affairs were thus transacting in the Kingdom, after much debating the Cardinals and Deputies of the Council of *Constance* entered the Conclave, and on the Feast of *S. Martin* 1417 unanimously elected *Odone Colonna* Cardinal Deacon by the Title of *S. George*, who took the Name of *Martin V.* on account of the Day of his Election, who was acknowledged over all Christendom, which put an end to the Schism, that for so many Years had rent the Church. The *French* immediately solicited the new Pope to intercede with the Queen for King *James's* Liberty, of which *Urbano Orsilia* presently advised the Queen. But *Sergianni* found out a Remedy for that, by immediately sending *Belforte Spinello di Giovanazo* Bishop of *Cassano* his trusty Friend, and *Lorenzo Teologo* Bishop of *Tricarico* Ambassadors to the Pope in the Name of the Queen to congratulate him upon his Election, and to offer him all the Forces of the Kingdom for recovering the Estate and Dignity of the Church, promising, upon his arrival at *Rome*, to give him *Castel S. Angelo* and *Offiz*.

ON the other hand *Sforza* returned to *Naples*, and drawing up his Troops in order at the Gate *del Carmelo*, he entered and made them cry out, *God save Queen Joan, and down with her corrupt Council.* *Francesco Orsino* with his Men immediately

diately stood to their Arms, and attacked *Sforza* with so much Fury, that he was obliged to retire, and by the hollow Ways he marched to the Prince's Village, from whence by Letters and Messages he solicited all the Barons that were his old Friends to free themselves from the Tyranny of *Sergianni*. At last he brought over many of them to his Party, and on the second of *October* he came with his Army to the *Fragola*, and from thence he laid waste the *Villas* of the *Neapolitans*; whereupon there arose a great Tumult in *Naples*, and the Scarcity of such things as were daily wont to be brought and sold in the City increasing, by being intercepted by *Sforza's* Horse, in order to prevent greater Mischief, some old Men proposed, that Deputies should be appointed, as was done in the time of Queen *Margaret*, who should have the care of the good Government of the City; to which the Nobility and Commonalty with one Voice consented, and immediately twenty Deputies were chosen, ten out of the Nobility, and as many out of the Commons, who by a publick Instrument swore a perpetual Union between the Commons and Nobility. These Deputies pitched upon ten of themselves, five of the Nobility and five of the Commons to go to *Sforza* and learn the Reason of this Defection from the Queen and the City, where he had so many Well-wishers, and to entreat him to put a Stop to all Hostilities for some Days, that Means might be found out for satisfying him in every thing that was just; they were honourably received by *Sforza*, who answered them very courteously, that he was the Queen's faithful Servant, and looked upon himself to be a loving Citizen of *Naples*; and that he had come there to be revenged of *Sergianni*, wondering, that so many powerful Noblemen and gallant Gentlemen, as were in *Naples*, should suffer themselves to be under so shameful a Slavery; that he was come to relieve them, and at last concluded, that he would lay all his Grievances before the Lords Deputies. These replied, That what he said was so honourable, that he should find the City willing and ready to second him; and a Day was appointed for a meeting between him and all the Deputies, in order to treat about what was fit to be done; and in the mean time *Sforza* assured them, that the Citizens might freely come out to their *Villas*, and he would forbid plundering.

THE Deputies returning to the City very well pleased, went to the Queen to beg of her, that she would be pleased to consent to such things as *Sforza* justly demanded, and thereby free the City from so great Danger, and to their Request they added some Protestations. The Queen in a pannick Fear could make no other Answer, but said, *Go and see what Sforza wants of me, and return.* The Deputies did not fail to go and wait upon *Sforza* at the appointed time, and they got from him the Articles and Conditions that he would have, the principal of which were these: *That Sergianni should be turned out of the Government and Court: That Annecchino and some other Prisoners should be set at Liberty: That he himself should have what Pay was due to him to that Day, and twenty four thousand Duckets for the Loss he had sustained by the Defeat given him by Francesco Orsino.* The Queen took the Articles, and said, That she would advise with her Council what was fit to be done, and would give her Answer in two Days. Then *Sergianni* seeing that he was not able to withstand the City joined with *Sforza*, prudently chose to yield to the Times, rather than to endanger the Queen; and in her Presence she made him sign his own Sentence of Banishment to the Island of *Procida*, promising to fulfil all the other Conditions: He was the first that performed his part of the Articles, because he knew that *Sforza* could not stay long in *Naples*, and that his Banishment would be soon at an end; the other Conditions were quickly performed by the Queen.

IN the mean time Pope *Martin V.* having been often solicited by the King of *France* and the Duke of *Burgundy* to procure King *James's* Liberty, had sent to *Naples* *Antonio Colonna* his Nephew to ask that Favour of the Queen, morelike an Inferiour than an Equal or Superior, because he had a Mind to make use of the Queen's Troops for recovering the Estate of the Church out of the Hands of the Tyrants. Besides the honourable Reception which *Sergianni* got the Queen to give *Antonio Colonna*, he himself in particular gave him so kindly an Entertainment and Promises, that he laid such Obligations on him, which, as shall be related hereafter, proved very advantageous to him; but as for setting the King at Liberty, the Queen promised to do it when it should be consistent with her own Safety, and when the Pope should be nearer at Hand to protect her against the frequent Commotions.

SERGIANNI's Banishment to a Place so near, in Appearance only, seemed to have diminished his Authority, for in effect there was nothing done in Council or at Court, which was not communicated to him by continual Messages; and in the mean while *Antonio Colonna* laboured so much to pacify *Sforza*, that he was not so intent upon depressing him. Mean time the Pope had come from *Mantua* to *Florence*; whereupon the Queen pitched upon *Sergianni* to go and do him Homage in her Name, and to restore him those Fortresses, which King *Ladislaus* had garrisoned in the Estate of the Church. *Antonio Colonna* accompanied him, and before they went to *Florence*, *Sergianni* delivered up *Ostia*, *Castel S. Angelo* and *Civita Vecchia*, and they went to *Florence*. Thus did *Joan* make a Present to Pope *Martin* of all that *Ladislaus* had conquered of the Estate of the Church; but she continued still to take the Title of *Queen of Rome*, as her Brother had done; whence in her Writs and Statutes, among her other Titles, we see *Romæ Regina*¹.

SERGIANNI being arrived at *Florence*, was graciously received by the Pope, and in treating or discoursing of the present State of Affairs, either with respect to the Church of *Rome*, or the Kingdom, *Sergianni* shewed himself a Man, who no less by his Prudence than *Comelines* deserved the Queen's Favour. He demonstrated to the Pope, that of all the Christian Princes, the Kings of *Naples* were fittest for supporting the *Roman* Pontiffs; and on the other hand, that no Power was so able to secure the Kings of *Naples* in the Possession of their Crown as Popes; and by this Artifice he got the Pope to send a Cardinal Apostolick Legate to anoint and crown the Queen, and to give her the Investiture of the Kingdom², which she had in vain sought from *Baldassar Cossa*, who called himself *John XXIII.*³; and besides the Pope caused a perpetual League to be published between him and the Queen. Then *Sergianni*, in order to gain the Pope's Favour, and the Friendship of the Family of *Colonna* to himself, promised to give his Brother and Nephews great Estates in the Kingdom, and then they parted well satisfied with their Negotiations; and because at that time *Braccio* was in Possession of almost all the Estate of the Church on the other side of the *Tiber*, he promised to the Pope to send him all the Queen's Forces with *Sforza* the High-Constable, and then he set out by Land for *Pisa*, and from thence he went to *Leghorn*, and embarked in the Queen's Gallies, which had been sent thither on purpose, and landed at *Gatta*, where he staid some time, pretending to be sick, and he wrote to the Queen, giving her an Account of his Transactions, and desiring her to provide *Sforza* and his Men with Money, that they might quickly begin their March; because he was afraid, that if he should return with a much greater Reputation than he had before he went away, *Sforza* out of Envy might find Means to have him sent to finish his Exile in *Procidia*. The Queen, out of the great Desire she had to see *Sergianni*, immediately gave *Sforza* what Money he wanted, and sent him to *Tuscany* to assist the Pope; and *Sergianni* came to *Naples*, and was received by the Queen and his own Adherents with so great Honour, that it seemed as if by this League entered into with the Pope, he had for ever secured the Queen and the *Luzazzo* Faction; and from that time he called and subscribed himself *High Steward*; this was in the Year 1418.

IN *January* the Year following, the Apostolick Legate, who came to crown the Queen, accompanied with *Giordano Colonna* the Pope's Brother, and *Antonio Colonna* his Nephew, made his Entry into *Naples*. The Queen in her Royal Mantle, and the High-Steward went and met the Legate and the two *Colonna's*, and paid them extraordinary Honours. The first thing they began to treat of was King *James's* Liberty, for which, they said, the Pope was teased by the King of *France* and the Duke of *Burgundy*; and at last they obtained it; and that the King might recover his lost Reputation, the *Colonna's*, with a great Cavalcade, accompanied him through the City, and shewing a Reluctancy to return to *Castel Nuovo*, he went to that of *Capuana*, and said, That his Friends, who were glad to see him at Liberty, ought to endeavour to maintain him in it, and not desire him to go to a Place, where it was in the Queen's Power to make him Prisoner whenever she thought fit; which drew Compassion from all Men of Discretion.

¹ In programm. Rit. M. C. V. & Rit. ult. anno 1420. anno 1418.

² Idem loc. cit.

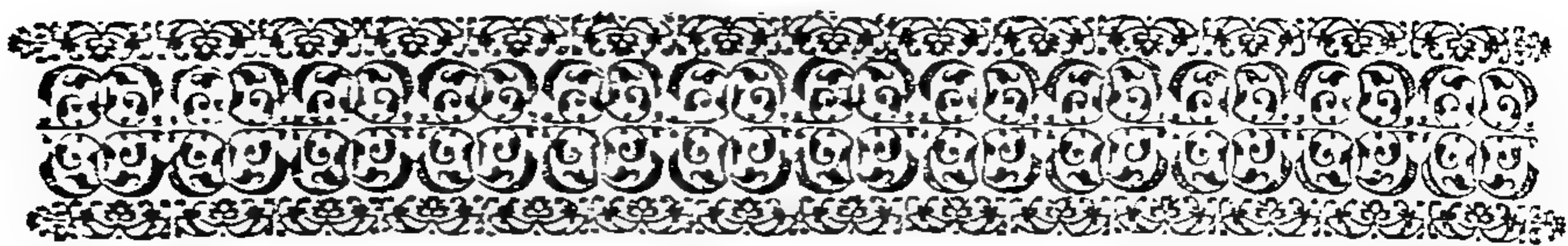
³ Chiocciar. MS. giurisd. tom. 1.

THE King persisting in his Resolution of staying in *Castello di Capuana*, every body thought it very improper that he should continue divested of all Authority, and that in *Castel Nuovo* every thing should be managed at the High-Steward's Pleasure; therefore some of the chief Nobility of each *Seggio* were appointed to treat with the Legate and the *Colonna's* about a firm Reconciliation between the King and Queen; and some of them proposed to have the King crowned at the same time with the Queen, and that they should swear Fealty to him. This Proposal very much disturbed the High-Steward, because it was the only way to lessen his Authority, and therefore he resolved to win the two *Colonna's*, in hopes, by their Means, to put a Stop to the Proposal; and he ordered Matters so, that he got the Queen to promise, that immediately after her Coronation she should give the Principality of *Salerno* to one of them, and the Dutchy of *Amalfi*, with the Office of High-Chamberlain to the other. In the mean while he got *Antonio Colonna* to be married to *Maria Ruffa*, who was Marchioness of *Cortone* and Countess of *Catanzaro*, who died afterwards without leaving Children, and the Estate fell to *Er-richetta* her Sister. The two *Colonna's* and the Legate made the Deputies of the City to be satisfied with this Agreement: That the Governor of *Castel Nuovo* with the Garrison should be changed, and the Government of it given to *Francesco di Riccardo di Ortona*, a Man of great Virtue and Fidelity, who should chuse a Garrison, and take an Oath to the Apostolick Legate not to suffer the Queen to use Violence to the King, nor the King to her, whereupon the King went and bedded with the Queen.

BUT a few Days after the King seeing that he had only recovered his Liberty, but no manner of Authority; and likewise seeing that the Queen was above fifty Years of Age, and past Child-bearing, so that they could have no Issue, he resolved to go to *Taranto*, and from thence home to *France*; and one Day after having ridden through *Naples* he went to the Mole, dismounted, and embarked in a *Genoese* Vessel, in which some of his Confidants had taken shipping before, and with a prosperous Gale in a few Days arrived at *Taranto*, where he was honourably received by Queen *Mary*, who procured him a safe Passage for *France*, and furnished him plentifully with whatever he stood in need of; and thus he set out for *France*, where it is said that he turned Monk*. The Queen being rid of his so troublesome Company, gave Orders for her Coronation, which was performed in *Castel Nuovo* on the second of *October*, being *Sunday*, upon a most magnificent Theatre; the Queen receiving the Crown from the Hands of the Legate, and the Investiture sent by the Pope was read, which, on account of the fatal Instances, which have happened during the Government of Women in our Kingdom, excludes them from the Succession while there are Males of the fourth Degree, as may be read in the said Investiture recorded by *Chioccarelli* and *Summonte*†, and the *Neapolitans* took an Oath of Fealty to the Queen.

* Costanzo lib. 13. in fin.

† Summont. lib. 4. tom. 2. pag. 585.



C H A P. III.

Lewis III. of Anjou being invited by Sforza, invades the Kingdom. The Queen has recourse to Alphonsus V. King of Aragon, whom she adopts; and a War between Lewis and Alphonsus ensues thereupon.



QUEEN *Joan*, by the Departure of the King her Husband, being Mistress of her self, and the High Steward, who now wanted nothing but the Title of King, abusing his Authority, and puffed up with Prosperity, despising all others, and even the Queen herself, brought greater Troubles and Calamities upon the Kingdom; for there was none left now but *Sforza*, who could, and was wont to thwart him, and keep a Check upon him, but there happened an Opportunity, which gave the High Steward hopes of being able to crush him. *Sforza*, as we have said, had been sent by the Queen to fight *Braccio*, who kept Possession of the Estate of the Church; and having come to an Engagement in the Territories of *Viterbo*, *Sforza* was routed, and lost so many of his Veteran Soldiers, that it was thought he would never recover the Loss, nor recruit so many Men, as to be able to return to the Kingdom, and make that Figure he formerly had done; so that it seemed, what by the Love of the Commonalty, what by the Friendship of the *Colonna's*, and the Ruin of *Sforza*, the Power of the High Steward was so well rivetted, that he had nothing more to fear: therefore he became intolerably insolent, and began to revenge himself upon the Nobility, who had been Mediators in the Agreement between the Queen and *Sforza*. He very much retrenched the Court, cut off many from their Pensions, and filled the Court with his own Creatures and Relations: So that the Nobility of *Naples* were extremely anxious to see *Sforza* once more in their City; and although the Pope wrote frequently to the Queen, pressing her to send Money to *Sforza*, in order to recruit the Army, yet upon several Pretexes the High Steward opposed it, and instead of Money he sent nothing but fair Promises, expecting every Minute to hear that *Braccio* had entirely ruined him; and that he might not incur the Pope's Displeasure, whenever there came a Brief or Message, he got the Queen to give some Town to the Prince of *Salerno* and the Duke of *Amalfi*.

SFORZA seeing himself thus abandoned, and being solicited by Letters from many Barons of the Kingdom to come to *Naples*, sent his Secretary to *Lewis* Duke of *Anjou*, the Son of King *Lewis* II. inviting him to come and conquer his paternal Kingdom, likewise demonstrating the Facility of the Undertaking by the Letters of the Barons; and by what appeared afterwards, this was done with the Pope's Consent.

THE Duke gladly accepted of the Invitation, and by the Secretary sent *Sforza* thirty thousand Duckets, and appointed him to be Viceroy and High-Constable, and with this Money having recruited his Army, in all haste he marched towards *Naples*, and he had no sooner entered the Borders of the Kingdom, than he sent the Queen her Standard and the Truncheon; and then exhorting his Men to behave themselves discreetly upon the March, he displayed King *Lewis* III.'s Standard (for so they called the Duke) and encouraging the People as he marched along, he very quickly

quickly came before the Walls of *Naples*, and advanced to the same Place, where he had encamped the time before, and began to stop Provisions from being carried into the City, and to sollicite the *Neapolitans* to declare for King *Lewis* their true and lawful Lord.

THIS so unexpected Arrival very alarmed the Queen and the High-Steward, for this Revolt seemed to be of a more dangerous Nature than the former, as being supported by foreign Troops, and the Name of the Family of *Anjou*, which for so many Years had been buried in Oblivion. There was a most terrible Confusion in the City, for those of the *Anjou* Faction, who from the time that King *Ladislaus* drove out King *Lewis* II. the Father of this *Lewis*, of whom we are now treating, had been poor and despicable, but began now to take Courage, and hoped to recover their Estates possessed by those of the *Durazzo* Faction; and keeping a secret Correspondence with *Sforza*, many went daily out of the City to the Camp. But what disturbed the High-Steward most was, that the *Durazzo* Faction being divided among themselves, they were not so firm in the Queen's Interest as her present Circumstances required; for a great many of them were treating with *Sforza* about declaring for King *Lewis*, provided *Sforza* would assure them that the King would give an Equivalent to those of the *Anjou* Faction for their Estates, which they (the *Durazzo* Faction) were possessed of, that they might not be obliged to restore them to the first Owners; besides this the Common People impatient of Inconveniencies, to which they were not accustomed, were murmuring and ready to revolt. And although the High-Steward found Means to bring Provisions into the City by Sea; yet when certain Advice was brought from *Genoa*, that in a few Days King *Lewis*'s Fleet would be upon the Coast, which would put a Stop to the getting Provisions by Sea, it was thought the Danger was such, that they must surrender to the City.

THE High-Steward foreseeing the impending Ruin, caused the Queen's Supreme Council to be frequently assembled, and after much debating, it was concluded to send an Ambassador to the Pope, with Orders, that if he could get no Assistance from him, he should go to the Duke of *Milan*, or to *Venice*; and *Antonio Carafa* surnamed *Malizia*, a Gentleman of great Prudence and Credit, was pitched upon for this Embassy. He upon his arrival in *Florence* represented to the Pope the Danger that the Queen and Kingdom were in, and begged of his Holiness to give them Relief; and if the Forces of the Church were not sufficient, to prevail with the other Powers of *Italy* to take Arms in Defence of a Kingdom, which was a Fief of the Church; and then with smooth Words he demonstrated, that by so doing both the Dignity of the Church, and the Grandeur of his own Family would be maintained, because the Queen, in Recompence for this good Office, would in a manner share the Kingdom with his Holiness's Brothers and Nephews. The Pope answered, That he was sorry that those evil Counsellors, who, either out of Avarice, or for some other Reason, having neglected to send Money to *Sforza*, had both drawn so dangerous a War upon the Queen their Mistress, and deprived him of all Means of assisting her; for what Relief could he give her at a time, when with the Bounty of the *Florentines* he could scarcely maintain a Shadow of the Papal Dignity? Or what Hopes could he have of obtaining Assistance for the Queen from the Powers of *Italy*, when he had not been able to obtain it for himself against a simple Soldier of Fortune, such as *Braccio*, who was in Possession of *S. Peter's* See, and all the Ecclesiastical Estate? Although what the Pope said was true, yet he spoke it with so great Passion, that *Malizia* immediately suspected that the Pope had a Hand in King *Lewis*'s Invitation, and therefore he found that he must make his Application somewhere else.

ALPHONSUS King of *Aragon* at this time had fitted out a Fleet in order to attack *Corfica*, an Island belonging to the *Genoese*; and the Pope had sent him monitory Letters, forbidding him to make War against that Republick, which was under the Protection of the Apostolick See; and especially that Island, which had been given by his Predecessors to the *Genoese*, who were obliged to pay a Quit-Rent; and King *Alphonsus* had sent *Garcia Cavaniglia*, a Gentleman of *Valentia*, his Ambassador to the Pope in order to justify the Occasion of the War; who getting no better Answer than *Malizia* had got, went about complaining to the Cardinals of the Wrong done his King; and one Day *Malizia* meeting him said, that the Design upon the Island of *Corfica* was below a Prince of so great Fame as King *Alphonsus*, especially when it would offend the Pope; and that it would be an Undertaking

undertaking worthy of so great a King, to send that Fleet to the Relief of the Queen his Mistress, who was oppressed, and in very calamitous Circumstances, which would not only redound to his Advantage, but to his eternal Glory, by adding to the Kingdoms he was already possessed of, not *Corfica*, which was a barren and desert Rock, but the Kingdom of *Naples*, the greatest and richest of all the Kingdoms in the Universe; for the Queen, who was old and without Children, seeing herself under so great an Obligation, would not only appoint him to be her Heir after her Death, but in her Life-time would give him a Part of the Kingdom, and some fortified Places for securing the Succession. *Malizia* made all these Promises, because he had daily Advice from *Naples*, that the Necessity increased, and that the City could not hold out without a speedy Relief, or the Hopes of it. *Cavaniglia* said, that he was very sure, that the King, out of his Generosity, and for the Offers made, would embrace the Opportunity, and encouraged him to go to *Sardinia*, where he would find the King. *Malizia* immediately sent Advice to the Queen of what had passed, and sent *Pascale Coisso* her Secretary, whom he had taken along with him, in a Frigate, to tell the Queen, that if she thought fit that he should go to treat about this Matter, she would be pleased to send him full Power, and Instructions suitable to an Affair of so great Importance; and having taken leave of the Pope, he went to *Piombino* to wait for a Return. The Secretary made such Dispatch, and found the Queen and her Friends in so great a Fright, that little time was spent in consulting; so that in seven Days he returned to *Piombino* with all the Power that either could be given or desired; and *Malizia* immediately taking Ship, with a prosperous Gale arriv'd in *Sardinia*; and having obtained an Audience of King *Alphonfus*, he laid before him how much the Queen stood in need of his Assistance; and in order to encourage him the more, he told him, That he had full Power from her by way of Adoption to transfer to him the Right of Succession to the Kingdom, after the short time that she could live, and likewise in her Life-time to put him in Possession of a good part of it. The King answered, That he was heartily sorry for the Distress the Queen was in, and that of his own Inclination he was resolved to assist her, without expecting a Kingdom as a Reward, of which he had as many as were sufficient for him; but that it was necessary for him to advise with his Council; and the next Day having called a Council, all present unanimously dissuaded him from the Undertaking; but *Alphonfus*, without discovering his own Sentiments, sent for *Malizia*, and told him the Opinion of the Barons; but yet he would assist the Queen, and presently send along with him sixteen well armed Gallies, with a good Sum of Money for levying *Italian* Soldiers, and afterwards he would come in Person to wait upon the Queen. *Malizia* commended his Majesty's Resolution, and promised, that the Queen should add as much of her own Money as would engage *Braccio* in her Service, who at that time was looked upon to be the ablest General in *Italy*, and *Sforza's* bitter Enemy. The Day following the King called a Council, and declared his Intention of assisting the Queen; then he ordered *Raimondo Periglios*, who was one of the chief Barons of his Court, and reputed a Man of great Courage, to have the Gallies in readiness to put to Sea with the Queen's Ambassador. *Malizia* overjoyed, in order to animate the Besieged, immediately dispatched *Pascale* with Advice, that a Relief should be with them in a few Days; and to quiet the Minds of the *Catalans*, who were dissatisfied with the Undertaking, by a publick Instrument in Name of the Queen he adopted King *Alphonfus*, and promised to put him in Possession of *Castel Nuovo*, *Castel dell' Uovo*, and the Province of *Calabria* with the Title of Duke, usually given to the next in Succession to the Kingdom; then he took leave of the King, and together with *Raimondo* embarked in the Fleet.

WHILE these Preparations were making for the Queen's Relief, King *Lewis* with his Fleet unexpectedly arrived at *Naples*, and having landed his Men, he joined *Sforza*, and laid close Siege to the City, which would have surrendered to him, if very opportunely the *Aragon* Fleet commanded by *Periglios* had not arrived. The Queen overjoyed gave *Periglios* a most kind Reception, and to convince *Alphonfus* and his Council of the Steadiness of her Resolution, the Day following, by a publick Act, she ratified the Adoption, and all the Articles stipulated in *Sardinia*, and ordered the Arms of *Aragon* to be quartered with her own, and painted upon the Standards and many publick Places; and the Adoption and perpetual League were published over all the City. The Queen likewise sent to engage *Braccio da Perugia* in her Service, who refused, unless, besides his Pay, she would give him the Investiture of *Capua* and *Aquila*.

IN the mean time *Aversa* had surrendered to King *Lewis*, and the *Anjou* Faction still increasing, *Braccio* after much Sollicitation came, and with three thousand Horse defeated *Sforza*, who disputed his Passage, and arriving at *Naples*, he was very graciously received by the Queen.

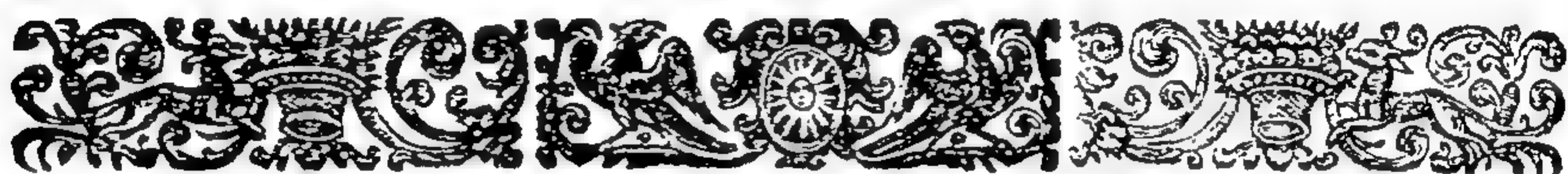
KING *Alphonfus* had gone to *Sicily*, and though he had been often pressed by the Queen to come, yet he delayed from time to time; but upon hearing that *Braccio* was come to *Naples*, he left *Sicily*, and with his Fleet came to *Ischia*. The Queen sent the High-Steward with some Barons to wait upon him, and after they had thanked him in the Queen's Name, they invited him to come with his Fleet to *Castel dell' Uovo*, from whence the Queen designed he should make his Entry into *Naples* with such Pomp and Magnificence, as became so great a King and her Deliverer. The Comeliness of the King's Person, his Courage, Magnanimity and Prudence put the High-Steward to a stand; and besides he was afraid that the Company of so many Barons of *Aragon*, *Castile*, *Catalonia*, *Sicily*, and of other Nations subject to the King, would in a short time lessen his Authority. and perhaps put an end to it altogether; and he very well remembered the Fate of Count *Pandolfello*, and dreaded his own might happen to be worse, inasmuch as this King was a Man of greater Wit, Courage and Power, than King *James* was; nevertheless he endeavoured to cover this Jealousy, and caused great Preparation to be made for *Alphonfus's* Entry into *Naples*. The King on the Day appointed, after having ridden a Horseback with great Pomp through the City, was conducted to *Castel Nuovo* where the Queen came down to the Gate, and received him with all Marks of Affection and Gladness; and after she had embraced him she delivered him the Keys of the Castle, and the rest of that Day and many following were spent in magnificent Feasts and Rejoicing; and now in presence of many Barons, and almost all the Nobility and People, the Adoption and all the Articles lately stipulated with *Periglios* were ratified by King *Alphonfus* and the Queen; and upon the eighth of July this Year 1421 a new Instrument was drawn up, which we not only read in *Chioccarello*¹, but *Tutini* caused it to be printed in his Book *De G. Constabili*.

UPON the arrival of *Alphonfus* with his Fleet at *Naples*, the War with King *Lewis* became more bloody in *Terra di Lavoro*; for he having fortified himself in *Aversa*, had put that Province in terrible Confusion. On the other hand *Alphonfus*, spurred on by the High-Steward, marched and laid Siege to *Accerra*, which was then possessed by *Gio. Pietro Origlia* an Enemy to *Sergianni*. And at the same time *Braccio* having defeated *Sforza's* Army, he made pressing Instances to be put in Possession of *Capua*; and being put off from Day to Day by the Queen, he made his Complaint to King *Alphonfus*, who, to prevent *Braccio* from being disgusted, persuaded the Queen to give it him. *Alphonfus* still continuing the Siege of *Accerra*, *Martin V.* fearing that that King (whose Enemy he had discovered himself to be, by his having had a Hand in inviting King *Lewis*) might at last prove successful, sent two Cardinals in order to negotiate a Peace between these two Kings; and while they were treating with *Alphonfus* about the Conditions of Peace, *Alphonfus*, afraid that they were only come to amuse him, would not quit the Siege of that City, but began to batter it more furiously than before, notwithstanding the gallant Defence of the Inhabitants.

THE two Cardinals seeing the great Slaughter that attended the obstinate Defence of the Place, and that *Alphonfus's* Design would prove fruitless, they begged of him not to expose his Men to so great Danger, promising, that Pope *Martin* should take *Accerra* in Sequestration, so that it should not be troublesome to the Queen's Dominions, and upon the Conclusion of the Peace perhaps he would deliver it up to her. The King complied with the Request of the Cardinals, and raised the Siege; and *Lewis* having recalled the Garrison, ordered *Accerra* to be given in Sequestration to the Apostolick Legates; and King *Alphonfus* retired to *Naples*, and *Braccio* with his Men to *Capua*. A Truce was concluded between the two Kings for so long time as was necessary for the Treaty of Peace; and soon after King *Lewis* went to wait upon Pope *Martin*, and left *Aversa* and the other Places in the Hands of the same Legates: and *Sforza* by an Article of the Truce was allowed to go and reside in *Benevento*, which belonged to him.

¹ Chiocc. MS. Giurisd. tom. 1.

ALPHONSUS kept *Martin V.* in Awe, for although the Schism had ended with the Council of *Constance*, and *Gregory XII.* and *John XXIII.* had submitted to that Council, and divested themselves of the Papacy; yet the Antipope *Benedict XIII.* held still out with great Obstinacy, and had fortified himself in an impregnable Place in *Spain*, called *Paniscola*, where with four Cardinals he stiffly kept the Name and Badges of the Papal Dignity, and was resolved to die with the Title of Pope, although he was acknowledged by no Nation. Pope *Martin* afraid of King *Alphonfus*, who had declared, that if he did not favour his Interest, he would order all his Kingdoms to acknowledge the Antipope, in a few Months after not only delivered up *Acerra*, but all the Places, which the Legates had in Sequestration, to *Alphonfus*. There was great rejoicing in *Naples*, because the War seemed to be at an End, there being no other Place but *Aquila* alone that held out for King *Lewis*; so that *Alphonfus*, in order to have *Braccio* out of the Way, commanded him to go and lay Siege to it: *Braccio* was very well satisfied with the Order, because by the Agreement made when he engaged in the Queen's and *Alphonfus's* Service, it had been promised him. Thus was the Province of *Terra di Lavoro* freed from the Miseries of War, and the Queen's Party lived very quiet in *Naples*.



C H A P. IV.

Discords between Alphonfus and Queen Joan, who revokes his Adoption, and adopts Lewis for her Son.

BUT this Tranquillity in the Kingdom was of a short Duration, for in the middle of the Spring of this Year 1422 a Plague broke out in *Naples*, which obliged the King and Queen to go to *Castellamare*; but that City not being able to maintain two Royal Courts, they both went to *Gasta*, where they were no sooner arrived than *Sforza* left *Benevento*, and came to pay his Respects to *Alphonfus*, who gave him a very friendly and courteous Reception; insomuch, that being surprized at the Gentleness of his Behaviour, he went about crying up the Generosity and Mildness of so great a King. This gave Encouragement to a great many Barons of the *Anjou* Faction to follow *Sforza's* Example; wherefore many who had offended the Queen and the High-Steward, trusting to what *Sforza* had said, with great Confidence went and paid their Respects to *Alphonfus*, who receiving them very graciously, they swore Allegiance to him, which highly displeased the Queen.

HITHERTO every thing had been managed with great Unanimity, but from this time forth there arose such Jealousies and Heart-burnings as were afterwards the Cause of infinite Mischiefs; for the High-Steward, who had the Queen at his beck, could not bear to see that *Alphonfus* had made the Cities that had been taken, and the Barons that had come to wait upon him swear Allegiance to him, because it looked as if he had a Mind to take Possession of the Kingdom before the Queen's Death, contrary to the Articles of Adoption; of which having made the Queen sensible, it increased her Jealousy, and obliged her to love him the more, seeing the Care he had of the State and of her Safety; for he told her, That some time or other *Alphonfus* would seize her and send her Prisoner to *Catalonia*, in order to take Possession of the Kingdom, and afterwards of all *Italy*. This struck such a Terror into the Queen, that she resolved to be upon her Guard, and all of a sudden left *Gasta*, and came to *Procida*: from thence she went to *Pozzuolo* with a Resolution to go to *Naples*, where the Plague, after having made great Havock, had begun to cease.

cease. King *Alphonfus*, who had believed that the Queen would have returned from *Procida* to *Gaeta*, hearing that she was gone to *Pozzuolo* with a Design to be in *Naples*, in order to remove all Jealousy, with a small Retinue he went to visit her in *Pozzuolo*; but it had a quite contrary Effect, for the frightened Queen became still more jealous; so that *Alphonfus* had no sooner gone to see *Aversa* than she went by Land to *Naples*, nor would she go to *Castel Nuovo*, but went strait to *Castello di Capuano*. While the King was in *Aversa* he received an account of the Queen's Proceedings; and knowing her Fickleness, and the Cunning and Ambition of the High-Steward, was afraid they were hatching some Innovation, upon which he came immediately to *Naples*, and lodged in *Castel Nuovo*; and now there passed no more Visits between the Queen and him; so that it was the Opinion of all Men of Judgment, that it could not be long before it came to an open Rupture. *Alphonfus* sensible that this Alteration in the Queen proceeded from the Suggestions of the High-Steward, thought, that if the Author of the Misunderstanding were removed, he could get the Queen to do whatever he pleased; therefore on the twenty seventh of *May* this Year 1423 he caused him to be put in Prison, and then went to wait upon the Queen, whether with intent to excuse himself to her for the Imprisonment of the High-Steward, or with design likewise to seize her, and when he should find that it was not in his Power to make her alter her way of living, to send her to *Catalonia*, is uncertain. But the High-Steward was no sooner made Prisoner than the Queen had an account of it, and seeing the King coming, she caused the Gate of the Castle to be shut upon him; whereupon *Alphonfus* being so rudely repulsed, returned to *Castel Nuovo*, and a great Confusion and Disorder ensued between the *Spaniards* and *Catalans* on the one side, and the *Neapolitans* of the Queen's Party on the other.

THE Queen in great Consternation, and shut up with the chief and most faithful of her Courtiers, consulted what was fit to be done, and with unanimous Consent it was resolved to send and invite *Sforza*, and to entreat him, that in regard of former Friendship he would come and relieve the Queen. *Sforza*, who was then in *Benevento* very poor, having been many Months out of Pay, was overjoyed at this Message, hoping that it would turn to account, for he was confident, either to get King *Alphonfus's* Adoption to be revoked, and his Friend King *Lewis* to be adopted, or to have the Queen in his Power, as also the Kingdom so far as it obeyed her; and without delay, having drawn together his veteran Soldiers, whose Arms had grown rusty, and their Horses lean, he set out for *Naples*. *Alphonfus* hearing that *Sforza* was coming, sent *Bernardo Centiglia*, with all the *Catalan* and *Sicilian* Barons, and all the Soldiers of the Fleet to meet him; and having engaged near the Walls of *Naples*, *Sforza* defeated *Alphonfus's* Army, and having entered the City, he besieged *Alphonfus* in *Castel Nuovo*; and after having waited upon the Queen, who received him with great Honour, calling him her Deliverer, he left *Naples* in order to besiege *Aversa*.

ALPHONSUS after this Defeat finding himself thus left alone, and without Money for raising another Army, was in the utmost Perplexity; however there were two things which kept up his Spirits, the one was his having many Months before ordered another Fleet to be fitted out in *Catalonia*, because he had no mind to drop his Design upon *Corfica*, so that he sent immediately to hasten it to come to his Relief: the other was *Braccio's* Army, which was besieging *Aquila*; but he laid no great Stress upon that, not only because *Braccio* was bent upon taking of *Aquila*, but likewise he did not expect that that Army would come to his Assistance without being paid; nevertheless he sent to invite it, and what he expected happened. But fifteen Days after the Defeat, *John Cardona* Captain General of the Fleet arriving at *Gaeta* with ten Gallies and six great Ships, and hearing in what Situation his King was, immediately set sail for *Naples*. It was said by many, that this Fleet had been ordered to come, with Design to carry the Queen to *Catalonia*, in case the King's Intention of seizing the Queen had succeeded; and it was the more probable, because the Kingdom being at that time in Peace and Tranquillity, there was no Occasion for a Fleet.

THE Fleet arriving at the Mole of *Naples*, the King ordered the Soldiers to be landed; and a great part of *Sforza's* Army being within the City besieging *Castel Nuovo*, a cruel and obstinate War was kindled within the Walls, and what by Pillage, what by Fire, the City was turned upside down, for the Particulars of which we refer the Reader to *Costanzo*. The Queen perceiving so many Revolutions in

the City, became so terrified, that she fancied herself to be already in Chains among the *Catalans*, so that she often recommended to the Gentlemen that were with her in the Castle to take care of her Person, and sent immediately to *Sforza*, who was at *Aversa*, begging of him in all haste to come and relieve her from a greater Danger than the former. *Sforza* came to *Naples*, relieved the Queen and conducted her to *Nola*; and then having taken *Aversa* he conducted her thither, where a new Adoption was carried on, which proved a Source of perpetual Troubles and Revolutions in this Kingdom.

ON the other hand King *Alphonfus*'s Army, being joined by *Braccio*'s Troops, increasing daily, *Sforza*, in order to make a more vigorous Opposition, resolved to strengthen the Queen's Party; for which end he prevailed with the Queen to make use of the Power of the *Anjou* Faction; and on the first of *July* this Year 1423, by a solemn Instrument, having got her to revoke the Adoption formerly made in favour of *Alphonfus*, on account of the ungrateful Return, which he said that King had made her, he persuaded her to adopt King *Lewis*; and since the Queen saw herself in a manner forsaken, and that many whom she had done Favours to, out of Hatred to the High-Steward, either privately or publickly adhered to *Alphonfus*, she not only condescended to send for King *Lewis*, but recalled all those of the *Anjou* Faction, who had left their native Country, and restored them to their Estates.

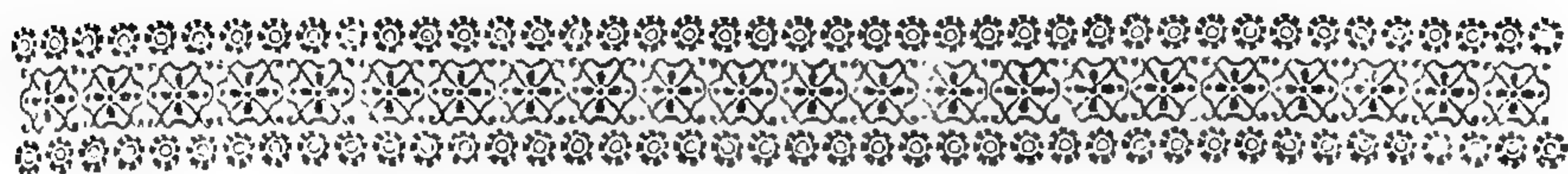
AND as the Queen had vouchsafed to follow *Sforza*'s Advice in this, so *Sforza*, who knew that she had a longing Desire to have the High-Steward released, gave way to a Treaty for exchanging him with some *Catalan* or *Aragon* Baron. The Queen, who longed for nothing more, sent every Day to treat with *Alphonfus* about the Exchange; but he knowing her Folly to be such, that without the least Shame, rather than not have the High-Steward released, she would give her Crown in exchange for him, sent to tell her, that neither one nor two Barons would serve, but that she must give all the *Catalan* and *Aragon* Prisoners for *Sergianni*. Whereupon the Queen making a Present to *Sforza* of many Lands, got all the Prisoners he had, which were these, *Bernardo Centeglia* who was Captain General, *Raimondo Periglios*, *Juan de Moncada*, *Mossen Baldassa*, *Mossen Coregia*, *Raimondo de Moncada*, *Frederico Ventimiglia*, the Count *Henriques*, and the Count *Juan Ventimilia*, who were all sent to the King in exchange for the High-Steward, who to his great Joy was set at Liberty; and as soon as he came to *Aversa*, mindful of what had passed between him and *Sforza*, he endeavoured to make him his Friend; and in order to cement it by Alliance, he took great Pains to get *Sforza* to give *Chiara Attendola* his Sister in Marriage to *Mario Caracciolo* his Brother. *Sergianni*, who was now in greater Favour with the Queen than ever, commended the Queen's having revoked the Adoption of King *Alphonfus* for his Ingratitude; and likewise insisted to have King *Lewis* adopted, who was still at *Rome* with Pope *Martin*; for like a wise Man thinking that his having a Hand in bringing in a King of Royal Blood, would remove the Envy and Calumny raised against him, as if he had a Mind to make himself King; therefore Ambassadors were sent to *Rome* to treat with King *Lewis* about the Adoption, who found it a very easy Matter; and they not only concluded the Adoption with him on such Terms as they thought fit, but likewise engaged the Pope to take the Queen under his Protection against King *Alphonfus*, which they obtained the more easily, because the Pope, besides his being highly offended with *Alphonfus*, who, though secretly, supported *Benedict XIII.*'s Faction, anxious to have the Church restored to her antient State and Reputation, was desirous rather to see King *Lewis* in Possession of the Kingdom, who was not very powerful, and would always want the Assistance of the *Roman* Pontiffs, than that it should fall into the Hands of *Alphonfus*, a most powerful King possessed of other great Kingdoms, whereby he was not only able to give Laws to the *Roman* Pontiffs, but to all *Italy*. The Adoption being concluded, the Ambassadors without Loss of Time carried their King *Lewis* along with them, upon this Condition, that he was only to have the Title of King, because he was to contend for the Kingdom with another King; but in effect he was only to be Duke of *Calabria* upon the same Conditions as had been settled in the Adoption of King *Alphonfus*.

THIS Adoption gave this second Race of the Family of *Anjou* a double Right to this Kingdom; for to that of Queen *Joan I.* by which *Lewis I.* the Grandfather of this *Lewis*, was called to the Kingdom, this of Queen *Joan II.* was added;

* Chiocc. tom. 1. MS. Giurisd.

whence afterwards the Kings of *France*, to whom those Rights devolved, laid claim to the Kingdom by a double Title. Whence arose the so many and obstinate Wars, which the two *Lewis's*, *Charles VIII.* and *Francis I.* carried on against the Families of *Aragon* and *Austria*, which for many Ages miserably afflicted the Kingdom.

UPON King *Lewis's* Arrival at *Aversa*, he was received by the Queen with all Marks of Honour, and Demonstrations of Friendship, and after much Feasting the Queen caused a great Sum of Money to be given to *Sforza*, in order to put his Army in a Condition to be able to recover *Naples*. The Pope sent *Luigi Colonna* General of the Ecclesiastical Troops, and many other inferior Officers to the Queen's Assistance; and he afterwards got *Philip Visconti* Duke of *Milan* (who at that time was formidable to all *Italy*, and who had become jealous of the overgrown Power of *Alphonfus*) likewise to espouse the Queen's Interest.



C H A P. V.

Alphonfus leaves Naples and goes to Spain; and Naples surrenders to Queen Joan. The Insolence of the High-Steward; his Ambition, and unhappy Death.

WHEN King *Alphonfus* heard of the new Adoption of King *Lewis*, and that the Pope and the Duke of *Milan* had entered into a Confederacy against him, he began to be afraid of losing *Naples*; for hitherto the *Neapolitans* of the *Anjou* Faction had been so much kept under and crushed by the High-Steward, that they had gone over to the *Aragon* Party, and were pleased to see the Queen and the High-Steward reduced to the low State they were in; but as soon as they heard of King *Lewis's* Adoption, buoyed up with the Hopes of retrieving their Affairs, they were by all Means for restoring the City to the Queen; and it was known, that many went every Day publicly to wait upon King *Lewis*, and many, who had not the Courage to visit him openly, sent him secret Messages. Therefore *Alphonfus* sent for *Braccio*, who was still labouring to reduce *Aquila*, to come with his Troops to *Naples*. But *Braccio*, expecting that the Place would surrender in a few Days, answered, That it was of much greater Consequence to conquer that rich City and that warlike Province, obstinately addicted to the *Anjou* Faction, than to keep *Naples*, which usually fell into the Hands of those who were Victors in the Field; and therefore he sent him *Giacomo Caldora*, the chief Man of his Army next to himself, *Bernardino della Carda*, and *Riccio da Montechiaro* Colonels of Foot. These, with twelve hundred Horse and a thousand Foot, marched immediately to *Capua*, and hearing of the Arrival of some Ships and Gallies with fresh Troops from *Barcelona*, from thence they marched to *Naples*.

ON the other hand *Sforza*, having put his Troops in order, persuaded King *Lewis* to attack *Naples*, and on the first of *October* they set out from *Aversa*, and arrived at the Gate *del Mercato*; and having come to an Engagement, wherein *Sforza* was victorious, King *Lewis* was in great Hopes of taking the City. While *Alphonfus* was in this Perplexity, he received Letters from *Spain*, advising him, that *John* King of *Castile* his Cousin-German and Brother-in-Law, who was entirely guided by the Advice of *D. Alvara de Luna*, an Enemy to the House of *Aragon*, had imprisoned *D. Henry* of *Aragon* his beloved Brother, because he had married

ried *D. Catarina*, the King of *Castile's* Sister without his Consent ; therefore *Alphonfus* resolved to go to *Spain*, in order to set his Brother at Liberty ; and likewise, lest the King of *Castile*, by the Instigation of *D. Alvaro*, should endeavour to possess himself of the Kingdoms of *Aragon* and *Valentia*, while he was making War in *Italy*. Therefore having made ready for his Voyage, he left *D. Peter* his youngest Brother Lieutenant General of *Naples*, and having set sail with eighteen Gallies and twelve large Ships, by the way all on a sudden he attacked *Marfeilles*, a City belonging to King *Lewis*, took and pillaged it, and carried off with him the Body of *S. Lewis* Bishop of *Toulouse* ; but unwilling to diminish his Army by leaving a Garrison in the Place, he abandoned it, thinking he would have enough to do with his Men in the War of *Spain*, where he spent many Years in getting his Brother set at Liberty.

IN the beginning of the following Year 1424 the Duke of *Milan's* Fleet arrived, and having taken *Gaeta*, which held out for *Alphonfus*, it steered directly for *Naples*, where the Army was landed at the Gate *del Mercato* ; King *Lewis's* Affairs being in this prosperous Situation, induced *Caldora* to go over to his Party in this manner. The King and Queen, finding that the Duke of *Milan's* Army was sufficient for the Siege of *Naples*, sent *Sforza* with his Army to relieve *Aquila*, which was still besieged by *Braccio*, but in passing the River *Pescara* *Sforza* was drowned : Whereupon *Caldora*, confident of obtaining the Post of High-Constable, and of being the Head of the Queen's Party, surrendered the City of *Naples* to her ; and the Infant *D. Peter* with the choice of his Soldiers retired to the Castle. The whole City was overjoyed, the People run and plundered the Houses of the *Spaniards* and *Sicilians*, and the Queen sent back the Duke of *Milan's* Army to *Lombardy* very well satisfied.

THERE remained in the Kingdom *Braccio's* Army alone, that sided with King *Alphonfus* ; but the King and Queen appointed *Caldora* to be Captain General, and sent him to fight *Braccio* ; and upon his arrival in the County of *Celano*, being joined by Pope *Martin's* Troops, he engaged and defeated *Braccio's* Army, in which Action *Braccio* was killed, and *Nicola Paccinino* made Prisoner.

ALTHOUGH King *Alphonfus* had an account of the Loss of *Naples*, and that the Infant had retired to the Castle, yet he would not give over his Design upon the Kingdom, but sent to reinforce the Castle ; and a few Days after arrived *Artale de Luna*, sent by the King to relieve the Infant, who having left a strong Garrison, and great Store of Ammunition and Provisions, took shipping, and went to *Sicily*. So the Queen and King *Lewis* continued in Peace and Quiet, while *Alphonfus* was employed in the Affairs of *Spain* ; and though *Castel Nuovo* held out for King *Alphonfus*, which it did for a long time after, yet the Queen lived many Years in Quiet, during which time she applied her self to reform the Tribunal of the High-Court of the Lieutenancy by means of the Usages, which she caused to be collected, to institute the College of Doctors, and to study Peace and Religion, of which in their Places.

MEAN while the High-Steward seeing himself arrived at the height of all Felicity, lest King *Lewis* should endeavour, as *Alphonfus* had done, to humble him, he never would allow *Castel Nuovo* to be closely besieged ; but made frequent Truces with *Arnaldo Sanz* the Governor, in order to be a Restraint upon King *Lewis*, that if ever he offered to thwart him, he would recal King *Alphonfus*. And in this manner the Castle held out eleven Years, till the Death of Queen *Joan* ; and it seemed very odd, that during the Truce the Governor should send to buy in the City whatever he stood in need of, and take the Title of Viceroy of the Kingdom.

KING *Lewis*, who was of a meek Disposition, was always very obsequious to the Queen, which made the High-Steward persuade her to give the Duchy of *Calabria* to *Lewis*, and with the hired Troops send him to drive King *Alphonfus's* Officers out of it ; and he himself remained absolute Master of all the rest of the Kingdom ; nor had he any other that stood in his way, but *Giacomo Caldora*, and the Prince of *Taranto*, who was a Man of great Power in the Kingdom ; therefore in order to win them over to his Interest, he gave one of his Daughters in Marriage to *Antonio Caldora*, *Giacomo's* Son, and the other to *Gabriele Orsino*, the Prince's Brother, to whom he gave the County of *Acerra* as her Portion. Thus did he secure himself, that there was none to oppose or gainsay him ; which proved the Ruin of many Families, such as the *Origli*, the *Mormili*, the *Costanzi* and the *Zurli*, whose

Estates

Estates he seized, and gave them to his own Creatures and Relations; and he bestowed Towns and Villages upon many of the Family of *Caracciolo*. Whence it came, that during the War between three *Lewis's* of *Anjou*, and *Charles III. Ladislaus* and Queen *Joan*, we find Grants and Investitures of many Lands to different Families contrary to one another; and that many Villages changed two Lords in one Year, according as those Kings whom they followed were victorious. The High-Steward not satisfied with so great Authority, always aspiring after greater things, asked of the Queen, that seeing by the Death of *Braccio* the Principality of *Capua* had devolved to the Crown, she would invest him with it, and immediately on the twenty second of *October* this Year 1425 she granted it; but then he was so modest, that he would never take the Title of Prince, although his Relations pressed him to do it.

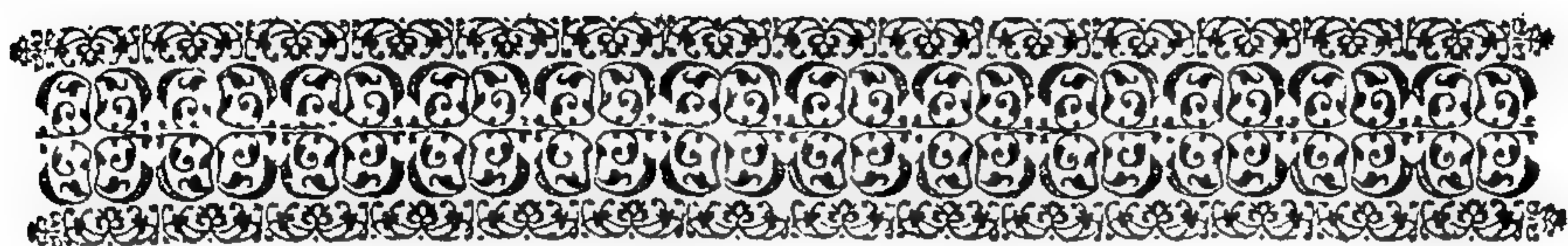
POPE *Benedict XIII.* having died the preceding Year, and the Schism being still countenanced by King *Alphonfus*, because Pope *Martin* had invested King *Lewis* with the Kingdom, the two Cardinals that had continued with him, this Year elected *Egidio Munion* a Canon of *Barcelona* Pope, who took the Name of *Clement VIII.* and created Cardinals, and performed all Papal Functions. And although *Alphonfus* was taken up with the Affairs of *Spain*, yet he never gave over his Pretensions to this Kingdom, but kept Pope *Martin* still in suspense, till at last in the Year 1429 they were reconciled; whereupon *Martin* sent the Cardinal *de Foix* Legate into *Spain*, to prevail with the Anti-Pope to lay down his Charge, and by order of *Alphonfus* he was forced to renounce his Right, but declared, that he did it purely for the sake of Peace. The Cardinals whom he had created likewise voluntarily renounced their Titles, and the two old Cardinals, whom *Clement* had made, were put in Prison, where soon after they died of Grief and Want. Thus ended the Schism, which had lasted for the Space of fifty one Years; and *Martin V.* was acknowledged sole Pope by all the West.

POPE *Martin*, after he had been thus acknowledged, lived only two Years, for on the twentieth of *February* 1431 he died in *Rome*, where he was buried in the *Lateran*; and on the fourth of *March* *Michaele Condolmerio* a *Venetian* and the Son of a Sister of *Gregory XII.'s*, who had made him Bishop of *Sienna*, and raised him to the Dignity of Cardinal, was elected in his room, and took the Name of *Eugene IV.* This Pope was no sooner placed in *S. Peter's* Chair, than he began to persecute the *Colonna*, because it was said, that they had all the late Pope's Treasure in their Hands; the *Colonna*, depending upon the great Estate their Uncle had given them in *Compagna di Roma*, and upon that which they possessed in the Kingdom of *Naples*, prepared to defend themselves against the Pope's Troops, and for that end listed Soldiers. But the Pope aware of that, immediately renewed the League with the Queen upon the same Conditions that had been stipulated in that with Pope *Martin*, and required the Queen to send him Assistance against his Rebels. The High-Steward, who wished for nothing more than the downfall of the *Colonna*, that he might thereby raise himself still higher upon their Ruin, sent him Count *Marino di S. Angelo* his Brother with a thousand Horse, and likewise sent a Message to the *Colonna*, threatening, that if they continued in Rebellion against the Pope, he would deprive them of the Lands they had in the Kingdom; and they persisting obstinately, the Pope excommunicated them and confiscated their Estates. The High-Steward likewise prevailed with the Queen to divest them of the Principality of *Salerno* and the Counties which they possessed in the Kingdom; and not content with being Duke of *Venosa*, Count of *Avellino*, Lord of *Capua*, and many other Lands, he asked the Principality of *Salerno* and the Duchy of *Amalfi* of the Queen, telling her, that though she had given him *Capua*, he was unwilling to take the Title of Prince of it, because he was sure, that whoever succeeded her would take it from him as a City which, for its Importance, ought always to be annexed to the Crown.

AT this time the Queen was very much broken by Age, but much more by an ill Habit of Body, and looked quite decrepit and loathsome; and therefore the High-Steward, who was likewise well advanced in Years, had left off the secret Conversation which he used to have with her; so that Love was not only abated in her, but grown quite cold, which made her refuse to give him either *Salerno* or *Malfi*; for which Cause the High-Steward, grievously offended, began both in Words and Deeds to despise and hate her. The Queen's greatest Favourite at this time was *Covella Ruffo* Dutches of *Sessa*, a Woman of a very rugged Temper, and

on account of her being the Daughter of an Aunt of the Queen's, descended of a most noble Family, and Heiress of a vast Estate, was very proud, and could not bear the Insolence of the High-Steward; and therefore always as she found a fit Opportunity, she pressed the Queen not to suffer so much Ingratitude in a Man, whom, to the Reproach of Nobility, from the lowest State of Life, and the greatest Poverty, she had so much exalted; and though the Queen gave ear to what the Dutchess said, yet she was become so silly with Age, that she never answered to the Purpose. But the High-Steward coming one Day to speak with the Queen, in a fawning manner asked the Principality of *Salerno* and *Amalfi* again; and she giving him a flat Denial, he was so enraged upon finding her so much changed from what she had been for eighteen Years, during which time she had never refused him any thing, that he began to call her Names; and, as if she had been the meanest Woman, to upbraid her with her lewd Life, insomuch that she wept bitterly: the Dutchess, who was in the next room, hearing the Queen weep, entered as the High-Steward was coming out, and seeing the Queen thus insulted by fresh Injuries, she chid her severely for having so much Patience, and advised her immediately to curb such a Monster of Insolence, who some time or other would not stand to take her by the Throat and strangle her. The Queen seeing so great Demonstration of Love and sincere Affection, embraced her very kindly, and said, That she spoke well, and that by all means she would have him humbled: The Dutchess imparted the whole to *Ottino Caracciolo* an Enemy to the High-Steward; then *Ottino* conferred with *Marino Roffa* and *Pietro Palagano* bitter Enemies to *Sergianni*. They resolved to apply to the Dutchess, and persuaded her to be very earnest with the Queen, and offered to find her Men that would dispatch the High-Steward: The Dutchess was not slow in managing the Affair, for at this time a new Alliance having been set on Foot between *Giasomo Caldora* and the High-Steward, who was to have his only Son *Trojano Caracciolo* married to *Caldora's* Daughter *Maria*; upon this the Dutchess acquainted the Queen, that it was talked over all *Naples* that this Match was intended for depriving her of the Kingdom, and dividing it between themselves, so that she ought to be upon her Guard, and get the High-Steward to be put to Death. The Queen answered, That she was fully resolved to have him humbled, and to strip him of the Government; but she was not for having him killed, because she was old, and would very soon be obliged to answer for it to God. The Dutchess, seeing she could obtain nothing else, seemed satisfied with having the Government taken from him, and begged of her, that she would be pleased quickly to discourse with *Ottino Caracciolo* about what was fit to be done. The Dutchess having told *Ottino* what had passed, they resolved to get from the Queen what they could, and to obtain an Order for putting him in Prison, which would afford an Opportunity to kill him, and thus it was agreed. The Queen called for *Ottino*, and told him, That she left it to him to find out Means for putting him in Prison. While these things were transacting, the High-Steward concluded the Marriage of his Son with *Caldora*, and to please the Queen, he resolved to make a Feast in *Castello di Capuano*, where the Queen lodged, hoping thereby to be reconciled with her, and to induce her to make a Present to the new married Couple of the Principality of *Salerno*, which he coveted so much. The Day appointed for the Feast being come, which was the seventeenth of *August* this Year 1432, and it being spent in Balls and Music, and part of the Night in a most sumptuous Supper, the High-Steward went down to his Apartment, and being already asleep, *Ottino* and the other Conspirators, having bribed one of the Grooms of the Queen's Chamber named *Squadra*, a Native of *Germany*, took him with them, and made him knock at the High-Steward's Chamber-Door, and tell him, That the Queen, having been seized with an Apoplectick Fit, was very ill, and bid him come to her immediately. The High-Steward got up, and beginning to dress himself, he ordered the Door to be opened, that he might the better hear what the Matter was. Then the Conspirators entered, and with Rapiers and Battle-axes murdered him. The next Morning the News of this unlooked for Fact being spread over the City, every body run to see the miserable Spectacle, a remarkable Instance of the wretched State of Man: To see one, who a few Hours before had lorded it over a most powerful Kingdom, taking and giving Cities, Towns and Villages to whom he thought fit, lye on the Floor with one Stocking on, and the other off (not having had time to dress himself) and not one offering either to cover his Nakedness, or bury him. The Dutchess of *Sessa* seeing the dead Body said, *Behold the Son of Isabella Sarda, who pretended*

to vie with me ; shortly after four Priests of *S. John a Carbonara*, where he had built a magnificent Chapel, which is yet to be seen, came and took the Corps, bloody as it was, and disfigured with the Wounds, and put it in a Bier, and with two lighted Torches only, in a most pitiful manner buried him. His Son *Trojano* caused a most magnificent Tomb with his Statue to be erected afterwards in the same Chapel; and *Lorenza Valla*, famous for Learning in these times, composed that Inscription which we read upon the Tomb. Although the Queen was dissatisfied with his Death, yet she ordered all his Estate to be confiscated as a Rebel; and she gave an ample Remission to all the Conspirators, which was penned by *Marino Boffa*; and it is said, that when the Tenor of the Pardon was read to her, which contained these Words, *That the Queen had ordered the High-Steward to be put to Death for his Insolence*, she declared publickly, that she never gave any such Order, but only to imprison him.



C H A P. VI.

King Alphonfus endeavours to be restored to the Queen's Favour, but in vain. King Lewis's Marriage with Margaret the Daughter of the Duke of Savoy; his Death, and soon after Queen Joan dies.



WHEN King *Lewis* who was in *Calabria*, and had fixed his Residence in *Cosenza*, heard of the Death of the High-Steward, he believed, that the Queen would immediately send for him to Court; but the Dutchess of *Sessa*, who by that Death was become most powerful, persuaded the Queen not to invite him; and to keep him where he was, she carved out new Business for him in that Province; which made People believe, that as by too great Ambition King *Alphonfus* had lost this Kingdom, so by too little King *Lewis* would probably have the same Fate. At this time *Alphonfus* was in *Sicily*, and upon the News of the Death of the High-Steward was overjoyed, and much more so, when he understood that the Dutchess of *Sessa* was at the Helm of Affairs, in whom he confided so much, that he was in hopes to be recalled by the Queen, and have his former Adoption confirmed. In order not to lose this first Opportunity, he came with some Gallies to *Ischia*, which held out for him, and by private Messages began to treat with the Dutchess, and beg of her to induce the Queen to restore him to her Favour, and perhaps he might have succeeded, if his too great Eagerness had not spoiled all; for not content with having employed the Dutchess, he sent a Message to the Duke her Husband, offering to make him the greatest Man in the Kingdom, provided he would espouse his Interest; of which the Dutchess, who mortally hated her Husband, was no sooner apprised, than not only instead of a Friend she became an Enemy to *Alphonfus*, but she accused her Husband of hatching a Rebellion against the Queen, and got *Ottino Caracciolo* and the other Counsellors to send Troops to the Duke's Estate to prevent his Followers from favouring *Alphonfus*, who, seeing that both his Plots had miscarried, made a Truce with the Queen for ten Years, and little to his Credit returned to *Sicily*.

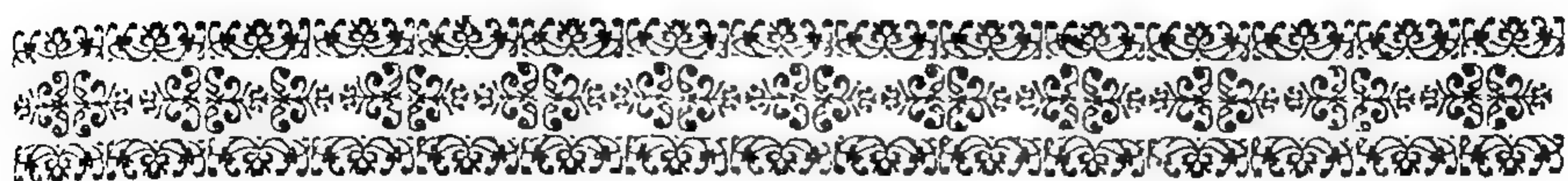
THE following Year 1433, *Margaret* Daughter to the Duke of *Savoy* was betrothed to King *Lewis*, and having set out from *Nizza*, was overtaken by a terrible Storm, and arrived at *Sorrento* very much out of order by the Fatigue of the Voyage; the Queen had a Mind to have her conducted to *Naples* with suitable Honour, and to invite the King to come from *Calabria*, in order to have the Marriage pompously celebrated in that City; but the Dutches of *Seffa* advised her to the contrary, telling her, That by no Means she ought to do it, because it would occasion Disturbance in the State, and that during the short Remainder of her Life, she ought to live and die Queen without a Competitor. And therefore the Queen, who was of a fickle Humour, sent only to compliment the Bride upon her Arrival, and to offer her some Presents, and from thence that Lady went to *Calabria*, where the Marriage was solemnized in *Cosenza* with as much Grandeur as the Time and Place would allow. But that Knot was soon untied, for in *November* the following Year 1434, King *Lewis*, after having spent that Summer in making War upon the Prince of *Taranto*, being retired into *Calabria*, what with the Fatigues of that War, and the Embraces of his Spouse, he contracted a Fever, of which he died, without leaving Issue. He made a Will, wherein he ordered his Body to be carried to the Cathedral of *Naples*, and his Heart to be sent to Queen *Violante* his Mother in *France*, which last was quickly done; but the Body remained in the Great Church of *Cosenza*, where his Tomb is to be seen at this Day, because no body took care to send it to *Naples*. This King was of such an agreeable Temper, and so much beloved by the People of *Calabria*, that it is thought the *Calabrians* ever after continued to have a liking for the Family of *Anjou*.

UPON the News of his Death the Queen was very much grieved, and commended the great Patience of that Prince with respect to her self, and the Obedience he always paid her, and she was very sorry for not having honoured and treated him as he had deserved. And in the beginning of the Year 1435, labouring under great Uneasiness of Mind, and oppressed with Years and Diseases, on the second of *February*, the Feast of the Purification of the blessed Virgin, in the sixty fifth Year of her Age, after having reigned twenty Years and six Months, she gave up the Ghost. She ordered her Body to be buried in the Church of the Annunciation in *Naples* without the least Pomp, in a poor and mean Sepulchre, where she now lies.

THIS Queen was the last of the Family of *Durazzo*; and having had no Children, either by her first or second Husband, and her Hatred against King *Alphonfus* still continuing, she made a Will, wherein she appointed *Renatus* Duke of *Anjou* and Count of *Provence* King *Lewis*'s Brother her Heir, and in the Will expresth the Reasons that had moved her so to do. Here follows a part of that Will, as it is printed in *Tutini*'s Treatise, *De Contestabili del Regno: Præfata Serenissima, & Illustrissima Domina nostra Regina Joanna fide digna, & veridicè informata, quod bonæ memoriæ Dominus Papa Martinus V. per quasdam Bullas Apostolicas olim concessit claræ memoriæ Domino Ludovico III. Calabrie, & Andegaviæ Duci, ipsius Reginalis Majestatis consanguineo, & ejus filio arrogato, & ejus fratribus, Heredibus, & Successoribus hæc Regnum Siciliæ post ipsius Reginalis Majestatis obitum: nec non nescens omnes Regnicolas ejusdem Regni affectos, intentos, & inclinatos velle unum ex germanis fratribus dicti q. Domini Ludovici in Regem, & quod si secus fieret, vel evenerit, fieri non posset absque maxima aspersione Sanguinis, miserabilique clade, & strage, & finaliter calamitate, & destructione hujus Regni. Nec minus & considerans, quod serenissimus, & illustrissimus Princeps Dominus Renatus Dux Bari, &c. ipsius Majestatis Reginalis consanguineus, præfatus quondam Domini Ludovici germanus frater ab inclita, & Christianissima Regia stirpe domus Franciæ, sicut ipsa Reginalis Majestas, suam claram trahit originem; volens præfatis futuris scandalis tacitè providere, & salubriter obviare, & per consequens votis, & desideriis dictorum suorum Regnicolarum satisfacere, cupiensque præterea, quod hæc Regnum potius perveniat ad suum clarissimum Francorum Sanguinem, & inclitam progeniem, quam ad quamvis aliam Nationem: Jam dictum serenissimum, & illustrissimum Principem Dominum Renatum ejus consanguineum, ac dicti q. Domini Ludovici ejus arrogati filii germanum fratrem, eisdem Regnicolis ita gratum, desideratum, & acceptum, in quantum ad ipsam serenissimam Reginalem Majestatem spectat, & in ea est, & quod potest omni meliori via, modo & forma quibus de jure melius, & aptius potest, & debet suum Universalem heredem, & successorem in hoc Regno Siciliæ, & in cunctis aliis ejus Regnis, Titulis, & juribus, actionibus, & cum omnibus Provinciis, Juribus, Jurisdictionibus, & omnibus pertinentiis suis quocunque vocabit appellatione distinctis,*

finitis, & ad illam spectantibus, & pertinentibus, quovis modo, coram nobis, instituit, ordinavit, & fecit, infra scriptis legatis, & fidei commissis, dumtaxit exceptis.

SHE left fifty thousand Duckets in the Treasury to be employed for the Benefit of the City of *Naples*, and maintaining the Kingdom faithful to King *Renatus*; and she appointed sixteen Barons of her Council and Court to govern the Kingdom till he should arrive.



C H A P. VII.

The Polity of the Kingdom under the Governors appointed by Joan. The Government of Queen Isabel the Wise and Regent of Renatus of Anjou. The Wars between Renatus and King Alphonfus; by whom he was at last forced to leave the Kingdom.



NOT only Queen *Joan's* Death, but her last Will involved this Kingdom in greater Troubles than before; whereas there had been only two Pretenders, but now a third starts up, *viz.* the Roman Pontiff. Pope *Eugenius* no sooner heard of the Queen's Death, than he gave the *Neapolitans* to understand, that the Kingdom being a Fief of the Church, he could not conceive how it could be given to any other but to him, whom he should name and invest with it; and that in the mean time it belonged to him to take the Administration of it into his own Hands, and to appoint a Guardian to govern it. *Alphonfus* laid claim to it by vertue of Queen *Joan's* Adoption, and *Renatus* by vertue of her Will.

BUT the *Neapolitans*, who were at this time almost all in the Interest of the Family of *Anjou*, understanding the Pope's Pretension, opposed him Tooth and Nail, and declared, that they would have no other King but *Renatus*, and till such time as he should come to take the Government upon him, they would fulfil the Queen's Will; in fine, the sixteen Barons whom the Queen had appointed were confirmed in the Government, and they were these: *Raimondo Orsino* Count of *Nola*; *Baldassare della Rat* Count of *Caserta*; *Giorgio della Magna* Count of *Pulcino*; *Perdicasso Barrile* Count of *Montedorisi*; *Ottino Caracciolo* Count of *Nicasstro*, and High-Chancellor; *Gualtieri* and *Ciarletta Caracciolo* all three of the Family of *Rosso*; *Innico d'Anna* High-Steward; *Giovanni Cicinello*, and *Urbano Cimmino*, the one a Nobleman of the *Seggio di Montagna*, and the other of *Portanova*; *Taddeo Gattola di Gaeta*, and others mentioned in the Queen's Will. The *Neapolitans*, lest such a Government might at last be converted into Tyranny, elected twenty out of the Nobility and People, who were called Guardians of the Kingdom. These were for sending immediately to *France* to notify the Queen's Will and the Inclination of the City to *Renatus*, and to hasten his coming as soon as possible; and accordingly three Noblemen were dispatched, and mean while, in order to defend themselves against King *Alphonfus*, they sent for *Giacomo Caldora*, and gave him Money to raise Men; they likewise engaged in their Service *Antonio Pontudero* with a thousand Horse, and *Micheletto da Cotignola* with as many; and in this manner was the Kingdom governed from the time of the Queen's Death to the arrival of Queen *Isabel Renatus's* Wife; whence in the publick Deeds during that time no

Reign

Reign is mentioned, but in place thereof was put, *Sub Regimine Illustrium Gubernatorum relictorum per serenissimam Reginam Joannam claræ memoriæ.*

ON the other hand King *Alphonfus*, upon the News of the Queen's Death, being persuaded, that, as it was talked abroad, the Will had been extorted from the Queen, immediately prepared for War, and drew many over to his Party, such as the Dukes of *Sessa* and *Fondi*, the Prince of *Taranto*, and some others; and being spurred on by these he left *Messina*, and came to *Sessa*, from thence he went and besieged *Gaeta*. The Siege of that Place, which lasted a long time, was like to have quite ruined *Alphonfus*, and had it not been for the Generosity of the Duke of *Milan*, the War would have been at an end; for that Duke having pressed the *Genoese* to relieve that City, and not suffer the best Port in the *Tyrrhenian Sea* to fall into the Hands of the *Catalans* their Enemies, the *Genoese* sent a strong Fleet to Sea: and on the other hand *Alphonfus* put to Sea with another much stronger, in which, besides *Alphonfus*, were the King of *Navarre*, D. *Henry* Great Master of the Order of *S. James*, and D. *Peter* his Brothers, the Prince of *Taranto*, the Duke of *Sessa*, the Count of *Campobasso*, the Count of *Montorio*, and a great Number of other Barons of the Kingdoms of *Sicily* and *Aragon*; and on the fifth of *August* this Year 1435, having come to an Engagement near the Island *Poncia*, which lasted ten Hours, at last the *Genoese* overpowered *Alphonfus's* Fleet, and made the King himself, the King of *Navarre*, D. *Henry*, the Prince of *Taranto*, and the Duke of *Sessa*, with many Knights and Barons, to the Number of about a thousand, Prisoners; only D. *Peter* saved himself by flying with his Ship to *Ischia*. The Prisoners were carried to *Savona*, and from thence to *Milan*, where the Duke received King *Alphonfus* as a Guest, and not as a Prisoner. And so great was the Duke's Generosity, that he not only gave *Alphonfus* his Liberty, but being persuaded by him that it was the Security of his State to have the *Aragonians* in *Italy*, and not the *French*; for if *Renatus* should get Possession of the Kingdom of *Naples*, he would not fail to stir up the King of *France* to strip him of his Dominions; they entered into a League together, and with an unparallel'd Generosity he set *Alphonfus*, his Brother, and all the other Prisoners at Liberty; and before the Articles of the League were concluded, the Duke allowed the King of *Navarre*, and the Great Master of the Order of *S. James* to go *Spain* to make new Preparations for the War of *Naples*; and the Prince of *Taranto*, the Duke of *Sessa*, and the other Barons of the Kingdom to go to *Naples* to animate *Alphonfus's* Party, who believed, that he would never be able to set Foot in the Kingdom any more. Soon after the League was concluded, and the Duke sent to the *Genoese* to have their Fleet in readiness to go with the King upon the Expedition against *Naples*.

WHILE these things happened in our Seas, the *Neapolitan* Ambassadors who had been sent to *France* to hasten *Renatus*, found that the Duke of *Burgundy*, who in a Battel had made him Prisoner, and had afterwards, upon his Parole to return, set him at Liberty; had required *Renatus* to perform his Promise by returning to him, and whether it was out of Envy, in seeing him called to so great a Kingdom, or to do Service to King *Alphonfus*, when he did return, the Duke put him in Prison; which afforded Matter for Reasoning, which of the two was greatest, the Folly of *Renatus* in returning, or the Brutality of the Duke in putting him in Prison; and what made this Action of the Duke of *Burgundy* appear the more dishonourable and inhuman was, that it happened at the same time that the Duke of *Milan* had behaved so generously towards King *Alphonfus*. The Ambassadors not finding him, persuaded his Wife *Isabella* to go along with them, and as Regent to take Possession of the Kingdom in name of her Husband; and accordingly with her two young Sons *John* and *Lewis* she embarked, and with four *Provensale* Gallies, on the first of *October* arrived at *Gaeta*, where she was received by the Citizens with great Honour, and whose Fidelity she much commended, and granted them many Privileges. Then she went to *Naples*, where she arrived on the eighteenth of *October* this Year 1435, and with the greatest Joy was received by all the Inhabitants, to whom the Government of the Guardians and Governors had become loathsome; and the Count of *Nola* swore Fealty to her, whose Example was followed by almost all the Barons; and as Regent for her Husband, she began to govern the Kingdom.

THIS Queen, by her great Prudence and Beneficence, in a short time had gained the Hearts of every Body, insomuch, that had it not been that Fortune smiled exceedingly upon *Alphonfus*, and frowned upon her Husband *Renatus*, she would have

established

established the Kingdom in his Posterity. But the League entered into with the Duke of *Milan* when it was least expected, and the matchless and incredible Generosity with which that Duke set *Alphonfus* and his Brothers at Liberty, put the Queen and the *Anjou* Faction into a terrible Consternation. To this was added, that *Gaeta*, which had stood out against so many Assaults, and so great an Army, by the Means of a Storm, which overtook D. *Peter Alphonfus's* Brother, fell into the Hands of the *Aragonians*; for D. *Peter*, with five Gallies, having set out from *Sicily* in order to go to *Porto Spezie* to receive *Alphonfus*, who was then at his Liberty, being arrived at *Ischia*, by a violent Storm was detained upon the Coast of *Gaeta*; and there being a Plague in that City, the chief Nobility and rich Citizens had left it, and by chance the Governor being dead, some *Gaetans*, who sided with *Alphonfus*, delivered up the City to him. D. *Peter* staid in *Gaeta*, and sent *Ramondo Periglios* with the Gallies to *Porto Venere*, where he found the King, who upon hearing that *Gaeta* was in his Brother's Possession, immediately set sail towards it, and on the second of *February* this Year 1436 he arrived there, and he spent many Months without undertaking any thing, but going between *Gaeta* and *Capua*, which had likewise surrendered to him. To all these was added the Revolt of the Counts of *Nola* and *Caserta*, and of many other Barons, who went over to *Alphonfus*.

THIS prosperous Fortune of *Alphonfus* made the Queen and those of her Party resolve to demand Assistance of the Pope, and *Ottino Caracciolo* and *Giovanni Cossa* were sent to Pope *Eugene* for that end, who very readily granted their Demand; for the Pope, knowing the Ambition of the Duke of *Milan*, who by himself alone endeavoured to be Master of all *Italy*, thought, that since he was in Alliance with the King of *Aragon*, and many other Kingdoms, he would be more bold; therefore he sent *Giovanni Vitellisco da Corneto* Patriarch of *Alexandria*, a better Soldier than a Clergyman, with three thousand Horse, and as many Foot to the Queen's Assistance, which very much encouraged the *Anjou* Party; insomuch, that by this Means they acquired the Friendship of the *Genoese*, who had become mortal Enemies to the Duke of *Milan* and the King of *Aragon*, and with the greatest Faithfulness they continued to assist that Party to the end of the War.

THE War was carried on by both Parties with doubtful Success; and while the War was hot in many parts of the Kingdom, the Duke of *Burgundy* having received a great Ransom, set *Renatus* at Liberty, who without Loss of Time embark'd at *Marseilles*, and with a prosperous Gale arrived at *Genoa*, where on the eighth of *April* he was honourably received; and being reinforced with seven Gallies from the *Genoese* under the Command of *Battista Fregoso*, he set sail, and by a favourable Voyage, on the ninth of *May* he landed at *Naples*; and getting up on Horseback, he rode through the City accompanied by his eldest Son *John*, being welcomed with Huzza's and Acclamations; and the Fame of his great Exploits in the Wars of *France* against the *English* gave new Life to the *Anjou* Party, which was not at all lessened here by his Presence and Actions; for he was no sooner arrived and received in *Naples*, than he began to review the Soldiers that were in the City, as also the *Neapolitan* Youth, and to exercise them, whereby he equally raised his Reputation, and gained Esteem. He immediately sent for *Caldora*, with whom he consulted how the War was to be carried on; and they resolved, after taking *Scafati*, to march into *Abruzzo*, and besiege *Sulmona*.

BUT while *Renatus* was in *Abruzzo* with the greatest part of the *Neapolitan* Youth, King *Alphonfus*, who had got a great Reinforcement of Gallies from *Sicily* and *Catalonia*, marched with fifteen thousand Men, and encamped near *Naples* upon the Banks of the River *Sebeto*. The *Neapolitans* by the Absence of their King were at first much disheartened, but afterwards by the Assistance of the *Genoese* they made a vigorous Defence; so that *Alphonfus* was forced to raise the Siege, and retire to *Capua*, in which Siege he lost his Brother D. *Peter*, who was killed by a Cannon Bullet.

RENATUS, after having reduced all the Cities of *Abruzzo* to his Obedience, hearing of the Siege of *Naples*, by the way of *Capitanata* and *Benevento*, immediately came to its Relief; and after having taken *S. Vincent's* Tower, he was in hopes of recovering *Castel Nuovo*, which had been for so many Years in the Hands of the *Aragonians*; therefore he ordered the Governor of *S. Eramo* to batter it, for there being a Scarcity in it both of Powder and Provisions, it was impossible for it to hold out, and the *Genoese* Gallies cut off all Means of Succour from coming to it from *Castel dell' Uovo*, which likewise held out for *Alphonfus*. In the mean time there

arrived in *Naples* two Ambassadors from *Charles VI.* King of *France*, who fearing that his Cousin *Renatus* might be driven out of the Kingdom by the overgrown Power of *Alphonfus*, sent to treat of a Peace between these Kings; and first of all they treated about delivering up the Castle. But King *Renatus*, whose Money had been exhausted by the Charges of the War, got a Year's Truce to be proposed to *Alphonfus*, and offered to be satisfied with the Sequestration of the Castle in the Hands of the Ambassadors, and at the Expiration of a Year to restore it to *Alphonfus* furnished with Provisions for four Months. But *Alphonfus*, who saw *Renatus's* Power at a low ebb, chose rather to lose the Castle, than to give him so long a breathing-time, as by new Alliances to gather more Strength; so that the *French* Ambassadors returned without doing any thing, but to be Spectators of the Surrender of the Castle, which was delivered up on the twenty fourth of *August* this Year 1439, upon Condition, that the Garrison should march out with what Effects each Soldier could carry: to the great Reproach of *Alphonfus*, who was an Eye-witness to the Loss of that Castle, which had held out for eleven Years, and was now lost at a time, when with so great an Army he was in Possession of three Fourths of the Kingdom.

HOWEVER *Alphonfus* made up this Loss by the Conquest of the City of *Saleruo*, which surrendered without Opposition, and with which he invested *Ramondo Orsino* Count of *Nola*, and gave him the Title of Prince, to whom the Year before he had given for Wife *Dianora* of *Aragon* his Cousin, with the Dutchy of *Amalfi*, and then he quickly returned to *Terra di Lavoro*.

THE sudden Death of *Giulio Caldora* a famous Captain of these Times, which happened on the fifteenth of *October*, very much weakened *Renatus's* Army; for though *Renatus* had given his Son *Antonio Caldora* all his Father's Estates, and the Office of High-Constable*; and besides had sent him a Patent to be Viceroy of all that part of the Kingdom, which was under his Obedience; yet it being afterwards suspected that *Caldora* kept a secret Correspondence with *Alphonfus*, he caused him to be imprisoned, which turned to his great Prejudice; for *Caldora's* Soldiers having mutinied, he was forced to set him at Liberty. Upon this Affront *Antonio* having assembled his Army made a Truce with *Alphonfus* for fifty Days, and after an Interview, *Caldora* with all his Men went over to him. In the mean time *Acerza* and *Aversa* in the Year 1441 surrendered to *Alphonfus*; so that *Renatus* being left very weak by the Desertion of *Caldora*, and seeing his Footing in the Kingdom so much diminished, he sent Queen *Isabel* and his Sons to *Prevence*, and began to treat about an Agreement, and to offer to yield the Kingdom to *Alphonfus*, provided he would adopt *John* his eldest Son, that after the Death of *Alphonfus* he might succeed him in the Kingdom. But the *Neapolitans*, who continued most obstinate, and abhorred to be under the Dominion of the *Catalans*, encouraged him, and begged of him not to abandon them; for as soon as Pope *Eugene*, Count *Francesco Sforza*, and the *Genoese*, who were all against the Kingdom's falling into the Hands of the *Catalans*, should hear of *Caldora's* Desertion, they would send fresh Succours; and by this Means they made him give over all Thoughts of a Treaty of Peace: and what they said proved true, for the *Genoese* sent fresh Succours, and Count *Francesco* told them, That he would send a powerful and speedy Relief.

BUT all these Reinforcements were not sufficient to put a Stop to *Alphonfus's* extraordinary Success; for the following Year 1442 being in *Capua*, very unexpectedly, a Priest of the Island of *Capria* came and offered to deliver up the Island to him: *Alphonfus* immediately sent six Gallies with him, and without Difficulty the Island was delivered up; and though it seemed to be but a small Conquest, yet in a little time it proved to be of great Consequence; for a Galley that was coming from *France* being overtaken by a Storm, and the Captain, thinking that the Island was in the Interest of King *Renatus*, landed his Men, who were all made Prisoners by the Islanders, who seized the Galley, and found in her eighty thousand Crowns, which were designed as a Supply for *Renatus*; this was a most severe Stroke to *Renatus*, for with that Money he would have been able to spin out the War a long time.

* Tutin. de Contest. pag. 145.

KING *Alphonfus* seeing that Fortune fought for him, marched and laid Siege to *Naples*; and perceiving that the City was so thin of Troops that they were scarcely sufficient for guarding the Gates and the Walls, he sent a part of his Army to besiege *Pozzuolo*, which, after a stout Resistance, surrendered upon honourable Terms; then he ordered an Attack to be made upon *Torre del Greco*, which quickly surrendered: afterwards in order to block up the City of *Naples* closer, he divided his Army into two Bodies, one of which he left at the Marshes, which lye on the East-side of the City, with *D. Ferdinand* his Bastard Son, and with the other he marched to *Eschia*, and encamped at *Pizzofalcone*. The City made a noble Defence, but *Alphonfus's* Men having entered it through an Aqueduct, on the second of *June* this Year 1442 it was taken; and though the *Aragonian* Army, provoked by the long Resistance, had begun to pillage the City; yet King *Alphonfus*, out of his great Clemency, rode through the Streets with a Detachment of Horse and choice Officers, and under Pain of Death forbade the least Violence or Injury to be offered to the Citizens, so that the Pillage lasted only four Hours; nor was there any thing lost, but such things as the Soldiers could hide, for he caused all other things to be restored.

RENATUS, having retired to *Castel Nuovo*, allowed *Giovanni Cossa*, Governor of *Castel di Capuana*, to deliver up that Castle in order to save his Wife and Children; and the next Day two Ships arriving from *Genoa* full of Provisions, he embarked in one of them with *Ottino Caracciolo*, *Giorgio della Magna*, and *Giovanni Cossa*, and set sail, still looking upon *Naples*, sighing, and cursing his bad Fortune, and with a fair Wind arrived at *Pisa*; and from thence he went to wait upon the Pope who was then in *Florence*, where, though out of Time, he gave him the Investiture of the Kingdom; and to encourage him, said, That there should be a new League made for recovering it to him: *Renatus*, who found there was nothing to be got but idle Words, answered him, That he had a Mind to go to *France*, lest the treacherous *Italian* Generals should make Merchandize of him, and because he owed a great Sum of Money to *Antonio Calvo*, a *Genoese*, whom he had left Governor of *Castel Nuovo*; since he saw that he was like to have nothing from Pope *Eugene* but fair Words, he wrote to *Antonio*, that in order to recover the Money he owed him, he might sell the Castle to King *Alphonfus*, which accordingly he did.

THUS at last ended the Reign of the Family of *Anjou* in this Kingdom, who, from *Charles I.* of *Anjou*, to *Renatus's* Flight, had governed it a hundred and seventy seven Years. Thus was it conveyed to the Family of *Aragon*, which held it seventy two Years. But *Renatus* carried with him to *France* such Seeds of Discord and cruel Wars, as for a long time disturbed the Kingdom; for his Right and that of his Son *John* devolving to the Kings of *France*, they often contended for it; and though always with bad Success, yet they occasioned terrible Confusion and Disorder, as will be seen in the following Books of this History.



C H A P. VIII.

Of the Usages of the High-Court of the Vicariate ; and of the Lawyers who flourished in the Reigns of Queen Joan II. and Renatus ; and by whom the famous Pragmatick called Filingiera was penned.



ALTHOUGH during the Government of this Queen and *Renatus* the Kingdom was in great Confusion, and laboured under cruel Wars, insomuch that Learning and the liberal Arts were little improved, and much less practised, and *Joan* by her lewd Life had sullied the Royal Throne, and turned the Kingdom upside down; yet Learning had not quite left us, and even in the midst of so much Lewdness some Rays of Virtue still shined in that Queen; for she was a great lover of Justice, and wholly intent upon reforming the Tribunals, from which she banished all Avarice in the Ministers and their inferior Officers. That Justice might be duly administred, and the Parties not be imposed upon in the Fees of the Courts, with the Advice of her Counsellors she put a stop to many Abuses, and reformed many things. To which end she reduced the *Usages* of the Tribunal of the High-Court into a better Form, and established many other new ones.

THIS Tribunal was still reputed the Supreme Court, not only of the City, but of all the Kingdom, to which that of the Vicariate being united, these two Courts thus joined became the most eminent Tribunal of the Kingdom. Although the City of *Naples* had the Court of its *Capitano*, yet that Court could only take Cognizance of Criminal Causes within its own District, but not of Civil, and much less of Feodal, High-Treason, or of many other more weighty¹; and as Appeals were allowed from that Court, as well as from all the other Courts of the Cities of the Kingdom to the High-Court, it was not much regarded; and it declined so much afterwards, that in the Reign of the Family of *Aragon* it was quite suppressed, and the Cognizance of its Causes were transferred to the Tribunal of the *Vicariate*.

As has been observed in the twentieth Book of this History, this Tribunal was composed of two Courts, viz. that of the Chief Justice, called *Curia Magistri Justitarii*, and that called *Curia Vicarii*, or *Vicarie*. By many Regulations of the Kings of the Family of *Anjou*, the Jurisdictions of these two Courts being mutually communicated to one another, in process of time they became one, called *The High Court of the Vicariate*; it being thought needless to consider them as two distinct Tribunals, and to employ many different Ministers, who had the same Power and Authority. The Lord Chief Justice being Head of the High-Court, he came likewise to be President of that of the Vicariate; whence all Decrees and Orders, which are dispatched from the High-Court, are published under the Name of the Lord Chief Justice. Formerly he had Power of appointing his own Lieutenants or Deputies, but he lost that afterwards, and it was reserved to the King and his Viceroy to name them.

FROM this Tribunal's being composed of two Courts, in these *Usages* the Queen frequently mentions them thus: *In nostris Magnæ, & Vicariæ Curis*²; and

¹ Rit. 55. & ult.

² In procem. & Rit.

elsewhere¹, *Judices ipsarum Curiarum*. Likewise in the Privileges which she granted the *Neapolitans*, and which are recorded among these Usages², she says, *Quod nulla Curia Civitatis Neapolitanæ, tam Scilicet M. Curia Domini Magistri Justitiarum Regni Siciliæ, seu ejus Locum tenentis, ac Regentis Curiam Vicariæ, quam Capitaneorum, vel aliorum Officialium, &c.*

THIS manner of writing continued during the Reign of the Family of *Anjou*, including King *Renatus* the last of them; for his Wife *Isabel*, while Regent, in 1436 directing one of her Edicts to *Raimondo Orsino* Lord Chief Justice of the Kingdom, which we likewise read among these Usages³, writes thus: *Magnifico Raymundo de Ursinis, &c. Magistro Justitiarum R. Siciliæ, & ejus Locum tenenti, nec non Regenti Magnam Curiam Nostræ Vicariæ, &c.*

BUT afterwards in the Reign of *Alphonfus*, these two Courts being jumbled together, without any Distinction, even in the Name, this Tribunal was always called the *High-Court of the Vicariate*; whence, some have said, that this Union happened in the time of *Alphonfus*, and not before, of which we have discoursed at large in the abovementioned Book.

NEVERTHELESS Queen *Joan* made many Regulations for this Tribunal concerning the Method of proceeding in Causes, both Civil and Criminal; what was to be observed in drawing up of Processes, that the Suit might be valid; a Rule for clearing the Deeds, for Citations, for Cases of Contumacy, Examination, Proofs, and all that regards judicial Proceedings. She prescribed the Number of Judges, *Mastrodatti*, and their Clerks, and fixed their Fees and Emoluments; and above all she recommended the due Administration of Justice, reforming many Abuses, which had crept into this Tribunal during the many Troubles and Revolutions that had happened in the Kingdom.

AMONG all the Usages which this Queen caused to be published, the two hundred and thirty fifth deserves our Attention most; for though during the Reign of the Family of *Anjou*, and especially her own, every thing was done according to the good liking of the Popes; yet this Queen did not allow to be abolished that antient Custom practised in the High-Court, of taking Cognizance of the Validity of Ordination, and obliging a pretended Clergyman to appear personally before her Officers, in order to prove what was requisite, and to subject himself to her Courts of Justice; any thing in the *Decretals* to the contrary notwithstanding⁴, as is expressed in the Usage itself⁵. Yet this was not sufficient to prevent the Ecclesiasticks afterwards in the Pontificate of *Pius V.* from breaking through that antient Custom, and endeavouring to set aside the Usage, which had been observed for so many Years, as shall be seen in the following Books of this History, when we shall have occasion to treat of the Government of the Duke of *Alcala* Viceroy of this Kingdom.

THESE Regulations were not established all at once by Queen *Joan*, but from time to time by the Advice of her able Lawyers; and it is thought, that the greatest part of them were issued between the Year 1424 and 1431, which were the Years wherein she had some Peace and Tranquillity; for during all the rest of her Reign, her Unsteadiness involved her into so many Troubles and Anxieties of Mind, that she had no time to think of any thing but her own Defence and Liberty.

THESE Usages were afterwards collected into one Body, to which she prefixed a Constitution by way of Preface, whereby she gave them the Force and Vigour of Laws, ordering them to be inviolably observed, not only in *Naples* in the High-Court of the Vicariate, and the other Courts of that City, but also throughout the whole Kingdom: She likewise ordained all other Usages, except these which had been hitherto observed, to be abolished and annulled, and to be of no Force or Effect in the Courts. Whence proceeded that common Opinion of our Authors, that what was observed in the Tribunal of the Vicariate, was a Rule to all the inferior Tribunals of the Kingdom.

THE Authors, who either in writing small Notes or long Comments upon these Usages for the greater Distinction, and that when quoted they might the more easily be found, divided them by Numbers, so that now they amount to three hundred and eleven.

¹ Rit. 14, 34, 39, 46, 50.

² Rit. 311.

³ Rit. 289.

⁴ Cap. si Judex Laicus, de Sentent. in 6.

⁵ Rit. 235. Quamvis jura Canonica his prædictis videantur aliquantulum refragari.

AMONG these they inserted an Edict, which *Isabel*, the Wife of King *Renatus* and Regent of the Kingdom, put forth in the Year 1436, directed, as we have said, to *Raimondo Orsino* Lord Chief Justice¹: the Inscription runs thus; *Isabella Dei gratia Hierusalem, & Siciliæ Regina, &c. & pro serenissimo, & illustrissimo Principe, & Domino coniuge nostro Reverendissimo Domino Renato, eadem gratia, dictorum Regnorum Rege, Vicaria Generalis*, with this Date; *Datum in Regio, nostroque Castro Capuane Neap. per manus nostræ prædictæ Isabellæ Reginae, A. D. 1436, die 14. mensis Aprilis 14. Indict. Regnorum vero dicti Domini Regis II.* And this is the last Statute, which the Kings of the illustrious Family of *Anjou* left us.

AND it is likewise to be observed, that though in the latter end of the Reign of the Kings of that Family, the *Roman* Laws had been revived and restored to their ancient Force and Authority, yet the *Longobard* Laws were not quite abolished and in disuse in our Kingdom: There were still some who lived according to these Laws²; therefore the *Mundualai* were given to the Women, without which, both their Consent and Contracts were invalid³. And although *Annibale Troisio* and *Prospero Caravita* declare, that these Usages were fallen into disuse, that perhaps may be very true with respect to the Times wherein they wrote their Commentaries, but it was not so in the Reign of Queen *Joan*, who would have bestowed her Labour to very little purpose in making Regulations concerning them, if there had been none in the Kingdom that lived according to the *Longobard* Laws. Besides, we know not if it be true, even with respect to the Times of these Commentators, since in our time in some parts of the Kingdom, the Notaries, where Women are concerned, still insert the *Mundualdi*; and when that is not done, they use to say, that the contracting Parties live *Jure Romano*; of which we have taken Notice elsewhere.

THESE Usages, both for their Usefulness, and as containing a vast many Regulations, especially concerning the drawing up of Processes, and judicial Proceedings, were first explained with small Notes, and afterwards with full Commentaries by our Authors.

THE first was of *Annibale Troisio*, commonly called *Cavense*, because he was born in *Cava*, whom *Gomarus* has mentioned in his *Bibliotheca*. He ended his Commentaries the first of November 1542, as he testifies in the End of the Work. *Cesare Perrino di Napoli*, *Giovan Michele Troisio*, and *Giralamo de Lamberti* made some small Additions to his Commentaries, and they acquired no small Authority in our Courts, and were always very much esteemed. *Giovan Francesco Scaglione* a *Neapolitan* Doctor, but originally of *Aversa*, likewise made some small Commentaries upon these Usages, and made some Observations upon what he had seen practised while he was Advocate in the High-Court; and his Commentaries were for the first time printed in *Naples* in 1553.

THE Fame of both these was eclipsed by *Prospero Caravita* of *Eboli*, who began his Commentaries in *Eboli*, where he was born in March 1559, and ended them in August 1560. There past not a Day in which he did not employ his Studies, sometimes in *Eboli*, sometimes in *Salerno*, where he was Attorney-General; they were very learned and copious, insomuch that he was reputed the greatest Doctor of all that ever wrote upon these Usages.

LASTLY, In our time appeared Deputy *Petra*, who wrote four Volumes upon them; they rather deserve the Name of a Store-house, than of Commentaries; for besides what was necessary for explaining them, he stuffed his Volumes with so much Variety of Matter, that they contain all that he knew himself, and what he had learned from others; he deviated into sundry Disputes and Points that had happened upon recent Causes, and discussed in his own time; so that he has crammed his Work with many Quotations, and a Multitude of other things quite foreign to the Subject he was about. It may be useful on account of the many Instances of Causes resolved in his own time, and for the modern Practice and Custom, both of the High Court, and of the inferior Tribunals.

¹ Rit. 201.² Rit. 280.³ Rit. 292.

S E C T. I.

Of the Lawyers of these Times, and by whom the Statute called Filingiera was penned.

THE Lawyers, who flourished in the Reigns of Queen Joan II. and *Renatus* down to *Alphonfus*, are not to be compared either in Number or Knowledge to those, who lived under King *Robert* and Queen *Joan I.* his Grandchild. They left us none of their Works or Writings. The only Man in these Times that made himself famous was *Marino Boffa da Pozzuolo*, who being employed by the Queen in the most weighty Affairs of the Kingdom, was raised by her to the supreme Office of High-Chancellor; but afterwards having had a Quarrel with the High-Steward *Sergianni*, who so far prevailed upon the Queen, that in the beginning of the Year 1419 she turned him out of his Office, and put *Ottino Caracciolo* in it¹, which clears the Difficulty started by *Toppi*², viz. how *Marino*, who was Chancellor in the Year 1418, when the Statute *Filingiera* was made, was not in that Office in 1428, when the College of Doctors was instituted.

THERE also flourished *Giovanni de Montemagno*, *Pietro di Pistoja* Judge of the High-Court, and *Giovanni Arcamone* Judge of Appeals in that Court. *Biaggio Ciso*, *Carlo di Gaeta*, *Gorrello Caracciolo*, *Carlo Molicello*, the Judge *Giacomo Griffo*, and the Abbot *Rinaldo Vassallo di Napoli* had the Reputation of grave Doctors. At the same time flourished likewise *Bartolomeo Bernalia di Campagna*, of whom *Toppi*³, makes very honourable mention, and others of less Fame. These were the Lawyers with whom the Queen consulted in her most serious Deliberations.

THESE were employed in the so famous Statute called *Filingiera* made by the Queen at the Request of the High-Steward *Sergianni*, upon an Occasion which we shall relate. *Sergianni* had married *Catarina Filingiera*, the Daughter of *Giacomo* Count of *Avellino*, who in his Testament had appointed his eldest Son *Gorrello* Heir to his Feodal Estates, and *Caterina*, with three others of his Sons, *Alduino*, *Giovannuccio*, and *Urbano* to his Burgage Estates; and besides he left eight hundred Ounces of Gold to *Caterina*, which was given to *Sergianni* as her Portion. *Gorrello* died afterwards without Issue, and the other three remaining Brothers likewise died one after another while they were Minors. The Succession was claimed by *Filippo* their Uncle *Giacomo's* Brother, by *Riccardo Matteo Filingiero*, Son and Heir of *Riccardo Filippo's* Brother; by the Exchequer, which pretended that the County was devolved to it, and by *Caterina*, *Sergianni's* Wife. This last petitioned the Queen, that in regard of her own Service, and those of her Predecessors and Husband, she would not let her go to Law with her Relations, nor the Exchequer; but would be pleased to refer the Decision of the Matter to such Doctors, as her Majesty thought most fit, who, without a formal Process, by examining the Rights of the Parties, should determine whether she or her Relations ought to succeed to the County of *Avellino*, or whether it was devolved to the Exchequer. The Queen granted the Desire of her Petition, and pitched upon *Barino Boffa* the High-Chancellor, and the other abovementioned Doctors for deciding the Cause, who, after having maturely discussed and examined the Point, determined, that *Caterina* ought to succeed, notwithstanding her having got her Portion from her Brother, seeing the Portion was no part of his Estate. The Queen not only agreed to their Decision, but made it a general Law of the Kingdom; and in the Year 1418 published an Edict, whereby it was established, that among those, who lived *Jure Francorum*, the married Sister, who had not got her Portion out of the Brother's Estate, ought not to be excluded from the Succession to his Estate: on the contrary, with respect to those who live *Jure Longobardorum*, the Sister is excluded, if she has got her Portion, either from the common Father, or the Brother. This is that so famous Statute called *Filingiera*, which is dated the nineteenth of *January* 1418, and it

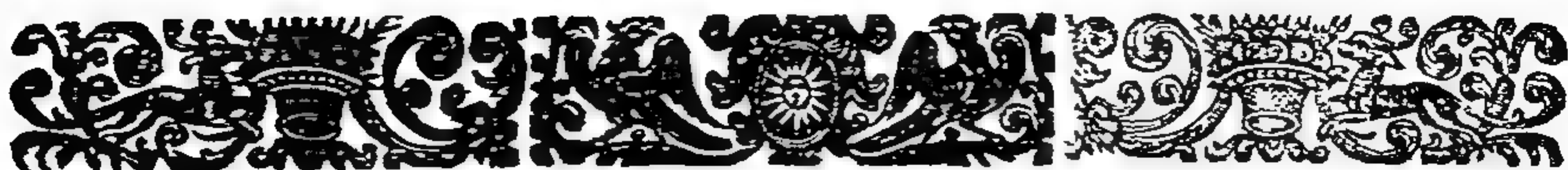
* V. Summonte pag. 583. tom. 2.

• Toppi Biblioth

• Toppi tom. 1. de Orig. Tribun. pag. 182.

was drawn up in *Castel Nuovo*, and is now inserted in the second Volume of our Statutes, under the Title *De Feudis* *, which hath occasioned much Writing, and many Disputes among our Lawyers.

‡ Pragm. 1. de Feud.



C H A P. IX.

The Institution of the College of Doctors in Naples.

THE University of *Naples*, which flourished so much under King *Charles I.* and *II.* and *Robert* his Son, who adorned it with so many Prerogatives and Privileges, had at first its Rector, who was one of the chief Doctors, then called Masters of the University, to whom *Charles* and *Robert* gave very ample Jurisdiction over the Scholars. This University had likewise its own Judge, and inferior Officers. Afterwards, as we have said elsewhere, the Presidency was given to the Chaplain-Major, who had the Care and Superintendency of it. The University gave the Degrees of Doctor and Licentiate, or Batchelor, as is now practised in the Universities of *France*, and other Kingdoms of *Europe*. Yea, the Power of conferring Degrees was by some looked upon to be so necessary and essential in an University, that without it the Academies did not deserve the Name of Universities †. This Doctorship, in the manner it is now conferred, was not known among the *Romans*, nor many Ages after, till the Pontificate of *Innocent III.* And *Conringius* ‡ observes, that in the Time of *Alexander III.* who flourished thirty Years before *Innocent*, there was no Doctorship, and it was allowed to all, who had Erudition and Capacity, to teach in the Universities and Schools; and the first of the Chancellors of *Paris* who was honoured with the Title of Master (which in those Times was the same with Doctor now-a-Days) was *Peter Poitiers*, who flourished in the Time of *Innocent III.* §. And *Multius* and *Vitriarius* were of Opinion, that these Degrees were introduced in the twelfth Century. Both the Universities of *Naples* and *Salerno* regularly conferred them before Queen *Joan's* Reign; nor was it that Queen who first instituted them, for by her own Writ of Institution, we see, that there were Doctors and Rectors in the Universities appointed for the Creation of others.

QUEEN *Joan II.* resolved to make a separate College of Doctors by chusing them, partly out of the University, and partly out of the other Societies, to which alone she gave Power of conferring the Degrees of Licentiate and Doctor. The first Doctors that were chosen, and who are named in the Writ of Institution drawn up in *Castel di Capuana* in the Year 1428 were Doctor *Giacomo Mele* who was made Prior of the College, *Andrea d'Alderiso*, U. I. D. *Giovanni Crispino*

* V. Jacob. Bern. Mulzium represent. Maiest. Imper. p. 2. c. 33. Sect. 2. Ant. Wood Hist. & Antiqu. Acad. Oxoniens. lib. 1. Reinard. Vitricium G. C. & Dutchman Institut. Jur. pub. Rom. Germ

1. 4. tit. 10. Sect. 9.

‡ Conring Antiqu. Acad. dissert. 4.

§ Claud. Emerc. de Acad. Paris. p. 115. Nander: de antiq Scholæ Medic. Paris pag. 17.

Bishop of *Tiano* U. I. D. *Goffredo di Gaeta* Knight and Doctor; *Carlo Mollicello* U. I. D. and Knight; *Girolamo Miroballo* U. I. D. and *Francesco di Gaeta* likewise U. I. D. all *Neapolitans*. In the same Writ of Institution she likewise granted the Superintendency and Jurisdiction, as well in the Criminal as Civil Causes of the Doctors and Scholars, to the High-Chancellor of the Kingdom, which at that time was *Ottino Caracciolo*, without Prejudice however to the Jurisdiction of the Judge of the Scholars¹; and she put the College under the Direction of the High-Chancellor, or his Vice-Chancellor, whom he should chuse, and assigned them a Beadle, a Secretary and a Notary.

THE first and chief Prerogative which she gave to this College, was to confer the Degrees of Doctor and Licentiate of the Civil and Canon Laws. She prescribed the Presents or Fees, which the Scholars were to give the Vice-Chancellor and the other Doctors of the College, when they received the Degree of Doctor; and among other things she ordered, That the Archbishop of *Naples* should be present at the Acts of Doctorship, and have a Cap and a Pair of Gloves², which in process of Time fell into Disuse, because the Archbishops of *Naples*, being raised to greater Pomp and Grandeur, thought it below them to be present at these Functions, and slighted such small Presents. Lastly, she fixed the Number of the Collegiates, their Election, and the Method to be observed in the Acts of Doctorship; she settled the Precedency, both in sitting and voting, and many other particular Provisions were made, which may be seen in the Charter of Foundation which is printed at large in the Works of Deputy *Tappia*³, and *Matteo degli Afflitti*⁴ likewise makes mention it; and *Summonte*⁵ says, That upon many Occasions Copies of it have been laid before the High-Court; and at last *Muzio Recco*⁶ likewise printed it with his Glosses which he made upon it, full of Puerilities, and useless Reasoning.

THIS College was composed of Doctors of the Civil and Canon Laws only; therefore it was necessary to establish another of Philosophy and Physick; and the Queen, at the Desire of the High-Chancellor, was very ready to do it: A Year and nine Months after, on the eighteenth of *August* 1430, she granted another Charter for its Foundation. She likewise put this College under the Direction and Government of the High-Chancellor, or his Vice-Chancellor. She gave it a Prior, and for that Office pitched upon *Salvatore Calenda* Prior of the College of *Salerno*, who was also her own Physician. She assigned to it a Notary and a Beadle; and for Members of it, besides *Salvatore Calenda*, she chose *Pericco d'Attaldo d'Aversa* Physician, and Professor of Physick in the University of *Naples*; *Raffaele di Messer Pietro Maffei della Matrice*, Physician and Professor in the said University; *Antonio Maffrilla di Nola* Physician; *Battista da Falconibus di Napoli* Physician, and likewise Professor in *Naples*; *Angelo Galeota di Napoli*, Physician and Professor in the said University; *Nardo di Gaeta di Napoli*, Knight, and her own Physician; *Luigi Trentacapilli di Salerno*, Knight and Doctor of Physick; *Maestro Paolo di Mola di Tiamonti*, Physician; *Roberto Grimaldo d'Aversa* Physician; and *Paolino Caproscola di Salerno*, her Domestick and Physician.

HAVING likewise put this College under the Jurisdiction of the High-Chancellor, she ordained him to be Judge-competent both in the Civil and Criminal Causes of the Collegiate Physicians; she also prescribed the Fees, which the Candidates for the Doctorship were to give; she ordered the Trial of the Skill of the Candidates to be upon the *Aphorisms* of *Hippocrates*, and the Books of *Aristotle's* Philosophy and Physicks. The Archbishop of *Naples* was likewise to be present at the Functions, and to have a Cap and a Pair of Gloves; the Divines were also to have a Pair of Gloves, and so of the rest, as may be seen in the Charter. She fixed the Method of conferring the Degrees, and prescribed the Number, Election, and Precedency of the Collegiates.

IT is to be observed, that not only the Natives and Citizens of the City of *Naples* were admitted into these two Colleges, but also the Natives of the Kingdom, who

¹ Privileg. Reg. Jo. II. Non quod per hoc, nec per infra-scripta tollatur privilegium Justituario Scolarum ab antiquo concessum.

² V. Chioccar. de Archiep. Neap. in Nicolao de Diano, fol. 271.

³ Tappia Jus Regni, lib. 2. de offic. M. Cancellarii, pag. 407.

⁴ Afflitt. Decif. 41.

⁵ Summont. tom. 2. lib. 4. pag. 608.

⁶ Recco super privileg. Jo. 11.

for four Years successively had publickly taught in the Schools. *Afflitto*¹ mentions this Charter likewise; and *Summonte* attests², that a Transcript of it has upon Occasion been laid before the High-Court, and Deputy *Tappia* caused it to be printed in his *Jus Regni*.

TO these two was afterwards added the College of Divinity, composed of Divines, and for the most part of Claustal Superiors and Professors. They teach Theology, and give Letters of Licentiate. This College is also under the Jurisdiction of the High-Chancellor, and acknowledges him for its Head and Governor: So the College of *Naples* is now composed of three Orders of Doctors, viz. those of the Civil and Canon Laws, of Philosophy and Physick, and of Divinity. A College, which though it yields to that of *Salerno* in Antiquity, yet, according to the Vicissitude of worldly things, it hath been so much exalted above the other, that now it not only contends for the Preheminency, but for the Number and Learning of its Professors; and so much hath it become superior, as the one City excels the other in Magnificence and Eminence.

THE succeeding Kings of the Houses of *Aragon* and *Austria* established many Regulations concerning the Administration and Government of this College, the Requisites necessary in those that were to take Degrees, all which we read in the Volume of our Statutes; and Deputy *Tappia*³ collected many of them under the Title, *De officio M. Cancellarii*. *Giovan Domenico Tassone*⁴ likewise treats of them in his *Promptuarium de Antefato*; and lastly *Muzio Recco*⁵ caused a Volume of them to be printed, wherein he gives us a long Catalogue of all the Doctors of this College from the Year 1400 to 1647, which Catalogue has by others been continued to our Time.

¹ Afflit. Decis. 41.

² Summ. Tap. loc. cit.

³ Tappia Jus Regni lib. 2. de Offic. M. Cancell. pag. 417 ad 423.

⁴ Tasson. de Antef. vers. 3. observ. 3. num.

⁵ 255.

⁶ Recco in privilegio Jo II.



CHAP. X.

The Polity of our Churches during the time of the Schism, to the Reign of the House of Aragon.



THE Revolutions which happened between the Death of the wise King *Robert*, and the quiet and peaceable Reign of King *Alphonfus*, disturbed no less the political and temporal State of this Kingdom, than the ecclesiastical and spiritual of our Churches. The Schism that arose on account of the Elections of *Urban VI.* and *Clement VII.* made us acknowledge at one and the same time not only two Kings, but two Popes; and the Kingdom being divided into Factions, as these miserably afflicted the State, so they put the Priesthood into Confusion, and continual Convulsions and Disorders. Whoever had the Favour and Countenance of our Kings, was looked upon among us to be the true Pope. The Indisposition of the Head made all the other Members languish; whence the Prelates of our Churches were at one time installed, and at another turned out of their Sees, according to the various Fortune of the contending Princes. *Urban VI.* in the beginning of his Pontificate, which was in the Year 1378, was acknowledged by us for Pope; but the Defects of his Election being afterwards discovered, and that the Cardinals had a Mind to declare it void, and elect another, our Queen *Joan I.* for the Reasons given in

in the XXIII. Book of this History, favoured and assisted the Cardinals in their Design, and got the Election to be made in *Fundi* within her Dominions, where that same Year they elected Pope *Clement VII.* who was by her received and adored in *Naples* as true Pope. This occasioned terrible Disorder in our Churches, and especially in *Naples*; for the Archbishop *Bernardo*, who was in Possession of the See, having adhered to the Queen's and *Clement's* Party, was deposed by *Urban*, and the Abbot *Lodovico Bozzuto* created Archbishop in his room, who, raising a Commotion among the People, got Possession of the See, and turned out *Bernardo's* Family. But the Queen, having quelled the Tumult, drove out *Bozzuto*, caused his Houses to be pulled down, ruined his Lands^a and restored *Bernardo*, who governed that Church, till *Charles III.* of *Durazzo* took Possession of *Naples*. *Charles* being invited by *Urban*, who had excommunicated the Queen, and given him the Investiture of the Kingdom, caused the Queen to be strangled, possessed himself of the Kingdom, and cruelly oppressed all her Adherents, divesting them of their Fiefs, Dignities and all their Goods. On the other hand *Urban*, in order to be revenged of those, who had adhered to *Clement*, immediately sent Cardinal *Gentile di Sangro* as his Legate into the Kingdom, who, greatly outdoing *Charles* in Cruelty, barbarously persecuted all the Archbishops, Bishops, Abbots, Priests, and in a Word all the Clergy of the Kingdom that had sided with *Clement*, imprisoning, tormenting, and stripping them of all Dignities, Benefices, and Goods, not pardoning either Age, Rank, or Condition whatsoever; and *Urban*, commending the Rigour of his Legate, in order to add to the Misery of the Sufferers, and to deprive them of all Hopes, put others immediately in their Places: and it is told as a thing very extraordinary, that in one single Day he created thirty two Bishops and Archbishops, for the most part *Neapolitans*; and he had a singular Regard for those who had assisted King *Charles* in the Conquest of the Kingdom, requiring no other Merit but that^b. The Legate not content with this, one Day in the sight of King *Charles*, his chief Courtiers, and of the People of *Naples*, caused ignominiously to be brought to him, in the Church of *S. Clara*, *Girardo di Giffoni* General of the Order of the Friars Minors of *S. Francis*, who had been made a Cardinal by Pope *Clement*; *James de Viss* a Frenchman Archbishop of *Otranto*, and Patriarch of *Constantinople*, made Cardinal by *Clement*, and sent into the Kingdom as his Legate; *Casello* Bishop of *Chieti*, and a certain Abbot named *Masello*, who had been in the Queen's Interest, and forced them to abjure *Clement*, and acknowledge *Urban*: then he caused them to be stript of their Habits, red Hats, Mantles, and their Episcopal Hoods, and a Pile of Wood being kindled, he caused these Spoils to be burnt; afterwards they were led back to a dark Prison, where they remained for a long time^c. And *Theodore de Nismes*^d relates, that the Cruelty which the Cardinal *di Sangro* exercised in the Kingdom against the Archbishops, Bishops, Abbots, Priests, and the other Clergy in the Queen's Interest, and who had acknowledged *Clement*, was such, as could not be mentioned without Horror.

BUT soon after *Urban's* Partizans were interrupted, for *Lewis I.* of *Anjou* having been adopted by Queen *Joan*, and invested with the Kingdom by Pope *Clement*, in 1383 came to conquer it. *Urban* opposed him, and left nothing unattempted in order to frustrate his Design; and coming to *Naples*, he declared him a Schismatic, excommunicated him, and published a *Crusade* against him, granting plenary Indulgences and Remission of all Sins to all those who should take up Arms against him, and made King *Charles* Standard-bearer of the Holy Church, and blessed the Standard, which he delivered him at a solemn Mass in the Cathedral Church of *Naples*. And Money being wanted to support this cruel War, he empowered *Filippo Gezza* and *Poncello Orfino* two of his Cardinals to sell and mortgage the Lands and Goods of all the Churches, although the Prelates and Chapters should dissent; and then a terrible Havock was made of our Church Lands, for the pressing Necessities of the War requiring it, *Charles* was forced to sell them at a very low Price^e. While *Charles* lived, the *Anjou* Faction gained little or no Ground: but upon his Death King *Lewis* invaded the Kingdom, turned Queen *Margaret*, the

^a V. Chiocciar. de Archiep. Neap. in Bozzuto, anno 1378.

^b Ciaccon. in Urbano VI. & in Cardinali Gentili de Sangro.

^c Ciaccon. loc. cit. Diar. Ducis Montis leon. Jo. Baptista Carafa Hist. Neap. lib. 6.

^d Theodor. de Schism. lib. 1. cap. 26.

^e Ciaccon. in Urbano VI.

deceas'd King's Widow, with her Son *Ladislaus* out of it; and in the Year 1386 confined them to *Gaeta*.

WHEREUPON *Clement's* Faction prevailing in the Kingdom, that of *Urban* was quite humbled. In the mean time, *Bernardo* dying in the Year 1380, *Clement* in his room had made *Tommaso de Amanatis* Archbishop of *Naples*, who, during *Bozzuto's* Intrusion, and while *Urban's* Faction prevailed, resided always in *Avignon*, where *Clement* likewise made him a Cardinal, and where he died; Writers differ no less about the Year of his Promotion, than of his Death¹; and *Clement* immediately appointed *Guglielmo* to succeed him in the Archbishoprick. On the other hand *Urban*, *Bozzuto* dying in the Year 1384, did not fail to name *Niccolo Zanafe* to be his Successor; but he, by sticking fast to Queen *Margaret's* Party, as well as *Tommaso*, died in Exile from his Church, which he had resigned in *Cremona* in the Year 1389. *Urban* notwithstanding before he died in the Year 1386 having named *Guindazzo* to be his Successor, who, with great Constancy adhering to *Urban's* Party, and the *Anjou* Faction prevailing, could not enjoy peaceable Possession of his Church; for Queen *Margaret* and *Ladislaus* being confined to *Gaeta*, and the City of *Naples* and the Kingdom being under Subjection to King *Lewis* and Pope *Clement*; the Archbishop *Guglielmo* was acknowledged by the *Neapolitans*².

POPE *Clement* was resolved not to be behind hand with *Urban* in opposing *Ladislaus*, who, being now grown up to Man's Estate, was preparing to make an Attempt upon the Kingdom, in order to drive his Competitor *Lewis* out of it; whereupon *Clement*, residing in *Avignon*, empowered King *Lewis*, and those of his Party who governed the Kingdom, to make use of all the Gold and Silver Vessels of the Churches for coining Money to support the War against *Ladislaus*; which was accordingly done, for all the Church Plate was partly coined, and partly sold, to the inestimable Damage of the Churches³. Yet we don't find, that *Clement* used the Bishops and Abbots in his Rival's Interest, so cruelly as *Urban* did by the Means of the Cardinal *di Sangro*.

POPE *Clement's* Party prevailed till the end of the Year 1389, when *Ladislaus*, having gathered Strength, and his Party Courage, regained a good part of the Kingdom; and now our Churches were involved in greater Confusion than ever; for in the Heat of the War, as the Fortune of the contending Princes changed, the Prelates and the other Clergy had the same Fate. Nor was the Death of *Urban*, and that of *Clement* soon after, sufficient to put an end to the Schism; for as the Cardinals of *Urban's* Faction elected *Boniface IX.* in his room, so *Clement* dying in *Avignon* in the Year 1394, his Cardinals immediately elected *Benedict XIII.* and as *Boniface* favoured King *Ladislaus*, so *Benedict* sided with King *Lewis*, whom he confirmed in the Possession of the Crown, by granting him new Investiture. And the Kingdom being thus divided, *Boniface* was acknowledged by his Party, and *Benedict*, who resided in *Avignon*, was owned by all the *Anjou* Faction, and the Prelates were always afraid of being turned out; whence *Ladislaus*, in order to strengthen his Interest, assured the Friends of the timorous Prelates, that they should not be deprived of their Sees, and gave his Promise to *Galeotto Pagano*, that his Brother *Niccolo Pagano*, who was in *Benedict XIII.'s* Interest, should not be turned out of the Church of *Naples*, but that he would do his utmost to maintain him in it; as he likewise promised to *Giacomo di Diano* to continue *Niccolo di Diano* his Brother Archbishop of *Naples*, and not suffer him to be removed or translated upon any Account whatsoever; as may be seen in the Letters of that King recorded by *Cicciacchi*⁴. And as long as the *Anjou* Faction was able to make Head against *Ladislaus*, our Churches were no less harassed than the Cities, till at last that Faction being crushed, and King *Lewis* returned to *France*, and *Boniface IX. Innocent VII.* and *Gregory XII.* his Successors being attached to *Ladislaus*, they recovered greater Power and Vigour.

WHILE *Benedict XIII.* kept his See in *Avignon*, and *Gregory XII.* his in *Rome*, the Cardinals of both Colleges, in order to remove the Schism, agreed upon an Expedient to join in Council in *Pisa*, and to elect a new Pope, and depose both *Be-*

¹ Chieco. in Archiep. Neap. in Thom. anno 1380

² Chieco. in Archiep. Guglielmo, anno 1388

³ S. Antonin. in 3. p. Hist. tit. 22. cap. 2. Sect. 14

Collenue lib. 5. Comp. Reg.

⁴ Chieco. de Archiep. Neap. anno 1399. fol. 257. & anno 1412. fol. 266.

nedict and *Gregory*, as they did, by electing *Alexander V.* but that Council was of no Service to us, because King *Ladislaus* continued to acknowledge *Gregory*, and received him into the Kingdom; he ordered all his Subjects to own him for lawful Pope, and assigned him the Castle of *Gaeta* for a secure Sanctuary, where he remained for a long time, in spite of *Alexander*, who therefore employed *Baldassar Cossa* Cardinal Deacon, who soon found Means to make himself Master of *Rome*, to drive out *Ladislaus's* Officers, and fix *Paolo Orsino* there. But *Alexander*, who was seventy Years of Age when he was elected Pope, did not live long after his Election; he died in *Bologna* in the Year 1410, and *Baldassar Cossa*, a bitter Enemy to *Ladislaus*, succeeded him, and took the Name of *John XXIII.* This Pope, who had been favoured in his Election, and recommended by King *Lewis II.* of *Anjou* *Ladislaus's* Rival, was no sooner fixed in *S. Peter's* Chair, than he resolved to strip *Ladislaus* of the Kingdom of *Puglia*; and at last raised a great Army against him, with which he marched to *Capua*, defeated him, and returned in triumph to *Rome*. But *Ladislaus*, who was a Prince of an invincible Spirit, soon recovered himself so, as to oblige the Pope to be willing to be at Peace with him, which was made with this Condition, That he should turn *Gregory* out of his Dominions, and get *John* to be acknowledged in them for true Pope. *Ladislaus* put the Treaty in execution, so that *Gregory* was forced to seek Refuge in *Marca d'Ancona*, under the Protection of *Carlo Malatesta*, where he remained till the Council of *Constance*. *Gregory*, who to the Year 1412 had been obeyed as true Pope in *Naples*, being thus discarded, *John* was after that acknowledged as such there till the Year 1415, when he was deposed by the Council of *Constance*, and at last submitting to the Sentence, he stripped himself of the Pontifical Habit.

NO other Pope was acknowledged in our Kingdom during the time between *John's* Deposition, and the Election of Pope *Martin V.* by the Council of *Constance*, which was in the Year 1417. so that for almost two Years and a half the Apostolick See was looked upon with us to be vacant; whence in all Writings penned in *Naples* during that time, the Name of no Pope was mentioned, but *Apostolica sede vacante*; for as *John* was no more to be reputed Pope after his Deposition by the Council, so *Gregory* and *Benedict* being deposed were much less accounted such with us. But *Martin V.* being elected by the Council, as he was acknowledged by almost all the Catholick World for true and lawful Pope, so by our Princes, and all the Churches and People of the Kingdom he was respected and owned for the only and true Pope; and although King *Alphonfus*, in order to keep Pope *Martin* in Awe, still sided with *Benedict XIII.* and he dying in 1424 espoused the Interest of *Clement VIII.* his Successor, elected by two Cardinals only, who had continued with him; yet that made no Alteration among us, as well because *Alphonfus* did not hinder his Subjects from acknowledging *Martin*, as that he had his own Ends that prompted him to protect *Clement's* Party; besides, he was disgusted at *Martin* because he had invested *Lewis III.* his Rival and Competitor with the Kingdom. But their Quarrels being made up, *Alphonfus* sent the Cardinal *de Foix* his Ambassador to *Spain* to get *Clement* to yield, who in the Year 1429 was forced to renounce all his Right in the Hands of the Ambassador; and the Cardinals which he had made, likewise renounced their Cardinalships; and thus ended the Schism, which for the Space of fifty one Years had miserably rent the Church; and *Martin V.* remained sole and only Pope, acknowledged by all the West.

BY this Means Peace was restored to our Churches, which were not in the least disturbed by the Schism renewed by the Council of *Basil*, which in the Year 1439 having deposed *Eugene IV.* *Martin's* Successor, had confirmed the Election made by their Commissaries of *Amadeus* Duke of *Savoy*, who took the Name of *Felix V.* for tho' *Alphonfus*, for Reasons, which shall be told in the following Book, favour'd him, yet he was never acknowledged for Pope by our Churches, they still continuing in their Obedience to Pope *Eugen*, as, after his Death, which happen'd 1447. they did to *Nicholas V.* his Successor, by whose Election the Schism ended; for he being a mild and peaceable Man, readily gave ear to the Proposals of Accommodation which were made him by the Christian Princes; and, on the other hand, *Felix* and his Adherents, being likewise disposed to Peace, he was induc'd to renounce the Pontifical Dignity; and it was agreed, that he should continue to be the first among the Cardinals, and perpetual Legate of the Holy Church in *Germany*.

THE Council of *Constance* remedied the preceding Disorders of our Churches, seeing for the Sake of Peace, and to prevent Disputes between the two Factions, which of the two contending Parties ought to be reputed the true and lawful Pope, and by consequence, what Elections and Provisions made by them ought to be valid, it took care that the Cardinals, Bishops, Abbots, benefic'd Persons, and all the Officers, whichsoever of the two they obeyed, should be maintained in the Possession of their Benefices and Posts; and that the Dispensations, Indulgences and other Favours granted by either of the two Popes. as also the Decrees, Dispositions and Regulations made by them ought to take effect¹. Thus did our Churches remain in Peace, as also the Church of *Rome*, after the Election of *Nicholas V.* till the end of this Century; and the Popes busied themselves more afterwards in the Wars of *Italy*, and in taking care to maintain their temporal Power, and establish their own Families, than in Ecclesiastical Affairs. They were likewise taken up with those who usually came to *Rome* for the Canonization of Saints: For obtaining Privileges to Monasteries: For the Affairs of so many and different Religious Orders: For obtaining Indulgences and Dispensations, with Disputes between Churches and Ecclesiasticks, which were all drawn to *Rome*, whither Collations of all Benefices, Reservations, *gratie expectative*, Anticipations, Annats, and all Elections to Bishopricks and Abbeys, and other Provisions of Benefices were likewise drawn, with Disputes between the secular and regular Clergy about the Administration of Sacraments, and with many other Affairs; whence they had Occasion to establish so many Bulls and Decrees, which in process of time grew to so great a Number, that they are now collected and make five large Volumes, under the Title of *Bullarium Romanum*².

¹ Baluz. in Præfat. ad vitas Papar. Aven.

² Struv. Hist. Juris Canon. cap. 7. Sect. 32.

S E C T. II.

Of Monks and Temporalities.

DURING the time of the Schism, our Churches made no remarkable Acquisition of Temporalities, for the Clergy were in little Repute; on the contrary the obstinate Wars that happened, often obliged our Princes, with the Permission of the Popes, to make terrible Havock of the Church Lands, even to sell and mortgage them, and to make use of the Gold and Silver Plate for paying the Soldiers. The old Monks, having now lost the Reputation of Sanctity, were not regarded. All the Devotion of the People centered upon the new Religious Orders which were daily starting up; and as we have observed elsewhere, in the Reign of the Family of *Anjou*, the Orders most in vogue were the *Mendicants*, and of these the *Preaching Friars* and *Friars Minors* were in the greatest Esteem. Queen *Joan II.* to make Amends for her lewd Life, at last began to have a great Regard for them, and to give her Mind to Works of Piety. Besides her having founded a new Hospital in the Church of the Annunciation of *Naples*, and endowed it with great Revenues, and her having enlarged the Hospital and Church of *S. Nicholas*, out of Affection for the *Friars Minors* she repaired the Monastery of the Cross in *Naples*, and ordained, That all those, who in her own time, Queen *Margaret's*, and *Ladislaus* her Brother's, had robbed the Publick, should be acquitted, by paying two *per Cent.* of what they had robbed; and for that end a Trunk was placed within the Monastery of *S. Maria della Nuova*, whither the Robbers were to carry the Money, which she designed for the Reparation of that Monastery¹. Out of Regard for Sister *Clara*, formerly Countess of *Melito*, she gave many Farms to the Monastery of *S. Anthony* of *Padua*; and confirmed the Privileges and Concessions granted by Queen *Joan I.* to the Monastery of *S. Martin* above *Naples*, of having the Direction of the Hospital dell' *Incoronata* founded and endowed by the said Queen *Joan I.* exempting the Church and all its Moveables and Immoveables from paying any publick Burdens, that the Sick might be the better treated; the Estate and

¹ Summont. tom. 2. lib. 4. pag. 620

Franchises are still remaining, *but the Hospital, as Summonte says*¹, *is laid aside, and where the Sick were taken care of, there are now Magazines of Wine.*

THIS Queen had likewise a great Regard for *Giovanni da Capistrano* a *Friar Minor*, and Disciple of *S. Bernardino* of *Sienna*, who in his Youth having applied himself to the Study of the Law, became eminent in that Profession, and was made Judge of the High-Court of the Vicariate; but afterwards renouncing the World, he turned Monk, of the Order of *S. Francis*, and became more famous for his Expeditions, than his Treatises upon the Laws and Morality which he left us, and whereof *Toppi*² made a Catalogue. He took upon him the Command of a Crusade against the *Fraticelli*, and the *Hussites*, and went in Person at the Head of the Troops that were making War upon the *Bobemians*. Queen *Joan* likewise gave him a Commission to hinder the *Jews* of our Kingdom from taking Usury, and to force them to wear the *Hebrew Letter Thau*, as a Badge to distinguish them from Christians. He was also renowned for the surprising Relief, which he gave the City of *Belgrade* besieged by the *Turks*, and for his other martial Atchievements, which he performed in *Hungary*, where in the Year 1450 he ended his Days.

THE Rise of a new Order in these Times afforded an Opportunity to our Princes of the House of *Aragon*, to shew themselves as profuse in bestowing Riches upon the Monks, as those of the Family of *Anjou* had been. This was the Order of *Monte Oliveto* instituted in *Italy* by three *Siennese*, who having retired to the County of *Monte Alcino* to lead a solitary Life on a Mountain called *Oliveto*, and being charged as Broachers of new Superstitions, they were forced to appear before Pope *John XXII.* to vindicate their Institution, who gave it in Commission to the Bishop of *Arezzo*, in whose Diocess *Monte Oliveto* is situate, to prescribe a Rule to them, whereby they were to live: The Bishop caused them to be clothed with white Garments, and gave them the Rule of *S. Benedict*; and they having built a Monastery on that Mountain, which is now the Head of this Society, in a short time after many others of the same Order were built in *Italy*; so that in the Year 1372. Pope *Gregory XII.* approved of this new Order, and *Martin V.* likewise confirmed it. These new Religious were introduced into *Naples* by *Gurrello Origlia* a Gentleman of *Porto*, Great Protonotary of the Kingdom, and in great Favour with King *Ladislaus*, who in the Year 1411 built for them from the Foundation a Church and Monastery, endowing it with a hundred and thirty three Ounces of Gold yearly for the Maintenance of twenty four Monks, and fourteen Lay-Brothers. He likewise assigned them many Farms and other Revenues, and among others the Fiefs of *Savignano*, *Cotugno*, and *Casa Alba* in the Territory of *Aversa*; the Territories of *Echia*, with the vast Revenues which they yield, only reserving to himself and Successors a Wax Candle of a Pound weight, which the Monks were obliged to present yearly on *Candlemas-Day*, as a Symbol of Patronage, which he reserved to himself as Founder of that Church³.

BUT afterwards in the Times of the Kings of the same Family of *Aragon*, their Acquisitions and Riches grew much greater; and *Alphonfus II.* above all others, a great Admirer of this Order, was most lavish in heaping Riches upon them, for besides having given them a vast deal of costly Furniture, and Plate, and enlarged their Monastery, and beautified it with excellent Pictures: he likewise gave them three Villages, *viz. Teverola*, *Aprano*, and *Pepona*, with both Civil and Criminal Jurisdiction. Which Example was followed by the other Kings of the House of *Aragon*, whose Reign we are now going to relate.

¹ Idem loc. cit.² Toppi de Orig. Tribunal. part. 1.³ Eugen. Nap. Sacr. di Monte Oliveto.



T H E
CIVIL HISTORY
Of the KINGDOM of
N A P L E S.

B O O K XXVI.



WHEN the Kingdom of *Naples* was transferred from the Family of *Anjou* to *Alphonfus* King of *Aragon*, although it came under the Dominion of a most powerful King, possessed of so many hereditary Kingdoms, such as *Aragon*, *Valencia*, *Catalonia*, *Majorca*, *Corfica*, *Sardinia*, *Sicily*, *Roussilion*, and many other flourishing Dominions; and new Families, new Customs, and Fashions were brought to it from *Spain*, yet it luckily happened that this magnanimous King did not treat it as a foreign Kingdom; nor did he look upon it as a Province of the Kingdom of *Aragon*, but had as great a Regard for it as if it had been his antient and native Kingdom; yea, what is more, he erected a Tribunal in the City of *Naples* so eminent, that, by way of Appeal, he ordered not only the Causes of these our Provinces, but all those of his other vast Dominions to be brought before it.

WHETHER it was upon account of the Sweetness of its Climate, or its Grandeur, and the vast Number of its illustrious Barons and Nobility; or whether it was his Love for his dear *Lucretia Alagna*, it is evident that he preferred this Kingdom to all his other Dominions, and it never was in so flourishing a Condition, as in his Reign. He fixed his Royal Residence in *Naples*, where he resolved to pass the Remainder of his Life; and, as if he had forgot his paternal Dominions, all

his Care, and all his Thoughts were employed about this Kingdom. *Sicily*, which had been divided from *Naples* ever since the famous *Sicilian Vespers*, was now united, and likewise reaped great Advantage. By the Union of these two Kingdoms, *Alphonfus* began to take the Title of King of both the *Sicilies*, *Ut & hinc*, as *Fazzello* says ¹, *Pontificum Romanorum auctoritatem non improbare, & vetustam observationem non negligere videretur, non ignarus, cum eruditissimus esset, illius usurpatam esse, & novitiam vocem*; which Title, the Kings his Successors, who governed both these Kingdoms, likewise took. But the chief Cause, that, even after the Death of *Alphonfus*, this Kingdom maintained its own Dignity, and preserved its own Kings, and did not depend upon foreign Princes, who having their Residence elsewhere must govern by their Ministers, as it happened afterwards in the Time of *Ferdinand the Catholick*, was, that *Alphonfus* took care, in case he should have no lawful Heirs of his own Body, that the Kingdom of *Naples* should not go with his hereditary Dominions to his Brother *John* and his Successors Kings of *Aragon*; therefore he legitimated, and, with the Consent of the People, invested *Ferdinand* of *Aragon* his Bastard Son with it, in whose Race it continued for many Years, till the Death of *Frederick* of *Aragon* the last King of that Line; so that the Kingdom was governed by its own native Princes till the Reign of *Ferdinand the Catholick*; for they having no other Kingdoms, the Kingdom of *Naples* was their only Seat and native Country.

THEREFORE the City and Kingdom of *Naples* are much indebted to *Alphonfus*, who, neglecting his other Dominions, fixed his Residence in that City; and to the antient *Norman*, *Suevian*, and *French* Nobility adding another a new one, which he brought from *Spain*, he augmented and adorned it with new illustrious Families; such as the *Carvagli*, the *Guevara*, the *Cardenes*, the *Avalos*, and many others, which are still among us; and with their noble Blood grace this Kingdom; besides the *Villamarini*, *Cardona*, *Conteglia*, *Periglios*, *Cordova*, and many other noble Families now extinct. He settled the Affairs of the Kingdom by frequent Parliaments, better Laws, and new Tribunals.

IT is not my Intention, neither would it answer the Design of this Work to relate his noble and excellent Actions; there are particular Authors who have accurately and at large given Account of the famous Exploits of this Hero, viz. the two *Antonies*, *Zurita*, *Panormita*, *Bartolommeo Facio*, *Æneas Sylvius*, Pope *Pius II.* the famous *Costanzo*, *Spiegello*, *Gaspere Pellegrino*, and many other renowned Historians. Therefore it will be sufficient for our Purpose to relate what belongs to the Government of the Kingdom under this Prince; what Novelties were introduced, and what Changes and Alterations happened, as well in the Ecclesiastical and Spiritual, as in the Civil and Temporal State.

¹ Fazzel. de Reb. Siculis, Decad. 1. lib. 1. cap. 3.



C H A P. I.

Of the Articles and Privileges granted to the City and Kingdom of Naples, and to the Barons thereof.



AFTER *Alphonfus* had entirely crushed the *Anjou* Faction, and reduced all the Kingdom to his Obedience, he resolved to call a general Parliament, in order to settle many things which the late Wars had disturbed and confounded. He summoned it to be held in *Benevento*, and sent Letters over all the Provinces to the Barons and Royal Cities to meet there on an appointed Day; but the *Neapolitans* begged of him, that he would be pleased to hold it in the City of *Naples*, the *Metropolis* of the Kingdom, with which he complied: In this Parliament there were only two Princes, for at this time there were no more in the Kingdom, *viz.* *Balzo* Prince of *Taranto*, and *Orfino* Prince of *Salerno*, the first High-Constable, and the other Lord Chief Justice; all the other five Officers of the Crown were likewise present; four Dukes, *Marzano* Duke of *Sessa*, *Orfino* Duke of *Gravina*, *Sanseverino* Duke of *S. Marco*, and *Caracciolo* Duke of *Melfi*: (*Acquaviva* Duke of *Atri*, and other Barons, who had sided with *Renatus* were likewise summoned, but durst not venture to appear before the King) two Marquisses, *Centeglia* Marquis of *Cotrone*, and *Aquino* Marquis of *Pescara*; many Counts, and very many Barons and Knights, of whom *Costanzo* and *Summonte* have made long Catalogues.

AT the opening of this Parliament the King said, That since he had freed the Kingdom from foreign Invasions, in order to maintain it in Peace for the future, and to defend it against any that should endeavour to disturb it, there was a Necessity to lay a yearly Tax upon the whole Kingdom for maintaing Men at Arms for its Defence, which being taken into Deliberation, it was concluded, to lay a Tax of a Duckett upon every House, to be paid yearly over all the Kingdom; in Consideration of which, the King was to give to every House a *Tommolo* of Salt, and to take off all former Taxes¹. At the same time that this Offer was made, they sought other Favours of the King, who accepted the Offer, and promised to pay a thousand Men at Arms, and ten Gallies for guarding the Kingdom both in Peace and War, and generously granted all the Favours that were asked.

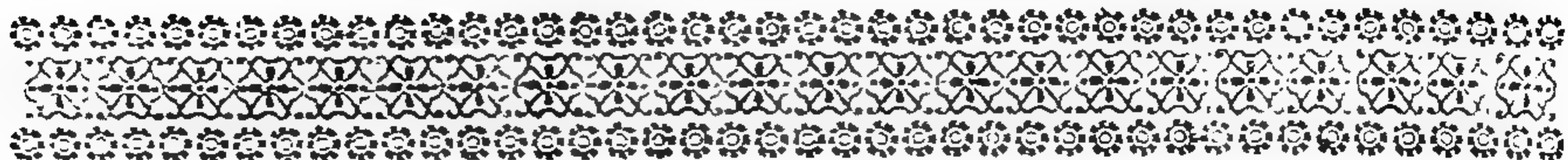
HE granted many Privileges, which are now printed in a particular Volume; among others it was established, That all poor and indigent People should have a publick Audience every *Friday*: That an Advocate should be appointed for them, with a yearly Salary to be paid out of the Exchequer: That in place of the Lord Chief Justice, his Lieutenant, or Deputy, should always be present in the High-Court of the Vicariate for the Administration of Justice: That the Privileges granted to the Barons should be preserved entire: That they should be freed from the Tax called *Adoa*: That every House, upon Payment of ten *Carlins*, should be furnished with a *Tommolo* of Salt; and other Privileges and Favours were granted, not only to the City of *Naples*, but to all the Corporations and Cities of the Kingdom.

ALPHONSUS's Example was imitated by the Kings his Successors, who on the like Occasions having demanded new Taxes and Donatives of great Sums, granted other Favours to the Cities and Kingdom. Many of which were granted by *Ferdinand I.* *Alphonfus II.* *Ferdinand II.* *Frederick*, and *Ferdinand the Catholick*, and his Plenipotentiary the Great Captain, *Charles V.* and *Philip II.* so that in the

¹ Michael Riccius lib. 4. de Regib. Neap. & Sic. Cum prius unaque Civitas, oppidumve pro numero, amplitudineque, & opibus, stipendia penderet per collectas. ut aiunt.

Year 1588 their Number was such, that *Niccolo de Bottis* thought fit to collect them into one Volume, which he caused to be printed in *Venice*, and dedicated it to the President *de Franchi*.

BUT in process of time, other Favours being granted by King *Philip II. III.* and *IV. Charles II.* and in our Time by the Emperor *Charles VI.* to the great Advantage of the Publick, another Volume has been collected and printed in *Naples* in 1719, wherein are contained the remarkable Privileges and most signal Favours granted to the City of *Naples* and Kingdom by our present most august and most clement Prince; which, as Occasion offers, we shall mention in this History.



C H A P. II.

Ferdinand of Aragon, Alphonsus's Son, declared Successor of the Kingdom. Peace concluded with Pope Eugene IV. who gives them Investiture of the Kingdom.



IN this Parliament the Succession of the Kingdom was likewise declared in favour of *Ferdinand Alphonsus's Son*; for the King's most favourite Barons, being sensible of the Affection he had for this Son, though a Bastard, whom he had legitimated^a, and declared capable of succeeding to all his Dominions, particularly to the Kingdom of *Naples*; and knowing it would be very acceptable to the King, proposed to the rest to ask the Favour, that he would be pleased to appoint *Don Ferdinand* to be his Successor, and give him the Title of Duke of *Calabria*, usually given to the eldest Sons of our Kings; whereupon *Onorato Gaetano*, who had been unanimously deputed by all the Barons, kneeling before the King, begged of him, that seeing his Majesty had settled Peace in the Kingdom, and granted so many Favours, in order to perpetuate them, he would be pleased to declare the most illustrious Lord *D. Ferdinand* his only Son, Duke of *Calabria*, and his Successor^b; and the King, with a joyful Countenance, ordered his Secretary in his Name to make the following Answer: *His most serene Majesty the King reckons himself infinitely obliged to his illustrious, worthy, and magnificent Barons for the Request made in favour of the most illustrious Lord D. Ferdinand his most beloved Son; and in Compliance with your Desire, from this time forth he entitles and declares him Duke of Calabria, and immediate Heir and Successor of this Kingdom, and is content, that from this Day an Oath of Fidelity be sworn to him.* Whereupon *D. Ferdinand* with great Rejoicing was proclaimed Duke of *Calabria*, and Successor of the Kingdom; and all the Officers and the said Barons, *Ore & manibus*, took an Oath of Fidelity to him; of which a publick Instrument was drawn up this Year 1443 in presence of many Barons, which is inserted in the Volume of the abovementioned Privileges. The Day following the King with *D. Ferdinand*, accompanied by all the Barons, went to the Monastery of the Nuns of *S. Ligoro*; and after having heard a solemn Mass, the King put the Sword into *Ferdinand's* right Hand, and the Standard in his left, and placed the Ducal Circle, or Coronet, upon his Head, and ordered, That they should all call him Duke of *Calabria*, and look upon him as his lawful Successor; of which also a publick Instrument was drawn up, which we find in the aforesaid Volume.

^a Chiocciar. tom. 1. MS. giurisd.

^b Capit. Reg. Alphonsi.

BUT all this was not sufficient to secure the Succession of the Kingdom to a Bastard Son, though legitimated, if this Oath and Declaration had not been ratified by the Pope, who, out of Hatred to *Alphonfus*, would never have given him the Investiture; and the Pope's Ill-will was evident, for all the Potentates of *Italy* sent to congratulate *Alphonfus* upon his Victory, and the Peace and Tranquillity of the Kingdom, except Pope *Eugene* alone; on the contrary, *Renatus's* Misfortunes in being obliged to quit the Kingdom vexed him to the very Heart. Therefore *Alphonfus*, who wanted to be Friends with him, not only for rendering the Peace of the Kingdom more complete, but for getting the Investiture for the Duke of *Calabria*, bent all his Thoughts upon a Reconciliation with *Eugene*, and left no Stone unturned in order to bring it about.

ALPHONSUS had formerly, as we have told, upon finding *Eugene* obstinate, kept a secret Correspondence with *Amadeus* Duke of *Savoy* the Anti-Pope, for no other end, but to obtain of him what he could not get from the true Pope. The Schism, which was renewed after the Death of *Martin V.* by the Council of *Basil*, had put every thing into Confusion. Whatever Pope *Eugene* established, was by the Council declared null; and on the other hand the Pope, looking upon that Meeting to be a Conventicle, condemned and anathematized whatever was determined in it. The Council summoned the Pope, and he not appearing, was declared Contumacious; at last on the seventh of *May* 1438 those Prelates, of which the Council of *Basil* was composed, deposed him, and deputed some Commissioners for electing a new Pope. The Commissioners elected *Amadeus* Duke of *Savoy*, who, as we have said, had retired to *Ripaglia* in the Diocess of *Geneva*, where he lived like a Hermit. His Election was confirmed by the Council, and he was called *Felix V.* who immediately went to *Basil* to preside in the Council. Pope *Eugene* had opened another Council in *Florence*, and they alternately condemned one another. *France* continued to acknowledge *Eugene* for Pope. But *Germany* began to waver, and proposed to have a new Council called for deciding which of the two Popes had the best Right. *Eugene* still continuing his Enmity to *Alphonfus*, the King, in order to keep him in Awe, sent *Luigi Cescalles* his Ambassador to *Felix*, and suffered some Prelates his Subjects to acknowledge him for true Pope. On the other hand *Felix*, to engage *Alphonfus* openly to espouse his Interest, and all the Subjects of his Dominions to pay him Obedience, offered to *Luigi* his Ambassador, to confirm the Adoption made by *Queen Joan II.* and to grant the Investiture of the Kingdom, and besides to give him two hundred thousand Duckets of Gold *. But the most prudent King perceiving, that the Council of *Basil* was daily dwindling away, and that on the tenth of *August* 1442, *Felix*, with some of his Cardinals, had retired to *Lausanne*, and that at long run every thing would be undone, wisely resolved to side with *Eugene*, and to keep *Felix* in suspense, he ordered his Ambassador to answer to the Offer made him, that the two hundred thousand Duckets must be paid at one Payment: That he was content to keep the City of *Terracina* for the Sum of three thousand Duckets, in part of what was owing him for the War made upon him by the Patriarch *Viellesco*, when he broke the Truce; and that it was then stipulated, that he should keep Possession of *Terracina* till he was fully satisfied: That if *Felix* was willing to perform these Conditions, he would not fail to defend and obey him; and besides, he would send Ambassadors to the Council, and likewise get the Prelates of his Kingdoms to go thither, and that he would also endeavour to persuade the King of *Castile* and the Duke of *Milan* to do the same, and enter into a Confederacy with the House of *Savoy*.

THUS did *Alphonfus* amuse *Eugene*, without Design of concluding any thing; and at the same time he had given it in charge to *D. Antonio Borgia* Bishop of *Valeria*, who was afterwards Cardinal, and then Pope, named *Calistus III.* to do his utmost to make up the Differences between him and *Eugene*; the Bishop begged of the Pope that he would vouchsafe to be reconciled with the King, and to receive him as a dutiful Son and Feudatory. *Lodovico Scarampo* Patriarch of *Aquileia* and Cardinal of *S. Lorenzo* *Eugene's* Treasurer, whose Advice he usually took in his most weighty and important Affairs, helped to bring about the Treaty of Peace; so that *Eugene*, moved by their Insinuations, and besides considering that he could not assist *Renatus*, and that his being at Enmity with King *Alphonfus* might prove

* Zurita Annal. d'Aragona.

prejudicial to him, resolved to make Peace, and on the ninth of *April* this Year 1443. ordered a Bull of Legation and Commission to be drawn up and given to the aforesaid Cardinal, empowering him to go and treat of a Peace with the King, and of the Investiture to be given him of the Kingdom. The Bull of this Legation is recorded by *Cicciacarelli* in the first Volume of his *MS. Giurisdizionali*.

THE King was at this time in *Terracina*, where he received the Legate with great Honour, and after much debating, on the fourteenth of *June* the same Year, the Peace was concluded on these Conditions:

THAT the King for ever should forget all past Injuries and Offences, and not only he himself, but all his Dominions should acknowledge *Eugene* for the only, true, and undoubted Pope, and universal Pastor of the Holy Church, and that as such he and his Kingdoms should pay him Obedience.

THAT he should look upon all the Cardinals, Adherents of the Anti-Pope *Amadeus*, as Hereticks.

THAT on the other hand the Pope should give King *Alphonfus* the Investiture of the Kingdom of *Naples*, and confirm his Adoption made by Queen *Joan II.* with a Clause, that his having conquered the Kingdom with the Sword should not derogate from the Adoption.

THAT he should vest *Alphonfus* with all that Authority, which had been granted by former Popes to the ancient Kings of *Naples*, and that he should capacitate D. *Ferdinand* Duke of *Calabria* to succeed his Father. And on the other hand the King should promise to be a faithful Vassal and Feudatory of the Church, and to assist her in recovering *la Marca*, which was in the Possession of Count *Francisco Sforza*.

THAT when the Pope had a mind to make War against the *Infidels*, the King should be ready with a good Fleet to join that of his Holiness.

THAT the King in name of the Church should keep Possession of the Cities of *Benevento* and *Terracina* during his Life, and that during the same time he should leave in the Pope's Hands *Citta Ducale*, *Acumoli* and *Lionessa*, most important Cities of the Province of *Abruzzo*.

THAT the King should furnish the Pope with six Gallies for six Months in the War against the *Turks*. And for recovering the Cities and Fortresses possessed by Count *Francisco Sforza* in *la Marca*, it was agreed, That the King should send four thousand Horse and a thousand Foot.

THAT the Pope should grant the Bull of Legitimation in favour of D. *Ferdinand*, that by the Investiture both he and his Heirs might be rendered capable of succeeding in the Kingdom.

THAT the Charges of the six Gallies, and the Troops to be sent to *La Marca* should be deducted out of the Quit-rent, which the King was to pay by virtue of the Investiture.

THAT the Government of the Cities of *Benevento* and *Terracina* should be given to D. *Ferdinand* and his Successors for ever; and that the Church should have the Government of *Citta Ducale*, *Acumoli*, and *Lionessa* in the same manner.

THESE Articles of Peace were concluded on the fourteenth of *June* this Year 1443 in *Terracina* by the King, and by the Cardinal of *Aquila* the Apostolick Legate, in presence only of *Alfonso Cicciacarelli* a famous Doctor of Law and Apostolick Protonotary, and of *Giovanni Olcina* the King's Secretary, and are recorded by *Cicciacarelli* in the first Tome of his *MS. Giurisdizionali*.

POPE *Eugene* by a particular Bull dated the sixth of *July* the same Year, likewise recorded by *Cicciacarelli*, confirmed the aforesaid Articles, and in order to their being put in execution, the same Year he dispatched several Bulls also recorded by the same Author.

IN the first Place, on the thirteenth of *July* he published a preliminary Bull, whereby he absolved the King and his Ministers from all the Excommunications and Censures they had incurred by the Wars and Offences against the Church of *Rome* during the Schism, and for usurping the Church Lands and Goods. Then *Eugene* dispatched the Bull of Investiture dated in *Sienna* the fourteenth of the same Month, whereby he gave King *Alphonfus* the Investiture of the Kingdom of *Naples* for himself and Successors, Male and Female, lawfully descended of his own Body in a direct Line.

OUR Writers speak differently of this Investiture: *Scipione Mazzella* ¹ says, that it likewise comprehended the Kingdom of *Hungary*, with which the Pope invested *Alphonfus* by vertue of the Right of *Joan* his adoptive Mother; and that thereby he also enabled *Ferdinand* his Ballard Son to succeed him in that Kingdom. Cardinal *Baronius* ² says, that by this Bull *Alphonfus* was not only invested with the Kingdom of *Naples*, but likewise with that of *Sicily*. But they are both widely mistaken. The Investiture was only of the Kingdom of *Naples*, in the Pontifical Bulls called, *Regnum Siciliæ, & Terram citra Pharam*. There is no mention made of *Sicilia ultra Pharam*, and much less of *Hungary*, or of capacitating *Ferdinand*, which is plain from the Bull now printed in the third Tome of *Summonte's* History, and inserted by *Chinccarelli* among the rest of this Pope's Bulls in the first Tome of his *MS. Giurisdizionali*; wherein *Eugene* enumerates the Reasons that moved him to give the Investiture, viz. the Adoption of Queen *Joan* II. The Dangers *Alphonfus* had undergone for so many Years in getting Possession of the Kingdom: His Victory over his Enemies: His having settled Peace in the Kingdom: The Good-will of the Barons, who desired him, and had received him for their King and Lord, and taken the wonted Oath of Fidelity to him; (things relating all to the Kingdom of *Naples* only) his own and King *Ferdinand* his Father's Merit; for all which Reasons he invested him with the Kingdom, with the usual Clauses, which were inserted in the Investiture given to King *Charles* I. and the Payment of eight hundred Ounces of Gold as a Quit-rent yearly; and that the Barons and Commons should not be burdened with new Taxes, but should enjoy the same Liberty, Franchises and Privileges, which they had in the time of King *William* II.

THERE could no mention be made in this Investiture of the Kingdom of *Sicily ultra Pharam*, of which the Kings of *Sicily* the Predecessors of *Alphonfus* never sought Investiture from the Popes since the famous *Sicilian Vespers*; and *Alphonfus* had succeeded to it in the Year 1416. by the Death of King *Ferdinand* his Father, and of which he was in Possession before his Adoption. The Words of the Bull of Investiture are likewise a convincing Proof of what we have advanced, where it is said to be granted, *Pro Regno Siciliæ, & tota terra ipsius, quæ est citra Pharam, usque ad confinia terrarum ipsius Ecclesiæ*. This will more clearly appear from the Oath of Fealty, which *Alphonfus* afterwards in the Year 1445 swore to *Eugene* in these Words: *Ego Alphonfus Dei gratia Rex Siciliæ plenum homagium, & Ligium, & Vassalagium faciens vobis Domino meo Eugenio Papæ IV. & Ecclesiæ Romanæ, pro Regno Siciliæ, & tota terra ipsius, quæ est citra Pharam* ³.

THE Date of this Oath sets the Matter yet in a clearer Light, and leaves no room for Dispute, where, by *Sicilia, & tota terra citra Pharam*, is only meant this Kingdom of *Naples*. The Date runs thus: *Datum Neapoli per manus Nostri prædicti Regis Alphonfi, anno a Nativitate Domini 1445 die vero secundo mensis Junii octava Indictionis, Regnorum Nostrorum trigesimo; hujus vero SICILIÆ, ET TERRÆ CITRÀ PHARUM anno Regni XI.* Therefore without all Controversy, this Investiture was given of the Kingdom of *Naples* only, as *Cosanzo*, *Summonte*, *Chinccarelli*, and all our most famous and grave Authors, taking it for granted, have written.

THIS very Year, besides this Investiture, *Eugene* published other Bulls in favour of *Alphonfus*, one of which is dated the fourth of *September*, whereby he remits a considerable Sum of Marks *Sterling*, which *Alphonfus* was obliged to pay to the Apostolick Chamber on account of the Concession and Investiture of the Kingdom of *Naples*. And by another Bull dated the twenty ninth of the same Month he remits all that past Quit-rent he owed for the aforesaid Kingdom; and all the Money, which the King, his Officers and Ministers in his Name had exacted to that Day, on whatsoever Account due to the Apostolick Chamber, or from the Prelates, Dignitaries, or other Ecclesiastical Persons. Moreover the same Day he published another Bull, whereby he promises to send to the King the Cardinal of *S. Lorenzo*, or any other Person to crown him, when and where he should think fit; but that Coronation was not solemnized, nor was *Alphonfus* ever crowned ⁴.

AFTERWARDS on the thirteenth of *December* the same Year other new Bulls were dispatched in favour of *Alphonfus*. By the first it is granted, that the Penalty of forfeiting the Kingdom, in case of Intrigement of the Conditions of the In-

¹ *Manuel. descript. del Regno.*

² *B. rom. Annal. Eccles. discours. de Monarchie Si-*

cil. tom. 11.

³ *C. de. tom. 1. MS. Giurisd.*

⁴ *Parlat. de M. Giustiz. p. 78.*

vestiture, may be commuted into a pecuniary Mulct of fifty thousand Duckets to be paid by the King to the Apostolick Chamber, to last only during *Alphonfus's* Life. The second allows two Years for the King's taking the Oath to the Apostolick See for the Investiture of the Kingdom, notwithstanding, that by the Tenor of the Investiture, he ought to take it within six Months, if the Pope was in *Italy*, and if out of *Italy*, within a Year. The third remits the eight thousand Ounces of Gold yearly, which the King was to pay of Quit-rent, to last only during *Alphonfus's* Life. The fourth allows the King not to suffer his Rebels to return to the Kingdom, and to turn them out of it, and confiscate their Estates, notwithstanding the Oath given by the King for observing the Conditions of the Investiture, whereby he is bound to receive his Rebels into the Kingdom, and to restore them to their Estates, from which Oath he is absolved by this Bull. By the fifth, that although it be stipulated in the Investiture, that the King cannot impose Taxes or Subsidies upon Churches, Monasteries, Religious and Holy Places, the Clergy, other Ecclesiastical Persons, and their Goods, excepting in Cases allowed *de jure*, or by the antient Custom of the Kingdom, nevertheless during his Life-time he may impose Taxes and Subsidies upon the aforesaid Places and Ecclesiastical Persons, in Cases of Necessity, notwithstanding the Conditions of the said Investiture. In the sixth it is said, That King *Alphonfus* having represented, that by the antient Custom of the Kingdom he could impose Taxes and Subsidies upon Churches, Monasteries, Holy and Religious Places, the Clergy, and Ecclesiastical Persons and their Goods; and that he was not bound to receive, or admit Prelates elected, named and provided into the Kingdom, if he had probable Ground to suspect their Loyalty: the Pope grants, that he had Power to impose Taxes and Subsidies, and not to receive the said Prelates, if by the Custom of the Kingdom it was lawful, notwithstanding the Condition of the said Investiture. By the seventh, at the instance of the said King, the Pope dispenses with the Conditions of the Investiture, which allow only the Male Issue born, or to be born, lawfully descended in a direct Line of the said King to succeed him, and allows collateral Heirs to enjoy the Succession of the said Kingdom. By the eighth he confirms the Adoption made by Queen *Joan II.* The last dispenses with the three hundred Men at Arms, which *Alphonfus* by the Investiture was obliged to send to the Field, and at his own Charges to maintain for the Space of three Months in the Service of the Apostolick See.

ON the fourteenth of *July* the following Year 1444, according to the Articles of the aforesaid Treaty of Peace concluded in *Terracina*, *Eugene* sent the Bull of Legitimation in favour of *Ferdinand* Duke of *Calabria*, whereby he legitimated and capacitated him to succeed in the Kingdom of *Naples*; and on the first of *April* 1445, by another Bull he appointed D. *Giovanni* Abbot of the Monastery of *S. Paul* in *Rome*, to go and, in the Name of the Apostolick See, administer the Oath to *Alphonfus*, which he was obliged to take on account of the Investiture, and which he took in the abovementioned Words.



C H A P. III.

Ferdinand Duke of Calabria marries Isabella di Chiaromonte, the Prince of Taranto's Niece. Pope Eugene dies, and the Cardinal of Bologna is elected in his Place, and takes the Name of Nicholas V. who confirms all that had been granted to Alphonfus by his Predecessor Eugene.



AFTER King *Alphonfus* had made Peace with Pope *Eugene*, he was wholly bent on securing the Succession of the Kingdom in the Person of the Duke of *Calabria*, and on fulfilling the Articles of the said Peace. According to the first Article he made all his Subjects and Prelates acknowledge *Eugene* for true Pope; and since the famous Canonist *Panormitanus* had been present in the Council of *Basil*, and had had a great Hand in what was done there against *Eugene*, for which he had been made a Cardinal by *Felix V.* the Anti-Pope, he caused him to be recalled, and obliged him to renounce the Purple, and return to his Archbishoprick of *Palermo*, where in the Year 1445 he died of the Plague. But finding that *D. Ferdinand* was but little beloved by his Subjects, because he had discovered himself to be proud, covetous, double and perfidious, he began to be afraid that after his Death the Kingdom might fall into other Hands; whereupon, seeing he had appointed him to be his Successor, he resolved to strengthen him by Alliance; and hearing that the Prince of *Taranto* had with him in *Lecce* a Daughter of the Countess of *Copertina* his Sister, a young Lady of great Virtue, and whom the Prince loved as his own Daughter, he sent to ask her in Marriage for the Duke of *Calabria*; to which the Prince very readily consented, and in a splendid manner conducted her to *Naples*. Thus did he fix the Prince of *Taranto* in *D. Ferdinand's* Interest; and in order to strengthen him more, he contracted Alliance with the Duke of *Sessa*, who was equal in Power to the Prince, by marrying *D. Lionara* his Bastard Daughter to *Murino di Marzano*, the Duke's only Son, to whom he gave the Principality of *Rossano*, with a great part of *Calabria*, as her Portion.

BUT while *Alphonfus* is wholly intent upon settling the Succession of the Kingdom upon his Son, and fulfilling the Articles of Peace to the Pope's Contentment, *Eugene*, being seized with a violent Sicknes, died on the twenty third of *February* this Year 1447. By this Death great Tumults were raised in *Rome*, for the *Orsini* on the one hand, and the *Colonna* on the other were forcing the Cardinals to elect a Pope to their liking; but the King, being then at *Tivoli*, sent Ambassadors to the College of Cardinals to exhort them not to proceed in the Election by Cabals; for he would not suffer any Violence to be offered to them, but that they might go on with all Freedom without Passion or Fear. The Cardinals being protected by *Alphonfus*, immediately with unanimous Voice on the sixth of *March* elected the Cardinal of *Bologna*, a mild and peaceable Man, who may be placed among the rare Examples of Fortune; for though he was but the Son of a poor Physician of *Sarzano*, a small Village situate on the Borders of *Tuscany* and *Lusigiana*, yet in one Year he was made Bishop, Cardinal and Pope, and took the Name of *Nicholas V.* The King was very well pleased with this Election, and sent four Ambassadors to be present at the Coronation, and in his Name to do him Homage.

THE Face of Affairs in *Italy* were altered in an instant; for a Pope, who was a great Lover of Peace and Quiet, having succeeded one of a warlike Disposition,

Italy and the Church of *Rome* were soon settled again in Peace and Tranquillity; for *Nicholas* immediately began to manage a Peace between the *Venetians*, *Florentines*, and the Duke of *Milan*. He quickly extinguished all the Remains of Schism, for he readily gave Ear to the Proposals of Accommodation that were made to him by the Christian Princes. The Anti-Pope *Felix* and his Adherents, being likewise inclinable to Peace, facilitated the Agreement, which was concluded upon Conditions advantageous to both Parties, viz. That *Felix* should renounce the Papal Dignity, but should be first among the Cardinals, and perpetual Legate of the Holy See in *Germany*: That both Parties should revoke all Excommunications and other Censures fulminated either by Councils, or the contending Popes against those of the opposite Party: That the Cardinals, Bishops, Abbots, Beneficed Persons, and the Officers of the two Parties should be continued in their Posts: And that the Dispensations, Indulgences and other Favours granted by Councils, or either of the Popes, as also the Decrees, Deliberations, and Regulations, which they had made, should be valid: Lastly, That *Nicholas V.* should call a General Council to be held in *France* within seven Months after the Agreement: and all these Conditions, except the last, were performed. *Felix* renounced the Papacy, and *Nicholas* was acknowledged every where for Pope, who employed all the rest of his Pontificate in quieting the Disturbances of *Italy*, and from this time to the end of the Century, the Church of *Rome* enjoyed Peace.

NICHOLAS was very courteous and kind to *Alphonfus*; he not only confirmed what had been stipulated with his Predecessor, but in Consideration of the great Expences which the King had been at in the War of *La Marca*, and of other Assistance furnished a few Days after his Accession to the Papacy, on the twenty second of *March* the same Year he sent him a Bull, whereby he restored to him the Cities of *Acumulo*, *Civita Ducale*, and *Lionessa*¹, given by *Alphonfus* to *Eugene* in exchange for the Cities of *Benevento*, and *Terracina*, to be held by *Alphonfus* and his Successors, without paying any Quit-rent, except a Tribute of two Hawks yearly; and in 1452, by another Bull he exempted him from the said Tribute of the two Hawks, which the King owed that Year to the Apostolick See for the aforesaid Cities of *Benevento* and *Terracina*.

BY another Bull dated the fourteenth of *January* 1448, he confirmed all the Concessions and Favours that had been granted by *Eugene* either to *Alphonfus*, or his Son *Ferdinand*; and by another Bull dated the twenty seventh of *April* the Year following, he confirmed the Duke of *Calabria's* Legitimation, and enlarged his Succession, by making him capable of succeeding to his Father in his other Kingdoms.

SO *Alphonfus*, favoured by Fortune in every thing, disengaged from the Cares of War, and enjoying a sweet and settled Peace, after having made a Progress in *Tuscany*, returned to *Naples*, where, upon his Arrival, he found that the Dutches of *Calabria* his Daughter-in-Law had brought forth a Son, who was afterwards King *Alphonfus II.* and at the time of his Birth a Beam of Fire appeared in the Air above *Casfel Nuovo*, which was a Presage of his terrible Disposition. The *Neapolitans* gave many Demonstrations of Joy for the King's return, who having taken up his Residence in that City, he continued there for a long while, and spent his time partly in Diversions, partly in building, and partly in restoring the Tribunals of Justice to their former good Order.

¹ Clarend. lib. 1. MS. Glarind.



C H A P. IV.

The Origin and Institution of the Sacred Court of S. Clara, now called Capuana.



AMONGST the many Endowments wherewith King *Alphonfus* was adorned, the most shining of all the rest was the great Esteem he had, not only for military Men, but likewise for the Learned and Judicious. He was such an Admirer of the *Roman* Grandeur, their magnanimous Enterprizes, their Wisdom and Prudence both in civil and military Affairs, that his chief Delight was in reading their Histories, and especially *Livy*, of whom he was such an Admirer, that out of Love to the Memory of so great an Historian, he prevailed with the *Venetians* to send him one of his Arm Bones from *Padua*, where his Bones lay, and with great Ceremony he caused it to be transported to *Naples*. He conferred with the most learned Men, which he kept always about him, upon what he read in these Histories.

IN his time *Constantinople* having come under the Yoke of the *Turks*, and the *Greek* Empire being at an end, many great Men who flourished in that City, in order to shun their Barbarity fled to *Italy*, whither they brought the *Greek* Learning. At this time *Gaza*, *Argirolopilus*, *Fleto*, *Philephus*, *Lascaris*, *Poggius*, *Valla*, *Sipontinus*, *Campanus*, *Bessario*, and many others came to *Italy* : So that the restoring of Erudition and polite Learning, and the banishing of Barbarism are owing to the Fall of *Constantinople*. *Alphonfus* entertained many of them at his Court, inasmuch that he had not only excellent *Latin*, but *Greek* Professors. He kept with himself the famous *Trapezuntius*, *Crisolora* and *Lascaris*, *Grecians*, and of *Latins* the famous *Laurentius Valla*, *Bartholomæus Facius*, *Antonius* of *Bologna*, called *Panormitanus*, *Paris de Puteo*, and many others. He had likewise about him Men of fine Knowledge and Judgment, and, among the rest, the renowned *Alphonfus Borgia* Bishop of *Valencia*, who was a Native of *Xativa* in the Diocess of *Valencia*, and had performed his Studies in the University of *Lerida*, in which having made wonderful Progress, he took the Degree of Doctor, and became an excellent Preacher. He was afterwards elected a Prebendary of that City, and, on account of the Fame of his Learning, he was in great Favour with *Alphonfus*, who made him one of his Privy Counsellors and Chaplain : Soon after he was made Bishop of *Valencia*; and while he governed that Church, *Alphonfus* having undertaken the Expedition to the Kingdom of *Naples*, he brought him along with him; and as we have said, the Bishop being employed in that weighty Affair of the Peace with Pope *Eugene*, he did the King signal Service, and brought it to a happy Conclusion.

WHEN *Alphonfus*, after so much Fatigue, became peaceable Possessor of the Kingdom, and turned his Mind upon re-establishing it, introducing a better Form of Government, and reducing the Tribunals into a better Order, the Bishop of *Valencia* was his chief Minister and Counsellor; he had the greatest Share in the most weighty Deliberations, and the King depended more upon his Advice than upon any other whatsoever. The Abuses, which, by Reason of the Appeals made from the Sentences of the High-Court of the Vicariate to the King, had been practised in *Naples*, were the Occasion of erecting this new Tribunal of the Sacred Court. This Tribunal, composed, as we have said, of those of the High-Court

^a *Giovio negl' Elogi degl' Uom illust.*

and the Vicariate, was the supreme Tribunal both of the City of *Naples* and the Kingdom, and its Judges were the ordinary Magistrates, from whose Sentences there was no Appeal, because there was no superior Judicature where Appeals could be lodged. There was no *Retraſting*, which we now call *Reclaiming*, and which among the *Romans* was used in Law-Suits depending before the *Præſectus Prætorio* only; ſo that for redreſſing Grievances, there was only one Remedy left, which was to have recourſe to the King by way of Petition and Memorial. Sometimes the King was wont to appoint certain Perſons, whom he ordered to peruſe ſuch Memorials, and examine into and make a Report to him of the Merit of them, and of his own Authority he redreſſed the Grievances, and theſe Perſons were called Judges of Appeals of the High-Court; whence it came, that before the Election of this Tribunal, theſe Judges are often mentioned in the Writs of theſe Times. But the Kings more frequently, without confining themſelves to a certain Perſon, ſent the Memorials ſometimes to one Lawyer, ſometimes to another to have their Opinions, according to which they determined, and the Deciſion was called Royal ¹. This Cuſtom was attended with Abuses and Diſorders, for Matters of the greateſt Conſequence were often decided according to the Opinion of one ſingle Perſon. Appeals of this ſort likewiſe encreaſed; for they came not only from the Tribunals of the City of *Naples*, but from the Provinces of the Kingdom; and Grievances, which ought to have been examined into by a meeting of the ableſt Men of the Profeſſion, being left to be redreſſed by the Judgment of private Lawyers, occaſioned great Confuſion.

THE Practice was different in the Kingdom of *Valencia*, where there was a particular Council for aſſiſting the King, of which he was the Head, wherein the Appeals to the King from the ordinary Tribunals of that Kingdom were examined, and the Grievances redreſſed. Therefore in Imitation of the Council of *Valencia*, King *Alphonſus*, by the Advice of Biſhop *Borgia*, reſolved to eſtabliſh ſuch another in *Naples*, to be compoſed of the moſt ſkilful Lawyers, and of the graveſt and moſt judicious Men, who, in his own Preſence, ſhould examine ſuch Appeals, and as he was Author, ſo he declared himſelf Head of this Council.

THE Cardinal of *Lucca* ² is of Opinion, that Biſhop *Borgia*, afterwards Cardinal and Pope, framed this Council not only after the Form of that of *Valencia*, but he having lived a long time in *Rome*, took many Rules from, and modelled it after the Tribunal of the *Roman Rota*, which at this Time was in a flouriſhing State, and that in framing this Senate the *Rota* of *Rome* was as much followed as the Council of *Valencia*; and, as this Tribunal took the Name of Council from that of *Valencia*, ſo likewiſe the Place where it was kept got the Name of *Rota* from that of *Rome*; and as in the *Roman Rota* Bills of Proceſs are not uſed, as in the ordinary Courts, but Petitions, Supplications, or Memorials directed to the Pope, for whom the Keeper of the Seals ſigns and files them; ſo likewiſe in this Tribunal Bills of Proceſs are not uſed, as in the inferior Tribunals of the City and Kingdom: but Petitions directed to the King, for whom the Preſident of the Council ſigns and files them.

THIS Tribunal therefore was erected in *Naples* chiefly for the Appeals, which were brought to the King from the Sentences of the High-Court of the Vicariate, and of the Inferior Courts, not only of the City of *Naples*, but of the Provinces of the Kingdom. It was called the Tribunal of Appeals, becauſe it was the Supreme Court where Appeals were lodged from all the other Judicatories. This Tribunal having the King for its Head, and its Members being Perſons famous for their Nobility and Learning, came to acquire the greateſt Prerogatives and Pre-eminencies of all the reſt. Whence, as we have ſaid, Law-Suits are not commenced by way of Bills of Proceſs, but by Petitions, which muſt be directed to the King, which being afterwards ſign'd and filed acquire the Force of Bills of Proceſs. Whence it comes, that no Appeals can be made from its Deciſions, but only *Reclamations*. It got the Name of *Sacred* on account of the ſacred Perſon of the King, who declared himſelf Head of it; and becauſe it was his own particular Council wherein he ſat in Perſon; and for the ſame Reason the Court of *Otranto* is likewiſe called *Sacred*, becauſe King *Alphonſus II.* preſided once in it ³, and becauſe this Province was afterwards divided into two Provinces, *viz.* of *Otranto* and

¹ Tappia Jus Regni, in Rubr. de Off. S. R. C. num. 6.
lib. 15. cap. 92. num. 13.

² Card. de Luca Relat. Cur. Rom.

³ Tappia loc. cit. num. 10.

Bari, that of *Bari* was also called *Sacred*¹. Whence the Nobility are not allowed to enter this sacred Tribunal with their Swords or other Arms, nor even those, who can wear their Swords in the King's Closet. Whence it alone is the chief, and takes Cognizance of all the Tribunals both of the City of *Naples* and of the Kingdom: its Sentences are put in execution, *Manu forti, & armata*, and it is adorned with many other Prerogatives and Pre-eminencies, of which *Tassoni*² and *Toppi*³ have composed long Catalogues; and in our time the Doctor *Romano*⁴ hath collected a very large Volume of them.

BUT of all its Prerogatives, the greatest was that of taking Cognizance by way of Appeal of the Causes of all the Tribunals of the City of *Naples* and of the Kingdom; and at its very Rise Appeals were made to it, even from the Decrees pronounced by the Royal Chamber of Accounts, as *Marino Freccia*⁵ and *Giovan Batista Bolvito* in a short *Latin* Discourse, which he composed upon this Tribunal, which is preserved in Manuscript in the Library of the Holy Apostles in *Naples*, which was transcribed by *Summonte* in his History⁷, witness; and as is likewise evident from a Letter⁸ written by King *Alphonfus*, recorded by *Toppi*, who likewise shews, that sometimes when the Chamber of Accounts was to decide some point of Right, it had recourse to the Council of *S. Clara*, which gave Sentence in it by way of Appeal⁹.

BUT what is most surprising, this renowned King raised this Tribunal to such a Pitch of Eminency, that he ordered the Causes of his other numerous Kingdoms and Provinces to be brought to it by way of Appeal. Behold what he says in one of his Royal Writs dated the thirteenth of *August* 1440 recorded by *Toppi*¹⁰, speaking of this Council and its Ministers: *Quibus decrevimus omnes causas Regnorum nostrorum Occidentorum, & Regni nostri Siciliae ultra Pharam, esse remittendas.* And, as we have said, this great King was possessed at this time of the Kingdoms of *Aragon*, *Valencia*, *Majorca*, and *Sardinia*; as also of *Corfica*, the County of *Barcelona*, *Roussillon*, and *Sicily* on the other side of the *Phare*; and as long as he lived, having fixed his Royal Residence in *Naples*, Causes from these remote Parts were brought to this Council by way of Appeal; and we have still Remains of many Processes, whereby it appears, that at that time this Tribunal was Judge of Appeals from all these Kingdoms and Dominions. Whence we are convinced of the Vanity of the Opinion, that this Kingdom from the beginning of *Alphonfus's* Reign became dependent upon the Crown of *Aragon*. This Prerogative was lost afterwards, when *Ferdinand* the Son of *Alphonfus* having succeeded in the Kingdom of *Naples* only, he had no more to do with the other Kingdoms of *Spain*, in which *John* of *Aragon* *Alphonfus's* Brother succeeded.

WE have the Origin, the Name of, and the Reason of instituting this Tribunal: We have likewise the Time when, and the Author; but as to this last, the Statute 2. under the Title, *De officio S. R. C.* leaves some doubt; and *Surgente*¹¹, founding his Opinion upon that Statute, believes, that *Alphonfus* was not the Author of it, but *Ferdinand* I. his Son; but that Statute is either apocryphal, or incorrect, as repugnant to the Testimonies of cotemporary Authors, and the publick Records.

*Michel Riccio*¹² a famous Lawyer and Historian, who flourished in the Reign of *Ferdinand* I. and was President and Vice-protonotary of this very Tribunal, in his grave and learned History of the Kings of *Naples* and *Sicily* confirms it; these are his Words: *Alphonfus, &c. reddendi juris adeo studiosus, ut Consilium constituerit, quod omnes appellarent ex toto suo Regno; cui praefecit Episcopum Valentiae (qui postea Nicolao V. successit, & Calistus est appellatus) cum prius ad Vicariae Tribunal, aliosque minores Regni Judices confugere cogerentur, & inde jus petere.*

OUR famous *Matteo d'Afflitto*¹³ who flourished at the same time, and under the same *Ferdinand* was a Countellor of this Council, likewise says: *Sic fuit senti-*

¹ Tasson. de Antef. vers. 3. obs. 7. pag. 111.

² Idem, loc. cit. num. 75. & vers. 7. obs. 3. num. 70.

³ Idem de Antefato loc. cit.

⁴ Toppi de orig. S. R. C. lib. 1. cap. 4.

⁵ Roman. de praem. S. R. C.

⁶ Freccia lib. 1. de Subfeud. de Off. M. Camerar. num. 15 & 16.

⁷ Sammon. tom. 3. p. 99.

⁸ Litera R. Al. apud Toppi, p. 442. tom. 2. de orig. Tribunal.

⁹ Toppi tom. 2. de orig. Tribun. lib. 1. c. 4. num. 34 & 35. ibi; in quibus de jure disceptabitur, &c.

¹⁰ Idem, tom. 2. p. 442 & 496.

¹¹ M. A. Surg. de Neap. illust. cap. 17. num. 45.

¹² Ricc. lib. 4. de Reg. Neap. & Sicil.

¹³ Afflict. decis. 291. n. 3.

atum in Sac. Consilio tempore immortalis memoriæ Regis Alphonsi I. de Aragonia, tempore quo præsidebat Episcopus Valentia, qui postea fuit Papa Calistus III. Marino Freccia in the very same Words of Michel Riccio relates the same; and the most accurate Writers of our History, such as Summonte ¹, Chioccarello ², Deputy Tappia ³, Tassone ⁴, and all the rest down to Toppi ⁵, are of the same Opinion.

THE Charters of *Alphonsus* I. inserted by these Authors in their Works, wherein this King makes mention of this Tribunal instituted by him, are convincing Proofs of the same: *Chioccarello* ⁶ has recorded three of them, two in *November* and *December* 1449, the other in *February* 1450. *Summonte* ⁷ two others, one the twenty third of *November* 1450, the other the second of *August* 1454. and many more may be seen in *Toppi* in the Places above quoted.

TOPPI ⁸ believed the Statute attributed to *Ferdinand* I. to be apocryphal and forged, seeing it is not to be found in any of the antient printed Volumes of our Statutes; and we see it in the last Editions only, and without a Date; this Author moreover declares, That he had carefully searched in the Chancery for it, where all the Statutes of the Kingdom are set down, but could never find it. Nevertheless, be that as it will, it is more probable, that this Statute, by a Mistake of the Compilers or Printers, instead of having the Name of *Alphonsus* in the Title of it, that of *Ferdinand* has been put. And truly whoever considers the Words of it, they are by no means applicable to *Ferdinand*, but exactly fute *Alphonsus*. This King could call the Kings of *Aragon* his Predecessors; but *Ferdinand*, who was never King of *Aragon*, nor succeeded to the paternal Kingdoms of *Spain*, but only to the Kingdom of *Naples* by right of Investiture, Legitimation, and the Voice of the *Neapolitans*, could not; much less could these Words be applied to him: *Igitur cum Neapolis Siciliae Regnum, jure quodam legitimo, & hereditario nobis debitum nostræ nuper ditioni restitutum sit, idque non armis tantum nostris, quantum immortalis Dei beneficio, &c.* What *Alphonsus* asserts is, that he had made himself Master of this Kingdom rather by the Force of Arms, than by vertue of the Adoption. *Ferdinand* had more occasion to fight with his Barons, than with foreign Enemies, and with Difficulty enjoyed the Kingdom that his Father had acquired with his Arms and the Sweat of his Brow. It is not to be doubted then but *Alphonsus* was the Author of this illustrious Tribunal, and that all its Disposition and Form was owing to the Bishop of *Valencia*, to whom *Alphonsus* committed the Care and Inspection of it.

¹ Summonte. tom. 3. lib. 5. p. 69.

² Chiocc. de Epil. Neap. in Gaspare de Diano

P. 277.

³ Tap. in rub. de Off. S. R. C. in jure Reg.

⁴ Tasson. de Antef. loc. cit.

⁵ Top. tom. 2. de orig. Trib. lib. c. 1.

⁶ Chiocc. loc. cit.

⁷ Summ. loc. cit.

⁸ Toppi loc. cit.

S E C T. I.

Of the Place where this Tribunal was erected: Of the Dignity and Condition of the Persons of which it was composed, and of their Number; and how they grew so numerous, that they were afterwards divided into four Benches, of which it is now composed.

NAPLES having now for a long time been the Royal Seat, and the Metropolis and Head of all the Kingdom, this supreme Tribunal, to which all the Causes of the Kingdom were to be referred, and whereof the King had declared himself Head, and that it was his collateral Council, could not be so conveniently fixed in any other City. Whence *Alphonsus*, in the abovementioned Statute ¹, said: *Sacrum in eodem Regno, supremumque Consilium ordinavimus, cui sedem, locumque in Urbe Neapolitana, & Regni Urbium Suprema, ac Metropoli constituimus.* This Tribunal was not always held in one Place of the City, but was removed according to

¹ Pragmat. 2. de Offic. S. R. C.

the State of the Times, and of its Presidents. *Alphonfus* often held it in the Hospital of *Santa Maria Coronata* a Royal Church, where his Predecessors, with great Solemnity, were wont to be crowned. Sometimes in *Castel Capuano*, and more frequently in *Castel Nuovo*; and there are Letters of *Alphonfus* dated in 1449, mentioned by *Toppi*¹, in which he orders it to meet in *Castel Nuovo*, while he was in *Naples*; and in his Absence, in the House of his Vice-Chancellor, or in any other fit Place as he thought fit. Very often it was assembled in the Houses of its Presidents; so we read, that in 1457 it met in the House of the Patriarch of *Alexandria* Bishop of *Urgell*, who was then President of it. Sometimes in the Archbishopal Palace, as in the time of *Oliviero Caraffa* Archbishop of *Naples*, and afterwards Cardinal, who was likewise President of this Tribunal; in 1468, D. *John* of *Aragon* the Son of *Ferdinand I.* being President of it, whose Palace was in the Monastery of *Monte Vergine*, of which he was Commendatory Abbot, this Tribunal was likewise held in his House. *Matteo d'Afflitto*² likewise testifies, that in his time this Tribunal used to meet in the Convent of *S. Domenico Maggiore* of this City. And thus being removed to different Places, which *Toppi* has been pleased to search out too narrowly, at last in the Year 1474 it was removed to the Monastery of *Santa Chiara*, where it remained till 1549. On account of its long Continuance there, it got the Name of the *Council of S. Clara*, which it kept for a long time. At last in the said Year 1540, being removed with all the other Tribunals to *Castel Capuano*, where it remains to this Day, it acquired the Name of *Capuana*.

TO this supreme Council *Alphonfus* appointed a President³, to whom he committed the Inspection of the Tribunal. Both he and the Kings his Successors of the House of *Aragon* adorned it with many Prerogatives, of which *Tassoni*⁴ and *Toppi*⁵ have made long Catalogues. He always pitched upon Men for that Office, no less famous for their Learning than Probity, Nobility of Blood, and who held eminent Posts. There were some of them Bishops, Archbishops, and other remarkable Prelates of the Church. The first was *Alphonfus Borgia* Bishop of *Valencia*, who presided in it till 1444, in which Year he was made Cardinal, and the Year following Pope, by the Name of *Calistus III.* He was succeeded by *Gaspere de Diano* Archbishop of *Naples*, a famous Lawyer of those Times, first Bishop of *Tiano*, then Archbishop of *Consa*, and lastly in 1437 of *Naples*. King *Alphonfus* made him President in 1446, in which Post he continued till 1450, when he died⁶. To him succeeded *Arnaldo di Roggiere* Patriarch of *Alexandria*, and Bishop of *Urgell*. In the Year 1465 *Ferdinand I.* made the famous *Oliviero Caraffa* Archbishop of *Naples*, President, who, though in 1467 Pope *Paul II.* made him Cardinal, did not quit his Presidency of this Tribunal, till, being called by the Pope, he was obliged to go to *Rome*⁷. To *Oliviero* succeeded D. *John* of *Aragon* the Son of *Ferdinand I.* Archbishop of *Taranto*, perpetual Commendatory of the Monasteries of *Monte Cassino*, *Cava*, and *Monte Vergine*, afterwards Cardinal and Bishop of *Salerno*. In 1499 D. *Lewis* of *Aragon* Grandchild of King *Ferdinand I.* Bishop of *Aversa*, and afterwards Cardinal, was also President of this Tribunal.

BUT what reflected the greatest Splendor upon this Tribunal, was to see the Sons of the Kings and the chief Barons of the Kingdom elected Presidents of it.

THE Duke of *Calabria* King *Alphonfus's* eldest Son was President of it in the Year 1454, with the Title of his Father's Lieutenant General; as also *John* of *Aragon*, *Ferdinand I.'s* Son, afterwards Cardinal: *Lewis* of *Aragon* his Grandchild, and *Ferdinand* of *Aragon* the Son of King *Ferdinand* and Brother of King *Frederick*. Of the chief Barons, in 1450 *Onorato Gaetano* Count of *Fondi*; and in 1479 *Ferdinand* of *Aragon* Count of *Nicastro*, and natural Son of *Ferdinand I.* were Presidents; besides a great many others of most noble Descent.

THE greatest Lawyers and learned Men of those Times, who, either on account of their Works, or their Gravity and Probity, or their Knowledge of the Civil Law, deserved it, were elected Presidents. *Michèl Riccio* a famous Lawyer

¹ *Toppi* loc. cit.

² *Afflit. decis.* 304. in princ.

³ *Pragm.* 2. de Offic. S. R. C. ubi præsidebit

GRAS.

⁴ *Tasson. de Antef. vers.* 3. rub. 3.

⁵ *Toppi de orig. Trib.* tom. 2. lib. 2. cap. 6.

⁶ *Bartol. Chiocc. de Episcop. & Arch. Neap.* pag. 277.

⁷ *Chiocc. de Archiep. Neap.* in *Oliverio*, pag.

287.

and Historian: *Giovan Antonio Caraffa* a great Doctor of those Times, much commended by *Matteo d'Afflitto*: *Luca Tozzoli*, of whom the same Author makes honourable mention: the celebrated *Antonio d'Alessandro*, *Andrea Mariconda*, *Antonio di Gennaro*, *Francesco Loffredo*, *Girolamo Severino*, *Tommaso Salernitano*, *Gio. Andrea di Curte*, *Antonio Orefice*, *Gio. Antonio Lanario*, the so much famed *Vincenzo de Franchis*, *Camillo de Curte*, *Marc' Antonio di Ponte*, *Pietro Giordano Ursino*, *Andrea Marchese*, *Francesco Merlino*, and others, of whom *Summonte*¹, and afterwards more accurately *Toppi*² made distinct and exact Catalogues.

BESIDES the President, the second Place in this Council was held by two great Barons of the Kingdom, who, by *Alphonfus*, were added to the Counsellors skilled in the Law to be *Assistants* in this Tribunal; for not only Matters relating to Justice were discussed in it, but likewise Affairs of the Government and State. These, for the most part, were elected from among the Barons; they were not Lawyers, but military Men, and their greatest Salary was a thousand Duckets yearly, whereas the Counsellors of the Long-Robe had only five hundred. They were called

Counsellors *Assistants*; and as long as the Reign of *Aragon* lasted, the S. C. * still enjoyed this Prerogative, and the being Counsellors of this Tribunal added Lustre to the Nobility.

* Henceforward by S. C. this Council or Tribunal is meant.

IN the time of *Alphonfus*, besides *Onorato Gaetano* Count of *Fondi*, who, sometimes as Great Protonotary, sometimes as President, and sometimes as Counsellor *Assistant*, graced this Tribunal, there were the famous *Petricone Caracciolo* Count of *Burgenza*, *Niccolo Cantelmo* Count of *Alvito* and *Popoli*, and afterwards Duke of *Sora*; *Marino Caracciolo* Count of *S. Angelo*, and *Giorgio d'Alemagno* Count of *Pulcino*, who in the Year 1450 were made Counsellors *Assistants* by *Alphonfus*.

WE likewise read, that on the twenty third of January 1454 *Alphonfus* made *Francesco del Balzo Orfino* Duke of *Andria*, Son to the Prince of *Taranto*, Counsellor *Assistant*³; and on the fifth of November the same Year *Innico Avalos* was made a Counsellor by *Ferdinand I.* *Orso Ursino* of the Family of the Counts of *Nola*, in 1453 was also by *Ferdinand* made Counsellor *Assistant*⁴; and lastly, in 1485 *Pietro Bernardino Gaetano* Count of *Morcone* Son to the Count of *Fondi*; of all which *Toppi*, in his second Volume of the Origin of Tribunals, discourses at large.

AMONG the Persons, of which this Tribunal was composed, there was likewise the Vice-Protonotary. This is a very intricate Point of History, and so difficult, that *Toppi*⁵ knew not how to extricate himself. King *Alphonfus*, at the Erection of this Tribunal, and in the choice of the Counsellors, of which it was to be composed, always protested, that by this new Council he did not intend to derogate from the Pre-eminency of the Great Protonotary of the Kingdom: In the Letters Patent recorded by *Chioccarelli*⁶ and *Toppi*⁷, dated the twentieth of November 1449, these are his Words: *Posteaquam reformationi nostri Sacri Consilii debito libramine moderavimus, in quo salva præeminencia Officii Logothetæ, & Protonotarii Regni hujus, & præsentis Rev. in Christo P. Gasperis Archiepiscopi Neapolitani, ejusdem S. C. Præsidentis, nonnullos famosissimos U. J. D. fideles nostros elegimus, & deputavimus, &c.* And elsewhere in another Patent⁸ dated the thirteenth of August the same Year: *Salva tamen in omnibus, & per omnia prærogativa, & præeminencia Officii Logothetæ, & Protonotarii hujus citra Forum Siciliæ Regni, vel Reverendo Archiepiscopo Neapolitano, cum in Curia præsentis fuerint.* *Toppi*, very much surprized, says, What Business had the Great Protonotary, or his Deputy in this new Council, or what common Interest could they have together? But this Surprize proceeded from *Toppi*'s considering that Office according to the Appearance it made at the Time when he wrote, and which it still retains; but it made another Figure in the Time of *Alphonfus*, and of the Kings of that Family his Successors. At present the Great Protonotary is an empty Title and without Function; and his Vice-Protonotary, whom he has not Power to make now, but is directly appointed by the King, has lost all the Prerogatives he had, excepting that of making Notaries, and

¹ Summonte. lib. 5. tom. 3. pag. 190.

² Toppi. tom. 2. de Orig. lib. 3. cap. 1.

³ Alphonfi Diploma penes Toppi de orig. Trib. tom. 2.

⁴ Ferdinandi Diploma penes Toppi loc cit

⁵ Toppi lib. 2. cap. 5. n. 1.

⁶ Chiocc. de Archiep. Neap. pag. 277.

⁷ Toppi tom. 2. de orig. Trib.

⁸ Idem. Ibid. pag. 411

the Judges of Contracts, by the *Roman* Law called *Judices Chartularii*: Of inspecting their Protocols, and taking care of all that belongs to their Office: Of taking Cognizance of their Causes both Civil and Criminal; and of legitimating bastard Children, according as it has been established by our Statutes ¹.

BUT in the Reigns of the *Normans*, *Suevi*, and of the Families of *Anjou* and *Aragon*, the Office and Power of the Great Protonotary was too extensive: His chief Business was not to make Notaries and Judges, but, as we have said elsewhere, to receive the Memorials and Petitions which were presented to the King: All Letters Patent passed through his Hands, and were registred by him: All new Laws, Constitutions, Edicts, and Statutes, which were established, were by him penn'd and recorded: Whatever was decreed, or ordained by the Prince, either in his Council, or in any other Court, was drawn up by him, either as a Sentence, Patent, or Grant; and while the famous *Bartolommeo di Capua* was Great Protonotary, we have seen how extensive and eminent that Office was.

WHENCE it came, that *Alphonfus* having instituted this new Tribunal, wherein many things were to be discussed, which concerned the Office of the Great Protonotary, such as receiving the Petitions directed to the King, recording the Decrees of this supreme Judicatory, and many other things within his Province; although the King had granted equal Power to the President to act in these Matters, nevertheless he would not allow the Prerogatives of the Great Protonotary, or his Deputy to be thereby prejudiced, when they were present in the Council; so that when either of them was present, they were not hindred from performing the Duties incumbent upon them. Whence it is, that in the old Patents we frequently read, that *Onorato Gactano* Count of *Fondi* had presided in this Tribunal, either as Great Protonotary, or as President of it, and even frequently as Counsellor *Assistent*. Whence we also read, that at pronouncing of Sentences, the Great Protonotary, or his Deputy was present with the Counsellors. So, as the same *Toppi*² witnesseth, at a Sentence of the S. C. pronounced on the twenty ninth of *January* 1452, *Onorato Gactano* Count of *Fondi* Great Protonotary of the Kingdom, and *Giorgio d'Alemagna* Count of *Pulcino* Counsellor *Assistent* were present; so the same Count of *Fondi*, as Great Protonotary, before he was President, in 1474 committed a Cause to *Luca Tozzoli* his Vice-Protonotary. Moreover in 1485 the Count of *Morcone* Great Protonotary with his Vice-Protonotary and the Counsellors were present at pronouncing the Sentences in this Tribunal on the twentieth of *September* the said Year.

FROM this likewise proceeded the Custom that when one advanced to the Office of Great Protonotary was to take Possession of his Charge, seeing the Great Protonotaries performed the chief and most solemn Functions in the S. C. they took Possession in this Tribunal by being present at pronouncing the Sentences there; and this was deemed to be actual Possession. So we read, that *D. Ferdinand* of *Toledo*, having been made Great Protonotary by the Emperor *Charles V.* on the twenty second of *May* 1537 took Possession of his Office in the S. C. and was present that Day at all the Sentences pronounced by that Tribunal; and *Antonio di Gennaro*, who was then President of the Council, made a very learned and elegant Oration in his Praise³. *D. Ferdinando Spinello* Duke of *Castrovillari* and Count of *Cariati*, on the last Day of *June* 1526, according to *Passero*⁴, or as *Rosso*⁵ says, on the twenty sixth of *April*, when he was made Great Protonotary by *Charles V.* he took Possession of it by being present with the President and all the Counsellors at all the Sentences pronounced that Day in the S. C.

WHENCE also proceeded the Custom, which still continues, and was introduced in the Time of our Grandfathers, that the Office of Vice-Protonotary should be indissolubly annexed to that of President of the S. C.; for the Great Protonotaries, being Persons in a high Station, and employed in other Affairs, began to think it below them to be personally present in the S. C. but sent their Vice-Protonotaries to the Tribunal, who, as well as the President, performed their Duty; so that the Counsellor *Matteo d'Afflitto*⁶ in many of his Decisions assures us, that the famous

¹ Tasson de Antef. vers. 3. obs. 3. pag. 168.

² Toppi tom. 2. de orig. Trib. fol. 483.

³ Idem loc. cit.

⁴ Passer. in Diar. Reg. Neap.

⁵ Giornali di Greg. Rosso, pag. 3. ann. 1526, on the twenty sixth of April the Duke of Castrovillari

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took Possession of the Office of the Protonotary of the Kingdom in the S. R. C. of Clara with great Solemnity, and was accompanied by all the Nobility and Gentry.

⁶ Afflit. decis. 1.

Antonio Alessandro, though he was not then President, was present in the Council as Vice-Protonotary, and together with the other Counsellors voted in the Causes, and presided in the Tribunal. *Michel Riccio*, before he was President, committed sundry Causes to the Counsellors as Vice-Protonotary ¹. We likewise read the same of *Luca Tozzoli*, and of many others besides. Whence it came, that one single Person being sufficient for that Duty, the Office of Vice-Protonotary is now annexed to that of President.

BUT it is likewise very true, that it was not so at first, for the Vice-Protonotary by his Office having the Power of making Notaries and Judges, a Function quite distinct from, and independent of the S. C. and consequently brought very great Emoluments, some, though not Presidents, procured it for themselves, and many Deputies obtained it. So in the Year 1540, *Girolamo Colle* Deputy of the Chancery obtained that Office, though he was not President, and exercised it till 1549, when, being made Vice-Chancellor in Spain, he went thither; ² and that Post being then vacant, it was bestowed upon *Girolamo Severino*, who was at that time President. But *Severino*, on account of his great Age and continual Indisposition, having laid down the Office of President, kept that of Vice-Protonotary, as more profitable, and less troublesome, which he continued to exercise as long as he lived, and in 1558 when he died, it was given to *Afonso Santillano* then President, who kept it till 1567 the Year of his Death.

BUT upon the Death of *Santillano*, the Duke d'Alcala the Viceroy gave it *per interim* to Deputy *Villano*; and *Tommaso Salernitano* being made President of the S. C. in the room of *Santillano*, and finding that the Office of Vice-Protonotary was exercised by Deputy *Villano*, sent his Allegations to the King in Spain, whereby he endeavoured to prove, that the Office of Vice-Protonotary being annexed to that of President, it ought not to be separated from it. While he was expecting the King's Decision, Deputy *Villano* died, and he got the Post; but afterwards from President being made Deputy of the Chancery, he kept the Vice-Protonotaryship, and left the Presidentship to *Gio. Andrea de Curte*, who succeeded him in 1570 in the one but not in the other. The President *de Curte* had recourse to Spain, laying hold of the same Allegations formed by *Salernitano* his Competitor; and these Allegations having had such weight with the Council of Spain, the King reunited the two Offices; so that from that time to this they have still continued united in the same Person. It is true, the King in his Royal Patent grants them both expressly, because if the Patent mentioned the Presidentship only, it would not be sufficient to include the Office of Vice-Protonotary. Although they be two Offices united in one Person, yet they are distinct from one another, being of different Natures, and having separate Functions, at least as to what concerns the making of Notaries and Judges; so that even in our time, the Deputy *Aguir* having obtained a Patent to be President, and the Office of Vice-Protonotary not being mentioned therein, he was forced to have recourse again to the King, who gave it him.

IN this new Tribunal then we have a President, two military Counsellors *Assistants*, and often the *Vice-Protonotary* also: Now follow the Counsellors Doctors of Law, who make up the greatest part of it. The ablest Lawyers have always been pitched upon to be Counsellors of this Senate. *Alphonfus*, *Ferdinand* his Son, and all the other Kings their Successors were very nice and circumspect in that Choice. They were for having the most learned Men: *Viri juris insignibus decorati, docti, graves, severi, insontes, mites, Justi, faciles, lenique, qui in Judiciis exercendis, non precibus, non pretio, non amicitia, non odio, neque denique ulla re corrumpantur*; these are the Words of *Alphonfus* ³. Whence it is, that from the time of its Institution we read, that there sat in this Tribunal the most learned and the most judicious Men, such as *Michel Riccio*, *Francesco Antonio Guindazzo*, *Nicol' Antonio de' Monti*, *Paris de Puteo*, *Antonio d'Alessandro*, *Gio. Antonio Caraffa*, *Matteo d'Afflitto*, *Giacomo d'Agello*, *Antonio Capece*, *Loffredo*, *Salernitano*, *Tappia*, *Gambosa*, *Miroballo*, and many more, of whom *Toppi* ⁴ has a long Catalogue, and of whom, as Occasion offers, we shall make honourable mention.

¹ Toppi lib. 2. de off. S. R. C. pag. 165.

² Idem lib. 2. de off. S. C. cap. 5. & seq. fol. 111.

³ Prag. 2. de off. S. C. R.

⁴ Toppi lib. 1. de orig. Trib. cap. 7.

FROM the Institution of this Tribunal, to the Reign of the House of *Austria*, the Counsellors were not perpetual, but only during the King's Pleasure ¹, who, trusting to their Learning, Integrity and Prudence, at the same time that they were Counsellors, made them Presidents of the Royal Chamber, and with great Exactness they performed both their Offices. *Severino di Diano, Pietro Marco Gizzio, Bartolommeo di Verino, Andrea and Diomede Mariconda*, and many others, as *Toppi* observes ², at the same time that they were Counsellors, were made Presidents of the Royal Chamber, and exercised both Charges. That ought not to seem impossible, since in those Times this Council sat only three Days of the Week, viz. *Tuesday, Thursday and Saturday* ³.

THE publick Professors of the University were frequently made Counsellors, yet for that did not leave their Chairs, but employed their Learning as well in the University as in the Senate. Such were *Matteo d'Afflitto, Camerario*, and many others, as may be seen in *Toppi* ⁴.

AS to their Number, it has always been various and uncertain from its Institution, but afterwards it was fixed and determined. When *Alphonfus I.* instituted this Tribunal, besides the President, he chose nine Doctors for Counsellors ⁵. Afterwards in the Year 1449 putting it into a better Form, he appointed two of the Nobility for Counsellors *Assistants*, and lessened the Number of Doctors, ordaining, that there should be only six. Shortly after, recalling that Order, he added a seventh; but in process of time in the Years 1483 and 84, they were ten, and often twelve in Number. They all assembled in one Hall; hence it is, that in the Decisions of Counsellor *Afflitto*, we often read some Causes to have been unanimously decided *per totum Sacrum Consilium*.

CHARLES V. was the first, who, by his Letters Patent dated in *Bologna* the twenty sixth of *February* 1533, ordered this Tribunal to be divided into two Benches, in each of which, besides the President, four Doctors Counsellors were to be present, whereby their Number was to consist of eight ⁶, which was put in execution in *Castel Capuano* by his Viceroy *D. Peter de Toledo*. But the Number of Causes increasing, at the Request of the City and Kingdom, on the second of *March* 1536, he allowed two other Counsellors to be added, which made five to each Bench. Afterwards two others were added, who were to assist the criminal Judges of the Vicariate, who were to take their Turns every two Years, always leaving five to each Bench of the Council ⁷.

BY whom the Number was encreased afterwards, and the third Bench added, is very uncertain. It is probable that it happened in the Reign of *Philip II.* since he in some of his Royal Writs dated in *Madrid* the twenty fourth of *December* 1569 makes mention of this third Bench ⁸.

BUT it is very clear, that the fourth was added by King *Philip II.* who, at the Request made him in the Parliaments held in 1589 and 1591 by the City, for the greater Dispatch of Causes, by his Royal Letters dated the seventh of *September* 1596 increased the Number of Counsellors, and ordained, That a fourth Bench should be added to the other three, wherein five other Counsellors were to assist: So that the Number of Counsellors amounted to twenty two, of which twenty were to be distributed among the four Benches of the Council, and two to be present in the criminal Bench of the Vicariate, in order to mitigate the Rigour of that Tribunal, as is still observed to this Day. There are two others who don't reside in *Naples*, one of which has the Inspection of the Government of *Capua*, and is changed every two Years; the other is either sent to the Court of *Rome* to take care of the Affairs relating to Jurisdiction, or is appointed for the Government of some Province, or any other Charge the King is pleased to intrust him with. This at present is the ordinary Number of Counsellors, two Thirds of which must be Natives of the Kingdom, and the third as the King thinks fit ⁹. But now by a special Favour granted by his present Majesty the Emperor *Charles VI.* ¹⁰ six are only left at the King's Pleasure. The Kings have sometimes made Supernumeraries, at other times they have removed these, and reduced them to the ordinary Num-

¹ *Toppi* lib. 3. cap. 1. num. 112.

² *Idem* loc. cit. cap. 11.

³ Prag. 6. de off. S. R. C.

⁴ *Toppi* lib. 4. cap. 1.

⁵ Pragm. 2. de offic. S. R. S.

⁶ Prag. 4. de off. S. C.

⁷ Prag. 2. de off. S. C. num. 5.

⁸ Prag. 68. de off. proc. Cæsar.

⁹ Prag. 1. de offic. Prov.

¹⁰ *Grazie dell' Imp. Carlo VI.* tom. 2. pag. 255.

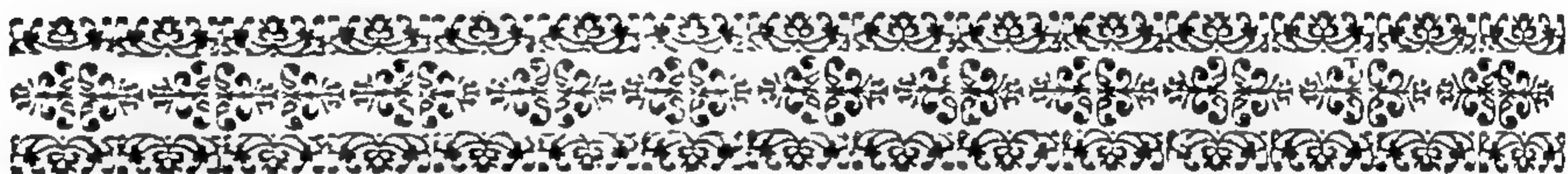
ber, according as the Exigency of Affairs required, or as some eminent Person deserved.

THESE are the Members of which this supreme Tribunal is composed. It had also, as it has to this Day, its inferior Officers; such as a Secretary, a Sealer, thirteen *Masfiredatti*, many Clerks, sixteen Examiners, nine Messengers, and fourteen Porters.

FROM this Tribunal, which, for the most part, was always composed of the ablest Lawyers, proceeded those many Decisions, whereof we have now so many Collections. Its Decisions from its very Rise were so much commended, and of so great Authority, that not only with us, but likewise with foreign Lawyers, they were highly esteemed and regarded, of which among others, *Philippus Decius* bears witness. The first that collected them was the famous *Matteo d'Afflitto*, who for that alone, above all others, deserves to be celebrated, because he was the first in *Italy*, who introduced the Custom of setting down the Decisions of the Tribunals, and making particular Collections of them. The Cardinal *de Luca* ¹ was of Opinion, that this Lawyer in that had imitated the Custom practised in the *Rota* of *Rome*, the Decisions of which, before the Erection of this new Tribunal of S. C. had become famous, and were quoted by many Writers. However that may be, it is not to be doubted that he was the first who introduced this new manner of Writing, and those private Collections. His Example was afterwards followed, not only by our other Writers, but also by the Lawyers of other Nations. Among ours, the nearest to him were *Antonio Capece*, the two *Tommasi*, *Grammatico* and *Minadoi*, and the famous *Vincenzo de Franchis*. Then followed the others, of whom *Toppi* ² made a long and exact Catalogue. So that after the antient Glossators, after the Commentators, the Writers of Treatises and Additions, Repeaters, and Consulters, another new Class of Writers started up among us, called *Decisionists*; of whom we shall have Occasion to discourse elsewhere.

¹ Card. de Luca Rel. Cur. Rom. lib. 15. disc. 32. num. 13. & seq.

² Toppi lib. 1. cap. 15. tom. 2.



CHAP. V.

Alphonfus re-establisheth the Tribunal of the Royal Chamber; and how it was reunited to the Tribunal of the Royal Mint, under the Direction of the Masters of Accounts.



AMONG the many Virtues wherewith *Alphonfus* was adorned, our Writers ¹ have not neglected to observe one Vice, into which he was led by his too great Liberality and Magnificence. He, by his immoderately enriching and raising some Families too high, reduced the Royal Treasury to such Straits, that, in order to repair the Loss occasioned by the excessive Grants and Expences, he was forced to have recourse to new Taxes, and to invent other burdensome Ways and Means for raising Money. Therefore he resolved to re-establish the Tribunal of the Royal Chamber, that his Ministers might be more careful and diligent in providing him with Money.

¹ Michel Riccio lib. 4. de Reg. Neap. & Sic. Tazzello de reb. Sicul. Decad. 2. lib. 7. in *Alphonso*.

THIS Tribunal, as well as that of the High-Court of the Vicariate, was composed of two Tribunals, which being formerly divided, were in process of time reunited, and made one single Tribunal, where the King's Patrimony was managed in the same manner, as at present. The Masters of Accounts, as we have said in the preceding Books of this History, formed their Tribunal, which was call'd the Tribunal of the *Mint*; and they were likewise call'd Masters of Accounts of the High-Court. What their Authority and Office were, we have sufficiently explain'd elsewhere. It was a very honourable Employment, and therefore was bestowed, for the most part, upon the Nobility, and the chief Lawyers of these Times. The Masters of Accounts formerly held their Tribunal in the Castle of *S. Salvatore a Mare*, which we now call *Castello dell' Uovo*, as may be seen in the Reign of *Charles I. of Anjou*; and their Number was much greater than it is at present. In the Reign of King *Ladislaus* their Number amounted to sixty five; in that of King *Alphonfus* it was reduced to thirty six, and afterwards in 1585, to eighteen¹.

QUEEN *Joan I.* in the Year 1350 gave them most ample Privileges, which are recorded by Deputy *Capece Galeota*²; but they making a bad use of them afterwards, and endeavouring to extend their Jurisdiction to Causes, which did not fall under their Cognizance, *Sorgente* says³, That the same Queen, in the Year 1370, restricted their Authority, forbidding them to intermeddle with other Peoples Business, or to stretch their Authority beyond its just Limits.

BESIDES this Tribunal, there was another of a very old standing, which had likewise the Care of the Royal Patrimony, called *Regia Camera*, or *Regia Audientia*, *Curia Summaria*, and lastly, *La Regia Camera della Summaria*, a Name, which it retains to this Day⁴. It was managed by the Magistrates, who were formerly called *Auditores* (whence the Tribunal was called *Regia Audientia*) and afterwards they were called *Presidents* of the Royal Chamber.

SEEING the Officers of these two Tribunals, as being employ'd in one and the same Business, acknowledged one and the same Head, *viz.* the High-Chamberlain, or his Deputy, and us'd frequently to meet together, their Union into one Tribunal became therefore the more easy, and the Prerogatives of the one were with the more Facility conveyed to the other.

THE manner in which these Officers managed the Affairs of the Royal Patrimony, both under the Kings of the *Anjou* and *Aragon* Families, King *Alphonfus* himself, in one of his Patents recorded by *Toppi*⁵, *Surgente*⁶, and others of our Writers, describes it to us. All those who had the Administration of the Exchequer, and collected the Royal Revenues, were obliged to give in their Accounts in particular stich'd Sheets of Paper to the Royal Chamber. These Accounts being brought to the Chamber, were to be revised by the Presidents and the Masters of Accounts jointly, but cursorily; that is to say, by separating the doubtful Articles from the clear, and what remained unpaid of the clear Articles, the High-Chamberlain and the President dispatched mandatory Letters, directed to the Treasurers, for exacting Payment from the Debtors of the Sums therein marked. The doubtful Articles were remitted to the Masters of Accounts, to be by them revis'd, discuss'd, and finally determin'd. Only when Difficulties occurred in point of Law, it was communicated to the Presidents, who determin'd it summarily: *Hinc evenit* (as *Surgente* very well observes⁷) *ut Camera Summaria sit appellata, cum prius Audientia Rationum appellaretur.*

IN the Reign of King *Ladislaus* it began to be introduced, that the Presidents, as well as the Masters of Accounts, fully discuss'd and determin'd the doubtful Articles, and gave Acquittances. But *Alphonfus*, by his Writ dated in *Castel Nuovo* the twenty third of *November* 1450 ordered, That the Accounts brought to the Royal Chamber should not only summarily, but fully be discuss'd and determin'd by the Presidents; and that the Masters of Accounts should not meddle in the Decision and Determination of them; transferring to the Presidents all the antient Authority, Prerogatives, and Pre-eminencies, which the Masters of Accounts for-

¹ Surgen. de Neap. illustr. cap. 7. num. 1. & 2.

num. 37.

² Top. de orig. Trib. tom. 1. lib. 4. cap. 3. n. 8.

³ Toppi loc. cit. num. 12.

& 11.

⁶ Idem. de orig. Trib. tom. 1. pag. 259.

³ Reg. Cap. Galeot. resp. fical. 1. num. 51.

⁷ Surg. loc. cit. num. 2.

⁴ Surg. loc. cit. Reg. Cap. Galeot. loc. cit.

merly had in that Matter; this was the Reason, that afterwards the Office of these Masters was confined to the reporting and proposing the Doubts, and waiting for the Decision of the Presidents. Whence proceeded the great Difference, which we see between the antient Masters of Accounts, and the modern ones of our Times.

FORMERLY the care of the Royal Patrimony belonged wholly to the Masters of Accounts, but afterwards *Charles I. of Anjou* committed it to the Royal Chamber ¹. And this Tribunal was afterwards by *Alphonfus* exalted above all the rest; for he extended its Cognizance to many Causes, which formerly belonged to the High-Court, or the Sacred-Council. He ordained, according to what *Costanzo* relates ², that it should not only have the care of the Royal Patrimony, but should take Cognizance of Feodal Causes. Hence it was, that *Alphonfus's* Successors, in Imitation of him, so much favoured this Tribunal, by extending its Jurisdiction to all Causes, wherein the Exchequer was either Plaintiff, or Defendant; to take Cognizance of the *Regalia*, of Causes concerning Jurisdiction, wherein its own Interest was at stake, of Investitures, of Fiefs, of Feodal Succession, of Liege Homage, of Oaths of Fidelity, of Fines, of Taxes, of the Devolution of Fiefs, of Royal Patronages, of Ecclesiastical Dignities, and the Collation of Benefices, or Royal Presentations; and to have the Inspection of all vendible Offices; the care of the Royal Gallies, of the Royal Castles and Forts, of their Victuals and military Stores, of the Cannon, Powder, Salt-petre, and, in a Word, of all the necessary Equipage of the Army; the Inspection of the Universities of the Kingdom, of the Exportation of Merchandise, of Taxes, of Customs, and of the Product of Cockets; to revise the Accounts of all the King's Ministers, and of the Custom-House; to have the Inspection of the Royal Mines, Treasures, Streets, Bridges, and Passes; in short, of all that concerns the Royal Patrimony, and the Rights of the Exchequer.

BY having the Inspection of, and Jurisdiction over all these, the Royal Chamber came to have the Direction of other inferior Tribunals; such as those of the Clerk of Accounts, of the Treasurer General of the Kingdom, of the Custom-House of *Naples*, and of all the other Custom-Houses of the Kingdom; those of the King's Huntsman, of the Port-reeves over all the Kingdom, of the Royal Mint, of Weights and Measures, and of a vast Number of other Tribunals.

Angelo di Costanzo ³ says, that *Alphonfus* having extended the Jurisdiction of this Tribunal so much, he therefore appointed four Presidents that were Lawyers, two private Men, and a Director, and that the first Director was *Vinciguerra Lanario*, who had served *Alphonfus* in many important Affairs. This does not agree with the List of Presidents and Deputies collected by *Toppi* ⁴; for before *Alphonfus's* time this Tribunal was governed by the High-Chamberlain, or his Deputy, who was the Head of it; and *Vinciguerra* was Deputy of it long before *Alphonfus's* Reign. The first Deputy in the Reign of *Alphonfus* was *Niccol' Antonio de' Monti* a Nobleman of *Capua* in the Year 1450. when this Tribunal was reformed; and he was under *Francesco d'Aquino* Count of *Loreto* High Chamberlain, who upon no account would be present in the Tribunal; pretending, that a Person of his Quality might serve by means of a Deputy, and it was allowed him ⁵; so that *Niccol' Antonio* was appointed his Deputy, and from that time forth the High-Chamberlains never assisted in the Tribunal, but their Deputies, of whom, down to our time, *Niccolò Toppi* has made a long Catalogue; whence, in process of time, the High-Chamberlains not much regarding this Tribunal, it came, that the Kings appointed the Deputies, and the High-Chamberlains had nothing left them but an empty Title without Function.

THE Number of Presidents, as well as that of Counsellors, was always various; and they were likewise removeable at the King's Pleasure, going alternately from one Tribunal to another. According to *Costanzo*, there were only four of the long Robe, and two private Men in the time of *Alphonfus*; afterwards their Number increased wonderfully; insomuch, that in the Year 1495. there were twenty six Presidents belonging to this Tribunal, all of them famous, both for the Nobility of their Birth and Learning ⁶.

¹ *Ulpian. de sum. 2.*

² *Ulpian. de sum. 3.*

³ *Ulpian. de sum. 1.*

⁴ *Toppi. de orig. Trib. cap. 7, 8.*

⁵ *Taffon. de Antef. vers. 3. obs. 3. n. 142.*

⁶ *Idem tom. 1. de orig. Trib. cap. 2. lib. 4. n. 3 & cap. 14. n. 1, 2, & 3.*

THIS exorbitant Number occasion'd the Reform; so that the same Year 1495. under *Ferdinand II.* the Tribunal was reform'd, and only five Presidents were left, who sat in one Bench, as the Counsellors of the S. C. used to do. But in process of time, the Royal Revenues still increasing, it became necessary to augment their Number; and consequently one Bench not being able to contain them, King *Philip II.* by his Writ dated the twenty fourth of *December 1596.* directed to Count *Olivares* the Viceroy¹, ordained, That the Tribunal should be divided into two Halls, in each of which three Presidents of the long Robe, and one private Man should be present, and the Deputy, sometimes in the one, and sometimes in the other, according to the Circumstances and Weightiness of Affairs, should preside. But this was not sufficient for the immense Affairs of the Tribunal; so that in 1637: for the greater Dispatch of Business, the Count of *Monterey*, who was then Viceroy, was obliged to add a third Bench. At present their fixt Number is twelve, eight of the long Robe, and four private Men, who, saving the Dignity of the Gown, and that they do not vote when Points of Law are to be decided, have the same Prerogatives with the Gown-men, and sit next them. *Philip II.* in 1558. among the Privileges granted to the City and Kingdom of *Naples*, order'd, that two parts of the Presidents should be Natives, and the third as the King thought fit²; but in the Reigns of the other Kings of the House of *Austria*, this Tribunal was always governed by four *Italians* and four *Spaniards*; and although the private Men, who were Presidents, were for the most part Natives, yet frequently some of them were *Spaniards*. At present, by the *Novelle Grazie*³, three of the Long Robe, and one private Man are as the King thinks fit.

THIS Tribunal has an Attorney General and Solicitor, who are scarce sufficient for the vast Load of Business; so that *Tassone* in his time wish'd that there had been two Attorney Generals. In our Days there have been two, but at present there's only one. 'Tis true, that Want has been in some measure supplied by adding an Attorney of Accounts, whom we call *Cappa corta*, (short Cloak) who sits next the Attorney General, and has a thousand Duckets of Salary⁴. This Tribunal had likewise twenty Masters of Accounts, but their Number is now restricted to fifteen; twelve for the Affairs of the twelve Provinces; two for the Royal Patrimony, and one for the Custom-House of *Foggia*, whose Authority, although it be much diminished, and for the most part transferred to the Presidents, yet with respect to the reporting of Causes, and the examining of Accounts, it is great. They are of the King's appointing as well as the Presidents, Attorney General and Solicitor; and from Masters of Accounts, it is an easy Step to rise to be Presidents in the Rank of private Men, which, as *Toppi* witnesseth⁵, was practised in the Reign of the Kings of the Family of *Aragon*, and of *Charles V.* and they enjoy all the same Prerogatives, Pre-eminencies, and Exemptions, with the other Officers of the Tribunal.

IT has its own Notary, or Secretary; and though it be a vendible Office, yet it must be confirm'd by the King. It has three Masters of the Rolls, according to the three Archives that are there; that of the Royal Mint; that of the Books of Accounts, and the third of the Records, of whom and their Prerogatives, *Toppi*⁶ has made a long Discourse, and copious Catalogues.

IT has likewise a Sealer and four *Mastrodatti*, who have Power of making eight Writers, two for each, besides twelve others, whom the Deputy appoints, all Natives; many ordinary Clerks, and a vast Number of extraordinary, and Porters, all Natives; over all which the Tribunal has the Cognizance both of their civil and criminal Causes.

IN this Degree of Eminency is this Tribunal at present, possessed of so many Privileges and Prerogatives granted to it not only by the Kings of the Family of *Aragon*, but likewise by the *Austrian* Princes their Successors; so that it is become supreme and independent of any other Tribunal with respect to the Administration of the Royal Patrimony. It resembles the *Procurator* of the *Roman* Emperors. It has Power of Retraction, as well as the Tribunal of the S. C. so that from it there is no Appeal to any other Tribunal, but by way of Reclamation, it revises

¹ Item tom. 1. de orig. Trib. p. 97.

² Tasson de Antef. vers. 3. obl. 3. n. 140.

³ Grazie dell' Imp. Car. VI. tom. 2. pag. 255.

⁴ Capece Galeot. resp. fisc. 2. n. 7.

⁵ Toppi tom. 1. de orig. Trib. lib. 43 cap. 7. n. 11.

⁶ Toppi loc. cit. lib. 2. cap. 2. & 9.

its own Decrees; without stopping Execution. From it, as well as from the Tribunal of the S. C. come forth Decisions, Ordinances, and general Decrees, which, in the Kingdom, have Force no ways inferior to the Laws and Usages of the other supreme Tribunals. Whence, besides the Ordinances and general Decrees, of which we have discoursed at large in the XXII. Book of this History, it has its own particular Writers, who have collected its Decisions; such as Deputy *Revertera*, *Ganavero*, *Moles*, *Ageta*, and others. And in the Reign of the Family of *Aragon*, before the Year 1505. when the *Spaniards* erected the Collateral Council, this Tribunal was the next in Rank to that of S. C. by which, at all Times and in all Places, except in its own Hall, where the Presidents sit on the right side, and the Counsellors on the left, it has always been preceded.



CHAP. VI.

Of the Order and Number of the Provinces of the Kingdom in the Reign of Alphonsus, and how they were managed by the Royal Chamber; and how the Families of each City and Village were numbered.



DON'T see whence *Marino Freccia* * learnt, that King *Alphonsus* divided this Kingdom into six Provinces. From the time of the Emperor *Frederick II.* as may be seen in the XVII. Book of this History, it was divided into eight Provinces. *Principato*, which, by reason of its large Extent, was afterwards divided into two, the *Hitber* and the *Further*. *Calabria*, for the same Reason, was likewise divided into two, viz. *Terra Giordana*, which we now call the *Further*, and *Val di Crati*, which is now called the *Hitber Calabria*. *Puglia*, was also divided afterwards into two, *Terra d'Otranto*, *Terra di Bari*, and *Apruzzo*, which were divided into two Provinces; so that to these eight, other four being added, viz. *Terra di Lavoro*, *Basilicata*, *Capitanata*, and *Contado di Molise*, their Number amounted to twelve, as at present. And *Alphonsus* was so far from restricting their Number, that it has been the constant Opinion of our Writers, that in order to remove the Disputes that were wont to arise among the Collectors of the Taxes and Revenues, he divided *Apruzzo* into two Provinces †. But the most convincing Proof, that the Number of Provinces was twelve in the Reign of *Alphonsus*, is the Writ containing the general Subsidy imposed in the Year 1443. for *Alphonsus's* triumphal Entry into *Naples*. This Writ was printed by *Camillo Tutini* ‡ in his Book of the seven Offices of the Kingdom, and which he extracted from the Archives of the Royal Chamber. In this Writ the Province of *Otranto* is not mentioned; but we are ignorant whether that be owing to devouring Time, or because the greatest part of that Province being then in the Possession of the Prince of *Taranto*, the King's Relation, it had therefore been excepted; and of the Number of the Cities and Towns of all the other Provinces, the patrimonial Cities are also wanting, upon which, it is probable, a separate Tax had been laid. The Recorders however have committed an Error in the Rubrick, because instead of saying: *Triumphus Regis Alphonsi*, they have said: *Tassa Collectarum felicitis Coronationis Regis Alphonsi noviter*

* Freccia lib. 1. de Subfeud. tit. de Prov. & Civ. Reg. num. 16.

† Mazzella nella descrizione del. Reg. Prov. d'A-

pruzzo ultra.

‡ Tutin. de' M. Giustiz. pag. 80.

imposita ad recolligendum in Baronibus Provinciarum Regni, ultra Terras Demaniales; for although in the Year 1445. Alphonsus had obtained a Bull from Pope Eugene, by which he promised to send him the Cardinal of S. Lorenzo, or some other Person to crown him; yet that Solemnity was never performed during his Life. In this Writ are set down all the other eleven Provinces, with the Baronage Cities and Towns, and their Barons, in this order: Principato citra, & ultra. Basilicata. Terra di Lavoro, e Contado di Molise. Apruzzo citra. Apruzzo ultra. Provincia Calabrie Vallis Cratis. Provincia Calabrie ultra, Capitanata. Provincia Terre Bari.

THUS we see, that in the Reign of King *Alphonsus* the Provinces of the Kingdom were not less in Number than what they are at present. This proves that *Guicciardino* was mistaken¹ when he wrote, that *Alphonsus* changed the Denomination of the Provinces; and in order to facilitate the Collection of the Revenues, divided the whole Kingdom into six principal Provinces, viz. *Terra di Lavoro, Principato, Basilicata, Calabria, Puglia* and *Apruzzo*; of which *Puglia* was divided into three Parts, viz. *Terra d'Otranto, Terra di Bari, and Capitanata*. An Error as it is pardonable in that Writer, who was a Foreigner, and could not be rightly informed, so it is unpardonable in *Marino Freccia* a Native, and one of the King's Ministers in *Naples*.

BUT what is remarkable in the time of this King is, that not only all the Islands adjacent to these Provinces, of which more hereafter, are assign'd to *Calabria*, and not to *Sicily*, but likewise the Island of *Lipari*.

THIS Prince also enlarged the Province of the *Further Principato*, by adding to it the City of *Benevento*, and he extended the Borders of *Terra di Lavoro* further upon the Estate of the Church of *Rome* than they are at this time; and he also added to the Kingdom the Sovereignty over the State of *Piombino*.

THE City of *Benevento*, as may be seen in the preceding Books of this History, for the Reasons therein alledg'd, was long possess'd by the *Roman Pontiffs*; and altho' their Possession was frequently interrupted by *Robert Guiscard, Roger I. King of Sicily, William II. the Emperor Frederick II. and by other Kings*, according as the Circumstances of the War, or Enmity required; yet by the Treaties of Peace it was always restored to the Church, as being looked upon to be no part of the Kingdom; because when these Provinces were formed into a Kingdom, it had been before divided and separated from it, and under the Dominion of the Popes; hence it is, that in all Investitures it was always excepted. In the Reign of *Charles III. Urban VI.* gave the Government of it to *Ramondello Orsino*, who was afterwards Prince of *Taranto*, for his having deliver'd him from the Hands of *Charles*, when he was by that Prince besieged in *Nocera*. *Alphonsus* being invited to the Conquest of the Kingdom by the Adoption of Queen *Joan II.* upon the arising of those Disputes, which at last broke out into a bloody War: *Alphonsus*, who had two Popes his Enemies, possessed himself of *Benevento*, with a Design never to part with it, as the other Kings his Predecessors had done. In the Treaties of Peace held in *Terracina* with Pope *Eugene's* Legate, there was much debating about its Restitution, which was not agreed to by the King, but only, that together with *Terracina* he should keep it in Name of the Church all the Days of his Life; but that on the other hand *Citta Ducale, Acumoli, and Lionessa*, most important Cities of the Province of the *Further Abruzzo*, should be left in the Possession of the Pope. But afterwards Pope *Nicholas V.* succeeding *Eugene*, the said Cities of *Montagna dell' Amatrice* were restored to *Alphonsus*; hence it was, that, in order to remove all occasion of Dispute about the Limits of the County of *Acumoli*, bordering upon that of *Norcia*, in 1589. the Count of *Miranda* published an Edict², whereby all manner of Alienation of the Territories of *Acumoli*, situate upon the said Borders, to Strangers, and especially to the *Norcians*, was prohibited; and *Benevento* and *Terracina* also remained in the King's Possession, without being obliged to pay the Tribute of the two Hawks, due to the Apostolick See for the said two Cities; so that the Province of the *Further Principato* during all the time of the Reign of *Alphonsus*, with respect to the temporal Polity, acknowledged *Benevento* for its Head and Metropolis. Nor after the Death of *Alphonsus* was it restored to the Church; for *Ferdinand I.* his Successor likewise kept Possession of it for a long time: But afterwards there having been several Treaties with Pope *Paul II.* he

¹ Guicciard. lib 5. litor
VOL. II.

² Pragm. 10. de Empt & Vendit.
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restored

restored it to him; from that time forward, with uninterrupted Possession, it has continued to this Day under the Dominion of the Apostolick See, and is reputed a City without the Kingdom. In the time of our Grandfathers *Alfonso di Blasio* a *Beneventan* Gentleman wrote an exact and full History of *Benevento*; and the fourth Volume contains this last State of its Subjection to the Popes. *Blasio*, in a Letter of his dated in 1650. mentioned by *Toppi*¹, gives us a Hint of that Work; and says, That it cost him thirty Years Labour, and that according to its various Conditions (before it was subdued by the *Romans*: The Time when it was under their Dominion in the Form of a Colony; under its own Dukes and Princes; and lastly, under the Popes) he had divided the Work into four Volumes. He maintains that *Benevento* was formerly the antient City of *Samnium*, and rejects the Opinions of *Gluerius* and *Salmasius*, who deny that there ever was such a City as *Samnium*. But dying before he could finish the Work, whereby he expected to have rendered his Name immortal, his Manuscripts lie buried in Darkness, and none have taken care to have them printed.

IN the Reign of *Alphonfus* the Province of *Terra di Lavoro* reached much farther within the Estate of the Church of *Rome* than it does at present. The Popes pretended, that the City of *Gaeta* belonged to the Dominion of the Church; and they founded that Pretension, as we have said in the preceding Books of this History, upon the Bounty of *Charles the Great*, when he pretended to take it from the *Greeks*, in order to make a Present of it to the Church of *Rome*, as he had done of *Terracina*, and other Cities taken from the *Greeks*. But at that time *Arechis* Prince of *Benevento* opposing it, their Design was blasted, and he got that City to be immediately restored to the Dominion of the Emperors of the East, who sent thither their Officers to govern it. But that did not prevent the Popes, whenever an Opportunity offered, to make Attempts upon it; and when they saw that they could not maintain it, they invested some powerful Prince with it. So we read, that Pope *John VIII.* yielded it to *Pandolphus* Count of *Capua*, who died in the Year 882.², and *Lione Ostiense*³ writes, that at that time *Gaeta* belonged to the Pope; but it soon returned under the Dominion of the Emperors of the East, and in the succeeding times, the *Normans* having conquered all that the *Greeks* had remaining in these our Provinces, they made themselves Masters of it; hence they took the Title of Dukes of *Gaeta*. The *Normans* being succeeded by the *Suevi*, and these by the Family of *Anjou*, to whom *Alphonfus* and the other Kings of the House of *Aragon*; and lastly, that of *Austria* succeeding, this City by a continued and uninterrupted Possession has been held by our Kings, and has always been reputed one of the Cities of this Province.

BUT *Terracina* had not the same Fate, till the time of *Alphonfus*. This City being taken from the *Greeks* by *Charles the Great*, he gave it to the Church of *Rome*⁴; but the *Normans* having driven out the *Greeks*, laid claim to it⁵. Nevertheless the Popes did not part with it; so that sometimes the Popes, and sometimes our Kings possessed it; and it was always disputed, till at last *Alphonfus*, by Agreement and Capitulation with two Popes, firmly annexed it to this Province; and for a long time the Borders of the Kingdom on that side were extended to this City. Pope *Eugene IV.* as we have said, in exchange for *Acumoli*, *Citta Ducale*, and *Lionessa*, gave *Alphonfus* the Government of *Benevento* and *Terracina* during his Life; afterwards the Grant was extended to *Ferdinand* and his Successors for ever. *Nicholas V.* his Successor confirmed what *Eugene* had done, and restored these Cities to *Alphonfus*, without his being obliged to pay any Quit-rent. In the Reign of *Alphonfus*, and the beginning of that of *Ferdinand* his Son, *Terracina* was retained. But *Ferdinand* afterwards, in order to keep up Friendship with Pope *Pius II.* who had given him the Investiture which *Calistus* had denied him, was obliged to restore it⁶, together with *Benevento*, so that the *Roman* Pontiffs incorporated them again with their Dominions, from which it has not been possible ever since to wrest them; hence arose the so many Disputes about the Limits between the Apostolick See and our Kings, who have always kept up these Rights, in order to recover the said Cities, when an Opportunity should offer; and *Cibiccanelli* in the twenty first Tome of

¹ *Toppi* Biblioth. Neap. fol. 356.

² *Erchemp* num. 65.

³ *Ostiensis* lib. 1. cap. 23.

⁴ *Hadrian.* epist. 64 & 72.

⁵ *Camill. Peleg.* fines Duc. Ben. ad mar.
pag. 27.
⁶ *Samn.* tom. 3 pag. 249

his *M. S. Giurisdizionali* has made a particular and exact Collection of all these Rights ¹.

ALPHONSUS did not neglect his Rights to other Places of this Province, likewise claimed and usurped by the *Roman Pontiffs*. The Castle of *Pontecorvo*, only eight Miles distant from *Monte Cassino* ², where the Bishop of *Aquino* now resides, was certainly within the District of this Province of *Terra di Lavoro*. It was built in the Territories of *Aquino* near a crooked Bridge, from which it had its Name, by *Rodoaldo* the *Castellain* in the time of the Emperor *Lewis*, according to *Ostienſe* ³. The Monastery of *Cassino*, to which it was given in the Year 1105. by *Richard* Prince of *Benevento*, kept it for a long time ⁴; but the Abbots of *Cassino* at this time pretended to possess all the Lands and Towns belonging to their Monastery, as absolute Lords, without depending upon any Prince, or acknowledging any other supreme or superior Dominion; therefore they independently gave Infeoffment to their Vassals, and took their Oaths of Fealty and liege Homage; of which Oaths the Abbot of *Nuce* ⁵ gives us two Forms. The same Author likewise has set down the Investiture, which the Abbot *Oderisio* gave of the Half of the Town of *Cassino* to *Giordano Pinzast* during his Life only, but that after his Death it should return to the Monastery. In these Times they made good this Pretension; for they were become so haughty as to send Armies into the Field, and in these troublesome times to make War, by defending their Towns with armed Force. But in time, such petty Lords being brought under Subjection, and these Provinces having been formed into a Kingdom under the famous *Roger I.* King of *Sicily*, the Lands of this Monastery were treated by the *Norman* and *Suevian* Kings, and those of the Family of *Anjou* as the Lands of the other Barons were, of which the Kings had the supreme and sovereign Dominion and Jurisdiction. Whence we read, that in the Reign of *Charles I.* the Abbots of *Monte Cassino*, designing to renew their old Pretensions, were curbed by that Prince, who, in the Year 1275. wrote to his Officers; telling them, That the Lands possessed by the Monastery of *Cassino* were subject to him, in the same manner as all the other Lands and Vassals of the Kingdom were, and that that Monastery and its Abbots had no other Right but that of Vassalage; therefore he ordered them not to suffer the Abbot to oppress the Vassals of the said Monastery. In 1292. *Charles II.* his Successor, while that Monastery was governed both in Temporals and Spirituals by the Bishop of *Tripoli*, sent two Commissioners to clear the Marches between the Territories of *Rocca Guglielma* and *Pontecorvo*, and to set Bounds to them; and in 1307. he wrote to the Justice of *Terra di Lavoro* and the County of *Molise*, to do Justice to the said Abbot and Monastery in not suffering them to be molested in the Possession of any Heritage, Rights and Vassals, which they had in the District of *Pontecorvo*, but to maintain them in the Possession they had.

IN the Year 1311. King *Robert* ordered the Abbot of *Cassino* to keep a strong Guard in the Forts and Places belonging to the said Monastery that were exposed to his Enemies, and especially in *S. Germano* and *Pontecorvo*; and in 1324. a new Dispute arising about the Marches between *Rocca Guglielma* and *Pontecorvo*, he ordered the Justice of *Terra di Lavoro* and the County of *Molise* to divide the said Marches, and fix Boundaries.

IN 1343. Queen *Joan I.* ordered the said Justice not to proceed *ex officio* against the People of the Town of *Pontecorvo*, Vassals of the Monastery of *Cassino*, for Crimes committed by them, excepting such as belonged to him *de jure*. And in 1431. Queen *Joan II.* made *Niccolo di Somma* of *Naples* a Knight, Governor of *Pontecorvo* for that Year.

WE likewise find by the Royal Records, that the Town of *Pontecorvo*, from the time of King *Charles I.* to that of Queen *Joan II.* was always taxed in the general Subsidies, and paid in its Quota to the Royal Chamber, as all the other Towns of the Kingdom did, as in the Years 1274, 1275, &c. down to 1423. which Documents were all collected by *Chioccarelli* in the eighteenth Tome of his *MS. Girisdizionali*.

¹ Chiocc. loc. cit. de Juribus, quæ antiqui Neapolitani Reges habuerunt in Civitate Terracina, cap. 38.

quam nunc Apostolica sedes possidet.

² Abb. de Nuce in Not. ad Cron. Cass. lib. 1.

³ Lione Ostiense lib. 1. cap. 38.

⁴ Cron. Cassin. lib. 4. cap. 25.

⁵ Abb. de Nuce in Chron. Cass. lib. 3. cap. 52.

BUT the Monastery of *Cassino* having undergone many Changes, sometimes having been given in *Commendam* by the Court of *Rome* to some Bishop or Cardinal, and sometimes restored to its former Condition, the Popes disposing of it at their Pleasure, it was by them much diminished by appropriating a great part of its Estate to themselves; so that *Pontecorvo* being taken from the Monks, at last it fell into the Hands of the Apostolical See. The Popes would not acknowledge our Kings as sovereign Lords of *Pontecorvo*, though they had formerly owned the Abbots of *Monte Cassino* as such, but usurped all Right over it to themselves. But King *Alphonfus*, during the Enmity between him and Pope *Eugene IV.* took it by force of Arms, and kept it as long as he reign'd, and at his Death transmitted it to King *Ferdinand* his Successor. In the War which this King had afterwards with *John* the Son of *Renatus*, so well described by *Pontano*, it was taken from him by *John*; but *Ferdinand* having entered into a League with Pope *Pius II.* who rais'd a strong Army against *John*, the Pope's Army drove *John* out of those Places he had taken, and *Pontecorvo* returned to *Ferdinand* its right owner¹. But the *Roman* Pontiffs, who never slip Time and Opportunity of regaining what they once have possessed, were always upon the catch to recover it; and, by the supine Negligence of the Ministers of our Princes, found Means to retake it, and by uninterrupted Possession kept it for a long time, and at last they took upon them, in the Investitures of the Kingdom, to reserve it to themselves, as they did *Benevento*²; and in fine, that the Bishop of *Aquino* might live in a more secure Place, they have changed his Residence, and instead of residing in *Aquino* the ancient Cathedral See, he now resides in *Pontecorvo*, which they pretend to be without the Dominion of our Kings³. But what is more, they renewed the old Debate about the Marches, and pretended to extend them to *Rocca Guglielma*; so that in the Pontificate of *Paul V.* the Viceroy *D. Peter* Count of *Lemos* was obliged to send *Fulvio di Cosianzo* Marquis of *Corleto* to *S. Germano*, who, with the Archbishop of *Chieti*, Apostolick Commissioner sent by the Pope, composed these Differences, and on the thirty first of *May* 1612. there was an Instrument drawn up between the said Archbishop and the Marquis for dividing the said Marches between *Pontecorvo* and *Rocca Guglielma*, in which their Commissions for that purpose were inserted⁴.

KING *Alphonfus* not only claim'd *Pontecorvo* from the *Roman* Pontiffs, but likewise the small Islands lying in the Sea of *Gaeta*. There are in that Sea four Islands called *Ponza*, *Summone*, *Palmerola*, and *Ventotene*. In some Maps *Summone* and *Palmerola* are call'd *S. Maria* and *le Botte*. The Popes likewise laid claim to these Islands, although they were comprehended in the Kingdom of *Naples*, and were always reckoned to be in the Diocess of *Gaeta*, and still governed by our Kings.

In 1270. King *Charles I.* ordered his Officers of *Terra di Lavoro* not to molest the Abbot and Convent of *S. Maria* in the Island of *Ponza* of the Order of *Cisterciens* in the Diocess of *Gaeta*, in the Possession of some Lands they had in the Diocess of *Sessa*; and *Fr. Marcellino d'Avana* having surreptitiously obtained an Order for putting himself in Possession of the said Monastery, King *Alphonfus*, having discovered the Cheat, ordered him to be turned out of Possession of the said Abbey, and of the Fruits thereof.

ALPHONSUS's Successors maintained their Possession of these Islands; and in the Reign of the Emperor *Charles V.* we find, that the Count of *S. Severina* Viceroy of the Kingdom, in 1525. sent several Orders to the Castellains of *Ponza* and *Ventotene*, carefully to defend them against the *Turks*.

BUT in the Reign of King *Philip II.* the Popes heightened their Pretensions, and besides having made over their Right to the said Islands to Cardinal *Farnese* and the Duke of *Parma*, they attempted to build some Forts in the Island of *Ponza*; of which the Duke *d'Offuna* having advised the King, in the Year 1584. *Philip* returned him for Answer, That he must take special care not to suffer any Person whatsoever to usurp his Right, and to send him a full Account of what pass'd, with his Opinion. The Viceroy consulted with the Royal Chamber, where, with great Exactness, it was demonstrated, that the said four Islands were a part of the Kingdom, and that the Pope could have no Title to them; nor the Duke of *Parma*; who was only a simple Farmer, having in the Year 1582. paid thirteen thousand

¹ *Summ. tom. 3. lib. 5. pag. 421.*

² *Chicco. loc. cit.*

³ *Abb. de Napol. cit. lib. 1. cap. 18.*

⁴ *Chicco. loc. cit. tom. 18.*

Crowns for a Lease of them for twenty two Years; whereupon the King by another Letter dated the third of *November* the said Year 1584 ordered the Viceroy to continue to preserve his Rights, and not to suffer any Person to make the least Encroachment upon them.

THE Count of *Miranda* succeeding afterwards in the Government of the Kingdom, Cardinal *Farnese*, by the Means of Count *Olivares* then Ambassador in *Rome*, proposed a Treaty with King *Philip*, for granting these Islands in Fief to the Duke of *Parma* his Cousin-german; and, by Reason of the Circumstances of those Times, the King inclining to do it, in 1587. he wrote to the Count to send him a particular Account if his doing so would be attended with any Inconveniences, but in the mean time not to suffer any Fortification, or Mole, or Harbour, to be made in the said Islands, till he should be fully informed of all, that he might resolve upon what was best for his Service. And the Count of *Miranda* having given him a full Account of the Matter, the King was determined to invest the Duke of *Parma*, and advised the Viceroy of his Resolution; and on the twenty second of *September* 1588. he wrote to the Count of *Olivares* his Ambassador at *Rome*, that according to what he had written to the Viceroy, he had given the said Islands in Fief to the Duke of *Parma* by erecting them into a County¹.

AT last *Alphonfus* enlarged the Kingdom, by the Acquisition of the Sovereignty of the State of *Piombino* (situate upon the Sea between *Pisa* and *Sienna*) and the small Island of *Giglio*, (*Lilly*) *Castiglione della Pescara* and *Gavarra*. In the War which *Alphonfus* carried on in *Tuscany* for inducing the *Florentines* to make Peace, and recalling their Troops from the Siege of *Milan*, the *Siennese* having granted him Passage, he thought, that the best Way he could march his Army against the *Florentines*, would be through the State of *Piombino*, where there was a Harbour fit for receiving his Fleet from *Sicily*. *Rinaldo Orfino* was then Lord of it, who at first had sided with *Alphonfus*, but had now begun to keep a Correspondence with the *Florentines*, with whom he at last joined against the King. *Alphonfus* therefore resolved to make War upon him; so that after having carried on the War in *Tuscany* during the Spring of 1488. in the beginning of *July* he marched and encamped before *Piombino*, to which he laid close Siege. *Rinaldo* called the *Florentines* to his Assistance, who accordingly made all the Haste they could²; and the two Fleets having engaged, *Alphonfus* obtained the Victory; and his Fleet, after having taken the neighbouring Island of *Giglio*, entered the Harbour of *Piombino*, and in order to reduce the City he made an attack upon it, but his Army being seized with a great Pestilence, he was forced to raise the Siege; and a Treaty of Peace being set on Foot between the King and the *Florentines*, and the other Potentates of *Italy*, it was concluded upon these Conditions, that *Castiglione della Pescara*, *Giglio*, the State of *Piombino*, and *Gavarra* should be delivered up to *Alphonfus*; but the *Florentines* insisted, that *Rinaldo* should likewise be included in the Peace, and it was agreed, that he should continue to be Lord of *Piombino*, by acknowledging the King for his Sovereign, to whom he should pay a yearly Tribute of a Vessel of Gold worth five hundred Crowns.

THIS State belonged to the most noble Family *Appiano*, and *Gherardo Lionardo Appiano* was the last Lord of it. *Lionardo* being married to *Paola Colonna*, by which Marriage there being no Male Issue, but only one Daughter, named *Caterina Appiana*, ordered, in case his Brother *Giacomo*, as it happened, should die without Male Issue, that his other Brother *Emanuele* should succeed him in his Dominions, and not his own Daughter *Caterina*. But *Gherardo* dying, *Paola* his Wife having married *Caterina* her Daughter to *Rinaldo Orfino*, took care to have her Son-in-Law *Rinaldo* put in Possession of the State, by excluding *Emanuele*, and by means of the *Florentines* got *Alphonfus* to accept of the Vessel of Gold as a Tribute. *Rinaldo* afterwards dying, *Caterina* his Wife sent Ambassadors to King *Alphonfus*, to beg of him not to molest her for the Faults of her Husband, seeing she was willing to continue to acknowledge him for Sovereign by rendering him all Obedience, and paying the Tribute. The King was satisfied, and *Caterina* continued in Possession of the State during her Life; but she dying soon after, the Citizens of *Piombino* immediately invited *Emanuele*, as their lawful Lord, to come and take Possession of the State. *Emanuele* was then in *Troja*, a City of the Kingdom, situate in the Province of *Capitanata*, whither he had retired under the Protection

¹ Chiocc. tom. 18. MS. Giurisd.

² Summ. tom. 3. lib. 5. p. 83.

of *Alphonfus*. The King was very well satisfied with his Vassals for having invited *Emanuele*¹, and in order to keep him firm to his Interest, when he should have Occasion for him against the *Florentines*, he sent one of his Secretaries to *Piombino* to signify to that People, that he was very well pleased with their having done their Duty in recalling *Emanuele*, for whom he had a great Regard. Then *Emanuele* having taken the Oath of Fidelity to the King, and promised to pay to him and his Successors the yearly Tribute of a Vessel of Gold worth five hundred Crowns, it was likewise stipulated with the Subjects of the State, that all those who should succeed to that Lordship should be bound to acknowledge the King and his Successors for their Sovereigns. Upon *Emanuele's* arrival in *Piombino* he was received and acknowledged by all as their Lord, and he governed his People with Prudence and Affection, and was always very much beloved by King *Alphonfus*; and he dying, was succeeded by his Son *Giacomo*, and the Family of *Appiana* governed this State for many Years after. But afterwards it being extinct, there arose many Disputes among the Pretenders, in deciding of which our Kings, as Successors to *Alphonfus*, to whom the Right of Sovereignty belonged, had always a great Share; hence *Summonte*² says, That in his time the Viceroy of *Naples* sent to sequester it, and keep it in the Name of King *Philip II.* Hence are derived the Rights of our Kings to the Sovereignty of this State, and of which they have given the Investiture to several other Families since.

THE State then of the Provinces, of which our Kingdom is now composed, in the time of *Alphonfus* was at its greatest Height and Extent; and seeing his Excess of Generosity had led him to be too much bent upon increasing the Royal Patrimony: the Tribunal of the Royal Chamber, which had the Direction of collecting the Royal Revenues, and the Inspection of the Collectors of the Customs, Treasurers, and all the other inferior Officers of the Provinces appointed for that End, became more numerous, and overcharged with Business. Hence proceeded the Custom, which still continues, of distributing the Provinces among the Presidents and Masters of Accounts of the said Tribunal, to the end that every one might have his particular Charge; and of sending a President to *Foggia* to inspect the Management of the Royal Custom-house with respect to the Duty upon Cattle, whence the King drew immense Sums, which is now looked upon to be one of the greatest Revenues of the Royal Patrimony.

ALPHONSUS likewise increased the Royal Patrimony by exacting a Ducket from each Family; hence the numbering of Families was introduced into the Kingdom. Formerly under the *Norman* Kings the Revenues of the Exchequer were collected by Valuation; that is to say, every twelve Marks of Income paid three Florins³, and this Tax was let out to Farmers; which Custom continued to the Reign of the Emperor *Frederick II.* who, that the Poor might not be oppressed by the more rich and powerful, prohibited the Collection in that manner; and in 1218. having called a general Parliament in *Castel del Uovo* of all the Barons and Feodatories of the Kingdom, with the Syndicks of the Cities and Towns, he ordained, that for the future the Royal Revenues should be received by Collections, so that those who possessed much were to pay accordingly, those who had little, proportionably, and from those that had nothing, as little was required. Thus were the first Collections very moderate; but soon after, these not being sufficient to supply the Necessities of the Kingdom, the second were introduced, and so from one to another the Collections came to be six; which, according to *Andrea d'Isernia*⁴, *Luca di Penna*⁵, *Antonio Capece*⁶, and *Fabio Giordano* in his Chronicle, were called the extraordinary Exchequer Payments.

THIS Method continued to the Reign of *Alphonfus*, who, as we have said, in the first Parliament held in *Naples* in 1442. ordained, That, in place of the six Collections, each Family should pay ten *Carlins*. Afterwards in 1449. as it is recorded in the Registers of the Royal Chamber⁷, while *Alphonfus* resided in *Torre del Greco*, he called another Parliament, wherein he declared, That as he maintained great Armies and Fleets for the Defence of the Kingdom, and the Royal Revenues not

¹ Idem loc. cit. pag. 121.

² Idem loc. cit. pag. 91.

³ Mazzel. Tract. de ill. entrade, &c.

⁴ Andr. in cap. 1. Sect. & extracta nar. in princ.
⁵ Luc. de Pen. l. 1. num. 3. C. de indit. lib. 10.

⁶ Luc. de Pen. l. 1. num. 3. C. de indit. lib. 10.

⁷ Ant. Capece. Invest. Feud. claus. verif. collect. col. 5. in fin. & in princ.

⁸ Regist. intit. Literarum Curiae secundi can. 1451 fol. 133. related by Mazzel, loc. cit.

being sufficient, he was forced to augment them; so that he was of Opinion, that it would be for the publick good, that five *Carlins* more were laid upon each Family, besides the ten; and in Recompence, he promised to give each Family of the Kingdom a *Tommolo* of Salt; which was unanimously agreed to.

THUS was the numbering of the Families introduced into the Kingdom; and the first was made by the same *Alphonfus* in the Year 1447. which is to be found in the great Register. The others were made by the Kings his Successors, the second in 1472. the third in 1489. the fourth, which was not completed, in 1508. the fifth in 1522. the sixth in 1532. the seventh in 1545. and the eighth in 1561. which, though not entire, are to be found in the great Register. There were some others afterwards, which are preserved by the Masters of Accounts, viz. in the Years 1595. 1642. 1648. and 1699. which is the last we now have¹. Besides these ordinary Payments, which, after the Example of *Alphonfus*, were by his Successors from time to time still augmented, the King has a vast Number of perpetual Funds, whereby he receives prodigious Sums from the City of *Naples*, the Provinces, and Barons, of which *Mazzella* has made a long Catalogue, and which (it being now an Age since he wrote it) are immensely increased; but the *Spaniards* having made the Natives willing to buy off their Chains, because they could never have been otherwise free of them, those Funds are in a great Measure conveyed away and alienated from the Crown.

¹ Toppi de Orig. Trib. tom. 1. lib. 2. cap. 6. num. 3.



C H A P. VII.

Alphonfus increased the Number of Titles and Barons, to whom he gave Criminal Jurisdiction. His Death, and the Laws he left us.



ALPHONSUS created a great many more Nobility and Barons than formerly had been in the Kingdom. Before his time there were only two *Princes*, those of *Taranto* and *Salerno*, to whom he added the Prince of *Rossano*, five *Dukes*, and a few *Marquisses*; there were a good many *Counts*, and many more *Barons*; but *Alphonfus*, according to *Summonte*¹, doubled their Number. In some *Seggi* of *Naples* there were no Nobility; and the first in the *Seggio* of *Nido* were the *Counts* of *Borrello* and *Bucchanico* of the Family of *Alagna*. These were two Brothers of the famous *Lucrezia d'Alagno* the Daughter of a Gentleman of *Nido*, with whom *Alphonfus* was so much in love, that he endeavoured to obtain a Dispensation from *Rome* for repudiating his Wife, who was the King of *Castile's* Sister, in order to marry *Lucrezia*; and among the other remarkable things he did for her, he no sooner enjoyed her, than he created one of her Brothers Count of *Borrello* and High-Chancellor, and the other Count of *Bucchanico*; and *Trifano Caracciolo* in his Book *De Varietate fortunæ*, mentioned by *Costanzo*², writes, that these were the two first Noblemen of the *Seggio* of *Nido*.

BUT what the following Ages had no Reason to commend *Alphonfus* for, was his granting the *Merum & mixtum imperium* to the Barons. This Prince, by his unbounded Liberality having exhausted all the other Funds, began likewise to be lavish

¹ Sum. tom. 3. lib. 5. c. 1. p. 18. & 120.

² Costanzo Ist. Nap. lib. 18.

of the supreme Regalia, which by no means ought to be alienated from the Crown; whereas the Kings his Predecessors were so jealous of these Rights, that King *Charles I.* having given to his only Son the City of *Salerno* with the Title of Prince, with some other Cities and Towns in the Neighbourhood, granted him only civil jurisdiction over them; and in *Salerno* alone, within the Circuit of its Walls, granted him criminal Jurisdiction¹; and the other Kings, as we have seen in the preceding Books, very seldom gave it, and then only as a Reward to some well deserving Baron for his singular Service; hence it was, that the Grants and Investitures made before the Reign of *Alphonfus* did not comprehend criminal Jurisdiction, it being always excepted and reserved; for it was the Custom in those Times, that the Feudataries, who possessed Lands with Vassals, could only exercise that low and base Jurisdiction of adjusting Differences and Quarrels, which are wont to arise among the Inhabitants of the Places; and therefore the Barons and Feudataries chose only annual Chamberlains, who exercised Jurisdiction in taking Cognizance of, and judging these trifling Differences²; for the High-Court exercised Jurisdiction over all Places and Cities of the Kingdom. And the Reason was, because, as has been wisely observed by the Counsellor *Giuseppe de Rosta*, our most accurate Lawyer³, in the Cities and Lands with Vassals, there was only that Jurisdiction which is called base, and which, according to the Civil Law, was exercised by the inferior Magistrates, whom the *Romans* called *Defensores*, and consisted in taking Cognizance of civil Causes; in place of those Chamberlains, as *Andrea d'Isernia* hath observed⁴, with us the Bailiffs of the Places succeeded, who took Cognizance of civil Matters, petty Larceny, Damages, Weights and Measures, and other Causes of small Moment⁵; but the more weighty Matters, and especially those which regarded the *Merum Imperium* and Criminal Jurisdiction, according to the *Roman* Law, belonged to the Presidents of the Provinces, in place of whom, in our Kingdom, as we have seen in the preceding Books, the Justices were appointed⁶, whom we now call Presidents; from whom by way of Appeal those weighty Causes were carried to the High-Court of the Vicariate, the supreme Tribunal to which all the Justices of the Kingdom are subjected. Thus the Investitures, which, before the Reign of *Alphonfus*, were granted to the Barons of Cities and Lands with Vassals, comprehended only that base Jurisdiction, as coherent to, and inseparable from them, and not the *Merum Imperium* and Criminal Jurisdiction, which could not be said to be coherent to them, as not having been formerly exercised by their own Magistrates, but by the Presidents; and afterwards not by the Bailiffs of the Places, but by the Justices of the Provinces.

IN the Reigns of *Alphonfus* and the other *Aragon* Kings his Successors, as we have said elsewhere, the Custom of granting Criminal Jurisdiction, and the four Arbitrary Letters in the Investitures of Fiefs, began to be practised⁷. Whence in process of time every petty Baron, as well as the Great, had the *Merum* and *Mixtum Imperium* in their Fiefs, to the great Detriment of the King's Regalia, and the Loïs of the Subjects. *Charles VIII.* King of *France*, during the few Months that he reigned here, thought of depriving the Barons altogether of it, by reducing them to the Usage of *France*⁸; but his short Reign, and the Difficulties that occurred, prevented his putting that Design in execution; much less can it be expected at present, seeing the Mischief is inveterate, and that without great Revolutions and Disorder it could not be accomplished.

AFTER this Prince had thus re-established the Kingdom, although, in the latter end of his Days, the War had been renewed with the *Florentines*; and that his not restoring some *Gencefe* Ships taken by his Cruisers, had made that Republick his Enemy: Yet being decayed by his Amours with *Lucrezia d'Alagno*, he immediately made Peace with the *Florentines*, and was in no Pain about the *Gencefe*, but employed the rest of his Life in Hunting, Feasting, Tournaments, and other Diversions; and when he was now old, the Duke of *Milan* sent Ambassadors to treat with him about a double Marriage with his Royal Family, because the Duke was much afraid, that the King of *France* might favour the Duke of *Orleans*, who pre-

¹ *Freccia* lib. 2. aut. 2. num. 21.

² *Frinc. de Amic. ad tit. de his, qui feud. dar poss. in cap. sumus modo, fol. 43. n. 2. & seq.*

³ *Rost. in practud. feud. lect. 11. num. 10.*

⁴ *Andr. in Constit. locorum Bajul.*

⁵ *Constit. locorum Bajul. & ad officium Bajul.*

⁶ *Constit. Justitiarum nomen, & normam. Constit. Justitiarum per Provincias Constit. Præsides. Constit. Capitaneorum.*

⁷ *Franchis decem 510. num. 4.*

⁸ *AEL. in proem. Constit. num. 6.*

tended, that the Dutchy of *Milan* belonged to him, as being the Son of *Valentina Visconte* lawful Sister to Duke *Philip* : and in that case he thought he could not have a more faithful Ally than *Alphonfus*, who was still jealous of *Renatus*, who continued to keep up a secret Correspondence in *Italy* : So in a short time the double Marriage was concluded, and *Hippolita Maria*, the Duke's Daughter, was married to *Alphonfus*, the eldest Son of the Duke of *Calabria*, and *Leonora*, the Duke of *Calabria*'s Daughter, was betrothed to *Sforza* the Duke of *Milan*'s third Son, and the Bridegrooms, as well as the Brides, were not above eight Years of Age.

THIS Year 1455. Pope *Nicholas V.* died; and after the Apostolick See had been fourteen Days vacant, in the Month of *April* *Alphonfus Borgia* Cardinal of *Valencia* was elected in his room, who took the Name of *Callistus III.* and who, as we have said, had been for many Years much in favour with King *Alphonfus*, and his chief Counsellor. *Callistus*, though very old, projected such great Undertakings, as would have required a Man's whole Life-time to accomplish. As it usually happens, that the greatest Favourites of Princes, when rais'd to the Papacy, are wont to become their most bitter Enemies; so *Callistus* had no sooner mounted the Throne, than he began to belittl himself, and oppose *Alphonfus*'s Designs; and not pleas'd with this new Alliance concluded with the Duke of *Milan*, he left no Stone unturn'd in order to put a Stop to the Marriages; but *Alphonfus*, perceiving the Pope's Design, made the more Haste to have them solemniz'd; so that in the beginning of the following Year 1456. they were celebrated with great Pomp, and *Eleanora* was conducted to *Milan* to *Sforza* her Spouse.

AT this very time *John* King of *Navarre*, King *Alphonfus*'s second Brother, was much displeas'd with his eldest Son *Don Carlos*, who intitl'd himself *Prince of Viana*; and the Reason of this Displeasure was, because the Kingdom of *Navarre* had belonged to the Prince's Mother, who was then dead, and King *John* had married for his second Wife, the Daughter of the Admiral of *Castile*. The Prince could not bear to see the Queen his Mother-in-Law sit on his Mother's Throne, and he himself lead a private Life; for the Mother-in-Law had got so much the Ascendant over her Husband, now old, that there was nothing done either in the Kingdom of *Navarre*, or in that of *Aragon*, of which *John* was Viceroy, but what she thought fit; therefore the Prince had endeavour'd to get himself proclaim'd King of *Navarre*, because, both on account of his Virtue and the Memory of his Mother, the native Queen of that Kingdom, he was much beloved by that People. His Design not succeeding, he came to visit King *Alphonfus* his Uncle, who allowed him twelve thousand Duckets a Year for his Maintenance; but because he was a Prince of a handsome Mien, and courteous Behaviour, fit to gain Respect, *Alphonfus* was not very fond of his Company in *Naples*, but sent him to the Pope to beg of his Holiness, that he would be pleas'd to make up the Difference between him and his Father. The Prince went, and the Pope received him very graciously, and gave him wherewithal to subsist; but finding that the Pope made no great haste in reconciling him with his Father, and that *Alphonfus* was so much decayed that he could not live long, he settled in *Rome*, in hopes that the Barons of the Kingdom, who were not well pleas'd with the Duke of *Calabria*'s Conduct, would invite him to be King after *Alphonfus*'s Death. In the mean time in the beginning of *May* 1458. *Alphonfus* began to fall ill, and growing still worse, it was rumour'd abroad that he could not recover; whereupon the Prince came from *Rome* to visit him, which much disturb'd the King; for the Prince arriving three Days before he died, when he had been given over by the Physicians, it redoubled the Agony of Death, the King knowing well that he had come to endeavour to possess himself of the City of *Naples*; and that being lodged in *Castel Nuovo*, the Governor would be more ready to obey him than the Duke of *Calabria*, especially seeing the Garrison consisted of *Catalans*, Subjects to King *John*, who was to succeed in the Kingdoms of *Aragon* and *Sicily*, order'd it immediately to be given out, that he was better, and that it was the Opinion of the Physicians that he should be carried to *Castello dell' Uovo* for the Benefit of the Air, which was immediately done, leaving the Charge of keeping *Castello Nuovo* to the Duke of *Calabria*; and on the twenty seventh of *June* 1458. the Day after he was carried to *Castello dell' Uovo*, in the sixty fourth Year of his Age, he ended his Days *.

THUS died a great King: A Prince most worthy of praise for the innumerable Virtues wherewith he was adorn'd, and especially for his Liberality and Magnifi-

* Costanzo lib. 19.

Ricci. de Reg. Neap. & Sic. lib. 4.

cence. He most generously enriched many with valuable Presents, and raised others, by giving them vast Estates. He was most magnificent in bestowing publick Shews upon the People, in which he strove to vie with the *Roman* Grandeur, as was seen when he received in *Naples* the Emperor *Frederick* III. and *Leonora* the Daughter of the King of *Portugal* by his own Sister, who was to be married to *Frederick*. His Generosity likewise appeared in the other great Feasts, hunting Matches, Tournaments, and such like Entertainments, wherewith he regaled the Citizens of *Naples*, who were most covetous of such Diversions. He had his Palace furnished with most costly Tapestry wrought with Gold and Silver, and other sumptuous Household-stuff. He was likewise very munificent in adorning *Naples* with stately Edifices, whereby he put it upon a Level with the most famous Cities in the World: He enlarged the great Moie, and began the great Hall of *Castel Nuovo*, which is certainly one of the most surprizing modern Buildings in all *Italy*: He enlarged the Arsenal of *Naples*, and the Grotto in the Way between *Naples* and *Pozzuolo*, and built a Royal Magazine, and many other Edifices for different Uses.

HIS Death was bitterly lamented by the *Neapolitans*, because they were thereby not only deprived of so generous a Prince, but the Kingdom was like to be involved into new Troubles and Calamities by a long War. His Corps, never enough to be lamented, was, with funeral Pomp, put in a Coffin, and deposited in the Castle where he died; and although in his Will he had order'd it to be carried to the Church of *S. Peter the Martyr*, and from thence, as soon as possible, sent to the Monastery of *S. Maria a Pobleto* in *Spain*, where the antient Kings of *Aragon* are buried; yet it remain'd in *Naples*, where, with great Respect and Veneration, it was expos'd by the *Dominican* Monks in the Vestry of their Church.

NOT having had Children by Queen *Mary*, the Daughter of *Henry* III. King of *Castile*, in his Will, which he made the Day before he died, he appointed *D. Ferdinand* Duke of *Calabria* his bastard Son, legitimated, to succeed him in the Kingdom of *Naples*; and *D. John* King of *Navarre* his second Brother and his Posterity, in the Kingdoms of *Aragon* and *Sicily*, according to the last Will of *D. Ferdinand* his Father, which is preserv'd in the Royal Archives of *Barcelona*, from whence *Alphonfus* order'd a Copy of it to be sent him before he died; and he left many Legacies for pious Uses¹. *S. Antoninus* Archbishop of *Florence* writes, that before he died, he did not neglect to put the Duke of *Calabria* in mind, that he left him the Kingdom of *Naples*; but in order to govern it peaceably, he must keep at a Distance all the *Aragonians* and *Catalans* that he had rais'd, and instead of them, employ *Italians*, and make up his Court of them; and he enjoin'd him to have a special Regard for the Natives of the Kingdom, on whom he ought to bestow the Offices, and not look upon them with an evil Eye, as if he were jealous of them. That he was sensible he had burden'd the Kingdom with new Taxes and Impositions, such as the People were not able to bear; that therefore he advis'd him to ease his Subjects of them all, and reduce them to the antient Custom. And lastly, to cultivate the Peace he left him in with the Princes and Republicks of *Italy*; and above all things to keep in Friendship with the *Roman* Pontiffs, on whom, in a great measure, depended the Preservation or Loss of his Kingdom; patiently to suffer their Arrogance and Pride, and in order not to give them any Cause of Complaint, to behave himself with Humility and Respect towards them, which had been the only way that he had taken to abate their Ambition.

THIS Prince, besides his having left us so many shining Monuments, good Regulations, and new Reforms, left us also some Laws. *Alphonfus*, according to some Authors, after so many and long Wars, which he carried on during the Life of Queen *Joan* II. and after her Death with *Renatus*; at last, after having triumph'd over his Enemies, and made himself peaceable Possessor of the Kingdom, made it his chief Study to re-establish it, and repair the Losses it had sustain'd during the late Wars. For which end he establish'd many Laws, and began to erect the Tribunal of the S. C. to which he afterwards join'd many others. These Laws, according to *Toppi*², were formerly to be found in *Naples*, but now they are lost. We have only a few of them remaining, which are now scattered up and down in the Royal Archives and the Volumes of our Statutes³. We read the first under the Title,

¹ Sammon. tom. 3. lib. 5. pag. 221.

² Toppi de orig. Trib. par. 2. lib. 2. cap. 2. num. 12.

³ Prag. 1. tit. 129. de Possessorib. non turban.

De Possessoribus non turbandis, which in some Editions has this Title: *Edictum Pentimæ Gloriosissimi, & Divi Alphonsi Regis clementissimi*. This Edict was published by *Alphonsus* in the Year 1443. the second of his peaceable Reign, after he had finished the War with *Renatus*; on account of which War, there having been many Suits at Law commenc'd among his Subjects about the Possession of Fiefs and Estates, by this Edict he ordered, that the Possessors should not be disturbed, but be suffered to keep Possession of what they had got; and that the Judges should not take Cognizance of such Causes without his Consent and Commission. This Law was published in the Camp of *Pentima*, a Place situate in *Abruzzo*, near *Sulmona* ¹.

THERE is such another Edict extracted from the Register of the Laws of *Alphonsus*, and printed with our Statutes ², which in 1446. was by this King established in *Mazzone delle rose* near *Spedaletto*, not far from *Capua*, and read and published with the other Laws in *Castel Capuano*, whereby he ordain'd, that those who before the Death of King *Ladislaus*, had by themselves, or their lawful Predecessors possessed, and were in Possession of Lands, Villages, and other Estates, should not be disturbed, nor forced to produce their original Rights and Titles, which would be the undoing of many People of all Ranks and Conditions; which Law *Capec* takes Notice of in his Decisions ³. The second Edict which we read under the Title, *De Off. S. C.* is likewise his, and, as we have said, not *Ferdinand's*.

THE other ⁴, which we also read among our Statutes, is that remarkable one, which treats of the Quit-rents, wherein *Alphonsus* inserted the Bull established in 1451. at his Desire by Pope *Nicholas V.* for regulating the Quit-rents. The King by this Statute confirmed the Bull, and ordered, that in his Kingdoms it should have the same Force and Vigour with his other Laws, and added some other Regulations concerning the said Quit-rents. This Edict was made in *Torre del Greco*, where, in order to be near his beloved *Lucretia d'Alagno*, the King resided in the latter end of his Days, and is dated the twentieth of *October* 1451. There are other Edicts, Patents and particular Laws made by *Alphonsus* to be seen in the Royal Archives, some of which several Authors, according to the Subjects they were treating of, have inserted in their Works: *Toppi* printed many of them in his *Dell' Origine de' Tribunali*; some others have been transcribed by *Moles*, *Tappia*, *Galeota*, and by many others; but these we have mentioned, as being contained in the Body of our Statutes, have with us the Force and Vigour of Laws: As for the rest, they may be useful with respect to the History of the Times, the Institution of the Tribunals, and for illustrating the other Laws and Edicts of this King.

¹ Costanzo lib. 20.

² Prag. 3. cit. tit.

³ Capec. decis. 86. num. 131.

⁴ Prag. 1. de Censib.





T H E

CIVIL HISTORY

Of the KINGDOM of

N A P L E S.

B O O K XXVII.



At the latter end of the Reign of King *Alphonfus* was quiet and peaceable, so that of *Ferdinand* was full of Distraction and Confusion. The old Calamities were renew'd, and the Kingdom, sometimes by intestine Commotions, was again turn'd upside down, and sometimes invaded and harass'd by foreign Enemies. *Charles* Prince of *Viana* practis'd upon the *Neapolitans* to induce them to proclaim him King. The Pope claim'd the Kingdom, as devolv'd to the Holy See. The Barons conspiring together, invited King *John* to come and conquer it, as being acquir'd by the Troops of the Crown of *Aragon*, and not without great Toil to himself. King *John* refusing the Invitation, they had recourse to *John* of *Anjou*, the Son of *Renatus*, who claim'd it by vertue of his Father's Right, and therefore had taken the Title of Duke of *Calabria*; but this Attempt proving likewise unsuccessful, they enter'd into a new Conspiracy, and were join'd by Pope *Innocent VIII.* who made War upon *Ferdinand*. So many Storms, so many troublesome and powerful Enemies had this King to struggle with, in order to maintain himself in the Possession of the Kingdom.

KING *Alphonfus* was no sooner dead, than the Prince of *Viana*, who, as we have said, came to *Naples* for that purpose, by means of many *Catalan* and *Sicilian* Ba-

rons, who had been much in favour with *Alphonfus*, endeavour'd to persuade the *Neapolitans* to proclaim him King. As the Son of King *John* he pretended to be the lawful Heir of the Kingdom, and that it was not in the Power of King *Alphonfus* to leave it to *Ferdinand* his bastard Son, because it had been acquired by the Troops of the Crown of *Aragon*. Besides, not only the Hatred which the Pope had against *Ferdinand*, and the Aversion some of the Barons had to him, but the Affection which the Prince, by his Humanity and gentle Behaviour, had gain'd among the People, gave him some Hopes of Success. But the City of *Naples*, and many Barons, mindful of the Oaths and Promises made to *Alphonfus*, immediately cried out, *God bless King Ferdinand our Lord*; who, riding through the City and the *Saggi*, receiv'd the Acclamations of all the People. When the Prince saw this, he quickly gave over his Design, took shipping in a Vessel that lay in the Harbour, and departed for *Sicily*, and with him embark'd all those *Catalans* that had not got Estates in the Kingdom from King *Alphonfus*.

BUT though *Ferdinand* had got rid of the Prince of *Viana*, he was not secure from the Snares laid for him by Pope *Callistus*; for though by Messages and Letters full of Respect and Submission, he had endeavour'd to make him his Friend, yet he found the Pope very obstinate. *Callistus* had fully resolv'd not to confirm the Succession of the new King, and to declare the Kingdom devolv'd to the Holy See. He said, That it was not in the King's Power to give it to *D. Ferdinand*, who was neither his lawful, nor bastard Son: That he had dealt very unjustly with King *John*, in depriving him of the Kingdom of *Naples*, which having been conquer'd by the Troops of the Crown of *Aragon*, and not without great Trouble and Fatigue to King *John*, ought not to be dismember'd from the other Kingdoms of *Aragon* and *Sicily*. All those things were directed to the End, which he pursued, of depriving *Ferdinand* of the Kingdom, and investing another with it, and therein to raise *Pier Luigi Borgia*, his Nephew, whom he had already made Duke of *Spoleto*¹. But though *Ferdinand* was appris'd of all these Things, he never lost his Courage, but was the more earnest in fixing himself upon the Throne, for which end he call'd a general Parliament of the Barons and Commons, of whom the greatest part quickly appear'd, and, without the least sign of Discontent, swore Allegiance to him. In this Parliament were likewise present two Ambassadors from the Duke of *Milan*, who, both in publick and private, persuaded the Barons to be faithful to the King, and preserve that Peace, which, for sixteen Years, without Intermission, they had enjoy'd under King *Alphonfus*, whereby the Kingdom had become so opulent; and they declared publicly, that the Duke of *Milan* was fully resolv'd to hazard both his Dominions and Life in the King's Cause. Whereupon the Barons and Syndicks of the Cities return'd Home with Hopes of living in Peace.

BUT on the other hand Pope *Callistus* on the twelfth of *July* this same Year 1458. publish'd a Bull, whereby he revok'd that of Pope *Eugene*, and declared the Duke of *Calabria* incapable of succeeding in the Kingdom, saying, That the said Bull had been surreptitiously obtain'd, and that the Duke was supposititious, and not the true Son of King *Alphonfus*, and therefore he declar'd the Kingdom devolv'd to the Church of *Rome*; absolv'd from their Oaths those who had sworn to *Ferdinand*; and order'd all the Prelates, and other Ecclesiastical Persons, the Barons, Cities, and People of the Kingdom, under the Pain of Excommunication and Interdiction, not to obey him, nor acknowledge him as King, nor to swear Allegiance to him, and in case they had done it, he absolv'd them from their Oaths; and he caus'd Bills to be posted up in several Places of the Kingdom, wherein all these Particulars were contain'd². *Angelo di Costanzo*³ writes, that this Bull was Matter of Surprise not only in the Kingdom, but over all *Italy*, seeing that *Callistus*, (as if the Papacy metamorphos'd Men) who had been for a long time *Alphonfus*'s Confident and Counsellor, and by whose Favour he had been made Cardinal, and afterwards Pope, was now so ungrateful to his Son *Ferdinand*. Some began to suspect, that what the Pope said might be true, that *Ferdinand* was not really the Son of *Alphonfus*, but supposititious, since no Man could know it better than he, who had been his Confident; and that therefore out of true Zeal he had been moved to have the Kingdom fall into the Hands of King *John*. In fine *Costanzo* says, that those Bills that were posted up in different Parts of the Kingdom, were the chief

¹ Costanzo lib. 19.² Chioco. tom. 1. MS. giurid.³ Costanzo lib. 19.

Cause of confirming in their Resolution those Barons, who had designed to revolt, and of encouraging others that had not before thought on it; and that without doubt, if Pope *Callistus* had not very opportunely died, King *Ferdinand* would have lost the Kingdom before he was crown'd.

IN the mean time the King did not neglect to countermine the Designs of *Callistus*; in presence of his Nuncio he declined his Jurisdiction as a partial Judge; he appeal'd from the Declaration of the Kingdom's being devolv'd to the Church, and in Answer to the Bull he wrote to him, that he was King by the Grace of God, the Favour of his Father King *Alphonfus*, and the Acclamation and Consent of the Barons and Cities of the Kingdom, who had acknowledged him as such, and that if more was needful, he had likewise had the Concessions of two Popes his Predecessors, *Eugene* and *Nicholas*; and as he possess'd the Kingdom by so many just Titles, his Menaces and unjust Anathemas did not in the least discourage him. He wrote likewise very obsequiously to the College of Cardinals, telling them, That being Men of so great Prudence, they ought to endeavour to preserve the Peace of *Italy*, and to soften the Pope, and set him to Rights again: That they must be sensible that it would be very ignominious for a Prince of a generous Soul to part with a Kingdom, unless at the same time with his Life too. Some Cardinals interpos'd for a Peace, but to no purpose. The Duke of *Milan* sent likewise to beg of the Pope to desist, and to give him to understand, that if he did not, he was obliged to defend the King, not only on account of their Relation, but by the Articles of the League they had entered into. *Callistus* still implacable and obstinate, rejected all Proposals and Intercessions; so that King *Ferdinand* and his Friends resolved to send Ambassadors to the Pope in Name of the Kingdom, to lodge such another Appeal against the Declaration, as the King had made. To these *Ferdinand* added Ambassadors of his own, who being arrived in *Rome*, were received as the Ambassadors of the King and Kingdom. They found the Pope indisposed, so that they had no Audience; but their Business not admitting of Delay, each of the Ambassadors, in Name of those that had sent them, did what was incumbent upon them. By publick Instruments they objected against the Person of *Callistus*, as being suspected by the King and Kingdom: They appeal'd anew from the Declaration made by him; and in Name of the Kingdom declared, That as they acknowledg'd King *Ferdinand* for their lawful King and Lord, so they begged of the Pope, that as such, he would be pleas'd to give him the Investiture of the Kingdom.

WHILE these things were transacting, the Pope grew still worse and worse, so that the King was resolved to undertake nothing till he could know the Issue of his Distemper; but his great Age, the many Vexations he had undergone, and especially the melancholy News of King *John's* refusing to disturb *Ferdinand* in the Possession of the Kingdom, put an end to his Days on the sixth of *August* 1458. after a Pontificate of three Years and four Months. Thus did his vast Designs, and his Ambition to raise *Pier Luigi* his Nephew come to nothing.

THE King overjoyed, immediately wrote to his own and the Kingdom's Ambassadors, and to the Archbishop of *Benevento*, who were then at *Rome*, to use their utmost Efforts to get a Person elected Pope that was in his Interest, as a Matter of the greatest Consequence to his Kingdom; and the Cardinals being shut up in the Conclave, on the nineteenth of the same Month of *August*, elected *Enca Silvio Piccolomini* of *Sienna*, who took the Name of *Pius II.* a Man of great Learning, as the Works he left us testify; notwithstanding his Advancement to the Papacy made him alter his Sentiments; for when he came to be Pope, he wrote in a different manner from what he had done when he was private Secretary to the Emperor *Frederick III.* Nevertheless he was a lover of Peace, and a well-wisher to the Memory of King *Alphonfus*; because when he was the said Emperor's Secretary, and came along with him to *Naples*, *Alphonfus* bestowed Favours and Presents upon him. The King, upon the News of his Election, dispatched *Francesco del Balzo*, Duke of *Andria*, to congratulate him upon it, and do him Homage, to whom the Pope was so complaisant, that he granted him whatever he ask'd. *Antonio d' Alessandro*, that famous Lawyer, was afterwards sent to demand the Investiture, which was granted; but upon this Occasion the Pope regarding the Interest of his See, it was clogged with many Conditions, *viz.* That the Arrears of Quit-rent should be paid: That he should always send Assistance to the Pope as often as required: That he should re-

store *Benevento* and *Terracina* to the Church; and other Conditions were agreed to in Name of the Pope by *Bernardo* Bishop of *Spoleto*, and in Behalf of the King by *Antonio d' Alessandro*. On the second of *November* this same Year 1458. *Pius II.* dispatched a Bull, whereby he confirmed the Articles agreed on between the Pope and the King concerning the Investiture of the Kingdom, the Quit-rent, Coronation, and the Restitution of *Benevento* and *Terracina*. Afterwards on the tenth of the same Month the Bull of Investiture was drawn up, which was examined, and for the most part penned by *Antonio d' Alessandro*. On the second of *December* following, two other Bulls¹ were dispatched: In the first the Pope advised *Ferdinand* that he was to send Cardinal *Latino* Apostolick Legate to crown him King of *Naples*, to whom he was to swear Liege-homage: In the second he revokes the Bull of *Calistus III.* whereby the Kingdom had been declared devolved, and gives the Reasons that moved him to revoke it. He likewise dispatched another Bull of Commission to Cardinal *Latino* for the Coronation, who left *Rome*, and came to *Naples*, and from whose Hands *Ferdinand* took the Oath and was crown'd. *Zurita* will have it that he was crowned in *Bari*, but *Costanzo*, and other more accurate Writers² say, that the Coronation was performed in *Barletta* on the fourth of *February* 1459. with great Pomp and Ceremony, in presence of almost all the Barons. *P. Beatillo*³ still insisting upon the fabulous Coronation with the Crown of Iron, which he believed was antiently practised in *Bari*, writes, that he was crowned in the Church of *S. Nicholas* in *Bari* with the Iron Crown, and afterwards in *Barletta* with that of Gold; but as we have said elsewhere, that Coronation with the Crown of Iron in *Bari* is altogether a Dream and fabulous.

IN Memory of this Solemnity *Ferdinand* ordered new Money to be coined, which Pieces were therefore called *Coronati*. He did not intitle himself, as his Father had done, King of the two *Sicily's*, but, both upon his Coin and in his Writs, he made use of this Title: *Ferdinandus Dei gratia Rex Siciliae, Hierusalem, & Ungariae*; for both the Kingdom of *Jerusalem*, and that of *Hungary* belonged to the Crown of *Naples*. The King, on the Day of his Coronation, was very munificent and liberal to every Body; for there was no Person of the least Merit, that did not return home well satisfied; he treated the Barons and Nobility in a most engaging manner, giving them Titles, Offices, and Dignities, and he knighted almost all the Syndicks of the Cities. He likewise honoured many Vassals of Barons with Knighthood; which, as *Costanzo* observes, and was known afterwards, he did out of Policy, in order to retain them as Spies upon the Steps and Actions of the Barons. He granted new Favours to his Subjects in general, by easing them of many Taxes. He promised his Favour and Friendship to such *Spaniards* as were willing to remain in the Kingdom, and generously gave many Presents and Liberty to those that had a Mind to return to *Spain*. He was thankful to the Pope for his Favours, for in 1461. he gave *Mary* his natural Daughter in Marriage to *Antonio Piccolomini*, *Pius's* Nephew, and, for her Portion, gave him the Dutchy of *Amalfi*, the County of *Celano*, and the Office of Lord Chief Justice, vacant by the Death of *Raimondo Orsini*⁴; so that it was thought, on account of the Pope's Friendship, the Duke of *Milan's* Relation, and the Favours he had bestowed upon the Barons and the People, those that had revolted would have submitted.

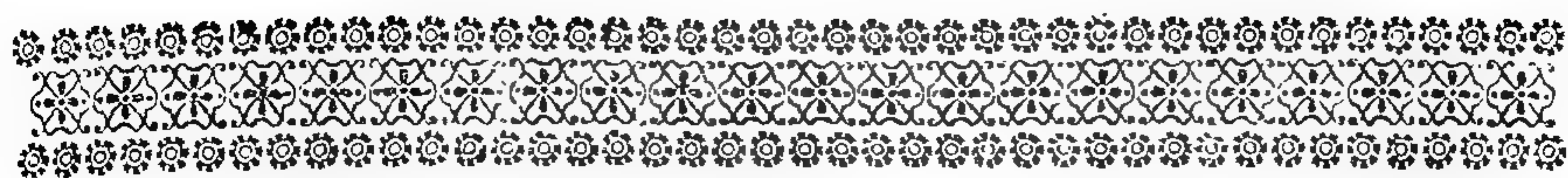
¹ All these Bulls are recorded by Chioccar. in the pag. 102.

² torn. of cit. MS. Giurisd.

³ Beatil. de Ist. di Bari, lib. 4.

⁴ Tutini de' G. Giustiz. 2. Antonio Piccolomini,

⁴ Tutini loc. cit.



C H A P. I.

The Princes of Taranto and Rossano with other Barons, after the Invitation made to John King of Aragon, which was rejected, invite John of Anjou, the Son of Renatus, to come and conquer the Kingdom: His Expedition, Conquests, Loss, and Flight.

BUT this Tranquillity in the Kingdom was of short Duration; for, though some Barons, who did not know the Bottom of *Ferdinand's* imbitter'd Heart, believed, that his Reign would prove both peaceable and mild; nevertheless, many others, who knew his mischievous and reserved Nature, looked upon this Clemency and Generosity to be nothing else but Disguise and Dissimulation; and the chief of these were the Princes of *Taranto* and *Rossano*, both of them the King's Relations, who, on account of their Riches, suspected, and were afraid, that the King, who had beheld his Father live in so great Splendor upon the Revenues of so many Kingdoms, seeing himself possessed of one single Kingdom only, would always enrich himself to their Cost, and therefore they durst not venture to go to visit him; nay, the Prince of *Taranto* grew so jealous, that he was daily thinking of new Methods how to secure himself; and in order to weaken the King, and strengthen himself by new Friends and Alliances, he desired the Favour of the King, that he would be pleased to restore the Marquis of *Cortone* to his Estate, to whose Son he had promised to give his Daughter in Marriage; and he ask'd the like Favour for *Giosia Acquaviva* Duke of *Atri* and *Teramo*, the Father of *Giulio Antonio* Count of *Conversano*, his Son-in-Law. Although the Request was arrogant, yet the King, in hopes, that not only the Prince, but the Duke and Marquis by this Favour would alter their Minds, granted it, and sent two Commissioners, the one to *Abruzzo*, and the other to *Calabria*, to give the Duke and Marquis Possession of their Estates, which had been till then confiscated to the Crown; and after the Prince's Messengers had been nobly regal'd, he sent them back to the Prince, who then resided in *Lecce*, and with great Dissimulation the Prince sent to thank the King, and from that time frequent Messages and Letters went between them. But the Prince, who knew that he had offended the King, by pressing him to put Arms in the Hands of his mortal Enemies, the more friendly the King's Letters were, was the more jealous, because he knew him to be naturally covetous, cruel, and revengeful, and ever ready to dissemble the Sentiments of his Heart. Therefore, not finding himself secure from some secret Treachery, while his House was so much frequented by *Ferdinand's* Servants, by whom he was afraid to be either stabb'd or poison'd, he began to think it better to come to an open Rupture. For which purpose, with the Consent of the Marquis of *Cortone*, the Prince of *Rossano*, and the Duke or *Giosia*, he resolved to send secretly to sollicite King *John* of *Aragon* to come and take Possession of the Kingdom, which belonged to him by lawful Succession after the Death of his Brother *Alphonfus*. It was very lucky for *Ferdinand*, that King *John* had then Wars upon his Hands in all his Dominions, and especially in *Catalonia* and *Navarre*, because his Subjects of these two Nations could not bear that the King, at the Instigation of his Queen, who was the Daughter of the Admiral of *Castile*, should treat his eldest Son so ill, and use him like an Enemy, who was beloved by every body, and should seemingly design to leave his Dominions to

D. *Ferdinand*, the Son of his second Marriage; for if he had been disingaged from these Wars, he would certainly in a short time have driven King *Ferdinand* out of this Kingdom; so that King *John* returned for Answer to these Barons, that for the present, he desired them to be faithful to D. *Ferdinand* his Nephew, that he could easily part with his Right to the Kingdom, provided it continued in the Family of *Aragon*. On the other hand King *Ferdinand* having got some Intelligence of these Intrigues, sent immediately into Spain *Turco Cicinello*, a Knight of consummate Prudence, and the famous *Antonio d' Alessandro*, likewise a Knight and a most excellent Doctor, to beg of King *John*, that he would continue to favour the King his Nephew, and that he might look upon this Kingdom to be more his own, than those belonging to the Crown of *Aragon*. These Ambassadors had no great Difficulty in diverting that King from making any Attempt upon the Kingdom of *Naples*, for had he been willing, he wanted Troops. But they found Difficulty in compounding another Matter; for Queen *Mary*, the Wife of King *Alphonfus*, died in *Catalonia* a few Days before, and had left King *John* Heir to her Dowry, which was four hundred thousand Duckets; and he said, that it must be paid out of the Kingdom of *Naples*, and the Treasure that King *Alphonfus* had left; and these two Knights had much ado to compound the Matter by agreeing to pay that Sum in the Space of ten Years, alledging, that King *John* might as well demand the Kingdom, as so vast a Sum at that time, when a certain and dangerous War was impending over it.

THE Prince of *Taranto* seeing his Design thus blasted, made a new Attempt, in which, besides the aforesaid Barons, he would likewise have the Prince of *Rossano* engaged, who mortally hated the King; because it was reported, that the King had committed Incest with the Princess of *Rossano* his own Sister, the Prince's Wife; for which purpose he sent *Marco della Ratta* to beg of him, that since the Invitation given the King of *Aragon* had not had the desired Effect, he would join in inviting *John* of *Anjou* Duke of *Calabria*, who was then in *Genoa*.

THIS Prince came to *Genoa* before *Alphonfus* died, when that King obstinately refusing to restore to the *Genoese* the Ships that had been taken from them by his Cruisers, they out of Despair (since they could get no Assistance from the Powers of *Italy*) submitted to *Charles VII.* King of *France*, who sent *John*, the Son of King *Renatus*, to govern them; who, as we have said, had taken the Title of Duke of *Calabria*; therefore it was unanimously resolved to send the same *Marco della Ratta* to invite him. This *Marco* married a Daughter of *Giovanni Cossa*, who, as we have said in the preceding Book, went from *Naples* with King *Renatus*, and from that time had still continued in *France* with the Character of a loyal and brave Man; and for that Reason King *Renatus* made him Tutor to his Son Duke *John*; it was therefore an easy Matter to persuade the Duke to accept of the Invitation, to which he was not only of himself inclined, but was advised and encouraged by *Giovanni Cossa*, who, after an Exile of nineteen Years, was fond of returning to his native Country: so that at the same time that he sent to King *Renatus* in *Marseilles* to make Preparations of War, he fitted out Gallies and Ships at *Genoa*; and on the other hand the Prince of *Taranto*, who, as High-Constable of the Kingdom, had the charge of the Forces, put such Officers at their Head as depended upon him, and gave them Money to put themselves in order, and at the same time reinforced them with Recruits from *Marca* and *Romagna*; and now things seemed to be ripe in *Puglia* and *Abruzzo* for breaking out into an open War: And on the other hand the Marquis of *Cortone* had managed Matters so in *Calabria* that the People were ready to revolt. And while King *Ferdinand* was wholly intent upon suppressing these Commotions, he received Advice, that Duke *John*, with twenty two Gallies and four large Ships, was arrived upon the Coast of *Scilla*, and landed between the Mouths of the Rivers *Garigliano* and *Vulturno*; so that in an Instant a cruel intestine War was kindled in the Kingdom.

A full Account of this War, which broke out in the beginning of King *Ferdinand's* Reign, was written by *Gioviano Pontano*, a celebrated Scholar in those Times, and a cotemporary Writer, for he was King *Ferdinand's* own Secretary. *Michele Riccio*, likewise a cotemporary Author, treats of it also, though but briefly. *Angelo di Costanzo* ² has since described it more minutely, and with greater Exactness; protesting, that if he had enlarged in many things which *Pontano* had omit-

ted, he took them from the relation of *Francesco Puderico*, who was ninety Years old when he died, and who, together with *Sannazaro*, pressed him to write his History. *Antonio Zurita*, who for the most part follows *Pontano*, *Summonte*, and others, have likewise written of it at large; so that this War having been so fully described by these Authors, and it not being to my purpose, I refer the Reader to their Histories.

TO be short, Duke *John* was received by the Prince of *Rossano*, pushed forward with his Fleet to the Port of *Naples*, and invaded a great part of *Terra di Lavoro*. Then he marched to *Capitanata*, and found the Barons and People all inclined to join him. *Lucera* quickly opened its Gates, and *Luigi Minutelo* surrendered the Castle; *Troja*, *Foggia*, *Sansevero*, *Manfredonia*, and all the Castles of *Monte Gargano* followed the Example of *Lucera*; and *Ercole da Este*, who was Governor of that Province for the King, seeing that all the Cities within his Jurisdiction had revolted, joined the Duke. *Giovanni Caracciolo* Duke of *Melfi*, *Giacomo Caracciolo* Count of *Avellino* his Brother, *Giorgio della Magna* Count of *Bucino*, *Carlo di Sangro* Lord of *Torre Maggiore*, *Marino Caracciolo* Lord of *Santo Buono*, who in *Capitanata* and the County of *Molise* had many strong Castles, came and swore Allegiance to him; and *Aquila*, by the Persuasion of *Pietro Lallo Camponeseco*, set up the Standard of *Anjou*. The Prince of *Taranto*, who was then at *Bari*, came as far as *Bitonto* to meet the Duke, and conducted him to *Bari*, where he was received with Royal Pomp. The Prince of *Rossano* lay in wait for the King, in order to assassinate him; but his Army was defeated near *Sarno*. All *Principato*, *Basilicata*, and *Calabria* as far as *Cosenza* set up the *Anjou* Standard, and the Marquis of *Cortone* had already made all the rest of *Calabria* revolt; and whoever reads the History of this War written by *Pontano*, may judge what a vile Opinion the Barons and People had of King *Ferdinand*, that not only those that had sided with King *Alphonfus* his Father, or their Children, conspired to drive him out of the Kingdom, but his very *Catalans*, and even Pope *Callistus* who had been his Preceptor.

Ferdinand's Affairs were reduced to so low an ebb, that it was reported (which *Pontano* takes for granted) that Queen *Isabella di Chiaramonte* his Wife, seeing her Husband's Affairs in a desperate Condition, accompanied by her Confessor, left *Naples* under the Disguise of a *Franciscan* Monk, and went to the Prince of *Taranto* her Uncle, and throwing herself at his Feet, begged of him, that since he had made her a Queen, he would make her die a Queen, and that the Prince answered her, that she might rest contented, it should be done.

THE Duke of *Milan*, who had entered into this War for supporting King *Ferdinand*, and who, on account of the Pretension of the Duke of *Orleans* to the State of *Milan*, run the same risque with the King, finding *Ferdinand's* Affairs in such a Condition, bethought himself of saving the Kingdom to him by means of a Peace and Reconciliation; and he sent *Roberto Sanseverino* Count of *Cajazza* to the King's Assistance, with Instructions to advise him to endeavour to be reconciled with the Barons, and by Degrees recover the Kingdom: And because he was sensible, that the Barons knew the King to be of such a cruel and revengeful Nature, that he never observed Conditions nor Oaths, in order to glut himself with the Blood of those that had once offended him, he sent a Commission to the Count, empowering him, upon the Faith of a trusty Prince, and in his Name to secure such Barons as were willing to submit to the King¹. The coming of the Count of *Cajazza* gave a lucky turn to the King's Affairs, for being of kin to the Count of *Marfico*, he enter'd into a Treaty with him about his returning to the King's Allegiance, and accordingly it was agreed to; the Count willingly accepting of the honourable Conditions granted him by the King, amongst which were the Concession of the City of *Salerno* with the Title of Prince: The Power of coining Money: That the Estates of the Vassals forfeited for Felony should belong to the Prince, and not to the King, and other very honourable Conditions recorded by *Cossanzo*. The Count of *Marfico*, who, from this time forward, was call'd Prince of *Salerno*, sent immediately to Pope *Pius* for Absolution from the Oath he had taken to Duke *John*, when he created him Knight of the *Crescent*, to whom he return'd the Badges of the Order; and *Chioccorelli*² relates the Bull of *Pius II.* dated the 5th of *January* 1460. whereby he absolves from their Oaths all those

¹ Dem. loc. cit.

² Chioc. Tom. I. M. S. Giurisd.

who had taken that Order from Duke *John*, and dissolv'd that Society, which was call'd the Order of the *Crescenti*.

THE Agreement of the Prince of *Salerno* with the King contributed much to *Ferdinand's* Safety, for the Prince not only gave him free Passage through his Towns, and open'd to him the way to *Calabria*, but, together with *Roberto Orsino*, accompanied him in recovering it; and he reduced all the Towns from *Sanseverino* belonging to himself, the Count of *Lauria*, the Count of *Capaccio*, or to any other of his Followers, as far as *Cosenza*, to the King's Obedience. *Cosenza* was taken and pillag'd: *Scigliano*, *Martorano* and *Nicastro* surrender'd: *Bisignano* was taken by Force, and, in short, almost all that Province submitted to the King.

POPE *Pius* sent *Antonino Piccolomini*, his Nephew, with a thousand Horse and five hundred Foot to the King's Assistance, with which he recover'd *Terra di Lavoro*. At the same time the Duke of *Milan* sent him a new Reinforcement, by which many Towns in *Abruzzo* were reduc'd to his Obedience. The King march'd into *Puglia* in order to lay waste the Country of *Lucera*, where Duke *John*, with a good Body of Troops, was expecting the Prince of *Taranto*. *Sanseverino*, *Draginara*, and many other Towns of *Monte Gargano* surrender'd to the King; and, at last, he took *S. Angelo*, where he found all the Riches of *Puglia* had been brought. It was pillag'd with the utmost Avarice and Cruelty, and the King went down to the subterraneous Church of that famous Sanctuary, where he found a vast Quantity of Silver and Gold, not only what had been given out of great Devotion for that Sanctuary, but what had been carried thither from the neighbouring Places and put under the Custody of the Priests. The King having caused an account to be taken of it, seiz'd it, promising, that after he had recover'd the Kingdom, every thing should be restor'd, and he immediately caused this Silver to be coin'd into that Money which was call'd the *Coronati di S. Angelo*; which serv'd him in good stead in this War.

WHILE Affairs were in this State, there likewise arriv'd an unexpected Reinforcement to King *Ferdinand*; for *George Castriote*, surnam'd *Scanderbeg*, a Man most famous in those Times for his Exploits against the *Turks*, came from *Albania* to his Relief with a good number of Ships, in which were seven hundred Horse and a thousand Veteran Foot. He, not unmindful, that some Years before, when the *Turk* came to attack him in *Albania*, of which he was Prince, King *Alphonfus* had sent him Relief; and hearing that this War lay heavy upon King *Ferdinand*, he resolv'd to assist him in this manner; and his coming had so great an effect, that *Ferdinand's* Enemies were afraid to attack him.

CARDINAL *Rovarella*, the Apostolical Legate, who was then in *Benevento*, endeavour'd to bring over *Orsino* to the King's Party; and soon after the Marquis of *Cortone* made his Peace with the King, and the Count of *Vicastro* follow'd his Example.

ALPHONSUS Duke of *Calabria*, the King's eldest Son, who was but fourteen Years of Age, was sent by his Father, under the Direction of *Luca Sanseverino*, to subdue the rest of *Calabria*, who shewing from his Childhood what was to be expected from him when grown up to Man's Estate, with the utmost Diligence and Boldness accomplish'd the Design. On the other hand, the King beat his Enemies in *Capitanata*, took *Troja*, and brought that whole Province under Subjection; so that the other Barons, seeing the King so successful, and the *Anjou* Faction in such a declining State, came and submitted to him, and *Giovanni Caracciolo*, Duke of *Melfi* did the same.

THE Prince of *Taranto*, at last finding that he was no longer able to resist the King, who was coming to besiege him, resolv'd to send Ambassadors for making his Peace with him¹. *Ferdinand* consented, and sent *Antonello di Petruccio*, his Secretary, with Cardinal *Rovarella*, the Pope's Legate, to treat about Conditions with the Prince's Ambassadors, between whom it was agreed, that the Prince was to drive Duke *John* out of *Puglia* and all his Towns. The Prince retir'd to *Altamura*, where he shortly after died, not without suspicion that the King had caused him to be strangled.

NOTHING now remain'd to be done, but to reduce that Part of *Terra di Lavoro*, which lies on the other side of *Vulturno* and *Abruzzo*, where Duke *John* and the Prince of *Rossano* had fortify'd themselves. However, the War was car-

¹ Ricc. lib. 4. Hist. Regn. Neap.

ried on against *Sora*, which the Pope's Troops, though solicited by *Ferdinand*, refus'd to attack; alledging, that the Pope had not sent them to assist the King, because the Duke of *Anjou's* Party having been brought so low, he stood no longer in need of their Assistance, but only because his Holiness pretended, that the Dutchy of *Sora*, the County of *Arpino*, and that of *Celano*, having once belong'd to the Church of *Rome*, they ought to be restor'd to it. The King, that he might not involve himself in new Disputes, fell upon an Expedient of giving the County of *Celano* as a Portion to *Antonio Piccolomini*, the Pope's Nephew, and his own Son-in-Law, upon Condition of his acknowledging the King for his supreme Lord; and then Pope *Pius* dying, he gave the Dutchy of *Sora* to *Antonio della Rovere*, Pope *Sixtus's* Nephew, upon the same Condition. At last the Prince of *Rossano* likewise sent to treat of a Peace, and by means of Cardinal *Ravella* it was concluded, upon Condition, for the greater Security, that it should be confirm'd by a new tie of Alliance, viz. That the King should give *Beatrice*, his Daughter, who was afterwards Queen of *Hungary*, in Marriage to *Giovan-Battista Marzano*, the Prince's Son, and accordingly she was immediately sent to *Sessa*, to *Eleonora* Princess of *Marzano*, as a Pledge of Security, and a certain Peace. But quickly after the King caused the Prince to be imprison'd, and sent to take Possession of his State, and order'd the Princess, together with her Children and his own Daughter, who had been promised in Marriage to the Prince's Son, to come to *Naples*.

DUKE *John* seeing himself depriv'd of his Partizans, agreed with the King to go whithersoever he should think fit, and having got a safe Conduct, he went to *Ischia*; and the King, after having entirely reduc'd *Puglia*, *Aquila* and all *Abruzzo* to his Obedience, had nothing more to do but to reduce *Ischia*, whither the Duke of *Anjou* had retir'd, and was guarded by eight Gallies, which daily infested *Naples*; and the King not being able to compass his Design, was forced to send to *Catalonia*, to King *John* of *Aragon*, his Uncle, to get him to send *Galzerano Richiens*, with a Squadron of *Catalan* Gallies, in order to put an end to the War: whereupon the Duke seeing all his Adherents were either dead, or imprison'd, or in extreme Necessity, resolv'd to quit the Kingdom, and having embark'd, he sail'd for *Provence* with two Gallies: After his departure, the *Catalan* Squadron being arriv'd, *Toreglia*, who commanded the Island of *Ischia*, by the Mediation of *Lupo Zimenes d'Urrea*, Viceroy of *Sicily*, propos'd a Treaty for surrendering it, but King *Alphonfus* having made *Ischia* a Colony of *Catalans*, King *Ferdinand*, afraid that the *Catalans* would set up the Standard of the King of *Aragon*, his Uncle, and make him think of attacking the Kingdom, contented himself with granting *Toreglia* most honourable Terms, and setting at Liberty his Brother *Charles*, who a little before had been made Prisoner, and giving him fifty thousand Ducats, and restoring him two Gallies that had been taken; which was immediately put in execution, and *Ferdinand* put in Possession of the Island.

GIOVANNI Pontano writes, that Duke *John*, at his leaving the Kingdom, left a very noble Character of himself in the Minds of the People, and especially of the Nobility, for he was of a most courteous Behaviour, singular Fidelity, great Constancy and Resolution, an excellent Christian, extremely liberal, grateful, and a Lover of Justice; and what is not natural to the *French*, he was grave, severe and circumspect. The extraordinary Virtues of this Prince mov'd many Gentlemen of the Kingdom to follow his Fortune, and go with him to *France*, amongst whom were Count *Nicola di Campobasso*, *Giacomo Galeotto*, and *Rossallo del Giudice*; and the two last gain'd such Reputation in the Wars, that *Galeotto* was the King of *France's* General at the Battle of *S. Albino*, where he obtain'd a great Victory^{*}; and *Rossallo* was the same King's General in the War of *Roussillon* against the King of *Aragon*, where he perform'd many notable Actions; and the King gave him the Title of Count of *Castres*.

BUT Duke *John*, upon his arrival in *Provence*, was not long idle, for he was invited by the *Catalans*, who had revolted from King *John* of *Aragon*, which prov'd doubly favourable to King *Ferdinand* I. because it freed him at once from three Rivals, Duke *John*, King *Renatus* his Father, and the King of *Aragon*, which last, if he had not had Duke *John* to deal with, had certainly begun to give

* Costanzo lib. 20.

King *Ferdinand* that Trouble, which afterwards King *Friderick* gave King *Ferdinand* the Catholick, who succeeded him. The County of *Barcelona* had rebel'd against King *John*, and invited King *Raniero* to be their Lord, who was born of a Sister of King *Martin* of *Aragon*, and who claim'd the same Right to that State, and the Kingdoms of *Aragon* and *Valencia*, that the Father of King *Alphonfus* had, and that this King *John* pretended, who was the Son of the other Sister. Our King *Ferdinand* being adviled of this, sent some Companies of Men at Arms to *Catalonia* to the Assistance of his Uncle; and Duke *John*, after he had left our Kingdom, upon his arrival in *France*, went immediately upon this Expedition, as his Father's Vicar, and commanded till 1470, in which Year he died in *Barcelona*: And to keep up the Pretensions of the *French* to this Kingdom, he convey'd his Rights to *Lewis* and *Charles*, Kings of *France*, in the manner as hereafter shall be related.



C H A P. II.

The Marriage of Alphonfus Duke of Calabria with Hippolita Maria Sforza, the Daughter of the Duke of Milan: Of Eleonora, the King's Daughter with Hercules d'Este, Marquis of Ferrara; and of Beatrice, another of his Daughters, with Mathias Corvin, King of Hungary. The Death of Pope Pius II. and the Disputes which arose between Paul II. his Successor, and King Ferdinand, which, in the Time of Pope Sixtus IV. his Successor, were ended.



AFTER King *Ferdinand* had triumph'd over so many Enemies, and brought the Kingdom under his Obedience, he was resolv'd to repair the Damages it had sustain'd by a seven Years continual War, which had quite overturn'd and put it in disorder; but first of all, for greater Security, he endeavour'd to strengthen himself by new Alliances, and to put in execution the Treaty, which, many Years before, he had made with the Duke of *Milan*, of marrying the Duke of *Calabria* to *Hippolita*, his Daughter; therefore in the Spring of this Year 1464. he sent *Friderick*, his second Son, with six hundred Horse to *Milan* to conduct the Bride.

FREDERICK, upon his arrival in *Milan*, in the Name of his Brother, marry'd *Hippolita*, who having left *Milan*, and been entertain'd for two Months in *Sienna*, from thence came to *Rome*, and at last to *Naples*, where she was receiv'd with great Pomp by *Alphonfus*, her Husband, and the King caused many Feasts and Tournaments to be celebrated. Some Years after the new Alliance was concluded with *Hercules d'Este*, Marquis, and afterwards Duke of *Ferrara*, to whom the King gave *Eleonora*, his Daughter, in Marriage; and the Duke sent *Sigismond*, his Brother, to *Naples* to conduct his Bride to him, whom the King sent, accompanied by the Duke of *Amalfi* and his Dutcheß, by *Francesco di Capua*, Count of *Altavilla*, and his Countess, by the Count and Countess of *Buchianico*, by the Duke of *Andria*, and other Noblemen.

THEN was likewise concluded the Marriage of *Beatrice* with *Mathias* King of *Hungary*; and the Time being come, that the Bride was to be conducted to

her Husband, her Coronation was appointed to be before the Church *dell' Incoronata*, where a most magnificent Theatre was erected, whither the King came in his Royal Robes, and the Crown upon his Head, accompanied by his chief Barons; a little after came *Beatrice*, who, with great Pomp, was crown'd Queen of *Hungary* by Cardinal *Oliviero Caraffa*, Archbishop of *Naples*, assisted by many Bishops; and the Day following, the new Queen, after having visited all the *Seggi* of the City on Horseback, with the Crown upon her Head, accompanied by all the Barons, left *Naples*, and was attended by the Dukes of *Calabria* and *S. Angelo*, her Brothers; and being arriv'd in *Manfredonia*, they embark'd in the Gallies of *Naples*, and conducted her to *Hungary*. These Princes were attended by some of our Advocates, who, as *Duarenus* writes, by their Intrigues and Subtleties involved *Hungary* in inextricable Controversies; insomuch that they were turn'd out of the Kingdom, in order to restore it to its former State of Peace and Tranquillity.

ALL these Feasts were interrupted by the Grief, occasion'd by the Death of Queen *Isabel*, a Lady of a most exemplary Life, and truly Royal Virtues. She was lamented by every body; and with most pompous Obsequies her Corpse was bury'd in the Church of *S. Peter the Martyr*.

BUT what more perplex'd King *Ferdinand*, was the Death of Pope *Pius*, which happen'd on the 19th of *August* 1464, which was follow'd the same Year by that of the Duke of *Milan*, and soon after by that of *George Castriote* Prince of *Albania*, his best Friends and greatest Supporters: For *Pius* being succeeded by the Cardinal of *S. Mark*, a *Venetian*, who took the Name of *Paul II.* naturally avaritious, began to press King *Ferdinand* for the Payment of the Arrears of Tribute, which was owing to the Church of *Rome*, and had not been paid for many Years: *Ferdinand* being oppress'd by the excessive Charges of the late War, and quite exhausted of Money, not only excused himself on account of his Inability to pay them, but he begg'd of the Pope that he would remit them. And at this very time they would have come to an open Rupture, if the Pope, who had a Mind to humble the Sons of the Count of *Auguilara*, had not wanted the King's Assistance, to whom he made Application for some of his Troops, which *Ferdinand* readily granted him. But the Expedition against *Auguilara's* Sons being over, these Differences, which had lain dormant some time, were reviv'd again; for the Pope began to demand the Tributes with more Rigour than he had done at first, and obliged the King to be plain with him, and he not only pretended, that the Tributes ought to be remitted, even upon account of the Charges he had lately been at in giving him Assistance, but that for the future, the Tribute, which formerly amounted to 8000 Ounces yearly, ought to be lessen'd; because formerly that Tribute was not only paid for the Kingdom of *Naples*, but for that of *Sicily*; therefore *Sicily* being in the Possession of *John* King of *Aragon*, his Uncle, he ought not to pay the whole Tribute. On the other Hand, the Pope magnify'd the Assistance, which the King had had from his Predecessor, who had kept him in Possession of the Kingdom, and alledged the Investiture given upon that Condition, and the so many Merits of the Church¹. And sometimes the one complaining, sometimes the other, both were waiting a favourable Opportunity to make good their Claims; but *Ferdinand*, in order to make the Pope yield to his desire, brought another Pretension upon the Carpet, and made pressing Instances for the Restitution of the Towns which the Pope possess'd within the limits of the Kingdom, to wit, *Terracina* in *Terra di Lavoro*, and *Civita Ducale*, *Acumoli* and *Lionessa* in *Abruzzo*, on the Borders of the State of the Church; and that by virtue of the Agreement made in 1443, between Pope *Eugene IV.* and King *Alphonfus*, his Father; as also he claim'd the Restitution of *Benevento*, which he had restor'd to Pope *Pius*, his good Friend, but had no mind to have a Pope enjoy it, whom he both suspected and hated. The Pope seeing the King thus exasperated, not able either by force or cunning to resist him, immediately sent Cardinal *Rovarella*, his Legate, to *Naples* in order to pacify the King, who perform'd his part so well, that for that time there was no more mention made of the Arrears of Tribute, nor of the Restitution of the said Towns.

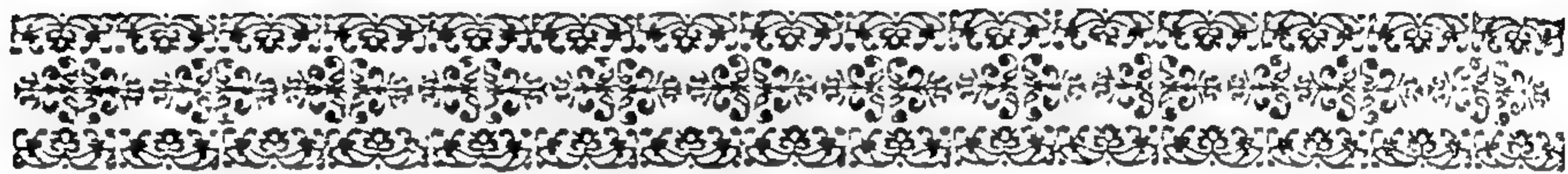
THERE arose afterwards some other Disputes about the Lordship of *Tolfa*; for the Pope pretending, that the Rock-alum that grew there was his, besieged the Place; but the King's Army coming unawares, the Pope's Troops immediately raised the

¹ Platin. in *Paul. II.*

Siege and fled¹. The Quarrels, which our Kings have had with the *Roman Pontiffs*, were always very bitter; they not only pretended, that the Alum of *Tolfa*, but that which was made in the Fields of *Pozzuolo* and *Agnano* belonged to the Apostolical See, of which Controversies *Cbioccarello* treats in his *M. S. Giuridizionali*. The Death of Pope *Paul*, which happen'd on the 18th of *July* 1471, and the Election of Cardinal *Francesco della Rovere*, who took the Name of *Sixtus IV.* put an end to all these Disputes; for Pope *Sixtus*, provided that *Ferdinand's* Pretensions should be no more mention'd, in 1475, sent him a Bull, recorded by *Cbioccarello*², wherein he remits him all the Arrears of Tribute; and that during his Life he should not be obliged to pay any, but in lieu of the Tribute, he should be bound to send yearly, on account of the Investiture, a white *Spanish Genet*, with all his Trappings³; and *Ferdinand*, finding that this Pope was a Man of a great Spirit, was resolved to be allied to him; and for that End gave the Dutchy of *Sora*, which he had taken from *Giovan-Paolo Cantelmo*, to *Antonio della Rovere*, and gave him in Marriage *Catharina*, the Daughter of the Prince of *Rossano*, by *Dionora* of *Aragon*, his own Sister.

¹ Summont. Tom. 3. pag. 474.
² Chioc. Tom. 1. M. S. Giurisd.

³ Platin. in Sixto IV. Summont. Tom. 3. pag. 490.



C H A P. III.

The Splendor of Ferdinand's Royal Household, who having settled Peace and Tranquillity in the Kingdom, improved it with new Laws and Regulations; encouraged learned Men and Learning, and introduced new Arts.

FERDINAND, treading in the Footsteps of King *Alphonfus*, his Father, and seeing the Kingdom in Peace and Quiet, did not neglect in these happy Years to improve and enrich it with new Arts, and to furnish it with provident Laws and learned Men, famous for all sorts of Sciences, and especially Professors of the Civil and Canon Laws; whence it came, that in his Reign, besides the Splendor of his Royal Family, the Lawyers and Learning were in a most flourishing Condition with us. And *Naples*, at this time, was in the same glorious State, in which it was in the Reign of *Charles II.* of *Anjou*, on account of the many Princes of the Blood that adorn'd his Court. *Ferdinand*, as well as *Charles*, had many Sons, who were shining Ornaments of his Royal Household. By Queen *Isabella* of *Chiaromonte*, besides *Alphonfus* Duke of *Calabria*, appointed to be his Successor in the Kingdom, he had *Frederick*, a Prince of such Goodness and Wisdom, that his Father first made him Prince of *Squillace*, then Prince of *Taranto*, and afterwards of *Altamura*. He had *Francis*, whom he created Duke of *S. Angelo*. He had *John*, who was made a Cardinal by *Sixtus IV.* and call'd Cardinal of *Aragon*. He had also *Eleonora* and *Beatrice*, his Daughters, the one married to the Duke of *Ferrara*, and the other to the King of *Hungary*.

QUEEN *Isabella* dying in 1477. King *Ferdinand* married his Cousin *Joan*, the Daughter of *John* King of *Aragon*, his Uncle, by whom he had only one Daughter, whom he call'd *Joan* after her Mother. Besides these he had Duke *Henry* and Duke *Cesar*, his natural Sons, and some Daughters begotten the same way, whom he married to the chief Lords and Barons of the Kingdom.

TO so many of the Royal Blood of *Naples* was likewise added the Family of the Duke of *Calabria*, who, as we have said, being married to *Hippolita Sforza*, Daughter to the Duke of *Milan*, had three Children by her, *Ferdinand* the eldest, *Peter* and *Isabella*; but *Peter* died both before his Father and Grandfather; and *Isabella* was married to *John Galeazzo*, Son to *John Galeazzo* Duke of *Milan*, who dying, the Son was put under the Guardianship and Tuition of *Lewis*, his Uncle, who, as shall be told, put *Italy* all in a Flame, and was the Occasion of so many Revolutions. The Royal Family of *Naples* in those times had no reason to envy any Court even of the greatest Princes of *Europe*, and *Camillo Tutini*, lamenting its Misfortune, in the Supplement of the Vicissitude of *Tristano Caracciolo's* Fortune, writes, that one day, at a Feast celebrated in *Naples*, there appear'd above fifty Persons of this Family, insomuch, that it was thought it never could be extinguish'd; and it was supported with the greatest Splendor and Magnificence, as well upon the occasions of solemnizing so many Marriages and Coronations that were made, as with Respect to so many Courts as those Princes of the Blood kept, and the great Number of the superior and inferior Officers of the Royal Household, which was kept up with vast Pomp while the City of *Naples* was the Royal Seat.

THE Pomp and Splendor of the Royal Family was not only maintain'd, but *Ferdinand* was resolv'd likewise to restore the Officers of the Crown, whose Offices, being exercised, for the most part, by those rebel Barons, whom he had extinguish'd, by the preceding Revolutions and Confusions, were become vacant. By the Death of the Prince of *Taranto*, the Office of High Constable being vacant, he invested *Francesco del Balzo*, Duke of *Andria*, in it. By the Ruin of the Prince of *Rossano*, the Office of High Admiral being likewise vacant, he gave it to *Roberto Sanseverino*, Prince of *Salerno*. By the Rebellion of *Ruggiero Acclocciamuro*, he made *Antonio Piccolomini*, Duke of *Amalfi*, Lord Chief Justice. He pitch'd upon *Onorato Gactano*, Count of *Fondi*, to be Great Prothonotary: *Girolamo Sanseverino*, Prince of *Bisignano*, to be Lord High Chamberlain: *Giacomo Caracciolo*, Count of *Brienza*, to be Lord High Chancellor; and *Pietro di Guevara*, Marquis del *Vasto*, to be Lord High Steward. During the Reign of the *Aragonians* these Officers were in their antient Splendor and Pre-eminency, but now since *Ferdinand* had no other Dominions, he therefore endeavour'd to raise their Prerogatives, in order to have his only Kingdom make the more shining Figure.

ALTHOUGH this Prince had dealt very roughly with his Barons upon account of the late Rebellion, and had therefore got the Name of cruel and inhuman; nevertheless, he gain'd the good Will of his Adherents, by raising them to Honours and Dignities. He augmented the Number of Titles, and especially of Counts, of which he created many, for in 1467, he made *Matteo di Capua* Count of *Palena*: *Scipione Pandone*, Count of *Venafro*: *D. Ferrante Guevaro*, Count of *Belcastro*, and many others; so that he encreased the Number of Titles in the Kingdom much more than King *Alphonfus* had done, as may be plainly seen by the List, which *Summonte* made, far exceeding those made either in the Reign of *Alphonfus*, or the other *Anjouian* Kings, his Predecessors.

HE likewise, as has been said, among the other Orders of Knighthood instituted a new one, call'd *dell' Armellino* (of the *Ermine*) with which he was wont to adorn many. He instituted this Order upon account of the Quarrels he had with the Prince of *Rossano*, who, as we have said, having taken Part with Duke *John* of *Anjou*, not able to overcome the Enemy by force, had recourse to Deceit and Treachery; for at the same time, that, by the means of a new Alliance, he had made his Peace with the King, and seem'd to have left Duke *John's* Party, he enter'd into a new Conspiracy with the Duke against the King; of which *Ferdinand* being apprised, caused him to be seiz'd, and sent Prisoner to *Capua*, from whence he was afterwards brought to *Naples*. Many advis'd the King to order him to be put to Death, but he would not consent, saying, that it was not reasonable to imbrue his Hands in the Blood of his Kinsman, though a Traytor. Afterwards having a Mind to make his generous Sentiments of Clemency known, he devised an Ermine, which so much values the Purity of its whiteness, that it chuseth rather to be taken by the Hunters, than be defiled with the Dirt, which they usually spread about the Mouth of its Hole, in order to catch it. Therefore the King wore a Collar adorned with Gold and Jewels, with an Ermine hanging at it, with this Motto: *Malo mori, quam fœdari*. In opposition to Duke *John* and his

Knights of the *Crescent*, *Ferdinand* instituted this Order of the *Ermine*, and made many Knights of it; and *Pigna*¹ writes, that among others he made his Son-in-Law, *Hercules d'Este*, Duke of *Ferrara*, a Knight Companion of this Order, to whom he sent the Collar by *Giorvan-Antonio Caraffa*, a *Neapolitan* Knight.

FERDINAND, besides his having been at so much Pains in adorning the Kingdom, like a provident Prince, who delighted in the Plenty and Riches of his Subjects, facilitated the Traffick of the Merchants, and encouraged their Commerce to all Parts, both of the *East* and *West*: but above all, his having introduced into *Naples*, and improved many Arts, and particularly that of manufacturing Silk, and weaving Cloth of Gold and Silver, ought to be acknowledged by this City as the chief Cause of its Grandeur, and of the encrease of its Citizens and Riches.

THIS Art had already been introduced into many Cities of *Italy*; therefore after the Death of Queen *Isabella*, his Wife, in 1465. he resolved to introduce it into *Naples* also, and having made many skill'd in it to be invited from different Places, at last he pitch'd upon *Marino di Cataponte*, a *Venetian*, an experienced Master in this Art, to whom the King having lent a thousand Crowns for carrying on the Work: Cloths of Silk and Gold were woven here; and, in order to encourage this Manufactory the more, he not only exempted every thing that was necessary for this Work from all Duties and Taxes, but likewise the Silk, gold Thread, Cochineal, and whatever was useful either for dying, or weaving, or making Cloth of Gold and Silver²: Besides he commanded, that all the Artificers of this Manufactory should be treated and reputed in every thing as *Neapolitans*: That in all their Causes, as well Civil as Criminal, they could not be sued before any Tribunal or Officer of Justice, excepting their own Consuls: That all those, of what Nation soever they were, who should come to exercise this Art in *Naples*, should enjoy the same Liberty, and be judged by their own Consuls only: That all those who had a mind to exercise, or shall exercise this Art, whether they be Merchants, Masters, Apprentices, or Journeymen, must enter themselves into a Roll or Book belonging to their Art, in which, as soon as they are inroll'd, they are to enjoy all the Privileges and Conditions granted, or that shall be granted by the King and his Successors in the Kingdom: That every Year on the Feast of S. *George*, they shall meet and chuse three Consuls, who every *Saturday* shall meet and administer Justice to them. Many other Privileges were granted by *Ferdinand* to this Art and *Marino Cataponte*. He likewise granted others to *Francesco di Nerone*, a *Florentine*, to whom he promised to pay three hundred Ducats, yearly Salary, that he might assist in and exercise this Art in *Naples*. He also granted other Privileges to *Pietro de Conversi*, a *Genoese*, and others to *Girolamo di Goriantè*, a *Florentine*³. The succeeding Kings likewise ennobled this Art with other Privileges, insomuch that a new Tribunal was erected in *Naples*, which is call'd, The noble Society of Silk-Weavers. It is composed of the Consuls, a Judge, or their Assistant, and the Advocate Fiscal of the Vicariate may likewise be present⁴. From the Decrees of this Tribunal there's no Appeal but to the S. C. where the Judge makes the Reports standing and bare-headed, nor gets he the Title of *Magnifico*, as *Tasseri* says in his *Maggazzino Universale*.

WE ought not to pass over in silence what *Summonte*⁵ relates in his History of *Naples*, which was written above a hundred Years ago, that by this Art *Naples* was so much encreased, and the Kingdom ennobled, that many flocking from all Parts to practise it, and the Natives applying themselves to it, the City was crowded with Inhabitants, the half of which liv'd upon the Profits arising from this Art; for they not only came from the neighbouring Cities and Towns of the Kingdom, but whole Families came from different Parts of *Europe*, so that in his Time, he says, that the Number of Inhabitants was so great, that the City was enlarged very near a third part more than ever it had been.

THUS writes this Author, when Luxury and Prodigality were not arriv'd at that height and excess we have seen them in our time. At present Things are grown to such a Pitch, that there is not the meanest Wench, or Clown, or Tradesman, but what wear Silk, whereas in the times of those *Aragonian* Kings,

¹ Pigna lib. 8. Hist. della fam. d'Este. Eugen. Diss. de' Cav.

² V. Franchis Decis. 722. Num. 17, & 18.

³ V. Tasson de Antefat. ver. 3. obs. 3. num 30.

⁴ Franchis decis. 679.

⁵ Sum. tom 3. pag 481.

Kings, as the Counsellor *Matteo d'Afflitto* reports¹, Silk was not worn but by Lords and Ladies.

FERDINAND not only brought this Art among us, but a few Years after, in 1480, he introduced the Woollen Manufactory, and granted much the same Privileges to its Consuls. He order'd, that all those who practis'd that Art, should be enter'd in a Roll or Book, and be judged by their own Consuls only². Therefore another Tribunal was erected, and call'd, The Woollen Manufactory, which is compos'd of the Consuls, and their Judge or Assistant, where the Advocate Fiscal of the Vicariate may be present whenever he thinks fit. Besides, there are no Appeals from their Decrees excepting to the S. C. where the Reports are made in the same manner as those of the Tribunal of the Noble Art of Silk Weaving.

IN the Years 1458, and 1474. *Ferdinand* also rais'd the Goldsmiths Trade, by allowing them to chuse their own Consuls, to whom he gave Power of inspecting the Faults committed in the Workmanship³; and he prescribed the Methods and Rules whereby to prevent Frauds; being equally solicitous to have all the other Arts flourish, and to prevent deceit.

¹ Afflit. decis. —

² Franchis decis. 722. num. 28, & decis. 673, |

Tasson. de Antifat. verb. 3. obs. 3. num. 305.

³ V. Tasson. de Antefat. ver. 3. obs. 3. num. 389.



CHAP. IV.

How the Art of Printing was brought to Naples, and its Improvement. How the Prohibition of Books, or the Licence for Printing them proceeded from thence; and what Abuses crept in, as well with respect to the Prohibition, as the revising of them.

BUT what *Naples*, the whole Kingdom, and all learned Men ought chiefly to praise this Prince for, was his having been the first who brought the Art of Printing to this City. *Ferdinand* was not only a Lover of Learning, but likewise a very learned Prince himself; whence it was, that so many learned Men in all Professions flourished in his Reign, as we shall have occasion to mention. The Art of Printing was found out in the Beginning of this Century, about the Year 1428. But if we may give credit to *Polydore Virgil*, it was invented in 1451. by *John Gutterberg*, a German, who brought it first to *Harlem*, a City of *Holland*. It was afterwards divulged in the Cities of *Germany*, and in *France*. Two Brothers, Germans, according to *Volteranus*, brought it to *Italy* in the Year 1458. one of them went to *Venice* and the other to *Rome*, and the first Books that were printed in *Rome* were those of *S. Augustin*, *De Civitate Dei*, and the *Divine Institutions* of *Laetantius Firmanus*. King *Ferdinand* soon after caus'd it to be brought to *Naples*. *Possaro* writes, that in the Year 1473. *Arnold* of *Brussels*, a Flemming, brought it hither, who being received by the King with great Marks of Esteem, many Privileges and Franchises were granted him. Others relate, That in the Year 1471. a Priest of *Strasburg*, named *Sixtus Rufingerus*¹ brought it to us. Be that

¹ Tom. Borio de sign. Eccl. cap. 5. fig. 93. Rocca de Typogr. &c. rapportati da Summ. pag. 488. tom. 3.

as it will, *Ferdinand* encouraged the Artists, and set them at work; so that Books began to be printed in *Naples*. The first Books that were printed here, were the Commentaries upon the second Book of the Code of the famous *Antonio di Alefsandro*; and the Books of *Angelo Catone* of *Supino*, Professor of Philosophy in *Naples*, and King *Ferdinand's* Physician, who having corrected and enlarged the System of Physick, composed by *Matteo Salvatico* of *Salerno*, dedicated to King *Robert*, in 1474, caused it to be printed in *Naples* by that *German*, who a little before had brought the Art hither from his own Country¹. Afterwards from time to time other Books were printed, such as the Works of *Avello Arcamone* upon the Constitutions of the Kingdom, and a great many more.

KING *Charles VIII.* came afterwards to *Italy*, and having conquer'd the Kingdom of *Naples*, where staying six Months, which was exactly the time he kept it, some *French* Printers, expert in the Art, came quickly hither, and brought it to a much greater Perfection, reducing it to a better Form, whereby it became more correct than it had been formerly. Thus by degrees, as it usually happens to all other Arts, it was brought to a more noble Form with us, as may be seen by the Impression of some Books printed in those times, and among the rest of *Sannazaro's Arcadia*, which *Pietro Summonte*, his Friend, while the Author was in *France* following the Fortune of King *Frederick*, his Master, caused to be reprinted in *Naples* upon very fine Paper, with an excellent Character, it having been twice printed at *Venice* full of Errors, and very incorrect: Nevertheless, *Summonte* desired the Cardinal of *Aragon*, to whom he dedicated it, to excuse him, if the Print was not so fine, as formerly it used to be in *Naples*, and as was then usual in the other more peaceable Cities of *Italy*; for *Naples* being all in Confusion by reason of the Wars and Revolutions, it was with difficulty he had got the use of that Character.

BUT the Emperor *Charles V.* coming afterwards to *Naples*, at the Persuasion and Solicitation of the famous *Agostino Nifo da Sessa*, a renowned Philosopher, and the Emperor's Physician, this Art was much more encouraged and improved; for in the Year 1536, this Emperor granted great Privileges and Immunities to it and its Professors, exempting them from all Duties, Taxes, or other Payments whatsoever, as well for Paper and Characters, as for all other Things necessary for bringing the Art to Perfection; of which Privileges, besides *Summonte*², among our Writers, *Toro*³, and the Counsellor *Altimari*⁴, bear witness. So that by the Encouragement of this Prince, the Art of Printing was promoted in *Naples*: The learned Men seeing themselves so much countenanced, endeavour'd to shew their Talents in print; for the Books of the Antients, which had formerly been written with the Pen upon Parchment, and were scarce, being now printed, turn'd to their great Advantage, not only by having Books easily, but also very correct. Whence the Academies began to flourish, and the Number of learned Men encrease not only in *Naples*, but in the other Cities of the Kingdom, whither the Art of Printing had likewise been carry'd, such as *Aquila*, *Leccce*, *Cosenza*, *Bari*, *Benevento*, and some others. And the Editions proved most correct, upon fine Paper, and of excellent Characters, as may be seen by some Books printed in those times; and among the rest, by the Poems of *Bernardina Rota*; the Law Works of *Cesare Costa*, Archbishop of *Capua*, and many others, of which first Editions there are many Copies in the Library of the *S. Domenico Maggiore* of this City.

AS the Invention of this Art was look'd upon in those times to be extremely useful and necessary for the Communication of Learning, so in the subsequent times it became equally prejudicial; for Men being taken up in reading of so many Books as were publish'd, though they loaded their Memories with infinite Erudition, yet they fail'd in Judgment and Invention, so that there appear'd but seldom Men of great Genius, who by making a good use of their Talents, were able of themselves to improve the Arts and Sciences. Besides, in the preceding Century it was the occasion of bringing Inconveniencies and Confusions among us; for all pretending to be learned and judicious, by reason of the readiness of Printing, and the small Charges, Men of Letters were seiz'd with an universal Itch for printing whatever happen'd to be the Product of their Fancies or Pens, in whatsoever Profession; so that in the seventeenth Century, an infinite number of Volumes were publish'd in

¹ Toppi Biblioth. Neap. fol. 17.

² Summonte tom. 3. pag. 488.

³ Toro in Suppl. Comp. decis. ver. libri.

⁴ Altimari, ad Conf. Revit. tom. 3. obs. 8. n. 29. & 31.

print, for the most part by the Monks and Lawyers, generally insipid, and stuffed with vain and trifling Things. The Printers encouraged them, and in order to make their Charges the more easy, they caused a Paper of a worse sort to be made, which they made use of in printing their Books, and which they afterwards call'd *Printing-Paper*. But for all that, they did not leave off making use of the finest Paper and Characters upon other Occasions. Such is the Greediness and Avarice of the Tax-gatherers of our Times, that notwithstanding the Emperor *Charles V.* had exempted the Printers from paying Duty for the fine Paper, which they were to use in Printing, yet they pretend that that Exemption ought to be confin'd to the Printing Paper, and not extended to the Paper of a better Quality; as if the last could not be made use of in Printing, or that, before the first was invented, the fine Paper had not been, at all times, used in Printing the Works of the Learned.

S E C T. I.

Abuses in the Liberty of the Press, and Prohibition of Books.

THE useful Art of Printing, from which the World has reap'd so many Advantages, by the Corruption of Authors, and the Facility and Readiness, which many had in publishing the Productions of their Brains, was afterwards perverted to a bad use. The Heresy of *Luther*, which being spread over *Germany*, and diverse Books dispersed by means of the Press, threaten'd the other Parts of *Europe*: Therefore it was necessary for the Princes to have a watchful Eye upon it, and to regulate the use of it by Laws. The Popes, as being liable to receive greater Detriment from the Liberty of the Press, than secular Princes, kept a very strict Eye upon it: Therefore, after the Art of Printing came to be practis'd, both the Popes and Princes, at different times, made many Prohibitions and Restrictions.

BUT the Popes afterwards attempted to make Encroachments with respect to these Prohibitions; for they pretended, that they only had a Right either to forbid Printing, even upon Pain of temporal Punishment, or to grant the Liberty of the Press. Cardinal *Baronius*, in the XII. Tome of his Annals (writing in his own Defence, when *Philip III.* prohibited his XI. Tome, in which, though he had little Reason, he must needs impugn the Monarchy of *Sicily*) was the first that boldly maintain'd it¹; but being suitably chastis'd by that Prince, none dar'd to defend what the Cardinal had advanced: For, as we have said in the second Book of this History, the ancient Discipline of the Church was, that when Religion was the Matter in question, the Censure belonged to the Bishops, but the Prohibition to the Prince. The Emperors, after the Censure of the Bishops and Council, prohibited the Books of Hereticks upon Pain of temporal Punishment, and condemned them to the Flames; of which we have many Examples in the *Theodosian Code*. The Fathers of the Council of *Nice* first condemned the Books of *Arius*; and then *Constantine* the Great made an Edict, prohibiting and condemning them to be burnt; and the Books of *Porphyry* had the same Fate². The Fathers of the Council of *Ephesus* condemn'd the Writings of *Nestorius*, and the Emperor publish'd a Law prohibiting the reading of them³. The Council of *Chalcedon* condemn'd the Writings of *Eutyches*; and the Emperors *Valentinian* and *Marcian* made Laws condemning them to be burnt⁴. The same was practis'd by *Charles* the Great⁵, and by other Princes in their Dominions. And to come nearer to our own Times, in 1550, *Charles V.* publish'd a terrible Edict in *Brussels* against the *Lutherans*, in which, among other Things, he rigorously prohibited the Books of *Luther*, *Oecolampadius*, *Zuinglius*, *Bucer*, and *John Calvin*, which had been printed thirty Years before, and all Books of that kind, which had been mark'd in an *Index* made by the Divines of *Louvain* for the purpose⁶; for

¹ V. il P. servita nell'Historia dell'Inquis.² Euseb. De Sacr. Epist. auct. cap. 1. § 7. fol. 14.³ Liberat. Breviar. cap. 10.⁴ L. Quicumque, § nulli & § omnes. C. de hæret.

Evagr. lib. 1. cap. 2. Socrat. lib. 1. cap. 6. V. il P.

Servita loc. cit.

⁵ Capitular. Car. M. l. 1. cap. 78.⁶ Thuan. lib. 6. Hister.

it is the Province of Princes to secure their Dominions from being disturb'd, not only by satyrical, seditious and scandalous Books, or such as are stuffed with false Doctrine, but also from being poison'd by pernicious Heresies. And as the Censure belongs to the Bishops, that the Discipline and Doctrine of the Church may not be corrupted; so it concerns Princes to take care that the State be not corrupted, nor their Subjects infected with Opinions repugnant to good Government; against which they have more reason to guard now than ever, when there are so many new Doctrines introduced contrary to those of the Antients, as well as their Interests and supreme Regalia; for from those arise Opinions that occasion Parties, which afterwards end in Factions, and at last in cruel Wars. They are Words 'tis true, but which by consequence have often drawn Armies to the Field.

OUR Kings have always vigorously opposed those Attempts, and the Censure alone was left to the Bishops, but they could not prohibit Printing upon pain of temporal Punishment; nor did those Prohibitions belong to them, for they were made by our Kings and their Viceroys, and such has always been the practice.

ON the fourth of *May* 1525. Pope *Leo X.* publish'd a Bull, which he got the *Lateran* Council to approve of, whereby he prohibited Books to be printed without a Licence from the Ordinaries and Inquisitors of the Cities, where they were to be printed; upon this Penalty, that those who should print without such Licence should lose the Books, which were to be burnt. Moreover he imposed a pecuniary Mulct of a hundred Ducats to be paid by the Transgressors to the Fabrick of *S. Peter's* Church at *Rome*; and that the Printers should be suspended for a Year from exercising their Employment: He likewise declared them excommunicated, and if they continued under the Censure, they were to be punish'd according as the Laws require.

BUT this Bull, as to the pecuniary Mulct, the Suspension, and the loss of the Books, did not take place in our Kingdom, and was only in force in the State of the Church.

NOTWITHSTANDING the Council of *Trent*, in the fourth Session, which was open'd the eighth of *April* 1547, had prohibited the Printers to print the Books of the Holy Scripture, Annotations and Expositions upon it without Licence of the superior Ecclesiasticks; and that they should not print Books treating of sacred Things without the Name of the Author; nor sell, nor keep them unless they shall be first examined and approved by the Ordinaries upon pain of those pecuniary Mulcts and Excommunication imposed by the last *Lateran* Council; yet, with respect to that Article of the pecuniary Mulct, it was not receiv'd in our Kingdom, and the Power of imposing spiritual Punishment was only left to the Ordinaries.

OUR Kings, or their Viceroys, kept Possession of such Prohibitions, and establish'd many Statutes and Edicts, whereby they prohibited Printing without their Licence; and we find, that *D. Pedro de Toledo*, the Viceroy, in the Reign of the Emperor *Charles V.* made Regulations also concerning the printing of Books; and on the fifteenth of *October* 1544, he publish'd an Edict, whereby he ordain'd, that seeing the pestilentious Heresy of *Luther* was spread in *Germany*, and began to corrupt the Doctrine and Discipline of the Church of *Rome*, Books of Divinity and the Holy Scripture, that should be found to have been printed within these twenty five Years last past, should not be re-printed, and such as had been printed within that time should not be kept, or sold, unless they be first shewn to the Chaplain Major, that, they being revised and examined by him, he may order such of them to be publish'd as he shall think fit. Moreover, that those Books of Divinity, and the Holy Scripture, that have been printed without the Name of the Author, and those likewise whose Authors have not been approv'd, should not by any means be sold or kept. And on the thirtieth of *November* 1550. he publish'd another Edict, whereby he commanded, that no Book whatsoever should be printed or sold without the Viceroy's Licence.

THE Duke *d'Ossuna*, the Viceroy, at the same time that Pope *Sixtus V.* establish'd the Congregation of the *Index*, on the twentieth of *March* 1586. in the Reign of *Philip II.* publish'd another Edict, whereby he ordain'd, that *Neapolitan* Authors, or such as liv'd in the Kingdom, should not cause Books to be printed

either in, or out of the Kingdom, without the Viceroy's Licence *in Scriptis*. And lastly, the Count of *Olivares*, who was Viceroy in the Reign of *Philip III.* on the thirty first of *August* 1598. put forth an Edict, prohibiting Printers to open their Presses, or Printing-Houses, without an express Licence from the Viceroy *in Scriptis*.

WHENCE came the Custom with us, of a Minister, or other Person being appointed by the Viceroy for revising Books; and this has been practised ever since the time of the Duke *d'Alcala*, the Viceroy, who, on the twenty third of *November* 1561. sent a Commission, which was afterwards renewed on the eighth of *May* 1562. to *P. Valerio Malvasino*, a Person, whom he knew to be of great Integrity and Learning, appointing him Royal Commissary for revising and examining Books imported into the Kingdom from *Germany*, *France*, and other Parts; that finding them infected with Heresy, he might prohibit them to be sold or kept¹. Afterwards a Minister of State of known Zeal for the King's Service, and of eminent Learning was appointed; which Custom we find continued to the Time of our Grandfathers; but now these Revisals are usually committed to private Persons, and often to Men of little Veracity and much less Learning; which is an Abuse that deserves a proper Remedy.

THERE is a Custom which still prevails with us of prohibiting Books containing any thing contrary to good Manners, the Rights of the Prince, or the Nation, or against the good Name and Reputation of any Person; as in our time the Viceroy and his Collateral Council prohibited a most nonsensical Book, and stuffed with silly ridiculous things, publish'd by the Marquis *Gagliati*, with this Title, *Capricciose Fantasia*.

THOSE Prohibitions were, and are still practised against any Book or Writing whatever, even penn'd by Prelates or other Ecclesiastical Persons, being design'd for the Press. In the Reign of *Philip II.* the Pope's Nuncio residing in *Spain*, complain'd to that King of the Duke *d'Alcala*, his Viceroy in *Naples*, who had prohibited the Printers to print any thing without his Licence, whereby the Archbishop of *Naples*, and all the other Prelates of the Kingdom were hinder'd from printing such Things as concern'd their Offices: Of which King *Philip* wrote to the Duke, who, on the seventeenth of *April* 1569. sent him a full account of the Matter, telling him, that he had publish'd that Order, because the Vicar of *Naples*, as well as all the other Prelates of the Kingdom, had caused many Edicts to be printed, which were prejudicial to the Royal Jurisdiction, as also Bulls, to which the *Exequatur Regium* had not been obtain'd². The Nuncio's Mouth being thereby stopt, afterwards, whenever the Bishops had a Mind to print the Acts of their Synods, Edicts, or Briefs of Indulgencies granted by the Pope to their Churches, and such like Things, had recourse to the Viceroy and his Collateral Council for a Licence. So we read, that *Annibale di Capua*, Archbishop of *Naples*, having a Mind to cause the Acts of a Provincial Council to be printed, on the first of *February* 1580, sought a Licence from the Collateral Council, which was given him with this Reservation, that if there was any thing in them contrary to the Royal Jurisdiction, the Licence should be looked upon as void, and of no force. The Archbishop of *Capua*, by means of the Vicar, sought Liberty to get a new Kalendar printed, concerning the observance of the Feasts of his Diocess, and having given it to be revised by the Chaplain Major, he on the fifth of *November* 1582. made a Report of it to the Viceroy, that Liberty might be given.

The Bishop of *Avellino* asked the *Exequatur Regium*, and a Licence for printing a Brief of Indulgence granted by the Pope to his Church on the Feast of *S. Modestinus*; and having committed the Affair to the Chaplain Major, he on the twenty sixth of *April* 1577. made a Report to the Viceroy, that he might give the *Exequatur* to the Brief, and a Licence for printing it². This has always been observed since that time, as often as the King's Ministers have paid any regard to their Duty, and have had their Master's Service at heart.

¹ Idem ibidem tom. 17.

² Idem ibidem de Typogr. tom. 17.

S E C T. II.

Abuses committed in Rome, with respect to the Prohibition of Books which they pretend ought to be implicitly obey'd.

WE must likewise confute another Pretension of the Court of *Rome*, concerning the same Subject of the Prohibition of Books. They pretended that Christian Princes ought implicitly to make all the Decrees take place in their Dominions which were pronounced in *Rome* by the Congregation of the Holy Office of the *Index*, whereby Books were prohibited, and that those Decrees were not subject to their *Placita Regia*, so that they ought to be put in execution by us, without the *Exequatur Regium*. The Necessity and Justice of which shall be at large treated of in the following Books of this History.

BUT that has been vigorously opposed, as a most prejudicial Attempt upon the Sovereignty of Princes, not only in *France*, *Spain*, *Germany*, *Flanders*, and in all the other Dominions of Catholick Princes, but in our Kingdom, as often as it has been duly observ'd; insomuch, that all the Bulls, Rescripts, and other Provisions that come from *Rome*, are not allow'd to be publish'd and receiv'd without the *Placitum Regium*: So likewise the Decrees made for prohibiting Books are liable to the same Examination. But if ever Princes and their Ministers ought to have a watchful Eye upon the other Writs that come from *Rome*, they ought to have yet more strict upon these Decrees; as well because the Method of prohibiting Books in *Rome* is well known, as also the end for which they are prohibited, and the Disorders and Scandals which such Prohibitions might occasion in their Dominions if they should suffer them implicitly to take place.

'TIS well known, that the Cardinals, of which these two Congregations are composed, whence such Decrees proceed, do not examine those Books: Some by reason of their Insufficiency, others because they are diverted by Employments, which they look upon to be of greater importance, cannot apply themselves to those Affairs; and much less the Pope, of whom it would be Impertinence to expect it. They commit the Examination to some Divines, whom they call *Consultori* or *Qualificatori*, for the most part Monks, who, according to the Prejudices of their Schools, regulate their Censures. Whatever does not quadrate with their Maxims, they look upon as Novelty, and, as heretical Opinions, condemn them. The Casuists, who have made Morals to answer their own ends, judge also according to their own Principles. But the greatest Inconvenience arises, when the Examination of Books concerning Matters of Jurisdiction is committed to the *Curiali*, [*certain Officers belonging to the Pope*] and the Officers and Prelates of this Court; it may be easily imagin'd, how far Flattery in raising the ecclesiastical, and depressing the temporal Jurisdiction, may prevail in that case. 'Tis well known to what an extravagant pitch they exalt the Pope above all other Princes of the Earth, and do not stick to say, that the Pope can do every thing, and that his Will is a Rule and Law in all things: That Princes and Magistrates are human Inventions; and that they are to be obey'd by force only; so that to disobey their Laws, to cheat them in their Taxes and publick Revenues, is not sinful, but only subjects the Transgressors to Punishment, which by Flight or Deceit they may shun, without being guilty in the Sight of God, the risk they run being a sufficient Atonement: But on the contrary, that the least Nod of the Ecclesiasticks, without any more ado, ought to be taken for a Divine Precept, and as binding upon the Conscience. They are extremely watchful and solicitous, that nothing be publish'd contrary to their ill conceived Opinions. And long Experience has taught every Body, that the Court of *Rome* studies nothing so much as to prohibit all Books, which by maintaining the Rights of Princes, their Prerogatives, Statutes, the Customs of Places, and the Privileges of their Subjects, contradict these their new Maxims and pernicious Doctrines.

THESE *Qualificatori* having made their Censures, carry them to the Cardinals, who, without examining them, agreeably thereto, condemn the Books. And the Style at present, in which these Decrees are written, is likewise very partial.

tial: A Book is finally condemned, without censure, without expressing, or pointing out any particular Error, which, perhaps, might have given occasion to the Prohibition, but in general, as containing heretical, schismatical, and erroneous Propositions, contrary to good Manners, offensive to pious Ears, and such like things: And without taking the trouble to specify which are heretical, erroneous, &c. they bring themselves off with one word, *respective*, leaving the Authors and Readers in the same uncertainty and obscurity as before. Experience has taught us, that by these kinds of Prohibitions grievous Disputes have arisen among Divines themselves, which have frequently disturbed the State; for the Monks obstinately maintaining the contrary Opinion, their Quarrels and Disputes have never ended.

TO these Decrees there are usually added some penal Clauses against the Readers and Keepers of prohibited Books, which often touch upon the temporal Concerns of Subjects, or disturb the Privileges and Customs of Nations. Frequently on account of some Errors which are found scatter'd here and there in a Book, which would be most useful to Professors and the Commonwealth, the whole Book is prohibited, so that the State is thereby very much prejudiced.

FOR these and many other Reasons, not only the most judicious Divines¹, but the unalterable Practice of all the Nations of *Europe*, have made it evident, that it concerns a Prince to keep as strict a watch over these Decrees, as over any other Provisions that come from *Rome*. No Decree whatsoever sent from *Rome* by these Congregations, nor Edict made by the Master of the sacred Palace, whereby Books have been prohibited, was exempted from the *Placitum Regium*, but was always liable to Examination; as the Custom of all the Nations of *Christendom*, which had its rise ever since these Prohibitions began to be sent from *Rome*, demonstrates. And it appears by the *Index* itself, commonly call'd, *The Index of Trent*, order'd to be made by Pope *Pius IV.* soon after the Council was ended, that the said Custom was practis'd.

ACCORDING to the antient Discipline of the Church, the Censure of Books belong'd to the Councils, pursuant to which the Councils of *Nice*, *Ephesus*, and *Chalcedon* condemn'd the Books of *Arrius*, *Nestorius* and *Eutyches*. The Fathers of the Council of *Trent* having a Mind to tread in the same Steps, after it had been resum'd under Pope *Pius IV.* propos'd in a Congregation held in *Trent*, on the twenty sixth of *January 1562.* that the Books publish'd since the Heresy had been broach'd in *Germany*, and elsewhere, should be examin'd, and subjected to the Council, to the end that what should seem meet might be determin'd: It was concluded, that the care of making a Catalogue, or *Index*, of them, and the their Authors should be committed to some Fathers; and accordingly a Commission was given by the Presidents to eighteen Fathers, who afterwards, by a Decree of the Council, were charged diligently to examine the Books, and then to report to the Synod what they had observ'd, in order to provide against them². The Conclusion of the Council being afterwards hurry'd on, nothing else was done in the Affair of the *Index*, but only on the very last day the Decree of the eighteenth Session being read, it was ordain'd, that, because of the vast number and variety of Books, the Council not being able to go through that Affair, whatever the Fathers appointed to make the *Index*, had done, should be by them laid before the Pope, by whose Authority and Opinion the *Index* should be determined and published.

HEREUPON the Council being dissolv'd, the Fathers presented to Pope *Pius IV.* an *Index*, wherein were pointed out the Authors and Books, which they judged ought to be prohibited. The Pope, as appears from his Bull published for that purpose in form of a Brief, which begins: *Dominici Gregis*, order'd the *Index* to be examin'd by other learned Prelates, and says, That he himself had read it; therefore he caus'd it to be publish'd with some *Rules*, which for that reason are call'd, *The Rules of the Index*, in which Bull he commands, that the said *Index*, with the Rules thereto annex'd, be receiv'd and observ'd by all Persons upon pain of the most severe Punishments and Censures. All those, who shall read or keep the Books contain'd in this *Index*, are threatn'd: He declares, that three Months after the Bull shall be publish'd and affix'd in *Rome*, this Prohibition shall

¹ Amongst which see Van-Espen de promulgat. L. Eccl. par. 4. cap. 1. §. 1, 2, 3.

² Decret. Conc. Trid. Sess. 18

be binding upon all Persons in the same manner, *ac si ipsimet hæ literæ editæ, lætaque fuissent*¹.

THIS *Index* was divided into three Classes. In the first, the Names of the Authors were only set down, but not of the Books, that every Body might know, that not only the Works already printed were prohibited, but such likewise as should be publish'd by them hereafter. In the second are pointed out the Books, which, on account of the corrupt and suspected Doctrine contain'd in them, are rejected, though the Authors be not separated from the Church. The third comprehends those Books, which had been publish'd without the Names of the Authors, and which contain Doctrine contrary to good Discipline and the Church of *Rome*, therefore it was thought fit to condemn them.

BUT upon the Publication of the Decrees of the Council in *Rome*, as those concerning Discipline and Reformation were not generally receiv'd in other Countries of *Europe*, as shall be mention'd in its place, so likewise upon the Publication of this *Index* in *Rome*, notwithstanding the Bull of Pope *Pius*, it was not receiv'd nor accepted in all its parts in *France*, *Spain*, *Flanders*, and other Christian Countries.

THE *Index* was given to be examin'd by the Colleges, by the Universities, and by the most learned Men of each Country. In *France*, 'tis well known, that the University would have nothing to do with it, nor did they receive it in its full Extent.

KING *Philip II.* caused it also to be examin'd by his Colleges and Universities in *Spain*, neither was it wholly received here; for among other Books, the Works of *Carolus Molinæus*, inserted in the *Index* of *Trent* among the Authors of the first Class, were not all prohibited, some were allowed, others, with a little Castration, were also permitted. Whence came in *Spain* and elsewhere the *Indices Expurgatorii*, for the Prelates, Universities and Colleges of each Country were desirous of having a Hand in it, and were of Opinion, that their Censures might be better adapted to the Countries they liv'd in, and that the Prince could better judge of what might produce quiet, or hurt, or disorder to his State, than Strangers. Thus was the Custom of making these *Indices* introduced into *Spain*. And from the *Index Expurgatorius*, which Cardinal *Gaspar de Quiroga*, Archbishop of *Toledo*, and Inquisitor General of *Spain*, order'd to be made, and printed in 1601. it manifestly appears, that the *Index* of *Trent* was never wholly, and according to its full extent, receiv'd in *Spain*².

BESIDES this, *Philip II.* resolved to take the same care in his other Dominions as he had done in those of *Spain*; and as he had good Reasons for thus treating the Decrees of the Council, so he had much greater for ordering the *Index* of *Trent* to be dealt with in the same manner. When it was publish'd in *Flanders*, it was not implicitly receiv'd, but by Royal Authority was given to be examin'd. And it being found that many Books of all Faculties and Sciences were thereby prohibited, which being castrated and purg'd of some Errors and false Opinions, might prove very useful, and turn to great Advantage: *Van-Espen*³, a learned Priest, and great Divine of the University of *Louvain*, relates, that the Duke *d'Alva*, then Governor of the *Spanish Flanders*, in Name of King *Philip II.* order'd, that those Books condemn'd by the *Roman Index* should be preserv'd, and only caused the Works of Hereticks to be burnt. But that those Books, thus preserv'd, might not produce ill Consequences, he enjoyn'd the Prelates, Universities, and the learned Men of those Provinces to examine the Books, mark and expunge the Errors, and to make a particular *Index* of them. He instituted a College of Censors in *Antwerp*, wherein a Bishop presided for the Ecclesiastical State; and in the King's Name the celebrated Divine *Arias Montanus* was appointed to preside, the same who had assisted in the Council of *Trent*. These Censors, with great Care and mature Deliberation, re-examin'd the Books contain'd in those Catalogues, compared the Places mark'd by the first Censors, with the Originals, and compos'd an exact Censure of them, putting forth afterwards a Book, to which they gave this Title, *Index Expurgatorius*. In 1570. this *Index*, by a special Writ was approved of by King *Philip II.* and by his Royal Authority order'd to

¹ This Bull is to be found in the *Index* of *Trent*.
and in the *Bullarium* among the *Constitutions* of
this Pope, num. 77.

² *Van-Espen* de *Usu. Placit. Reg.* par. 4. cap.
2, §. 3.

be printed, which was accordingly done, and all those Provinces made use of it afterwards, and not of the *Roman Index*. These two *Indices* differ'd from each other: In this *Index Expurgatorius* of *Flanders*, many Books, that by the *Roman Index* had been absolutely condemn'd, after a small Castration and Correction, were approved of, and allow'd to be read; such as, to pass over many others, the Works of *Carolus Molinæus*, altogether prohibited, and wholly condemn'd by the *Roman Index*, which, with a small Correction, were allow'd of. The Commentary of the same *Molinæus* was preserved intire, without the least Correction, it being said; *In hoc opere nihil est, quod hæresin sapiat, quapropter admittitur*. As for his Treatises, *De donatione, & inofficioso testamento*; it was likewise said: *Nihil habent, quod Religioni adversetur, aut pias aures offendere possit, quapropter admittuntur*. And the same Judgment was given of many other of his Works.

THIS was the Practice, which began in the Dominions of Christian Princes, at the same time that they began in *Rome* to make the prohibitory *Indices* of Books. It was much more in use afterwards, when the Princes found, that they were very intent upon this Affair at *Rome*, and that they had begun to pretend to the sole Power of prohibiting Books, and that without any other Publication and Acceptation, than what was made in *Rome*; whatever was there establish'd was to take place in all other Countries. For which end, in the Pontificate of *Sixtus V.* a new Congregation of Cardinals was instituted, call'd the Congregation of the *Index*: And both this, and that of the Holy Office, and the Master of the Sacred Apostolical Palace had nothing else to mind. But for all that, the Princes did not fail to assert their Right and Prerogatives in their Dominions, as well in not suffering any Book to be printed without their Licence, nor the Prohibitions of *Rome* to take place without the *Exequatur Regium*, as in prohibiting Books themselves, as above.

THEY grew much more vigilant, when they perceived, that Prohibitions were more frequent in *Rome*, than formerly; and that whatever Book was publish'd, wherein the Rights of any Prince were defended, or the Encroachments of the Court of *Rome* upon the Authority and Jurisdiction of Princes, and the Law of Nations were expos'd: The Decrees of the Congregation of the *Index*, and the Edicts of the Master of the Sacred Palace were ready to prohibit it.

FOR which Cause they were upon their guard not to suffer such Prohibitions to take place in their Dominions. The Kings of *Spain*, according to *Salgadus*¹, as well as the Kings of *France*, having been apprised, that such Books were altogether prohibited in *Rome*, only because they maintain'd the *Regalia* and Jurisdiction of Kings, and the Rights of their Subjects, in order to remedy so great a Grievance, order'd, That the Apostolical Briefs, and such like Decrees, should be carried to the supreme Inquisition of *Spain*, and, according to the most usual Custom of the Kingdoms of *Spain*, be kept there, and that they should not be suffer'd to be publish'd, and much less put in execution, that the Consciences of the Subjects might not be insnar'd by these Prohibitions, intended for no other end, but to destroy the Rights of Princes and the Law of Nations.

THEY order'd the same to be practis'd in the Provinces of *Flanders*, and, what is worthy of Observation, likewise in our Kingdom of *Naples*, so near *Rome*, where the *Spaniards*, in order to obtain the better terms for their own Kingdoms of *Spain*, frequently suffer'd the Court of *Rome* to commit Insults.

POPE *Clement VIII.* augmented the *Roman Index* more than *Sixtus V.* had done, and having caused it to be printed and published anew, during all the time of his Pontificate, kept the Congregation of the *Index*, and the Master of the Sacred Palace, so employ'd, that there was not a Year, but prohibitory Decrees and Edicts were issued in *Rome*. From the Year 1601. to the end of his Pontificate, nothing else was put forth in *Rome* but these Decrees and Edicts, whereby many Books, upon almost all Arts and Sciences, were successively prohibited, only because, either the Authors were separated from the Church, or because they maintain'd the *Regalia*, or other Rights of Princes, or that some Error had been overlook'd. Many Law Books were prohibited, among the rest, with great Rigour, the Works of *Molinæus*, the Treatises of *Alberico Gentile*, *Giovanni Casio*, *Scipione Gentile*, and of many others.

¹ Franc. Salgad. de supplicat. ad SS. par. 2. cap. 38. num. 141.

AMONGST these our Regent *Camillo de Curte*, who, as shall be told, was one of the most renown'd of our Professors in those times, in 1605, publish'd in *Naples* a Work of his intitled, *Diversorij Juris Feudalis prima, & secunda Pars*: In the second part of which he treats of the Remedies, which are wont to be applied in the Kingdom for the Defence of the Royal Jurisdiction, that the Royal Rights might receive no Injury, nor the Subjects be oppress'd by the Prelates, by usurping the Royal Jurisdiction: In this Book he lays down the wonted Method, by long Custom establish'd, for resisting them; to wit, at first to send them one, two, or three perswasory Letters; and when these prove ineffectual, to summon them; and upon their not obeying, to sequestrate their Temporalties, and imprison their nearest Relations, Servants, and even their Friends: and lastly, in case they continue obstinate, to turn them out of the Kingdom. Methods lawful, allow'd, and approv'd of by the ancient practice of all the Kingdoms of *Europe*. But the Book was no sooner publish'd, than the same very Year an Edict was sent from *Rome*, whereby, among other Books, this is likewise strictly prohibited in these Words: *Camilli de Curtis secunda pars Diversorii, sive Comprensorii juris Feudalis, Neapoli apud Constantinum vitalem 1605, omnino & sub anathemate prohibetur*¹.

THE Count of *Benevente*, who was then Viceroy of *Naples*, hearing of the Prohibition, by no means would grant the *Exequatur* to the Edict; on the contrary, on the fourteenth of *December* the same Year, he sent a serious Advice to King *Philip III.* wherein, among other things that occur'd in Matters of Jurisdiction, he gave him an account of this Prohibition of the Regent's Book made in *Rome*, only because in it were shewn the Remedies and Rights, which his Majesty has upon the like occasions, representing to him, that of necessity he must make use of strong and effectual Remedies against this Abuse, because if it were suffer'd, none would take in Hand to defend the Royal Jurisdiction².

MOREOVER in 1627. in the Pontificate of *Urban VIII.* on the fourth of *February*, the Congregation of the *Index* put forth a Decree, wherein, besides, the Prohibition of some Law Treatises, written by *Treutlerus* and *Hugo Grotius*, and of the History of the Pontifical Jurisdiction by *Michael Roussel*, a Book was likewise prohibited, which *D. Pietro Urries* had then publish'd in *Naples* in Defence of the 235th Usage of our High Court of the Vacariate, concerning the necessary Requisites of the Clergy, of which that Tribunal has the Cognizance; and because that Usage, though antient, however never interrupted, opposeth the new Maxims of the Court of *Rome*, the Book was immediately prohibited in *Rome* under this Title: *Petri de Urries liber inscriptus: Aestimatum ad repetitionem Ritus 235, M. C. Vicariæ Neapolitanæ*³. But the Duke d'*Alva*, then Viceroy, did not suffer that Decree to take Effect in the Kingdom, but wrote of it to the King, from whom he receiv'd an Answer on the tenth of *August* the same Year, wherein he seem'd surpriz'd at the Prohibition of that Book in *Rome*, which only defended the most antient usage of the Vicariate of the Kingdom⁴.

THIS Vigilance was observed with us, whenever we had resolved to maintain our Rights, and the Laws and Constitution of our Native Country; for, that the Bulls, Briefs, Decrees, Edicts, and in short, all Provisions coming from *Rome* might not be receiv'd without the *Exequatur Regium*, we have a written Law made by the Duke d'*Alcala*, when he was Viceroy, and which we read in the Volumes of our printed Statutes⁵: A Requisite, which, in Conformity to the Law, was necessary, and practis'd even with respect to the Decrees, which came from *Rome*, whereby Books were prohibited; and in that our Kingdom has no reason to envy either *France*, or *Spain*, or *Flanders*, or the best instituted and regulated State in all the Catholick World.

'TIS well known, that such Bulls, or prohibitory Decrees of *Rome* are of no force in *France*: They are nicely examin'd, and if they are found to be just, they are put in execution, if otherwise, they are rejected. Of this we cannot have a clearer Proof than in the Case of the Prohibition of the Works of *Carolus Molinæus*. The Court of *Rome* having found that notwithstanding the *Roman Index*,

¹ Heretofore it is the Edict of 1605. under Clement VIII. in the Index of prohibited Books.

² We read this Advice in M. S. Chiecc. tom. 1. de Typograph.

³ In Indice lib. prohib. sub Urban. VIII. Anno

1627. A. F. V. Petrus de Rit. 235.

⁴ The Decree may be seen in the 17. Tom. of

the Hist. of the Court of Rome.

⁵ In the Statutes of the Kingdom.

whereby they were altogether prohibited, yet they were read in all the Kingdoms of *Europe*, particularly in *France* and *Flanders*, whose Universities and Censors, having only purged them of some Errors, approved of them, so that they were in the Hands of all the Lawyers and learned Men, and held in great Esteem: *Clement VIII.* looking upon this as a great Contempt of the Apostolical See, on the twenty first of *August* 1602, put forth a most terrible Bull, whereby, upon most grievous Pains and Censures, he anew absolutely prohibited all his Books, even those that had been purged, saying, that *Non aliter quam igne expurgari possint*. In the mean time he revoked all the Licences given, and order'd, that none should be given for the time to come. Whence proceeded the modern Style of the Congregations of the Holy Office, and the *Index*, that in the Licences, which are granted, though most ample, to read the most obscene and pernicious Books, they always add: *Exceptis operibus Caroli Molinæi*. This Bull was publish'd in the usual manner in *Rome* on the twenty sixth of *August* 1602, and affixt *ad valvas Basilicæ Principis Apostolorum in acie Campi Floræ*, adding, that upon all, *Ita ardent, ac afficiant, perinde ac si omnibus, & singulis intimatæ fuissent*.

But to what Purpose? This Bull took no Effect either in *France*, or *Flanders*, or any where else: The Works of this renown'd Lawyer lost nothing of their value, nor were the Professors less fond of them than before, all Lawyers and all Practitioners had them in their Hands, and this Author was more studied, and more frequently quoted at the Bar, than *Bartolus* or *Baldus*: and he became so necessary, that, as *Bertrandus Loth.* writes¹, in *France* and *Flanders*, no famous Practitioner or Advocate could be without him, particularly in *Artois*, where the Customs of that Province being the same with those of *Paris*, the Writings of this Author are more esteem'd than those of any other, and have gain'd great Authority in their Tribunals.

THEY are so familiar to the *French* Lawyers, that there is no Harangue or Discourse upon any Subject whatever, whether of the Civil or Canon Laws, but what are full of Quotations taken from them. But the most convincing Proof, that such a Prohibition was not regarded in *France*, is, that beautiful and correct Edition of all the Works of this Author lately printed at *Paris*, by the Labour and Diligence of *Francis Pinson*, the younger, a famous Advocate of that City, who, besides his having added to them some very learned Notes of his own, and adapted to the modern Practice, subjoin'd likewise to the said Works some others concerning Ecclesiastical Matters, which make up the fourth and fifth Tomes. This Edition was publish'd in *Paris* in five Volumes, with the King's express Privilege, that it might the more plainly appear, that the Prohibition of *Rome* was not in the least regarded in *France*.

AND indeed the Works of this Author did not deserve so severe a Censure, for, though in his Life-time he did not comply with the Church of *Rome*, yet he died a Catholick; and, as *Van-Espen*², very much to the purpose, observes, if the Works of *Gentiles*, though full of Obscenity and Filthiness, apt to corrupt the Manners of Youth, are allow'd; why should not the Works of a Lawyer so renown'd for Gravity and Learning be allow'd, since so great Profit may be reap'd from the reading of them? So much the rather, that tho' there be some things interspersed in them that are not agreeable to the Doctrine of the Church of *Rome*, yet *Gabriel de Pinau* and *Francis Pinson* have remedied that by their Notes and Animadversions, so that Youth are in much more Danger of being corrupted by the reading of the lascivious Books of *Gentiles*, than a Christian Lawyer can be of deviating from the Doctrine of the Catholick Church by reading them.

OTHER Instances not less remarkable and convincing might be alledged both from *France* and the Provinces of *Flanders*: Such as the Prohibition made in *Rome* of the Book of *Cornelius Jansenius*, Bishop of *Ypres*, intitled, *Augustinus*, and the Bull issued out on that Account in the Year 1643, by Pope *Urban VIII.* which begins *In Eminenti*. The Decrees pronounced in *Rome* on the sixth of *September* 1657. by the Congregation of the Holy Office, whereby, among others, the Letters, commonly call'd the *Provincial Letters*, were prohibited: The Bull of *Alexander VII.* publish'd in *Rome* 1665, whereby two Censures of the Faculty of Doctors

¹ Bertrand. Loth. in Resol. Belgic. tract. 14 | ² Van-Espen part. 4. de usu plac. Regii cap. 2.
§. 2. art. 7. | §. 4.

of *Paris* were condemn'd, none of which were regarded either in *France* or *Flanders*, and many others, of which *Van-Espen* treats at large¹.

NEVERTHELESS we have thought fit, on this occasion, to observe, that all the Princes of *Europe* have been very vigilant, that Books which defend their Jurisdiction, and the Privileges of their People, might not be prohibited by *Rome*; and though they have been prohibited, they never allow'd such Prohibitions to take place, nor the Decrees to be receiv'd in their Dominions, so that without scruple they are read, and the Prohibitions slighted; for they have discover'd the Secret of *Rome*, and of what Importance it is to them, that their Subjects be not tainted with Opinions repugnant to good Government.

IN the Kingdoms of *Spain*, as we have said, the Decrees sent thither from *Rome* prohibiting Books, which defend the Royal Authority, are stopt, and the Execution suspended².

NOTHING is more evident in *France*, and amongst the Proofs of the Liberty of the *Gallican Church*³, we read a Speech made by *Dominick Talon*, the King's Advocate, in the Royal Council, upon occasion of such a Decree issued from the Congregations of the Holy Office and *Index*, wherein he shews, that such Decrees ought not to be publish'd, as being extremely prejudicial to the Crown and State; and observes, that the publishing of them would occasion great Disorders; for these Congregations are continually encreasing the *prohibitory* and *expurgatory Indices*, and daily prohibiting Books to the Prejudice of the King's *Regalia*, and the Liberty of the *Gallican Church*; and had even taken upon them to prohibit the very Arrêts of the Parliament against *John Castelli*, the Works of the renown'd President *Ttuanus*, the Liberty of the *Gallican Church*, and other Books concerning the King's Person and his Royal Jurisdiction.

IN *Flanders* the Council of *Brabant* having the same Opinion of those Decrees, gave the Archduke *Leopold* an account of them, and in 1657. drew up a Consultation, wherein they intimated to him, that the neglecting of that Point would be the ruin of the Government; because long Experience had taught them, that the Court of *Rome* made it their study to condemn such Books, as defend the Royal Authority, so that to receive those Decrees without Examination and the *Placitum Regium*, is the same, as to acknowledge, that the Pope can prohibit the King to make Edicts, or to order Books or Writings to be printed, by which his Royal Rights, and the Privileges of his Subjects, are defended. And confirming all this by Instances of a later Date, they put him in mind, that about four Years ago, two Treatises were printed in *Flanders*, one under the Title: *Jus Belgarum circa Bullarum receptionem*; the other: *Defensio Belgarum contra evocationes, & peregrina judicia*: In these no receiv'd Opinion, or Article of Faith were brought into Dispute, but only his Majesty's Rights of not admitting Bulls without the *Placitum Regium* were defended: Notwithstanding, by a Pontifical Decree they were condemn'd in *Rome*: So that the Council of *Brabant* was obliged by a Decree to make void and annul the Prohibition, as may be seen by the Sentence recorded by *Van-Espen* in his Treatise, *De Placito Regio*⁴.

OUR Viceroys once used the same Vigilance, and especially, as we shall see in the following Books of this History, the Duke d'*Alcala*: The Count of *Benevente* and the Duke d'*Alva* likewise observed it with respect to the Prohibition of the Books of *Curte* and *Urries*; but how it comes now that that Vigour and Zeal, which ought to be employ'd in serving the King and the Publick is laid aside, and that the King's Ministers are, in a manner, indifferent about so important a Point, is what mov'd me to make this Digression. Books, most prejudicial to the Rights of the King and his Subjects, are now not only publish'd in *Rome*, but are suffer'd to be brought into the Kingdom, and the reading of them is not forbidden; but what deserves Resentment rather than Admiration, is to see, that on the contrary, all Books, wherein the King's Rights, and the Law of Nations are maintain'd, against the Attempts of the Court of *Rome*, are, without the least Scruple, daily prohibited in *Rome*, and without those Decrees or Bulls having ever been receiv'd here, without having obtain'd the *Exequatur Regium*, which with us, by a written Law, is indispensibly necessary to all the Provisions that come from *Rome*, they are suffer'd to take their design'd Effect; the Observers of them are not punish'd, and 'tis believ'd

¹ Idem loc. cit. cap. 3, 4, 5, & 6.

² Salgad. de supp. ad SS.

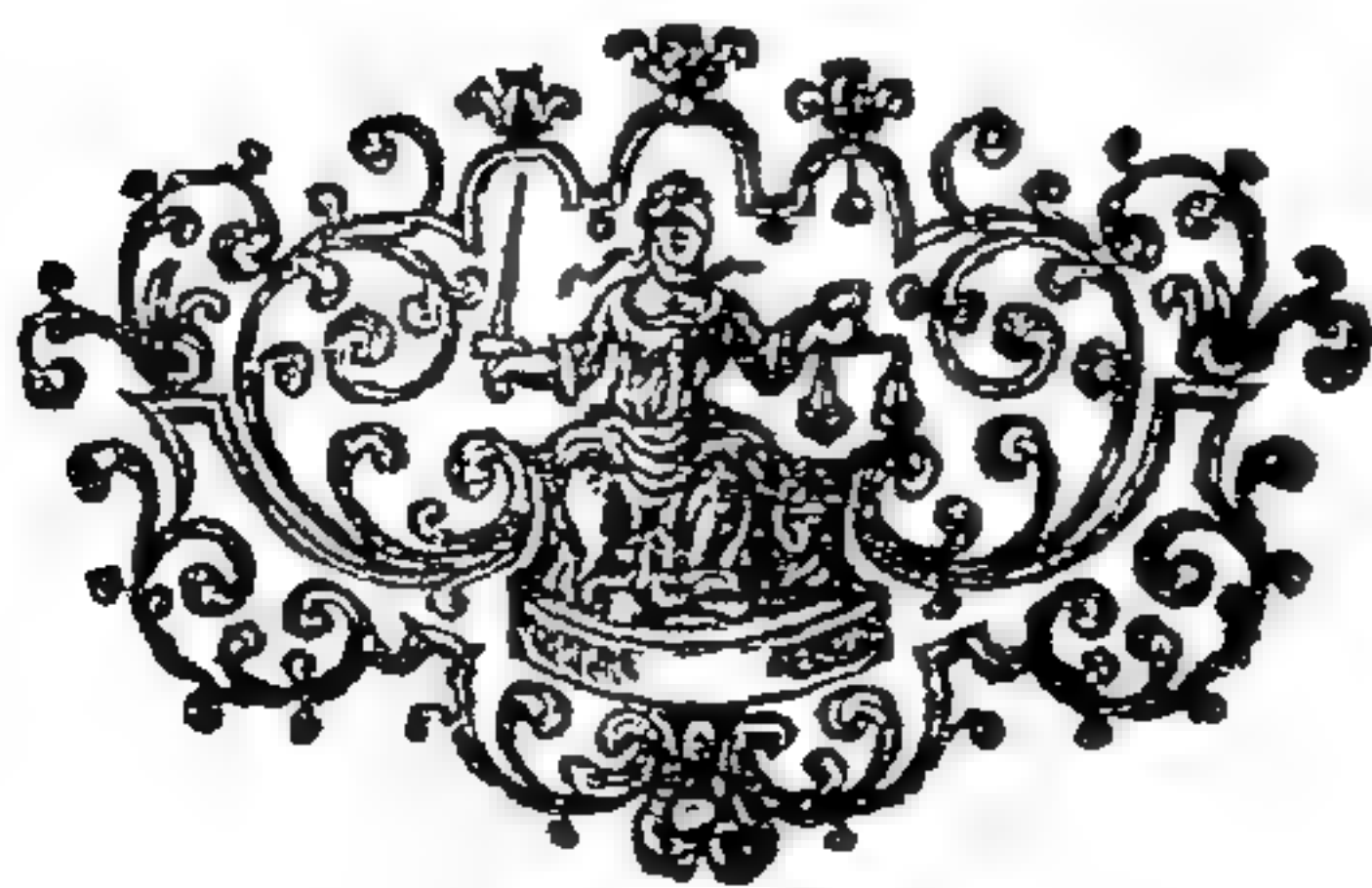
³ Probat Libert. Eccl. Gall. cap. 10. num. 11.

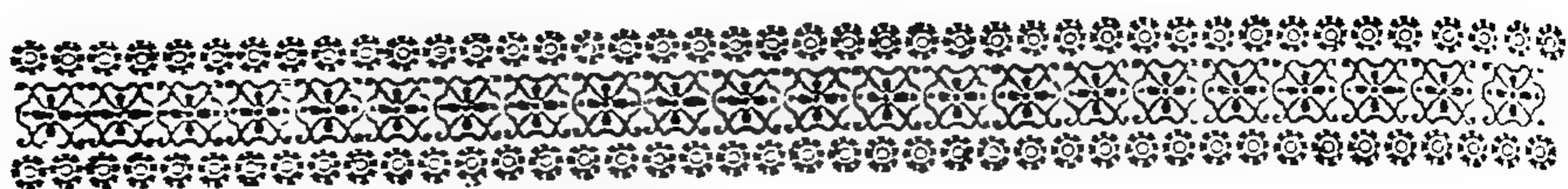
⁴ Van-Espen in appendice, lit. E.

that a Subject sins in reading whatsoever is prohibited in *Rome*, but not in breaking the Law of his Prince, by which those Provisions, when not invigorated by the *Placitum Regium*, are reputed null, of no force or effect, and as if they had never been. And what greater instance of Stupidity could there be, than what reign'd among us of late Years, when a Dispute happening between the Court of *Rome* and our King about *Benefices*, which are of right bestow'd upon Natives, and had been so order'd by an Edict of the Prince, three excellent Treatises, which defended the Edict, and demonstrated it to be conformable not only to the Laws, but the Canons, had no sooner appear'd, than *Clement XI.* by a particular Bull prohibited and condemn'd them to the Flames; and this we bore patiently, without the least Resentment: But on the contrary, whatever was written against the said Treatises, was dispersed freely, without the least Impediment: Yea, we are so over-aw'd, that no body ventures upon Printing the most useful Works, only because they are afraid of these Prohibitions from *Rome*.

BUT however it fares not so with the Books of *Rome*, which are printed and reprinted a hundred times, and are dispersed every where, whereby the People become tainted with Opinions, most prejudicial to the King's Authority and the Rights of his Subjects. Perhaps some will say, that we ought not to regard that, nor be always quarrelling about idle Words: However *Rome* does not mean them as such. They are Words 'tis true, but, as we have said elsewhere, such Words as have frequently drawn Armies into the Field: Words, which being continually buzz'd into the Ears of the People, persuade them at last, that whatever is advanc'd in those Books is true; whence proceed Aversion, Obstinacy, and a Ruggedness of Temper, which renders it almost impossible to bring them back to the right way; therefore upon occasions, they condemn the Prince's Conduct, they look upon us as Infidels, and that we design to crush them by main force. They instil false Doctrine into the Minds of Men, which is very prejudicial to the State: Hence it is, that some believe, that they may freely commit Frauds in the Payment of the Taxes and Customs; and if they are laid on without the Liberty of the Apostolick Sec, they think, that they are not due, because they read so in the Bull, *In Cœna Domini*, and in the Writings of the Casuists and Divines. This is the Cause of so many high Notions of the ecclesiastical Power and Jurisdiction, and of so many low ones of the Power of Princes¹. But enough of this, let those, who can, and whose Business it is, look to it. As for this Work of mine, whatever it be, I well foresee that it will be censur'd; but if that shall happen, I take God to witness, who searches the Hearts of all Men, and from whom nothing is hidden, that I undertook to write it, neither out of hatred or complaisance to any Person, but solely out of love to Truth, and for the Benefit of such as shall take the trouble to read it; and I earnestly beg of God that he would be pleased to bless it, and instil into the Minds of others Principles of Justice and Benevolence.

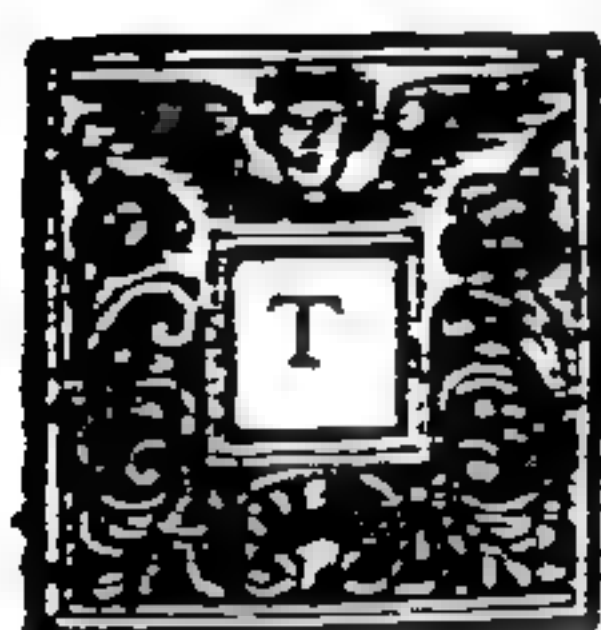
¹ P. Servita's *History of the Inquisition, towards the End.*





C H A P. V.

King Ferdinand I. reforms the Tribunals and the University: He enlarges the City of Naples, and resettles the Provinces of the Kingdom.



THE City and Kingdom of *Naples* are not only indebted to this Prince for his introducing so many excellent Arts, and bestowing so many Prerogatives upon them; but much more for the particular Care he took to reform the Tribunals of this City, and to provide them with learned and uncorrupted Judges, that Justice might be administred. He enlarged the Tribunals of the sacred Court and the Royal Chamber with new and better Institutions, and put them into a better Form than what *Alphonfus*, his Father, had left them in. He reform'd the Tribunal of the High Court of the Vicariate, and to our Usages, added new Regulations concerning the Method of entering Actions and Complaints, and prescribed a better Form for proceeding in Civil Causes and Compromises, as may be seen by his Edicts, which he publish'd in 1477¹. from whence our more modern Practitioners, and among the rest *Bernardino Moscatello Lucrino*, took the Form, which still, in a great measure, at present regulates the judicial Proceedings of our Tribunals.

HIS chief Study was to furnish this Tribunal with the best Judges that could be found, so that 'tis said, that not well pleased with some Doctors that were in *Naples*, he sent to find out others in the Provinces of the Kingdom; and we read in *Summonte*² a Letter, directed to one of his Confidants in *Abruzzo*, wherein he tells him, that he should be very well pleased to have two Doctors from that Province, that were Men of Probity, in order to make them Judges of the Vicariate, and bids him take some Pains to get *Messer Jacopo de Peccatoribus* to come from *Aquila*, and likewise to see if there was another such in *Civita di Chieti*, because he should be better pleased to have one from that City than from any other Part.

IN his Reign Learning began to flourish, whence appear'd so many Men famous for their Skill in the Law and the other Sciences, of whom more hereafter; and as he was a great Encourager of Learning, he invited from all Parts the ablest Professors to come and teach in the University of *Naples*. In 1465, he invited *Constantino Lasfari* from *Milan*, where he had read the Greek Language in that University for the space of six Years, and settled him in the same Profession in *Naples*, with a handsome Salary³. We likewise read, that in 1474, he invited *Angelo Catone* of *Supino*, a famous Philosopher, and his own Physician, and made him read Philosophy in the University of this City. He got *Antonio d'Alessandro*, so famous for his Skill in the Laws, that he was call'd *Monarcha Legum*, and who was imploy'd by this Prince in the most weighty Affairs of State, to read them in this University: *Antonio deli' Amatrice*, a renown'd Canonist of those times, in 1478, was made a Professor in this University, where, with great Applause, he taught the Canon Law. And in 1488. he invited *Bartolommeo di*

¹ They are to be found after the Usages of the High Court in many Rubrics, and the first begins, De procedendi modo in causis civilibus.

² Samm. tom 3. pag. 325.

³ Toppi tom 3. Orig. Trib. pag. 307.

Sorrento, Girolamo Galeota, Giuliano di Majo, Francesco Puzzo, Antonio Feo, and other famous Professors, who not only render'd this University illustrious, but put it upon a level with the other Universities of Italy *.

ON account of so many useful Arts introduced by this Prince, the Grandeur of the Tribunals, the Fame of this University, and the many other Ornaments wherewith he adorned *Naples*, a great Number of Persons flocking hither from all the Cities and Towns of the Kingdom, and from more remote Parts; the number of Inhabitants increased to that degree, that *Ferdinand* was obliged to enlarge the City, and extend the Circumference of the Walls. *Charles I. of Anjou*, after the old Enlargements, of which *Tatini* ² treats at large, had begun to extend the Walls, reducing the Market-place (that sad Theatre, where the horrible Tragedy of the unfortunate *Corradin* was represented) within the City, building the Walls with Towers before the Church of the *Carmelites*, drawing them in a straight Line along the Sea-shore to the old Gate of the City, call'd *Piazzo dell' Oimo*, and inclusing within them the Streets, which are now call'd *della Conciana, La Ruga de' Franzesi, La Loggia de' Genovesi, La Piazza delle Calcare*, and the *Ruga de' Catalani*. *Charles II. his Son*, in 1300, enlarged them from the side of *Forcella*, and *Queen Joan II.* in 1425. raised the new Walls from the Salt Magazine, to the *Strada delle Corrogge*. But *Ferdinand* extended the Circuit of the Walls much farther, laying the first Stone, with great Solemnity and Pomp, on the fifteenth of *June* 1484, behind the Monastery of the *Carmelites*, where he built a Tower, which is standing to this Day, and is call'd *Torre Spinella*, from *Francesco Spinello*, a *Neapolitan* Gentleman, whom the King had appointed to be Inspector of the Building of these new Walls. Thus was the Monastery of the *Carmelites* inclosed within the Walls of *Naples*, and the Wooden Bridges before each of the Gates of the City were removed, the old Walls having been surrounded with Ditches; and at the side of the Church of the said Monastery, that Gate was made, which still remains, beautify'd with cut Stone. These Walls are extended from this Gate, and inclose the Streets *del Lavorino, della Duchesca* (so call'd because the Garden of the Duke and Dutchess of *Calabria* was there) and that call'd *Orto del Conte*; and the Gate of *Forcella* was remov'd from the place, where it stood formerly, to the place it is in now, and is call'd *Porta Nolana*, because it leads to the City of *Nola*. So likewise was the *Porta Capuana*, which stood near *Castello Capuana*, remov'd to the side of the Church of *S. Catarina a Formello*, where *Ferdinand* order'd it to be magnificently built, and caused his Coronation to be cut upon Marble, in order to be placed upon it; though for what Reason we know not, it was not put there till afterwards, when the Emperor *Charles V.* surrounding the City with new Walls, beautify'd, and adorn'd this Gate with most fine Marble, and exquisite Sculpture, in that magnificent Manner we now see it. Those Walls were carry'd on by *Ferdinand* to the Monastery of *S. John a Carbonara*, by which, both this Monastery and that of *Formello*, were inclosed within the City. But that Work was interrupted by the Troubles that follow'd, and by the new War, which he had to maintain on account of the new Conspiracy hatch'd against him by the Barons, so well described by *Camillo Porzio*. The Masonry is well design'd, and all of *Piperno* Stone, and many Towers, at small distances from one another, are built of the same Stone, the Architect whereof was *Messer Giuliano Majano* of *Florence*. Upon each of the Gates was placed the King's Statue in Marble on Horseback with this Inscription: *Ferdinandus Rex nobilissime Patrie*. *Charles V.* finish'd the Design afterwards, for in 1537, when he came to *Naples*, he rebuilt, and embellish'd the *Capuan* Gate in that magnificent Form we now see it; but he did not build it of *Piperno* Stone, but of a soft Stone taken from the Mountains of the Country, after a new manner of Fortification, not with Towers, but Bulwarks; and this was the last Enlargement with respect to the Circumference of the Walls; for there has been so much built about them since, that in the Space of an hundred and fifty Years, the Suburbs are become so many large and vast Cities.

KING Ferdinand, in his peaccable Years, not only thus embellish'd *Naples*, the Metropolis of so flourishing a Kingdom; but he took a particular Care of the large Provinces, of which it is composed. He had no mind, for the Sake of one City of the Kingdom, to rob the rest of their Prerogatives; but he made the

* Toppi Biblioth.

² Tatini. Orig. de' Seg. cap. 2.

principal Cities of the Provinces the Seats of the Viceroy's. Whereas formerly the Presidents, that were sent to govern them, were call'd *Justices*, in his Time they began to obtain the Title of *Viceroy's*. Wherefore, in the Times of these *Aragonian* Kings, we read of the Viceroy's of *Abruzzo* and *Calabria*. Whence we read of great Prerogatives granted to the Cities where they resided, such as *Aquila*, *Bari*, *Cosenza*, and many othe s.

BUT above all the rest of the Provinces he rais'd that of *Otranto*, and particularly the City of *Lece*, the Tribunal of which he re-establish'd with most ample Privileges and Prerogatives. When that County, of which *Lece* is the chief City, was under the Princes of *Taranto*, of the illustrious Family of *Baizo*, and afterwards *Orsini*, those Princes kept their Tribunal, which was call'd *Consiglio del Principe*, there; wherefore we still see some Sentences pronounced in *Lece*, *In Consiglio Principis*, where the Causes of that County were heard; and it had its own Fiscal, who was call'd the Prince's, to distinguish him from the King's Fiscal. This Tribunal consisted of four Judges, who were Doctors, one Advocate, one Procurator Fiscal, one Chamberlain, one Clerk, and one *Masfredatti*. It was instituted in the Year 1402. by *Romanello Orsini* and *Maria d'Eugenio*, the Father and Mother of Prince *Giovanni Antonio*¹: And it took Cognizance of the civil, as well as criminal Causes of the whole County, and of all those Cities and Towns, which the Princes of *Taranto* had usurped from Queen *Joan I*.

UPON the Death of the last Prince, which happen'd in *Altamura*, the Principality of *Taranto* came into the Hands of King *Ferdinand*, and though Duke *John* of *Anjou* tamper'd with the *Lece'se* to bring them over to his Party, yet they kept steady in their Allegiance to the King, to whom they surrender'd themselves, as soon as they heard of the Death of the Prince in *Altamura*². And besides that, upon the King's coming to *Lece* in 1462 after the Death of the Prince, they presented him with all the Prince's Treasure, which he had laid up in the Castle of that City, consisting of Gold and Silver Plate, and most costly Furniture, which was a very acceptable Present to King *Ferdinand*, whose Coffers by the Expenses of the War, which he had maintain'd against Duke *John*, were very much drain'd. As a Recompence for so great Fidelity, and so seasonable a Relief, he granted the *Lece'se* most ample Privileges: He confirm'd to them all the Concessions and Contracts of Patrimonial and Burgage Lands, which had pass'd between them and the Prince: He confirm'd the Consistory, with the Judges, of which it is compos'd, and the Salaries, payable out of the Revenues of some Villages belonging to the City: He granted them the Privilege, that that Tribunal should always remain in *Lece*: He adorn'd the said Tribunal with other more eminent Prerogatives, appointing it to be the Tribunal of Appeals from all the other Cities and Towns of that Province, as well belonging to the King's Demaines, as to the Barons: That it could take Cognizance of all manner of Feodal Causes: That it could appoint Guardians and Tutors to feodary Pupils: That it could revive dormant Suits at Law, which we call *Insufflacion di Spirito*: That Sentences might be pronounced in the King's Name, notwithstanding any Appeal intervening. He appointed D. *Frederick*, his second Son, to be Head of this Tribunal, who continued in that Post till, by the Death of *Ferdinand II*. his Nephew, he was call'd to the Succession of the Kingdom. Therefore, as well as the Sacred Council of *S. Clara*, he would have this Tribunal call'd, the Sacred Provincial Council; and that next to that of *Naples*, it should be the most eminent of all the other Tribunals of the Kingdom. Whence it came, that *Puglia* being divided into two Provinces, to wit, *Terra di Bari*, and *Terra d'Otranto*, each of them having its own separate Tribunal, both assumed the Title of a Sacred Court; but at present many of the abovemention'd Prerogatives are vanish'd, and, excepting that specious Title, and some other Privileges of small Moment, they are upon a Level with the Courts of all the other Provinces of the Kingdom.

PERHAPS, if King *Ferdinand* had enjoy'd more Years of Peace and Tranquillity during his Reign, he would have render'd *Naples* a more flourishing Kingdom, and brought it under a more exact Polity; but instead of that, most cruel and terrible Enemies appear against him, and the Barons, more obstinate than ever, again disturb the Kingdom. 'Tis true, that if *Ferdinand* had been guided by the same virtuous Disposition in his Prosperity, as he had been in the beginning of his Reign, and

in the midst of Adversities, he certainly would have been one of the wisest Princes that ever reign'd upon Earth; but now, after having triumph'd over his Enemies, seeing himself Master of a vast and most flourishing Kingdom; whether it was that he was not able to resist his violent Inclination for Power, or that hitherto he had stifled his natural Bent, he was afterwards observed to be deceitful, and of a fierce and cruel Temper. *Francesco Guicciardino*, a most grave Historian, says¹, that *Ferdinand* was a most prudent and valuable Prince, who by his surprizing Industry and Wisdom, accompanied with the Favours of Fortune, maintain'd the Kingdom, lately acquired by the Father, in spite of a Multitude of Difficulties, which, in the Beginning of his Reign, he had to struggle with; and rais'd it to a higher pitch of Grandeur, than, perhaps, any other King who, for many Years before, had possess'd it: And that he would have proved an excellent King, if he had continued to reign with the same Address, with which he began: But afterward, as *Angelo di Costanzo*², a most judicious Writer, observes, seeing himself in so great Prosperity, he changed his Manners; for, unmindful of the Benefits which God had bestow'd upon him, he began to reign with all manner of Cruelty and Avarice, not only oppressing those, who in the late War had sided with his Enemies, but those also who had serv'd himself well; for he revoked all the Privileges he had granted them in his necessity. But what, above all, drew upon him the universal Hatred of his Subjects, was *Alphonfus* Duke of *Calabria*, his eldest Son, who, treading in his Footsteps, out-did him in Cruelty, but much more in Lust, dishonouring many noble Families, publicly ravishing the Daughters from their Fathers and the Husbands, to whom they had been promised in Marriage, and marrying them to some of the Nobility, and often against their Inclinations. By which means the Son added so much Hatred to what had been already conceiv'd against the Father, that not only his own Subjects, but all the Potentates of *Italy* wish'd for his Ruin.

Ferdinand, as well as *Alphonfus*, sensible of the universal Disaffection, resolv'd to be always upon their Guard, and to keep up such a number of Troops, as might be able to curb the Subjects, and to keep them from rebelling. And *Ferdinand*, in order to have his Army maintain'd in the Dominions of other Princes, having enter'd into a League with Pope *Sixtus*, and made War against the *Florentines*, sent the Duke of *Calabria* upon an Expedition to *Tuscany*. The Republick of *Florence* was then govern'd by *Lorenzo de' Medici*, a Man so eminently above the private Condition of a Citizen in the City of *Florence*, that not only all the Affairs of that Republick were directed by his Advice, but his Name was held in great Esteem through all *Italy*; for he made it his principal Study to keep the Affairs of *Italy* in such a Balance, as it should not incline either to the one side or the other; and often the Assistance of one was sought for counter-balancing the other. The *Florentines*, therefore, lest King *Ferdinand* should attempt to extend his Dominions, and come to conquer *Tuscany*, propos'd to the *Venetians* to enter into a League against *Ferdinand*. The *Venetians*, on the other hand, afraid, that if *Ferdinand* were once Master of *Tuscany*, he might afterwards conquer *Lombardy*, immediately join'd with the *Florentines*, who, not able to persuade any of the other Christian Powers to attack *Ferdinand*, had recourse to the *Turk*, who was Master of *Albania*, and that Part of *Sclavonia*, opposite to the Kingdom of *Naples*³; so that the *Florentines*, in order to divert *Ferdinand's* Arms, and the *Venetians* those of the *Turk* from their own Dominions, invited *Mahomet II.* to the Conquest of the Kingdom of *Naples*. The Success of which Undertaking, as also that of the confederated Barons, must be referr'd to the following Book of this History.

¹ Guic. lib. 1. lib. 1. Ital.

² Costanzo lib. 20.

³ Camillo Porzio lib. 1. in Princ. Congiur. de Baroni.



T H E
CIVIL HISTORY
Of the KINGDOM of
N A P L E S.

B O O K XXVIII.



HOUGH so many other Nations had already invaded these our Provinces, the *Turks* had not hitherto attempted to conquer them; but, lest none might lose their turn, we see even that People, more powerful and terrible than the others, put in their Claim among the rest. 'Tis a vulgar Mistake, that the *Ottoman* Emperors support the Pretension, which they make to our Kingdom, upon their Haughtiness and Arrogance, and their immoderate Thirst after Dominion only. They pretend, that after the taking of *Constantinople*, and their having vanquish'd and kill'd the Emperor *Constantinus Paleologus*, the last *Grecian* Emperor, the Empire of the *East* being thence devolv'd to them, they have a Right to re-unite to that Empire all that they now find possess'd by foreign Princes. They pretend too that *Italy*, and much more our Provinces, particularly *Puglia* and *Calabria*, belong to them, as the true and lawful Successors of *Constantine* the Great, and the Emperors of the *East*. They even boast, and their Actions indeed demonstrate, that they imitate the *Romans*: And, perhaps, if their vast Conquests be consider'd, and the Progress they have made since the Year 870, to this time, their Acquisitions have not been inferior to those of the *Romans*; nor have they fail'd to shew, that they still keep up the Pretension of making themselves Masters of *Italy* and the World.

*SCIPIO Ammiratus*¹ plainly evinces, that the Progress made by the *Turks* since the Year 870. (when, being invited by the *Persians* from Mount *Caucasus*, where they first liv'd, they began to get footing in *Asia*, to his own time, to wit, in 1585. being less than 715 Years) was much greater than that of the *Romans*, in the like Space of time. And though they had not conquer'd *Italy* and *France*, as the *Romans* had done; yet they had made themselves Masters of *Egypt*, *Armenia*, and other Provinces of *Asia*, which were not brought under the *Roman* Yoke; and without doubt, they possess a much greater Part of *Illyricum* and *Germany*, than ever the *Romans* did. They made prodigious quick advances towards obtaining the Monarchy of the World; for having made themselves Masters of so many, and such vast Countries, they wanted only to subject *Constantinople*, the Head of the Empire, to their Dominion, and by that Means entirely to extinguish the *Grecians*, who had kept their Court there till the time of King *Alphonfus*. They were therefore wholly intent upon that Undertaking, which was at last reserv'd to *Mahomet* IV. King of the *Turks*, and of the *Ottoman* Family the second of that Name, who, in 1450, having succeeded to his paternal Kingdoms, made it his whole Study to accomplish that Undertaking. At last, in 1453, with formidable Armies and prodigious Fleets, he block'd up the City of *Constantinople* both by Sea and Land: *Constantinus Palæologus*, the Emperor, not able to resist such an infinite Number of Troops, for the safety of his own Person, had shut himself up in the City: Succours were, in vain, sought from the Christian Princes, who being at War among themselves, little regarded the Ruin of the Empire of the *East*: notwithstanding, the *Roman* Pontiff incited and conjured them to undertake the Defence of it. Nevertheless our King *Alphonfus*, that that City, the Seat of the Empire, might not fall into the Hands of the Infidels, was the only Prince that promised Assistance; but while with great Earnestness he was hastening it, on the twenty ninth of *May* 1453. *Mahomet* took the City, and put the Emperor and all the Nobility to the Sword, and quickly made himself Master, not of the City only, but of the Empire of *Constantinople*. Thus ended the *Greek* Empire, which had lasted one thousand one hundred and twenty nine Years. And as the *Roman* Empire began under *Augustus*, and ended in *Augustulus*; so the *Greek* began under *Constantine* the Great, the Son of *Helena*, and ended in *Constantine Palæologus*, the Son also of an *Helena*.

THE Empire being thus remov'd from the *Greeks* to the *Turks*, *Mahomet* was proclaim'd the first Emperor of the *Turks*. The Progress he made afterwards was both surprizing and ominous; laying aside his other Actions of less Moment, in 1460, he possess'd himself of the Empire of *Trebisond*, and caused King *David's* Head to be cut off. In 1462, he made himself Master of the Island of *Mitylene*. In 1470, he took the Island of *Negropont* from the *Venetians*. In 1474, he overcame in Battle *Husan Cassan*, King of *Persia*, by whom he had formerly been defeated. In 1476, he took *Caffa* from the *Genoese*. In 1478, he forced the *Venetians* to deliver up to him *Chalcis* and *Scutari*, and to pay him a yearly Tribute for Liberty to Traffick in those Seas. And, by so many Victories, having his Head full of so vast and boundless Projects, and above all, inflam'd with an ardent Desire of getting footing in *Italy*, pretending that, by virtue of the Empire of *Constantinople*, acquir'd by him, he was the true and lawful Sovereign thereof: The *Venetians*, in order to divert him from their Dominions, and to shun greater Inconveniencies, insinuated to him, that he ought to give over the Undertaking against the Island of *Rhodes*, which he was then endeavouring to take from the Knights of *Jerusalem*, and send his Fleet towards *Puglia* in the Kingdom of *Naples*; for instead of an Island he might be able to conquer a most flourishing and large Kingdom². *Angelo di Costanzo* writes, that *Lorenzo de' Medici*, by means of some Merchants trading among the *Turks*, invited *Mahomet* to invade our Kingdom. 'Tis very probable, that both the *Venetians* and *Florentines*, who were then Enemies to *Ferdinand*, did encourage him.

THEY demonstrated to *Mahomet*, that the Pride and Ambition of *Alphonfus* was such, that though not at present, yet in time he might come to hurt him, as well as them; yea, much more him, the Undertaking being more just, with respect to Religion, more easy, because of the short Passage over the *Ionian* Sea, which divides their Dominions, and more favour'd by the Christian Princes. Besides, for several Reasons, *Mahomet* exceedingly enrag'd against King *Ferdinand*, and

¹ Amirat. Miscel. diss. 3.

² Galat. de situ Japigiæ.

above all for his having sent that very Summer Relief to *Rhodes*, which he had in vain besieged; so that it was an easy matter to persuade him to undertake the Expedition¹.

MAHOMET, therefore, having raised the Siege of *Rhodes*, in 1480, sail'd to *Velona*, from whence he sent *Acubat*, his Bashaw, upon this Expedition, who, about the end of *June* the same Year, arriv'd upon the Coast of *Puglia* with a most formidable Fleet, and besides Infantry, having landed five thousand Horse, he laid close Siege to the City of *Otranto*. The Garrison of this City consisted only of a thousand fighting Men, with four hundred which *Francesco Zarlo* had brought with him from *Naples*. The Citizens made a more vigorous Defence than the Soldiers, but their Constancy against so powerful and numerous an Army avail'd nothing. In less than two Months the City was taken by Assault, into which these Barbarians having entered with great Fury, there was no manner of Cruelty but what they committed, Burnings, Robberies, Slaughter, ravishing of Virgins, and whatever Barbarities were committed at the taking of *Constantinople*, the same were practis'd in *Otranto*. Many Citizens were put to the Sword, as was done in *Constantinople*, but with this Difference; for the Bones of those were still left upon the Ground, exposed to the Wind and Rain, and not minded; but as for the Bones of those of *Otranto*, the *Turks* being driven out, not only the Country People, but Pope *Sixtus*, and *Alphonfus* Duke of *Calabria*, strove who should do them most Honour.

AFTER the taking of this City, *Mahomet*, having recall'd *Acubat*, he, in Obedience to his Lord, departed, and left in his room *Ariaden*, Governor of *Negropont*, with seven thousand Foot, and five hundred Horse, and he himself, with twelve Galleys, and the Pillage of *Otranto*, set sail for *Constantinople*. *Ariaden* having a Mind to pursue the Conquest, resolv'd to besiege *Brindisi* and other Cities, so that the Kingdom was in great Danger of being lost.

FERDINAND, seeing himself in this Distress, wrote to almost all the Princes of *Europe* for Relief, and sent immediately to *Alphonfus*, ordering him to leave the Expedition of *Tuscany*, and come to the Relief of the Kingdom. The Duke of *Calabria* abandon'd the War of *Tuscany*, and left the *Florentines* in Peace; and on the tenth of *September* this Year he arrived in *Naples*, and having assembled a Fleet of eighty Galleys with some Ships, he gave the Command of it to *Galeazzo Caracciolo*, who arriving with the Fleet on the Coast of *Otranto*, put the *Turkish* Army into a great Consternation, and soon after, the Duke of *Calabria* came thither, accompanied with a great Number of *Neapolitan* Barons. The King of *Hungary*, the Duke's Brother-in-Law, sent thither one thousand seven hundred *Hungarian* Foot, and three hundred Horse; and the Pope sent a Cardinal, with twenty two *Genoese* Galleys; so that the Duke's Army was in a Condition to face that of the *Turks*, who, after many Skirmishes, were forced to retire into *Otranto*, where, for a long time, they made an obstinate Defence. But the seasonable Death of the Emperor *Mahomet*, which happen'd on the third of *May* this Year 1481. freed the Kingdom from these Miseries; for *Ariaden* judging, that by the Death of *Mahomet* the Reinforcement he expected would arrive too late, resolv'd to surrender the Place to *Alphonfus*: And on the tenth of *August* honourable Terms being agreed upon, he deliver'd it up, after it had been a Year in the Hands of the *Turks*, and having embark'd with his Troops, he set sail for *Constantinople*.

THIS opportune Death, not only terrify'd the *Turks* that were in *Otranto*, but also an Army of twenty five thousand Men who had come as far as *Velona*, and were design'd against *Italy*, so that they all return'd. *Alphonfus*, overjoy'd at this happy Event, dismiss'd the *Hungarian* Soldiers, and return'd victoriously to *Naples*, where he found the Succours that had come to him from *Portugal* and *Spain*, the one consisting of nineteen Caravels and one Ship, and the other of twenty two Ships; and having regaled their Commanders, he dismissed them all. In this War died the Flower of the Veteran Officers, and the famous Knights of the Kingdom; to wit, *Matteo di Capua*, Count of *Paleno*, famous over all *Italy*: *Giulio Acquaciva*, Count of *Conversano*, who had been raised by *Ferdinand* to the highest military Honours: *D. Diego Cavaniglia*, *Marino Caracciolo*, and a great Number of other worthy Knights². In the Sacking of *Otranto* by the *Turks*, eight hundred Citizens were put to the Sword, whose Bones *Alphonfus* caused to be

¹ Camil. Pertio. lib. 1. loc. cit.

² Costanzo, lib. 20.

buried with great Honour and Devotion, and many of them were carried to *Naples*, and, as *Galateus* writes¹, were deposited in the Church of *S. Maria Maddalena*, from whence they were afterwards removed to the Church of *S. Catarina a Formello*, where they are now adored, as the Relicks of Martyrs.

NOT to interrupt the Thread of this History, by discoursing hereafter of the Designs, which the *Turks* have always had, even to our own Times, upon the Conquest of this Kingdom, and of the Invitations, which have been made to them by the Christian Princes, who being at War among themselves, in order to divert the Arms of the Enemy, have often had Recourse to the *Turk*: Now, seeing the Occasion offers, I must observe, that though the *Turks*, during the Reigns of *Ferdinand* and of the *Aragonian* Kings, his Successors, did not return to disturb these our Provinces, yet for all that, by the great Conquests they made in the neighbouring Parts, from time to time they struck us with Terror.

MAHOMET II. being dead, who, for his having conquer'd two Empires and twelve Kingdoms, and taken above two hundred Christian Cities, was proclaim'd the first Emperor of the *Turks*. *Bajazet II.* his Son, who succeeded him in the Empire, by an uninterrupted course of Fortune, made other Conquests; for in 1484, he took *Valachia*, and in 1492, he possess'd himself of the *Ceraunian* Mountains and all *Albania*; and reduced all those who before enjoyed Liberty into a State of Slavery. Wherefore many noble Families fled from those Places, and took Shelter in the neighbouring Parts, and some of them in our Kingdom. The *Castriotti* and the *Tocchi*, who possess'd great Lordships in those Provinces, came hither. Many *Albanians* likewise came, to whom our King assign'd sundry Towns for their Habitation, and they still continue among us. In 1499, *Bajazet* subjected to his Empire *Modon* and *Corone*, Cities of the *Morea*, and the Year following he took the City *Mero* from the *Venetians*. In 1514. *Selim I.* *Bajazet's* Son, overcame in Battle *Ismael* King of *Persia*, and pursued him in the Fields of *Calderan*. The next Year he defeated, and made Prisoner the Captain General of *Aladola*, King of *Cappadocia*, cut off his Head, and sent it to the *Venetians*, as a Token of the Victory. In 1516, he routed *Campson*, the Sultan of *Egypt*, and having put him to flight, he forced him to lay violent Hands upon himself; in the course of which full and glorious Victory, having overcome and hang'd the other Sultan, he took *Cairo*, subjected *Alexandria*, and having made himself Master of *Egypt*, he likewise conquer'd *Damascus*, the Metropolis and Seat of the Kingdom of *Phœnicia*.

SOLIMAN II. the Son of *Selim*, in 1521, took *Belgrade* from the *Hungarians*. In 1522, he drove the Order of *S. John* of *Jerusalem* out of the Island of *Rhodes*, and added that most noble Island to his Empire. In 1526, he gave the *Hungarians* another terrible Defeat, in which their unfortunate King *Lewis* was kill'd. In 1529, he possess'd himself of *Buda*, and in 1534, he took the Kingdom of *Tunis*. In 1537, besides the great Damage he did the *Venetians* in pillaging *Zante* and *Citera*, he demolish'd *Ægina*, took *Paros*, and made *Nasso* tributary. In 1539, he took *Castel Nuovo*, where the best Troops, that ever the *Spaniards* had, were put to the Edge of the Sword. *Selim II.* the Son of *Soliman*, after having, with a most powerful Fleet, endeavour'd to conquer *Malta*, the new Residence of the Knights of *Jerusalem*, he took the most delightful Kingdom of *Cyprus* from the *Venetians*. Upon which Occasion the Family of the *Palæologi* came to our Kingdom, whose Tomb is to be seen in the Church of *S. John the Greater*, in *Naples*, of which *Eugenio* makes mention². *Amurat III.* the Son of *Selim*, though by Reason of the continual Wars, which he had to maintain against the *Persians*, did not disturb the Christian Nations, yet he kept them in great Terror. But his Successors, *Mahomet III.* and *Achmet* took from the *Venetians* the Island of *Candia*, a great Part of *Dalmatia*, *Bohemia*, and *Slavonia*; and in short, almost all the Coast of the upper Sea, which we now call the *Adriatick*, opposite to the Coasts of *Otranto* and *Puglia*, was brought under their Dominion. By these unbounded Conquests many Kingdoms and Duchies were extinguish'd. Thus fell the Dukes of *Athens* and *Durazzo*, the Lords of *Arta*, the Princes of the *Morea*, the Duke of *Albania*, the Princes of *Achaia*, and so many other Lords and Barons, that it would be too tedious to recount them. These were succeeded in their Dominions by so potent and terrible an Enemy, by much too near us, being separated only by

¹ Ant. Galat. de situ Japig.

² Eugen. Nap. Sagr. pag. 77.

the Gulfs of *Venice* and *Otranto*: It created continual Fears, and some Cities and Towns of *Puglia* and *Calabria* were frequently pillag'd.

WHENCE desperate Princes and malecontent Barons often took Occasion to have Recourse to the *Turks*, by promising them an easy Conquest of the Kingdom. When, as we shall be told hereafter, King *Ferdinand* made Peace with Pope *Innocent VIII.* some Barons, doubting of the King's Veracity, for their own Safety, resolv'd to send Ambassadors to *Bajazet* to invite him to come and conquer the Kingdom. Therefore our Seas were frequently infested, and the City of *Gaeta* terribly pillaged. And in the following Years *Paula* and *S. Lucido* in *Calabria* underwent the same Misfortune: *Sorrento* and *Nassz*, over against *Naples*, were cruelly plunder'd, and the Inhabitants hurry'd away into Slavery¹.

IN the Reign of *Charles V.* the Prince of *Salerno*, having fled the Kingdom, and not meeting with Encouragement in *France*, had recourse to the *Turks*, to whom he represented the Conquest of the Kingdom as an easy Matter, and persuaded them to fit out a powerful Fleet for invading it.

IN the Reign of *Philip II.* his Son, there were frequent and famous Expeditions made against the *Turks*; in which D. *John* of *Austria*, who gave them a terrible Defeat at Sea, gain'd immortal Glory; and there being a cruel and obstinate War kindled between the King and *Paul IV.* that Pope, not content with having enter'd into a League with the King of *France* and some other Potentates, likewise invited the *Turks* to assist him with their Fleet in attacking the Kingdom. And the Conspiracy of *Tommaso Campanella* is yet fresh in our Memories, who, with other *Dominican* Monks of *Calabria*, in 1599, had plotted to put the two *Calabria's* into the Hands of the *Turks*; who, in 1621, came with a strong Fleet to invade *Capitanata*, and made themselves Masters of *Manfredonia*, and after having kept it for some Time, they pillaged it, and dropp'd the Undertaking. They did an infinite Number of other Mischiefs in our Seas, and carried off many of our People into Slavery. And in the Years 1716, and 1717. if they had not been twice notably defeated in *Hungary* by the victorious *Imperial* Arms, with the Loss of *Temeswaer* and *Belgrade*, they were threatening *Italy* and our Kingdom. But now a Truce for twenty Years being made with the *Turk*, we see what our Forefathers never did, to wit, Traffick and Commerce open'd betwixt us and the *Turks*. As long as this Truce lasts, at least, the *Adriatick* Sea will be free from *Corfairs*, and the Coast not expos'd to so great Losses and Ransoms; for by having so powerful an Enemy so near, the Towns situate upon the Coasts of the *Adriatick* and *Calabria* were constantly infested by the Barbarian Pyrates, and many Families ruin'd by paying vast Ransoms for recovering their Relations out of their Hands. In order to guard against those Pyrates, *Charles V.* caus'd many Towers to be built along the Seashore of the Kingdom, and laid heavy Taxes upon it for the Maintenance of the Tower-keepers. Afterwards, in order to be assisting on those Occasions, the Orders for the Redeeming of Captives were brought from *Spain*, and settled amongst us, and many pious Funds were establish'd, the Revenues of which are appointed for the Ransom of Slaves.

IT can't be deny'd, but it is a very pious Work, and in *Spain*, which is liable to the same Misfortunes from the Pyrates of *Algiers*, *Tunis*, and those of the *Moors*, it hath exceedingly encreased, where there are large Convents of those Orders, for the redeeming of Captives, endow'd with most ample Revenues; but it also can't be deny'd, but the *Turks* are thereby encouraged in their Piracy, it proving so beneficial, that almost all of them drive the pyratrical Trade, because they know, that *Christians* are no sooner made Slaves, than vast Sums are sent to redeem them. On the contrary, they never ransom any of their own People that happen to fall into the Hands of *Christians*; wherefore the *Christians* don't drive the Trade of Pyrating in their Seas, as they do in ours. If we did not take Care to redeem our People, they would certainly leave off the pyratrical Trade, and, perhaps, we should live at more ease, without Suspicion or Fear. But enough of this, our Purpose now requiring, that we should discourse of King *Ferdinand*, and of a new, and more dangerous Conspiracy, hatch'd by his Barons against him.

¹ Id. ibid. pag. 8. anno 1558.



C H A P. II.

The Barons conspire a-new against the King. Pope Innocent VIII. joins with them, and makes War against him : Peace concluded with the Pope, and the Ruin and Extirpation of the Conspirators.



AFTER the Expedition of *Otranto*, *Alphonfus*, Duke of *Calabria*, puffed up with Vain-glory and Triumph, and full of high elevated Thoughts, out of his cruel and avaricious Temper, resolv'd to humble the Barons, whom he both hated and suspected. All his Thoughts were so much bent upon this, and he spoke so openly of it, that they began to smell out his Design; for he was wont frequently to say to his Confidants, that seeing the Barons, during the so many Wars and Troubles, in which the King had been involv'd, had not thought fit to assist him with Money, he would teach them how Subjects ought to carry themselves to their Lord. He could not contain himself from bidding his Favourites take Courage, that in a short time he would make them great Barons, for he was resolved so to humble the Grandees, that they (the Favourites) should be the first; and besides, he could not forbear putting a Besom upon his Helmet for the Devise, and at his Saddle certain Signs, to shew that he had a Mind to root them all out.

ALTHOUGH King *Ferdinand* was a most prudent Prince, yet what through the Affection he bore Duke *Alphonfus*, what through old Age, and the Fondness of his new Spouse, between paternal and conjugal Love, he was in a drooping Condition; and putting great Confidence in the Valour of the Duke, he had, in a manner, yielded the Reins of the Government to him, and only upon extraordinary Occasions gave his Advice. The Barons, who had conceiv'd a cruel Hatred against *Alphonfus*, terrify'd by these Menaces, began to think of Means, whereby to prevent them.

ON the thirteenth of this Year 1484, Pope *Sixtus* died, and on the twenty ninth of the same Month Cardinal *Giovan-Battista Cibo*, a *Genoese*, was elected in his Room, who call'd himself *Innocent VIII.* This Pope had a different way of Thinking from his Predecessors *Pius* and *Sixtus*, and longing for an occasion to raise *Franceschetto*, his Bastard Son, and finding the Barons ready to make Disturbance, he was resolv'd to have a Hand in it, and shewing himself displeased with King *Ferdinand*, who had desir'd of him, that, on account of the great Charges the War of *Otranto* had cost him, and of those, which he was at in maintaining so many Troops for opposing the *Turk*, and in defending the Kingdom, which was the Bulwark of *Italy* against the Infidels, He would be pleased to remit him the ordinary Tribute payable to the Church, as his Predecessors had done, who contented themselves with the *Genet* only: He not only would not remit it, but on the twenty ninth of *June* 1485. the Day appointed for the Payment, the King, according to Custom, having sent *Antonio d'Alessandro* his Ambassador to *Rome* to offer the *Genet*, the Pope refused to accept of him; so that the Ambassador was forced to make a publick Protestation, which is to be found in *Chioccarello's MS. Volumes of the Royal Jurisdiction*.

ON the other hand, the Barons, observing the Pope's Dissatisfaction, resolv'd to have Recourse to him for Protection. The Heads and Authors of this Conspiracy, which has been so well described by *Camillo Porzio*, were *Francesco Coppola*, Count of *Sarno*, and *Antonello Petrucci*, the King's Secretary. The Count of *Sarno*, though of an antient and noble Family of the *Seggio* of *Portanova*, treading in the Footsteps of his Father, was so much given to Merchandizing, that the King himself, allur'd by the Profit, put a good Sum of Money in his Hands, and became his Partner in Trade¹, so that he grew exceeding rich: *Ferdinand* created him Count of *Sarno*, and his Name was in such repute both in the *East* and *West*, that the Merchants, in almost all Parts of *Europe*, trusted him with Sums and Merchandizes of a vast Value. *Antonello Petrucci*, born in *Teano*, a City near *Capua*, of mean Parents, and brought up in *Aversa* by a Notary, who finding that he was a Youth of an excellent Genius and great Application to Learning, brought him to *Naples*, where he put him in the Service of *Giovanni Olzina*, Secretary to King *Alphonfus*. *Olzina*, perceiving the natural Endowments of the Lad, desired the famous *Laurentius Valla*, who then liv'd in his House, to instruct him; and *Antonello* having in a short Time, under so excellent a Master, made a wonderful Progress, *Olzina* gave him an Employment in the Royal Chancery; and whenever he had so much Business upon his Hands that he could not wait upon the King himself, he was wont to send *Antonio* to him. King *Ferdinand* was likewise taken with the Integrity and modest Behaviour of *Antonello*, and by this Familiarity he came to be in great Favour with him; insomuch, that upon *Olzina's* Death he made him his Secretary, and by the great Confidence the King had in him, all the most weighty Affairs passed through his Hands. By these Means he acquired vast Riches and noble Alliances; for he marry'd the Sister of *Agnello Arcamone*, Count of *Borrello*, of the *Seggio* of *Montagua*, by whom he had five Sons, and all of them, by the King's Favour, were rais'd to great Honours. The eldest was made Count of *Carniola*; the second, Count of *Policastro*; the third, Archbishop of *Taranto*; the fourth, Prior of *Capua*; and the fifth, Bishop of *Muro*.

THE great Riches, and the many extraordinary Favours, which the King bestow'd upon these two great Men, drew upon them the Hatred and Envy of many, and especially of the Duke of *Calabria*, who could not forbear saying often in publick, that, in order to enrich them, his Father had impoverish'd himself; but that he was resolv'd not to delay much longer what his Father had so long dissembled. All these Things being told to the Count of *Sarno* and the Secretary, they resolv'd to join the discontented Barons, with whom having consulted, they agreed among themselves to have Recourse to the Pope for Assistance. The Barons who enter'd into the Conspiracy, were *Antonello Sanseverino*, Prince of *Salerno*, Lord High Admiral of the Kingdom, *Pietro del Balzo*, Prince of *Altamura*, Lord High Constable, *Girolamo Sanseverino*, Prince of *Bisignano*, *Pietro di Guevara*, Marquis of *Vasto*, Lord High Steward, *Andreo Matteo Acquaviva*, Duke of *Atri*, the Duke of *Melfi*, the Duke of *Nardo*, the Counts of *Lauria*, *Melito*, and *Nola*, and many Knights. These, taking the Opportunity of the Marriage of *Trojano Caracciolo*, the Son of the Duke of *Melfi*, met in the City of *Melfi*, and sent to Pope *Innocent* to beg the Favour of his Assistance; with which the Pope readily comply'd. He consider'd, that there could not happen a more favourable Opportunity than this for raising his Son; and to bring this to bear he had Recourse to the usual Practice of the Popes, to wit, of inviting some Prince to conquer the Kingdom, by promising to give him the Investiture of it. *John*, Duke of *Anjou*, had been dead ever since the Year 1470, and *Renatus*, his Father, being likewise dead, there was none remaining but another *Renatus*, the Son of *Violante*, *Renatus's* Daughter, who was Duke of *Lorrain*; therefore he sent to *Provence* to solicit him to come with all Expedition to conquer the Kingdom, with which he would invest him, provided, in return for so great a Favour, he would confer upon *Franceschetto*, his Son, Honours and Lordships.

NEVERTHELESS, *Alphonfus*, Duke of *Calabria*, having discover'd the secret Practices of the Barons, immediately resolv'd to break their Measures; and thereupon, without delay, invaded the County of *Nola*, took the City of that Name, and made two of the Count's Children, with their Mother, Prisoners,

¹ Mich. Ricc. de Regn. Sic. & Neap lib 4.

whom he order'd to be carry'd to *Castelnuovo* in *Naples*. When the other Conspirators heard what had happen'd, lest their Estates also should be seiz'd, laying aside all Respect, they began openly to arm themselves, and to raise Commotions every where. In an Instant the Kingdom was put into the greatest Confusion, the Roads were impassable, Commerce was interrupted, the Tribunals were shut up, and hence nothing but universal Disorder. King *Ferdinand* being much affected with these Tumults, endeavour'd to quiet them; and the Prince of *Bisignano*, to give the other Barons time to arm themselves, began to treat of a Peace with the King: *Ferdinand*, in appearance, seem'd very much inclin'd to it, but was resolv'd, as soon as the Troubles were once over, not to observe it. The one endeavouring to trick and over-reach the other, most impertinent Conditions of Peace were propos'd to the King, all which he agreed to: But when they came afterwards to ratify them, the Prince of *Salerno* started Difficulties, and mean while the greatest Part of the Barons having retir'd to *Salerno*, he gave the King to understand, that for their better Security, he must send D. *Frederick*, his second Son, to *Salerno*, there, in his Name, to conclude the Conditions, and be Surety for the Observance of them. The King sent *Frederick*, and he was receiv'd by the Prince and the other Barons with great Marks of Respect, and entertain'd as if he had been a King. *Frederick* was a Prince, endow'd with rare and incomparable Virtues, Handiome, and of a most sweet Temper, Temperate and Modest, insomuch that he had gain'd the Love of every Body. His Behaviour was quite different from that of his Brother, the Duke of *Calabria*, and if he had had the good Fortune to have been the eldest, the Kingdom would certainly have continued in the Posterity of our native *Aragonian* Kings; and would thereby have been prevented from undergoing the many Revolutions and Troubles, which we shall relate in the following Book.

FREDERICK, however, went to *Salerno* with great Hopes of concluding the Peace; but one Day the Prince of *Salerno* having conven'd the Barons in his own Palace, and placed *Frederick* in an eminent and stately Seat in the middle of the Assembly, began with great Eloquence and Energy to persuade him to accept the Kingdom from their Hands, which they then offer'd him; alledging, that *Alphonfus*, a most cruel Tyrant, being driven out, it might remain in Peace under his Clemency; that they would support him with their Arms and Fortunes to the last drop of their Blood; that the Pope being on their side, the Undertaking would not only be render'd just, but he would immediately grant him the Investiture of it: If former Popes then, said he, for the sake of Peace, could allow *Alphonfus* to deprive King *John*, his Brother, of the Kingdom, to whom it of right belong'd, how much more Just and Glorious will it be for the present Pope *Innocent* to suffer a Tyrant to be deprived of the Kingdom, and to put the Crown upon your Head, a Prince differing as much from him, as a Wolf from a Lamb, or a cruel and avaricious Man, from a benign, just and virtuous Prince: Nor surely will your old Father *Ferdinand* be offended at it, who is sensible, that it will be approved of both by God and Man, yea, he will look upon himself to be a happy Father, that among his Sons he has begot one, who, in the Judgment of every body, is thought worthy of the Scepter and the Royal Crown. It ought to be consider'd, that you was born among us in this Climate, and in this renown'd Part of *Italy* for our Deliverance: The Piety of your Heart ought to be affected by our Miseries, to have Compassion upon our Children, to comfort the frighted Mothers, and, in fine, not to suffer us to be driven by Necessity, to have Recourse to foreign Nations for our own Safety, as it certainly will happen, if you don't accept of our Offer¹.

HE spoke to the Prince with so much Fervency and Force, that the whole Assembly believ'd, that *Frederick* would not have refus'd the Offer; but that Prince, who was neither mov'd by Ambition, nor an immoderate Thirst after a Crown, but only by Virtue, after having return'd them Thanks for the Offer, with much Calmness answer'd, That if it were in their Power to confer the Kingdom upon him, he would most willingly accept of it, but as he could not acquire it without the Breach of all Laws, his Father's Purpose, and the Right of his Brother, he was unwilling, in order to maintain it afterwards by Force, to be obliged to commit greater Deceit and Wickedness. That the Kingdom was provided with so many

¹ Camil. Porzio Congiura de' Baroni.

strong Forts and Garrisons, that the Lives of two gallant and still victorious Kings would scarce be sufficient for reducing them, especially, seeing a great Part of the Barons, inur'd to Arms, were following the Duke's Standard, who, though he was not liked by the People, yet he was much belov'd, yea, adored by the Soldiers. That they were mistaken in the Comparison betwixt his Deportment and that of the Duke: That there was no Proportion betwixt a private Man, such as he was, and a Prince. Neither ought it to seem strange to them, if he, by having cultivated his Mind by Learning, was of a more mild Disposition, and on the contrary, the Duke, by having been brought up in Arms, was terrible and fierce: That if he should come to be King, he would be forced to give over his former Conduct, and assume that of his Brother, in order to confirm him in the Kingly Dignity, managing the Wars, imposing new Burdens, seizing the Malecontents, and in short doing the same Things, for which the Duke was hated. So that seeing he assur'd them that the Conditions agreed to should be religiously perform'd, they ought to give over these Thoughts, and lay hold of the Peace, which he offer'd them.

WHEN the Conspirators understood *Frederick's* Resolution, their Countenances alter'd, grew pale, and foreseeing what the Result of their Conspiracy was like to be, overcome with Despair, they gave way to Fury and a thousand Extravagancies. Instead of making him King they made him Prisoner; and having openly shaken off the Yoke, in order to encourage the Pope, both to their own and his Shame, they set up the Papal Standard, and declared themselves no less the King's open, than obstinate Enemies.

FERDINAND seeing himself thus affronted, not only to crush the Rebellion, but the Pope's Ambition, resolv'd to declare War against him, and, without Ceremony, to attack the State of the Church, and force him to give over that scandalous Undertaking; therefore, wholly intent upon making the necessary Provisions for the War, he sent the Duke of *Calabria* with a powerful Army to the Borders of the Kingdom. Before he sent him, because many weak People were astonish'd to hear that a War was to be carried on against the Pope, and therefore were against undertaking it, in order to undeceive them, on the twelfth of *November* 1485. he order'd the Nobility and Commons, with a great Number of Officers and Barons to meet at the Cathedral Church of *Naples*, and he caused publickly to be read in their Presence a Protestation, whereby he declared, that his Intention was not to make War against the Holy See: That all the Preparation he was making for War, was not for encroaching upon other People, but only for defending himself, preserving his Kingdom, and freeing it from the Insults of others: That as for the rest, he had been, and always shall be a most obedient Son to the Apostolical See.

HE likewise issued out a Proclamation, whereby he order'd all the Prelates and Ecclesiastical Persons of the Kingdom, who were possess'd of Bishopricks, Archbishopricks, and Benefices in it, and who were then residing at the Court of *Rome*, within fifteen Days after the Publication of the Proclamation, to come and present themselves before him, and then to go and reside in their Livings, otherwise he deprived them of their Revenues, which should be sequestered; and the Archbishop of *Salerno*, the Bishops of *Melito* and *Teano*, who were residing at the Court of *Rome*, not obeying the Proclamation, he sequestered the Rents of their Churches, and appointed Collectors for receiving them.

HE assembled another Army, and gave the Command of it to *D. Ferdinand*, Prince of *Capua*, his own Grandchild, the Duke of *Calabria's* eldest Son, whom, on account of his Youth, he put under the Direction of the Counts of *Fondi*, *Maddaloni* and *Marigliano*; and he sent the Duke of *S. Angelo*, his fourth Son, to *Paglia* with another Army for guarding that Country.

POPE *Innocent*, terrify'd at so great Preparations for War, and having no News from *Renatus* Duke of *Lorraine*, whom he had invited to conquer the Kingdom, had recourse for Assistance to the *Venetians*, then very powerful in *Italy*, and did his utmost to get them to enter into a League with him for the Conquest of the Kingdom, offering them a good Share of it; but the *Venetians*, foreseeing the Issue of the Conspiracy of the Barons, would neither enter into a League against the King, nor desert the Pope, but assisted him secretly.

IN the mean time the Duke of *Calabria* having invaded the Ecclesiastical State, and often fought the Pope's Troops, was advanced to the Gates of *Rome*, and had laid close Siege to that City. And Prince *Frederick*, by the means of a *Corfican* Captain, whom the Prince of *Salerno* had engaged in his Service, made his Escape out of Prison, and came to *Naples*, where he was receiv'd by his Father, and all Ranks of People with extreme Joy, and highly commended for his Virtue.

KING *Ferdinand*, by Art and Management, did not neglect to gain over to his Interest some of the confederated Barons; wherefore the Pope, who was better carv'd out for Peace than War, not seeing *Renatus* appear, nor great Assistance from the *Venetians*, teaz'd also by the College of the Cardinals, and by the many Complaints, that for the Want of Pay, the Army of the Barons was ruining the State of the Church, besides, having been for three Months besieg'd in *Rome*, he at last came to make Overtures of Peace, and to persuade the Barons to come to an Agreement with the King, and that he would endeavour to obtain good Conditions for them. The Barons, reduced to the last Extremity, and forced by cruel Necessity, hearken'd to an Accommodation, and came into it with the greatest Caution imaginable; for they insisted upon this, that *John* King of *Aragon*, and King *Ferdinand*, afterwards call'd the Catholick, his Son, who was then King of *Sicily*, and was marry'd to the Princess of *Castile*, who afterwards became Queen thereof, should send Ambassadors, who, in their Names, should be Guarantees of the Treaty¹. At last it was concluded on the twelfth of *August* 1486, in the Presence of the Archbishop of *Milan*, and the Count of *Tendilla*, Ambassadors from the Kings of *Spain* and *Sicily*: And in the Name of King *Ferdinand* it was accepted by *Joannes Pontanus*, famous for his Learning in these Times. By this Peace it was stipulated, that the King should acknowledge the Church of *Rome* as his Superior, by paying the usual Tribute; and should not molest the Barons.

POPE *Innocent* having concluded this Peace, continued ever after a Friend to the King, and granted him whatever he desired. On the fourth of *June* 1492. at his Request he dispatch'd a Bull, agreeable to those of Pope *Eugene* IV. and *Pius* II. whereby he declared, that after *Ferdinand's* Death, *Alphonfus*, Duke of *Calabria*, his eldest Son, should be his Successor in the Kingdom: And that if the Duke should happen to die in the King's Life-time, then *Ferdinaud*, Prince of *Capua*, the Duke of *Calabria's* Son, should succeed. For this Purpose the Prince of *Capua* was sent to *Rome*, with Powers from *Alphonfus*, his Father, and in his Name to take the Oath of Fidelity, and do Homage to Pope *Innocent*, which accordingly he did, not only in his Father's, but in his own Name also, conformable to the Investiture which this Pope had given them.

NOTWITHSTANDING the Pope and the Kings of *Spain* and *Sicily* were Guarantees of this Treaty, yet the Barons, knowing the Cruelty of *Alphonfus*, and *Ferdinand's* Treachery, were terribly perplex'd. *Pietro di Guevara*, the High Steward, foreseeing the Destruction that was like to ensue, died of Grief and extreme Melancholy. The rest, with unanimous Consent, fortify'd themselves in their Castles, and did not neglect, by secret Means, to send to *Rome*, *Venice*, and *Florence*, to beg Assistance; nor were there wanting some, who were for applying to the *Turk* for Relief: But King *Ferdinand* and the Duke of *Calabria*, having got them in their Power, behaved with great Art and Dissimulation, offer'd them Security, and made shew of much Mildness: Many being deceived, thought themselves secure; but the Prince of *Salerno* never trusted them, and suspecting what was to happen, he went privately out of the Kingdom, and arrived in *Rome*; and finding that the Pope was altogether averse from renewing the War, he went to *France*; a Step which, though it produced nothing extraordinary at that Time, yet many Years had not pass'd before it became the Source of surprising Consequences; for, as we shall hereafter relate, by the Countenance of the King of *France*, it not only crush'd the King and the Duke, but even extinguish'd their whole Posterity.

NEVERTHELESS the King and the Duke dissembling their Designs, went on encouraging the rest; and being resolv'd to ruin the Count of *Sarno*, and the Secretary *Petrucchi*, with their Sons, (for the other Barons excusing themselves, laid

¹ Costanzo lib. 20. Chiocc. tom. 1. M. S. Guarini

the whole whole Blame of the War upon their Shoulders) they contriv'd a Method for seizing them all, which was to get them to meet all in one Place, and hastening the Marriage: which had been appointed betwixt *Marco Coppola*, the Count of *Sarno's* Son, and the Daughter of the Duke of *Amalfi*, the King's Grandchild, they got the Duke to Consent, that the Marriage should be celebrated in the great Hall of *Castel Nuovo*. While they were all met, Dancing and Feasting, their Mirth was converted into Grief and bitter Lamentations; for, without either Regard to the Place, the Solemnity, or to the Authority of the Pope, and the two Kings of *Spain* and *Sicily*, who had been Guarantees of the Peace, *Ferdinand* imprison'd the Count of *Sarno*, *Marco*, the Bridegroom, and *Filippo*, his Sons; the Secretary *Petrucci*, the Counts of *Carniola* and *PolICASTRO*, his Sons; *Angelo Arcamone*, the Secretary's Brother-in-Law, and *Giovanni Impou*, a *Catalan*. He likewise caused the Houses of the Prisoners to be plunder'd, both in *Naples* and in *Sarno*; and because the Fact was detested by every body, who spoke of it with Horror, he would not order them to be put to Death of himself, but appointed a Junctō of four Judges, who were to try them, and, according to the Rigour of the Laws, found them guilty of Felony and High-Treason. The Judges having try'd the Barons, and our Laws requiring, that at pronouncing the Sentence some of their Peers must be present, four Barons were pitch'd upon, to wit, *Giacomo Caracciola* Count of *Burgenza*, Lord High Chancellor, *Guglielmo Sanseverino* Count of *Capaccio*, *Restaino Cantelmo* Count of *Popoli*, and *Scipione Pandone* Count of *Venafro*. The Sentence was pronounced by the Delegates, who, with the Peers, having again met in the great Hall of *Castel Nuovo*, sitting on the Bench with the Regent of the High Court of the Vicariate, caused the Sentence to be read and publish'd in Presence of the four Criminals, to wit, the Secretary and his Sons, and the Count of *Sarno*, who were condemn'd to lose all their Honours, Titles, Dignities, Offices, Knight-hoods, Counties, Nobility, and their Heads; and their Estates were forfeited to the King. The King had no mind to have them all die in one Day: He first caused the Secretary's Sons to be beheaded on a Scaffold in the Market-place; some Months after, on the eleventh of *May* 1487. in order to have them seen from the City, causing a prodigious high Scaffold to be erected within the Gate of *Castel Nuovo*, the Secretary and the Count were beheaded.

THE Sentence having been thus put in execution, on the tenth of *October* following the King caused to be imprison'd the Princes of *Altamura* and *Bisignano*, the Dukes of *Melfi* and *Nardo*, the Counts of *Morcone*, *Lauria*, *Melito*, and *Noja*, and many Knights; and being spurr'd on by the Duke of *Calabria*, at different Times, and in different Manners, he caused them all to be put privately to Death; besides, in order to complete the Tragedy, *Marino Marzano*, who had been twenty five Years in Prison, was also dispatch'd; and, that the People might think they were still alive, the King continued for a long time to send their Provisions to the Prisons, but shortly after, a Gold-chain, which the Prince of *Bisignano* used to wear about his Neck, being found in the Custody of the Hangman, it was believ'd that they had been strangled, put in Sacks, and thrown into the Sea. Their Wives and Children were soon after seiz'd, and all their Estates confiscated, under Pretence, that they intended to make their Escape, in order to stir up a new War. Only *Bandella Gaetana* Princess of *Bisignano*, a Lady not only by Origin, but by her Virtue, a *Roman*, having embark'd privately in a small Vessel, fled with her Children, and arriving at *Terracina*, she carried them to the Lands belonging to the *Colonna*, near Relations of the *Sanseverini*; whence it came, that *Ferdinand's* Progeny being extinct, in the Time of *Ferdinand* the Catholick, they recover'd their paternal Estates.

SO cruel and terrible a Tragedy struck the whole World with Horror, whence *Ferdinand*, and especially his Son *Alphonfus*, got the Character of Cruel Tyrants. The Writers of these times, particularly the *French*, abhorr'd them, and *Philip de Comines*, Lord of *Argenton*, a cotemporary Writer², gives them the Character of Impious and Inhuman. But *Ferdinand* took Care to defend his Reputation in the Opinion of the World, and to purge himself of the Cruelty laid to his Charge. He caused the Trials of the Secretary and the Count of *Sarno* to be printed, some Copies of which are still extant; and he not only caused the

¹ Comin. lib. 1, de Bello Neap.

Trials of the other Barons to be printed, but sent them over all *Italy*, and even into *England*, thereby to quiet the Minds of Princes. He likewise justify'd himself by Letters directed to all the Christian Powers, telling them, that he had imprison'd the Barons, not with a Design to put them to Death, but only to secure himself against them, because they were attempting Innovations. But all these Vindications avail'd him nothing, especially with the King of *Spain*, with whom he took more Pains to excuse himself, than to all the rest.

AT this Time *John* King of *Aragon*, *Ferdinand's* Uncle, was dead, and *Ferdinand*, his Son, had succeeded him in that Kingdom, who married *Elizabeth* Princess of *Castile*, Sister to *Henry* King of *Castile*, to whom she afterwards succeeded. King *Ferdinand*, who was call'd the Catholick, and who, by Right of his Wife, had united the Kingdom of *Castile* to his own Crown, having understood that the Treaty, of which he was Guarantee, had been infring'd, began to complain of *Ferdinand*, and under that Pretence to think of conquering the Kingdom of *Naples*. King *Ferdinand*, whom this very much concern'd, hearing that the Catholick King was highly offended, sent *Giovanni Nauclerio* immediately to *Spain* to excuse himself to that King, that he could not do otherwise, because those restless Barons had begun to hatch a new Conspiracy against him, and that the Prince of *Salerno*, in concert with the Barons that had remain'd in the Kingdom, having fled to *Rome*, was contriving a new Enterprize. And finding that the Catholick King was not satisfy'd with these Excuses, in order the better to secure himself, by the Means of the Queen his Wife, who was his Catholick Majesty's Sister, he propos'd a Marriage between the Prince of *Capua*, the Duke of *Calabria's* eldest Son, and one of the Daughters of the said Catholick King; but it was the Opinion of many, that Queen *Elizabeth*, the Wife of the Catholick King, would not consent to the said Marriage, because she was then wholly bent upon the Conquest of this Kingdom: But for all that, the destin'd Time for the Ruin of King *Ferdinand's* House being not as yet come, the Island of *Sardinia* having revolted at this very Juncture of Affairs, and the Moors of *Granada* having begun to disturb the Kingdoms of *Castile*, the Matter was dropp'd for this Time.



C H A P. II.

The Death of Ferdinand I. of Aragon: The Laws he left us; and the Reviving of Learning and Discipline, which flourish'd among us in his Reign, and in those of his Aragonian Successors.



IN *G Ferdinand* having destroy'd his Enemies, and enrich'd himself by the Ruin of so many great Families, whereby he had got a vast Treasure, during the other six Years that he liv'd, continued to reign in the greatest Peace and Tranquillity imaginable; and the Affairs of the City and Kingdom were brought to a peaceable and settled State. In order to fix himself in a more secure and lasting Quiet, he began to entertain in his Service the best Military Officers of that Time, the chief of which were *Virginio*, *Gio. Giacomo Trivulzio*, *Prospero* and *Fabrizio Colonna*, the Count of *Pergliano*, and others; and he set about fortifying a-new the Fortresses of the City and Kingdom, and to provide them with sufficient Garrisons, and by his own

Presence.

Prudence, and the Valour of the Duke of *Calabria*, he hoped to have no Reason to fear either the King of *Spain*, or the King of *France*. For which end, in concert with *Lorenzo de' Medici*, he was likewise careful in preserving the Peace of all *Italy*; and though at this Time he was strongly solicited by the Duke of *Calabria*, who bore it very impatiently, that *John Galeazzo Sforza*, Duke of *Milan*, now twenty Years of Age, having only the bare Title of Duke, should be kept under and oppress'd by *Lewis Sforza*, his Uncle, who, above ten Years ago, having taken upon him to be his Guardian, and under that Colour, by degrees, reduced under his own Power the Fortresses, the Troops, the Treasure, and all the Revenues of the State, continued to govern, not as a Tutor or Guardian, but by the Title of Duke of *Milan*, with all the Ensigns and Actions of a Prince; yet *Ferdinand* having the present Advantage more at Heart, than his Son's Indignation, though just, was unwilling to raise any Disturbance in *Italy*; or, as *Francesco Guicciardini*¹ wisely observes, having a few Years ago, to his great Danger, experienced the Hatred his Barons and People bore him, and sensible of the Affection, which many of his Subjects, mindful of what had past, had for the Name of the House of *France*: He was afraid, that Disturbance in *Italy* might afford an Occasion of attacking his Kingdom; or, that he knew his Union with the other States, and especially *Milan* and *Florence* was necessary, in order to counter-balance the Power of the *Venetians*, then formidable to all *Italy*; and in this Tranquillity he liv'd for some Years.

BUT the Death of *Lorenzo de' Medici*, which happen'd in the Month of *April* 1492, and a few Months after was follow'd by that of Pope *Innocent VIII.* chang'd the Face of Affairs, and afforded many Occasions for the future Calamity of *Italy* and our Kingdom; for *Innocent* being succeeded by *Roderigo Borgia*, who took the Name of *Alexander VI.* and *Lorenzo* by *Pietro de' Medici*: And a bitter and irreconcilable Quarrel happening betwixt *Pietro*, who continued the same Alliance with King *Ferdinand*, and *Lewis Sforza*, thence proceeded the Invitation made by *Lewis* to *Charles VIII.* King of *France* to undertake the Conquest of the Kingdom, and the other Calamities and Disorders, which shall be the Subject of the following Book.

KING *Ferdinand*, who to the Year 1493. by his Prudence and Advice had endeavour'd to maintain the Quiet, not only of the Kingdom, but of *Italy*, hearing of the Motions and great Preparations for War, which were making in *France*, did not neglect to use his utmost Efforts, both with *Lewis* and King *Charles* himself to divert them from the Undertaking; but the King of *France* shewing a great Aversion to an Accommodation with *Ferdinand*, and having order'd his Ambassadors immediately to depart the Kingdom of *France*: In an Instant every Body was struck with the Terror of a new and cruel War. And in the mean Time *Ferdinand*, by being obliged to prepare for resisting so powerful an Enemy, fatiguing himself more than ordinary in reviewing the Army, which he was getting ready, was taken ill with a Rheum, which being follow'd by a Fever, on the twenty fifth of *January* 1504. the fourteenth Day of his Illness, he died in *Naples*, more oppress'd with the Distemper of the Mind, than with Age. A Death both very fatal and lamentable, and which drew on, not only the Ruin of his own Progeny, and of the Kingdom, but fill'd all *Italy* with numberless Miseries and Calamities; for his Prudence and known Ability were such, that it was firmly believed, had he liv'd longer, he would have found Means for preventing the *French* from entering *Italy*, and to satisfy *Lewis Sforza* would have suffer'd any Inconveniency or Indignity whatsoever, to draw him off from the Interest of the *French*, whom he invited to conquer the Kingdom.

BY his Prudence he had brought the Kingdom to a greater Pitch of Grandeur than, perhaps, any of the Kings, his Predecessors, had been possess'd of. Besides the good Military Discipline, he provided it with provident and prudent Laws, which are still in force, and the most improv'd of all the other Laws, left us by the *Anglo-Naplesian* Kings, his Predecessors, and by which our Tribunals are still guided. He restored the University of *Naples*, whence it produced so many bright Men in all Sciences, so that among the Privileges and Favours, of which the *Neapolitans* sought the Confirmation from the Great Captain, one was, that, after the Example

¹ Guic. lib. 1. Hist. d'Italia.

of *Ferdinand*, his Catholick Majesty would be pleased to countenance this University¹. He also had it much at Heart, that in his Reign Learning and good Discipline might be restor'd and recover their former Value and Reputation, and that the Kingdom might flourish, and not only be provided with famous Lawyers, but Men renown'd for all sorts of Learning; that the Jurisprudence, which for almost a whole Century had been profess'd but by few, and declining, might be restored, and appear with greater Splendor by so many celebrated Writers, as shined in his Reign: That the Laws of the Pandects and Code might be more made use of, and the *Roman* Jurisprudence with the utmost Care imbraced and recommended, whence the *Longobard* Laws came to be forgotten with us: That the Kingdom might be more improv'd, and Ignorance not prevail so much, either in our Schools or Authors.

¹ Capitoli del Gran. Capitano.

S E C T. I.

Learning restored in Naples.

THE restoring of Learning ought not solely to be attributed to this Prince, but chiefly to the Ruin of *Constantinople*. That City having fallen under the Dominion of *Mahomet II.* the first Emperor of the *Turks*, and the Empire of the *East* having been invaded by these Barbarians, Enemies to Learning; many learned Men, who liv'd in *Greece* and *Constantinople*, in order to shun Slavery, retired with their Books to *Italy*, and many of them to our Kingdom, as nearest them. Besides many, whose Names are now obscure, there came hither *Emanuel Crisolora*, *Bessarion*, *Constantine Lascari*, a *Constantinopolitan*, who was invited by *Ferdinand* to be Professor in the Greek Language in the University of *Naples*¹, *Trapezuntius*, *Gaza*, *Argiropolus*, *Fletontes*, *Philelphus*, and many others, whose Encomiums are accurately written by *Jovius*.

BEFORE this time, as may be seen in the preceding Books of this History, the liberal Arts were taught in the Universities of *Italy*, but with little Purity and Exactness, nor was the Study of Human Learning much minded; and though *Petrarca* and *Boccaccio*, in the preceding Century, had reviv'd that Study, yet it had not been as yet much improv'd.

ALTHOUGH the Jurisprudence was taught in the Universities of *Italy* and in ours from the Books of *Justinian*, and many Professors were at great Pains about them, some in Writing Comments upon the Laws therein contain'd, some in glossing upon them, and others explaining them after a different Manner; yet seeing the Ignorance of *Latin* and the *Roman* History, hinder'd them from rightly understanding the Texts, they all had recourse to the Abridgments and Glosses of such, as they thought had understood them best; and those, who had not the Help of other Books, did nothing but explain one Place of the Digests, by the Help of another, comparing them together in the best Manner they were able, in which *Accursius* succeeded wonderfully upon the Pandects. The Defects of such Masters easily led the Scholars into Errors; and some abusing their Credulity, interspersed in their Glosses ridiculous Etymologies and extravagant Follies, as, among the rest, *Accursius* and the Glossators of the Digests did in many Places².

EITHER because they did not comprehend, that the Laws cannot be put in Practice, if they are not understood, or because they despair'd of conceiving them better, their greatest Study was to reduce them into Practice in deciding Controversies by the Consequences, which they deduced from the Texts. When afterwards they had a Mind to apply the *Roman* Law, so ill understood, and so widely different from our Customs and Institutes, to our Affairs, and at the same time to preserve our own Usages, which it was impossible to alter, the Rules of Justice became much more uncertain than before, and they involv'd themselves into Dis-

¹ Toppi tom 3 Orig. Trib. pag. 307.

² V. Gloss. in cap. 1. extra. de Summar. in verb.

Diabelus. Item in Instit. de Jur. Nat. & 55.
4, 5, 6.

putes about the Consequences, which they deduced from the Texts. By which Means the whole Jurisprudence was reduced to School Disputes, and the Opinions of the Doctors, who, not having sufficiently dived into the Principles of the Morality, and natural Equity of the *Roman* Laws, which, they imagined, could easily be apprehended, often minded their own particular Interests, or were wedded to their ill-conceived and obstinate Opinions. Those, who had Justice at Heart, knew no other Means, whereby to procure it, but the particular Remedies against Injustice: which made them contrive so many Clauses for Contracts, and so many Formalities for the Judges.

IN the same very Centuries it did not happen so in *Greece* and *Constantinople*, either with respect to human Learning, and the liberal Arts, or the Jurisprudence; and as for human Learning, the Schools were very well preserved in *Greece*, and the Commentary alone of *Eustathius* upon *Homer* demonstrates, that even to the latter Ages there were an infinite Number of Books, and Men of great Learning remaining there. As to the Jurisprudence, the Body of the Laws and Canons, collected by *Leunclavius* and *Marquardus Freerus*, shew, that it was preserved entire in *Constantinople* till the Ruin of that City. The Works of the *Greek* Lawyers, who flourish'd in the latter Ages also demonstrate the same: The Works of *Michael Attaliota*, who flourish'd in 1077; of *Michael Psellus*, who liv'd about the same Time; of *Constantinus Armenopolus*, who flourish'd in 1143; of *Antiochus Balfamon*, of *Josephus Tenedos*, of *Eustathius Antecessor*, and other *Greek* Glossators, recorded by *Joannes Doviatus*¹, *Leunclavius* and *Marquardus Freerus*, who wrote a Chronology of them, from the Death of *Justinian* to the Loss of *Constantinople*², likewise prove it.

CONSTANTINOPLE, therefore, having fallen, and *Greece* being subdued by those Infidels, in the Middle of this fifteenth Century a Multitude of learned Men appear'd all of a sudden in these *Western* Parts. But they came first to *Italy*: She has the Glory of having been the first Encourager of Learning: *France* had it from *Italy*, then from Hand to Hand it was convey'd to the other Countries of *Europe*.

THESE learned Men, who, with their Books, took shelter in *Italy*, induced others to study the *Belles Lettres*: These, with incredible Anxiety, apply'd themselves to the Reading of all the Books of the Antients they could find, and to write in *Latin* with greater Purity; and their being no want of Masters for teaching them the *Greek*, they set about to learn it, and, in order to make the greater Proficiency, as well in the one as the other Language, they began to translate the *Greek* Authors, of which they had great Plenty, into *Latin*. The Art of Printing, as we have said, having been found out at this very Time, was of great Advantage to them, in having Books both at an easy Rate, and very correct. Many likewise with great Care employ'd themselves in making excellent Editions of all the good Authors from the best Manuscripts, searching out the most ancient, and collecting many of them together. Others compiled most correct Dictionaries and Grammars, and wrote Commentaries upon difficult Authors, and such Treatises as serv'd for understanding them, such as their Fables, Religion, Government and Art of War. And in the following Times, for Things were not brought to Perfection all at once, these Studies were so much improv'd, that the most minute Particulars of their Customs, Apparel, Diet, and Diversions, were pry'd into, in so much that they had the desired Effect, after so long an Interval of Time, in making all the antient *Greek* and *Latin* Books, that are remaining, to be understood. But seeing it is a difficult Matter for Men to confine themselves to a just Medium, some were found afterwards to dwell too much upon these Studies; which are only Implements for the more serious Studies; for there were many curious Men, who spent their Lives in studying the *Latin* and *Greek*, and in reading all the Authors only for the Sake of the Languages, or for understanding the Authors themselves, and explaining the most difficult Passages of them, without going further, or making any other good Use of them. Among these there were some, who confin'd themselves to the Mythology and Antiquities only: Others made it their Business to search into Inscriptions, Medals, and whatever served to illustrate Authors, confining themselves intirely to the Pleasure they had in these Curiosities.

SOME others going further, studied the Rules of the liberal Sciences, such as of Eloquence, and Poetry, without ever practising them, whence it comes, that

¹ Doviatus. Hist. Jur. Civ.

² Struv. Hist. Jur. Græci, cap. 4. §. 4.

we have so many modern Treatises of Poetry and Rhetorick, though there have been very few good Poets and Orators; and so many political Treatises, written by private Men, who never were employ'd in the Affairs of State.

IN fine, the poring upon the antient Books produced such an implicit Faith in many, that they chose rather to follow the Mistakes contain'd in them, than to presume to dive into the bottom of them. Thus it was believed, that Nature was such, as she is described by *Pliny*, and that she could not act, but according to the Principles of *Aristotle*. But what was worst of all, some admir'd the Morality of them too much, without minding how far it comes short of the Religion which they had been taught from their Childhood: Others, though few in Number, run into the contrary Excess, affecting to contradict the Antients, and to be of quite different Sentiments from them.

BUT among those, who admired the Antients, the most common Failing was the wretched Imitation. They believ'd, that in Order to write as the Antients had done, they must do it in their Language, without considering that the *Romans* wrote in *Latin*, not in *Greek*; and that the *Greeks* wrote in *Greek*, not in the *Egyptian* or *Syrian* Languages. Whence it came, that the *Tuscan* Language, which by *Petrarca*, *Boccaccio*, and some others, was brought into so great Repute in the fourteenth Century, sunk in this fifteenth Century, because all the learned Men of *Italy* despised it as the Language of the Vulgar; insomuch, that if *Pietro Bembo*, and the other Men of Learning who follow'd his Example, had not put a stop to it, and both by Example and Reason demonstrated, that all Subjects whatsoever could be written upon, as well in the one Language as the other, it had been quite ruin'd; but in these Times the learned Men despised it, and were attached to the *Latin*, and some likewise to the *Greek*, writing their Compositions in Verse or Prose in *Latin*, at the Hazard of not being understood by any.

THEREFORE in this Century Learning began to be restor'd among us, which being countenanced by King *Ferdinand*, likewise a learned Prince, it made no small Progress in his Reign. *Alphonfus*, his Father, as we have said, having entertain'd some learned Men at his Court, *Laurentius Valla*, *Antonius Panormitanus*, and some others, who persuaded this Prince to protect them: Discover'd to him the Beauty, the Gravity, and the Excellency of the *Roman* History: They put him so much in conceit with the Books of *Livy*, that they were his constant Study; and they got him to educate his Son *Ferdinand*, whom he had appointed to be his Successor in the Kingdom of *Naples*, not only in the Exercise of Arms, but of Letters. For which end *Alphonfus* provided him with good Masters, for besides Cardinal *Borgia*, Bishop of *Valencia*, who was afterwards Pope, named *Callistus III.* *Valla* and *Panormitan*, famous all-over the World, he had likewise *Paris de Puteo*, and *Gabriel Altilio*, a famous Poet of these Times, and a great Master of the *Latin* Tongue, who was afterwards made Bishop of *Policastro*, of whom hereafter.

THIS Prince having been brought up amongst learn'd Men, he became not only a Lover of them, but most learned himself. We have still some most elegant Letters and Orations written by *Ferdinand*, which discover the good Taste he had of the *Belles Lettres*: Of whom, as well as of King *Robert*, it may be said, that the Muses were cherish'd, and exercised at the same Time. These Letters and Orations were printed in 1586. and the Book is intitled. *Regis Ferdinandi, & aliorum Epistolæ, & Orationes utriusque Militiæ, &c.*².

HE did by his own Sons, as his Father had done by him: Excepting *Alphonfus* Duke of *Calabria*, who, being born and brought up among Arms, of a fierce and warlike Disposition, had not the least Inclination to Learning: *Frederick* and all his other Sons apply'd their Minds to the *Belles Lettres*: *Frederick*, the second, and *D. John*, the fourth Son, were most learn'd, insomuch that the Father design'd *D. John* for the Church, and he was made a Cardinal by Pope *Sixtus IV.* by the Name of Cardinal of *Arago*.

HIS Secretaries, and the Officers of his Chancery, were all Men of Learning: *Antonello Petrucci*, his first Secretary, was a Scholar of *Laurentius Valla*, who taught him the Purity of the *Latin* Tongue, and the *Belles Lettres*, and he became a learned Man, and skill'd in many Sciences. *Joannes Pontanus*, his second Secretary, who, after the Death of *Panormitan*, possess'd his Place, was celebrated all over the World for his Knowledge both of the Sciences and the *Latin* Tongue.

¹ V. Pallavic. Arte dello Scilicet.

² Toppi Biblioth. lit. F.

Whence we observe, that the Statutes and Edicts of *Ferdinand* I. particularly those of the Year 1477, of which more hereafter, being penn'd by these two most polite Writers, are couch'd in pure and elegant *Latin*, which cannot be said of the Statutes of our other Kings. Whence likewise we find, that the Chancery of our *Aragonian* Kings not making use of any other Language, but of the *Latin* and *Italian*, the Charters and other Writs, that came from that Office in *Latin*, are exceeding polite, and, on the contrary, those in *Italian* (because it was a despised Language) are unpolish'd and rustick.

BESIDES those learned Men of his Chancery, we have already taken Notice, that he invited the ablest Professors of those Times to the University of *Naples*; and, as an evident Proof of this, we read in a Letter of his, printed by *Toppi*¹, directed in 1465, to *Constantine Lascari* of *Constantinople*, wherein, moved by the Fame of so learned a Man, he invites him to be Professor of *Greek* in the University of *Naples*, and promises him a handsome Salary: *Decrevimus vos ad Lecturam Græcorum Auctorum, Poetarum scilicet, & Oratorum in hac Urbe Neapolis ad publicè legendum præficere, freti moribus vestris, & literis etiam confisi, per vos Græcarum Literarum Doctrina, ad frugem aliquam nostrorum dilectissimorum Studentium ingenia perventura.*

¹ Idem tom. 3. pag. 307. de Orig. Trib.



C H A P. III.

*Of the learned Men, who flourish'd in the Time of Ferdinand I.
and of the other Aragonian Kings, his Successors.*

FOR the Reasons abovementioned, Men, famous for Learning and Knowledge, flourish'd among us in the Reign of *Ferdinand* till that of *Frederick*, the last King of his Progeny. As in those times *Rome*, and the other Cities of *Italy*, boasted of a *Pico Mirandola*, *Marsilio Ficino*, *Bartolommeo Platina*, *Raffaël Volterranno*, *Ermolao Barbaro*, the *Politiani*, *Ursini*, and many others²: So *Naples* valued herself upon her own learned Men, who for Number and Erudition were not inferior to those.

BESIDES *Panormitan*², and the others above mentioned, she had *Gabriele Altizio*, a very famous Poet, and a great Master of the *Latin* Tongue. He was born in *Basilicata*, and, on account of his Fame, was, as we have said, made by *Alphonſus* one of *Ferdinand*, his Son's, Preceptors: As well as *Pontanus*, he was employ'd in the Affairs of State, which were transacted with Pope *Innocent VIII.* in *Rome*, and elsewhere. *Pontanus*, his Cotemporary, had a vast Regard for him, dedicating to him his Book, *De Magnificentia*, wherein he extols him to the Sky: And when he died, he compos'd a most elegant Epitaph upon him, which we find in the first Book of his monumental Inscriptions. *Sannazaro*, no less than *Pontanus*, was a great Admirer of his Poetry, and in the first Book of his Epigrams, we read one: *De Natali Altilij Vatis*, and in his Elegies he does not fail to commend him for his learned Poems. Many other renown'd Writers make honourable mention of this famous Poet, as may be seen in *Toppi* and *Nicodemo*³. We still

² V. Gio. negli Ellogi.

De' Panorm. V. Nicod. nelle addiz. alla Bibliot.

del Toppi.

³ Toppi in Bibl. Nicod. nel addiz.

have his *Latin Poems*, the *Epithalamium*, some *Elegies* and *Epigrams*, which were collected by *Ruscelli*, *Giovanni Matteo Toscano*, and others.

AT the same time flourish'd *Antonio Campano*, born in *Cavelli*, a Village near *Capua*, of mean Parents. His bright Parts gain'd him great Esteem with Pope *Pius II.* by whom he was made Bishop of *Teramo* in *Abruzzo*. He was a famous Orator, Historian, and Poet, and though he had not studied the Greek Learning, he was a perfect Master of the *Latin*. He left us many Works: *The History of Urbino*. *The Life of Braccio*. *Latin Epistles*, &c. of which *Nicodemo*¹ has made a long Catalogue. He dedicated some of these Works to *Alphonfus* Duke of *Calabria*, with whom he was in great Favour. He was very much esteem'd by his Contemporaries, and other Writers of the following Times, for which see *Nicodemo*. He died, according to *Volterano*² in *Teramo*, about the Year 1477. before he was full forty Years of Age, *Possevin* and *Toppi* have recorded his Epitaph, which may be seen in their Works.

ANGELO Catone, his Contemporary, a famous Philosopher, and Physician to King *Ferdinand I.* was no less celebrated. He was born in *Supino* in the County of *Molise*: On account of his Learning the *Neapolitans* receiv'd him into their City with great Respect, and had a vast value for him; and King *Ferdinand*, besides his having made him his Physician, invited him to teach Philosophy and Astrology in the University of *Naples*, where he profess'd these Sciences many Years. He corrected the Book of the System of Physick, which *Matteo Salvatico* of *Salerno* had composed, and dedicated to King *Robert*: He enlarged it, and in 1473. caused it to be printed by that German, who a little before had brought the Art of Printing to *Naples*, and it was one of the first Books that were printed in this City³. He dedicated it to King *Ferdinand*, wherein he directs an Oration to him, crying up the Mildness of the Air, and the Beauty of the Kingdom, and whatever is found rare in it. There were other two of the same Name, one of *Benevento*, who was a great Favourite of King *Charles VIII.* of *France*, who, for his Learning, made him Archbishop of *Vienna*: The other was of *Taranto*, a Physician, and Almoner to *Lewis XI.* King of *France*, at whose desire he wrote Commentaries upon *Philip de Comines's* History of the Affairs of *France*.

THERE was also *Pontanus*, a famous Poet, Historian, Orator, and Philosopher, as his Works, no less known, than celebrated, demonstrate. He was born in *Cerreto* in *Umbria*, or, according to some Writers, in *Spelle*, from whence, his Father having been kill'd, he came to *Naples* when a Youth: And *Panormitan* finding him to be a young Man of a fine Genius, encouraged him, and procured him an Employment in King *Ferdinand's* Court: He gave such evident Proofs of his rare Endowments, that *Panormitan* got the King to appoint him to be Preceptor and Secretary to the Duke of *Calabria*, his Son. He grew into so great Favour with *Ferdinand*, that when *Panormitan* died, he succeeded as second Secretary to his Majesty. He was afterwards made a Citizen of *Naples*, and by *Ferdinand* created President of the Royal Chamber, and the Lieutenant to the Lord High Chamberlain⁴. He was employ'd in the most serious and weighty Affairs of State, and by his Means, as we have said, the Peace was concluded with Pope *Innocent*. *Camillo Porzio* says⁵, that *Pontanus*, by Industry and Diligence, having brought about that Peace, was in hopes, upon the Fall of *Antonello Petrucci*, to have succeeded in his Place and Authority, trusting to the good Offices of the Duke of *Calabria*, which he expected he would have done him with his Father; but the Duke, who was no Friend to Learning, nor grateful for Favours receiv'd, did him no Service with his Father, as he ought, and could have done; at which the ambitious old Man being provoked, composed the Dialogue of *Ingratitude*, wherein introducing an Ass delicately fed by his Master, in return kicks at him. Nevertheless, after King *Ferdinand's* Death, *Alphonfus* shew'd him great Respect, and did him great Honour; for in the magnificent Palace, which he built near *Castello Capuano*, among the other costly and noble Furniture, and a famous Library, he caused *Pontanus's* Statue in Brass to be erected⁶, which *Alphonfus*, not without Encomiums, shew'd to those, who came to see the Riches of that Edifice.

¹ Nicodem. Addiz. ad Biblioth. Toppi.

² Volterran lib. 21. dell'Antropologia.

³ Toppi in Bibl.

⁴ Idem tom. 1. De Orig. Trib. pag. 215. & in

Biblot.

⁵ Camil. Porzio pag. 64. Congiura del Barone.

⁶ Epit. Franc. Alphon. in Edit. Pontan.

BY reason of his having been so highly exalted by these two Kings, he was very much found fault with, when *Charles VIII.* of *France*, having made his publick Entry into *Naples*, being resolv'd, before he return'd, to receive solemnly in the Cathedral Church, according to the Custom of the Kings of *Naples*, the Royal Ensigns and Honours, and the Oath usually taken to new Kings: Upon this Solemnity *Pontanus* making a Speech in Name of the People, it seems, that either to perform the Part of a true Orator, or to curry Favour with the *French*, he enlarged too much upon defaming these Kings, to whom he had been so much beholden. So that *Guicciardini*¹ took occasion to say of him, that sometimes 'tis hard to find himself observing that Moderation, and those Precepts, which, with so much Erudition, writing of the moral Virtues, and discovering his universal Knowledge in all sorts of Learning, he had taught all Men.

HOW remarkable and famous the Works were, which this Writer left us, both in Prose and Verse, is well known to all the World; and how many Commenders they had, both of our own Countrymen and Foreigners, may be seen in *Vossius*², and *Nicodemo*³, who treat at large of this Author and his Works.

IT was unjustly laid to his Charge, that having found in the Library of *Monte Cassino*, which, as we have told in the preceding Books of this History, was enrich'd with many antient Volumes by the Abbot *Desiderius*, some Works of *Cicero*, he publish'd them for his own; but for that see *Vossius* and *Scootkius*.

TO *Pontanus* is owing that Glory, which *Naples* acquir'd by the so famous Academy he instituted there, into which many of the Nobility of our *Seggi*, and of the most learned Men of those Times strove who should be first admitted.

OF the *Seggio* of *Nido*, *Trojano Cavaniglia*, Count of *Troja* and *Montella*: *Ferdinando d'Avalos* Marquis of *Pescara*: *Belisario Acquaviva* Duke of *Nardo*: *Andrea Mattco* Duke of *Atri*: And *Giovanni di Sangro*.

OF the *Seggio* of *Capuana*, Cardinal *Girolamo Seripando*, though some say, that this Family belong'd to the *Seggio* of *Nido*: *Girolamo Carbone*: And *Tristano Carracciolo*.

OF the *Seggio* of *Montagua*, *Francesco Puderico*. Of the *Seggio* of *Porto*, *Pietro Jacopo Gianuario*, and *Alphonso* his Son. Of the *Seggio* of *Portanova*, *Alexander ab Alexandro* and *Sannazaro*.

OF *Neapolitans* not belonging to the *Seggi*, *Antonio Carlone* Lord of *Alife*: *Giovanni Elia*, and many more.

OF *Natives* of the Kingdom, *Gabriele Altilio* of *Lucania*, Bishop of *Policastro*: *Antonio Galatco* of *Lecce*: and *Giovanni Eliseo* of *Anfratta* in *Puglia*.

OF *Foreigners*, *Lodovico Montalto* of *Syracusa*, Secretary to *Charles V.* *Pietro Gravina* of *Catania*, a Canon of *Naples*: *M. Antonio Flaminio*, a *Sicilian*: *Egidio*, Cardinal of *Viterbo*: *Bartolommeo Scala* of *Florence*: *Basilio Zanchi* of *Lucca*: Cardinal *Sodaletto* of *Modena*: *Giovanni Cotta* of *Verona*: *Matteo Albino*: Cardinal *Bembo* and *M. Antonio Micheli*, *Venetians*: *John Peter Valerian* of *Bellesme* in *France*: *Nicholas Grudie* of *Roan*: *Jacob Latom* of *Flanders*: *Juan Pardo*, a Philosopher, of *Aragon*: *Michael Marcellus* of *Constantinople*, and many other famous learned Men, of whom *Pontanus*, as the Founder, was Head. According to the Custom of the Members of the Academy of *Rome* of changing their Names (whereby *Poggio* and *Bartolommeo Platina* suffer'd so much) these likewise changed their Names; so that *Pontanus* took the Name of *Jovianus*, *Sannazaro* that of *Actius Sincerus*, and so of the rest.

PONTANUS, well advanced in Years, died in the City of *Naples* in 1503, and was buried in *S. John's Chapel*, which he had caused to be built near the Church of *S. Maria Maggiore*, where the Inscription is to be seen, which he himself had made.

IN the Reigns of *Ferdinand*, *Alphonso*, and *Frederick*, there likewise flourish'd many other famous learned Men, such as the renown'd *Michele Riccio*, both an able Lawyer and a profound Historian⁴. He, though originally come from *Castel a Mare di Stabia*, was a *Neapolitan* Gentleman of the *Seggio* of *Nido*, and shined not only at the Bar, but in the Chair, having been a most grave Lawyer and emi-

¹ Guicc. lib. 2. Hist. Ital.

² Vol. Historic. Latinis, cap. 607. & 608.

³ Nicod. Addit. ad Bibl. Toppi.

⁴ Toppi tom. 1. De Orig. Trib. pag. 183. & tom. 2. pag. 165.

nent Advocate in our Supreme Tribunals. King *Ferdinand* made him chief Professor of Law in the University of *Naples*, and his own Counsellor. Afterwards when *Charles VIII.* came to *Naples*, and made himself Master of the Kingdom, he sided with him, who in 1495, made him Advocate Fiscal of the Royal Patrimony. But the *French* being driven out, and *Ferdinand II.* restor'd, *Riccio* was much kept under, till the Kingdom being again subjected to the *French*, under *Lewis XII.* King of *France*, he was rais'd to the first Honours by that King¹. In 1501. he was by *Lewis* created Vice-Protonotary of the Kingdom, and President of the sacred Council of *S. Clara*, and, with his Posterity, incorporated into the *Seggio* of *Nido*. He afterwards made him Counsellor of the High Council and Parliament of *Burgundy*, a Senator of *Milan*, and President of *Provence*. He grew into so great Favour with that Prince, that he was imploy'd in the most weighty Affairs of State, for there having a Dispute arisen between the Catholick King and King *Lewis* upon the Division of the Kingdom, about the Province of *Capitanata*, he alledged many Things in Favour of *Lewis*², defending his Right with such Vigour and Vehemence, that *Zurita*³ gave him the Character of a very arrogant Man. But the *French* being at last driven out of the Kingdom by *Ferdinand* the Catholick, *Michele* resolv'd to stick to *Lewis*, and abandoning all his Goods and Family, he went to live in *France*, where he was kindly received by the King, and honour'd with the highest Employments. From whence, in 1503, he sent him Ambassador to *Rome* to congratulate *Julius II.* who had been then rais'd to the Papacy, where he remained for some Years, in which he treated with *Julius* about recovering the Kingdom of *Naples* for *Lewis*; but tho' the Circumstances of those Times render'd all those Negotiations fruitless, yet the King order'd him to continue in *Rome*, where, having abundance of spare Time from Business, he wrote his History. He afterwards return'd to *France*, from whence, in 1506, the King sent him Ambassador to *Genoa*, and in 1508. to *Florence*⁴. At last, after having been imploy'd by that King in the most important Affairs of his Crown, he died in *Paris* in 1515. not without Suspicion of Poison. To his Knowledge of the *Belles Lettres* was added a profound Skill in other Learning, and especially in the Jurisprudence, in which he was so eminent, that *Janus Parrasius* did not stick to put him upon a Level with the *Sulpitii*, the *Pomponii*, the *Pauli*, and the *Scævoli*. He was eloquent, and wrote his History with no less Gravity than Judgment: His Style, according to the Opinion of *Parrasius* was clear, pure and elaborate, nor did his Brevity occasion Obscurity. He wrote *De Regibus Francorum, Libri III. De Regibus Hispaniæ, Libri III. De Regibus Hierusalem, Liber I. De Regibus Neap & Siciliæ, Libri IV.* Of these Books we see many Editions, done at different times, mention'd by *Toppi*⁵. He was celebrated by the most famous Writers of those Times; *Janus Parrasius* dedicated a Book to him, which he caus'd to be printed in *Milan* in 1501. which contain'd the Paschal Poem of *Sedulius*, a Christian Poet, found by him amongst ancient Manuscripts, and the Poems of *Aurelius Prudens*, in the Epistle Dedicatory of which, with great Encomiums, he extols *Riccio's* Virtues and Learning. In the Time of our Grandfathers he wrote the Life of the learned *Carolus de Lellis*, which he prefix'd to his abovemention'd History, printed in *Naples* in 1645.

IN those Times the renown'd Poet *Giacomo Sannazaro* was no less famous, who, as well as *Riccio*, follow'd his Master's Fortune into *France*. There is no Occasion to make many Words about him, as being a Man so well known and eminent, of whom, and of his Works, there have been plenty of Writers and Admirers. As he himself says in his *Arcadia*, he was born in *Naples*, in the last Years of King *Alphonfus I.* about the Year 1458. and was a Gentleman of the *Seggio* of *Pertanova*, of so genteel and polite Manners, that *Frederick*, King *Ferdinand's* second Son, had a vast Respect for him, so that *Sannazaro* never would forsake him, either in his Prosperity or Adversity: He follow'd him into *France*, where he remain'd a long Time: He afterwards return'd to *Italy*, and after having stay'd some Years in *Rome*, he came back to *Naples*, where, some write, he died in 1532. But there is a great Dispute among Writers about the Place and the Year of his Death.

¹ Grammat. Conf. 65.

² Añic. decil. 463. num. 3.

³ Greh. Zurita lib. 4. Chron Arag. cap. 66

⁴ Guice, lib. 7. lit Ital

⁵ Toppi tom 2. de Orig. Trib. pag. 167. & 168

GIOVAN Battista Crispo, who wrote his Life with great Exactness, by the Testimonies which he relates of *Banerio Gualana* and *Costanza*, makes him to die in *Naples*, and *Eugenio* writes the same ¹. But their Authorities must yield to that of *Gregorio Rosso*, a cotemporary Writer, who, in two Places of his Journals ², making mention of the Death of this famous Poet, says, that he died in *Rome* in the Month of *August*, without seeing *Naples* any more, a little after the Death of the Prince of *Orange*, with which he was so well pleased, that, a little before he died, he did not fail to say, that *Mars* had revenged the Muses, alluding to the Tower of *Mergoglino*, demolish'd by order of that Prince; and that his Body was brought to *Naples*, and bury'd in his own Church of *Mergoglino*, in the following Month of *September* of that Year, which was 1530.

THE Year is also made clear by this Writer, with whom the Inscription upon his Tomb agrees, in which there is no Error, as *Crispo* and *Eugenio* believ'd; for having been born in 1458, and all agreeing with *Jovius*, that he died at seventy two Years of Age, his Death falls out exactly in the Year 1530. The Death of the Prince of *Orange*, which happen'd on the third of *August* the said Year, confirms the same, it having been a little before that of *Sannazaro* ³.

FRANCESCO Poderico, his Cotemporary and faithful Friend, was likewise famous for Learning in those Times. He was a Gentleman of the same *Seggio*, and also of the Academy of *Pontanus*; though he was blind, not being born so, he was a Man of exquisite Judgment, insomuch, that while *Sannazaro* was wholly intent upon making his Poem *De Partu Virginis*, he did not fail to go and wait upon him every Day, and confer with him about those Verses, in which *Poderico* was so great a Critick, that *Sannazaro*, in order to pick out one Verse to the liking of such delicate Ears, very often recited ten, all of the same Meaning, and thus, for the Space of twenty Years, following the same Method, he at last accomplish'd that Work ⁴. *Pontanus* had so great a value for him, that he dedicated to him his fourth Book *De Rebus Cœlestibus*; he always made honourable mention of him in his Works, and in the first Book of his monumental Inscriptions, we read also that of *Poderico*. *Pietro Summonte* had also a very great Regard for him, and in one of his Epistles he extols him to the Sky, dedicating to him the Dialogue of *Pontanus*, intitled, *Actius*.

TO these two famous Men is owing the celebrated *Costanzo's* History of *Naples*, who confesses, that he was encouraged to write it by *Sannazaro* and *Poderico*, who, though he had lost his bodily Sight, was very sharp sighted in judging of ingenious Works, and of the Affairs of the World. These two good old Men, says he ⁵, who, in the Year of our Lord 1527. had come to *Somma*, where I was, shunning the Plague, which was then raging in *Naples*; having seen so many Errors in the Abridgment of *Collenuccio*, which had been just publish'd, exhorted me to take Truth under my Protection, and to Persuasions added Assistance, for they not only gave me many antient Manuscripts, but likewise great Light, whereby I might be able to find out others: And certainly, says he, if they had not both died about three Years after, my History would have been more copious and elegant, because I should have had more time to polish it by the Conversation of so judicious and learned Men.

AT the same Time flourish'd also the so often mention'd *Pietro Summonte*, a most learned Man, as may be seen by his Epistles; and to whom we owe the Editions of the Works of *Pontanus*, and of the *Arcadia* of *Sannazaro*, by whom in their Poems, and by *Ambrosio Leone*, surnamed the Learned ⁶, he is highly commended. The famous *Tristano Caracciolo*, of whom *Sannazaro* sung thus:

*But like the Sun when darting purest Light
Amongst them all appears Carocciol bright,
And when his Flute or Cittern glads the Plains,
Arcadia pleased, applauds th' unequal'd Strains.*

Cariteo, a famous Poet of those Times ⁷, highly commended in the Poems of

¹ Eugen. Nap. Sacr.

² Rosso Giorn. pag. 17, & 79.

³ Nicodem. Addiz. ad Bibliot. Toppi.

⁴ Crisp. nella vita del Sannazaro. Nicod. Addiz. a Toppi.

⁵ Costanzo nel Proem.

⁶ Nicod. in Addiz. &c

⁷ Idem ibid.

Pontanus and *Sannazaro*: *Ambrogio di Leone* of *Nola*: *Vir*, as *Vossius* writes of him¹, *Latine, Græceque doctissimus, Philosophus idem, ac Medicus insignis*. *Erasmus* had a great Friendship for him, as may be seen by their mutual Letters; and he had such a value for him, that he even begg'd to be mention'd in his Works, of which *Nicodemo* made a long and exact Catalogue². The famous *Alexander ab Alexandro*, upon whose Work *De Diebus Genialibus* three renown'd French Writers imploy'd their Talents, to wit, *Tiraquellus*, *Colerus*, and that able Lawyer *Dionysius Gothofredus*. He was brought up in *Naples* and *Rome* amongst the learned Men of those Times, and in *Pontanus's* Academy: He was conversant with *Franciscus Philephus*, *Georgius Trapezantius*, *Bartholomæus Platina*, *Joannes Pontanus*, *Theodorus Gaza*, *Nicholas Perotti*, *Dominicus Calderinus*, *Hermolaus Barbarus*, *Paulus Corteses*, and *Raphael Volteranus*. He gave attention to the Lectures of some of them in *Rome*, and liv'd most familiarly with others, so that he became learned himself: While a Youth he was instructed by *Philephus*; when old he explain'd in that University *Cicero's Tuscan Questions*: He likewise attended there to the Lectures of *Perotti* and *Calderinus*, who explain'd *Martial*. He was by Protection an Advocate, and in our Tribunals, and in those of *Rome*, exercised that Employment. Then leaving the Bar he applied himself to less severe Studies, and was wholly intent upon the *Belles Lettres*. There are some who tax him with Ingratitude, that having compos'd his *Dies Geniales*, in Imitation of the *Noctes Atticæ* of *Au. Gellius*, and the *Saturnalia* of *Macrobius*, and having purloin'd all that he wrote there from several Authors, he did not think fit to own the Plagiarism but pass'd the Work upon the World as the Production of his own Brain.

THERE flourish'd likewise about those very Times *Pietro Gravina*, a very famous Poet, *Girolamo Carbone*, *Girolamo Massiano*, and *Giuniano Majo*, a celebrated Grammarian, and Master to *Sannazaro*, and a great many other learned Men: So that the Academy of *Pontanus* was by Writers compared to the *Trojan Horse*, out of which came so many brave Warriors.

BUT why do I forget the famous *Andrea Matteo Acquaviva*, Duke of *Atri* and *Teramo*, renown'd not only for his Skill in military Affairs, but also for his great Learning? After his Example all his Posterity, and the long Series of the Dukes of *Atri*, have constantly delighted in the like Virtues, and been Encouragers of learned Men and Learning, whereby this Family has made itself not only eminent above all the other Families of the Kingdom, but is highly commended by all our Writers. From the very beginning of this restoring of Learning in *Italy* and *Naples*, this Duke was, as *Pontanus* writes of him³, *Principem virum, & in mediis philosophantem belli ardoribus, & Philosophorum inter libros, naturæque rationationes tractantem Ducum artes, muneraque Imperatoria, utrumque cum dignitate, neutram sine suo, & decore, & laude*. And how great a value this Writer had for him may be seen by the many Encomiums he gives him, which are interspersed in his Works, and by his dedicating to him the two Books *De Magnanimitate*, and the first, *De Rebus Cælestibus*. All the learned Men of *Pontanus's* Academy in those times did him extreme Honour: *Pietro Summonte* treated him in the same manner as *Pontanus* had done, extolling him, and dedicating his Works to him: The Books of *Sannazaro's Epigrams*⁴ are full of his Praises. *Alexander ab Alexandro* dedicated to him his Book *De Diebus Genialibus*. *Minturnus* in his Book of *Epigrams*, *Jovius*⁵ in that of his *Panegyrics*, and many others related by *Nicodemo*⁶, never cease praising him. We have still remaining of this Hero his Commentaries and the four Books of Moral Disputations, which being first printed in *Naples* in 1526. were afterwards reprinted in *Germany* in 1609. *Toppi* likewise testifies, that this Book was also found in a Vellum MS. in the Library of the *Augustine* Monks of *S. John a Carbonara*, but we know not if after the Pillage, which that Convent underwent, it be now left amongst those poor Remains.

THE Knowledge of the best Languages, and of all the liberal Sciences, has been continued by an uninterrupted Succession in his Posterity. *Gio. Antonio Acquaviva*, his Son, according to *Atanagio*, was a very learned and good Man. *Giovanni Girolamo*, his Grandchild, in the Opinion of the same Writer, was a great

¹ Voss. de Hist. Latine.

² Nicod. Add. ad Biblioth. Toppi.

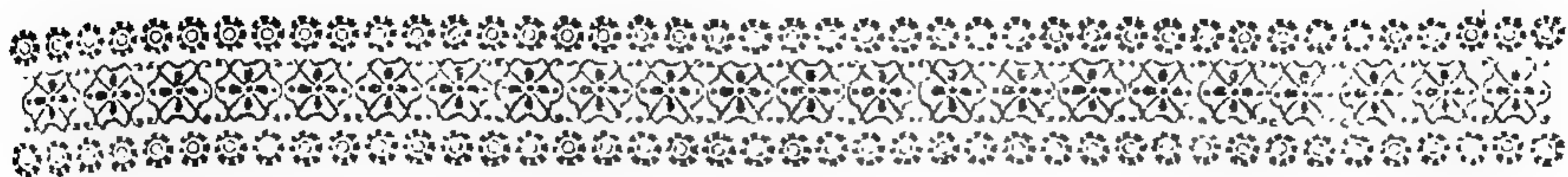
³ Pont. de Magnanimitate.

⁴ Sannaz. Epigram lib. 2.

⁵ Jov. Elog. fol. 152.

⁶ Toppi Biblioth. Nicod. Add.

Master of Poetry, and all the liberal Arts; to whom he therefore dedicated the Poems of *Bernardino Rota*. And lastly, *Giosia Acquaviva* XIV. Duke of *Atri*, emulating the paternal Virtues, was most famous both for the Art of War and Learning, and was so great a Favourer of learned Men, that he chose for the Director of his Studies the incomparable Professor *Domenico Auliso*, the Ornament of our University, and its greatest Glory, who had such an Esteem for him, that he dedicated to him his Book, intitlèd; *La Sfinge*, or *L'Interprete dell' Affrica occidentale con le sue Isole*, which is preserv'd with us in MS.



C H A P. IV.

The State of our Jurisprudence in these last Years of the Reign of the Aragonion Kings; and the Laws established by Ferdinand.

SO much was human Learning raised in the End of this Century, and such was the Number of learned Men who then flourished; but though our Jurisprudence, by the Favours and Laws of *Ferdinand*, had, in those times, begun to be on the Mending-hand, yet it did not make that Progress, as, in the following Books of this History, we shall find it did in the subsequent Century: Hitherto the Professors of Law, the Canonists, and Divines kept pace with one another. The other Sciences, as we have seen, were all reformed, and brought to Perfection: to wit, the Languages, Grammar, Poetry, Oratory, History, Politicks, and in a great measure, Philosophy and Physick. But the Disputes that arose between the Professors of these Sciences and the Doctors of Law and Divinity, made these last obstinately follow the Tradition and Style of their Schools and Tribunals, preferring the profitable to the pleasant. The Doctors of Law and Divines look'd upon these new learned Men, whom they call *Humanists*, such as Grammarians, Rhetoricians, and Poets, to be trifling Fellows, who busied themselves about childish Things and vain Curiosities. On the other hand, the *Humanists*, charm'd with the Beauty of the antient Authors, and admiring their Inventions, despised the generality of the Doctors, who follow'd the Tradition of the Schools, neglecting a polite Style, in order to mind Things, and to speak in the proper Language of the Schools¹. They gain'd a great Reputation, both because they wrote in a pure Style, and because, from the reading of the antient Authors, they had learnt how to gain the Applause of every Body. Although these Endeavours of the *Humanists* made but small Impression upon the Lawyers and Divines in this Century, yet in the following they had prodigious Effects; for in the beginning thereof they began to study the Pandects, and the other Books of *Justinian*, after a different Method, from what had been formerly practis'd, to wit, with the help of the Languages, and the *Roman* History. They began to explain the Laws after a different Manner, and to write Commentaries upon them in better Language, and to find out the true Sense of them; and the first that broke the Ice in *Italy* was *Andrea Alciato*, Professor of the Law in the University of *Milan*. From *Italy* this new Method pass'd into *France*, where *Gulielmus Budæus* and *Carolus Molinæus* were the first that imploy'd their Parts about it; but it cannot be deny'd, that, in process of Time, the *French* out-did the Professors of *Italy* in it, for so

¹ V. Pallavic. Arte dello Stile.

many notable Lawyers shin'd there, amongst the rest the incomparable *Cujacius*, that they obscured the Fame of all others.

THE *Lutheran* Heresy, which shortly after gain'd Ground, occasion'd the like Change in Divinity. He pretended to reform both the Method and Study of Religion. *Melancthon*, his faithful Disciple, imploy'd all his Learning and Parts in that Reformation; hence the pretended Reformers apply'd themselves with great Ardor to study the *Belles Lettres*, finding that Eloquence, and the Reputation of great Erudition gain'd many over to their Opinions: They consider'd these Studies, as necessary Means for reforming the Church; and making themselves to be admired by the Ignorant, they easily made them believe, that the Catholick Divines knew no more of Religion, than of the *Belles Lettres*: Therefore they obliged the Catholicks to apply themselves to these Studies, in order to fight them with their own Weapons: For which end they applied themselves to the Study of the original Languages, and the best Editions of the antient Authors: Therefore the *Greek* and *Latin* Fathers, very little understood in the preceding Centuries, began again to be studied; as also the Ecclesiastical History, the Councils, and the antient Canons, tracing Tradition to its very Fountain, and deducing Doctrine from its own proper Source; and the literal Sense of the Scriptures was narrowly search'd into by the Help of the Languages and Criticism.

BUT in the following sixteenth Century all these Advantages were made use of, not only in the Study of the Laws and Canons, but in that of Divinity. In the Reigns of *Ferdinand* and his Sons, by the help of the *Belles Lettres* the Jurisprudence was restored to some Lustre; but in these Beginnings it was not brought to great Perfection, though the Professors of our University, who were the best of those times, were at a great deal of Pains about it. But though the Jurisprudence was not restored to its ancient Splendor, the Wisdom of this Prince, the Skill of his Secretaries in the Languages, and the Learning of our Professors, who began to imploy their Talents in these Studies, more than they had done in the preceding Centuries, produced Laws both prudent, and written in a polite Style. The *Roman* Law had got footing not only in the Academies, but in the Courts of Justice, whence it came that the *Longobard* Law was quite forgot.

OF our own Country Laws, those of *Ferdinand*, who was a most judicious and learned Prince, and who adorn'd his Chancery with Men of exquisite Learning, were the most prudent and polite. They were drawn up by the Advice of the ablest Lawyers, to wit, *Luca Tozzolo*, *Antonio d'Alessandro*, *Paris de Puteo*, and *Angelo Arcamone*, and, for the most Part, penn'd in *Latin* by *Antonello Petrucci* and *Johannes Pontanus*, who, as we have said, were Men of great Learning in those Times.

THE Laws of our *Norman* and *Suevian* Kings were call'd *Constitutions*: Those of the *Anjourian* Princes, after the Custom of *France*, *Statutes*: Those of the *Aragonian* and *Austrian* Kings were call'd *Pragmaticks*, of these many Collections were made, as from time to time shall be taken Notice of.

WE have seen how few King *Alphonfus* establish'd; we shall likewise see how few *Ferdinand* II. and *Frederick* made in their short and troublesome Reigns: But of all the *Aragonian* Kings *Ferdinand* I. left us the most, the wisest, and politest Laws.

IN the first Years of his Reign were establish'd those, which we read inserted in the *Pragmaticks*, under the Title *De Offic. S. R. C.* excepting the second, which, as we have observ'd in the preceding Books, is falsely attributed to *Ferdinand*, because *Alphonfus* was the Founder of that High Tribunal: the 4, 5, 8, 9, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, and 37, *Pragmaticks* were establish'd by this Prince, and bear his Name in their Frontispieces; wherein many Regulations are set down concerning the Administration and Government of the Sacred Council, the Number and Quality both of the greater and lesser Officers, of which it is composed, the Method of appointing the Judges, and all other Things relating to the reforming and prudent Management of that Tribunal.

ON the ninth of *October* 1462. he put forth one, whereby the Officials were allow'd to proceed *ex Officio* in Crimes, though there were no Complaint made by the Party offended, revoking the Privilege given to some Corporations of the Kingdom, which for that end was placed in the third Tome of the *Pragmaticks*, under the Title *De Privilegiis Universitatibus concessis*.

IN 1466. he publish'd two, one dated the twenty third of *July*, which we read under the Title *De Baronibus*¹, whereby the Barons were prohibited to demand Subsidies from their Vassals, excepting in such Cases as are allow'd by the Laws and Constitutions, and to hinder them to sell their Goods, as they thought fit; the other, dated the fifteenth of *August*, under the same Title, whereby the former is confirm'd under severe Penalties.

ON the nineteenth of *November* 1467. another was put forth, directed to *Renzo d'Afflito*, Commissary of the further *Principato* and *Capitanata*, wherein is prescribed the Method of valuing or appraising every Man's Goods, in order thereby to regulate the Exchequer Payments: We find it under the Title, *De Appretio, seu bonorum æstimatione*.

ON the second of *November* 1468. he publish'd another, whereby he ordained, that Criminals should be sent to their competent Judges, and that none should dare to give them Shelter or Maintenance².

IN 1469. other six were publish'd, the first on the twenty seventh of *March*, the second on the twenty fifth of *May*, whereby the Officers are forbid to receive Gifts or Entertainments; and the Dues of the Clerks, and other inferior Officers are prescribed, and a Book of Rates is made³; three other in the same Month of *May*, and the sixth in *June* following.

IN the Months of *March*, *April*, and *October* 1470. three others were publish'd; and another in *June* 1471.

ON the thirteenth of *September* 1472. another was establish'd, whereby *Bernardo Striverio*, the Attorney General, was appointed to be Inquisitor General of the Kingdom against Usurers and others guilty of heinous Offences, which, in the modern Editions, we read under the Title, *De Usurariis*, but very incorrect as to the Date, which is made to be the ninth of *October* 1462. whereas, according to the ancient Editions, it was publish'd in the fifteenth Year of his Reign, thus: *Dat. 13 Septembris 1472. Regnor. Nostro. A. 15.*

IN *March* and *April* 1473. two others, and in *March* 1474. another.

AFTERWARDS in the Year 1477. were establish'd the great Number of Laws concerning the Manner of judicial Proceedings, of which we have made mention elsewhere; and in the following Years 1479, 80, 81, 82, 83, 84, 86, 87, 88, 90, to 1492, many others were publish'd by this Prince, which may be readily found, according to the order of Time, in the Chronology of these Laws, prefixt to the first Tome of our Pragmaticks, according to the last Edition of 1715.

IN the following Century, these Pragmaticks of *Ferdinand* were collected into one Volume, with some others of *Ferdinand* the Catholick and *Charles V.* and printed in 1558. Afterwards being join'd to the Constitutions, Usages, and Statutes of the Kingdom, they were Re-printed at *Venice* in 1590. In that Century many of our Professors employ'd their Parts upon them, some in making Notes, some in writing large Commentaries, and others in particular Treatises. *Annibale Troisio* of *Cava* wrote Commentaries upon all those that were publish'd in 1477. *Giovannangelo Pisanello*, *Marcantonio Polverino*, and *Giacomo de Bottis*, made large Notes upon them. *Orazio Barbato* wrote a Treatise upon the Pragmatick *Affis-tentiam*. *Gio. Barnardino Moscatello* of *Lucera* wrote his Treatise of the Practice of our Tribunals, which is now Re-printed, with the Additions of the Counsellor *Prato*, upon these Laws of *Ferdinand*, publish'd in the same Year 1477. Others wrote Treatises upon the Pragmatick, *Odia inter conjunctos*, and the sundry Disputes about Compromises. So that the Laws of this Prince were look'd upon to have been penn'd with great Judgment and Learning not only in those Times, but in the following Centuries.

¹ Pragm. 1. & 2. *De Baronibus*.

² Pragm. 1. *Ubi de delicto, quis conven. deb.*

³ Pragm. 4. & 5. *De Aduar.*



C H A P. V.

Of the Lawyers who flourish'd in those Times.



AFTER *Luca di Penna* and *Sebastiano Napodano*, our Professors had in a Manner left off Writing, and our Jurisprudence was upon the declining Hand; but in the Reign of *Ferdinand* and his Sons, there were found some excellent Lawyers, of whom we must here make mention.

THERE appear'd *Paris de Puteo*, who being born in *Pimonte*, in the Dutchy of *Amalfi*, two Miles distant from *Castel a Mare*, came young to *Naples*, where he studied the Law in our University. Not content with our Professors, he made a Tour through all the Universities of *Italy*, where he attended the Lectures of the most famous Doctors of those Times. He was in *Rome*, *Pavia*, *Milan*, *Florence*, *Bologna*, *Perugia*, and the other most renown'd Cities; and he had for Masters, as he himself declares¹, *Andrea Barbatia*, *Angelo Aretino*, *Alessandro de Tartagnis* of *Immola*, and *Antonio de Pratoveteri* of *Bologna*. Being returned to *Naples*, on Account of his great Learning, King *Alphonfus*, a great Favourer of learned Men, caress'd him much, and made him his Counsellor. Afterwards, *Ferdinand*, his Son, Duke of *Calabria*, being grown up to Man's Estate, he appointed him to be his Preceptor, and to teach him not only the *Belles Lettres*, but the Law and the other Sciences². *Ferdinand* was his Scholar for many Years, from whom he learned the Civil Law, and the other Sciences³. *Paris* was not only an excellent Lawyer, but versed (according to the Times) in the sacred Writings and those of the Fathers, and in the Works of *Aristotle*; and, according to the Custom of those Times, he was skill'd in Astrology. He was a pretty good Historian, and had apply'd himself much to the Study of the Books of *Titus Livius*. He was therefore in great Favour with the Duke of *Calabria*, and when *Alphonfus* went from *Naples* upon the Expedition against *Tuscany*, *Ferdinand*, his Son, being appointed Lieutenant of the Kingdom, made *Paris* his Auditor General of all the Kingdom, which Office he exercised for two Years, that the King was absent, with universal Applause.

ALPHONSUS dying in 1458. *Ferdinand*, who succeeded him, raised *Paris* to the greatest Honours and Dignities; he made him Inquisitor General of all the Kingdom against all heinous Offenders: In 1459. he created him a Counsellor, and during all his Reign he took his Advice, as well in enacting Laws, as in all the other weighty Affairs of his Crown. In those Times the pleading of Causes not being reputed derogatory to the Honour of the King's Ministers, no more than it was for them to be Professors of Sciences, *Paris* likewise exercised the Office of an Advocate, in which he succeeded to Admiration; and as being a great Lawyer, and greatly skill'd in the Feudal Law, all the Causes of the chief Nobility of the Kingdom were defended by him, so that he acquir'd great Riches. But what above all made him the Umpire of the most powerful Lords, not only of *Naples*, but of many Cities of *Italy*, was, that in those Times the Custom of Duelling, introduced by the *Longobards*, being much in Vogue in *Italy*, there was not a Point of Chivalry, which was to be decided that way, but *Paris* was consulted in it,

¹ Paris de Puteo, De reind. feud. in cap. Vulgaris
ca. num. 11. & in cap. post. hac seq. num. 5.

² Paris Tract. de Synd. in Præfat.

³ Arist. et. in Constit. hac Lege, sub tit. ut post
constat. num. 4.

as the best acquainted with those Matters. Not only our own, but the most distant Princes came to him, whence he took Occasion to compose a Treatise *De Duello*, which he wrote first in *Latin*, and afterwards translated into *Italian*. Being loaded with so many Honours and Dignities, and above eighty Years of Age, in 1493. he died in *Naples*, a little before King *Ferdinand*, and was buried in *S. Augustine's Church*.

HE was the first that renew'd the Custom, left off for many Years, of favouring the Publick with Writing, so that others, moved by his Example, left so many famous Volumes of their Works upon the Laws. He wrote a Book *De Syndicatu Officialium*, a Work which gain'd great Authority in the Courts of Justice, insomuch, that the Counsellor *Matteo d'Afflitto*¹ does not neglect to commend it in his Writings. It was the first Book that was printed in King *Ferdinand's* Time; but it being not altogether complete, the Author finish'd and corrected it, and sent it a-new to the Press. It was afterwards reprinted in *Venice* and *Lyons*, and is now to be found among the Volumes of the Law-Treatises.

HE also wrote a Book *De Reintegratione Feudorum, de finibus, & modo decidendi quæstiones confinium, territoriorum, &c.* which was first printed in *Naples*, and afterwards in *Frankfort*. A Work also much commended by our Writers, though *Carolus Molinæus* wish'd it had been digested into better Order, it appearing to him to be very confused.

HE wrote another Book, *De Reassumptione Instrumentorum*; and some have believed, that that Treatise *De Liquidatione, & Præsentatione Instrumentorum*, which was printed in *Venice* in the Year 1590. was likewise a Work of his, but others doubt of its being Authentick.

HE also composed sundry *Allegations* about the Collections before *Luca di Penna's* Time, of which *Antonio Capce* makes mention, but these have not reach'd our Age; nor some others of his Works upon some Titles of the Pandects, *De in integrum restit. De eo, quod met. causa. De dolo malo, & de receptis arbitris.*

THE Book *De Re Militari, or De singuli certamine*, was dedicated by him to the Emperor *Frederick III.* *Matteo d'Afflitto* says², that what occasion'd his writing it, was a small Treatise *De Duello*, written long before by *Goffredus*, an ancient Doctor of the Law. This Book was first printed in *Milan* in the Year 1515. and we now find it among his other Treatises. He himself, as we have said, translated it into *Italian*, which was afterwards printed in *Naples* in 1518.

LASTLY, He wrote another Book *De Ludo*, of which *Afflitto* takes notice, and commends it, and we have it printed among the rest of his Works.

AS it was disputed of what Country *Pietro delle Vigne* and *Luca di Penna* were, so the native Country of *Paris* was call'd in question. *Giulio Clara* of *Alessandro*, in the Dutchy of *Milan*, will have him to be of *Alessandria*. But as *Toppi* did us Justice in that point, with respect to *Luca di Penna*, so he demonstrated that *Paris* was ours likewise, as has been constantly affirm'd, not only by our own, but by foreign Writers, such as *Molinæus*, who calls him *Doctor Neapolitanus*, as he also calls *Luca di Penna Parthenopæus*.

ABOUT the same time flourish'd likewise *Antonio d'Alessandro*, a *Neapolitan* Knight, and a renown'd Lawyer. From his Youth he apply'd himself to the Study of the Laws in the Universities of *Naples*: Not well pleased with our Professors, he went in search of better in the other Universities of *Italy*. He went to *Ferrara* and *Sienna*, where he attended the Lectures of *Francesco Aretino*, a famous Lawyer of those Times, under whom he made wonderful Progress, and he was also, according to *Matteo d'Afflitto*, Scholar to *Alessandro d'Immola*. He took his Degree of Doctor in *Bologna*, and then return'd to *Naples*. He was no sooner arriv'd, than *Ferdinand* invited him to read Law in our University, where he taught for many Years with so great Applause, that Scholars flock'd to him from the most remote Parts. He was of a sharp and great Wit, a plain, easy, and copious Expounder of the Laws; so that a vast Number of Lawyers were educated in his School, as well as in the Academy of *Pontanus*.

AT the same Time that he taught in the Chair, he likewise pleaded at the Bar, where he became a famous Advocate, and he was no less learned than eloquent: He defended the Causes of the principal Barons, and acquired a great Re-

¹ Idem, Constit. Volumus, tit. quanto tempore, §. 4.

² Afflit. in §. si quis alium, num. 5. de pace tamen.

putation, not only by pleading, but writing. He wrote a learned Answer in the Feodal Cause of *Antonia Tommacella*, which we now read amongst the Consultations of *Alessandro d'Immola*¹, after those of *Sigismondo Loffredo*²; and by his Prudence, Learning, Knowledge of History, and grave Deportment he acquir'd King *Ferdinand's* utmost Favour and Esteem: he was therefore employ'd by him in his most important Affairs. In 1458. he sent him to *Rome*, as his Ambassador, to Pope *Pius II.* in order to get the Investiture of the Kingdom from that Pope: He surmounted the Obstacles which the Duke of *Anjou* had thrown in his way, and at last grew into so great Favour with the Pope, and the College of Cardinals, that he dictated the Bull of Investiture. He managed the Affairs of State with great Dexterity, Ease, and Prudence, insomuch that *Ferdinand* sent him Ambassador twice to *Spain*, to *John* King of *Aragon*, his Uncle, with whom he negotiated the Marriage between the King and *Joan*, his Daughter. He likewise sent him twice his Ambassador to the King of *France*, and as oft to *Innocent VIII.* and *Alexander VI.* Pope *Pius's* Successors, in which Embassies he behaved himself with so much Prudence and Address, that they had all happy Issues. Therefore he was by *Ferdinand* raised to the greatest Honours: Besides having dubb'd him a Knight, he made him President of the Royal Chamber; afterwards, in 1465. a Counsellor, and in 1480. Vice-protonotary and President of the Sacred Council, in which Tribunal he presided not only during *Ferdinand's* Life, but was continued in that Post by *Alphonfus II.* his Successor, by *Ferdinand II.* yea, by *Charles VIII.* and by *Frederick* the last King, in whose Reign, being now very old, he died in *Naples* on the twentieth sixth of *October* 1499. Pompous Obsequies were perform'd to him in the Church of *Monte Oliveto*, where *Francesco Puccio*, a *Florentine*, pronounced his Funeral Oration, in Presence of *Ferdinand* of *Aragon*, Duke of *Calabria*, and where he now lies buried.

THIS renown'd Doctor left us many Monuments of his Learning. The learn'd *Commentaries*, made upon those Laws, which he explain'd in the University, of which but few were printed. Those, that were printed, are the *Commentaries* upon the second Book of the Code, which bear this Title: *Reportata Clarissimi U. J. Interpretis Domini Antonii de Alexandro super II. Codicis in florenti; studio Parthenopæo sub aureo sæculo, & augusta pace Ferdinandi, Siciliae, Hierusalem, & Ungariae Regis invictissimi.* The Book was printed in *Naples* in 1474. in the Printing-house of *Sixtus Reisinger*, the German, who was the first, as has been said, that introduc'd the Art of Printing into this City.

*NICCOLO Toppi*³ declares, that he had seen the other *Commentaries* upon the other Laws, in Manuscript, in some Libraries, and that he had observed several Volumes of them in that of the Counsellor *Felice di Genaro*. Some others upon the *Infertiatum*, and the *Jus Novum* in that of the President of the Royal Chamber *Lincenzo Cercione*. Others upon the *Jus Vetus* in that of the Counsellor *Ortenzio Pepe*. Some *Lectures* upon the second of the *Jus Vetus*, on Parchment, in the Custody of Doctor *Gio. Battista Sabatino*. *Gio. Luca Lombardo* had likewise a Book intitled: *Recollectæ D. Antonii de Alexandro in tit. soluto Matrimonio. De liberis, & posthumis; & de vulgari, & pupillari, &c. collectæ per Franciscum Miroballum ejus scholarem, dum idem Antonius in Neapolitano Gymnasio, anno 1460. publico Regio stipendio conductus, legeret, concurrens Domini Andree Mariconæ in lectione extraordinaria.* *Toppi* himself affirms, that he had also in his Custody some Notes in Manuscript, made by this Lawyer upon the Works of *Bartolus*.

WE have at present some Notes made by him upon the Gloss of *Napodanus: Grammaticus*⁴ quotes the Additions, which he made to *Bartolus* and *Baldus*: And both he and *Ant. Capece*⁵ quote the other Additions, which this Lawyer made to *Andree d'Isernia* upon the Constitutions of the Kingdom; and we still see these Additions to the Constitutions, printed with the Glosses and *Commentaries* of *Napodanus*, for which see the Epistle of *Camillus Salernitanus* upon the Usages of *Naples*.

THERE flourish'd at the same time another famous Lawyer, to wit, *Giovanni Antonio Caraffa*, celebrated for his Knowledge both of the Civil and Canon

¹ Alex. cons. 28. lib. 5.

² Loffr. cons. 52.

³ Toppi de Orig. Trib. par. 2. lib. 3. cap. 1. num. 14.

⁴ Gram. ques. 1. post decis. num. 4. & in addit.

& decis. 63. Affl. de decis. 88. num. 5.

⁵ Ant. Capece repet. cap. Imper.

⁶ Camil. Salern. in Epist. in Consuet. Neap.

Laws. He was in great Favour with King *Alphonfus*, and yet in greater with *Ferdinand*, his Son, who made him a Counsellor. He was Professor in our University both of the Civil and Canon Laws; and at last in 1463. he was raised to the Post of President of the Sacred Council. We have many Works of this celebrated Doctor remaining. A Treatise *De Simonia*, printed in *Rome*; another *De Ambitu*, quoted by *M. d' Afflitto*¹, upon the Constitutions and Decisions; and one *De Jubileo*. He likewise wrote some *Prelections* upon the Code, quoted by *Afflitto*. *Laurentius Valla*² made this Panegyrick upon him: *Johannes Antonius Caraffa, Jurconsultus pari Nobilitate, & Scientia proximus, Princeps Jurconsultorum*. He died suddenly in *Naples* on the twenty fifth of *December* 1486. and, according to *Giuliano Passaro* in his Journals, was buried in the Cathedral.

LUCA Tozzolo, a *Roman*, being banish'd his native Country, came to *Naples*, and ended his Days here. On account of his great Erudition and Knowledge of the Laws he was honourably received by *Ferdinand*. He had been a Scholar under *Giovani Petrucci* of *Monte Sperello*, a famous Lawyer in his Time: In 1466. he was made a Counsellor, and at the same Time taught the Laws in the University of *Naples*: In 1468. he was raised to the Honour of Vice-protonotary, and for some Time presided in the Sacred Council.

ANDREA Mariconda, of the *Seggio* of *Capuana*, also flourish'd at the same Time, and acquired the Character of a famous Lawyer. From his Youth he apply'd himself to the Study of the Laws, and on the fifteenth of *October* 1460. took the Degree of Doctor in *Naples*. He became a renown'd Advocate in the Courts of Justice, and in 1461. he was made a Counsellor by Queen *Isabel*, then Regent in the Absence of the King her Husband. He was afterwards made President of the Royal Chamber, and Auditor of the High Court of the Mint by *Ferdinand*, and in 1477. a Counsellor: He was also famous in our University, where in 1466. he taught the Laws together with *Antonio d' Alessandrio*. We find some of his Lectures, in MS. upon the *Infortiatum* & *Jus Novum*. He was for a long time a Counsellor, and, in the Absence of *Antonio d' Alessandrio*, he often exercised the Office of Vice-protonotary in his Room. Afterwards, by reason of his great Age, he was discharged, and allow'd the half of his Salary as long as he liv'd. He died in *Naples* about the Year 1508. and left *Diomede* and *Niccolo*, his Sons, both learned and grave Lawyers.

THERE likewise flourish'd *Antonio dell' Amatrice*, a famous Canonist, and Professor of the Canon Law in 1478. in our University. *Antonio di Battimo*, a *Neapolitan*, also an eminent Doctor both of the Civil and Canon Laws. In 1475. he wrote a Volume, which *Toppi*³ had seen in MS. with this Title: *Reportata, & tradita per D. Antonium de Battimo Parthenopæum U. J. D. A. D. 1475.* *Lallo di Tuscia*, a *Neapolitan*, of whom we have some Notes upon our Constitutions of the Kingdom. *Stefano di Gaeta*, likewise a *Neapolitan*, a famous Canonist, flourish'd in the Reign of *Ferdinand*, and in 1470. wrote a Treatise, which was very much esteem'd, *De Sacramentis*, and dedicated it to *Giovan Battista Bentivoglio*, Counsellor to King *Ferdinand*, and it is highly commended by the Abbot *Tritemius*⁴.

ABOUT the end of this Century, to pass over others of obscure Fame, flourish'd *Antonio di Gennara*, of the *Seggio* of *Porto*, a celebrated Lawyer: He was the Son of *Masetto* and *Giovannella d' Alessandrio*, the Sister of the famous *Antonio*: He made wonderful Progress in the Study of the Law, insomuch that in the University of *Naples* he was reputed the ablest Professor of his Time. In 1481, King *Ferdinand* made him a Judge of the High Court, and shortly after his Counsellor. He was also employ'd by the King in the most weighty Affairs of State: In 1491. *Ferdinand* sent him Ambassador to the Duke of *Milan*, and the same Year, with the same Character, to King *Ferdinand* the Catholick and Queen *Isabella* his Wife, and in 1493, he was again sent to *Milan* and *Rome*. King *Ferdinand* being dead, *Alphonfus II.* his Successor, sent him the third time to the Duke of *Milan*. In 1495. King *Frederick* sent him a-new his Ambassador into *Spain* to the Catholick King, and afterwards to the Duke of *Milan*. *Ferdinand's* Progeny being extinct, in the Reign of *Ferdinand* the Catholick he was very

¹ Afflit. in Constit. quamplurimum. Toppi tom.

² pag. 146.

³ Valla in Ant. dat. in Poggium. lib. 4.

⁴ Toppi Biblioth.

⁴ Tritem. de Scriptur. Eccl. Sac. 375. V. Nicod. ad Bibl. Toppi.

much in Favour with the Great-Captain, who, in 1503, made him Vice-protonotary and President of the Sacred Council, in which Offices he continued for a long time: Afterwards being full of Years, he laid down his Posts, and was content, that *Francesco Loffredo*, then a Counsellor, should exercise them, but upon Condition, that while he himself lived, he should not assume the Title of Vice-protonotary or President, but be satisfied with the exercise alone. At last, in 1522. he died in *Naples*, and was buried in the Church of *S. Peter*, the Martyr, where we may see his Statue, and read the Inscription on his Tomb.

LASTLY, the so much celebrated and renoun'd *Matteo degli Affitti*, that perpetual Ornament of our Sacred Court, brings up the Year; he, according to the Character, which the incomparable *Francesco d'Andrea* gives him, was *Omnium nostrorum quotquot ante, & post ipsum scripserunt, procul dubio doctissimus*. He was born in *Naples* about the Year 1443. but his Forefathers were of the City of *Scala*, as he himself testifies¹. He had the Vanity to derive his Pedigree from the *Roman* Patricians and *S. Eustathius* the Martyr (as was said of *Sebastiano Napolitano* and *Sannazaro*: The first deriving his Origin from *S. Sebastian*, and the second from *S. Nazareus*) therefore in the Invocation of the Saints, which he makes at the Beginning of his Works, amongst the rest he invokes *S. Eustathius*, his Kinsman. Therefore he could not forbear writing in the Commentaries upon the Constitutions of the Kingdom, that his Forefathers were *Romans*, who, in the decay of the Empire, came to live in the City of *Scala*, from whence they afterwards removed to *Naples*, where they were aggregated into the *Seggio* of *Nido*. However that may be, he apply'd himself in his Youth to the study of the Laws, in which he made great Proficiency, and in the Year 1468. took his Degree of Doctor in *Naples*. Then he pleaded at the Bar, and became a famous Advocate in the Courts of Justice: From the Tribunals he passed to the Chair, and in our University explain'd not only the Civil and Canon Laws, but also the Feodal and our Constitutions, in which he succeeded to admiration, and eclipsed all that had gone before him. He spent twenty Years in that Exercise with universal Applause. In the first Years he explain'd the Feodal Books and the Commentaries of *Andrea d'Isernia*, according to the order of the Titles: A Work truly great and new, which, neither before nor after him, none have ventured upon, and he brought it to a happy Conclusion. He began to write his *Feodal Commentaries* in 1475, in the thirty second Year of his Age, and finish'd them in 1480, as he himself witnesseth²: Which confutes the Error of those, who being misled by *Bartolommeo Camerario*³, who believed that *Affitto* made these Commentaries when he was old, and therefore had not well understood *Andrea d'Isernia's* Meaning; have inconsiderately written the same, thereby shewing that they had not carefully read his Commentaries, which would have undeceived them of that Mistake, and made them see, that the Work was written in his greatest Vigour, and that it was the most sublime and learned of all that ever had been written upon that Subject.

HE also interpreted the Laws of the Code, and the Books of the *Institutes*, and last of all, with unwearied Application, he explained the Constitutions of our Kingdom.

THE Fame of his Learning, his profound Skill in the Laws, and, according to the Times, his great Knowledge of the Holy Scriptures, of the Works of *S. Thomas*, and of *Nicholas de Lira*, made him exceeding famous. The Nobility of *Nido* admitted him into their *Seggio*: King *Ferdinand* I. and the Duke of *Calabria*, his Son, began to advance him to publick Employments; first, they pitch'd upon him to be Advocate for the Poor, but he would not accept of it, as he himself owns⁴: Afterwards, in 1489. King *Ferdinand* made him Judge of the High Court of the Vicariate: Then, in 1491, by the same King, he was made President of the Royal Chamber. As the Death of King *Ferdinand* put all the Kingdom into Disorder, so it not only lessen'd his Authority, but during the various Revolutions that follow'd, he was sadly oppress'd. His Merit was not rewarded by the succeeding Princes, as it deserved: Sometimes he was re-

¹ *Andree's Disp. feud. cap. 1. § 8. num. 42.*

² *Affit. in Præmio sup. Feud. num. 6. & tit. de feud. dat. in vin. l. commiss. lib. 1. tit. 22. num. 49, &c.*

³ *Camerar. in Repetit. ad l. Imperialem.*

⁴ *Affit. in Constit. lege præsentis, sub tit. de dand. edu. pup. num. 8.*

moved to one Tribunal, sometimes to another, and under the Catholick King Fortune frown'd exceedingly upon him. In 1496. King *Ferdinand II.* made him a Counsellor, and he continued such till 1502, when he was again removed to the Royal Chamber. *Charles VIII.* turned him out, but afterwards restored him. In 1503. he was again admitted into the Council, where he sat till 1507. But afterwards, *Ferdinand* the Catholick was so much influenced by the Envy of his Rivals, who insinuating to his Majesty, that *Afflitto*, by Reason of his decrepit Age, was apt frequently to dote, that the King turned him out of the Council, and reduced him to lead a private Life; of which he makes a heavy Complaint in his Works. But in this Retirement from Business he did not leave off his Studies, and, though old, in a few Years completed his Commentaries upon the Constitutions, which having begun in 1510. he finish'd them in 1513. in the seventieth Year of his Age¹.

HE was afterwards in 1512. again made Judge of the Vacariate, but for one Year only, so that that being ended, he return'd to his Studies, and to end his Days in Peace and Quiet. Whence it is, that in his Will, which he made on the twenty seventh of September 1523, a little before he died, he takes no other Title upon him but that of simple Doctor. And whence it likewise came, that having died this Year 1523, leaving in his Will, that his Body should be buried in the Church of *Monte Vergine*: *Diana Carmignana*, his second Wife, a most prudent Woman, in order to clear her Husband from the Stain, which his Enemies had thrown upon him, of his being delirious, in the Inscription which she caused to be engraved upon his Tomb, she order'd these Words to be inserted: *Ad extremam senectutem integra, & animi, & corporis valetudine pervenit.*

BY his first Wife *Ursina Caraffa* he left *Marino*, his Son, who being ordain'd a Priest, was made a Canon of the Cathedral Church of *Naples*; and by *Diana Carmignana* several Children, who he appointed to be his Heirs, three of which, as has been said, he begat after he was past sixty Years of Age. He intailed the House, which he possess'd in the Quarter of *Nido*, and a Farm in the Village of *Centore* near *Aversa*, and upon Failure of all his Male Descendants, he appointed the College of Doctors *Utriusque Juris* of *Naples* (of which he was) to succeed, upon Condition that the Prior of it should convert the House into a College, where ten Students should be maintain'd and educated by the Rents of that Farm, the Election of whom he left to the Prior; and in Case the College of Doctors should happen to be abolish'd, he substituted that of the five Nobles of the *Seggio* of *Nido*, of whom the youngest was to have the same Charge as had been imposed upon the Prior, of maintaining the College, and the ten Students, that nothing might be wanting for encouraging them to follow their Studies: The Observance of which he strenuously recommended: *Quia scit*, as the Words of the Will are, *quantum viri scientifici sint utiles Reipublicæ, & toti sæculo.*

SUCH were the Dispositions of the judicious and learned Men of these Times, upon failure of their Offspring, not to appoint Monasteries and Churches to enjoy their Estates; but to relieve the Poor, and promote the Arts and Sciences. His Posterity are still in being, who owe to this famous Doctor not only the Honour they enjoy as Nobles of the *Seggio* of *Nido*, but that they can value themselves upon being descended of so glorious an Ancestor, the Founder of their Family.

THE yet more illustrious Works, which he left us, are still remaining. As for his Commentaries upon Fiefs (though his Rivals *Sigismondo Loffredo* and *Camerario* had a different Opinion of them) the incomparable *Francesco d'Andrea*² gives them this Character: *Inter omnes qui post Afflictum integra Commentaria in secula edidere, parvi sunt, qui cum illo possint comparari; qui præferri certè nullus.* He had not the Pleasure in his Life-time to see his Works printed; excepting the *Decisions* and the *Commentaries upon the Constitutions*, all the rest were printed after his Death. Before he died, he had enter'd into an Agreement with *Niccolo Agnello Imperato*, a Printer in *Naples*, about the printing of them, and in his Will had allotted the Money arising from the Books for Portions to his Daughters; but Death broke his Measures. The Commentaries upon Fiefs were afterwards printed in *Venice* in 1543, and 1547. and then at different Times, and in different Places reprinted.

¹ Affl. in Proem. Constit.² Andreys Disp. feud. cap. 1. § 8. num. 44.

HE was the first that thought of collecting the *Decisions*, which in the Course of many Years had been made in our Sacred Court, and that put them in that Order we now read them, in which he gives an account not only of the Decisions of that Tribunal, and of the Royal Chamber pronounced in the Time he sat there, but also of those which he thought worth recording, and had been made from the Institution of the Sacred Council, by King *Alphonfus*. A Work not only most celebrated with us but likewise with Foreigners, in Imitation of which other Nations have collected the Decisions of their Tribunals, whence arose the new Tribe of the *Decisionanti*.

THESE were printed in *Naples* in the Author's Life-time in 1509, and were dedicated to the City of *Naples*, the Place of his Nativity. He himself tells us so in his Will, wherein he orders twenty five Ducats to be deducted from that Share of his Estate, which he had left to *D. Marino*, his Son, as the Price of twenty seven Copies of the Decisions, which he had taken. How much these were cry'd up by our Professors, may be seen by the Labours of *Tommaso Grammatico*, *Giovannangelo Pisanello*, *Marcantonio Polverino*, *Prospero Caravita*, *Cesare Ursillo*, and *Girolamo de Martino*, who illustrated them with their Notes and Additions, which are now printed with the Body of the Decisions, in which *Ursillo* exceeded them all. Nevertheless, his Rivals *Loffredo* and *Camerario* did not fail to discredit and despise them, writing in their Works, that they did not deserve so much Credit, *Ex quo*, as *Loffredo* says¹, *aliter judicatum fuit, quam Afflictus dicit*: And *Camerario*², *Nemo à sacri Consilii auctoritate commoveatur ex iis Afflicti decisionibus, cum sint Afflicti verba, qui cum homo fuerit potuit errare*. But the Malice of these did not obscure their Fame, for in the following Century they were spread all over *Europe*, and extoll'd not only by our own, but by all the ablest Lawyers of foreign Nations, and *Thefaurus*³ prefers them to all the Decisions that ever were pronounced in any Tribunal of the World.

HE likewise left us his *Commentaries upon the Constitutions of the Kingdom*: A Work, considering the Times, very learned and copious, which was highly esteem'd not only with us, but with Foreigners: *Jacobus Spiegellius* extols it⁴, and says, that *Cassaneus*, in his *Commentaries upon the Usages of France*, stole many Things from those of *Afflitto*, for which he is blam'd by many for Ingratitude, in not vouchsafing so much as to mention him. These were likewise printed in the Author's Life-time, in 1517, and afterwards reprinted in *Milan* in 1523. and elsewhere.

WHILE he was explaining in our University the Constitutions of the Kingdom made by the Emperor *Frederick II.* believing, that the Constitution *Sancimus, de Jure Prothomisos* was also that Emperor's; in 1479, he explain'd it as such. It was truly *Frederick's I.* and did not belong in the least to our Constitutions, as we have observ'd elsewhere; but this Writer, according to the times, not being well versed in History, was therefore led into that Mistake. But for all that the Commentary he made upon it was highly commended, insomuch, that the incomparable *Cujacius*⁵ quotes it in his Book of Fiefs. It has been often printed, and is to be found amongst his Works. *Francesco Rummo*, a *Neapolitan* Lawyer, made large Additions to it afterwards, which he having caused to be printed in *Naples* in 1654. with the rest of his Works, we have seen it reprinted in these latter Times.

DEVOURING Time has robb'd us of many others of his Works; and, as may be gather'd from his Will, he design'd to have caused many Books to be printed by *Imperato*, his Printer; but his Death, and the Pestilence that happen'd in *Naples* in 1527, to shun which *Diana Carmignola*, his Wife, was forced to fly to *Aversa*, occasion'd not only the Loss of his Manuscripts, but of the Books which he had left to his Children. In the Collection, which *Gabriele Saraina* made of the Manuscripts of several Doctors, which he caused to be printed in 1560. we read some *Lectures* of this Author upon the seventh Book of the Code.

¹ Loffred. in cap. 1. § quæsitum est, de capit. qui ver. vind. ver. 1. declaratio.

² Camerar. in cap. Imperialem, lit. Q. fol. 21. à ter.

³ Thes. in Præf. decis. num. 6.

⁴ Spiegel. Lex Juris civ.

⁵ Cujac. de Feud.

HE likewise wrote many Commentaries upon some Laws of the *Code*, and upon the *Institutes*, of which, save the mention he makes, when he quotes them in his Works, we have no other Knowledge.

IN the Inscription upon his Tomb we still see: *Multa scitissima consilia reliquit*: but they are not to be found now: But he frequently quotes these *Consilia* in his printed Works, and amongst the rest one, which he wrote in the Kingdom of *Sardinia*¹.

HE likewise wrote a Treatise *De Consiliariis Principum, & de Officialibus eligendis ad Juslitiam regendam, ac eorum qualitatibus, & requisitis*, which he dedicated to *Ferdinand I.* At the Desire of Cardinal *Oliviero Caraffa* he also wrote *L'Ufficio della Traslazione del Corpo di S. Gennaro*, upon the removing of the Body of that Saint in 1497. from the Monastery of *Monte Vergine*, to *Naples*; of which Works we have nothing left, but the bare mention he makes in quoting them in his other Works. He also wrote a Book *De Privilegiis Fisci*, of which *Giovan Battista Zilletto* makes mention.

IN the Reigns of *Ferdinand I.* and his Sons, by the Favour of that Prince, and by the so many and illustrious Professors, our Jurisprudence was raised and grown into much greater Esteem than it had been in the preceding Centuries. And as in the other Universities of *Italy*, the whole Study and Attention of the Chairs were on the Books of *Justinian*, so in ours that Study was promoted by the many Professors who employ'd themselves in it; and seeing, as we have observed elsewhere, for the most part, the Professors were, besides, either Magistrates or Advocates; thence it happened, that as these Books had, many Years before, been in Force and Authority in the Chairs, so by degrees it was seen, that they acquired the same Vigour in our Tribunals. Whence it came to pass, that in this Century the *Longobard* Law was quite laid aside, not only by the Courts of Justice, but by the Chairs, and that at last it yielded to the *Roman*. The Professors, the Advocates, and the Magistrates apply'd themselves to the Study of the *Roman* Law, and of the Authors that commented upon it, quoting it not only in the Schools, but in the Tribunals. And the same *Matteo d'Afflitto* writes², that though he had heard from the old Advocates, that in the Courts of Justice the *Longobard* Law had prevailed over the *Roman*; yet, that in his time, both when he was Judge of the Vicariate, and when afterwards President of the Royal Chamber, and Counsellor of the Sacred Council, he had never seen that, nay, quite contrary, the *Roman* prevail'd over the *Longobard* Law.

IN these times, therefore, it was, and upon this rise not only of the *Belles Lettres*, but of the other Sciences, that with us the *Longobard* Laws yielded to the *Roman*; whence it afterwards came to pass, that their Name was scarce known by our Lawyers. Behold the Period and End of the *Longobard* Laws, and from this time forward you shall not hear them any more mentioned.

BUT though these Laws were abolish'd, yet there are some Vestiges of their Usages still remaining among us. In *Abruzzo* many Customs are kept up relating to Fiefs, which are regulated according to the *Longobard* Laws, and that Province still retains the *Bona Gentilitia*. The Usages of *Bari* being for the most Part founded upon these Laws, not only their Terms, but their Customs are still preserv'd there. In the Contracts, which are drawn up in many of the other Provinces, if Women be concern'd, the Notaries, even in our Time, insert the *Mundaldum* in their Favour. The Style of inserting in Instruments the Clause *Jure Romano*, &c. still continues, to denote that the contracting Parties liv'd under that Law, and not under the *Longobard*. The Terms of *Virgines in capillis*, and many others continue to this Day, of which we made a long Catalogue in the fifth Book of this History. And that the Memory of them might not be quite lost, *Giovan Battista Nenna*, a considerable Lawyer of these Times, Author of the Treatise of *The True Nobility*, which he intitled *Nennio*, and dedicated to *Bona*, Queen of *Poland* and Dutchess of *Bari*, having found amongst the Books of his Ancestors a voluminous Commentary of *Carlo di Tocco* upon the *Longobard* Laws: At the Request of many of his Friends, he abridged it, and having written some short Notes upon it, with an alphabetical Explanation of the obscure *Longobard* Words, he caused it to be printed in *Venice* 1537. which proved very useful to Lawyers,

¹ Afflit. De Success. feud. vers. hoc quoque, num. 1.

² Zilet. in his Judice Libror. Legal.

³ Beat. Ilstor. di Bari, lib. 4. pag. 204.

and, as *Beatillo* says, no less beneficial to the City of *Bari*, and many other Places of the Kingdom, where the *Longobard* Laws are observed even to this Day.

BESIDES our own¹, foreign Writers also make mention of this Work, such as *Pignorius*², and what is more strange, even *Germans*, such as *Lindenbrogius*³ and *Burcardus Struvius*⁴. With the same intent *Prospero Rondella* of *Monopoli*, wrote his Treatise: *In Reliquias Juris Longobardi*, printed in *Naples* in the Year 1609. because many Places of the Kingdom still observe some of their Usages; but because the Kingdom is now generally regulated by other Laws, and the *Longobard* out of date, whoever of himself cites these particular Usages, he's under an Obligation to prove them⁵.

THE Laws then, whereby our Kingdom was generally governed, were those contained in the *Pandects* of *Justinian*, according to the ancient Division of *Pileus* and *Bulgarus*, of which *Accursio* and all the other Glossators made use: The Code *De repetita prælectione*: The *Institutes*, and the *Novella*, according as they are number'd by *Agilzaus*. Then follow the *Constitutions* of the Kingdom, wherein are contained the Laws of our *Norman* and *Suevian* Kings. The *Statutes* of the Kingdom, which comprehend the Laws of the *Anjouvian* Kings. The *Customs* of the Royal Chamber, and of the High Court. The particular *Usages*, as well of *Naples*, as of the other Cities of the Kingdom; and lastly, the new *Pragmaticks*, which were begun by *Alphonfus I.* and were afterwards increased by the other *Aragonian* and *Austrian* Kings, to the Number we now see. With respect to the *Fecdal* Law: The Books of *Fiefs*, with the *Constitutions*, *Statutes*, and the late *Pragmaticks*, establish'd afterwards, relating to them.

THOUGH in these times the Books of the Doctors of Law were not increased to that vast Number we now see; and though there were not so many Volumes of *Treatises*, *Consultations*, *Allegations*, *Debates*, *Solutions*, and *Decisions*; yet, since that by the means of the Press they began to appear more than usually, therefore it became a settled Rule among the Judges, whenever the Laws were wanting, to follow, either the Authority of decided Cases, or the most general Opinion of the Doctors, and more frequently their Commentaries, than their Consultations; so that when the Laws, the Customs, Usages, and the Method of judging fail'd, it was not left to their Discretion and Prudence to decide, but they were to follow the most approved Sentiments of the Doctors. And in that there were many Rules and Precautions prescribed. 1. If the Interpreters shall be found to clash and disagree among themselves, the judge shall follow the greatest Number, and their Precepts must be reputed the most approved Opinion. 2. The Judges shall rather follow the Opinion of those, who on purpose, and narrowly shall be found to have discuss'd, and examined the Matter, than of those, who cursorily, without having in the least examined it, follow the rest. 3. That they shall rather follow their Commentaries and Treatises, than their Consultations, or Answers and Allegations. 4. When the Matter in question concerns the ecclesiastical Court, they shall be obliged to follow the Canonists, in the same manner as they are bound to follow the Civilians in Cases belonging to the secular Court. 5. Seeing that Opinions, as well as all other human Things grow old; and that the Course of Time, long Use, and the new Experience of Things teach Men so, that they often make them forsake the old Dictates; wherefore it is fit, that the Judges should rather follow the new, than the old Opinions of the Interpreters. Our Authors give us a vast many other Rules prescribed concerning that Matter; of which, to pass over others, *Dionysius Gothofredus*⁶, and the most judicious *Arthur Duck*⁷, have written at large.

¹ Idem loc. cit. Toppi in Biblioth. Nicod. ad Toppi

² Pignor. Epist. Sinobol. ep. 49. pag. 217.

³ Lindenbr. in Prolegom.

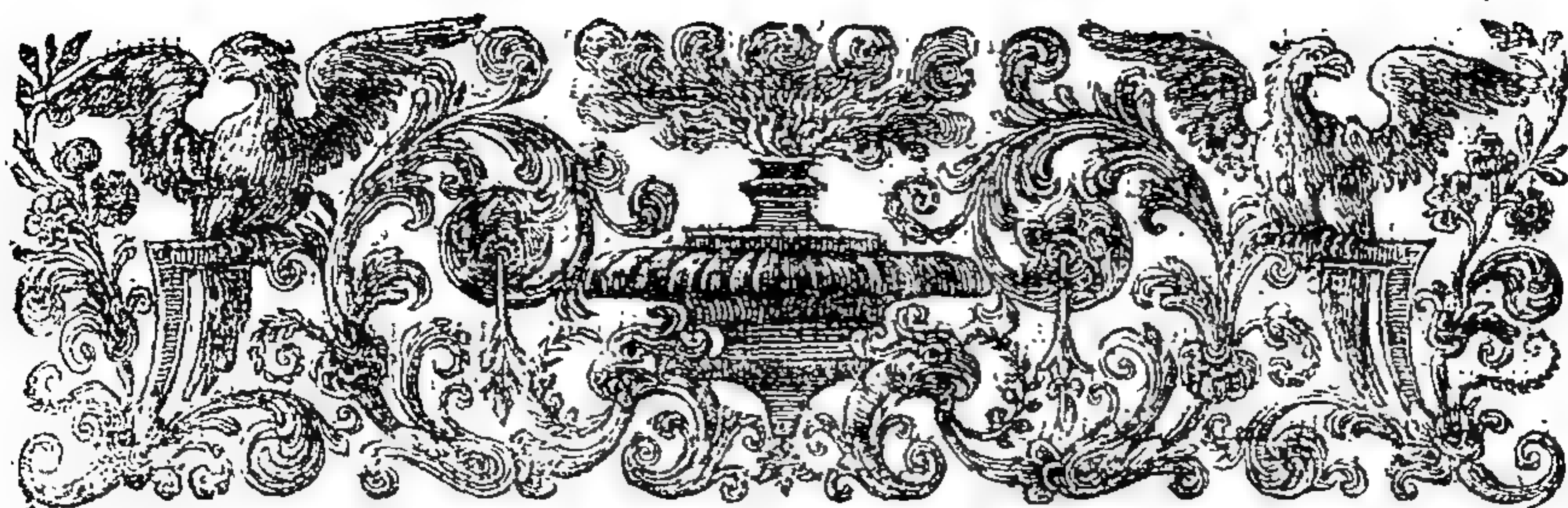
⁴ Hist. Juris cap. 5. § 5. pag. 565.

⁵ V. Capet. Latr. Consult. 3. lib. 1. Fab. Cap.

Galeot. tom. 1. controv. 1, 2, 3.

⁶ Gotho. in Prax. civil. lib. 1. tit. 2.

⁷ Arthur Duck, De usu, & auth. Jur. Civil. lib. 1. cap. 8. per tot.



T H E
CIVIL HISTORY
Of the KINGDOM of
N A P L E S.

B O O K XXIX.



THE History of the War, which, at the Instigation of *Lewis Sforza*, *Charles VIII.* King of *France* waged with *Alphonfus II.* who, upon his Father's Death, with great Solemnity was immediately crown'd King in the City of *Naples* by the Hands of Cardinal *Borgia*, has been so well written by *Philip de Comines*, a Contemporary Writer, who was employ'd by *Charles* in the deepest Intrigues of that Expedition, by *Francesco Guicciardino* and Seignior *Jovius*, that we might justly refer the Reader to their Histories; but seeing that no wise Prince ever made War, but at the same time he endeavour'd to make it appear just; and our Writers not having discover'd the Reasons, wherewith the *French* represented it as such to their King, I hope, seeing occasion offers, I shall not be thought tedious in discovering them now. Before the Expedition was fully resolv'd upon, the King's Pretensions were examin'd by a solemn Scrutiny, and, in the Opinion of his Advisers, they being found sufficient, the King was by them persuaded, that he had good Grounds for uniting the Kingdom of *Naples* to the Crown of *France*. They built the Pretension upon these Foundations: *Renatus* of *Anjou*, as we have seen in the preceding Books, having lost the Kingdom, had left his Son *John* the Hopes of recovering it out of the

the Hands of *Ferdinand I.* of *Aragon*, but while *John* lived, he never could see a good Issue of that War; for though *Ferdinand*, after the Death of his Father *Alphonfus*, was attack'd both by *John*, and the chief of the Barons of the Kingdom; yet, by his good Fortune and Valour, he not only defended himself, but so harass'd his Enemies, that neither in the Life-time of *John*, nor of his Father *Renatus*, who lived many Years after his Son, had he ever more occasion to contend with, or be afraid of the *Anjouviens*. At last *Renatus* died, and not leaving Male Issue, but only a Daughter, Mother to the Duke of *Lorrain*, he made *Charles*, the Son of the Count of *Maine*, his Brother¹, Heir to all his Rights. Thus *Charles* was not *John's* Son, as by a Mistake some modern Authors have written², he was indeed *Renatus's* Nephew, by a Brother, not a Sister. *Charles* likewise shortly after died without leaving Issue, and by his Will left his Heritage to *Lewis XI.* King of *France*, who was the Son of a Sister of *Renatus's*. Many Clauses of this Will, which *Charles* made in *Marseilles* on the tenth of *December* 1481, are to be found in the first Tome of the Collection of Treatises of Peace between the Kings of *France* and other Princes, written by *Frederick Lionard*, and printed in *Paris* in the Year 1693, wherein he appoints *Lewis* his universal Heir, whom he calls his Cousin-German, and after him *Charles*, the Dauphin of *France*, *Lewis's* Son, to whom, as supreme Lord, fell not only the Dutchy of *Anjou*, in which, being a Member of the Crown, Women do not succeed, but he enter'd in Possession of *Provence*, and by Virtue of this Will he could pretend, that the Rights which the *Anjouviens* had to the Kingdom of *Naples*, were convey'd to him. But *Lewis*, always averse to concern himself with the Affairs of *Italy*, and content with *Provence*, did not disturb the Kingdom. Upon *Lewis's* Death these Rights continuing in the Person of *Charles VIII.* his Son, a Youth covetous of Glory, by the Persuasion of some, who said to him, that this was a fair Opportunity to raise the Glory of his Predecessors, he conceiv'd Hopes of conquering the Kingdom of *Naples* by force of Arms.

BUT in these Beginnings the Duke of *Lorrain* started up as his Competitor, for the King being to be crown'd at the Age of fourteen or fifteen Years, the Duke came to him to demand the Dutchy of *Bar*, and the County of *Provence*. He supported his Pretension by being born of a Daughter of *Renatus*, and consequently *Renatus* had not Power to prefer *Charles*, who was descended of his Brother, to him who was born of his own Sister. But it being reply'd on the contrary, that in *Provence* Women were excluded from the Succession, the Dutchy of *Bar* was surrender'd to him, and as for his Pretension to *Provence*, it was agreed, that within four Years both their Rights to that County were to be decided by Law. *Philip de Comines*, who was one of the Council appointed to examine these Rights, which was done before the four Years expired, in Presence of some Advocates of *Provence*, writes, that searching into certain Wills of King *Charles I.* the Brother of *S. Lewis*, and other Kings of *Sicily* of the House of *France*, by virtue of which those Advocates said, that not only the County of *Provence* belonged to *Charles*, but likewise the Kingdom of *Sicily*, and all that had been possess'd by the Family of *Anjou*; and that the Duke of *Lorrain* had not the least Pretension to *Provence*, not only because *Charles*, the late Count of *Provence*, the Son of *Charles* of *Anjou*, Count of *Maine*, and Nephew of *Renatus*, had by his Will appointed *Lewis XI.* his Heir, but also because *Renatus* had preferr'd him to the Duke of *Lorrain*, though born of his Daughter, in order to fulfil the Intents of the said Wills made by *Charles I.* of *Anjou*, and the Countess of *Provence*, his Wife. They likewise added, that the Kingdom of *Sicily* and County of *Provence* could not be separated; nor could Women succeed in them, when there were Males of the Descent. And lastly, that besides King *Charles I.* those who succeeded him in the said Kingdom, made the like Wills, as, among the rest, *Charles II.* of *Anjou*, his Son.

THE *Provençals* having thus made their Court to King *Charles*, and he having insinuated to those of the Council, to order Matters so, as he might not lose *Provence*, the four Years being expir'd, the Council, to tire the Duke's Patience, spun out their Examination, and not able to keep him longer in Suspence, at last the

¹ Phil. de Com. de Bello Neap. in princ. Guic. lib. 1. Inor. Ital. Jo. Sleiden. in Phil. Com.

² Loschi in Arbor. sam. Austric.
 ³ Sleid. in Phil. de Comin.

Duke, having discover'd the Intention of the King and his Council, left the Court in great Disgust, and very angry with the Council.

DURING these Transactions, four or five Months before the Duke left the Court, as has been mention'd in the preceding Book, he had an Invitation from the Pope and the rebellious Barons to come and conquer the Kingdom, of which, if he had made a right Use, he might have been able to make himself Master of the Kingdom of *Naples*; but such was his Negligence and Slowness, that the Pope and the Barons being quite tired, and out of all Hopes, came to an Agreement with *Ferdinand*; so that the Duke with great Shame return'd to his own Country, nor had he ever after any Interest with the King.

IN the mean Time the more King *Charles* grew in Years, the greater was his Desire to go into *Italy* upon the Expedition against our Kingdom; nor did his Advisers fail to spur him on, saying, that the Kingdom of *Naples* belonged to him. In this Interim the Prince of *Salerno* arrived at *Paris*, who, not trusting to *Ferdinand's* Word, as we have said, left the Kingdom, and, with three of his Nephews, the Sons of the Prince of *Bisignano*, went first to *Venice*, where he had many Friends. There he advis'd with that Republick, what Course he had best take, whether to take shelter from the Duke of *Lorrain*, the King of *France*, or from the King of *Spain*. *Philip de Comines*, who shews in his Memoirs, that he was in great Friendship with the Prince of *Salerno*, writes, that having talked of this with the Prince, he told him, that the *Venicians* advis'd him to have recourse to the King of *France*, for there was nothing to be expected from the Duke of *Lorrain* no more than if he were dead. As for the King of *Spain* there was no occasion to invite him to that Undertaking, but rather to guard against him, because if he had the Kingdom of *Naples*, with that of *Sicily*, and the other Places of the Gulf of *Venice*, being already very powerful at Sea, in a short time he would be able to enslave all *Italy*; so that he had best apply to the King of *France*, from whom, and the Friendship they were in with him, a peaceable and mild Government might be expected. He did so, and being arriv'd in *France*, he was kindly receiv'd, but poorly treated. They labour'd hard for two whole Years, constantly insisting upon the Expedition to *Naples*; but seeing the Party, that dissuaded the King, was the most prudent, and on the other hand, only a few Favourites, who, perceiving his Inclination, in order to flatter him, push'd him on, this therefore was the Reason of its being delay'd from Day to Day.

BUT what induced the King to undertake the Expedition afterwards was, as has been said, the Invitation of *Lewis Sforza*, who seeing, that by no other Means he would be able to wrest the Duchy of *Milan* from his Nephew, but by ruining *Alphonfus*, who oppos'd his Designs, of which he was continually put in Mind by the Dutchess of *Milan*, the Duke's Wife, who was his own Daughter, therefore he sent Ambassadors to *France* to hasten the Expedition, so that at last, without further Delay, King *Charles* prepared himself for going to *Italy*.

THE King set out from *Vienne* in *Dauphiny* on the twenty third of *August* 1494, marching strait to *Asti*, from thence to *Turin*, and then to *Pisa* and *Florence* on his way to *Rome*. In the mean time *Alphonfus*, upon the News of this March, had sent one Army into *Romagnia* near *Ferrara*, commanded by *Ferdinand* Duke of *Calabria*, his Son, and another by Sea to *Leghorn* and *Pisa*, of which he made D. *Frederick*, his Brother, General; but when he understood that King *Charles* by long Marches was approaching towards *Rome*, he sent *Ferdinand* thither to treat with the Pope about the Safety of the Kingdom. But the Approach of the *French* Army to the Walls of *Rome* gave Pope *Alexander* no less Disturbance; for finding that *Charles* was accompanied by the Cardinal of *S. Peter in vinculis*, and by many other Cardinals, his Enemies, he was afraid that the King, by their Persuasions, might turn his Thoughts upon reforming the Affairs of the Church, as was already reported; a Thought exceeding terrible to him, who remember'd by what Means he had been rais'd to the Papacy, and by what Tricks and Cunning he had continued to govern¹. But the King, who had nothing so much at Heart as his March to the Kingdom of *Naples*, eas'd him of that Jealousy, sending Ambassadors to assure him, that he had no Intention to concern himself with what belonged to the Papal Authority, nor require any thing of him but what should be necessary for the Security of his March; therefore the Ambassadors desired

¹ Guicc. lib. 1.

that the King, with his Army, might be allow'd to enter *Rome*, because it would be a Means to turn the Misunderstandings that had been between them into a most sincere Friendship. The Pope judging, that of all Dangers that was the least, granted their Desire; therefore he order'd the Duke of *Calabria*, with his Army, to leave *Rome*, and accordingly, on the last Day of *December* this Year 1494, he march'd out by the Gate of *S. Sebastian*, at the same Time that the King in Armour, at the Head of his Army, entered by the Gate of *S. Maria del Popolo*.

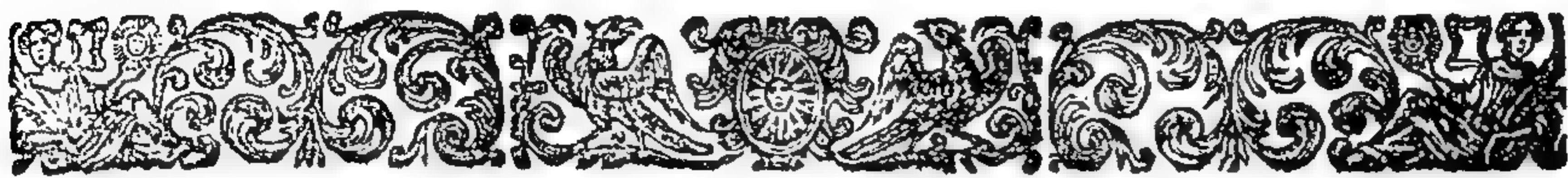
KING *Charles* staid near a Month in *Rome*, during which Time he was constantly sending Troops to the Borders of the Kingdom, where there was nothing but Uproars and Confusions, insomuch that, before the King left *Rome*, *Aquila*, and almost all *Abruzzo*, had set up his Standard; nor was the rest of the Kingdom much quieter; for *Ferdinand* had no sooner gone to *Rome*, than the Effects of the Hatred which the People bore against *Alphonfus*, began to appear, by exclaiming against his Cruelty and Pride, and openly shewing the great Desire they had to see the *French* amongst them.

ALPHONSUS, upon hearing that his Son had left *Rome*, was seiz'd with such Terror, that forgetting the great Reputation and Glory, which, by long Experience, he had acquir'd in the many Wars of *Italy*, and despairing of being able to withstand so formidable an Enemy, he resolv'd to renounce the Kingdom, and the Instrument of Renunciation being drawn up by *Joannes Pontanus*, in Presence of *Frederick*, his Brother, and the chief Nobility of the Kingdom, he renounced all the Royal Title and Authority, in Favour of his Son *Ferdinand*, in Hopes that the excessive Hatred conceiv'd against him being removed, and so promising a Youth being made King, who had never offended any Person, and was in Favour with every Body, might, perhaps, lessen the Desire of the Subjects to receive the *French* into the Kingdom. *Guicciardine* was of Opinion, that if this Renunciation had been sooner made, perhaps it might have had some Effect, but being delay'd till the Mischief was become irretrievable, it was to no Purpose.

ALPHONSUS having thus yielded the Possession of the Kingdom to his Son *Ferdinand* (who was not above twenty four Years of Age) and caused him to be crown'd in *Naples*; disturbed in his Mind both Day and Night, he was seized with such a Fear, that he imagined every Body was crying out *France, France*; therefore he resolv'd immediately to quit *Naples* and retire to *Sicily*, which Design he imparted to the Queen, his Mother-in-Law only, but she could not persuade him to communicate it either to his Brother or Son, nor delay it so much as two or three Days to complete the Year of his Reign, but set sail with four light Gallies loaded with rich Furniture; and, at his Departure, he was in so terrible a Fright, that he imagined the *French* had already surrounded him. However, accompanied by the Queen, his Mother-in-Law, he made his Escape to *Mazara*, a Town in *Sicily* belonging to the said Queen, which had been formerly given her by *Ferdinand* King of *Spain*, her Brother.

PHILIP de Comines, who was the King of *France*'s Ambassador in *Venice*, writes, that the News of this Flight surpris'd every Body, especially the *Venetians*. Some, with a Design to favour the Affairs of the Son, who was not so much hated in the Kingdom as the Father, gave out, that he was gone to the *Turk*. But the Person who wrote the History of the *Aragonian* Kings, full of Detraction and Bitterness, and, perhaps, more than they deserved, does not stick to say, that he was always of Opinion, that *Alphonfus* fled out of downright Cowardice. Being arriv'd in *Sicily*, after some short stay at *Mazara*, he went to *Messina*, where he retir'd to lead a religious Life, attending, with the Monks of the Order of *S. John* of God, at all the Offices both of the Day and Night, and performing the Fasts, Abstinences, and Alms; and *Comines* likewise says, if he had not been prevented by Death, he had resolv'd to spend the rest of his Life in a Monastery of *Valencia*, and to wear the religious Habit. But before ten Months were at an end, after his Retirement in *Sicily*, he was seized with the tormenting Distemper of the Gravel and Excoriation, which tortured him incessantly, yet he bore it with wonderful Constancy and Patience; at last sinking under the Disease, with great Remorse for his Sins, he ended his Days on the nineteenth of *November* 1495, at the Age of forty seven Years and fourteen Days, after having reign'd one Year wanting two Days. He was buried with Royal Funeral Pomp in the great Church of *Messina*, where his Tomb is still to be seen.

THIS Prince, by reason of his short Reign, and of his being wholly addicted to Arms, left us no Laws: Although he did not hinder the Progress of Learning, yet being brought up in the midst of Arms, he was not so great a Lover of learned Men as his Father; and *Joannes Pontanus*, as has been seen in the preceding Book, had no great Reason to be satisfied with him, on the contrary, he revenged himself upon him for his Ingratitude by that Fable of the Ass that kick'd his Benefactor. Nevertheless he was both Magnificent and Pious. He built two famous Palaces of Pleasure in *Naples*, one in the Ward *Nolana*, and another in *Poggio Reale*: He had a great Opinion of the *White Friars* of *S. Benedict* of the Order of *Monte Oliveto*, to whose Monastery, as has been told elsewhere, he gave great Revenues. He likewise founded the new Church of the *Cassinian* Monks of *S. Severinus*, it not seeming decent that the Bodies of two such famous Saints as *Sossius* and *Severinus* should lie in two small Churches; and if the foresaid Misfortunes had not prevented him, he would have finish'd it in that magnificent Manner we now see it.



C H A P. I.

Ferdinand II. is driven out of the Kingdom by Charles King of France. That King's Entry into Naples, to whom the Kingdom submits.

FERDINAND, who, after his Departure from *Rome*, had retir'd within the Borders of the Kingdom, was upon the Flight of his Father recall'd to *Naples*; and having assumed the Royal Authority and Title, he assembled his Army to stop the Enemy from advancing farther, and incamp'd at *S. Germano*. But before the King of *France* arriv'd at *S. Germano*, *Ferdinand* abandon'd the Town and the Pass in great disorder, and King *Charles* having enter'd *S. Germano*, *Ferdinand* retir'd to *Capua*, into which he enter'd with a few Followers, the Citizens refusing to admit any Body of his Troops into the City. Having stopt a few Hours there, and begg'd of the Citizens to continue in their Allegiance to him, promising to return the next Day, he went to *Naples*, afraid of the Rebellion which accordingly happen'd. The Army had orders to wait for him at *Capua*; but when he return'd the Day following they were all gone. In the mean Time King *Charles* had march'd from *S. Germano* to *Tiano*, and taken up his Quarters at *Calvi*, within two Miles of *Capua*. The *Capuans* immediately suffer'd him to enter the City with all his Army, from thence having march'd to *Aversa*, the *Neapolitans* following the Example of *Capua*, consult'd about sending Ambassadors to meet him, and offer'd to submit to him, upon Condition, that their antient Privileges should be preserved.

FERDINAND seeing these Proceedings, and that both the Commonalty and Nobility were in open Rebellion and under Arms; and finding that he was not able to withstand such a sudden turn of Fortune, resolv'd to quit the City, and having conven'd on the *Esplanade* of *Castel Nuovo*, many Gentlemen and Citizens, he absolv'd them from their Oaths of Allegiance, which, a few Days before, they had taken to him, and gave them Liberty to make their Terms with the King of *France*, which he did in a Speech full of such moving and tender Expressions, is well described by *Guicciardine*¹, that it drew Tears and Compassion from many

¹ Guicc. lib. I.

of the Hearers. But all the People, and almost the whole Nobility had conceiv'd so great a Hatred against the King, his Father, and such a Liking for the *French*, that the Tumults continued notwithstanding, and even before his Face the Mob began to plunder his Stables; whereupon having gone out of the Castle by the Postern Gate, he went on board the light Gallies that were waiting for him in the Harbour, and with him imbarc'd D. *Frederick*, his Uncle, and the old Queen, his Grandfather's Wife, with her Daughter *Joan*; and with a few Followers sail'd for the Island of *Ischia*, by the Ancients call'd *Ænaria*, often repeating with a loud Voice, while he was in sight of *Naples*, the Verse of the Psalms of *David*: *Nisi Dominus custodierit Civitatem, frustra vigilat qui custodit eam.*

UPON *Ferdinand's* quitting *Naples*, at the bare mention of the Conqueror's Name, every Body gave way as to an impetuous Torrent; and in the mean Time the *Neapolitan* Ambassadors having found *Charles* in *Aversa*, surrender'd the City to him, to which, with great Generosity, he granted many Privileges and Exemptions. *Charles*, according to *Guicciardino*, made his Entry into *Naples* on the twenty first Day of *February* this Year 1495, and he was received with such Acclamations and Rejoicing, that it would be in vain to attempt to express them, Men, Women and Children, all Ranks and Conditions of People, and all Parties concurring with incredible Alacrity, as if he had been the Father and Founder of that City. And what was the most surprising of all, those very Persons, who either themselves or their Ancestors, had been rais'd by, or received Favours from the House of *Aragon*, shew'd no less Gladness than the rest; and *Joannes Pontanus* himself, who, upon *Alphonso's* Departure, had been restored to the Office of Secretary by *Ferdinand*; in the Oration which he made when *Charles* was crown'd King in the Cathedral Church of *Naples*, could not forbear running out too much in reviling the Kings of the House of *Aragon*, by whom he had been so highly exalted.

CHARLES was conducted to lodge in *Castel Capuano*, for *Castel Nuovo* was held out by the Marquis of *Pescara* for *Ferdinand*; and in a short time all the Provinces of the Kingdom, by Degrees, submitted to the *French*. All *Terra di Lavoro*, except *Ischia* and *Gaeta*, was reduced. *Calabria* soon yielded, whither Monseigneur d'*Aubigny* and *Peron de Basque* were sent without an Army. *Abruzzo* revolted of itself, and the first that broke the Ice was the City of *Aquila*, which had always been in the *French* Interest. *Puglia* did the same, except the Castle of *Brindisi* and *Gallipoli*, which were overaw'd by the Garrisons, otherwise the People were ready to revolt. In *Calabria* only three Cities continued loyal to *Ferdinand*. The two first were *Mantea* and *Tropea*, old *Anjouvians*, who having set up *Charles's* Standard, but afterwards finding that they had been given to the Lord of *Perse*, it was immediately pull'd down, and that of *Aragon* set up again: The third was *Reggio*, which had always been loyal to its Prince. And *Philip de Comines* says, that it was through the Neglect of sending Troops to take Possession of the Towns that any continued loyal to *Ferdinand*, for there were not so many sent to *Puglia* and *Calabria* as were sufficient to guard one single Town. The City of *Taranto*, with the Fort surrender'd. *Otranto*, *Monopoli*, *Trani*, *Manfredonia*, *Barietta*, and all the rest did the same. The Inhabitants of these Cities went three Days Journey to meet the *French* in order to deliver themselves up to *Charles*, and then sent their Syndicks to *Naples* to surrender their Cities.

ALL the Grandees and Barons of the Kingdom flock'd to *Naples* to do him Homage, excepting the Marquis of *Pescara*, whom *Ferdinand* had intrusted with the keeping of *Castel Nuovo*, but his Brothers and his Nephews likewise went thither. The Count of *Acri* and the Marquis of *Squillaci* fled to *Sicily*, because King *Charles* had given their Estates to Monseigneur d'*Aubigny*. There was in *Naples* the Prince of *Salerno*, the Prince of *Bisignano* his Brother, with his Sons, the Duke of *Melfi*, the Duke of *Gravina*, and the old Duke of *Sora*, the Counts of *Montorio*, of *Fondi*, of *Tripaldi*, of *Celano*, of *Troja* the younger, born in *Scotland*, and brought up in *France*, and the Count of *Pepolo*, who was found Prisoner there: The Prince of *Rossano*, after having been a long time Prisoner, was set at Liberty, and either willingly, or by force, went with *Ferdinand*. The Marquis of *Venafra*, and all the *Calabri*, and even the Counts of *Metalina* and *Marigliano*, though both they and their Predecessors had always served the House of *Aragon*, were likewise there. In short, all the Barons of the Kingdom, except the three above mention'd, went to *Naples* to do Homage to King *Charles*.

GUICCIARDINO very prudently makes this Reflection, that by reason of the domestick Quarrels, whereby the so much renown'd Wisdom of our *Italian* Princes was clouded, and of the Inconstancy and foolish Love of Novelty of our *Neapolitans*, to their great Shame, to the Reproach of the *Italian* Soldiery, and to the imminent Danger and Ignominy of all, a very considerable and powerful Part of *Italy* was snatch'd from the Dominion of *Italians*, and subjected to that of *Ultramontanes*; for though *Ferdinand*, the elder, was born in *Spain*, yet because from his Childhood he had been constantly in *Italy*, either King, or the Son of a King, and because he had no other Dominions in any other Country, and his Children and Grandchildren being all born and educated in *Naples*, they were justly reputed *Italians*. And though the Dominion of the *French* disappear'd like Lightning, yet for all that, *Ferdinand* was not firmly reinstated in the Kingdom, nor *Frederick*, his Uncle, a just and prudent Prince, who would otherwise have been able to have blotted out all Memory of the Hatred which the People bore *Alphonfus*: Nevertheless thro' cruel Necessity, they were forced to have Recourse to *Ferdinand* the Catholick, King of *Spain*, for Assistance, though, I say, the Kingdom was freed from the Dominion of the *French*, yet afterwards, to their great Grief, they saw it fall under the Empire of the *Spaniards*, and hence no more acknowledge native Princes, but Foreigners, who governing it from remote Parts by means of their Ministers, it not only lost its Royal Dignity and Reputation, but was plunder'd and despised.



C H A P. II.

Charles leaves the Kingdom, and Ferdinand returns to it, who, with the Assistance of the Great-Captain, drives the French out of it; he is buzza'd by the People, and restor'd to the Kingdom. His Marriage and Death.



THE *French*, not knowing how to carry themselves in such a run of good Fortune, grew intolerant and ambitious, besides having alienated the Minds of the People from them, and giving the Princes of *Italy* cause of Jealousy, they became so much the Aversion, even of those who had invited them, that at last, combining together, they drove them intirely out of *Italy*. Being now Masters of the Kingdom, and by Intelligence and tampering with the *Germans* that were in Garrison in *Castel Nuovo* and *Castello del Uovo*, having also got Possession of these Fortresses, they had nothing of any Consequence to do, but to possess themselves of *Ischia*. So that *Ferdinand* having lost all Hopes, leaving that Island to be defended by *Innico d'Avalos*, the Marquis of *Pescara's* Brother, sail'd for *Sicily*, where, on the twentieth of *March* this Year 1495, he was kindly received by the *Messinese*, where he stay'd consulting with his Father, who was still alive, by what Means, and with what Assistance they might be able to recover the lost Kingdom.

MEAN while both King *Charles* and his Officers, ignorant how to behave themselves in a new acquired Kingdom, and through the excessive Pride of the *French*, the Nobility being disobliged, in a very short Time that Prince's Glory, and the Fortune which had so much favour'd him, changed. *Philip de Comines*, then his Ambassador in *Venice*, writes, that from the time the King made his Entry into *Naples* to his Departure, he minded nothing but his Pleasures; and his *French*

Officers nothing but Rapine and to gather Wealth: The Nobility were neither used civilly nor in the least countenanced; on the contrary, they were with Difficulty admitted into the Court. The *Caraffa's*, though true *Aragonians*, had the least ill Treatment. They left none in Offices or Dignities, and treated the *Anjouvians* worse than the *Aragonians*. And *Matteo d'Afflitto*^{*} writes, that *Charles* spurr'd on by his Favourites, who solicited him to reduce the Barons of the Kingdom to the same State, with the Barons of *France*, consulted how he might deprive them of the *merum & mixtum Imperium*, which they had enjoy'd in their Fiefs ever since the time of King *Alphonfus I.* of *Aragon*. The King granted no Privileges or Warrants, but the Ministers, through whose Hands they pass'd, exacted Money for them. All Offices and Employments were bestow'd upon two or three *Frenchmen*. The Ministers were turn'd out of their Posts, and not restored to them without Money. Thus the *Neapolitans* (naturally the most inconstant People upon Earth) began to change the foolish Love they formerly had for the *French* into Hatred.

IN the mean time *Ferdinand* being still in *Sicily* consulting with his Father how to find some Remedy for their Misfortunes, they resolved to have recourse to *Ferdinand* the Catholick for Assistance, a Prince not only powerful, but their near Kinsman; and that as Sovereign of *Sicily*, he would take them under his Protection, not so much on Account of the Nearness of Blood, as that it very nearly concern'd his own Interest, that the Kingdom of *Naples* should not be in the Hands of the *French*, who being Masters of so rich and powerful a Kingdom, and so near *Sicily* too, it was much to be fear'd, that at last they might attempt to invade and unite it to that of *Naples*. Therefore they sent *Bernardino Bernando*, *Ferdinand's* Secretary, to the Catholick King, to beg of him to take them under his Protection, and assist them in recovering the Possession of their lost Kingdom. A Message, which prov'd very unhappy to the *Aragonians* of *Naples*; and if pressing Necessity had not excused them, it had been a very rash and imprudent Resolution, not only because they exposed themselves to the Ambition of the *Spaniards*, who from the Situation of *Sicily*, might be easily tempted to make themselves Masters of the Kingdom of *Naples*, as the Event proved; but likewise because *Ferdinand* the Catholick, the Son of *John* King of *Aragon*, *Alphonfus I's* Brother, judged that the Kingdom of *Naples* had been unjustly disjoin'd from the Crown of *Aragon*, to which it belong'd; and that it was not in *Alphonfus's* Power to leave it to *Ferdinand* his bastard Son, but that *John* ought to have succeeded in it, as he did in *Sicily*, in *Aragon*, and in the other Dominions possess'd by *Alphonfus*. And what happen'd afterwards demonstrated, that it would have been much more easy for the *Aragonians* of *Naples* to have recover'd the Kingdom, if it had remain'd in the Hands of the *French*, than falling into those of the *Spaniards*, whereby all Hopes were lost of ever recovering it.

FERDINAND the Catholick most willingly accepted the Invitation, and undertook the Expedition, so that he immediately sent a sufficient Army into *Sicily*, under the Command of *Gonsalvo Fernandes*, of the Family of *Aguilar*, a Man of great Courage and long Experience in the Wars of *Granada*; who upon his first coming to *Italy*, being by the vain-glorious *Spaniards* surnamed the *Great-Captain*, by that Title denoting his great Authority on account of the notable Victories he afterwards gain'd, with universal Consent that Surname was confirm'd and perpetuated to him, as a Mark of his great Courage, and of his Excellency in military Discipline. *Gonsalvo* being arrived at *Messina* with his Troops, was received with extreme Joy by *Alphonfus* and *Ferdinand*, and having exhorted them to raise their Spirits, he landed his Men in *Calabria*, where he obtain'd signal Advantages over the *French*.

ON the other hand, the Princes of *Italy*, and even the Duke of *Milan*, concluded in *Venice* a very powerful League against King *Charles*, into which, besides the *Venetians*, the King of the *Romans*, and *Ferdinand* King of *Castile*, likewise enter'd. Pope *Alexander VI.* was also desirous of being included in it, in order to free himself from the continual Fears and Violence which he dreaded from the *French*: He had conceived a Jealousy of *Charles*, and they began to distrust one another, and the Misunderstanding was like to have broke out into an open Enmity; for King *Charles* having often demanded of the Pope to give him the

^{*} Aëist. in Procem. Constit. Regn.

Investiture of the Kingdom, and to send a Legate to crown him, to which *Alexander* would not consent; therefore *Charles* being incens'd, threaten'd to call a Council in order to depose him; of which the Pope being afraid, lest the Threat should be put in Execution, having many Enemies among the Cardinals, and particularly the Cardinal of *Rovere*, who was afterwards Pope *Julius II.* out of mere Necessity he was forced to send him the Investiture, and a Legate to crown him, which was perform'd on the twentieth of *May* this Year 1495. with great Pomp and Solemnity in the Cathedral Church of *Naples*.

BUT the foresaid League being publish'd, and the contracting Princes having likewise declared the Motives, which had induced them to enter into it, to wit, the Defence of *Christendom* against the *Turk*: The Defence of the Liberty of *Italy*, and the Preservation of their own Dominions; the King conceiv'd such a Jealousy that it was impossible for his Officers to make him easy; a Report being spread abroad, that *Francesco Gonzaga*, Marquis of *Mantua*, was elected General of the Army of the League, and that he threaten'd either to kill him or take him Prisoner; the King therefore resolved to leave *Naples*, and return to *France* by the same Road he came there, though the confederated Forces were prepared to stop him on his March. Wherefore he assembled the best of his Troops to march under his own Command, and left for guarding the Kingdom only fifty *French* Cuirassiers, two thousand five hundred *Switzers*, and some few *French* Infantry. Monseigneur de *Montpensier*, of the House of *Bourbon*, was left Captain General in *Naples*: In *Calabria*, *Edward Stuart*, Monseigneur d'*Aubigny*, by Nation a *Scotsman*, whom *Charles* had made Lord High Constable of the Kingdom, and to whom he had given the County of *Acri*, with the Marquisate of *Squillace*. He left *Stephen de Vers*, Seneschal of *Beaujeu*, Governor of *Gaeta*, whom he had made Duke of *Nola* and Lord High Chamberlain, through whose Hands all the Money of the Kingdom pass'd. Monseigneur D. *Julian* of *Lorrain*, created Duke of the City of *S. Angelo*, was left to guard his own Estate. *Gabriel de Montfaucon* was left in *Manfredonia*: *George de Seville* in *Taranto*: The Rector of *Vietri* in *Aquila*; and *Gratian de Guerra* commanded all *Abruzzo*. He left the Princes of *Salerno* and *Bisignano* very well satisfied, and in a rich and plentiful Condition.

THE King, after having made these Dispositions for the Defence of the Kingdom, in the same Month of *May* 1495. set out in such Haste, as if he had been pursued by a vast Army; and, upon his arrival at *Rome*, not finding the Pope there, who, either out of Fear, or to avoid seeing him, had retired to *Orvieto*, and then to *Perugia*, he pursued his March; till, being come to the River *Taro*, he was met by the *Venetian* Army, where, the *Venetians* endeavouring to hinder his Passage, and *Charles* to make his way Sword in Hand, a bloody Engagement ensued. Both Sides fought desperately, and it remains as yet a Question amongst Writers, whether the *French*, who at last, in spite of all Opposition, passed the River, came off Victors, or the *Venetians*, who pillag'd *Charles's* Camp and Baggage, of which, besides *Philip de Comines*, *Guicciardino* has written at large, as also *Paulo Paruti* in his Treatise.

CHARLES's leaving the Kingdom occasion'd such a Change in the Minds of the People, that the *French*, of whom but two Months before, they had been so fond, became their Aversion. While the Great Captain was making War with the *French* in *Calabria*, the *Neapolitans* in all haste sent to *Sicily*, and invited *Ferdinand* to return. Whereupon he immediately set sail with sixty large and twenty small Ships; and though the number of his Troops was but small, yet the Favour and Inclinations of the People for him were great; for he had no sooner arrived off *Salerno*, than that City, *Amalfi*, *Cava*, and all the Coast declared for him. Two Days after he arrived in the Bay of *Naples*, and stood in for the Shore in order to land at *Maddelona*; but *Montpensier*, with the greatest Part of the Garrison sallying out of the City to hinder his Landing, the *Neapolitans*, laid hold of the Opportunity, and rose immediately up in Arms, beginning openly to cry out, God save King *Ferdinand*; and having taken Possession of the Gates, on the seventh of *July* 1495. they brought him into *Naples*, with some of his Cavalry, and riding through the City to the unspeakable Joy of every Body, he was welcom'd with the universal Acclamations of the People; and the Ladies, not content, from the Windows, to cover him with Flowers, and sprinkle him with odoriferous Waters, many of the noblest run after him in the Streets to imbrace him, and to wipe off the Sweat from his Face. *Capua*, *Aversa*, and many other of the neighbouring Cities immediately

immediately follow'd the Example of *Naples*, and *Gaeta* began to Mutiny. In *Puglia*, the City of *Otranto* from the Time of the publishing of the League, being unprovided with Troops, and in the Neighbourhood of *Brindisi* and *Gallipoli*, had set up the *Aragonian* Standard; therefore *Frederick*, who was in *Brindisi*, immediately provided it with all Things necessary.

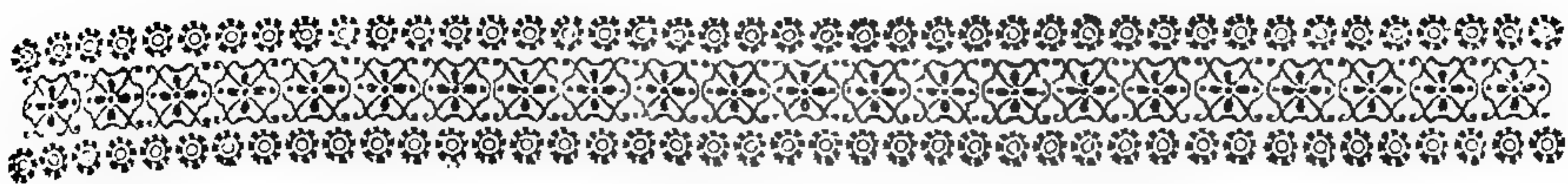
AT the same time that *Ferdinand* enter'd *Naples*, the *Venetian* Fleet arrived before *Monopoli*, and having landed some Troops, the City was taken by Storm, and then *Pugliano* by Capitulation. *Taranto* was gallantly defended by *George de Seville*, and held it out for *Charles*, till by Famine he was forced to surrender it, where he afterwards died of the Plague. But *Gabriel Montfaucon*, who commanded in *Manfredonia*, immediately surrender'd it for want of Provisions, although he had found the Place well provided with Necessaries. Many other Places quickly surrender'd thro' Scarcity of Provisions; and *Philip de Comines* writes, that many, to whom the keeping of the Places were committed, sold whatever they found in them, and therefore were forced to surrender them. Besides, all the Towns and Fortresses of the Kingdom were so ill provided of Money, and the Pay of the Troops arising from the Revenues of the Provinces failing, of course the Pay fail'd; and *Calabria* had been, in a manner, quite laid waste by the Great Captain. It was reported, that *Alphonfus*, a little before his Death, which fell out at this Time, having heard that the Kingdom had been again brought under the Dominion of his Son, had signified to him his Inclination to return to *Naples*, where it was thought, that the former Hatred, which the People bore against him, was converted into Benevolence; and it was said, that *Ferdinand's* (as it usually happens) eager Desire of Reigning prevailing over his paternal Respect, not only answer'd him smartly, but tauntingly, that he must wait till he had so fix'd himself in the Kingdom, that he (the Father) might not have occasion to fly out of it a second Time¹.

IT being an easy Matter for *Ferdinand* intirely to drive out the small Remains of the *French* that were left in *Aversa* and *Gaeta*: In order to enter into a stricter Friendship with the King of *Spain*, with the Pope's Dispensation he married *Joan* his Aunt, the Daughter of his Grandfather, by *Joan*, the Sister of the said King. And with an uninterrupted Course of prosperous Fortune continuing to drive his Enemies out of the Kingdom, no Place standing out but *Taranto* and *Gaeta*; he arriv'd at the Height of Glory, and was in a fair Way to vie with the Grandeur of his Ancestors; but nevertheless, while he was diverting himself with his new Spouse at *Sonima*, a Town situate at the Foot of Mount *Vesuvius*, either by reason of the past Fatigues, or some new Disorder, he fell grievously ill, and his Life being despair'd of, he was carried to *Naples*, where he died in a few Days in the Month of *October* this Year 1496. within less than a Year of his Father's Death, and he was buried in the Church of *S. Dominick*, where his Tomb is to be seen.

ON Account of the Victory he had obtain'd, of the Greatness of his Soul, and the many Royal Virtues, wherewith he was adorn'd, he left not only in the Kingdom, but over all *Italy*, a vast Opinion of his Worth; and though he had reign'd but only one Year and eight Months, he left us some good and prudent Laws, which we find amongst the Pragmaticks of the *Aragonian* Kings. He died without Issue at the Age of twenty eight Years, and therefore *D. Frederick*, his Uncle, succeeded him, this Kingdom having seen, in the Space of three Years only, five Kings, *Ferdinand* the Elder, *Alphonfus* his Son, *Charles VIII.* of *France*, *Ferdinand* the younger, and *Frederick* his Uncle.

¹ Guicc. lib. 1.





C H A P. III.

The short Reign of Frederick of Aragon : His Misfortunes, and how by giving way to the Spaniards and French he was forced to abandon the Kingdom, and retire to France.



FERDINAND was no sooner dead, than *Frederick*, a most prudent Prince, and a great Friend to the Muses, was, to the great Joy of every Body, proclaim'd King, and the old Queen, his Mother-in-Law, immediately deliver'd up to him *Castel Nuovo*, though it was thought by many, that she would have kept it for *Ferdinand*, King of *Spain*, her Brother : Upon this Event appear'd not only the singular Affection of the People of *Naples* for *Frederick*, but also of the Princes of *Salerno* and *Bisignano*, and of the Count of *Capaccio*, who were the first in *Naples* that congratulated him upon his Accession to the Throne, being much better pleased with him, than with the late King, because of his mild Temper; for it was much to be suspected, that *Ferdinand* was resolved, so soon as his Affairs were settled, with the utmost Rigour to prosecute all those, who had shewn the least Favour for the *French* : *Frederick* therefore, to make himself still the more acceptable, very prudently restored to them all their Fortresses ; and for a greater Testimony of his good Inclinations, he caused a Sort of Money to be coin'd, which, on the one side, had a Book with a Flame of Fire, with this Motto, *Recedant vetera* ; and on the other a Crown with this Motto, *A Domino datum est istud*.

ON the seventh of *June* the following Year 1497, Pope *Alexander VI.* sent him the Bull of Investiture ; and to shew how well he was pleased with him, he sent with it a most affectionate and cordial Letter. On the ninth of the same Month he sent him another Letter, whereby he acquainted him, that he had appointed Cardinal *Cæsar Borgia*, his Son, Apostolical Legate for crowning him¹ ; and because *Naples* was at this time afflicted with a deadly Pestilence, he resolved to have the Ceremony of his Coronation perform'd in the City of *Capua*, to which he wrote an affectionate Letter, which we read in *Chioccarello*, wherein he notified to the Magistrates the Investiture sent him by the Pope, and that he intended to be crown'd in that City by the Hands of Cardinal *Borgia*. *Camillo Pellegrino*² gives an account of a Writing extracted from the Records of the Royal Chancery, and of a Passage in the Journal of *Silvestro Guarino*, of *Aversa*, not yet printed, which he wrote at this Time, wherein he describes the Solemnity and Pomp of this Coronation. It was performed on the tenth of *August* in the Cathedral Church of *Capua* by Cardinal *Borgia* the Legate, the Archbishop of *Cosenza*, then the Pope's Secretary, with many other Archbishops, Bishops and Prelates; the Ambassadors of the King of the *Romans*, of the King of *Spain*, of *Venice*, and of the Duke of *Milan* were also present. *Prospero Colonna* Duke of *Trajetto*, *Fabrizio Colonna* Duke of *Tagliacozzo*, *Alphonfus d'Aragon* Duke of *Amalfi*, *Ferdinando Francesco Guevara* Marquis of *Pescara*, *Traiano Caracciolo* Count of *Polino*, *Gio. Tommaso Caraffa* Count of *Maddaloni*, *Traiano Caccaniglia* Count of *Montella*, *Bellisario Acquaviva* Count of *Nardo*, *Marcantonio Caracciolo* of *Nicastro*, *Giovanni Caraffa* Count of

¹ Chiocc. MS. Giur. tom. 1.

² Cam. Pell. in Append. ad Calligat. in Lupem Protosp.

Policaſtro, *Vito Piſanello* the King's Secretary, *Antorio Griſone* Lord High Chamberlain, *Roberto Bonifacio*, Knight, &c. were all preſent, *cum aliis Domicellis, Baronibus, & Militibus, &c.* And *Guarino*, in his Journal, writes, though none of the Barons of the Family of *Sanſeverino* were at this Coronation, yet the Prince of *Biſignano* was at the Feaſt, which the King made the next Day for the Cardinal Legate, and all the Barons.

THE Reign of *Frederick*, ſo prudent a Prince, would have been longer, and more peaceable, if the Death of King *Charles VIII.* which happen'd in *April* the following Year 1498. had not put every thing in Confuſion, and given riſe to new Pretenſions; for *Charles* being return'd to *France*, though ſometimes he had Thoughts of recovering the loſt Kingdom, and was conſtantly ſollicitated to it by his Friends; yet his Youth hurried him on to his Pleaſures and Diversions; and *Philip de Comines* writes, that having ſtopt for ſome time in the City of *Lyons*, he gave himſelf wholly to the Running at Tilts and Tournaments; and from the beginning of the Year 1496. that he repaſs'd the *Alps*, to 1498. he little regarded the Affairs of *Italy*. He ſeem'd to be deſirous of nothing ſo much as a Peace with the King and Queen of *Caſtile*, who gave him great Trouble both at Sea and Land, and he ſent Ambaſſadors to treat of entering into a League with them.

AT this time began the Treaties with the King of *Caſtile* about dividing the Kingdom of *Naples* in prejudice of the Princes of *Aragon*; for the ſame *Philip de Comines* ¹ writes, that it was propoſed in the King of *Caſtile*'s Name to make War againſt *Italy* at the common Charge, and that the Kings of *Spain* and *France* ſhould put themſelves at the Head of their Armies; and that the *Spaniards*, in lieu of all their Pretenſions, were content to have that Part of the Kingdom of *Naples* which lies next to *Sicily*, to wit, *Puglia* and *Calabria*, of which they were already in Poſſeſſion of four or five ſtrong Places, whereof *Cotrone* was one; and the *French* to have the City of *Naples*, and all the reſt. But it was ſuſpected that all thoſe Treaties were propoſed for no other End but to divert the League, and that they were nothing but Shifts of the King of *Caſtile*, who aim'd at greater Things; nor was it likely that he would act perſonally in the War, or bear an equal Share of the Expence of it with the King of *France*. Therefore nothing was concluded; and excepting a ſhort Truce, Things remain'd as they were before. But the ſudden Death of *Charles* rais'd new Commotions. On the ſeventh of *April* this Year 1498. being in *Ambuſe* looking upon ſome People playing at *Tennis*, he was ſeiz'd with a Fit of an Apoplexy, and falling backwards, he loſt his Speech, and in a few Hours his Life. Having left no Children, he was ſucceeded by the Duke of *Orleans*, who was call'd *Lewis XII.*

IT was the Opinion of every body that the Death of *Charles* would have freed *Italy* from all Fear of *France*, becauſe it was not believed, that *Lewis*, the new King, in the beginning of his Reign would have involved himſelf in a War on the other ſide of the *Alps*. But thinking Men were not without Suſpicion, that the Evil delay'd might in time become more dangerous and fatal; conſidering that a King of mature Age, experienced in many Wars, frugal in his Expences, and, without Compariſon, more Maſter of himſelf than his Predeceſſor had been, was rais'd to ſo great Dominion; and to whom not only belonged, as King of *France*, the ſame Rights to the Kingdom of *Naples*, but he likewiſe pretended, that by Right the Dutchy of *Milan* belonged to himſelf, as Succeſſor to the Princeſs *Valentina*, his Grandmother, of which *Jovius* and *Guicciardine* ² have treated at large.

LEWIS therefore, being now King of *France*, had nothing more at Heart than to acquire, as his own Inheritance, both the Dutchy of *Milan* and the Kingdom of *Naples*. For which end, a few Days after *Charles*'s Death, with the Advice of his Council, he intitled himſelf not only King of *France*, but alſo, with reſpect to the Kingdom of *Naples*, King of *Jeruſalem*, and of both the *Sicilies*, and Duke of *Milan*. And to make the Intereſt he had in the Affairs of *Italy* more publick, he immediately intimated his Acceſſion to thoſe Dominions by Letters to the Pope, the *Venetians*, and the *Florentines*: And he ſent proper Perſons to give Hopes of new Expeditions, declaring expreſſy, that he would firſt attack *Milan*, and then *Naples*.

¹ Memor. Arg. lib. 8. cap. 16.

² Guicc lib. 4. in Princ. Iſtoria d'Italia.

LEWIS found more favourable Opportunities than *Charles* had had; for besides some Princes that hated *Sforza*, and earnestly wish'd his ruin, Pope *Alexander*, spurr'd on by his own Covetousness, which he knew could not be satiated while *Italy* was in Peace, wanted to fish in troubled Waters. And resolved to remove his Son *Cæsar* from the Cardinalship to secular Grandeur; he was big with great Expectations, and therefore had a Mind to join in Alliance with the King of *France*, hoping by his Means to obtain nothing less than the Kingdom of *Naples* for *Cæsar*.

ALEXANDER had not neglected, when the *Aragonian* Kings were in a low Condition, before he had fully resolved to join with the King of *France*, to use his utmost Endeavours to clear the way for setting Cardinal *Borgia*, his Son, upon the Throne of *Naples*: he demanded of King *Frederick* his Daughter for Wife to the Cardinal, who was ready prepared upon the first Opportunity, to renounce the Cardinalship, as he did afterwards; and he asked the Principality of *Taranto* as her Portion, persuading himself, that if his Son, who was a Man of Parts and Courage, were once Master of so considerable a Member of that Kingdom, he might easily, having married the King's Daughter, find an Opportunity, with the Forces and Rights of the Church, to deprive the Father-in-Law of the Kingdom, who had but few Troops and empty Coffers.

IN the mean time *Frederick*, hearing of so great Preparations for a War, which threatned his Kingdom, found himself in a very dismal Situation; but for all that, though the breaking with the Pope was like to fall heavy upon him, he still continued obstinately to reject the proposed Marriage; and though the Duke of *Milan*, who was also much troubled at the Pope's Alliance with the King of *France*, had endeavoured, by strong Reasons, to persuade him to consent to it; yet *Frederick* still refused, confessing, that tho' by losing the Pope's Friendship he put his Kingdom in danger; yet he likewise knew, that to give his Daughter with the Principality of *Taranto* to the Cardinal of *Valencia*, put it no less in danger, and therefore, of the two, he would run the Hazard of that, which was least derogatory to his Honour, and proceeded not from his own Act.

MEAN while the King of *France*, having march'd into *Italy*, drove the Duke of *Milan* out of his chief City, and made him Prisoner; and in the Year of the Jubilee 1500. he made himself intirely Master of that Dutchy.

BUT Revolutions of much greater Consequence happen'd among us in the Beginning of this new Century; for *Frederick*, quite disheartned at the News of the Imprisonment and Ruin of the Duke of *Milan*, fearing that the same Misfortune might befall him, a Prince without Support, and who had but few Troops and an empty Exchequer, he did not know to whom to apply for Assistance. He had indeed resolved to have Recourse to the *Turk*, to whom he had made pressing Instances for Relief, representing to him, that he was in greater Danger from the Victory of the present King of *France*, than he had been from that of the late King; but his Application proved in vain, and the expected Assistance fail'd: He had conceiv'd great Jealousy of the King of *Spain*, whose Pretensions to the Kingdom he well knew, as well as his eager Desire to make them good, which he cover'd with *Spanish* Patience and Dissimulation. Notwithstanding, cruel Necessity forced him to have recourse to that King for Assistance, who, with incredible Dispatch and Satisfaction, sent back the Great Captain to *Sicily*, in order to put his Designs in execution. Though *Frederick* was afraid of him, 'tis said, that at the same Time he sent *Bernardo* to the King of *France* to offer to make the Kingdom tributary to him, and himself his Liege-man, provided he would permit him to reign.

BUT *Lewis* having bent all his Thoughts upon attacking the Kingdom, in which, lest the King of *Spain* should oppose him, he judg'd the best Thing he could do, was to renew the Treaty about dividing the Kingdom, which had been begun in the Time of King *Charles*.

FERDINAND King of *Spain*, as may be seen in the preceding Books, as well as his Father *John*, pretended that he had the same Right to the Kingdom of *Naples*, as he had to that of *Sicily*, of which he was in Possession; for though *Alphonfus I.* King of *Aragon*, had acquired it by Rights independent of the Crown of *Aragon*, and therefore as his own Property had disposed of it in favour of *Ferdinand*, his Bastard Son; yet *John*, his Brother, who succeeded him in the Kingdom of *Aragon*, and *Ferdinand* the Son of *John*, had still had a tacit Claim, that

Alphonſus having conquer'd it with the Arms and Money of the Kingdom of *Aragon*, it belong'd lawfully to that Crown. *Ferdinand* had for a long Time, with *Spaniſh* Cunning and Patience conceal'd this Claim, not only not neglecting to do *Ferdinand* I. and the other Kings, his Succeſſors, the good Offices requiſite between Relations; but even increaſing them with new Ties of Alliance; for he gave his Siſter *Joan* in Marriage to *Ferdinand* I. and afterwards conſented to the Marriage of *Joan* her Daughter with *Ferdinand* II. yet for all that, theſe Princes were a long time before very ſenſible of his ambitious Deſign. *Ferdinand* and the King of *France* concurring then in the ſame Inclination, the one to remove Obſtacles and Difficulties, the other to obtain that Part of the Kingdom which for a long time he had been gaping after, ſince it was not a proper Time to pretend to the whole, they eaſily agreed about the Diviſion. *Jovius*¹ adds, that *Ferdinand* was likewise induced to agree to this Partition, becauſe he was heinouſly offended, that *Frederick* ſhould have offer'd to make the Kingdom tributary, and himſelf a Vaſſal to the *French*, his inveterate Enemies. Therefore it was concluded and ſtipulated between them,

THAT they ſhould both, at the ſame Time, attack the Kingdom of *Naples*, which ſhould be divided between them in this Manner.

THAT the Cities of *Naples*, *Gaeta* and all the other Cities and Lands of the Province of *Terra di Lavoro*, with all *Abruzzo*, and the half of the Revenues ariſing from the Duty upon the Cattle of *Puglia* ſhould belong to the King of *France*: That he ſhould have the Royal Titles, ſo that, beſides being call'd King of *France* and Duke of *Milan*, he ſhould alſo be call'd King of *Naples* and *Jeruſalem*.

THAT the Dutchy of *Calabria* and all *Puglia*, with the other half of the Revenues ariſing from the Cattle, and the Title of Duke of *Calabria* and *Puglia* ſhould belong to *Ferdinand* King of *Spain*.

THAT each ſhould conquer his own Share, the other not being obliged to aſſiſt, but only not to hinder him; and it was particularly ſtipulated, that this Agreement ſhould be kept ſecret till ſuch time as the Army, which the King of *France* was ſending upon the Expedition, ſhould be arrived at *Rome*, at which time both their Ambaſſadors, alledging that this Convention had been made for the Benefit of Chriſtendom, and with a Deſign to attack the Infidels, ſhould jointly ſolicit the Pope to give the Inveſtiture according to the Diviſion agreed upon between them, inveſting *Ferdinand* under the Title of, Duke of *Puglia* and *Calabria*, and the King of *France* under that of, King of *Jeruſalem* and *Naples*, but not of *Sicily*. The intire Treaty of this Peace and Confederacy between *Lewis* XII. of *France*, and *Ferdinand* and *Iſabel* King and Queen of *Spain*, dated in *Granada* the eleventh of *November* 1500. may be ſeen in the firſt Tome of *Frederick Leonard's* Collection of all the Treaties of Peace, Truces, &c. made by the Kings of *France* with other Princes, printed at *Paris* in the Year 1693; and ſome Articles of it are likewise to be ſeen in *Camilio Tutini's* Treatiſe² of the Admirals of the Kingdom; where 'tis well worth our Obſervation, that theſe two Kings, beſides their Pretenſions, which they ſay each of them had to the Kingdom, and which could belong to no other, but to one of them, they alſo alledge another Reaſon, whereby they were induced to make the Partition, and to drive *Frederick* out of the Kingdom, which was, becauſe it was manifeſt to all the World, *Regem Fredericum ſæpe Turcarum Principem Chriſtiani nominis hoſtem acerrimum, literis, Nunciis, ac Legatis ad arma contra Populum Chriſtianum capeſſenda ſolicitaffe, ac in præſentiarum ſolicitare, qui ad ejus maximam infantiam cum ingenti claſſe, ac validiſſimo terreſtri exercitu ad Chriſtianorum Terras invadendas, vaſtandasque jam moviſſe intelligitur: igitur tam imminente periculo, ac damno Chriſtiane Reipublice obſtari volentes, &c.*

THUS Princes, when their Intereſt is concerned, endeavour to cover their immoderate Thirſt after Dominion with the Cloke of Religion, in order to colour, and make their Undertakings ſeem leſs blame-worthy in the Eye of the World. *Charles* likewise cloak'd his Expedition againſt *Naples* with the falſe ſhew of Religion, proteſting, that he had no other view in conquering that Kingdom, but to croſs over from thence with his Troops into *Macedonia* againſt the *Turk*. *Ferdinand* the Catholick excell'd all others in this, for he ſtudied to cover, almoſt, all

¹ Jov. lib. 1. della vita del G. Capit.

² Tatin degli Amm. pag. 171.

his ambitious Designs with a pretended Zeal for Religion, whereby he acquired the surname of Catholick, and he would also have got from the Pope that of most Christian, if the *French* Cardinals had not opposed it, as an Indignity offer'd to their King¹. And *Bacon of Verulam*, in the History of *Henry VII.* King of *England*, writes, that when *Ferdinand* recover'd *Granada*, for many Ages possess'd by the *Moors*, he notify'd it to that King by Letters, wherein he affected so much Zeal for Religion, that he descended to the very Particulars of the Sacred Solemnities, which were celebrated on the Day of his taking Possession of that City.

THIS Agreement having been concluded between the two Kings, the King of *France* began openly to make ready his Army, and appointed *Aubigny* General, with a thousand Lancemen and ten thousand Foot, for the Expedition against *Naples*, who in great haste march'd towards that City. The unfortunate King *Frederick*, who, by reason that the Agreement had been carried on, and concluded with the utmost Secrecy, knew nothing of the Matter, hearing of these Motions of the *French*, solicited the Great Captain, who, under pretence of coming to his Assistance, had stopt with his Army in *Sicily*, to come immediately to *Gaeta*; and in the mean time, not knowing that the *Spanish* Arms, under the Cloak of Friendship, were design'd against himself, he put the *Spaniards* in Possession of some Towns of *Calabria*, which *Gonsalvo*, under colour of having them for the Security of his Men, had demanded of him; but his real Intent was, that he might the more easily secure his Master's Share. However, *Frederick* was in hopes, that being once join'd by *Gonsalvo* and his Army, and with the Assistance of the *Colonna*, though the *Turk* had fail'd him, to be able to face the *French* in the Field; and therefore, having first sent *Ferdinand*, his eldest Son, yet a Youth, to *Taranto*, more for the Security of his Person, in case of Misfortune, than for the Defence of that City, he halted with his Army at *S. Germano*, where, expecting the Assistance of the *Spaniards*, and the Men which the *Colonna* were bringing, he hoped, with better Success, to hinder the Enemy from entering the Kingdom, than *Ferdinand*, his Nephew had done, upon the coming of *Charles VIII.* Every Body judg'd, that this Expedition would be the beginning of terrible Calamities in *Italy*, because of the bitter Quarrel that unavoidably must ensue between such powerful Princes; but the *French* Army was no sooner arriv'd in the neighbourhood of *Rome*, than all Fear vanish'd; for the *French* and *Spanish* Ambassadors having enter'd the Consistory together, notify'd to the Pope and Cardinals the League, and the Division of the Kingdom between their Kings, in order to pursue, as they said, the Expedition against the Enemies of the Christian Religion, and therefore they demanded the Investiture according to the Tenor of the Convention that had been made.

POPE *Alexander*, not only on account of the Hatred he had conceived against *Frederick*, because he had reject'd the proposed Marriage, but in consideration of his own Engagements with the King of *France*, immediately granted the Investiture, and on the twenty fifth of *June* this Year 1501. he dispatch'd the Bull, which may be seen in *Chioccarelli*², whereby depriving King *Frederick* of the Kingdom of *Naples*, and dividing it into two Parts, according to the Agreement; he invested *Lewis*, King of *France* with the one, with the Title of, King of *Naples* and *Jerusalem*; and *Ferdinand* the Catholick and *Elizabeth* his Wife, King and Queen of *Spain*, with the other, with the Title of Duke and Dutches of *Calabria* and *Puglia*; and the Year following he granted to the said King and Queen of *Spain*, that neither they, nor their Heirs and Successors, should be obliged to come in Person to take the Oath to the *Roman* Pontiff for that Part of the Kingdom belonging to them, but that they might take it from the Hands of a Person, who should be appointed by the Pope³.

GUICCIARDINE writes⁴, that it being no longer doubtful what the issue of this War would be, Men of Judgment were greatly surpris'd to find that the King of *France* had chosen, that half of this Kingdom should fall into the Hands of the King of *Spain*, and to introduce into *Italy* (where, before, he was sole Umpire) a rival King, to whom his Enemies might have recourse, and besides he being in a strict Alliance with the King of the *Romans* in point of Interest, rather than to suffer King *Frederick* to continue Master of the whole, holding it

¹ Guicc. lib. 13. Boccacino nella Pietra di Paragone.

² Chiocc. MS. Giurisd. tom. 1.

³ Idem loc. cit.

⁴ Guicc. lib. 5.

of him, and paying him a Tribute for it, which by sundry Means he had sought to obtain.

ON the other hand, the World had no less Opinion of *Ferdinand's* Integrity and Faith, than of *Lewis's* Prudence, all Men being amazed, that out of Covetousness to obtain a Part of a Kingdom, he should have conspired against a King of his own Blood, and the more easily to surprize him, had always amused him with treacherous Promises of Assistance, suiting the bright Title of Catholick King, given him a few Years before by the Pope, and that Glory, whereby he had been extoll'd to the very Sky, for having, no less out of Zeal for Religion, than his own Interest, driven the *Moor*s out of the Kingdom of *Granada*.

TO which Accusations, alledged against both one and the other King, nothing was answer'd in Name of the King of *France*, but that the Power of *France* was sufficient, at any time, to remedy all Disorders. But for *Ferdinand* it was said, that though *Frederick* had given him just Grounds of Provocation, by having, to his Knowledge, carried on secret Practices with the King of *France* to his Prejudice; yet he had not been moved by that, but upon Consideration, that that King having been positively resolv'd to attack the Kingdom of *Naples*, he was reduced to that Necessity, either to defend or abandon it: Defending it, was to raise so terrible a Combustion, as would have been very pernicious to *Christendom*, and especially at a Time, when the *Turks* were acting so powerfully against the *Venetians*, both by Sea and Land: In abandoning it, it was known, that his Kingdom of *Sicily* would have been expos'd to great Danger; and besides that, it would have been a signal Prejudice to him, if the King of *France* had got Possession of the Kingdom of *Naples*, which belong'd to him by Right, and to the Succession of which he was intitled by new Rights, in case *Frederick's* Line had fail'd: Therefore in the midst of these Difficulties he had chosen to divide it, in hopes, that if the *French* did not behave themselves as they ought, he might in a short time be likewise Master of their Share; in which Case, according as he should be guided by the Regard he had for the Publick Good, to which he had always a greater Eye than to his own Interest; he would either keep it for himself, or restore it to *Frederick*, but rather to his Children, because he could not deny but that he hated the very Name of him, because he knew, that even before the King of *France* seized the Dutchy of *Milan*, he had been treating with the *Turk* ¹.

THE News of this Agreement so terrify'd *Frederick*, that though *Gonsalvo*, seeming to despise what had been declared in *Rome*, promised to come to his Assistance, he quitted his former Resolutions, and retired from *S. Germano* towards *Capua*; and *Gonsalvo* hearing that the *French* Army had pass'd *Rome*, discover'd his Orders, and sent six Gallies to *Naples* to bring from thence the two old Queens, the one the King's Sister, and the other his Niece. Then *Frederick* resolv'd to betake himself to the defence of the Cities, and hearing of the Revolt of *S. Germano*, and of the other neighbouring Places, he determin'd to stand the first brunt in *Capua*. He left *Prospero Colonna* to defend *Naples*, and he himself, with the rest of his Troops, halted in *Aversa*. But *Aubigny* not finding any Resistance in the Places he pass'd, possess'd himself of all the Towns on the way to *Capua*; whereupon *Frederick* retired to *Naples*, abandoning *Aversa*, which, together with *Nola* and many other Places, surrender'd to the *French*. *Capua* was taken by Storm, and on the twenty fifth of *July* this Year 1501. it was pillaged by the *French*, in which they gave the utmost Proofs of their Cruelty, Covetousness and Lust. With the loss of *Capua* all Hopes of being able to defend any Place was at an end. *Gaieta* surrender'd without the least delay, and *Aubigny* having come with his Army to *Aversa*, *Frederick* abandon'd the City of *Naples*, which quickly came to an Agreement, upon Condition of paying sixty thousand Ducats to the Conquerors, and retired to *Castel Nuovo*; and a few Days after he agreed with *Aubigny*, within six Days to deliver up to him all the Cities and Fortresses that held out for him, which, according to the Division, belong'd to the King of *France*, reserving to himself only the Island of *Iscchia* for six Months; in which time he was at Liberty to go to any Place he pleas'd, excepting the Kingdom of *Naples*, and to send a hundred Cuirassiers to *Taranto*; to take any thing whatsoever out of *Castel Nuovo* and *Castel dell' Uovo*, excepting the Artillery belonging to King *Charles*, which had been left there: A Pardon was granted to every Body for what had been done

¹ Galea. lib. 5.

since *Charles* conquer'd *Naples*, and the Cardinals *Colonna* and of *Aragon* were allowed to enjoy the Ecclesiastical Revenues which they had in the Kingdom.

IT was truly a lamentable Sight to see all the miserable Remains of old *Ferdinand's* Progeny gather'd together in the Castle of *Ischia*; for besides *Frederick*, newly robb'd of so renown'd a Kingdom, and more grieved for the Misfortunes of so many young Children, and of his eldest Son, block'd up in *Taranto*, than for his own: There was likewise in that Castle *Beatrice*, his Sister, who, after the Death of *Mathias* King of *Hungary*, her Husband, having been betroth'd by *Uladislaus* King of *Bohemia*, with a Design to induce her to assist him in acquiring that Kingdom, had been by him, after he had obtain'd his End, ungratefully divorced, and, with Pope *Alexander's* Dispensation, he had married another: There was likewise *Isabella*, Dutchess Dowager of *Milan*, no less unfortunate than the rest, having been at the same Time deprived of her Husband, State, and her only Son.

BUT *Frederick*, out of the extreme Hatred he bore the King of *Spain*, being resolved to have recourse for Refuge rather to the King of *France*, sent to him for a safe Conduct, and having obtain'd it, leaving all his Family in the Castle of *Ischia*, under the Care of the Marquis *del Vasto*, he took Shipping, and with five light Gallies went to *France*. A Step, as *Guicciardine*¹ wisely observes, certainly most unlucky; because, if he had been Master of himself, perhaps, during the Wars that afterwards happen'd between the two Kings, he would have had many Opportunities of returning to his Kingdom; but chusing a more quiet Life, and, perhaps, thinking he did the best he could, by the King's Advice he was content to stay in *France*, where the King gave him the Duchy of *Anjou*, and such a Pension as amounted to thirty thousand Ducats a Year; therefore he order'd those, who had the Government of the Island of *Ischia*, to deliver it up the King of *France*.

ON the other hand, the Great Captain at the same time had come over to *Calabria*, where, though almost all the Country liked the Dominion of the *French* better; yet there being none to protect them, all the Cities willingly received him, excepting *Manfredonia* and *Taranto*; but having besieged *Taranto*, where there appear'd the greatest Difficulty, at last it surrender'd upon Capitulation; for *D. Giovanni di Guevara*, who had the Charge of the Duke of *Calabria*, and *Fra. Leonardo*, a Knight of *Rhodes*, Governor of *Taranto*, despairing of being able to defend it any longer, agreed to deliver up the City and Castle, if, within the Space of four Months, they were not reliev'd, taking *Gonsalvo's* solemn Oath upon the consecrated Host to leave the Duke of *Calabria* at Liberty to go wherever he pleased; because he had private Orders from his Father, that when he could resist no longer, he should come to *France*. But neither the Fear of God, nor Regard for Man were able to balance the Interest of the State; for *Gonsalvo* judging, that it might be of dangerous Consequence not to have the Person of the Duke in the Power of the King of *Spain*, not regarding the Oath, he would not suffer him to depart, but with the first Opportunity sent him well guarded to *Spain*, where he was very graciously receiv'd by the King, and in outward Appearance was treated, in a manner, with Royal Honours, but in reality, in a splendid and honourable Prison².

THUS, upon *Frederick's* being dethroned, was the Kingdom divided into two Parts, and, with a new Polity, govern'd by the Ministers of the two Kings. The King of *France* left *Lewis d'Arminac*, Duke of *Nemours*, Viceroy in *Naples*, who had under his Government *Terra di Lavoro*, *Abruzzo*, and all that Part belonging to him. The Great Captain, as Viceroy, and the King of *Spain's* Plenipotentiary, commanded in *Calabria* and *Paglia*, Provinces next to *Sicily*.

¹ Guicc. lib. 5.

² Thuan. lib. 1. Hist. sui temporis.



C H A P. IV.

The rise of the Discords between the Spaniards and the French ; and how at last the French being driven out, the whole Kingdom came under the Dominion of Ferdinand the Catholick.



O sooner, by Vertue of the Convention entred into, was the Kingdom divided between these two most potent Kings and rival Nations, than this very Year 1501. great Discords arose amongst them about settling the Limits of the Division agreed upon. The Rise of these Debates proceeded from their not having clearly express'd the Limits and Boundaries in the Division; wherein it was not declared, but in general, that *Terra di Lavoro* and *Abruzzo* were allotted to the King of *France*, and *Puglia* and *Calabria* to the King of *Spain*. There were some Provinces, such as *Capitanata*, *Contado di Molise*, and *Val di Benevento*, *Principato*, *Basilicata*, which the one pretended were to be comprehended in his half, and the other claim'd them as belonging to his Share.

THE Disputes increased this very Year 1501. upon account of collecting the Duty upon the Passage of Cattle from *Puglia* into the Province of *Capitanata* : The *French* Officers pretended, that this Province ought to belong to *Abruzzo*, founding their Pretensions on a Right, according to *Guicciardine*, altogether groundless, to wit, that they were not obliged to stand to the modern Division made by *Alphonſus*, of which enough has been said in the preceding Books, but in the present Division Regard ought to be had to the antient. They alledged that *Capitanata* being contiguous to *Abruzzo*, and divided from the rest of *Puglia* by the River *Ofanto*, now call'd *Aufido*, ought to be adjudged to them; or that it ought not to be comprehended under any of the four Provinces mention'd in the Division, or that it was rather a Part of *Abruzzo*, than of *Puglia*. They insisted most strenuously upon this, not that they valued the Country so much, as that not being possess'd of *Capitanata*, *Abruzzo*, and *Terra di Lavoro* being deprived of the Corn, which grows in *Capitanata*, in the time of Dearth, these Provinces might be easily reduced to great Straits, whenever the *Spaniards* should think fit to prohibit the Exportation of Corn from *Puglia* to *Sicily*. *Guicciardine* likewise assigns another Reason for their insisting upon having that Country, because not being Masters of it, no Share of the Duty upon Cattle belong'd to them, which was a considerable Article of the Revenue of the Kingdom. But if the Writ recorded by *Frederick Leonard* and *Tutini* of this Division be authentick, as it is most certainly so 'tis plain that this Reason could not move them, for in that writ, 'tis expressly agreed, that these Duties upon Cattle were to be equally divided between them; and *Guicciardine* himself confesseth, that this first Year, in order to remove all Disputes, both Parties were content to make an equal Division of the Revenues of the Custom-house, which Division, as he believes, was by vertue of this Agreement, not of the first Convention; so that the Year following, not content with the said Division, each of them took whatever Part of the Revenues they could lay their Hands on.

† Thomas M. H. H. sed non est inter Victores | pedum transitu colligitur, inter partes ambigitur, &c.
Reces mensis in societate concordia. nam cum de |
fessis in Apulia ad fines Sancti ex quadra

BUT on the other hand, perhaps upon better Grounds, it was alledged for the *Spanish* Officers, that *Capitanata* could not belong to the *French*; because *Abruzzo* terminating in high Mountains, it did not extend itself into the Plains; and because in the difference of Names and Confines of Provinces, the modern are not always to be regarded: To this was added, that though *Capitanata* was contiguous to *Abruzzo*, and divided from the rest of *Puglia* by the River *Ofanto*; yet *Puglia* had always been divided into three Parts, to wit, into *Terra d'Otranto*, *Terra di Bari*, and *Capitanata*, therefore this last ought to be reputed a Part of *Puglia*, one of the four Provinces mention'd in the Convention.

THERE arose new Disputes afterwards, hitherto more fomented by the Covetousness of the Officers, than by the Consent of the Kings; for the *Spaniards* pretended, that *Principato* and *Basilicata* were comprehended in *Calabria*; and that *Val di Benevento*, which was in the Possession of the *French*, was a Part of *Puglia*; and therefore they sent Judges to hold Courts in *Tripalda*, within two Miles of *Avellino*, where the *French* Judges lived.

THESE Diffensions being troublesome to the principal Barons of the Kingdom, Overtures were made by them for having Matters compounded by *Gonsalvo* and the Duke of *Nemours*, the King of *France's* Viceroy; and by their Means the Duke having come to *Melfi*, and *Gonsalvo* to *Attela*, a Town belonging to the Prince of *Melfi*, after a Negotiation which lasted some Months, in which the Duke and *Gonsalvo* were present with the Barons; not being able to come to any Agreement, it was resolved to wait the Decision of their Kings, and in the mean time that no Innovation should be attempted. But the *French* Viceroy carrying it high, because he was much superior in Force, having a few Days after made another Declaration, he denounced War against *Gonsalvo*, in case he did not quickly yield all Pretensions to *Capitanata*; and then he immediately sent his Troops to make themselves Masters of *Tripalda*, from which Incursion, which was made on the ninth Day of *June* this Year 1502. proceeded the War, which being still prosecuted by the *French*, they began with open force to seize, in *Capitanata* and elsewhere, the Towns belonging to the *Spaniards*: Which Proceedings their King not only did not disapprove; but having Notice, that the King of *Spain* was determined not to give up *Capitanata*, wholly bent upon War, he sent by Sea a Reinforcement of two thousand *Switzers*, and caused to be taken into his Pay the Princes of *Salerno* and *Bisignano*, and some others of the chief Barons of the Kingdom. Besides, the King came to *Lyons*, in order to be nearer at hand for making the necessary Provisions for conquering the whole Kingdom, to which, not content with the Places in dispute, he openly aspired, with Intention, if need were, to go to *Italy* in Person.

KING *Lewis* having actually gone to *Milan*, all his Thoughts were turn'd upon the Affairs of *Naples*, which hitherto seem'd to go on very prosperously, and greater Things were still expected, because the Duke of *Nemours*, who had before made himself Master of all *Capitanata*, except *Manfredonia* and *S. Angelo*, had, with the Reinforcement sent him by the King, possess'd himself of many Cities of *Puglia* and *Calabria*; and except *Barletta*, *Andria*, *Gallipoli*, *Taranto*, *Cosenza*, *Gerace*, *Seminara*, and a few other Cities near the Sea, all had submitted to the *French* Dominion; so that the Great Captain, finding himself much inferior in Troops, retired with his Army into *Barletta*, without Money, and with little Provisions.

THIS Success, while the King was in *Italy*, not only made him neglect to send the necessary Provisions, which if he had carefully continued to do, he would have easily driven the Enemy intirely out of the Kingdom; but, as if the War had been at an end, it made him resolve to return to *France*, therefore, after his leaving *Italy*, the Affairs of the *French* went not on so prosperously; for *D. Hugo de Cardona*, with eight hundred *Spanish* Foot, passed over from *Messina*, to *Calabria*; and a little after fresh Troops, under the Command of *Emanuel Benavides*, arriving at *Messina* from *Spain*, with which pass'd over to *Italy*, *Antonio de Lerva*, who, from a private Soldier having pass'd through all the military Stations, at last arrived to that of Captain General, gain'd many Victories in *Italy*: Upon this the *Spaniards* took fresh Courage, and coming to several Engagements, in which they got the better, they grew daily more bold, and on the contrary, the *French* became dishearten'd.

BUT they were much more discouraged and ashamed, when upon account of some reproachful Language that had pass'd between the *French* and *Italians*, they were so exasperated against one another, that in order to maintain the Honour of their respective Countries, it was agreed, that a decisive Battle should be fought in a Field rais'd in, between thirteen *French*, and the same number of *Italian* Cuirassiers. A Field between *Barletta*, *Andria*, and *Quarato* was pitch'd upon for the Place of Battle. Each of the Generals encouraged his own Men, but the Signal being given, and both Parties fighting with great Courage and Fury, at last the *French* were worsted, and all made Prisoners by the *Italians*: As this Defeat of the *French*, so well described by *Guicciardine*¹, and *Jovius*², animated the *Italians*, so 'tis incredible how much it dispirited the *French* Army, and elevated the *Spaniards*, every one presaging, from this Trial of a few, what would be the Issue of the War.

KING *Lewis*, by these Proceedings of the *Spaniards*, seeing, that there was no Hopes of ridding himself of this War, but by endeavouring to bring the King of *Spain* to make Peace, left no Stone unturn'd to bring it about; and while a Treaty was carrying on between the two Kings, a fit Opportunity offer'd for effecting it.

PHILIP, the Son of the Emperor *Maximilian*, Archduke of *Austria*, Prince of *Flanders*, and the next in the Succession of the Kingdoms of *Spain*, by *Joan*, his Wife (the only Daughter of *Ferdinand* and *Elizabeth*) having been a long time in *Spain* kindly entertain'd by his Father and Mother-in-Law, resolved to return to *Flanders*, and to travel by Land through *France*; and though the King and Queen advis'd him to the contrary, yet, being assured of King *Lewis*'s Faith and Honour, he would undertake that Journey; and upon this Occasion being solicited by the King of *France* to use his good Offices with respect to the Peace, he got the King and Queen of *Spain* to give him full Power and Commission to conclude it with the King of *France* in his Passage through that Kingdom; and besides, that what he should conclude might be firm, he obtain'd, that he should be accompanied by two Ambassadors, without whose Concurrence he would neither treat, nor conclude any thing. *Philip* having left *Spain* and enter'd *France*, it was incredible with what Magnificence and Honour he was received in his Journey through the Kingdom of *France* by the King's Orders, not only with a Design to make him favourable in treating about the Peace, but for ever to gain the Friendship of that young Prince, who was next in the Succession of the *Roman* Empire, and of the Kingdoms of *Spain*, with all their Dependencies: The Persons of Quality that attended him were receiv'd with the same Generosity, and had many Presents made them: To which honourable Treatment he made a suitable return by a Greatness of Soul truly Royal; for the King, besides his plighted Faith, for his Security in passing through *France*, having sent some of the chief Nobility into *Flanders* to remain there till he should be past, *Philip*, to shew that he depended entirely upon the King's Faith, had no sooner enter'd *France*, than he order'd the Hostages to be set at Liberty. To these so great mutual Demonstrations of Friendship, so far as in them lay, the Effects that follow'd were answerable; for having met in *Bliss*, after canvassing the Business for some Days, they concluded the Peace with these Conditions:

THAT the Kingdom of *Naples* should be possess'd according to the first Division, but that the Provinces in dispute, which had occasion'd the War, should be consign'd in trust to *Philip*.

THAT from this Time forth *Charles*, the Son of *Philip*, and *Claudia*, the King's Daughter, whose Marriage, formerly treated of, was now settled, should be intitled, *King and Queen of Naples*, and *Duke and Dutcheß of Puglia and Calabria*.

THAT the Part, belonging to the King of *Spain*, for the future should be govern'd by the Archduke *Philip*: That of the King of *France*, by whomsoever he should appoint, but both Parts to be govern'd in Name of the two Children, to whom, upon Consummation of the Marriage, the King should give his Part as the Portion of his Daughter.

THIS Peace, according to *Guicciardine*, was publish'd in the great Church of *Lis*, and confirmed by the Oaths of the King, and of *Philip* as Proxy for the

¹ Guicc. lib 5

² Jov lib 2 vita Gonstati,

King and Queen of *Spain*: But the Treaty of this Peace, which is to be seen at large in the second Tome of *Frederick Leonard's* Collection, is dated at *Lyons* on the fifth of *April* 1502. A Peace, if it had taken Effect, would no doubt have been of the greatest Importance, because these two potent Kings would certainly have laid down their Arms. But the King and *Philip* having immediately made it publick in the Kingdom of *Naples*, and sent orders to the Generals to forbear committing Acts of Hostility, and to let all Things remain in the Condition they were, till such Time as the King of *Spain's* Ratification should come, the *French* General offer'd to obey his King; but the *Spanish* General, either because he was confident of Victory, or that *Philip's* single Authority was not sufficient for him, answer'd, that till he had the same Orders from the King, his Master, he could not forbear carrying on the War. So *Gonsalvo*, who now seeing his Advantage, thought fit not to slip the Opportunity, hoping, before his King's Orders should come, to have made such a Conquest, that the Peace would not be ratify'd, continued to harass the *French* more than ever, and coming to an Engagement with them, he broke and quite dispersed them, insomuch that abandoning every Thing, they retired between *Gaeta* and *Trajetto*. *Gonsalvo* having obtain'd so great a Victory, march'd strait with his Army for *Naples*, and, as he began to draw nigh, the *French* enter'd into *Castel Nuovo*. The *Neapolitans* being deserted, sent Ambassadors to meet *Gonsalvo*, and beg of him to take them under his Protection, which he very readily did, subscribed to the Privileges granted them by the former Kings, and on the fourteenth Day of *May* this Year 1503. made his Entry into *Naples*, where he was receiv'd with great Pomp and Rejoicing, and the Day following he made the City swear Allegiance to King *Ferdinand*; and at the same time *Aversa* and *Capua* did the same.

THE News of so great a Loss coming to the King of *France* at a Time when his Mind was more taken up with the hopes of Peace, than the thoughts of War, he was extremely concern'd about the loss of so noble a Kingdom, and the Danger, to which his other Dominions in *Italy* were expos'd, besides, he look'd upon it to be a great Dishonour to have been beat by the King of *Spain*, without doubt less powerful than himself; and being highly offended that he had been deceived under the hopes of Peace, he resolv'd to imploy all his Might in recovering his Honour and the lost Kingdom, and with his Arms to revenge so great an Injury. But before he proceeded any further, he made a grievous Complaint to the Archduke, who had not as yet left *Blois*, bidding him take such a Course about the Matter, as was consistent with his Faith and Honour; who being innocent, most earnestly solicited his Father and Mother-in-Law to find out a Remedy, lamenting exceedingly that such Things should have happen'd, which in the Opinion of the World, would turn so much to his Infamy.

FERDINAND, before the Victory, by several Excuses had delay'd to send the Ratification of the Peace, sometimes alledging, that he and the Queen were not in the same Place, as it behov'd them to be, for dispatching it together; sometimes that they were taken up with other Affairs. Besides, they were not pleas'd with the Peace, either because their Son-in-Law had exceeded their Commission, or, that after his Departure they had conceiv'd better Hopes of the Success of the War; or that they thought it very strange, that he should have appropriated their Share to himself, without any certainty that the Marriage would take Effect, by reason of the tender Ages of the betroth'd Couple; and though not denying, nay, on the contrary, giving Hopes that they would send the Ratification; yet spinning out the time, that they might take their Measures according to the Success of Affairs; and hearing of the Victory obtain'd by their Troops, they resolv'd to reject the Peace that had been made, yet they delay'd declaring their Intention to the Archduke; because the King of *France*, by how much the longer kept in suspense, so much the later he would be in making Provision for the Relief of *Gaeta* and the other Towns that were still in his Possession; but at last being eagerly press'd by their Son-in-Law, who otherwise was determin'd not to leave *Blois*, they sent new Ambassadors thither, who, after having treated for some Days, at last declared, that their Master and Mistress did not intend to ratify that Peace, which had been patch'd up in such a manner, as was neither honourable nor safe; and even discoursing with the Archduke, they told him, that the King and Queen were very much surprized, that in the Articles of Peace he had exceeded

ceeded their Commission, because, though for his Honour the Commission was very ample, yet he ought to have acted according to his Instructions, which were limited. To which *Philip* answer'd, that his Instructions were as ample as his Commission; and that at his Departure both the King and Queen plainly told him, that they were no less desirous than fond of having the Peace made by his means; and that they had sworn upon the Books of the Evangelists, and upon the Image of our crucify'd Saviour, that they would perform whatever he should conclude; and that notwithstanding he was unwilling to make use of such ample Power, without the Concurrence and Approbation of the two Persons they sent with him.

THE Ambassadors, with the same Cunning, propos'd a new Treaty of Agreement, and shew'd an Inclination to restore King *Frederick*; but these Insinuations being found to be not only frivolous, but deceitful, because they tended to alienate the King of *France* from *Philip*, who was bent upon obtaining the Kingdom of *Naples* for his Son, the King himself, in a publick Audience, answer'd them, that he would by no means hearken to any new Proposals, till they had first ratify'd the Peace already made, and given Proofs, that they were sorry for the Mischiefs that had happen'd; adding, that it seem'd to him not only strange, but abominable, that the King and Queen of *Spain*, who glory'd so much of having acquired the Title of *Catholicks*, should make so light of their own Honour, of the Faith of Oaths, and of Religion; nor have the least Regard for the Archduke, a Prince of so generous a Soul, so great Virtue, and their Son and Heir: With which Answer, having the very same Day order'd them to depart the Court, he bent his whole Thoughts upon Preparations for War, which he intended to be greater, both by Sea and Land, than for a long time had been made by any King of that Kingdom.

THEREFORE he resolv'd to send a great Army and a powerful Fleet to the Kingdom of *Naples*; and that *Gaeta* and the Castles of *Naples* might not be lost in the mean Time, to send thither in all haste a Reinforcement of fresh Troops, and all Things necessary by Sea; and to put a stop to the sending of Relief from *Spain* (which had been the occasion of all the Misfortunes) to attack the Kingdom of *Spain* with two Armies, by sending one of them into the County of *Roussillon*, and the other towards *Fontarabia*, and the neighbouring Places; and at the same time to infest the Coasts of *Catalonia* and *Valencia*.

WHILE King *Lewis*, with great Eagerness, was preparing these Expeditions, the Great Captain did not neglect to besiege the Castles of *Naples*, and every Thing succeeding to his Wish, at last he was fully resolv'd to besiege *Gaeta*, and to drive the *French* out of all the other Places of the Kingdom.

BUT what made the *French* give over all Hopes of being re-instated, was the Death of Pope *Alexander*, which happen'd at this Time, and though he was succeeded by *Pius III.* yet he held that See but twenty six Days, when *Julius II.* was elected in his Room, who, contrary to all Mens Expectation, proved the bitterest Enemy that ever the *French* had; so that the promising Expeditions begun by the King of *France* were attended with great Difficulties, insomuch that *Lewis* was little inclined to a War on the other side of the *Alps*, and Overtures of Peace being made to him, he readily gave ear to them.

THE Person who interposed, was our banish'd King *Frederick*, who being then in *France* at *Lewis's* Court, allur'd by the sham Promises of the King of *Spain*, who insinuated to him, that he was ready to consent to his being restored to the Kingdom of *Naples*, and hoping, that the King of *France* would likewise give his Consent, with whom the Queen of *France*, moved with Compassion, labour'd hard to bring it about, had made Overtures of Peace between the two Kings; whereupon, while the War was raging in *Italy*, Ambassadors from the King of *Spain* came to *France*, who carry'd themselves so artfully, that *Frederick* was persuaded, that the King of *France* was the only Person that oppos'd his Restoration. But while, by these foul Practices, a Peace was transacting, the Great Captain did not fail to harass the *French* more than ever; and he happening to give them a notable Rout near *Garigliano*, so well described by *Jovius* and *Guicciardine*, besides delivering up *Gaeta* and its Citadel, on the first Day of the new Year. 1504. they at last march'd out of the Kingdom, which this Year came intirely under the Dominion of *Ferdinand*, and under the Government and Administration of the Great Captain, his Plenipotentiary.

AT

AT this very time the Negotiations of Peace were still carried on between the Kings of *Spain* and *France*, who hypocritically proposed, that the Kingdom should be restored to *Frederick*, or to his Son, the Duke of *Calabria*, to whom the King of *France* should yield his Right; and that the Duke should marry the Queen Dowager, that King's Niece, who had been the Wife of *Ferdinand* of *Aragon*, the younger. Nor was it to be doubted, but the King of *France* would be so willing to be disengaged from the Affairs of the Kingdom of *Naples*, that for his Part he would have accepted a Peace in any Shape; but in this Offer two Difficulties occur'd to him: The one, though of least weight, was, that he was ashamed to desert the Barons, who, for having sided with him, were deprived of their Estates, and on whom hard Conditions would be imposed: The other, which touched him more was, that though the King and Queen of *Spain*, who had quite other Thoughts, with their usual Artifice, had for some end only, proposed this Restauration: He was afraid that by his consenting to it, though it should have no effect, yet he would thereby lose the Archduke's Friendship, who, being passionately bent upon having the Kingdom of *Naples* for his Son, was making pressing Instances, for having the Articles of the Peace, formerly made by him, put in execution; therefore he answer'd in general, that he was desirous of Peace, but that it was dishonourable to give up the Rights, which he had to that Kingdom, to an *Aragonian*; and on the other hand, he continued the former Negotiations with the King of the *Romans* and the Archduke: And, as he was, in a manner, certain that they would take Effect, that they might not be interrupted by the uncertain Negotiations with the King and Queen of *Spain*, he dismiss'd the *Spanish* Ambassadors, and in the Month of *September* 1504, the Peace was concluded in *Blois* with *Maximilian* and the Archduke; and first of all it was agreed, that the Marriage formerly treated of between *Claudia*, his Daughter, and *Charles* Duke of *Luxemburg*, the Archduke's eldest Son, should take effect; and as for the Kingdom of *Naples* it was stipulated, that none of the contracting Parties could treat with the King and Queen of *Spain*, without the Consent and Knowledge of the rest, giving the said King and Queen three Months time to enter into the said Peace, and be comprehended in it if they thought fit, provided however, they deliver'd up their Share of the Kingdom to *Charles* Duke of *Luxemburg*; and what belong'd to the King of *France* to *Claudia*, his Daughter, but that the King of *Castile* should have the Administration of it till such Time as the Marriage between the said Duke and *Claudia* should be consummated.

IN this State of Affairs on the ninth of *September* this Year 1504. King *Frederick* died at *Tours*, after he had given over all Hopes of recovering the Kingdom of *Naples* by Treaty; though before (as 'tis natural for Men) flatter'd by deceitful Hopes, he was persuaded, that the King and Queen of *Spain* were more inclined to it than the King of *France*, not considering, as *Guicciardine*² very judiciously observes, that 'tis in vain, in our times, to expect so generous a Restitution of so great a Kingdom, such Instances being very rare even in the Times of old, when Men were much more disposed, than at present, to do virtuous and generous Actions; nor reflecting, that those, who had made use of so much Treachery to possess the half, when they had got the whole, would be very loth to part with it out of Generosity; but seeing how Affairs were managed, he at last found, that he had as little to expect from the one as the other; nay, that he had more reason to hope, that he who was not in Possession would consent, than that they who were should restore.

THIS was the last King of the Race of *Alphonfus* I. the last too of the *Aragonians* of *Naples*, with whom our Kingdom lost the Honour of having its own native Kings; the City of *Naples* was likewise deprived of being the Royal Seat, and of that Honour wherewith so many Kings, who pitch'd upon it to be the Place of their Residence, had adorn'd it; and of the many Advantages attending a Royal Court. He died at the Age of fifty two Years, of which he had not reign'd five complete. A Prince so prudent and learned, that the restoring of Learning in *Naples* is no less owing to him, than to *Ferdinand*, his Father. We have yet remaining some of his good and prudent Laws, which may be seen in the Volume of our Pragmatics.

¹ Fred. Lionard. tom. 2. *Collection of Treatises*, &c

² Guicc. lib. 6.

HIS Offspring were no less unfortunate, though he left, by *Isabella*, his lawful Wife, five Children, three Sons and two Daughters, who were all very unhappy. *Ferdinand* Duke of *Calabria*, his eldest Son, was sent Prisoner to *Spain*, where, while *Ferdinand* the Catholick liv'd, he was kept very strict, and well guarded. At *Ferdinand's* desire he married *Mencia de Mendoza*, who proved barren. *Ferdinand* having refused to be the Head of the Conspiracy which happen'd in *Spain* in 1522. the Emperor *Charles V.* upon his Accession to the Throne, for his Fidelity recal'd him to Court, where he was kindly entertain'd; and not long after, *Mencia* being dead, by *Charles's* means he married *Germana de Foix*, the Daughter of a Sister of *Lewis* King of *France*, the same, who in 1505. was married to the Catholick King. This Lady was very Rich, but barren, for which Cause it was thought fit to marry her to *Ferdinand*, that in him, the last of the Race of *Alphonfus* the elder, King of *Aragon*, that Family might be quite extinct, as accordingly it happen'd in 1550. the Year of *Ferdinand's* Death.

HE was the last, because his two younger Brothers died before him, the one in *France* and the other in *Italy*; for *Isabella*, *Frederick's* Widow, having been banish'd *France* for having refused to put these two Children into the Hands of the Catholick King, went to *Ferrara*, where she died in the Year 1533. after having seen these her two Sons die before her. The two Daughters likewise died without leaving Issue.

SOME Writers relate, that *Frederick*, by his first Wife, *Anne* of *Savoy*, had a Daughter named *Charlotte* of *Aragon*, Princess of *Taranto*; and the French write, that she was married in *France* in 1500. to *Guido XVI.* Count de *Lavalle*, and died in 1505. The Children of this Marriage were *Katharin* and *Anne de Lavalle*: The Posterity of *Katharin* became extinct in 1605, by the Death of *Guido XX.* Count de *Lavalle* without Issue. *Anne de Lavalle* was married in 1521. to *Francis de Tremouille*, and bore to him *Lewis* Duke de *Tremouille*, so that the Family of *Lavalle* being extinct in *France*, the Rights thereof devolved to the Family of the Dukes de *Tremouille*, the Offspring of *Lewis*, *Charlotte's* Grandchild: 'Tis still pretended to this Day, that *Charlotte's* Rights to the Kingdom of *Naples* were convey'd to the Dukes de *Tremouille*; and in the time of *Philip IV.* by reason of the remarkable Revolutions that happen'd in the Kingdom, King *Lewis XIV.* of *France*, not to let slip that Opportunity, having a mind likewise to enter his Claim to it, as descended of *Lewis XII.* publish'd his Pretensions in several Manifesto's; and in 1648. a Treatise was publish'd in *French*, and translated into *Italian*, in Name of the then Duke de *Tremouille*, with this Title: *A Treatise of the hereditary Right of the Duke de Tremouille to the Kingdom of Naples.* At the same time another was printed at *Paris* in *Latin*: *De Regni Neapolitani jure pro Tremouillio Duce.* The Duke pretended, that by *Charlotte's* Right the Kingdom of *Naples* belong'd to him, and he made such a stir about it then, that in the Congress for a general Peace in 1648. held in the City of *Munster*, the Duke caused the *Latin* Treatise to be presented to the Mediators in his Name by the Abbot *Bertault*, where he enter'd several Protests and publick Acts in favour of his Pretension. I had the opportunity of reading the Book translated into *Italian*, containing all these Deeds and Protests, in the Library belonging to the Family of *Brancaccio*, of the *Seggio* of *Nido*, where it is preserv'd.

BY the same Right the Prince of *Condè* boasts of having a Pretension to this Kingdom, by the Right of *Charlotte Katharin de Tremouille*, the Daughter of *Lewis*, who was married to *Henry de Bourbon*, Prince of *Condè*, of which *Camillo Turini* takes notice in his Treatise of the Admirals of the Kingdom.

IN this manner was the Kingdom of *Naples* convey'd to *Ferdinand* the Catholick, King of *Spain*, who pretended that it belong'd to him, as Successor to King *John*, his Father, who was Heir to *Alphonfus I.* his Brother, and therefore he would not be call'd *Ferdinand III.* or be obliged to confirm the Privileges and Promises given by the preceding Kings *Ferdinand I.* and *II.* *Alphonfus II.* and *Frederick.* He reputed them lawful Kings, and not unjust Usurpers or Intruders, because of the Investiture they had from the *Roman* Pontiffs, and of the Legitimation of *Ferdinand*, the bastard Son of *Alphonfus I.* which had never been objected to our *Aragonian* Kings; and the Author of the said Treatise by many Instances shews, that Bastards have succeeded not only in *Naples*, but in the Kingdoms of *Spain*; though that does not answer to what was imputed to *Ferdinand*, of his being a supposititious, and not a natural Son of *Alphonfus.*

WHEREFORE *Ferdinand* being at this very time in the City of *Toro*, on the eighteenth of *February* this Year 1505. put forth a Pragmatick¹, wherein calling them lawful Kings, and his Predecessors, he confirm'd all their Deeds, Concessions and Privileges, ordering, that the Possessors of Cities, Castles, Fiefs, and of any Rights, or Goods whatsoever, whether Burgage or Feodal, which they possess'd by vertue of the Concessions of the said Kings, should not be disturbed nor molested in them, neither judicially nor otherwise, but be maintain'd and preserv'd in them. He only allow'd, that the Deeds, Decrees, and Concessions made in the troublesome Years of the Reigns of *Alphonfus II.* *Ferdinand II.* and *Frederick* might be call'd in question; but with his Licence, prescribing the Method of applying to his Viceroy of the Kingdom, who having heard the Complaints, with the Approbation and Opinion of the Vice-protonotary and Deputy of the Royal Chamber, was to draw up an Information of the Case, and transmit it to him, that according as he should think just, he might give suitable Relief; but in the mean time none were to be molested in the Possessions which they, by vertue of the Concessions, obtain'd from these Kings.

MOREOVER, by another Pragmatick, dated in the same City of *Toro*, he made void, annul'd, and revok'd all the Concessions, Privileges, Contracts, Deeds, and all other Writs whatsoever, that had been made by *Frederick* after the twenty fifth of *July* 1501, when having lost *Capua*, the Affairs of the Kingdom being, with respect to him, in a desperate State, he sent Ambassadors to the *French* Generals to capitulate about the surrender of *Naples* and its Castles, with the other Towns and Castles of the Kingdom; which, as being extorted by the Importunity of sundry Persons in that desperate State and Revolution of Affairs, he thought he might revoke, making use of that Proverb, which he quotes in that Pragmatick: *Quid importunitate concessimus, consulto revocamus*².

WHENCE arose that Distinction among our Lawyers, that whoever alledges the Concessions of these Kings, and has been in Possession of it for a long time, he ought to be maintain'd in it, his Title being sufficient, as not faulty, but proceeding from lawful Kings, and acknowledged as such by *Ferdinand* the Catholick himself. But when the Matter in question is, either that the Privilege or Concession had never taken effect, so that the Claimer cannot shew that he had been in Possession of it; or that it had been expressly revoked by King *Ferdinand*, or by the *Austrian* Kings, his Successors: In these Cases, because they will not be bound to perform what these Kings promised or granted, because they succeeded in the Kingdom, not as their Heirs, but as Successors to *Alphonfus I.* in right of King *John*, to whom the Kingdom belong'd; therefore 'tis in their Power to do as they shall think fit, of which the Regents *Loffredo* and *Moles*³, and *Ageta*⁴ have treated at large in their Works.

ALTHOUGH *Ferdinand* the Catholick endeavour'd not to alter the Form and Polity of the Kingdom, but to leave it in the same manner as he had found it; yet it being to be govern'd, from this time forward, not by its own Kings, residing there in their Royal Seat as heretofore, but by their Ministers, a new Form of Government was of necessity to be introduced, as will be found in the following Books of this History; where we shall see not only the Civil but the Ecclesiastical Polity chang'd, new Magistrates, new Nobility of *Spanish* Blood, and new Regulations and Customs established.

¹ Pragm. de Possessor. non turban.

² Prag. de revocatione gratiar. factar. per R. Ferd. &c.

Marinis lib. 2. cap. 273. num. 10. ad 17.

⁴ Ageta ad Moles §. 23. de jur. devolut. part 57.





T H E
CIVIL HISTORY
Of the KINGDOM of
N A P L E S.

B O O K XXX.



THE Kingdom of *Naples* being transfer'd to *Ferdinand* King of *Spain*, and govern'd in his Name by the Great Captain, during his Reign was free from foreign Invasions; for *Lewis* King of *France*, unwilling to concern himself any more with the Affairs of this Kingdom, was wholly intent upon preserving the Dutchy of *Milan* alone; and though the Death of Queen *Elizabeth*, which happen'd on the twenty sixth of *November* this Year 1504. disturb'd not a little the Quier of *Spain*, and of all others afflicted the Great Captain most, to whom he

ow'd all his Grandeur, yet that very Death occasion'd, that there happen'd no Alteration in this Kingdom.

TO this Queen (a Lady of an excellent Life and Conversation, and highly esteem'd in her Kingdoms for her Generosity and Prudence) belonged in Property the Kingdom of *Castile*, the greatest and most powerful Part of *Spain*, which became her Inheritance by the Death of her Brother *Henry*, but not without Blood and War; for though it was long believed that *Henry* was naturally incapable of Generation, and that therefore *Beltramigia*, brought forth by his Wife, and for

many Years educated by him as his own Child, could not be his Daughter, and that therefore *Elizabeth*, in *Henry's* Life-time, had been acknowledged Princess of *Castile*, a Title given to the next in Succession; yet, upon *Henry's* Death, many *Grandeess* of *Castile* rising up in Arms, and espousing *Beltramigia's* Interest, and being back'd by the King of *Portugal*, her Kinsman, at last they came to an Engagement; and *Elizabeth's* Army being commanded by *Ferdinand* of *Aragon*, her Husband, likewise descended of the Kings of *Castile*, the Justice of *Elizabeth's* Cause was confirm'd by the Success of the Battle; and *Ferdinand* having afterwards succeeded his Father in the Kingdom of *Aragon*, they took the Title of King and Queen of *Spain*, because the Kingdom of *Valencia* and the County of *Catalonia* being united to the Kingdom of *Aragon*, the whole Country of *Spain*, which lies between the *Pyrenean* Mountains, the Ocean, and the Mediterranean Sea, was under their Dominion; and it having been formerly in the Possession of many *Moorish* Princes, each of which being intitled King of the Part he possess'd, many Kingdoms came to be comprehended under the Title of King of *Spain*; excepting however, the Kingdom of *Granada*, (then possess'd by the *Moors*, but afterwards gloriously reduced by *Ferdinand* and *Elizabeth* under the Dominion of *Castile*) and the small Kingdom of *Portugal*, and that much smaller of *Navarre*, which had their own particular Kings.

BUT the Kingdoms of *Aragon*, *Sicily*, *Sardinia*, and the Islands belonging to them being *Ferdinand's* own Property, were govern'd by him alone, without either the Name or Authority of the Queen. It was otherwise with Respect to *Castile*, because that Kingdom being *Elizabeth's* Inheritance, and *Ferdinand's* only by vertue of his Marriage, it was govern'd equally by them both: Ambassadors were dispatch'd, the Armies commanded, and the Wars carried on in both their Names, nor did the one assume more Authority in the Management of that Kingdom than the other.

BY the Death of Queen *Elizabeth* without Male Issue, the Succession of *Castile*, by the Laws of that Kingdom (which regarding the Proximity of Blood more than the Sex, Women are not excluded) belong'd now to *Joan*, her and *Ferdinand's* Daughter, the Archduke *Philip's* Wife, because the eldest Daughter, who had been married to *Emanuel* King of *Portugal*, and a Male Child born by her had been dead long before, so that *Ferdinand*, the Marriage being dissolv'd, had no more to do with the Government of *Castile*; but was to return to his own little Kingdom of *Aragon*: Little in Comparison to the Kingdom of *Castile*, both on account of the narrowness of the Country and the Revenue, because the Kings of *Aragon* not having absolute Authority in all Cases, in many they are tied up by the Constitutions and Customs of these Countries, and thereby much stinted in their Royal Authority. But *Elizabeth* on her Death-bed, left it in her Will, that while *Ferdinand* liv'd, he should be Governor of *Castile*; moved, either because she had always liv'd with him in a strict conjugal Love, she was desirous that he should preserve his former Grandeur, or, as she said, she knew, that the continuing under the prudent Government of *Ferdinand* would be of great Advantage not only to her People, but to her Son-in-Law and Daughter; to whom, seeing at last they were to succeed *Ferdinand*, it would be of infinite Benefit, that, till such time as *Philip*, born and brought up in *Flanders* (where the Government is quite different) should attain to a more mature Age, and to a greater Knowledge of the Laws, the Usages, and Customs of *Spain*, all the Kingdoms should be preserv'd under a peaceable and well regulated Government, and, in the mean Time, *Castile* and *Aragon* be govern'd as one State.

THE Death of this Queen remov'd at last all the Difficulties that had prevented the Peace between the King of *France* and *Ferdinand*; but it produced new Incidents between *Ferdinand* and *Philip*, his Son-in-Law. It removed the Respect which the King of *France* had for the Archduke, and the Fear he had of his being alienated from him; for the King of *France*, jealous of his too great Power, was desirous of interrupting his Designs; and the King of *Spain* having notice, that the Archduke, despising his Mother-in-Law's Will, had a Mind to remove him from the Kingdom of *Castile*, he was to secure himself by new Alliances; therefore he enter'd into a Contract of Marriage with Madam *Germana de Foix*, the Daughter of a Sister of the King of *France*, upon Condition, that the King should give him in Portion with her his Share of the Kingdom of

Naples

Naples, the King of *Spain* obliging himself to pay in ten Years seven hundred thousand Ducats in requital for the Charges he had been at, and to settle a Dowry of three hundred thousand Ducats upon his future Spouse^a: This Marriage being follow'd by the Peace, it was concluded at *Blois* on the twelfth of *October* this Year 1505. thus:

THAT the *Anjouvian* Barons, and all those who had sided with the *French*, should be freely restor'd to their Liberty, their native Country, Estates, Dignities and Goods, in the same Condition they were in on the Day that the War began betwixt the *French* and *Spaniards*, which was declared to be the Day that the *French* attack'd *Tripalda*.

THAT all the Confiscations made by the King of *Spain* and King *Frederick* should be understood as annulled.

THAT the Prince of *Rossano*, the Marquis of *Bitonto*, *Alphonso* and *Onorato Sanseverini*, *Fabrizio Gesualdo*, and all the other Barons that had been made Prisoners by the *Spaniards* in the Kingdom of *Naples* should be set at Liberty.

THAT the King of *France* should quit the Title of the *Kingdoms* of *Jerusalem* and *Naples*.

THAT the Homages and Recognitions of the Barons should be made according to the abovemention'd Stipulations, and that the Investiture should be demanded of the Pope agreeable thereto.

THAT Queen *Germana* dying without Children, her Portion should accrue to *Ferdinand*, but surviving him, it should return to the Crown of *France*.

THAT King *Ferdinand* should be obliged to assist *Gaston*, Count of *Foix*, *Germana's* Brother, in conquering the Kingdom of *Navarre*, which he pretended was his by Right, possess'd with the Royal Title by *Katherin de Foix*, and *John*, the Son of *Albert*, her Husband.

THAT the King of *France* should oblige King *Frederick's* Widow, and her two Sons that were with her to go to *Spain*, where an honourable Maintenance should be assign'd them; and in Case she should refuse to go, he should dismiss them the Kingdom of *France*, not giving them any more Subsistence or Entertainment whatsoever.

THAT both Parties should forbear acting contrary to what should be determin'd by those who should be named by each of them, who both named the Pope; and the King of *France* named the *Florentines* besides.

LASTLY, That in Corroboration of the Peace, there should be a perpetual League between the two Kings for defending their States, whereby they should be bound mutually to assist one another, the King of *France* with a thousand Lance-men and six thousand Foot, and *Ferdinand* with three hundred Lance-men, two thousand Light-Horse, and six thousand Foot.

THIS Peace being thus concluded, of which the King of *England* was Guarantee, almost all the *Anjouvian* Barons, that were in *France*, having taken leave of the King, accompanied Queen *Germana* into *Spain*: And *Isabella*, *Frederick's* Widow, being dismiss'd the Kingdom by the King of *France*, because she refused to put her Sons into the Hands of the Catholick King, went to *Ferrara*.

THOUGH this Peace, which was ratify'd by King *Ferdinand* in *Segovia* on the sixteenth of *October* the same Year 1505. had given Hopes that the Wars, which had arisen upon Account of the Kingdom of *Naples*, were now at an end, and the Quiet of *Italy* would have continued; yet on the other hand, Seeds of a future Combustion began to appear, for *Philip*, who already took the Title of King of *Castile*, not content, that that Kingdom should be govern'd by his Father-in-Law, was preparing to go to *Spain* in spite of him. He was push'd on to this by the chief Grandees of *Castile*, who imagin'd that they could enjoy their Grandeur with greater Freedom under a young King in the Flower of his Age, than under an austere (as their Words were) stingy *Catalan*^a. *Philip* likewise pretended that it was not in the Power of the deceased Queen to prescribe Laws for the Government of the Kingdom after her Death; and the King of

^a Thuan. lib. 1. Hist. facile in novas nuptias his legibus consensit, &c.

^b Jovius lib. 3. Vita de Cons.

the *Romans*, encouraged by the noble Spirit of his Son, began to think of going to *Italy*.

FERDINAND, finding that *Philip* was resolved to come to *Spain*, and it not being in his Power to hinder him, bethought himself (pretending that he was welcome to him) of proposing a Negotiation for settling the Method how they might jointly govern *Castile*; and on the other hand, *Philip*, left his Father-in-Law, with the Assistance of the King of *France*, should oppose him, guided by the same *Spanish* Cunning, accepted of the Proposal, and pretended that the greatest Part of Affairs should be left to *Ferdinand's* Management; therefore it was agreed between them, that the Title of King of *Spain* should be common to them both, as it had been between him and the deceased Queen, and that the Revenue should be divided in a certain Manner; therefore *Ferdinand*, though not very sure of the Performance of this Agreement, sent a strong Fleet to bring him from *Flanders*. And on the tenth of *January* this Year 1506 *Philip* set out from *Flanders*, and having imbark'd with his Wife and *Ferdinand*, his second Son, he steer'd with a prosperous Gale for the Coast of *Spain*, where he had no sooner landed, than almost all the *Grandees* of *Castile* came flocking to him; and *Ferdinand*, not able to oppose him, being in a manner deserted by every body, and with great Difficulty having seen his Son-in-Law, was forced to depart from the first Agreement, and accept such Conditions as were offer'd him.

THEREFORE it was agreed a-new, that *Ferdinand* yielding the Administration left him by his Wife's Will, and all that he could pretend thereby, should immediately leave *Castile*, promising never to return there any more.

THAT *Ferdinand* should have the Kingdom of *Naples* in Property, upon which there were great Debates; for though *Ferdinand*, without all doubt, could pretend to it, that Kingdom being his own, and fallen to him as King of *Aragon*, and afterwards conquer'd by the Troops of *Aragon*; yet it was strenuously insisted upon, that that Kingdom being last of all conquer'd by the Arms and Power of *Castile*, seeing the Expeditions had been made jointly by *Ferdinand* and *Elizabeth*, and as King and Queen of *Spain*, both the Title and Investiture were common to one as well as the other, and not in particular to *Ferdinand*, as King of *Aragon*. However, to facilitate *Ferdinand's* Departure, not only out of *Castile*, but of all *Spain*, it was granted him, that the Kingdom of *Naples* should be yielded to him as his own Property.

THAT the Product of the Islands of the *Indies* should belong to *Ferdinand* during his Life.

THAT the Masterhips of *S. James*, *Alcantara*, *Calatrava* should likewise be reserved to him.

THAT he should have twenty five thousand Ducats yearly out of the Revenues of the Kingdom of *Castile*.

THIS Agreement being concluded, *Ferdinand*, whom henceforward we shall call either the *Catholic King*, or King of *Aragon*, went immediately to *Aragon*, with Intention to go as soon as possible by Sea to *Naples*.





C H A P. I.

The coming of the Catholick King to Naples, and his returning to Spain, on account of the Death of King Philip. His leaving the Kingdom under the Government of Viceroy's, his Lieutenants : His Death, and the pompous Obsequies made for him in Naples.



THE Catholick King having retired from *Castile* to his own Kingdom of *Aragon*, resolv'd to go immediately to *Naples*, not only out of a Desire to see this Kingdom, as the *Neapolitans* had begg'd of him, and he had promised, but for much more weighty Reasons. However, he pretended, that he came on Purpose to see it, and to put it upon a right Footing, by better Laws and Regulations, and to restore it to its antient Splendor and Dignity. And on the other hand, the Desire and Expectation of the *Neapolitans* were much greater, every Body being perswaded, that a King, so renown'd for the many Victories he had obtain'd both over the Infidels and Christians, remarkable for his singular Prudence and Justice in the Government of his Dominions, would certainly Redress the many Grievances and Oppressions, which the Kingdom of *Naples* had undergone in the Space of ten Years since the Death of *Ferdinand I.* and by the continual Wars, and the Changing of seven Kings in so short a Time, which had turn'd it upside down; that now by the Prudence of so great a King it would be restor'd to a State of Tranquillity and Happiness; and especially that he would recover the Ports in the *Adriatick*, of which the *Venetians*, on account of Money lent by them to the *Aragonian* Kings of *Naples* during the late Wars, had made themselves Masters, and kept them under Colour of a Pledge, to the great Discontent of the whole Kingdom.

BUT Reasons of much greater weight induc'd the Catholick King to undertake this Voyage. He had conceived a strong Suspicion of the Great Captain, that, since Queen *Elizabeth* was dead, he had a Mind to keep the Kingdom of *Naples* for himself, or at least, that he was more inclined to give it to King *Philip* than to him; of which he was the more suspicious, since, upon concluding the last Agreement, King *Philip* had given him, the Great Captain, to understand, that he was intirely to obey the King of *Aragon*, who had recall'd him to *Spain*; nevertheless, by sundry Excuses and Impediments, he put off his departure; therefore *Ferdinand*, afraid, that if he did not go thither in Person, there would be Difficulty in removing him from the Government, resolv'd to come; and having imbark'd at *Barcelona* on the fourth of *September* this Year 1506. he sail'd for *Italy* with fifty Vessels.

THE Great Captain, apprised of the Catholick King's Resolution, immediately sent, before he left *Barcelona*, one of his Officers to receive his Commands. The King, concealing his Intentions, treated the Officer kindly, and confirm'd to the Great Captain not only the Dutchy of *S. Angelo*, which had been given him by King *Frederick*, but also *Terranova*, and all the other Estates which he possess'd, as well in *Calabria* as any other Part of the Kingdom, which amounted to above twenty thousand Ducats of yearly Revenue. He confirm'd

firm'd to him the Office of High Constable of the Kingdom, and by a Writ under his Hand promised him the Mastership of *S. James*; then imbarcking with his Queen, by order of the King of *France* they were honourable receiv'd in the Ports of *Provence*; and the same respect was paid them in the Port of *Genoa*. The Great Captain went to meet him, which surprized every Body, because it was not only the Suspicion of the Vulgar, but of the Pope, that being conscious of his Disobedience, and of the Opinion which the King, perhaps not without just Grounds, had entertain'd of him, to shun seeing him, he would have gone to *Spain*.

FERDINAND having left *Genoa*, and steering close by the Shore with the light Gallies, was detain'd for several Days by contrary Winds in *Portofino*; where he received Advice, that King *Philip*, his Son-in-Law, a Youth of twenty five Years of Age, of a robust Body and sound Constitution, in the Flower of his Age, and the height of his Prosperity, had died of a Fever in *Burgos* on the twenty fifth of *September*, leaving, by *Joan* his Wife, two Sons, *Charles* and *Ferdinand*, who were afterwards Emperors, and four Daughters.

IT was the general Opinion, that, out of a Desire to resume the Government of *Castile*, *Ferdinand* would have immediately return'd to *Barcelona*; but continuing his Voyage, he arrived at *Gasta* on the Feast of *S. Luke*, and the Day following made his Entry into *Naples*, where he was receiv'd by the *Neapolitans* with vast Magnificence and Honour. Ambassadors from all Parts of *Italy* came quickly to *Naples* not only to congratulate, and pay the Honour due to so great a Prince, but for several Negotiations and Reasons, every Body being persuaded, that by his Authority and Greatness he would set to Rights, and keep many Things in a just Balance. But *Ferdinand* being resolved to return soon to *Spain*, could not answer the great Expectations that had been conceiv'd of him.

HE was induced by sundry Reasons to return quickly to *Spain*, being wholly intent upon resuming the Government of *Castile*, because *Joan*, his Daughter, being unfit to take such a Charge upon her, not so much on account of the Weakness of her Sex, as that by the Melancholy, contracted by the Death of her Husband, she had lost her Understanding: *Philip's* Children were incapable by reason of their tender Age, *Charles*, the eldest, being only seven Years old. Besides, his being desired and invited to that Government by many, who were mindful of his upright Administration, and of the flourishing and peaceable Estate the Kingdoms of *Spain* had long enjoy'd under him, mov'd him to return; and the Dissentions already begun amongst the *Grandeess*, and the manifest Appearance of future Troubles heighten'd this Desire; but *Joan*, his Daughter, who, though not Mistress of herself in other Things, insisted strongly upon her Father's return, refusing obstinately, contrary to the Suggestions and Importunities of many, to put her Hand to any Dispatches whatsoever, without which Subscription, according to the Practice of those Kingdoms, no Business could be transacted.

FOR these Reasons he could stay no longer than seven Months in *Naples*, in which time, tho' in some measure he had restored the Kingdom to better Order, by introducing a new Polity, which, after his Departure, was by the Viceroys he left, and by the other Kings, his Successors, brought to Perfection, and afterwards to the State in which it still continues; yet both by reason of the shortness of the Time, and that 'tis a hard Matter to answer the Expectations of Men, for the most Part not maturely consider'd, nor duly proportion'd to the Times and Circumstances, he did not answer the vast Opinion that had been entertain'd of him.

THOSE, who believed that by his coming to *Naples* all *Italy* would have reap'd great Advantage, were disappointed, because of his Desire of quickly returning to the Government of *Castile*, the chief Support of his Grandeur; for which he was obliged to use all means for cultivating the Friendship of the Kings of the *Romans* and of *France*, that the one, as Grandfather to the young Children of the deceased King, and the other, as a powerful Neighbour, might not disturb him in his Return.

WITH Respect to his gratifying the Kingdom, though, as *Guicciardine* writes¹, it reap'd no manner of Advantage, which was owing to his being obliged, by the Peace made with the King of *France*, to restore the *Anjouvan* Barons to their Estates, which, either by Agreement, or as a Reward, had been distributed amongst those who had sided with him; and, unwilling to alienate those of his own Party from him, he was necessitated to indemnify them, either with equivalent Estates, which were to be bought from others, or with Money, to which his Income being no ways answerable, he was forced not only to exhaust the Royal Revenues, and contrary to the Custom of new Kings, to deny giving any Favours or Exemptions, or doing any generous Action, but also, to the great Discontent of every Body, to over-burden the People, who had expected to be eased, and have all their Grievances redress'd. Nevertheless, on the twenty ninth of *January* this new Year 1507. at the Request of the Magistrates of the City of *Naples*, he granted a general Pardon not only to the Inhabitants of that City, but of all the other Cities and Towns belonging to the Royal Demefnes, for the Crimes committed during the whole Month of *October*, in which he made his Entry into *Naples*; and on the thirtieth of the same Month, a general Parliament being conven'd, wherein he confirm'd the Privileges of, and granted to the City of *Naples* forty seven Articles, not derogating from the other Privileges granted by the Kings; his Predecessors, he got a new Donative of two hundred thousand Ducats.

NOT only the *Anjouvan* Barons, but those of his own Party did not forbear complaining, because to those who were in Possession, besides their unwillingness to part with their Estates, through want of Money, slender and stinted Equivalents were given, and the others, when any Controversy happen'd, were, as much as was possible, retrench'd with respect to the Restitution; because when little was restored, so was the Equivalent always proportionable.

FERDINAND was most liberal to the *Seggio del Popolo* only, having at their Request granted them many Favours, according to the Writ of Exemption inserted at large by *Tutini*² in his Book of the Foundation of the *Seggi*, dated in *Castel Nuovo* the eighteenth of *May* this Year 1507. which afterwards in 1517. were confirm'd by Queen *Joan*, and by the Emperor *Charles V.* her Son.

AT last on the fourth of *June* this Year 1507. the Catholick King set out from *Naples*, and with him the Great Captain, steering his Course for *Savona*, where he had appointed to have an Interview with the King of *France*. He departed in disgust at the Pope, because having demanded the Investiture of the Kingdom, the Pope refused to grant it him, without the Tribute, always customarily to be paid by the antient Kings. *Ferdinand* insisted, that the same Abatement ought to be made to him, as had been made to King *Ferdinand I.* his Cousin, and to his Sons and Grandchildren: He demanded the Investiture of the whole Kingdom, as Successor to *Alphonfus* the elder, in the same manner as he had received the Homage and Oaths in *Naples*, though, in the Peace made with the King of *France*, it was agreed, that as for *Terra di Lavoro* and *Abruzzo* Queen *Germana*, his Wife, was jointly acknowledged. It was thought, that the Pope's denying to grant the Investiture, was the Reason which made the King refuse to have an Interview with him, though the Pope had waited several Days in the Castle of *Osia*, as was said, to speak with him as he pass'd. But afterwards in 1510. the Pope granted his Desire, and the usual Tribute was paid; and in 1513. *Leo X.* confirm'd all the Privileges, Concessions, Abatements, and Immunities given him by the Popes, his Predecessors.

FERDINAND having landed at *Savona*, and finding the King of *France* there, they conversed together for three Days with great Marks of mutual Respect and Confidence, during which Time they had very long and secret Conferences; and, to the great surprize of every Body, the Great Captain was exceedingly honour'd, caress'd, and commended by the King of *France*, who was pleased to desire *Ferdinand* to order that *Gonsalvo* should sup at the same Table with themselves and the Queen; then, on the fourth Day, the two Kings left *Savona* with the same Demonstrations of Friendship: *Ferdinand*, with the Great Captain, set

¹ Guicc. lib. 7-

² Tutin, Orig. e fondez. de' Seggi, cap. 21.

out by Sea for *Barcelona*, and King *Lewis* return'd by Land to *France*. This was the last of the Great Captain's glorious Days, for *Ferdinand* was no sooner landed in *Spain*, than he gave him to understand, that he was not to appear at Court, but to retire to his own Estate, and not to depart from thence unless he should call him; for which Cause he never appear'd afterwards, nor ever went out of *Spain*, nor had occasion any more to make use of his Talents, either in War or Peace, whence 'tis reported, that he was wonted to say, he repented of three Things: The *first*, Of having broken his Faith to D. *Ferdinand* Duke of *Calabria*, King *Frederick's* Son: The *second*, Of not having perform'd his Promise to Duke *Valentin*; and the third he kept to himself, but it was judged to be his not having consented to his being proclaimed King, when both the Nobility and Commonalty seem'd to be much in his Interest.

THE Catholick King being return'd to *Spain*, the Queen, his Daughter, immediately gave him the Government of the Kingdoms of *Castile*, and the Kingdom of *Naples* was govern'd by Viceroys, his Lieutenants, to whom were granted full Power and absolute Authority, with regard to its Government: *Naples*, formerly the Royal Seat, became the Seat of the Viceroys, and was at their beck; so that a new Polity was introduced, whereby the Authority of the chief Officers of the Kingdom was greatly diminish'd, and new Magistrates and Laws were introduced, as shall be related by and by.

FERDINAND, during his Life-time, which was nine Years more, govern'd the Kingdom by his Ministers, and having removed the Great Captain, who was his first Viceroy, yea, his Plenipotentiary, and who, for four Years, to the great Satisfaction of all the States, both in the Affairs of War, and in the most important Transactions of Peace, had govern'd the Kingdom; He left in his Place D. *John* of *Aragon*, Count of *Ribagorza*, who was the second Viceroy of the Kingdom, who, for the Space of two Years and four Months, govern'd it with great Wisdom and Discretion.

AFTER the Fall of the Great Captain *Ferdinand* also gave the Office of High Constable to the famous *Fabrizio Colonna* Duke of *Tagliacozzo*, a gallant General, to whom he committed the Expedition against the *Venetians*, for recovering the Ports and Cities of the Kingdom, situate on the Coast of the *Adriatick* Sea, of which they had made themselves Masters. The *French*, as has been told, had been intirely driven out of the Kingdom; it remain'd only to bring it to its former State, to have the Cities of *Trani*, *Monopoli*, *Mola*, *Polignano*, *Brimdisi*, and *Otranto* restored; for which end *Ferdinand* order'd War to be declared against the *Venetians*, and in 1509, gave the Command of his Troops to *Fabrizio*, who marched with the Army to besiege *Trani*; and he had no sooner encamp'd in the neighbourhood of that City, than the Citizens, conscious of *Fabrizio's* Valour, immediately surrender'd: All the aforesaid Cities follow'd the Example of *Trani*, so that they were reunited to the Crown of *Naples*.

THE Count of *Ribagorza* being recall'd to Court by the King, left D. *Antonio de Guccara*, the High Steward of the Kingdom, his Lieutenant, who govern'd only sixteen Days; for D. *Raimondo de Cardona*, appointed by the King to succeed *Ribagorza*, arriving on the twenty fourth of *October* the same Year 1509. the Kingdom was govern'd by him as long as *Ferdinand* lived.

IN the mean time *Lewis XII.* dying, *Francis I.* his Successor, gave some cause of Jealousy with respect to the Affairs of *Naples*. And on the other hand, *Maximilian* King of the *Romans*, taking it in ill Part, that *Ferdinand* had taken upon him the Government of the Kingdoms of *Castile*, in Prejudice of *Charles*, their common Grandchild, threatned new Enterprizes; therefore *Ferdinand*, that he might be the better able to put a stop to the growing Power of the King of *France*, whom he always suspected on account of his Pretensions to the Kingdom of *Naples*, resolv'd, the best way he could, to make up Differences with *Maximilian*; so that about the end of this very Year 1509. a Treaty was concluded between them, whereby it was covenanted, that the Catholick King should be Governor of the Kingdoms of *Castile*, till such time as *Charles*, their common Grandchild, should attain to the Age of twenty five Years, and that *Charles* should not take the Title of King during his Mother's Life-time, because in *Castile* the Females are not excluded by the Males.

FERDINAND, by this Agreement, being fix'd in the Government of the Kingdoms of *Castile*, was wholly intent upon frustrating the Designs of the King of *France* upon *Italy* and the Kingdom of *Naples*. But while this renown'd King was preparing to support the War with which the King of *France* was threatening him, he ended his Days in *Madrid* in the seventy fifth Year of his Age.

FERDINAND died in the Month of *January* 1516. as *Guicciardine*, and other cotemporary Historians have written ¹, to whom more Credit ought to be given, than to any other modern Historian whatever ², who being misled by the false Date of a Letter written by *Charles*, fix the Day of his Death in *January* 1515. He died at *Madrid*, then a very obscure Village of the County of *Toledo*, near *S. Maria de Guadalupe*, having order'd his Body to be buried in *Granada*, whither it was carried. A King, according to the Encomium which *Guicciardine* wrote upon him, of a most excellent Judgment and Endowments, in whom, if he had been more a Man of his Word, it would have been a hard Matter to find a Fault, for as to his Avarice, of which he was accused, his Death demonstrated the contrary; for having reign'd forty two Years, he had treasur'd up no Money: Nevertheless it almost always happens, through the deprav'd Judgment of Men, that Prodigality is more commended in Kings, though attended with Rapacity, than Parsimony accompanied with abstaining from touching the Goods of others. To the rare Virtue of this King, was added an unusual and constant Felicity (excepting the Death of his only Son) during his whole Life; for the Death of his Wife and Son-in-Law was the occasion, that he preserved his Grandeur as long as he liv'd; and his being obliged to leave *Castile*, upon the Death of *Elizabeth*, proved rather a Farce than a Misfortune; in every other Thing he was happy. From being the second Son of the King of *Aragon*, by the Death of his elder Brother, he obtain'd that Kingdom; by his Marriage with *Elizabeth* he came to be King of *Castile*, and gallantly disappointed the Designs of his Adversaries that stood in Competition with him for that Kingdom. He afterwards recover'd the Kingdom of *Granada*, possess'd by the Enemies of our Faith little less than eight hundred Years: To his own Dominions he added the Kingdom of *Navarre*, *Oran*, and many considerable Places on the Coast of *Africa*: He always got the better, and was in a manner a Subduer of all his Enemies, and wherein it manifestly appear'd that Fortune concurr'd with Industry. He cover'd almost all his Covetousness with the Cloak of a commendable Zeal for Religion, and of a sincere Intention for the Good of the Publick.

ABOUT a Month before his Death (on the second of *December* 1515.) the Great Captain died in Banishment from the Court, being very much dissatisfied ³; and notwithstanding the King, in Remembrance of his admirable Qualities, not only did himself, but order'd, that all the Kingdom should pay him such Honours, as were never known in *Spain*, except upon the Death of Kings, to the inexpressible Satisfaction of all the People, to whom the Name of the Great Captain was exceeding dear, as well on account of his Greatness of Soul, as also for the Opinion they had of his Prudence, and that he exceeded all the Generals of his Time in the Art of War.

UPON the News of the Death of so great a King, *D. Bernardino Villamano*, who, in the Absence of *D. Raimondo de Cardona*, the Viceroy, was his Lieutenant in *Naples*, caused most pompous Obsequies to be celebrated for him in the Church of *S. Dominick*, where all the Barons, with the Magistrates and Deputies of the City, and all the Royal Officers were present. And the *Seggio del Popolo*, mindful of the Privileges and Favours granted them, likewise caused most sumptuous funeral Solemnities to be perform'd in the Church of *S. Augustine*; and in Memory of their great Benefactor, they ordain'd, that every Year on the twenty third Day of *January* an Anniversary should be solemnized, which continues to be observed at this Day with great Solemnity and Pomp.

¹ Guicc. lib. 12. Jo. Vassæi Chronic. Hispan. 164. Franc. Taraphæ de Reg. Hisp.

² Summonte tom. 4. lib. 6.

³ Jov. vita G. Capit.

FERDINAND being dead, Prince *Charles*, Archduke of *Austria*, who was then in *Brussels*, though *Joan*, his Mother, was still alive, to whom the Succession of the Kingdom belong'd, did not fail immediately to write a most affectionate Letter to the City of *Naples*, in which, promising them his Friendship, he enjoin'd them, for the time to come, to obey D. *Raimondo de Cardona*, as they had done hitherto, and he confirm'd him Viceroy. Queen *Joan* govern'd the Monarchy alone for a few Months, but upon *Charles's* arrival in *Spain*, she associated him with herself in the Government, in which he behav'd himself with such Wisdom and Prudence, as shall be related in the following Books of this History.

THUS *Spain* and all the Dominions, of which that vast Monarchy is composed, were convey'd to the House of *Austria*, descended of the Counts of *Hapsburg*; and, to the surprize of all the World, it was seen, that *Ferdinand*, King of *Aragon*, in order to raise the Grandeur of his Successor, very unadvisedly and unjustly deprived his own noble and illustrious Family of the Kingdom of *Aragon*, and, contrary to the general Opinion of the World, even consented to the Extinction and Annihilation of his own House.





C H A P. II.

A new Polity, new Magistrates and Laws, agreeable to the Spanish Customs and Principles, are introduced into the Kingdom. Of the Viceroy and their Collateral Regents, whence proceeded the Collateral Council, and the Depression of the other Magistrates and Officers of the Kingdom.



AS may be seen in the preceding Books of this History, the Kingdom of *Naples*, as well at the beginning of its Establishment under the *Normans*, as in the long Reign of the illustrious Family of *Anjou*, was framed according to the Model of the Kingdom of *France*, from which it derived many Maxims and Customs. *Alphonfus* I. of *Aragon* left his hereditary Kingdoms, and transferr'd his Royal Seat to *Naples*, and conform'd himself to the Laws and Customs which he found there. The other *Aragonian* Kings of *Naples* did not alter its Polity, because having no Dominions in any other Countries, as their own and native Kingdom, they govern'd it with the same Laws and Customs; but *Naples* having now lost the Honour of being the Royal Seat, came to be govern'd by the Kings of *Spain*, who having their Residence elsewhere, and in Parts more remote, ruling the Kingdom by Means of their Lieutenants, whom they call Viceroy, a new Form of Government was introduced, and the Customs and Maxims of *Spain* came to prevail over those of *France*. Whence, therefore, proceeded no small Change, both in the Officers of the Kingdom, and in the Magistrates of the Cities.

'TIS not to be doubted, but the *Spaniards*, as to what belongs to the Art of Government, come little short of the *Romans*; and both *Bodinus*¹ and *Thuanus*², though *Frenchmen*, as also *Arthur Duck*, an *Englishman*³, are of Opinion, that of all the Nations, after the Fall of the Empire, which had lorded it over *Europe*, the *Spanish* in Constancy, Gravity, and Fortitude come nearest the *Romans*. In establishing Laws no other Nation imitates the *Romans* so much as the *Spanish*. They gave us wise and prudent Laws; and there is now nothing else wanting but the due Observance and Execution of them. But as none can dispute these Advantages with them, yet they come far short of the *Romans* in this, that when the *Romans* conquer'd foreign Nations, they treated them with so much Clemency and Justice, that the Vanquish'd themselves look'd upon it as their greatest Honour to be incorporated into their Empire, and their Laws were received with so much Eagerness, that they were not reputed as the Laws of a Conqueror, but as their own. The *Spaniards* did not behave so, but treated the Kingdoms and Countries, which they added to their Monarchy, with too much Pride and Insolence. From the Memoirs left us by the Bishop of *Chiapa*, their Behaviour in the new World is well known; what they did in *Flanders* and amongst us shall be told. But what made them differ the most from the *Romans*, was their want of one Virtue, without which all States must go to Ruin, to wit, *Oeconomy*; for as

¹ Bodin. lib. 5. de Rep. cap. 1.² Thuan. Hist. lib. 1.³ Arth. lib. 2. cap. 6. num. 1.

they were profuse, so to nourish that Vice, they were obliged to have Recourse to the other of Rapacity, oppressing the People with Taxes and Donatives; all which they squander'd away so immoderately, that their Armies were frequently seen to mutiny, and the Officers to be very much dissatisfied. The Gold of the new World was not sufficient; nor the many Cruelties and Barbarities they exercised upon those People in order to squeeze it out of them¹. The other Defect, was their not having endeavour'd to extend Trade, and encourage Navigation, by establishing Fairs and free Ports, in order to have their many famous Harbours more frequented by Ships, as the other Nations, whose Dominions are situate upon the Sea, do; particularly the *English*, *Dutch*, and *Portuguese*.

THE constant Residence, therefore, of our Kings in *Spain*, made it necessary, that Viceroys should be created for governing this Kingdom. Formerly our Kings, though, upon some occasions, they were forced to be at a Distance from the Kingdom, left their Vicars to govern it, who, for the most Part, were of their own Blood, and such, as after their Deaths, were to succeed them; but their Absence was but short, and they soon return'd to resume the Government. Sometimes, but very rarely, the Kings were wont to leave Lieutenants, or Viceroys; but now, that their Absence was perpetual, it behov'd them to commit the Administration of it to a Minister of known Probity and Prudence, and who should have all their Authority and unlimited Power with respect to the Government and right Administration of Justice: Therefore it was necessary to give them Power of making Laws, or Pragmaticks, or other Regulations conducing to that End. So that henceforth we shall see the Pragmaticks establish'd not only by the Kings, but by their Viceroys and Lieutenants. It was likewise necessary to appoint Lawyers for assisting and advising this Minister, that his Power might be regulated by the Laws, and not be converted into Tyranny. Some of our Lawyers have written at large of their Power, and the Regent *de Ponte* composed a very large Treatise upon it, which is in the Hands of every Body.

¹ Mich. de Montaigne's *Essays*, book 3. chap. 6.

S E C T. I.

Of the Collateral Council and its Institution.

FERDINAND therefore, afraid of the unlimited Power of the Great Captain, which by his Valour and Generosity, and the Good-will of all Ranks of People he had acquired in the Kingdom, resolved to go in Person to *Naples*, in order to take him with himself into *Spain*, and to leave the Count of *Ribagorça* Viceroy in his Place: He brought with him three Lawyers, who were Regents of the supreme Council of *Aragon*, in order to establish such another in *Naples*; just as *Alphonfus* did, who, in Imitation of the Council of *Valencia*, introduced into the Kingdom that of *S. Clara*, which, when the Kings resided in *Naples*, was the Supreme, as that, in which the Prince himself sat as Judge, and was the Head of it. These were *Antonio de Agostino*, the Father of the famous *Antonio*, a noted Lawyer: *Juan Lonc*, and *Tomaso Malferito*, who in all the Treaties of Truce and Peace made in the preceding Years between *Ferdinand* and *Lewis XII.* King of *France*, recorded by *Frederick Leonard*, was, together with *Juan de Silva*, Count of *Sifuentes*, and *Fr. Juan Enguera*, Inquisitor of *Catalonia*, imploy'd by *Ferdinand* as his Ambassador and Plenipotentiary, and in the said Treaties is call'd, *Doctor and Regent of the Chancery*. To these was join'd *Bernardo Terrer*, who being created a Counsellor of *S. Clara*, remain'd in *Naples*. During the seven Months that the King staid in *Naples*, he imploy'd *Juan Lonc* and *Tomaso Malferito* as Regents of his Chancery, whence it is, that the Pragmaticks, which he publish'd in *Naples* are subscribed by *Malferito*, because it was the Custom of these Times, that one Regent only subscribed.

THEN the King, for the Reasons abovemention'd, being obliged to set out for *Spain*, with a Design never to return any more to *Naples*, left as we have said, the Count of *Ribagorza*, his Viceroy, who, by the Figure of *Antonomasia*, was call'd the *Count*, and intitled himself so in all Writs; and being to carry back with him into *Spain* the two Regents *Lonc* and *Malferito*, he created two other Lawyers Regents in their Place, who were to sit by the Viceroy's side and give him their Advice, whence arose the Name of *Collateral Regents*. They were likewise call'd the King's *Auditors*; and in the Privileges of *Naples* and the Articles granted to the City by the Count of *Ribagorza*, they are therefore indifferently call'd *Auditors* and *Regents* ¹.

AT the first Institution of this Council, it was compos'd of two Regents only, and one Secretary; and these were *Lodovico Montalto*, a *Sicilian*, who, while he was Attorney General in *Sicily*, was by King *Ferdinand* created a Regent, and *Girolamo de Colle*, a *Catalan*, who being a Counsellor of *S. Clara*, was likewise made a Regent, and these two succeeded *Lonc* and *Malferito*, who return'd to *Spain* with the King. And during the rest of *Ferdinand's* Reign, which ended in 1516. there were in this Council, of which the Viceroy was Head, only the said two Regents, with the Secretary *Pietro Lazaro Zea*.

IN the Year following 1517. the first of the Reign of King *Charles*, who was afterwards Emperor, a third Regent was added, and it was establish'd, that of the three, two should be in the King's Choice, and a third a Native of the Kingdom. This last was the famous *Sigismondo Loffredo*, who for his great Learning and Knowledge, that the King and his Court might be inform'd of the Affairs of the Kingdom, was by *Charles* call'd to his Court in *Germany*, where he remain'd for the Space of three Years. Whence it came, that on account of the long stay of the third Regent at Court, a fourth Regent was appointed, to the end that the one, who was to be a Native, might go and reside with the King, that, as best knowing in the Affairs of the Kingdom, he might inform the Court, and the other three might constantly reside in *Naples*. Thus in 1519. *Marcello Gazzella*, of *Gacta*, was created Regent, who was President of the Royal Chamber in *Naples*, and was sent to Court in Place of the Regent *Loffredo*, who had the King's Liberty to return to *Naples*.

GIROLAMO Zurita writes ², that this prudent Advice of appointing a Minister of the Kingdoms of *Italy* to reside at the King's Court, was given by the Catholick King in his Will, which he made in 1516. when the State of *Milan* not being as yet annex'd to the Crown of *Spain*, but only the Kingdoms of *Naples* and *Sicily*, he likewise so order'd it, that a Minister from each of these should come to *Spain* to assist with the rest in the Council, which he had named on account of the Indisposition of Queen *Joan*, his Daughter, who were to be two Doctors, one a *Neapolitan*, and the other a *Sicilian*; whence it came, that King *Charles*, following his Example, introduced this Custom; and he having afterwards added the Dutchy of *Milan* to the Crown of *Spain*, a Minister went not only from *Naples* and *Sicily*, but likewise from *Milan* to reside at his Court.

IN these Beginnings, though a Regent was appointed for the Court, yet as the Emperor *Charles V.* did not always reside in *Spain*, but according to the Exigencies of his Monarchy, being sometimes in *Germany*, sometimes in *Spain*, *Flanders*, and *Italy*, the Regents appointed to attend the Court were to follow him whithersoever he went. But when by the Renunciation, and afterwards by the Death of that Emperor, *Philip II.* his Son, succeeded in the Monarchy of *Spain*, he, not following his Father's Footsteps, having fix'd his Royal Residence in *Spain*, resolv'd to establish a Council there, wherein the Affairs of *Italy* were transacted; which Council was to be compos'd, besides the *Spanish* Regents, of Ministers to be sent from *Naples*, *Sicily*, and *Milan*. Thus in 1558. was establish'd in *Spain* the supreme Council, call'd the *Italian*; and its first President was *D. Diego Hurtado de Mendoza*, Prince of *Melito*, and Duke of *Francavilla*. And in these Beginnings *Philip II.* not content with one Minister, order'd two

¹ Privileg. Neap. fol. 66. in cap. 9. Comitæ Ripæ
Cassæ.

² Zurita de las empresas, y treguas de Italia lib.
10. cap. 99.

to come to *Spain* from *Naples*, who were *Lorenzo Polo*, and *Marcello Pignone*, who was President of the Royal Chamber.

THUS by Degrees was the supreme Council establish'd, to which two other Regents being added, it came to be compos'd of five, some of them Natives of this Kingdom, others were in the King's Choice, who were, for the most Part, *Spaniards*. The Kingdom of *Aragon* pretended, that one ought to be an *Aragonian*, because they look'd upon this Kingdom to be a Dependency of that Crown, as acquir'd by *Alphonfus* with the Forces of *Aragon*, and not without the Assistance of King *John*, his Brother. It has for its Head, as has been said, the Viceroy, who in the beginning of the Year swears them to Secrecy. And in case of his Death, until a Successor be appointed, during the Interreign, the Government is managed by them, together with the Regents of the Sword, call'd of the State, who are created by the King, because, upon Failure of the Viceroy, coming in his Room, they take the Reins of the Government with those of the long Robe, who assembling together in the Royal Palace, treat of Affairs concerning the State, and the right Administration of the Kingdom, till such time as the King appoints a Successor.

THIS supreme Council, therefore, being establish'd in *Naples*, and having for its Head the Viceroy, to whom the Charge of all Affairs was committed, it thereby came to raise itself above all the other Tribunals, which by that Means lost their antient Splendor. But by the Distance of the Royal Seat, the seven Officers of the Kingdom were much more depress'd, so that in Process of Time they were reduced to the State in which we now see them.

THE Lord *High Constable*, who had the Command of the Armies in the Field, lost much of his Power, because the Viceroy being appointed the King's Lieutenant and Captaint General of the Kingdom, all his Authority was lodged in the Viceroy's Person; he having not only the Command of the Armies in the Field, but of all the Garrisons, and over all the Governors of Provinces, and was obey'd by all the other Generals and Marshals. Only, as has been said in the eleventh Book of this History, when the Viceroy happens to be out of the Kingdom, and none other appointed, upon sudden Emergencies the High Constable can still resume the Command of the Armies, whence it is, that the Custom still continues, that in Case of the sudden Death of the Viceroy, the High Constable, when it has not been otherwise provided by the King, takes upon him the Government of the Kingdom.

BY the Erection of this new Council, all those noble Prerogatives, wherewith the *Lord High Chancellor* was adorn'd, were absorb'd by it. In after-times it was thought very wisely done of the Princes to strip the High Chancellor of his many and eminent Prerogatives, and to bestow them upon the Regents and the Chancery. In the eleventh Book of this History we brought an Instance, to the same Purpose, of the Chancellor of the Holy See of *Rome*, whom, because in a Manner, *de pari cum Papa certabat*, *Boniface VIII.* resolved to remove and assume the Chancery to himself, by appointing a Vice-Chancellor only. Thus it exactly happen'd with us in the Reigns of *Ferdinand* the Catholick, of *Charles*, and of the other Kings of *Spain*, their Successors. Upon the Erection of this new Council the King appropriated the Chancery to himself and this Council, and put it under the Administration of the Regents, for that Reason call'd also of the Chancery. Formerly the High Chancellors had the Presidency of the Council of State in the Civil Affairs of the Kingdom, the dispatching of Edicts, and of all other Orders of the King; they had the Inspection of Justice; they were the Judges of the Differences that happen'd between Officers and Offices; they regulated their Precedencies, and prescribed to each Magistrate what his Duty was, that one might not incroach upon another. At present the Regents of the Chancery subscribe the Memorials that are given in to the Viceroy, sign Privileges, interpret the Laws, and dispatch the King's Edicts and Orders. They are Judges of the Differences that happen between the other Officers, decide the Precedencies, appoint Judges, and prescribe to each Magistrate what belongs to him, as his Duty. The Chancery is lodged in them, and consequently all the Power which the High Chancellor had formerly.

THEREFORE they have a Secretary, who has under him, and under his Direction other lesser Officers who are all employ'd in the Dispatch of the Royal Letters,

Letters, Grants, Privileges, and of the Patents of the Officers of the Kingdom. They have therefore six Writers, and four Clerks, besides one, who has the Charge of the Affairs relating to the Superintendency of *Campania*, and another for the Affairs of the Royal Jurisdiction, and six other ordinary Writers, who take care of the Registers and Seal, and other Things belonging to the Chancery: They have likewise two Clerks of the Rolls, one Taxer, one Collector, one Officer of the Seal, and four Porters. All these Offices are vendible, excepting that of the Clerk of the Jurisdiction, which being an Office of Trust, is given *gratis* to a deserving Person.

WHEREAS formerly the Fees of the Writs issued out of the Chancery were regulated by the Lord High Chancellor, *Ferdinand* the Catholick, by means of one of his Pragmaticks, which we read under this Title, *Super solutione facienda in Regia Cancellaria pro scripturis ibidem expediendis*, prescribed the Sums to be paid as well for the Letters of Justice, as of Favour, and for Grants of Baronies, Titles, Privileges, Captainships, Bailiwicks, Castle-wardships, Concessions of *merum & mixtum imperium*, of the Freedom of Citizens, of Emancipation, of Legitimation; and for the Patents of Notaries, chief Physicians, chief Surgeons, Officers of the Customs, and Port-reeves; in short, for all Offices, and for many other Dispatches, of which there is a long Catalogue inserted in that Pragmatick, prescribing and taxing the Sums, which by Right ought to be exacted by the Chancery¹. Formerly, according to *Tassone*², these Fees were not exacted; but for maintaining the inferior Officers of the Chancery, the Revenues of a Fief, situate between the confines of *Lettere* and *Gragnano*, were appointed, which Fief, therefore, got the Name of Chancery. But afterwards it being sold to the *Carthusian* Monastery of *S. James* in the Island of *Capria*, the Fees were to be exacted from the Parties, and be tax'd in the manner appointed by the said Pragmatick. The Stile of these Writs was alter'd, and whereas formerly they were penn'd in *Latin*, the *Spanish* Language came now in fashion, and even the Pragmaticks were written in that Language.

BY the Erection of this new Council, the Authority of the *Great Protonotary*, and his Lieutenant, was much diminish'd. Almost all the Pragmaticks, Privileges, and other Writs were formerly sign'd by the Great Protonotary, or his Lieutenant, at present their Subscriptions are no more required, but those of the Regents only. Indeed in the time of *Ferdinand* the Catholick, in these Beginnings the Custom was observed, that the Pragmaticks were sign'd by the Vice-protonotary, as well as by the Regents; and when the Matter in question concern'd the Royal Patrimony, and the Writs were drawn up *pro Curia*, they were sign'd by the Lord High Chamberlain's Lieutenant, as may be seen in those few Pragmaticks, which *Ferdinand* publish'd in *Naples*; yet in process of Time their Subscriptions were quite laid aside, and those of the Regents only continued. The Regents would likewise have a Hand in the creating of Judges and Notaries, and would likewise prescribe the Fees of their Patents, which are issued out of the Chancery, and are sign'd by the Regent, besides the Vice-protonotary.

THE *Lord High Chamberlain*, and his Tribunal of the Royal Chamber were made subordinate to this Council, in the most weighty Causes of the Royal Patrimony, and to which the Lieutenant and President of this Tribunal are obliged to go and report their Causes, to be decided there; and that upon account of the Superintendency it has over all the Tribunals of the City and Kingdom, without which a good and well regulated Government could not be expected.

FORMERLY the Petitions of the Subjects, that were put up to the King, whether for Justice or Favour, were carried to the *Lord Chief Justice*, who the next Day, with the Advice of a Judge of the High Court, dispatch'd such as were regular, and wanted not to be communicated to the King, and such as requir'd the King's Knowledge were seal'd up and sent to his Secretary. Now, by the Erection of this Council, all Petitions and Memorials are carried directly to the Secretary of the Collateral Council and his Clerks, who take care of them.

¹ Privileg. & cap. Neap. fol. 50. Pragm. 1. de | ² Tasson. De Antef. vers. 7. obs. 3. num. 7.
Off. Secret.

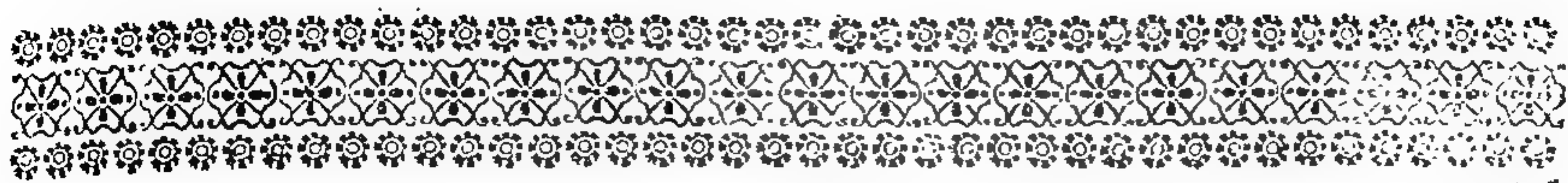
NO less was the Fall of the other Officers of the King's Household, and of all the lesser Officers subordinate to them, not so much by reason of the Erection of this new Council, as by the Removal of the Royal Seat from *Naples* to a remote Country.

BY the creating of a General of the Gallies, and of a Tribunal of the Arsenal, the Authority of the *Lord High Admiral* was much lessen'd. This new Captain General had the Command over all the Gallies of the City and Kingdom altogether independent of the High Admiral; and in the General Parliament assembled in *Naples* in 1536. while the Emperor *Charles V.* was there, though it was desired of him, that he would be pleased to pitch upon a *Neapolitan* Gentleman for that Office, the Emperor answer'd, that according as Business and the Circumstances of the Times would permit, he would endeavour to satisfy them; however it was always bestow'd upon *Spaniards*, who, according to the Instructions given by King *Philip II.* recorded by *Costanzo*¹, erected a separate Tribunal, independent of the High Admiral and elected an Auditor General, and other inferior Officers, from the Decrees of which, Appeals are not brought before the High Admiral, but before the Viceroy, who generally uses to refer them to the Regents of the Collateral Council, or to other Judges as he thinks fit.

THERE was likewise a new Tribunal of the Arsenal erected, which exerciseth both Civil and Criminal Jurisdiction over the Ship-builders, altogether independent of the High Admiral, and only subordinate to, and depending upon the Royal Chamber, and its Lieutenant, who appoints a President to govern it.

Costanzo lib. 1. C. de Classicis, ibid, 11. num. 78.





C H A P. III.

A new Disposition of the Officers of the King's Household.

THE Royal Seat being no more in *Naples*, the Office of *Lord High Steward* of the Household was in a manner extinct and abolished; and new Offices were appointed altogether independent of that Officer.

THE High Steward, as may be seen in the eleventh Book of this History, had the Superintendency of the King's Household; and though his Office related to the Government thereof; yet because his Authority was not confined to any Place or Province, it was extended over all the Kingdom, nor was it alterable upon the Change of Kings; he was said, therefore, to serve the State, and not the King's Person only, so that he was reputed one of the Officers of the Crown. He had many Officers in the King's Household under him, of which, in the twenty first Book of this History, we made a long List; some of which, while the Kings resided in *Naples*, were, as has been said, exempted from obeying the High Steward, and were immediately under the King.

BUT after the Kings quitted *Naples*, transferring their Royal Seat elsewhere, and governing the City and Kingdom by their Lieutenants, call'd Viceroys, both the greater and lesser Officers of the King's Household, subordinate, for the most Part, to the High Steward, were suppress'd; and other new ones were erected in the Royal Palace, not subordinate to the High Steward, but solely to the Viceroy.

THE Chamberlains, Clerks of the Kitchen, Masters of the Pantry, Querries, and many other Officers were dismiss'd; and others, after the *Spanish* Fashion, were introduced, who were to have the Charge of the Royal Palace, and to serve the Viceroy and his Secretaries, without any dependence upon the High Steward.

TWO Secretaries were appointed, one of State and War, the other of Justice. Neither the one nor the other have the least dependence upon the Secretary of the Kingdom, nor upon the Collateral Council; and all the Affairs that were committed to the Collateral Council, were imparted to it by these Secretaries. Each of these two Secretaries, according to their respective Charges, whether of War or Justice, in the Name of the Viceroy dispatch the Orders given by him. All Military and State Affairs, and all such as concern the Royal Patrimony, and the Corporations of the Kingdom, and all the Revenues and Customs pass through the Hands of the Secretary of War. All Affairs belonging to the right Administration of Justice, the Election of all Governors, Judges Lateral of the Cities and Towns within the King's Demesnes, Presidents, Auditors of Provinces, Judges of the Vicariate, and of all who possess such Offices as are in the Viceroy's Gift, pass through the Hands of the Secretary of Justice. No other Language but the *Spanish* is made use of in their Offices. They have under them many Officers for dispatching the Notes and Letters, which are directed to the Heads of Tribunals, and other Ministers, both of the Sword and long Robe within the City of *Naples*, and in the Provinces to the Presidents and their Officers. Formerly they acknowledged the Great Protonotary as their

Head, but now the Viceroy, who keeps them in the Royal Palace for the quicker dispatch of Business.

IN the Royal Palace is also kept the *Office of the Commissary of Accounts*, which formerly, according to *Summonte**, was kept in the Commissary of the Nation's own House, and which Office, in form of a Tribunal, has for its Head the *Commissary General*, who has many Officers under him. His Business is to keep Rolls of all the Soldiers of the Kingdom: Of all Pensioners, and of all the Officers, whether of the long Robe, or of the Sword, who are in the King's Pay. He keeps a Roll of all the Militia of the City and Kingdom. He keeps the Accounts of the Castles and Fortresses of the Kingdom, as well with respect to the Provisions for the Soldiers, as to the Ammunition, Works, Reparations, and all other Things done in them; nor can there be any Orders dispatch'd for paying the Soldiers, unless they are first set down in his Roll. Upon certain Occasions he has a Seat in the Collateral Council, where he sits next to the Lieutenant of the Royal Chamber, to which Tribunal he is accountable, and has the Precedency of the Treasurer, the Regent of the Vicariate, and the Secretary of the Kingdom, and is honour'd with the Title of *Excellency*†.

THE *Treasury Office* is likewise kept in the Royal Palace. Formerly, in the Time of the Emperor *Frederick II.* it was kept in *Castel del Uovo*, whither *Frederick* order'd the Treasure to be sent, and appointed three Treasurers for the keeping of it, to wit, *Angelo della Marra*, *Marino della Valle*, and *Efrim della Porta*. *Ferdinand* the Catholick, as *Zurita* writes‡, abolishing the Office of Treasurer, had introduced a new Officer, call'd *Conservator General*, and had conferr'd it upon *Giovan Battista Spinelli*; but it proving hurtful, when he came to *Naples*, upon the Complaints of many who hated that Office, he quite abolish'd it, and restored that of the Treasurer as formerly. The Treasurer, of old, was altogether subordinate to the High Chamberlain, as having the Care and Keeping of the King's Treasure: Now he is subordinate to the Viceroy and the Tribunal of the Royal Chamber. He has the Precedency next to the Commissary General, with whom he keeps a close Correspondence; and though he be preceded by him, yet he precedes the first President of the Royal Chamber, when he happens to sit either in that Tribunal, or in the Collateral Council.

IN this new *Spanish* Government was introduced a new Officer, call'd, *Auditor General of the Army*, whom we may likewise call Judge of the Royal Palace. As soon as the *Spanish* Troops were brought into the Kingdom of *Naples*, a new Commander in Chief, call'd Colonel General, was appointed. He had his Auditor General, who got the Power of taking Cognizance of the Causes of all the *Spanish* Soldiers, and of calling the Captains to an account for the Pay of their non-effective Men: His Jurisdiction likewise extended over the *Italian* Officers and Soldiers, and over the fifty *Continui* (Servants) of whom mention is made in the Privileges of *Naples* granted by *Charles V.*§. By a Pragmatick publish'd in 1614. by the Count *de Lemos*, and in 1622. confirm'd by Cardinal *Zapata*, the Cognizance of his Tribunal was extended over other Affairs.

HE had other inferior Tribunals, such as that of the *Terzo* (*Spagnuolo* a Regiment of three thousand Men furnish'd the King of *Spain* by the States of *Italy*;) and of all the other Auditors of the Castles of the City and Kingdom. The *Terzo Spagnuolo* has its own particular Auditor, who takes Cognizance of the Civil and Criminal Causes of the *Spanish* Soldiers in Garrison in *Naples*; however this Tribunal is subordinate to that of the Auditor General of the Army, because Appeals against its Decrees are lodged in the Auditor General's Tribunal.

THE three Castles of *Naples*, to wit, *Castel Nuovo*, *Castel di S. Ermo*, and *Castel dell' Uovo*, have each a particular Auditor, a Clerk and Coadjutor, who are chosen by the Governors. These have Jurisdiction over all those, who live in the Castles; the Auditor of *Castel Nuovo* exerciseth it likewise over those who live in *S. Vincent's Tower*. Formerly Appeals were made from their Decrees to

* *Summonte*. lib. 1. pag. 163.

† *Pragm.* 1. De Offic. Ser. Port.

‡ *Zurita* *Hist.* tom. 6. cap. 26.

§ Privileg. & Capit. *Neap.* cap. 23. pag. 92. ad ter.

the Viceroy, who committed them to be revised by several Ministers. Afterwards in 1416. the Count *de Lemos* by his Pragmatick, confirm'd by Cardinal *Zapata* 1622. ordain'd, that the Appeals should be revised by the Auditor General of the Army, to whom they are subordinate.

HE has likewise Jurisdiction over all those, who live in, and belong to the Viceroy's Palace, and takes Cognizance of the Crimes committed there, he being Judge of the King's Household. Formerly this Jurisdiction belong'd to the Lord High Steward, as chief Officer of the King's Household, but now it belongs to the Auditor General, without any Dependence upon the High Steward, but only upon the Viceroy, to whom Appeals are made from his Decrees, which he gives afterwards to be revised by any Minister he pleases. He likewise pretends to have Jurisdiction over the Soldiers of the *German* Guard, appointed to keep the Royal Palace; but their Captain disputed it with him, and has appropriated it to himself. The Singers also of the Royal Chapel, as belonging to the Family of the Royal Palace, ought to be under his Jurisdiction; but now the Chaplain Major is in Possession of it, and they are reputed to be immediately under his Command.

THE Chaplain Major, who is Head of the Chapel of the Royal Palace, on that account ought to be reckon'd among the Officers of the King's Household. He has Jurisdiction in the Royal Chapel, and over all the Royal Chaplains, and those of the Castles of the City and Kingdom. Of the Rise and Growth of the Chaplain Major, his Prerogatives, and Inspection of the Royal University, we have discoursed at large in the twenty first Book of this History.





C H A P. IV.

Of the other Officers, who serve without the King's Palace.



HOSE we have hitherto reckon'd up are the Officers of the Royal Palace according to the new Disposition of the *Spaniards*. Formerly the *Master of the Royal Studs*, and the *Master of the Forests and Game* were number'd among the Officers of the Royal Household. But under the Reign of the *Spaniards* they were alter'd and made a quite different Figure.

THE *Master of the Royal Studs*, still call'd the King's *Master of Horse*, erected his own particular Tribunal in his own House, and had his Clerk and Auditor, where he exercised Jurisdiction over all Persons imploy'd about the Royal Studs, which the King kept both in *Naples* and the Provinces: In *Terra di Lavoro*, at *Mazzone* near *Capua*, in *Puglia* and *Calabria*. Appeals from his Decrees were carried to the Royal Chamber, to which he was subordinate. In 1600. the Studs kept in *Calabria*, as too expensive, were laid aside. For the same Reason, in our Time, those in *Naples*, *Mazzone*, and *Puglia* were likewise dismiss'd; so that at present that Tribunal and the Office of the King's Master of the Horse are quite abolish'd.

THE *Master of the Forests and Game* had a quite different Fate. Formerly, as is clear from the Statutes of the Kingdom, his Jurisdiction and Office extended no further than the Forests within the King's Demesnes. Afterwards the Game being reckon'd among the *Regalia* of the Prince, they were extended over all Places, nor are they at present confined to any Bounds. He gives Licences to Huntmen, who by vertue thereof can carry Arms over all the Kingdom: he has his particular Tribunal, his Auditor and Clerk, and has raised himself so much now, that 'tis reckon'd both an honourable and profitable Office.

BUT of all these Offices, none at present is so much exalted as that of the *Master of the Inns and Posts*, now commonly call'd the *Chief Courier*, which Office, as being of modern Institution, it was necessary to trace down to these times, and of which we must now discourse at large.

THE Office of chief Courier or Master of the *Inns and Posts*, according to the modern Institution, is quite different from the *Cursus publicus* of the *Romans*; and his Functions are not the same, as they are described in the *Theodosian Code* under that Title¹. Among the *Romans*, at least towards the Close of the Empire of *Constantine* the Great and his Successors, it was not a particular Office, nor had one single Person the Inspection of it. The *Cursus publicus* was not only regulated by the Prince, but by the ordinary Officers of the Empire: The *Præfecti Prætoris*, the *Magistri Equitum*, the *Proconsules*, and the *Rescriptores Provinciarum* had the Charge of it. Their Office was not confined to the dispatching of Foot and Horse Couriers, Letter-bearers, *quo celerius, ac sub manu* (as *Suetonius* writes of *Augustus*² *annunciari, cognoscique posset, quid in Provincia quaque gereretur*, or as *Aurelius Victor* says of *Trajanus*³, *respondendis cunctis que ubique à Republica gererentur. adacta rudis publici cursus*⁴; but their chief Business was, in all Places to provide whatever was necessary for the Progresses of the Princes: For the Jour-

¹ Cod. Theod. De Cursu publico
Sueton. in August. cap. 49.

² Sæx. Aurel. Vite cap. 13.
³ V. Montaigne's Essayes, lib. 2. chap. 21.

nies of the *Reſtores*, *Conſulares*, *Correſtores*, or *Præſides Provinciæ*, when they were by the Emperor ſent to their Governments, or when recall'd from them to *Rome*; for the Journies of other Magiſtrates, as well Civil as Military, when they had occaſion to viſit the Provinces: For the Ambaſſadors, who were ſent by the Senate and People of *Rome* to the Emperor; or for thoſe, who were ſent to *Rome* by foreign Nations: In ſhort, for the travelling of all ſuch, as either the Laws or the Prince allow'd to make uſe of the *Cuſſus Publicus*, which private Men could not, without Letters of Permiſſion from the Emperor, which they call'd *Eveſtiones* (Poſt Warrants.)

ALL the Charges, whether for the Men appointed for the *Cuſſus Publicus*, or for Horſes, Oxen, or other Beaſts; for Carts, Chariots, and all other Carriages, were furniſh'd out of the publick Treafury. Whence it came, that for the Maintenance of the *Cuſſus Publicus*, ſome Services call'd *Angariæ*, or *Parangariæ*, were impoſed upon the Provinces; and often a Tribute was either demanded of, or offer'd by the Provincials in lieu thereof. Whence it was, that the uſe of this *Cuſſus* was deſign'd for the publick Occaſions, not for private, ſo that private Perſons, as has been ſaid, were not allow'd to make uſe of it without Licence. And therefore many Laws were preſcribed for the right Management of it, as may be ſeen in the *Theodoſian Code*¹, and of which *Gutherus*² has written methodically, and *Jacobus Gothofredus* more exactly upon this Title³.

BUT after the Fall of the Empire, and it being afterwards divided into ſo many Kingdoms under different foreign Princes, quarrelling and at War with one another, this *Cuſſus Publicus* could not be kept up. Travelling was no more ſafe: Traffick and Commerce were interrupted, ſo that it was quite diſcontinued, nor is there the leaſt Veſtige of it remaining.

IN proceſs of Time new Dominions being ſettled in *Europe*, though the *Cuſſus Publicus* could not be altogether reſtor'd; yet, with reſpect to Traffick and Commerce, the Uſe of Bills of Exchange was brought to great Perfection: So the Princes, in Imitation of the *Roman* Emperors, began to re-eſtabliſh that Part of the *Cuſſus Publicus*, which concern'd the diſpatching of Foot and Horſe Couriers, and at leaſt ſo to regulate their Travelling on the Highways, and provide them with Neceſſaries (whence it is, that the chief Couriers got likewiſe Jurisdiction over the *Inns*, and therefore were alſo call'd *Maeſtri of the Inns*, as in the Grants of *Charles V.* and of *Philip II.* and *III.* made of this Office to the Family of *Taxis*, they are call'd *Maeſtri mayores de las Oſtelarias, y Poſtas, y Correos de nueſtra Caſa, y Corte, &c.*) as they might not ſuffer any Inconveniency upon the Roads, but make the quicker Diſpatch to adviſe them of what was paſſing in their Armies and Fleets, in their Kingdoms and Provinces, and in the Courts of other Princes, where they kept Ambaſſadors. And *Philip de Comines*⁴ writes, that King *Lewis XI.* appointed Poſts in *France*, which had never been there before; as alſo in *England* Poſts were ſettled by Royal Authority⁵.

THE Authors of the *Hiſtoria Auguſta* differ about the Emperor that firſt introduced this Cuſtom. *Suetonius*⁶ makes *Auguſtus* Author of it: *Aurelius Viſtor*⁷, *Trajan*: *Spartianus*⁸, *Adrianus*; and *Capitolinus*⁹, *Antoninus Pius*. Be that as it will, for which ſee *Lodovicus van Hornigk*¹⁰, and *Jacobus Gothofredus*¹¹, who endeavour to reconcile them: 'Tis certain, that, according to this new Inſtitution, a new particular Office, unknown to the *Romans*, was erected for it, the Charge of which was committed to one ſingle Perſon, and a more Difficult annex'd to it, than that of the Inſpection of the Couriers, whom Princes frequently ſent from their Courts to the Generals of their Armies and Fleets, to the Governors of their Dominions and Provinces, and to their other Miniſters and Ambaſſadors; upon whoſe Fidelity and Secrecy the good or bad Succeſs of a Negotiation, of

¹ Cod. Th. de Cur. Pub. lib. 8. tit. 5.

² Jacob. Gut. de Offic. domus Auguſt. lib. 3. cap. 14. & 15.

³ Jacob. Goth. de Cuſſ. Pub. Cod. Th. tit. 5. in prætit.

⁴ Mem. de Comm. liv. 5. chap. 10.

⁵ P. Gregor. Syntagm. Juris, lib. 17. cap. 12. 13. & 8.

⁶ Suet. Loc. cit.

⁷ Aur. Viſt. loc. cit.

⁸ Spart. in Vita Hadrian. pag. 4.

⁹ Capit. in Antonino.

¹⁰ Hornigk. de Regal. Poſtar. Juris, cap. 4.

¹¹ Goth. loc. cit. in Comment. ad L. 1. in princ.

a Battle, a Siege, or of Treaties of Truce or Peace with other Princes often depended. For which Cause this was look'd upon to be an Office of great Trust, Authority and Profit; for the chief Courier, besides his having the Inspection and appointing of all the other Couriers, the taking of their Oaths, that they should faithfully discharge their Duty, the fixing of the Rates to be paid by Travellers, of which a tenth Part, and other Emoluments came to their own Share, and of appointing the Stages: He likewise had Jurisdiction over all the Inns, as is plain from the Grants of *Charles V. Philip II. and III.* made to the Family of the *Taxis*, which, for a long Time, enjoy'd this Office; and though they did not make use of it over the Inns, yet, by vertue of these Grants they had Power to do it.

BESIDES the many Duties incumbent upon the chief Courier, which *Lodovicus von Hornigk* reckons up in his Treatise *De Regali Postarum jure*, he was obliged to attend the Person of the Prince, or of his Viceroy, or Lieutenant, to lodge as near the Royal Palace as possible, that there might be the less Interval between the arrival of the Messenger and the delivery of the Advice to the Prince or his Lieutenant. And if it happen'd that they went out of the City to meet at some Distance any Prince, or other great Personage, the chief Courier was obliged to attend, and prepare convenient Lodgings for them in every Place, where they were to lodge. Moreover, if they went to the War, he was obliged to follow, and provide them in Couriers, Postillions, and Horses: If the Army was to continue in the Field, he was to do the same, being always hard by the Prince, or his Lieutenant; and upon a March, to be near the Royal Standard.

IN these Beginnings, the Office of the chief Courier was only to inspect, name, and dispatch the ordinary Couriers of the Prince and State, so that like the *Cursus Publicus* of the *Romans*, private Persons could not make use of them, and the Cities and their Inhabitants had Liberty to transact and carry on their Traffick and Commerce by what Means or Persons they thought fit to chuse. The Cardinal *Granvela*, being recall'd by King *Philip II.* from the Government of *Naples* (where he had been four Years Viceroy) to exercise the Offices of Counsellor of State, and President of the Council of *Italy*, was the first, who in the Year 1580. instituted the common Posts in *Italy*, and afterwards in 1597. they were establish'd in *Seville*, and over all *Spain*. By which Institution, the Cities and their Inhabitants were deprived of the Liberty of Chusing the Persons and Means for carrying on their mutual Correspondence, because it was resolv'd by the Means of the establish'd common Posts, to bring the Direction of, and the Profit arising from the Intercourse of the Kingdoms into the Hands of one Person, which of course could belong to the Prince only, it concerning the the Publick, and what was got from private Persons being to be apply'd to its Service. Whence, to the Advantage which the chief Messenger reap'd from distributing the Stages, and from the tenths of the Hire paid for Horses, was added other Emoluments arising from this Establishment of common Posts.

AFTERWARDS was added the Profit arising from *Carriers*. Without doubt, the Custom of Carriers has its Rise from the *Cursus Publicus* of the *Romans*, and is a small Branch of it, with respect to the Carriage of Goods; but as for the rest, the present Carriers differ from it; for they have a fix'd Day for their Departure: They make use of their own Horses or Mules of Burden, and take up their Lodging in set Places, where they always find every Thing necessary for them: They were appointed not only for the Conveniency of the Prince and State, but for the good of Commerce, and for the more convenient Transportation of the Goods of private Persons, carrying Trunks, Bales, and other Merchandize.

HIS Jurisdiction being so extensive, and his Emoluments yet more; he has therefore now a Tribunal of his own, and many inferior Officers, distributed not only for the good Regulation of it, but for collecting his Emoluments; so that it is now reputed one of the great Offices, and its Riches and Utility are answerable to its Greatness.

THIS Change in the Offices happen'd in the new *Spanish* Government, with which was likewise introduced the Custom of making them, for the most Part, venal; and whereas formerly they were bestow'd but upon Persons, who, either upon Account of some warlike Exploit, or of Learning, had render'd themselves

worthy

worthy of them, by reason of the continual Demand there was of Money, they were afterwards almost all made vendible; and the Grant was not confin'd to the single Life of the Grantee, but extended to two or three Lives, and Offices were sometimes perpetuated in one Family, and were often granted as Freeholds to them and their Posterity for ever.

IN this new *Spanish* Government another Change was seen with respect to *Titles*. Whereas formerly the Title of Prince was bestow'd upon none but the Princes of the Blood, or the chief Nobility: It was now lavishly thrown away upon many, with as little Ceremony as that of Duke, Marquis, or Count; so that *Ferdinand* the Catholick, in settling the Fees of the Chancery, ordain'd that no more should be paid for the Investiture of a Principality, than for that of a Dutchy, Marquisate, or County, and the Fees of a Prince's Patent, should be the same with those of a Duke's, Marquis's, or Count's. And seeing not only the Offices, but the Baronies and Titles were made venal; these began to multiply exceedingly among us; and in the latter End of their Government that Matter was carry'd to such a height, that it was said, the *Spaniards* had dignify'd the very Stews, and created more Princes and Dukes in *Naples*, than there were Counts in *Milan*.

NEW *Spanish* Families were likewise introduced into the Kingdom, to wit, the *Sanchez's de Luna*, the *Cordova's*, the *Alarconi*, the *Mendoza's*, the *Leva's*, the *Henriquez's*, and many others, adorn'd not only with Titles, but with Estates and Lordships. New Customs and Fashions were thereby introduced, of which, in the Course of this History, we shall have occasion to discourse.

HOWEVER the Disposition of the Provinces was not alter'd. They were govern'd, as formerly, by Presidents, who, in these times, were also call'd Vice-roys. The Number was the same, but the number of the Provinces did not answer to that of the Presidents. Frequently two Provinces were govern'd by one single President, as we see practis'd at this Day with respect to the Provinces of *Capitanata* and *Contado di Molise*; and in the Reign of *Philip II.* as *Alessandro d'Andrea*, who wrote the History of the War, which that Prince had with Pope *Paul IV.* there were only six Presidents in the Kingdom, to whom the Administration of Justice in all the twelve Provinces was committed; though with regard to the Administration of the Royal Revenues, the Number of Treasurers or Collectors was answerable to that of the Provinces. Therefore the number of Presidents was always various, sometimes more, sometimes less, according to the different Dispositions and Regulations of our Princes. In like manner their Residence was not always in the same Cities, but by turns they went sometimes to one, and sometimes to another, according as Business, or the Good of their Governments required.





C H A P. V.

Of the Laws left us by Ferdinand the Catholick and his Viceroy.



FERDINAND left us few Laws, but those of the Great Captain, of the Count of *Ribagorça*, and of D. *Antonio de Guevara*, his Lieutenant, of D. *Raimondo de Cordena*, and of D. *Bernardino Villamarino*, his Lieutenant, were more numerous.

AMONGST *Ferdinand's* Laws, that, which at the Request of the City, he made for the restoring the University of *Naples*, is the most remarkable: by reason of the preceding Disorders and Revolutions of Affairs, our University was, in a manner ruin'd; and the publick Professors, whose Salaries were issued out of the Royal Exchequer, because of the many preceding Wars, were not paid: The *Neapolitans*, therefore, begg'd of King *Ferdinand*, that seeing the Kingdom had fallen into his Hands, and that the University, for many Ages, had flourish'd in the City of *Naples*, the Metropolis of the Kingdom, and the Royal Seat, and there having been in it most learn'd Professors in all Faculties, whose Salaries were paid by his Predecessors, it was then by the Misfortunes of the late Wars in a manner ruin'd and undone; he would be pleas'd to restore it to its former State, preferring *Neapolitan* Professors to Foreigners, and to order their Salaries to be paid out of some particular Revenue belonging to his Majesty in the City of *Naples*, or in the Province of *Terra di Lavoro*. The King most graciously consented to their Request, and order'd his Treasurer to pay every Year to the Magistrates of the City two thousand Ducats out of the best of his Revenues for the Maintenance of the Professors, as appears by his Royal Writ, dated in the City of *Segovia* on the thirtieth of September 1505. which was afterwards confirm'd by the Emperor *Charles V.* in a general Parliament held in *Naples* in 1536. wherein he was present.

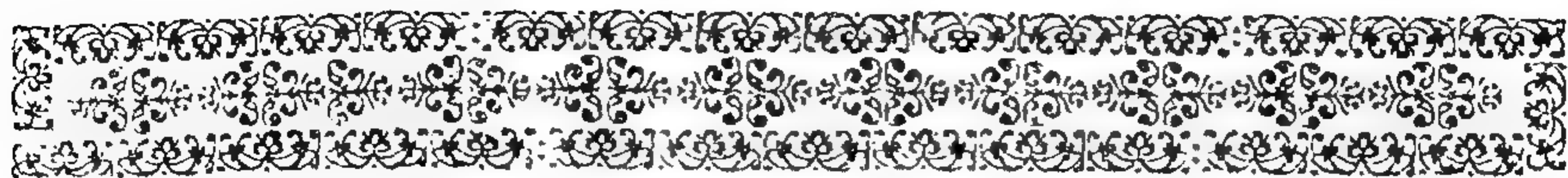
HIS other Laws may be seen in the Volume of our Pragmaticks. Before he came to *Naples* he publish'd some in the Cities of *Toro*, *Segovia*, and *Seville*. After he came to *Naples* he publish'd others, which are dated in *Castel Nuovo*. Being returned to *Spain* he establish'd some others, which, according to the order of Time, are insert'd in the Chronology prefix'd to the first Tome of our Pragmaticks, printed in 1715.

IN his Absence the Viceroy, his Lieutenants, establish'd many other Laws. The Great Captain publish'd two in *February* and *June* of the Year 1504. and another in *December* 1505. The Count of *Ribagorça* likewise establish'd some good and prudent Laws, whereby he banish'd all Debauchees out of the Kingdom: He severely prohibited Gaming and Usury, and restored good Discipline, which by the late Disorders had been much decay'd. To his Intercession the Kingdom is indebted for those Prerogatives, which *Ferdinand* the Catholick granted it, compris'd in thirty seven Articles: As also during his Government, the Articles of good Living were establish'd in *Naples*, whereby, with great Exactness and Prudence, the Plenty of the City was taken care of. And in the few Days that D. *Antonio Guevara*, as his Lieutenant, govern'd the Kingdom, a very prudent Law was establish'd, whereby the Regulations, made by *Ferdinand I.* concerning the Rural Deans, were renew'd¹.

¹ Prag. 5. De Cleric. seu Diacon. Sylva:


D. *RAIMONDO de Cordona*, both in the Reign of *Ferdinand*, and in that of *Charles V.* who confirm'd him Viceroy, left us several Pragmaticks, as also D. *Bernardino Villamarino*, his Lieutenant, which, not to make a tedious Catalogue of them here, may be seen, according to the order of Time, in the afore-said Chronology, prefix'd to the first Tome of our Pragmaticks.

THESE were the first Laws the *Spaniards* gave us, all of them Provident and Prudent, in establishing of which the *Spaniards* were more judicious and more exact Imitators of the *Romans* than all other Nations.



C H A P. VI.

The Polity of our Churches during the Reigns of the Aragonian Kings to the End of the fifteenth Century, and the beginning of the Reign of the Austrian Kings.

 E have observ'd in the preceding Books of this History, that the *Roman* Pontiffs, after the Schism was quite extinct, were more Intent upon the Wars of *Italy*, and favouring or opposing one of the contending Princes, than upon Expeditions against the *Turks*, or any other noble Undertaking. They were likewise, from the Time of *Callistus III.* bent upon the Interest of their own Families, and aggrandizing their Relations and Nephews: A Custom, which being continued by their Successors, produced in their private Families two great Seignories in *Italy*, that of *Florence* in the House of the *Medici*, and the other of *Parma* in that of the *Farnese*; and those who had not opportunity to raise their Families so high, at least provided them with ample Estates and vast Riches. *Alexander VI.* brought a Reproach upon the Papacy; for all his Avarice, all his Ambition, and all his other Wickedness were directed to this end, to raise *Cæsar Borgia*, his Son, from a private Man to an absolute and independent Sovereign.

THE Greediness of heaping up Riches, and drawing Money to *Rome* from all Parts, and for all Things, made them eager to extend their Jurisdiction over Temporals, receiving Appeals in all sort of Causes, and drawing all Suits at Law to *Rome*. They appropriated to themselves the Collations of almost all Benefices, Favours, Annats, and Pensions; and the greatest Part of the fat Benefices were given in *Commendam*. All the Archbishopricks, Bishopricks, Abbacies, Priories, and Provostships were conferr'd in *Rome*. The Indulgencies, which in those Times were more frequently granted by the Popes than formerly, the Dispensations, the Tithes that were imposed upon the Clergy, and a great many other Emoluments drew vast Riches to the Apostolical Chamber.

But above all from the *Spoils*, particularly in *Italy*, immense Sums were raised. Although the Council of *Constance* had endeavour'd to restrain this Power; yet for all that, upon the Death of an Incumbent, before a Successor was named, whatever he left was adjudged to the Apostolical Chamber. Collectors or Sub-Collectors were sent every where, who, by severe Extorsions, reckon'd among the Spoils even the Ornaments of the Churches, and put the Heirs to great Trouble, with respect to the Goods acquired by the Deceased's Industry, or left of his own Patrimony; and if it was doubtful of what quality the Goods were, it was decided in Favour of the Chamber; and those who opposed the Execution of the Sentence, were plagued with Excommunications and Censures.

IN *France* and *Germany* all these Encroachments met with Opposition, and in *Spain* the Law of Spoils was restricted to the Bishops only. But in our Kingdom, as may be seen in the twenty second Book of this History, during the Reign of the *Anjouvians*, Vassals to the Popes, these and worse Things were tolerated.

THE Kingdom being afterwards convey'd to the *Aragonians*, *Alphonfus* I. and the other Kings of the House of *Aragon*, his Successors, though following the example of *Spain*, did not think fit to apply those strong and effectual Remedies, which were begun to be made use of in *France*; however they went on curing the Wounds with Ointments and Plaisters, the best way they could, that, at least, the most grievous and intolerable Abuses might be remov'd. That what their Predecessors had borne with might not be objected to them, they deriv'd their Title to the Kingdom, not from the *Anjouvians*, but from the *Suevi* and from *Conrad*, the younger, the last of the *Suevian* Kings, by vertue of the Investiture he gave of it to *Peter* King of *Aragon*, the Husband of *Constantia*, Daughter of King *Manfred*.

ALPHONSUS I. in the Conclave, which was held in the Year 1431. for the Election of a new Pope, got the Cardinals to promise upon Oath never to pretend any more to the Spoils; so that *Eugenius* IV. being elected, it was expressly declared in the Investiture, which that Pope gave him of the Kingdom of *Naples*, that, with respect to the Spoils and Revenues of the vacant Churches, they should be regulated in every thing *Juxta Canonicas Sanctiones*. Wherefore during the whole Reign of the *Aragonian* Kings, and even of *Ferdinand* the Catholick, till the beginning of the Reign of the Emperor *Charles* V. it became an establish'd Custom with us, that immediately upon the Death of a Prelate, or other beneficed Person, not only of those Churches or Benefices that were in the Royal Gift or Presentation; but generally of all the Churches or Benefices within the Kingdom, the Chaplain Major gave notice of the Vacancy to our Kings, who by their Secretaries dispatch'd Commissions to such Persons, as were most to their liking, empowering them in name of the Royal Court to take Possession, and make an exact and faithful Inventory of the Spoils, as also of the standing Corn and other Fruits of the Earth, that they might be preserv'd for the Benefit of the Successor, without the Apostolical Chamber's intermeddling therewith. Then, the Church or Benefice being disposed of, the Bulls were presented by the Successor, and the *Exequatur Regium* being obtain'd, an order was dispatch'd to the Royal Commissary, who had the keeping of the Spoils, and of the said Fruits, to put the Successor in Possession of the Church, and at the same time of the Spoils and Fruits. The Instances of this Practice in the Reigns of *Alphonfus* I. *Ferdinand* I. and King *Frederick* are inserted in a Consultation, sent to King *Philip* II. in 1571. by the Duke *d'Alcala*, when he was Viceroy of the Kingdom; and such was the Custom till the Viceroyalty of *D. Hugo de Moncada*, in the Reign of *Charles* V. though in the time of *Ferdinand* the Catholick the Court of *Rome* did not fail, whenever an Opportunity offer'd, to make Incroachments, as it happen'd in 1528. when (*Rome* having been pillaged the Year before) *Clement* VII. in order to raise Money for his Ransom, appointed Commissaries every where, who right or wrong exacted Spoils, Annats, and whatever they could lay their Hands on for making Money, as we shall see in the following Books of this History.

FERDINAND I. as much as in him lay, did not fail to oppose other Incroachments, as has been seen; he regulated the Immunities and other Pretensions of the Rural Deans: He put a stop to the Incroachment of *Innocent* VIII. and much greater Things might have been expected from his Successors, if the many Troubles and Disorders that happen'd afterwards in the Kingdom, had not forced them to employ their Care and Pains about preserving it, and about their own Safety and Escape.

FERDINAND the Catholick, not swerving from the *Spanish* Customs, did not use much Rigour and Watchfulness. Wherefore he did not mind the Progress, which the Ecclesiasticks were daily making in extending their Jurisdiction, and enlarging their Tribunals, insomuch that they were obliged to establish diverse Rules for their better Regulation; and much less did he regard the excessive Acquisitions of temporal Estates, which were made not only by the Churches, but by the Monasteries.

S E C T. I.

Monks and Temporalities.

THE *Aragonian* Kings, and among the rest *Alphonfus II.* as we have seen in the twenty fifth Book of this History, enrich'd the Monks of *Monte Oliveto* not only with Lands and great and magnificent Habitations, but provided them with rich and costly Furniture; for which these Monks were most grateful: For in their low ebb of Fortune they did not fail to supply them; and there is still to be seen a most moving Letter, written by *Alphonfus II.* while he staid in *Sicily*, to these Monks, begging of them to remember him in their Prayers, by recommending him to God, who had been pleased to reduce him to that lamentable State, that he would likewise be pleased to take Pity and Compassion of him. And in the Calamities of Queen *Isabel*, the Wife of the banish'd King *Frederick*, these Fathers out of Gratitude supply'd her, for, as we have said, having resolv'd to retire to *Ferrara*, she and her Children were reduced to so great Poverty, that if the *Olivetans* had not supply'd her with three hundred Ducats a Year, they could not have liv'd; for which that prudent Queen by her Letter, written from *Ferrara*, render'd them many Thanks¹.

IN the beginning of the Reign of the *Aragonian* Kings, *Alphonfus I.* in Imitation of many Convents that had been founded in *Spain*, introduced among us the Order of *S. Mary of Mercy*, instituted for the Redeeming of Captives from the Hands of the Infidels: He was the first, who in the Year 1442. according to the Charter, recorded by *Summonte*², founded a Monastery of that Order in *Naples*, and granted it many Privileges. Which Order, in the time of the *Austrian* Kings, was encreased by many other Monasteries both in *Naples* and elsewhere.

BUT of all the Orders that were instituted in this Century, none were so famous, and increased so much as the *Minimes*, which had its rise in *Calabria*. It had for its Author *Francesco di Paola*, from the Name of the Village where he was born. They were at first call'd the *Hermits of S. Francis*, because, as *Philip de Comines* writes³, (who was then at the Court of *Lewis XI.* and had an Opportunity of discoursing with him, when he was invited to *France* by that King) that from the Age of twelve Years to forty, being his Age when he came to *France*, he had led the Life of an Hermit, living always in a Cave, under a prodigious high Rock. In all the Course of his Life he never eat either Flesh, Fish, Eggs, or Milk, abstaining in a manner from the common Food of Mankind. He was a simple and illiterate Man, and had never learn'd any Thing. Therefore, as *Comines* observes, it was very surprising to hear him give prudent and pertinent Answers. The Fame of so great and extraordinary Austerity and Retiredness, made him to be renown'd for Sanctity all over *Europe*, for which he was call'd, *The Holy Man of Calabria*.

LEWIS XI. of *France* at this Time was seiz'd with such an extraordinary fit of Sickneſs, that it had, in a manner, deprived him of his Senses, and made him commit extravagant and foolish Things. He had shut himself up in his Castle of *Plessis les Tours*, and being full of Suspicion, he caused the Palace to be well guarded, and would suffer none, even of the greatest Quality, to lodge in it. Desirous of recovering his Health, and mov'd by the Fame of the Holy Man of *Calabria*, he sent the Master of his Household to bring him to Court, but he being unwilling to come without Orders from the Pope and his own King, *Frederick*, then Prince of *Taranto*, King *Ferdinand's* Son, was oblig'd to accompany the *French* Messenger to take him out of his Cave, and they brought him to *Naples*, where he was receiv'd with great Honour and Respect by the King and his Children, who were very much surpris'd to find a simple illiterate Man reason with them with as much Judgment as if he had been bred up at Court. From *Naples* he went to *Rome*, where he was receiv'd with great Honour and

¹ V. Cappaccio nel Forastiero, wherein these Letters are recorded.

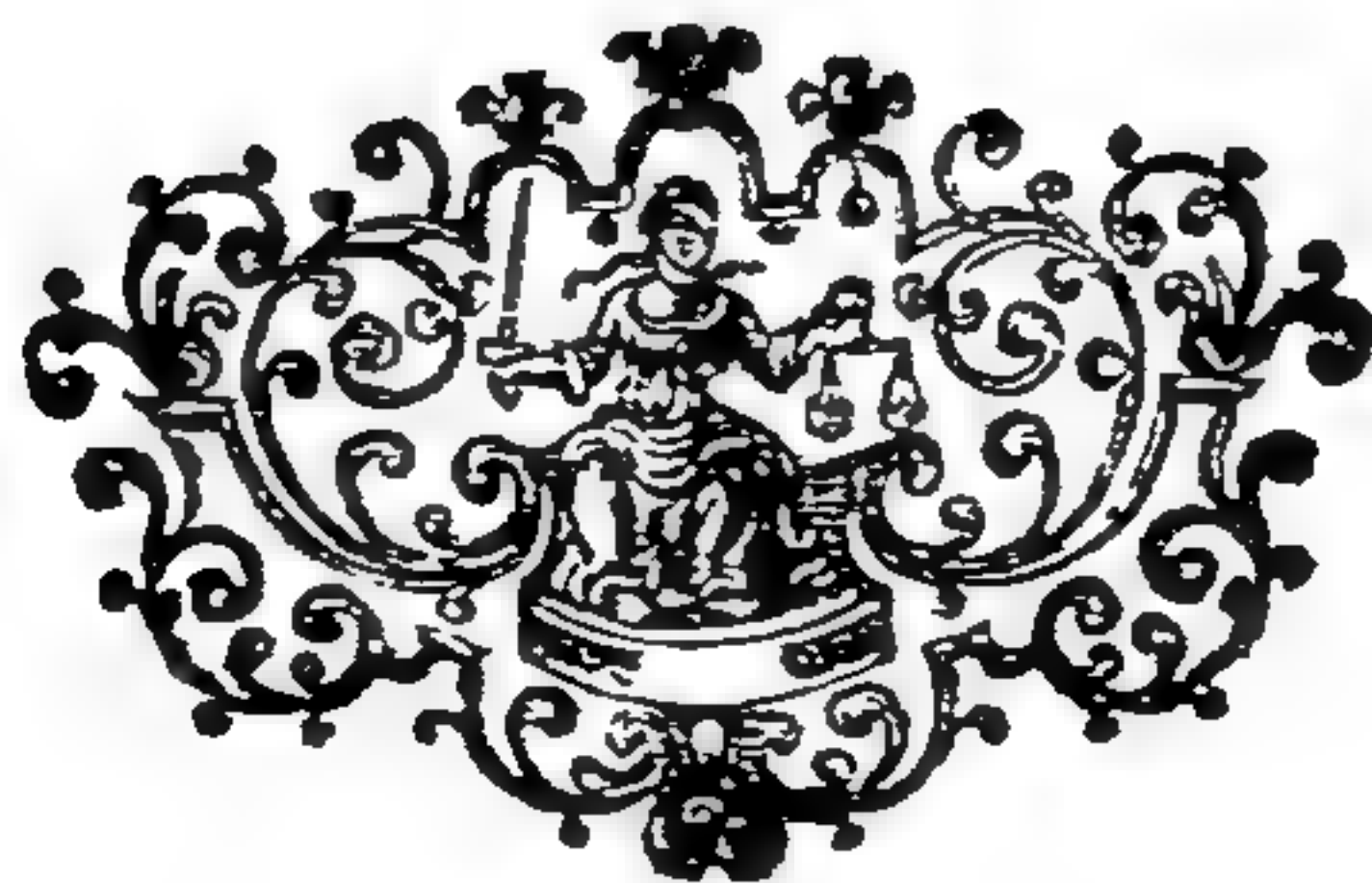
² Summ. Hist. tom. 3. pag. 5.

³ Philip de Comines, liv. 6. chap. 8.

Respect by the Cardinals, and with much more by Pope *Sixtus IV.* of whom he had three private and long Audiences, and who made him sit by him in a Chair richly deck'd. The Pope was so much taken with his judicious Answers, that he gave him Power to institute a new Order, which he call'd, *Of the Hermits of S. Francis.* Having left *Rome*, and being arriv'd in *France*, he was receiv'd with the utmost Honour by the King, who being very solicitous about recovering his Health, went to meet him, and threw himself at his Feet, earnestly begging of him, that he would be pleased to grant him Health and long Life; but he answer'd him very prudently, and as became a wise Man. And *Philip de Comines* says, that he had heard him often reason in Presence of *Charles*, afterwards King, and of all the Great Men of the Kingdom, upon many Things with so much Judgment, that it was impossible for a simple and illiterate Man to speak so without Divine Inspiration; but seeing, while *Comines* was writing, he was still alive, and that he might alter to the better or worse, therefore he makes no more mention of him. Some of the Courtiers laugh'd at the Hermit's coming, calling him, out of Derision, *The Holy Man*; but this Writer says, that they spoke so because they were not so well acquainted with the oddness of the King's Distemper as he was, nor had seen the Things that were the Cause of it, nor knew the vehement Desire he had to be rid of it.

ALTHOUGH the Intercession of this Holy Man had avail'd King *Lewis* nothing, for the Distemper grew upon him to that Degree, that he shortly after died of it; nevertheless *Charles VIII.* his Son, who succeeded him in the Kingdom, had a vast Respect and Veneration for him, and in honour of him caused a Church to be built in the Entry of the Park of the City of *Tours*, so that this new Order began to get footing, and *Francis* having taken up his abode there, in a short Time many Monasteries were built in that Neighbourhood.

THE first that was erected in *Naples*, was in a solitary Place, where there was a small Chapel, dedicated to *S. Lewis*, King of *France*; therefore that Monastery still retains the Name of that Saint. He likewise founded in *Calabria* a small Monastery of his Order near *Paola*, the Place of his Nativity. There were also some Monasteries of this Order founded in *Rome*, from whence they were afterwards spread over all the Provinces of *Europe*, the Order having been confirm'd by *Alexander VI.* and by *Julius II.* Pope *Sixtus's* Successors; and the Monasteries of this Order multiply'd afterwards exceedingly both in the City of *Naples*, and the Kingdom; and by means of their particular Devotions, they encreased in Riches, and their Habitations in magnificent Buildings, indow'd with ample Revenues; and by that Means the Order was brought into the State in which we now see it.





T H E

CIVIL HISTORY

Of the KINGDOM of

N A P L E S.

B O O K XXXI.



ALTHO' the Death of *Ferdinand*, King of *Spain*, derived the Succession of so many Kingdoms to such a powerful Prince, as the Arch-Duke *Charles* already was, and had a farther Prospect of being, after the Death of his Grandfather *Maximilian*, (which seem'd to secure his Dominions from new Commotions;) yet that very Thing prompted *Francis I.* King of *France*, to form a Design upon *Naples*, and to turn this our Kingdom once more topsy-turvy. He flatter'd himself, that the Conquest of it would be an easy Task, because upon the King's Death, this Kingdom was in no good Posture of Defence, and

it was impracticable for the Arch-Duke to send timely Succours to it: He believ'd likewise, that Pope *Leo X.* would, for his own Interest, favour his Enterprize, as being jealous of the over-grown Power of the Arch-Duke, already posses'd of so many Kingdoms, and in Prospect of succeeding *Maximilian* in the Empire: Besides, he hoped that the Arch-Duke himself would be slack in opposing his Design upon *Naples*, from an Apprehension that his falling out with *France* at that Juncture, would be a considerable Disadvantage to his Establishment in the Dominions of *Spain*, and especially in the Kingdom of *Arragon*.

AND indeed, had Right been seconded by sufficient Power, some of the same Family might have justly pretended to *Arragon*; for, altho' during the Life of the late King, and *Isabella* his Consort, it had been declar'd in an Assembly of the States of that Kingdom, that the excluding Females from the Succession, by the ancient Constitution, did not prejudice the Sons of such Females, unless there hap-

pen'd to be Brothers, Uncles, or Nephews of the Royal Family, or any other Relation in the Male-Line nearer, or at least as near as the Son in the Female; (which was the Reason why the Succession was adjudged to the Arch-Duke *Charles* after the Death of *Ferdinand*) alledging for a Precedent, that upon the Demise of *Martin*, King of *Aragon*, (who dy'd without Issue Male) *Ferdinand*, the Grandfather of the last *Ferdinand*, altho' descended by the Female Line, was (by Judges deputed by the States of the Kingdom to determine the Succession) preferred to Count *Urgelli*, and other Relations of King *Martin's* in the Male Line, but in a more remote Degree than *Ferdinand* was. Yet there was even then a secret Murmuring among the People, that this Interpretation of the Law, and settling the Succession upon them, was more owing to the Power of *Ferdinand* and *Isabella* than to Justice; for it seem'd to many Persons a straining the Law, to allow the Sons to succeed, whose Mothers had been excluded; and therefore that the Declaration in Favour of the elder *Ferdinand*, was obtain'd more by the Terror of his Arms than by Justice.

THE King of *France* being appriz'd of these Things, and knowing likewise, that the People of the Provinces of *Aragon* and *Valentia*, and the County of *Catalonia* (all these being reckon'd in the Kingdom of *Aragon*) were desirous of a King of their own, believed that the Arch-Duke would not be averse to give up the Kingdom of *Naples* to him, for a valuable Consideration, rather than run the Hazard of his Succession to so many States.

BUT whilst *Francis* determin'd to take Arms in Prosecution of this Design, new Occurrences put him under a Necessity of taking care of his own Safety. For the Emperor *Maximilian* was preparing (as he had formerly stipulated with King *Ferdinand*) to attack the Dutchy of *Milan*. The King of *France* was oblig'd, therefore, to try to make up Matters with King *Charles*, and by his Mediation, to bring the Emperor to Terms. *Charles*, (who laboured to remove all Obstacles which might stop his Passage into *Spain*, and his Settlement in those Dominions) by the Advice of Monseigneur *de Cevres*, a Native of *Flanders*, by whose Counsels he was entirely govern'd (being himself but sixteen Years of Age) stooping to the Necessity of the Time, and the present Posture of his Affairs, accepted the Offer of an Accommodation; and their Ministers by Appointment meeting at *Noyon*, the Peace was there concluded on the 13th of *August* 1516. The Deputies on the Part of *France* were the Bishop of *Paris*, the great Master of the King's Household, and the President of the Parliament of *Paris*; for his Catholick Majesty, Monseigneur *de Cevres*, and the Emperor's Great Chancellor. The Articles of this Peace, as far as it related to the Kingdom of *Naples*, were as follow.

THAT there should be perpetual Peace and Alliance between the Kings of *France*, and *Spain*, for the Defence of their Dominions against all Enemies of either Crown. That the King of *France* should give his Daughter *Louisa* (then but one Year old) in Marriage to his Catholick Majesty; giving for her Dowry all the Right which he pretended to have to any Part of the Kingdom of *Naples*, by the Partition formerly made by their Ancestors; but with this Condition, that till the young Princess should be fit for Marriage, the King of *Spain* should pay 100,000 Crowns yearly to the King of *France*, for her Maintenance. ¹ *Grocius* says that his Catholick Majesty paid that Sum by Way of Tribute, to shew that the King of *France* had some Right to the Kingdom of *Naples*; but the Articles of the Peace, which are to be seen at large in *Federico Leonardo's* Collection, ² prove the contrary, where that Sum is promis'd, not on the Account of Tribute, but of Expences, nor to continue for ever, but till the Princess *Louisa* should be marriageable.

IT was farther stipulated, that in Case the design'd Spouse should die before Marriage, another Daughter who should be born to his most Christian Majesty, should, under the same Conditions, be given in Place of her Sister to the King of *Spain*; but if he should not have a Daughter, then *Renata* (who had been promis'd to the Arch-Duke by the Treaty of *Paris*) should be given him to Wife. And any of those Ladies dying (after Marriage) without Issue, the Part of the

¹ Guicciardin. lib. 12.

² Grov. lib. 13. in fine.

³ Fed. Leonard. Tom. 2. p. 144.

Kingdom of *Naples*, now in Dispute, should return to *France*. In Consequence of this Agreement, they apply'd to Pope *Leo*, for a Dispensation from the Oaths taken at the Treaty of *Paris*, when *Renata* had been espous'd to the same Prince : And his Holiness gave his Bull to that Purpose, dated *September 3, 1516.*¹

THE Peace being thus concluded, King *Charles*, who then resided at *Brussels*, prepar'd for his Voyage to *Spain*, where he happily arriv'd about the End of the Year following, to take Possession of those Dominions ; having obtain'd of the King of *France* (between whom and him there pass'd all the Marks of Friendship, each of them dissembling his secret Animosity) a Respite for six Months, of the Payment of the first 100,000 Ducats.

CHARLES, at his first Arrival in *Spain*, was received with incredible Joy ; and Queen *Joan*, his Mother, resign'd the Administration to him, with this Condition, that her Name should be still inserted in all publick Acts along with the King's ; and that the Dominions of *Spain* should be govern'd in his Majesty's Name and Queen *Joan's*. He confirm'd *Don Raimondo de Cordona*, Vice Roy of *Naples*, and wrote a Letter to the *Neapolitans* full of paternal Affection. About this Time, his design'd Spouse the Princess *Louisa* dying, the Treaty was renewed between the two Kings upon the same Terms ; and the second Daughter promis'd in Marriage to his Catholic Majesty : Both the Kings solemnizing this Alliance with the greatest outward Demonstrations of Friendship imaginable. The King of *Spain* (who had already caus'd the 100,000 Crowns to be paid in *Lyons*) publickly wore upon the Feast of *St. Michael*, the Order so call'd ; and the King of *France* that of the Golden Fleece, upon *St. Andrew's Day*.

¹ This Bull is set down by *Leonardo* in his Collection. Tom. 2. p. 149.



CHAP. I.

The Death of the Emperor Maximilian, and the Election of his Grandson Charles to the Empire. The Differences following upon it between Him and the King of France, which afterwards broke out into open and bloody Wars.



WHILST the Affairs of *Italy*, and especially of *Naples*, were thus in Peace, the Emperor *Maximilian*, having at Heart the establishing the Succession of the Empire after his Death, in the Person of one of his Grandsons, in this same Year 1517. treated with the Electors to induce them to chuse one of them King of the *Romans*. And altho' his first Design was, to raise his second Grandson *Ferdinand* to that Dignity ; because so many Dominions having fallen to the elder, with such Accession of Power, he thought it reasonable to support the younger with that Honour ; thinking that to keep up the Splendor of his Family, and to obviate any Misfortune which might happen to *Charles*, it was more eligible to make them both great, than to unite all the Power in one alone. But being press'd to the contrary by many about him, such as the Cardinal of *Sion*, and all such as hated, and were afraid of the Power of *France* ; laying aside his first Design, he endeavour'd to get the King of *Spain* elected King of the *Romans*. Those about him represented to him, that the centring the whole Power in one, was the readiest Way to aggrandize the House of *Austria*, whereas the dividing its Force, would make them less capable

pable of pursuing the Measures they were to take : That *Charles's* Greatness was built upon such solid Foundations, that if the imperial Dignity were join'd to it, there was Ground to hope, that he might unite all *Italy*, and the greatest Part of *Christendom* under ONE Monarchy, which was not only requisite to the future Greatness of the House of *Austria*, but to the Quiet of his People, and (considering the Situation of the Infidels) to the common Advantage of Christianity. They shew'd him, that it was his Duty as Emperor, to consult the Dignity of the Empire, which had been so long in his Person and Family, and which could not hope to raise itself to its ancient Glory and Splendor, by any other Way, than by being united to *Charles's* Power : That it was evident by the Examples of the ancient Emperors, *Augustus Cæsar*, and others his Successors, that (not having Children of their own, or any of their own Family to succeed them) lest the Imperial Dignity vested in their Persons should fail or be diminish'd, they procur'd by Adoption, Successors either of distant Relations, or of Persons who did not at all belong to them. And the Instance was recent of the Catholick King, who altho' he lov'd *Ferdinand* as his own Son, having bred him up in his own Court ; and had almost never seen his Brother *Charles*, nay had found him towards the latter Part of his Life not very obedient to his Commands ; notwithstanding all this, without any Consideration of the low State of the first, he left him no Share of his great Dominions, not so much as Part of what were intirely in his Power to dispose of, as being his own Conquests, but left all to the other, whom he scarce knew but as a Stranger.

THE King of *France* oppos'd this Design of the Emperor with all the Art and Diligence possible, it being a great Trouble to him to think that the Imperial Dignity should be united to so many Kingdoms and States, belonging to the King of *Spain* ; because if it should be strengthen'd by such an Addition of Power, it would become formidable to every one : For this Reason he endeavour'd secretly to crush the Project, by tampering with the Electors and the Pope : He likewise sent an Ambassador to the *Venetians*, to persuade them to unite with him to oppose it, warning both the Pope and the State of *Venice* of the Danger which might ensue by such a Power. But the Electors were in a great measure brought over to the Emperor's Side, and had as good as receiv'd the Money which the King of *Spain* had promised on Account of the Election ; for he had sent into *Germany* for that Purpose, 200,000 Ducats. Nor was it to be thought that the Pope, altho' he dilik'd the Thing, would hinder the new-elected Emperor to receive the Imperial Crown in *Germany*, from the Hands of his Legates in his Name, because the going to *Rome* to be crown'd, tho' it seem'd to derive a greater Sanction from the Apostolick See, was judg'd rather a Ceremony than any Thing substantial.

WITH these Thoughts and Matters, the Year 1518 was spent ; the Electors not being as yet come to a Determination, which became still more uncertain and difficult, by the Death of *Maximilian*, which happen'd at *Lintz*, in the very Beginning of the Year 1519.

AFTER the Death of the Emperor, the Kings of *France* and *Spain*, began openly to aspire to the Imperial Crown ; which Contest for a Matter of such Importance, and between two such powerful Princes, was yet so dextrously manag'd by both, that there were neither reproachful Words heard, nor any Threats of Force ; but each employ'd his Interest and Authority to bring over the Electors to his Party : And the King of *France* spoke with great Applause, to the Ambassadors of *Spain* about the Election ; telling them, that it was a Thing worthy of Commendation for each of the contending Parties to endeavour, by all honest Ways, to adorn himself with the Splendor of the Imperial Purple, which had been so often worn by both their Ancestors ; but that it would not be right for one of them to wrest it from the other by Injustice, or for the Sake of it, to diminish that Affection and Affinity already establish'd between them.

THE King of *Spain* thought he had a just Right to the Empire, because it had continued so long in the House of *Austria* ; and that it was not usual for the Electors to cut off the Descendents of the deceased Emperor without their apparent Incapacity. There was no Prince in *Germany* of such Power and Interest, as to come in Competition with him in the Election ; nor did it seem just, nor indeed probable, that the Electors would transfer so great a Dignity, (which had

for many Ages been possess'd by the *German* Nation) to a *foreign* Prince; and if any of them should be induc'd by the Force of Money, or from any other Consideration, to be of another Opinion, he did not doubt but he should be able to terrify them by Forces, which he should have in Readiness upon a proper Occasion, with the Help of such Electors as would oppose their Design, or at least, that the other independant Princes, and the Hans Towns in *Germany*, would never agree to a Thing so shameful to themselves, but especially to confer that Dignity upon a King of *France*, by which they might aggrandize a Prince, who was an *Enemy* to their Country, and they might assure themselves that it would never return again to a *German*: He believed he could easily procure the fulfilling of the Agreement made with his Grandfather, the Sums and Donatives to be paid to each Elector, having been already ascertained.

ON the other Hand, the Desire and Expectation of the King of *France* were no way inferior to his, being founded on his Opinion of being able to bribe the Votes of the Electors, with an immense Sum of Money, as some of them had advis'd him to attempt, by shewing him the Feasibleness of it. These Hopes he conceiv'd, rather upon Appearances, than upon solid Grounds; he knew that it was generally a Grievance to the *German* Princes, to see the Emperors very powerful, from a Jealousy they had, that they would not approve (either in Whole, or in Part) of the Immunities and Imperial Prerogatives claim'd by many of them; and upon this Account he imagined, that those Princes would not consent to the Election of the King of *Spain*: He knew likewise, that it was very grating to many illustrious Families in *Germany*, that the Empire should have continu'd so many Years in one House; and that the Election to that Dignity, which ought sometimes to be in one Family, and sometimes in another, should be continued, as it were, by *Hereditary Succession*, in one alone; for to be tied down to the nearest Relation of the deceased Emperor, differ'd little from a *Lineal Succession*: Thus the Empire had pass'd from *Albert* of *Austria* to his Brother *Frederick*, from *Frederick* to *Maximilian* his Son, and now the Design was to transfer it from *Maximilian* to his Grandson *Charles*. Besides these Considerations, the King of *France* had great Confidence in the Pope's Assistance, as well on account of the Friendship which he believed he had contracted with him, as from a Persuasion, that his Holiness could not approve that *Charles*, who was already so powerful, and who, by the Neighbourhood of *Naples* to the Ecclesiastical State, and the Adherence of the *Ghibeline* Nobility to him, had an open Passage even to the Gates of *Rome*, should likewise be rais'd to the Empire; but in this *Francis* did not reflect, that this Consideration, which was truly a Bar to *Charles*, was as strong against himself: However, not seeing the Beam in his own Eye, which he saw clearly in his Competitor's, he applied to the Pope, begging his Assistance, and assuring him that he might dispose of him, and his Kingdoms, as a Father.

THE Business of this Election was a Thing of great Consequence to the Pope; for, which ever of these two Kings should be chosen Emperor, it was disagreeable to him, with Regard to the Security of the Apostolical See. But his Authority and Credit with the Electors, not being such as could encourage him to hope to do great Matters, he thought it necessary to use Prudence and Art in a Thing of so great Moment: He was persuaded, that the King of *France* (easily deceived by some of the Electors) would have no Interest in the Election; nor could he believe, that Bribery could so far prevail, even in the most mercenary Men, as to oblige them so shamefully to transfer the Empire from the *German* Nation to the *French*. He imagined, that the King of *Spain*, by being their Countryman; by the Arts used by *Maximilian*, and for many other Reasons, would easily carry his Point, unless some very powerful Opposition should be made against him, which could not be done, but by the King of *France*'s using the same Interest and Money, in Favour of some one of the Electors, which he had design'd for the promoting his own Election: But he judg'd it impracticable to persuade the King to this, whilst he was blown up with vain Hopes; however, he flatter'd himself, that the more earnestly the King labour'd that Matter (whilst his Hopes were in their Bloom) he would the more readily be prevailed upon to concur, with the same Ardour, in the Election of a third Person, after he perceiv'd that his own Expectations were blasted, and his Design frustrated and disappointed: From whence it might likewise happen, that by favouring the Cause of the King of *France* vigorously amongst the Princes, the other King, finding his

Design meet with strong Opposition, and doubting lest his Competitor might gain the Victory, he might likewise concur in a *third Person*. With this View, the Pope not only assured the King of *France*, that he wish'd his Promotion to the Imperial Dignity, but alledged many Reasons to persuade him to prosecute his Design with Vigour, promising to assist him with the utmost *Plenitude* of the *Papal Power*.

WHILST these Things were carrying on with such Care and Jealousy, the two Kings did not interrupt their Friendship and Alliance; for, at the same time, the *Grand Master* of *France*, and *Monseigneur Cœuvres* (in which two, the Councils, and, as it were, the very Souls of their Masters resided) went, in their Names, to *Montpellier*, to consult about concluding the Marriage of the King of *Spain* with the Second Daughter of *France*, but especially to treat of the Business of the Kingdom of *Navar*: (the Restitution of which, to its antient King, promis'd at the Treaty of *Neyon*, altho' much press'd by the King of *France*, had been delayed by the King of *Spain* upon diverse Pretences) But the Death of the Grand-Master happening before they could have an Interview, put a Stop to any Hopes from that Congress.

IN the mean time, the Affair of the Empire was prosecuted by both Kings with great Eagerness. The King of *France* deceived himself every Day by the Promises of the Marquis of *Brandenburgh*, one of the Electors, who having receiv'd from him Offers of great Sums, and perhaps, some present Payments, oblig'd himself, by a secret Treaty, not only to give him his own *Vote*, but to secure for him that of his Brother the Archbishop of *Mayence*. He flatter'd himself also with the King of *Bohemia's* Vote, by which (in case of an Equality amongst the other Six, three of which are *Prelates*, and three *Princes*) the Controversy is decided. On the other Side, the Inclinations of the People of *Germany* appear'd very plain, not to let the Imperial Dignity go out of their Country, so that even the *Swiss*, moved by their Affection to their Mother Nation *Germany*, had petition'd the Pope, that he would not favour any one in the Election that was not a *German*.

THE Electors being assembled at *Frankfort* (according to antient Custom) whilst they were engaged in sundry Disputes about fixing the proper Time for the Election, according to their different Orders, an Army appeared near *Frankfort*, sent to the Field by the King of *Spain* (who was readier to raise Forces with his Money, than to bestow it upon the Electors) under Pretence of curbing any Person who should endeavour to force the Election; by this Means, having encouraged the Electors who were of his Party, he likewise gained to his Side, those who were *doubtful*, and frighten'd the Elector of *Brandenburgh*, who favour'd the King of *France*; so that coming to an Election upon the 28th of *June* 1519, *Charles* of *Austria*, King of *Spain*, was elected Emperor, by the *Votes* of four Electors, *viz.* the Archbishop of *Mayence*, the Archbishop of *Cologne*, the Count Palatine, and Duke of *Saxony*: But the Archbishop of *Triers* chose the Marquis of *Brandenburgh*, who himself also concurred in his own Election. Nor was there any Doubt of the King of *Spain's* being chosen, if, by an Equality among the other Six, there had been Occasion for the *Suffrage* of the Seventh, for *Lewis* King of *Bohemia* and *Hungary*, had promised him his *Vote*.

THIS Election grieved the King of *France*, and troubled the Pope, with all who depended upon him in *Italy*, seeing so great Power center'd in one young Prince, who, by all Appearances, was like to be blest with Increase of Dominion, and all imaginable Prosperity: And altho' he was not so rich as the King of *France* in Money, yet it was thought of vast Importance, that he could fill his Army with *German* and *Spanish* Infantry, who had the Reputation of good and gallant Soldiers.

POPE *LEO* conceal'd his Dissatisfaction, with great Art and Dissimulation; nor was he yet resolved which Side to adhere to: But to shun all Occasion of shewing his ill Will to *Charles*, of his own proper Motion, he gave him a Dispensation to accept of the Empire, notwithstanding its being contrary to the Tenor of the Investiture of the Kingdom of *Naples*, by which (according to the antient Form) he was expressly debarr'd from accepting it, and sent him a *Bull*, by which he was render'd capable of being Emperor, notwithstanding the Stipulations to the contrary; as may be seen in *Croccarelli* ¹.

¹ *Chico. tom. i. MS. Giur.*

IN the Year 1520. the Emperor went by Sea from *Spain* to *Flanders*, and from thence into *Germany*, where, in *October* he received the first Crown (the same, with which, 'tis said, *Charles the Great* was crown'd) after the antient Form, with the Authority of the Princes of *Germany*, in a great Assembly at *Aix la Chapelle*, a City illustrious for its Antiquity, and for the Sepulchre of *Charles the Great*.

BUT this Prosperity was disturb'd by new Accidents that happen'd in *Spain*; for King *Charles's* Promotion to the Empire, was a Grievance to the Subjects of those Dominions, knowing that he would be oblig'd, for several Reasons, to spend a great Part of his Time out of *Spain*, to the great Loss and Inconvenience of all his Subjects there: But what gave the greatest Handle to those Commotions, was the terrible Hatred they had conceived against their Governors on account of their Avarice, especially against *De Cœvres*, and the rest of the *Flemings*; so that all the People being irritated against the very Names of them, those of *Valladolid* had mutiny'd upon the Emperor's Departure, and he was scarce out of *Spain*, when they were all up in Arms (not against the King, but against the wicked Governors); and after having consulted together, without paying any Obedience to the King's Officers, they assembled the greatest Part of the Populace, who giving a new Form to the Government, they rul'd in the Name of the *Holy Junta* (for so they call'd the General Council of the People): The Officers and Ministers of the King taking Arms against them, Things came to open War, and the Disorders increased to that Degree, that the Emperor had but little Authority left there, which rais'd the Expectations of the *Italians* and others, who desir'd a Diminution of so great Power.

TOWARDS the End of the same Year, 3000 *Spanish* Foot, having been some Months in *Sicily*, refus'd to return to *Spain*, as the Emperor had order'd them, and disregarding the Authority of their Leaders, pass'd over to *Reggio* in *Calabria*, and marched (doing great Mischief every where) towards the Estate of the Church, putting his Holiness in great Fear; especially by their refusing the Offers made to them by the Viceroy of *Naples*, and the Pope, to list a Part of them, and give the rest Money: But this Commotion was quell'd sooner than People imagin'd, for as they pass'd the *Tronto*, to enter *Marca d' Ancona*, whither the Pope had sent a considerable Force, who were encamp'd on the Banks of the *Tranfo*, those Forces falling with Fury upon the *Spaniards*, kill'd a good Number of them, and forc'd the rest to retire; so that failing in Courage and Reputation, they were fain to accept, from the Emperor's Ministers, Conditions much worse than those they had before despis'd.

IN the mean Time, the Animosities between the Emperor and King of *France* much increas'd; and the Pope, altho' he seem'd to affect Neutrality, yet, in effect, jealous of *Charles's* too great Prosperity, secretly treated with the King of *France*, about the Means for driving the Emperor from *Naples*; and it was agreed between them, to invade the Kingdom with joint Forces, upon this Condition, that *Gacta*, with all the Territory which lies between the River *Garigliano*, and the Ecclesiastical State, should be given to the Church, and the rest of the Kingdom to the King of *France's* Second Son; but because he was under Age, during his Minority, both he and the Kingdom should be govern'd by the Pope's Legate, who should reside at *Naples*.

ABOUT the same time, the King of *France* being prompted by the Troubles in *Spain*, and encouraged (as he afterwards complain'd) by the Pope, sent an Army under *Asparoth*, the Brother of *Oderic Lautrech*, into *Navarre*, to recover that Kingdom for its antient King, which he happily effected. There wanted nothing now for the *Naples* Expedition, but the fulfilling the Articles agreed upon at *Rome* between the Pope and him. But when the King was desir'd to ratify them, he began to hesitate, many Persons having put Doubts in his Mind, that, considering the Pope's double Dealings, and the Hatred he had shew'd to him ever since his ascending the Chair, he had good Reason to suspect some Deceit; because they said it was not probable, that his Holiness should desire, that the Kingdom of *Naples* should be possess'd, either by his Majesty, or his Son; because, if they should have the Kingdom of *Naples*, together with the Dutchy of *Milan* (already subject to *France*) the Pope would be afraid of himself: They assured him, that so great Friendship, so sud-

denly profess'd to him, was not without some Mystery ; that he had need to take great Care of his Affairs, and that he should beware, lest, thinking to gain *Naples*, he should lose *Milan* ; for, by sending an Army to *Naples*, he put himself in the Pope's Power, who (having 6000 *Swiss*) by Intelligence with the Emperor's Officers, might destroy his Army, and then what could defend the State of *Milan* ? These Reasons made such Impression upon the King, that continuing uncertain whether he should conclude the Articles, and, perhaps, waiting an Answer to some other Negotiations, he sent no Advices to *Rome*, leaving both the Pope and his own Ambassadors without knowing what to do.

BUT the Pope, either governing himself with his usual Dissimulation, and being a secret Enemy to the King ; or else finding that all Expectation of an Answer from *France* was vanish'd, beginning to suspect the true Reason of it, and being afraid that the King might discover his Practices to the Emperor ; being likewise earnestly desirous to recover *Parma* and *Placentia*, and to do some memorable Exploit ; but above all, being enraged at the Insolence of *Lautrech*, and the Bishop of *Yarles*, the King's Minister, both which, had not only refused to receive any Ecclesiastical Orders or Mandates into the State of *Milan*, but had slighted them with the greatest Pride, and the most reproachful Words : From some of these Considerations, or all of them together, I say, the Pope design'd to join with the Emperor against the King of *France*.

THE Emperor, on the other Hand, disoblig'd at the invading *Navarre*, and push'd on by many *Milanesè* Exiles, whose Solicitations were also seconded by some of his own Council, that were desirous to lessen the Credit of *De Cevres*, who had always dissuaded a Rupture with *France*, resolv'd to unite with the Pope against the King ; and indeed, without *De Cevres*'s Knowledge (who very opportunely died just at that time) there was a League made, for their common Defence, between the Pope and the Emperor, comprehending also the House of *Medicis*, and the *Florentines* designing, with that Addition, to break in upon the State of *Milan*, and when it should be conquer'd, *Parma* and *Placentia* was to be given to the Church, with the same Conditions upon which it was held by the Popes before ; and because *Francis Sforza*, who was banish'd to *Trent*, pretended to the State of *Milan*, by Right of his Father's Investiture, and his Brother's Renunciation, it was agreed, that upon the Conquest, he should be put in Possession of it, and the Confederates were obliged to maintain and defend him in it ; and further, that the Dutchy of *Milan* should not use any other Salt but that of *Cervia* ; that the Pope should not only have full Liberty to raise Processes against the Subjects and Vassals within the State of *Milan*, but the Emperor should oblige himself to assist him against them (after the Conquest) and particularly in the taking of *Ferrara* : The Tribute of the Kingdom of *Naples* was to be increased, and a Pension of 10,000 Ducats promised to Cardinal *De Medicis*, out of the Archbishoprick of *Toledo*, newly vacant ; and an Estate of the same Value in the Kingdom of *Naples*, to *Alexander de Medicis*, natural Son to *Lorenzo Duke of Urbino*.

THIS Treaty against *France*, being secretly concluded between the Pope and the Emperor, their whole Thoughts were turn'd upon the War in the *Milanesè* ; which being so well written by *Guicciardin*, *Grevius*, and other Writers of that Time, and not being to my Purpose, I willingly pass it over ; only in a few Words, I shall say, that the Imperialists, and *Francis Sforza*, having expell'd the *French*, who were commanded by the famous *Lautrech*, took Possession of the Dutchy ; of which Conquest Pope *Leo* was so fond, that *Montaigne*¹ says, upon the News of it, he was so surpriz'd with Joy, that he was seized with a Fever, and died. *Guicciardin* relates², that he died suddenly the 1st of *December* 1521 ; for, after receiving the News of the Conquest of *Milan*, with extreme Pleasure, he was seized the same Night with a slight Fever, and altho' his Physicians, at first, thought his Distemper of no Consequence, yet he died in a few Days, not without great Suspicion, that *Barnaby Malaspina*, his Valet de Chambre, had given him Poison instead of Drink : But altho' he was imprison'd upon Suspicion, there was no farther Search made into that Affair, for Cardinal *De Medicis* coming to *Rome*, set him at Liberty, to prevent any further Occasion of greater

¹ Montaigne's Essays, l. 1. c. 2.

² Guicc. l. 14.

Enmity with the King of *France*, by whose Contrivance it was whisper'd, but without any Certainty, that *Barnaby* had administer'd the Poison.

ADRIAN, Cardinal of *Tortosa*, a *Fleming* by Birth, succeeded *Leo* on the 8th of *January* 1522. He had been the Emperor's Preceptor in his Youth, and, at his Desire, promoted to the Purple by Pope *Leo*: Upon the News of his being chosen Pope, without changing his Name, he began his Pontificate by the Name of *Adrian* VI. His Reign was but short, being little more than one Year and a half, for he died on the 14th of *September* 1523; and to him succeeded, about two Months after, Cardinal *Julius de Medicis*, who took the Name of *Clement* VII.

MANY Revolutions happen'd in his Pontificate. The King of *France* returning to *Italy*, to recover the *Milanese*, besieg'd *Pavia*, and coming to an Engagement near that Place, was unhappily made Prisoner; many Offers were made for his Release, but he was sent to *Spain*, where he was kept, till an Agreement was made between him and the Emperor, for his Freedom, upon hard Terms.

IN that Treaty made at *Madrid* the 14th of *January* 1526, among other Things it was stipulated, That his most Christian Majesty should give up and renounce to the Emperor, all his Pretensions to the Kingdom of *Naples*, even such as he had received by Investiture from the Church, together with all his Right to the Dutchy of *Milan*¹.

NEITHER the Lawyers nor Historians² have pretended, that the Right of the King of *France* to the Kingdom of *Naples*, whatever it was, ceased by Virtue of this Treaty, or that afterwards he had not a better Pretence for invading it; nor do they affirm, that any War which should afterwards be carried on upon that Account, would be unjust or unwarrantable; or, in short, that all Debates about *Naples* ought to have ceased.

NOR were the Predictions false, which Wise Men made at that Time, upon this feign'd and forc'd Treaty; for King *Francis* was no sooner set at Liberty, than judging all Obligations extorted from him whilst he was Prisoner, to be null and void, without any Regard had to his Children, whom he had given as Hostages to the Emperor, he not only did not observe the Conditions stipulated, but thinking himself ill used, by being constrain'd to make dishonourable and impossible Concessions, he was resolv'd to be reveng'd: With this Intention, the very Day that he had sign'd the Articles, he previously made a long Protestation (which is to be seen in *Leonard's* Collections³) in which he declared, that he was induced by mere Force, as being a Prisoner, and grievously indisposed, to sign that Treaty. He therefore bent all his Thoughts upon uniting his whole Power; and returning Home full of Rage, he resolv'd to renew the War, and carry his Arms afresh into *Italy*, with Intention not only to recover the Dutchy of *Milan*, lately lost, but likewise to invade the Kingdom of *Naples*, promising himself the Conquest of it, by Means of his famous General *Lautrech*, as shall be related hereafter.

¹ The whole Instrument of this Treaty is to be seen in *Leonard's* Col. tom. 2. p. 220.

² See Jo. Sleidan. ad Froissard. & Argenton.

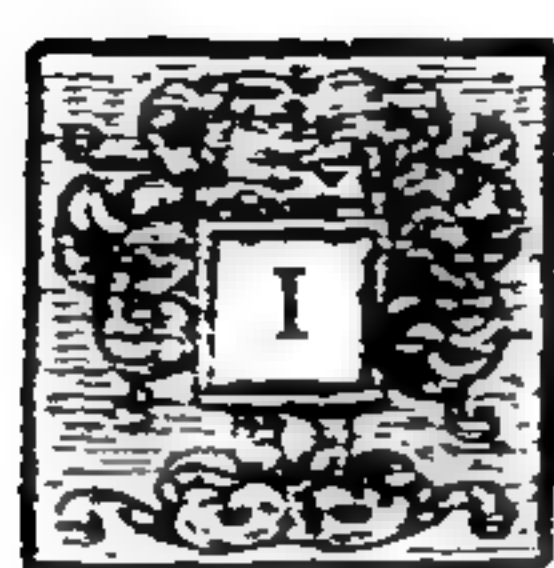
³ *Leonard. Col. tom. 2. p. 210.*





C H A P. II.

How the Kingdom of Naples was govern'd in the mean Time by Don Raymond de Cardona, and after his Death by Don Carlos de Lanoja his Successor.



IN the mean time, the Kingdom of Naples, which had been committed to the Care of Don *Raymond de Cardona* by King *Ferdinand*, and after his Death by King *Charles*, who continued him Viceroy, although it had suffered nothing by foreign Invasions, was yet harraiss'd from time to time by insupportable Taxes; for, being under a Necessity of maintaining an expensive War, the Barons and the inferior People took Occasion to ask new Privileges. or a Confirmation of the old ones, or else (what they had most at Heart) the fulfilling of the Grants already made, which were not observ'd: These Things oblig'd them to give considerable Sums to the Government by way of Donatives. So many Articles, and such a Number of Grants made to them, were very slowly performed; for it having been always ask'd, and as often promis'd, that in all Offices both Civil and Military, and in Ecclesiastical Benefices, the *Neapolitans* should have the Preference of Strangers; yet the Kingdom being at that time govern'd by *Spaniards*, and many Families having come thither from all the Dominions of *Spain*, those Offices and Benefices were, for the most part, bestowed upon *Spaniards*, which made the Subjects of *Naples* often press the Observation of Articles: Upon every new Donative they had new Promises made them, but those were always broke.

WHEN these Grants, contained in the Articles before mentioned, were made to the *Neapolitans* by King *Ferdinand*, they gave a Donative of 300,000 Ducats. Not long after, in 1508, that same King being oblig'd, by Virtue of the Treaty of Peace with *Lewis XII.* King of *France*, to maintain, at his own Charge, besides Infantry, 500 Men at Arms, there was a Tax of three *Carlines* laid upon every House for the Space of three Years, to pay that Sum to King *Lewis*: On which Occasion those Articles were granted, or rather confirm'd by the Count *De Ripagorzi*, and were establish'd by a General Parliament held in the Church of *St. Lawrence* in *Naples*, in the forenamed Year of 1508¹.

WHEN King *Charles* succeeded to *Spain*, and was afterwards made Emperor, to defray the great Charge he was at in procuring the Votes of the Electors, and the Expences of his Coronation, there was a Demand made by the Viceroy *Cardona* in 1520, of a Donative to be made by the Cities, the Barons and Syndicks of the Royal Demains, on Account of the King's pressing Necessities, his Coffers being empty; in return of which it was promis'd, that his Majesty would confirm the old Articles, and also grant them new ones: For which end, another General Parliament was held this Year, and 300,000 Ducats were offer'd to the King in three Years, 100,000 at each Payment; in Recompence of which, all the former Articles and Privileges were confirmed; and it was declared, that for the future, no extraordinary Taxes could be laid upon the Kingdom. All this was confirm'd by the Viceroy *Cardona*, in the said Year 1520, and afterwards ratified by the Emperor, by a special Charter, dated at *Wormes* January 1. 1521². But notwithstanding these Concessions, whilst the same Reasons subsisted, and much more, when the Minds of

¹ Cap. & Privil. Neap. fol. 67.

² Cap. & Privil. Civ. Neap. fol. 83.

those two powerful Princes were become irreconcilable, and when cruel and bloody Wars were kindled between them, the Necessities and the want of Money to support those Wars were greater, therefore new Subsidies and Donatives were demanded, and Favours offered.

UPON the 10th of *March* the following Year 1522, died Don *Raymond de Cardona*, and his Corps was deposited in the Chapel of *Castel-novo*, to be transported to *Catalonia*, to the Church of *S. Maria of Monferate*. He was a Governor, according to the Times, of competent Prudence and Dexterity in Civil Affairs, a Quality which pleased King *Ferdinand*, and much more the Emperor *Charles V.* who was much troubled at his Death. He having named no Deputy, nor any having been appointed by the Emperor to enter upon the Office of Viceroy, the Collateral Council govern'd the Kingdom till the 16th of *July* after, that the Emperor sent us for Viceroy, Don *Carlos de Lanoja*, a *Fleming*. King *Charles*, in the Beginning of his Reign, having come from *Brussels* into *Spain*, and brought with him many *Flemings*, gave himself up to them, and (as we have seen) govern'd himself intirely by the Counsels of Monseigneur *De Cevres*, also of that Nation; and the Occasion of all the Tumults in *Spain* was, that the King neglecting the natural *Spaniards*, employed none but *Flemings*, and particularly *De Cevres*, who being of insatiable Avarice, had by all Ways amass'd great Riches: The others did the same, selling the Offices usually given to the *Spaniards*, for Money to Strangers; and taking Bribes for all the Favours, Privileges and Grants which they wanted from the Court.

LANOJA, an Officer most expert in the Art of War, arrived in *Naples*, and shew'd himself very favourable to the Inhabitants; and a few Months after his Arrival, he granted them many Privileges, which he confirm'd to them in *Castel-novo*, *October* 12. 1522. and are recorded by *Summonte* ¹.

HE could not govern the Kingdom much above a Year, because the War of *Lombardy* growing Daily more bloody, and *Prospero Colonna*, now crazy thro' Age, both in Body and Mind, being unable to perform the Office of General, the Emperor thought fit to commit that Charge to the Experience and Valour of *Lanoja*; and to that End sent him Orders to leave a Deputy at *Naples*, and to go to *Milan*, to take upon him the supreme Command of the Army. In this Juncture, the Necessity of the War being urgent, there was a Donative of 50,000 Ducats given to the Emperor to defray the Expences of the Army ². And some Years after, upon the Birth of Prince *Philip*, a new Parliament granted a Donative of 200,000 Ducats ³; so that from time to time great Sums were raised, of which *Tassoni*, *Mazzella*, and *Costa* have drawn up long Lists.

LANOJA march'd from *Naples* in 1524. leaving *Andrez Caraffa*, Count of *St. Severino*, who, with great Applause, govern'd the Kingdom almost three Years. He died in *June* 1526. lamented by all ⁴. In the mean time, *Lanoja* being return'd from *Spain* (whither he had carried King *Francis* Prisoner, as it were in Triumph; after having fought the *French* Fleet in the *Corfican* Seas) came to *Naples* to defend the Kingdom from the Treachery of the Pope, who had invited *Vaudemont* to the Conquest of it.

¹ Summonte, tom. 4. p. 25.

² Ibidem, p. 37.

³ Ibidem, p. 42.

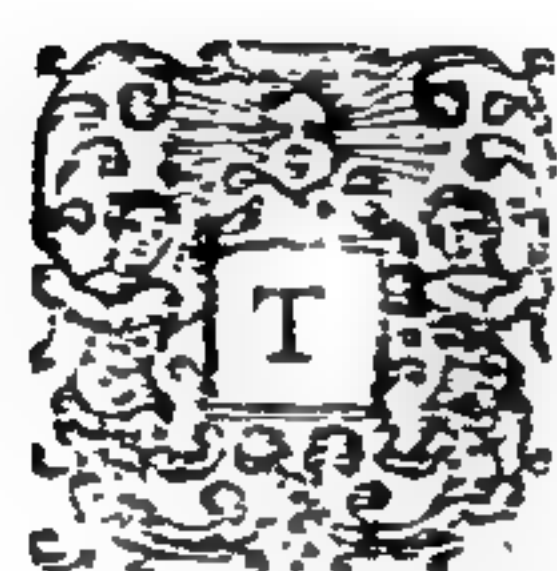
⁴ Giornali di Gregorio Rosso, p. 3.





C H A P. III.

Pope Clement VII. invites Monseigneur De Vaudemont to the Conquest of Naples. His Progress; without Success. The Pope taken Prisoner. His Release.



THE King of *France* was no sooner at Liberty in his own Dominions, than laying aside all Consideration of the solemn Treaty made at *Madrid*, of his Faith given, the Obligation of Oaths, the Ties of the new Alliance, and, which was the strongest of all, of his two Sons given as Hostages, he turn'd all his Thoughts upon making a new and more obstinate War against his Rival *Charles*. He gloss'd this Breach of Treaty, by pretending, that when he was first carried Prisoner to Castle *Pizzichiten*, and then to the Fortrefs of *Madrid* in *Spain*, he had often protested against the Emperor (seeing the Injustice of his Demands) that if he should be constrain'd to yield to Terms, which were either unreasonable in themselves, or not in his Power to make good, he would not only break them, but (as thinking himself injur'd by *Charles*, for putting dishonourable or impracticable Conditions upon him) he would revenge himself if ever it should be in his Power. Nor had he fail'd to tell them often, what they might have been sensible of themselves, as being, in his Opinion, common to all Kingdoms; *viz.* That it is not in the Power of a King of *France*, to alienate any Thing annex'd to the Crown, without the Consent of the General States of the Kingdom; that the Principles of Christianity did not allow, that a Prisoner of War should be kept in perpetual Prison, a Punishment due to Malefactors, but not to one who could be charged with nothing but ill Fortune; that all the World knows, that Obligations forc'd upon Prisoners, are null and void; and the Articles themselves being of no Force, the Faith given for the Performance of them must fall of Course; that he had bound himself by former Oaths at *Rheims*, where, with great Solemnity he was anointed with the Holy Oyl, according to the Custom of *France*, never to alienate the Patrimony of the Crown: For these Reasons he declared, that he was not only at Freedom in Conscience, but ready in his Inclination to humble the Insolence of the Emperor. The King's Mother and Sister, with all the Chief Nobility of his Court, declar'd themselves of the same Mind.

BUT those Consultations would have signified nothing, if, at the same time, the *Frenchmen*, but more especially Pope *Clement*, had not added Vigour to them; for these two, considering not only the Emperor's Power, but his Ambition, fed by the *Spanish* Council, who perswaded him to make himself Master of *Italy*, were apprehensive that at last he might gain his End, by bringing under his Yoke the Church, *Italy*, and all the other Princes. The Pope was farther disgusted at the Emperor's Ministers; for the Imperial Officers quarter'd in the Territories of *Placentia* and *Parma*, committed great Disorders, and when the Pope complain'd of them, they answer'd, that having no Pay, they had come thither of their own accord. He was likewise moved by Things, which, perhaps, of themselves were of less Consideration, but which, being interpreted by Jealousy and Peevishness, were of the first Magnitude; for not only in *Spain*, but in *Naples*, Orders were published to the Prebends of the Court of *Rome*: The Emperor had set forth some pragmatical Edicts in *Spain* against the Authority of the Apostolical See, by which the Subjects were forbidden to treat about any Benefices within the *Spanish* Dominions, at the Court of

Rome; and a *Spanish* Notary had the Boldness, at his coming into the *Rota* in Rome, upon the Day appointed for hearing Causes, to declare to two *Neapolitans*, in the Emperor's Name, that they must not have any Suit in that Court ¹.

POPE *Clement* for these Reasons, and likewise prompted by all his Ministers, resolv'd not only to enter into Confederacy with the King of *France*, and the others, against the Emperor, but also to hasten the Execution of their Design. He therefore absolv'd the King from the Obligation of the Oath taken in *Spain*, and the Observation of the Treaty made at *Madrid*, and at last enter'd into a League with his Majesty and the Princes of *Italy*, which they called the *Holy League*. This was concluded the 17th of *May* 1526. at *Cognac*, by Deputies from the King of *France's* Council, on the one Part, and by the Agents of the Pope and the State of *Venice*, on the other. This League consisted of many Articles, which may be seen in *Guicciardini's* History ²: But what related to the Kingdom of *Naples*, was as follows;

THAT having weaken'd the Emperor's Army in *Lombardy*, they should attack *Naples* both by Sea and Land, in which, when conquered, a King should be placed at the Pope's Election: But in a separate Article, it was proved, that the Pope could not dispose of that Kingdom without the Consent of the Confederates; but the ancient Tribute, usually paid out of the Kingdom to the Pope, was to be secured to him, together with an Estate of 40,000 Ducats to be given to whomsoever he pleased.

THAT, to secure the King of *France* of the more easy Liberation of his Sons, by the Success of the Confederates in *Italy*, and the Conquest of *Naples*, it was agreed, That if the Emperor would enter into the League in four Months after he had lost that Kingdom, it should be restored to him; but upon his Refusal, the King of *France* should for ever claim a yearly Tribute out of the Kingdom of *Naples*.

IN the mean time, the Emperor had sent our Viceroy *Lanuja* into *France*, to get the Treaty of *Madrid* executed: But the King excusing himself, that it was not in his Power to give up *Burgundy*, promised to observe all the other Articles, if he would be satisfied to receive, in Lieu of that Dutchy, 2,000,000 of Crowns. This Answer enraged the Emperor, who resolving not to part from the Restitution of *Burgundy*, but rather to agree with the Pope, in putting *Francis Sferza* in full Possession of the Dutchy of *Milan*, appointed Don *Hugo di Moncada*, Ambassador to *Clement*, with Commission to give his Holiness intire Satisfaction. The Emperor having espoused Donna *Isabella*, the King of *Portugal's* Daughter, in the Beginning of *March* this Year 1526, appointed the Money which he had with her, to be appropriated for paying his Army in *Lombardy*, over which he had made the Duke of *Bourbon*, a *French* Rebel, General (upon the Death of the Marquis *De Pescara*) and press'd him to march quickly into *Italy* ³.

WHEN Don *Hugo* arrived at *Rome*, he proposed the Articles of the Confederacy to the Pope, but was answered, That it was not in his Holiness's Power to accept of them, having been obliged (because the Emperor had been so slow in his Resolution) to enter into Alliance with the King of *France* and the *Venetians*, for his own Security, and the Safety of *Italy*.

THE Affairs of *Lombardy*, by this, began to be in a terrible Confusion; and the Confederates, to divert the War from thence, had made great Preparations to attack the Kingdom of *Naples* both by Sea and Land, the Apprehension of which, brought our Viceroy *Lanuja* back to *Naples*, the *Spaniards* being in great Fear of losing the Kingdom. As soon as he arrived, he gave Orders for fortifying many Castles and Forts, and particularly advised *Giovan Baptista Pignatelli*, who then was Governor of *Otranto* and *Bari*, to fortify all the Places upon the Coast of *Puglia* on the *Adriatick*, and that he should watch the *Venetians*, who had confederated with the Pope and the *French* ⁴.

ON the other Hand, Don *Hugo di Moncada* stirr'd up the Family of *Colonna*, who were already in Arms, to join with the Imperial Officers (appointed to go to the Defence of *Naples*) that both Parties together might unawares attack the Palace of the *Vatican*, thereby to take the Pope off from the Confederacy against the Emperor;

¹ Guicc. 1. 17.

² Ibidem.

³ Giornale del Rosso, p. 1.

⁴ Ibidem, p. 4.

which they did, pillaging it with impious Sacrilege; but his Holiness finding himself reduced to such a hard Situation, fled from the Palace of St. Peter, by a private Gallery, to Castle St. Angelo, where he saved himself, but was so straiten'd, that he sent two Cardinals, his Relations, to Don Hugo, as Hostages for his Security in coming to the Castle to treat of an Accommodation as he propos'd; which was agreed upon the next Day, being the 21st of September, the Colonna's leaving Rome, and Don Hugo departing for Naples¹. But as soon as the Pope was at Freedom, resolving not to observe any Part of the Agreement which had been extorted from him by Fraud and Violence; he deprived Pompey Colonna of his Cardinal's Hat, and called Prince Vandemont from France, that he (pretending to be Heir of the House of Anjou) might raise the Anjou Faction in the Kingdom of Naples against the Emperor.

THE Viceroy *Lanaja* being advis'd of this Invitation given to Vandemont, and having a Mind to prevent him, immediately assembled a good Number of Forces, and resolv'd to attack the Ecclesiastical State: To that Intent, on the 20th of December 1526. he encamp'd at *Frosinone*, where he fought the Pope's Forces, who vigorously oppos'd him. After this he advanc'd to *Cesano* and *Cepperano*, infesting those and other Parts of the Ecclesiastical State. The Pope sent against him *Renza di Corni* into *Abruzzo* with 6000 Foot, who possess'd himself of *Aquila*, and other Places thereabouts.

NOW began the Year 1527, a Year of terrible Events, the like not heard of for many Ages; Revolutions of States, Changes in Religion, Imprisonment of Popes, horrible Sacking of Towns, great Scarcity of Provisions, and the Plague through all Italy, but especially in Naples.

IN the Beginning of the Year, Vandemont, who had been call'd by the Pope, arriv'd with a Fleet of 24 Gallies, and having got the Title of the Pope's Lieutenant, began to infest the Coast of the Kingdom, taking upon himself the Name of King of Naples. Upon the 1st Day of March he pillag'd *Mola di Gaeta*; and upon the 4th, having landed his Forces under *Pozzuolo*, he endeavour'd to surprize it, but fail'd in his Design. Afterwards coming within Sight of the City of Naples, he took *Castell' a mare*, and then *Torre del Greco*; and making his Soldiers march as far as *Porta del Mercato*, the City was in such Terror that they shut the Gates in great haste.

HE likewise took *Sorrento* and other Places in the Neighbourhood; and his Army had the Boldness to go so near the City of Naples itself, that from the Castle they fired upon them several Cannon Shot. He took *Salerno* also, plundering the Silver Vessels from the Tomb of St. Matthew the Apostle, and had made greater Progress, if the News of the Agreement made with the Pope had not stopp'd him.

THE Pope, although he had reject'd the Proposals of an Accommodation made by *Cesare Ferramosca* (who had brought submissive Letters to him from the Emperor²) and shew'd himself inexorable, especially after Vandemont's Arrival; yet upon Advice of the Duke of Bourbon's marching towards Rome with a great Army, and seeing that the great Promises of the French proved every Day less effectual, he began at last to yield, and gave Assurance to *Ferramosca* that he would complete the Treaty; which he giving an Account of to *Lanaja*, that General came to Rome the 25th of March, where the Treaty was concluded, upon Condition that there should be a Cessation of Arms for eight Months, and that 60,000 Ducats should be paid to the Emperor's Army; the Pope likewise yielding up all the Places which his Army had taken in the Kingdom of Naples: On the other Hand, it was stipulated, that *Lanaja* should go in Person to meet the Duke of Bourbon, and prevent his coming nearer Rome (which the Pope was most afraid of) having sent *Ferramosca* for the same Purpose to him before.

THE Viceroy departed from Rome with this Intention the 3d of April, but neither *Ferramosca's* Journey, nor his, could prevail to turn that General out of his Way; he excus'd himself, that it was not in his Power to make his Army stop, because there being great Arrears due to them, he had no Money to pay them but by the Pillage of Rome: Nor could there be more grievous News to his Soldiers, than to hinder their March; and indeed, it was believed, that if the Viceroy had endeavour'd to oppose their Intention by Force, he would have run the Hazard

¹ Giornale del Reffo, p. 2.

² Summonte, tom 4.

of his Life, the Soldiers were so inflam'd, having mostly come from *Germany* poison'd with the new Heresy spread there by *Martin Luther*, in Contempt and Hatred to the Court of *Rome*: So that being ravenously bent upon the Sacking of that City (which had been promised them) they look'd with an evil Eye upon any one that endeavour'd to disappoint them of their Prey.

THE Pope, in the meantime, trusting to the Authority of *Lanaja*, had disbanded all his Soldiers; so that when he least expected it, the Duke of *Bourbon*, following his former Courses, having wasted the Ecclesiastical State as he pass'd, appear'd before the Walls of *Rome* on the 5th of *May*. *Lanaja* refusing to be an Accomplice of so much Mischiefe as *Bourbon* design'd to do, would not follow him (who march'd directly to *Rome*) but retiring with the Marquis *Di Vistò* by another Rout, march'd towards *Naples*, but arriving at *Aversa*, he fell sick, and in a few Days died, in the Month of *May*. It was believed that he was poison'd, to revenge the Death of the Marquis *De Pescara*, and to make Way for *Don Hugo di Moncada*'s succeeding him as Viceroy of *Naples*¹. We don't find any Edicts of his, because, being for the most Part absent from *Naples*, his chief Care was War. His Corps was carried to *Naples*, where he lies in the Church of *Monte Oliveto*; and the Collateral Council govern'd the Kingdom till towards the End of the Year, that *Don Hugo di Moncada*, being a *Spaniard*, was made Viceroy.

THE Duke of *Bourbon* having enter'd *Rome* with Intent to pillage it, all the Cruelty and Barbarity imaginable was committed: All was in Disorder and Confusion; and although he himself was shot dead at the first Assault, that only served to exasperate the Soldiers against the City. After some small Resistance they enter'd the Suburbs. The Pope retired to Castle *St. Angelo*, and was there besieged; and the Soldiers finding no more Resistance, enter'd the City by the Gate called *Porta Sisto*. There was no Cruelty, Irreverence, Avarice or Lust, that was not practis'd upon that Occasion: Every Place was pillaged; nor can it be imagin'd what Savageness they shew'd, what Contempt of Churches, what Disrespect to Cardinals and Prelates, and what base Usage against the Honour of the Ladies. The Army of the Confederacy finding no Way to assist the Pope, by reason of the Difficulties urg'd by the Duke of *Urbino*, concluded it was impossible to relieve the Castle; the Pope therefore, having no Hopes left, made the best Agreement he could with the Imperialists, which was, to pay 400,000 Ducats; to continue Prisoner in the Castle, with all the Cardinals that were there, to the Number of Thirteen, till the first 150,000 Ducats were paid, and then the Imperial Army was to march to *Naples* or *Gaeta*, and wait the Emperor's Commands; that Castle *St. Angelo* should remain in the Hands of the Imperialists, with the other Fortresses, as long as the Emperor should please to keep them. There were likewise other Articles, which may be seen in *Guicciardin*².

WHEN this Treaty was concluded, Captain *Alarcon* enter'd the Castle with three Companies of *Spanish* Foot, and as many *German*, the Guard of the Castle and the Pope being committed to him; he kept his Holiness with great Caution, giving him but a very small Apartment, and less Liberty.

THE News of this horrible Fact of imprisoning the Pope, being brought to *France* and *England*, those two Kings were more incensed than ever against the Emperor, not only out of Christian Piety, and the Respect they profess'd to the Holy Sec, but more for the private Hatred they implacably bore *Charles*; *Francis I.* for Reasons well known; and *Henry VIII.* King of *England*, because the Emperor, having borrowed large Sums of Money from him, gave him nothing but fair Promises when he asked it of him, and delay'd Payment. Those two therefore united together, with a firm Resolution to join their Forces, and send a powerful Army into *Italy*, not only to deliver the Pope from the Slavery of the *Spaniards*, in whose Hands he was, but to invade the Kingdom of *Naples*, with Force sufficient to wrest it from the Emperor. The Conjunction of the *Venetians* and *Swiss* seem'd to make the Undertaking the more easy; for they likewise, out of Compassion for the Pope, and the City of *Rome*, were bent upon taking up Arms, that, with joint Forces, they might free the Pope, and conquer *Naples*. The King of *France* was likewise in Expectation, that when the Emperor saw himself press'd in such wise, and his Treasury exhausted, by paying so many Forces, as would be necessary against such

¹ Giornale del Rosso, p. 9.

² Guicc. l. 13.

a Number of Enemies, he would be easily induced, upon his paying him a good Ransom, to restore his two Sons, who had been left Hostages in *Spain*.

TO execute this Design, it was concluded, that the *Swiss* should immediately march into *Italy*; that new Forces should be levied in *France*; that the King of *England* should furnish Money, and the other Confederates Men: So that with incredible Expedition, there was a very strong Army assembled, and the Command of it given to the famous General *Odet de Foix Monseigneur Lautrec*, one of the ablest Captains in all *France* at that Time. He began his March from *France* towards *Italy*, in order first to deliver the Pope, and then to proceed to the Conquest of *Naples*.

ON the other Hand, when the News of the Sacking of *Rome*, and the Pope's being made Prisoner, arrived in *Spain*, it was strange to see what Grief and Trouble both the Emperor and the *Spaniards* seem'd to affect. This Advice was brought thither, at a Time when all *Spain* was in the Height of Joy, and the Court taken up with Feasting and Tournaments, on Account of the Birth of Prince *Philip*, the Emperor's eldest Son: But as soon as the News came, his Imperial Majesty put a Stop to the Feasting, and to shew his Grief, went into Mourning, with all his Court: They made frequent and solemn Processions, putting up their Prayers for the Pope's Deliverance; the Priests and Fryars deserv'd Heaven with Publick Devotions in their Churches, imploring the Divine Assistance for the Releasement of the Chief Pontiff, as if he had been at *Constantinople*, in the Hands of the Grand Signor, and not the Christian Emperor's Prisoner at *Rome*: In the mean time, *Clement* suffer'd close Confinement from *Alarcon*, who guarded him in a little Apartment, with *Spanish* Pride and Severity; and the Emperor, with the usual Slowness of *Spanish* Gravity, stood consulting whether he should ratify the Treaty made at Castle *St. Angelo*, or impose harder Terms upon him for his Freedom. He gave fair Words to many Princes, who, by their Ambassadors, press'd the Pope's Releasement, but his Resolutions appear'd various and uncertain. He wish'd that the Pope should be brought to *Spain*, thinking it would be a great Addition to his Fame, if, in the Space of two Years, two such considerable Prisoners should be transported from *Italy* to *Spain*, as the King of *France*, and the Pope of *Rome*. But hearing of so great Preparations for War, not only in *Switzerland*, *Venice* and *France*, but likewise in *England*, whose King, above all others, most earnestly desir'd the Pope's Releasement; not to disoblige that Prince, and likewise, because all the several Kingdoms of *Spain*, and especially the Prelates and Grandees, detested the Thoughts of having the Person of him, who represents CHRIST upon Earth, kept Prisoner by a *Roman* Emperor, the Protector and Advocate of the Church, so much to the Scandal and Reproach of Christianity: Besides, having (after a Month's Delay of coming to any Resolution) received Intelligence of *Lautrec*'s Expedition into *Italy*, and the King of *England*'s Forwardness for the War, he at last determin'd to send a Commission to the Viceroy of *Naples*, to set the Pope at Liberty, and to give him up all the Territories and Forts belonging to him. To this Effect he dispatch'd the General of the *Franciscans*, and *Veri di Miglian* into *Italy* to *Lautrec*, but he being dead before the General arrived, it was necessary to negotiate the Matter with Don *Hugo di Mendoza*, to whom likewise the Commission extended: The General therefore, having consulted with Don *Hugo*, went to *Rome* with *Miglian*. This Commission consisted of two principal Articles; One was, That the Pope should satisfy the Army, by paying the great Sum of Money for which he was Debtor; the other, That the Emperor should have Security, that the Pope, having obtained his Freedom, should not join with his Majesty's Enemies; and in this Article they propos'd hard Conditions of Hostages, and Cautionary Cities.

THE Treaty was very tedious, by reason of these Difficulties, and the Pope to hasten it, often press'd *Lautrec*, by private Messages, to proceed on his March, assuring him, that whatever he should be forced to promise to the Imperialists, as soon as he was out of Prison, and in a Place of Safety, he would no longer think himself under any Obligation. At last there came a new Commission from the Emperor, who was solicitous now to set the Pope at Liberty upon the easiest Terms possible; adding, that all he wanted was, that when he was released, he should not take Part more with the Confederates than with him. It was believed, that the Fear of *Lautrec*'s coming, induced the Emperor and his Party to set the Pope at Liberty, that they might, as soon as possible, march their Army to the Defence of

Naples; but as it was impossible to be done, without securing the Soldiers of their Arrears due, for they absolutely refused to allow the Pillage of *Rome*, and the rich Booty that they had made there, as any part of their Pay; the Commissioners had only Regard to provide for their Payment, without minding the Pope's future Conduct. The Treaty was at last concluded at *Rome*, by the General and *Serenon*, in Name of *Don Hugo*, upon the last Day of *October*, seven Months after the Pope's Confinement: and *Don Hugo* afterwards ratified it: The Articles were these;

THAT the Pope should not oppose the Emperor in the Affairs of *Milan* or *Naples*; that he should grant him a Crusade in *Spain*, and the Tythes of all Ecclesiastical Revenues in all his Dominions; and for Security of performing these, *Ofia* and *Civita Vecchia* should remain in the Emperor's Hands, as also *Civita Castellana*, and the Castle of *Forli*; and for Hostages, *Hyppolito* and *Alexander* his two Nephews, and till they could come from *Parma*, where they were at that Time, the Cardinals *Pisano*, *Trivulzio* and *Gaddi* supplied their Places, and were carried by the Imperialists to *Naples*.

THE Pope was to pay immediately to the *Germans* 70,000 Ducats, and to the *Spaniards* 35,000, upon Condition that he were set at Liberty, with all the Cardinals, and might go out of the Castle, and likewise out of the City, not thinking himself free till he was safely arriv'd at *Orvieto*, *Spoletto* or *Perugia*; and within 15 Days after his Departure from *Rome*, he was to pay as much more to the *Germans*; and the rest (which, with the first Payment, amounted to 350,000 Ducats, and above) was to be paid in three Months to the *Germans* and *Spaniards*, according to their several Proportions.

OF all these Conditions, the hardest was the Disbursing so much ready Money, which created great Discord, and extraordinary Scandal. To raise the 150,000 Ducats promised upon his being made Prisoner, the Pope was oblig'd, with much Difficulty, to advance some of it in ready Money, and the rest by mortgaging to *Genoese* Merchants, the Tythes of the Kingdom of *Naples*, and the Sale of *Benevento*: But the Soldiers had scarce received that Sum, when they desired other Security, and other Assignments than what they had received, by several Taxes laid upon the Ecclesiastical State, for the Payment of the rest that was promised them, which was impossible for a Pope in Confinement to give them; and therefore having several times threaten'd the Hostages, and kept them in Chains with great Cruelty, they led them ignominiously to that Market-Place called *Campo di Fiore*, where they erected Gibbets, as if they designed to hang them up. But now being, by this last Treaty, obliged to raise great Sums in order to obtain his Freedom, there was a Necessity for *Clement* to have recourse to extraordinary Remedies, which he did not care to make use of before; he created some Cardinals for Money, by exposing that Dignity to Sale, which was purchased by Persons for the most part very unworthy of that Honour: Besides he disposed of the Tythes of all the Goods of the Churches and Church-Men in our Kingdom of *Naples*, and gave a Power to alienate the Church Revenues. Thus did the Vicar of Christ convert those Things which had been dedicated to the Service of God, to the Use, and for the Maintenance of Hereticks (*so unsearchable are the Judgments of God!*) the Incomes of vacant Churches were seized, and many other Ways were invented for raising Money.

HAVING by these Methods settled and secured the Payments at the prefix'd Times, and given as Hostages and Security to the Soldiers, the Cardinals *Cesi* and *Ursini*, whom the Cardinal *Colonna* carried to *Grotta Ferrata*; the Pope being apprehensive, that the ill Will which he knew *Don Hugo*, our Viceroy, bore him, might create some new Disturbance, hasten'd his Departure; and in the Night-time, on the 8th of *December* 1527, without waiting till the next Day, which was appointed for his leaving *Rome*, he went out of the Castle in the Habit of a Merchant, and made what Haste he could to *Orvieto*, where he arrived before Day, without the Company of so much as one Cardinal; which, as *Guicciardin* observes¹, was an Instance that never had happen'd since the Church became considerable, that a Pope should fall from so great Power and Respect; be kept in Prison; lose *Rome*, and all the Ecclesiastical Estate; and the same Pope should, in a few Months be set at Liberty; have the Estate of the Church restored to him; and, in a short time after, recover his former Grandeur: So great was the Pontifical Authority, and the Veneration which all Christian Princes had to that Character and Dignity.

¹ Guicc. 1. 18.



C H A P. IV.

Lautrech's Expedition against the Kingdom of Naples. His Conquests, Death, and the Defeat of his Army, which disappointed the whole Design. The Rigour of the Prince of Orange against the Barons accus'd of having been in the French Service.



THE Year 1528. was most unlucky to the Kingdom of *Naples*, for it was visited with three Scourges from Heaven, War, Famine and Pestilence, and, indeed, was thereby very near reduced to utter Destruction; the Plague, which from *September* 1527. began there, now increasing, filled the whole Kingdom with Horror.

ON the other Hand, the Pope, upon his being set at Liberty, without any Regard to the Articles of the Peace, after the Ambassadors of *France* and *England* had declared War against the Emperor, hasten'd the March of *Lautrech* to the Conquest of the Kingdom of *Naples*; and the *French* Fleet under the Command of *Andrea D'Oria*, which had already join'd that of the *Venetians* to attack *Sardinia*, in order to facilitate the War of *Naples*, having by a Storm been driven upon the Coast of *Naples*, cruiz'd up and down there to give Life to *Lautrech's* Expedition, who, not waiting for the Spring, left *Bologna* the 9th of *January*, where he had past the Winter with his Army, and by Way of *Romagna* and *La Marca*, he arrived at *Tronto* (a River which divides the Ecclesiastical State from the Kingdom of *Naples*) upon the 10th of *February*, where he found no Preparations for opposing him, so that with much Ease he made himself Master of a great Part of *Abbruzzo*, and of the City of *Aquila*, where he reviewed his Army, and found it to consist of 30,000 Foot, and 5000 Horse¹.

HE might, with the same Ease, in a short Time, have made himself Master of the whole Kingdom, because, either from the People's Affection to the *French*, or their Hatred to the *Spaniards*, all the Cities of both the *Abruzzi* surrendered before the Army came within thirty Miles of them. But the March of the Imperial Army from *Rome* put a Stop to *Lautrech's* Career, and made him leave the direct Road to *Naples*, because he was afraid to venture to march over the Mountains with his Artillery, where the least Opposition of the Enemy would be able to stop him; therefore he was forced to go a great Way about along the Sea Coast of *Puglia*.

IN the mean time, the Imperial Army commanded by the Prince of *Orange* (whom the Emperor had made Captain-General in Place of the Duke of *Bourbon*) marched towards *Naples*, to oppose the Enemy. The Prince of *Orange* himself commanded the *Germans*, the Marquis *Del Vasto*, who was unwillingly under the Prince, had the Command of the *Spanish* Infantry, and Don *Ferrante Gonzaga*, was General of the Horse. The two Armies meeting in *Puglia* near *Troia*, although they did not engage in a set Battle, skirmished for several Days; but soon after, upon the 22d of *March*, *Lautrech* marching towards *Melfi*, took that City by Storm, and made Prisoner Prince *Sergianni Caracciolo*, who had bravely defended it, and the *Spaniards* retir'd to *Tripalizia*. Upon the taking of *Melfi*, *Ascoli*, *Barletta*, *Venosa*,

¹ Giornal del Rosso, p. 12.

and all the adjacent Cities surrendered to him; *Trani* and *Monopoli* at the same time surrendered to the *Venetians*: For, according to the last Treaty with the King of *France*, all those Sea-Port Towns were to be given to that Republick, which had been possessed of them before the Defeat of King *Lewis* in *Gbiaradadda*.

THE Imperial Generals, upon their Arrival at *Tripalda*, had a Conference with the Viceroy Don *Hugo*, the Prince of *Salerno*, and *Fabritius Matramaldo*, who had retired into that Place with 3000 *Italian* Foot, and ten Pieces of Cannon; where it was agreed, by common Consent, to retire to *Naples* and *Gaeta*, for the Defence of those Cities, which they did, abandoning all the neighbouring Country. *Lautrech* then marched his Army towards *Naples*; *Capua*, *Nola*, *Acerra*, *Aversa*, and all the Places thereabouts submitting to him. He staid four Days at *Acerra*, from whence he dispatched *Simone Tebaldi*, a *Roman*, with 150 Light Horse, and 500 *Corficans* (who, for want of Pay, had deserted out of the Imperial Camp) upon an Expedition to *Calabria*. By this Time *Philip D'Oria*, with eight Gallies of the General *Andrea D'Oria's* Fleet, and two Ships, was come into the Bay of *Naples*, and with his Guns, had obliged the Imperialists to dislodge from *Maddalena*: But his small Number of Gallies was not sufficient to keep the Port of *Naples* intirely block'd up, therefore *Lautrech* press'd to have the *Venetian* and *Genoese* Gallies join'd; and those of *Venice*, after having been very slowly refitted at *Corfu*, were come as far as the Port of *Trani*; but (altho' *Trani* and *Monopoli* had already been surrendered to them) preferring their own particular Advantage to the Interest of others, (notwithstanding that the whole Affair depended upon the taking of *Naples*) they staid first to take *Polignano*, *Otranto* and *Brindisi*; and on the 19th of *April*, *Andrea Citrano*, Purveyor of the *Grecian* Soldiers in the *Venetian* Service, routed the Governor of the Province of *Otranto* near *Vetrana*, who with great Difficulty saved himself, with the Duke of *St. Pietro* in *Galatina*, by escaping to *Gallipoli*; upon which *Lecce*, the Metropolis of that Province, and *St. Pietro* in *Galatina*, with all the neighbouring Cities, surrendered.

IN the mean time, *Lautrech* having, by the happy Success of the Arms of the League, got near the Walls of the City of *Naples*, the Imperialists debated about the Manner of the Defence they were to make: The Marquis *Del Vasto* was of Opinion, that they ought to draw their Army together, and encamp without the Walls, alledging, that it shew'd Meanness of Spirit to shut themselves up within a Town; but the Viceroy, the Prince of *Orange*, Don *Ferrante Gonzaga*, *Alarçon*, and the other General Officers, being of a contrary Opinion, prevailed, and it was resolved to keep within *Naples*. There were few Inhabitants left in the City, for all who had either Estates or Money, had retir'd, some to *Ischia*, others to *Capri*, and the adjacent Islands. The Barons that staid were suspected; for although, upon the Advice of *Lautrech's* coming, many of the Richest and most Powerful of them, had offered to the Viceroy to serve the Emperor with their Lives and Fortunes, yet *Moncada* having compounded with the greatest Part of them for ready Money, in place of Personal Service; and, in case of Necessity, allow'd them to declare for *France*, without being deem'd guilty of Treason or Rebellion: Besides, there being many of the *Anjou* Faction within the City, it was thought prudent Advice to keep the Army within the Walls, to prevent any Revolution that might happen. The People, some out of Fear, and others out of Hatred to the *Spaniards*, had need to be equally encouraged and kept in Order; and, indeed, such was their Fear when the *French* Army appeared in Sight, that nothing was to be seen but Processions, nor any Thing heard but Publick Prayers, and crying for Mercy; in so much, that the Marquis *Del Vasto* was forced to have recourse to the Viceroy to get these forbidden, which was done, and the People exhorted to take Courage, and to perform their Devotions privately in the Churches and Monasteries.

BUT those Insinuations signified nothing; for, upon the 1st *Saturday* in *May*, which happen'd, that Year, on the 2d Day of the Month, when they did not see the Blood of their Patron *St. Genaro* [or *St. Januarius*] liquify as usual upon producing his Scull¹; they gave for lost both themselves and the City, and were in the utmost Consternation. But those unlucky Prognosticks were false and vain, and quite contrary Effects followed, as shall be related in its proper Place.

¹ Gior. del Rosso, p. 16.

² Ibidem, 17.

³ Ibidem, p. 13.

THE famous *Lautrech* encamped his Army upon the 28th of *April*, between *Poggio Reale* and *Monte St. Martino*, extending it about half a Mile, and he himself advanc'd a little further than *Poggio Reale*, to a little Hill in the Duke *De Montalto's* Vineyard, which, from that time changed its Name, and is called *Lautrecco*, to this Day. The celebrated *Peter Navarr*, a *Cantabrian*, who, having been first in the Imperial Army, upon a Disgust came into the *French* Service, had his Quarters in the Hills over-against *S. Genaro's* Gate, and which extend themselves as far as *S. Martin's* Mount.

THE Prince of *Orange*, on the other Side, suddenly fortified that Mount, lest it should be possess'd by the *French*, who lay upon the little Hills adjoining: And then it was that he caused to be demolished the Tower of *Sannazaro* at *Mergedina*, a Place dedicated by him to the Muses; for which Cause that Poet went to *Rome* in great Disgust, where he died without ever seeing *Naples* more: Nor did he stick at lashing that Prince and the *Spaniards*, covertly, in his Poems; to the first of which he never forgave the Demolishing his Tower, and he hated the very Name of the last, for his Affection to the Kings of *Arragon*, his Benefactors, who had been Kings of *Naples*. 'Tis said of him, that being very sick at *Rome*, and past Hopes of Recovery, hearing of the Prince of *Orange's* Death, he shewed great Satisfaction, saying, that *Mars* had at last taken Revenge of him for the Outrage he had done to the Muses.

BESIDES, they did not fail to provide *Naples* with Corn, and all other Provision and Ammunition necessary in order to a vigorous Defence; and they began to list some of the Town's People, who were able to bear Arms, to serve in case of Necessity; but it fared with them, as with *Rome* in former Times, with respect to their Slaves; for the *Roman* Senate, to hinder any Confusion that might happen from the vast Number of Slaves, had determined to oblige them to wear a Mark of Distinction, that they might be known from the Denizens of *Rome*; but when they found that there was such a vast Multitude of them, and that by giving them a Badge, as *Seneca* says, they might come to know their own Strength, they desisted from the Proposal: Thus did the *Spaniards* in *Naples* upon this Occasion, for observing, that by inrolling so many, the People of the City might come to be sensible of their own Force, the *Spanish* Officers advised the Prince of *Orange*, and the Viceroy, to put a Stop to the farther listing of them, which was accordingly done¹.

WHILST the Time was spent in frequent Piqueerings between the People of the two Armies, *Lautrech* would not attempt *Naples* by Assault, as well upon account of the Number of Forces within, and their known Bravery, as from the Hopes he had, that in a short time the Enemy would be in want both of Money and Provisions; so that by prolonging the Siege, he believed firmly, and had given Assurance to the King, that *Naples* would be obliged to surrender in a short time, as he had already reduced the greatest Part of the Kingdom under his Power, and many Barons had espoused the *French* Interest. And this Expectation he was the more confirm'd in, by the Defeat, which some Days afterwards, *Philip D'Oriz* gave the Imperial Fleet in the Gulph of *Salerno*.

THE Prince of *Orange* and the Viceroy, hoping to destroy *Philip's* Fleet, hasten'd the Enterprize before there should come new Assistance to him; for *Andrea D'Oriz* did not move with the Gallies which were at *Genoa*, and they heard nothing from the Fleet at *Marseilles*; as to that of *Venice*, being more intent upon private Interest than that of the League; or rather, minding the lesser and accessories more than the principal Affair, they spent their Time in besieging *Brindisi* and *Otranto*, the latter of which Cities had agreed to surrender, if in sixteen Days it were not relieved; and *Brindisi* had agreed to receive the *Venetians*, but the Forts held out for the Emperor.

BUT before the Imperialists could go upon this Enterprize against the Fleet, there was a Necessity of making up a great Dispute arisen between the Viceroy and the Prince of *Orange*, about the Command: Those two Generals were in continual Feuds. The Prince of *Orange*, as having been appointed Captain-General by the Emperor, in the Room of the Duke of *Bourbon*, pretended a Right to command all the Forces, the Viceroy, as being Captain-General of the whole Kingdom where the Armies were, refused to obey him; and this Dispute occasioned the dividing of the Forces (to the Emperor's great Disadvantage) into two Factions, some siding with the Viceroy, and

¹ Roño, p. 19.

others with the Prince. Much greater Quarrels happen'd between them about the Command of the Fleet; *Orange*, as being Generalissimo, claimed it, and *Monçada* oppos'd him, because, besides being Viceroy, he was also Admiral of the Kingdom, and therefore all Maritime Affairs were under his Direction. The one not yielding to the other, that the Expedition might not be retarded, it was agreed, that the Execution of this Enterprize should be given to the Marquis *Del Vasto*, and crook-back'd *Giustimano*, an old Experienc'd Sea-Officer. *Monçada*, to shew his great Zeal and Courage, would needs go a Voluntier; and after his Example, *Ascanio* and *Camillo Colonna's*, *Cesar Ferramosca*, the Prince of *Salerno*, and many others likewise went. There were in the Port of *Naples* but six Gallies, and two other Vessels, but they had more Confidence in the Valour of the Combatants, than in the Number of Ships; for they had put on Board a thousand of the best *Spanish* Musquetiers, and to terrify the Enemy at a Distance, with the Prospect of a greater Number, they had with them a great many fishing Boats: They set sail from *Posilipo* the first of *June*, and took the Way of *Capri*, where being arrived at break of Day, the Seamen saw, coming out of a Cave, a *Spanish* Hermit, well known by the Name of *Goncalvo Barretto*, who having been a Soldier, had quitted the Service, and retir'd himself to that Place, to lead a solitary Life. Upon seeing the Imperial Gallies he cried out aloud, so that *Don Hugo* (to the great Prejudice of the Design) lost much time in listening to him. He giving them many Benedictions, assured them of Victory, exhorting them to fight valiantly, for according to the Visions which he had had the Night before, they should destroy the Enemy's Fleet, kill great Numbers of their Men, and by that Battle deliver *Naples* from the Oppression it was at present under¹. The credulous Soldiers, taking the Words of the Hermit as an Oracle, promising themselves certain Victory, with Sound of Trumpet, and all Demonstrations of Mirth and Joy, went to meet the Enemy in the Gulph of *Salerno*, near *Capo D'Orso*: But upon the two Fleets engaging, they soon found how unlucky and vain the unhappy Augury of that Fanatick proved. The Effects were just the Reverse, the Imperial Fleet was defeated and routed by that of *D'Oria*; the Soldiers almost all killed, or wounded and made Prisoners: *Don Hugo di Monçada*, fighting bravely, was first wounded in the Arm, and whilst he was encouraging his Companions, he was unfortunately kill'd by Stones and burning Matter thrown from the Enemies Gallies, and cruelly cast over-board, as was likewise *Ferramosca*. The Marquis *Del Vasto*, and *Ascanio Colonna* (being both wounded) were made Prisoners, together with the Prince of *Salerno*, *Santa Croce*, *Camillo Colonna*, *Giustimano*, *Serenon*, *Hannibal di Genaro*, and many other Officers and Gentlemen, and all sent, by *Philip*, to *Andrea D'Oria* in *Genoa*.

THIS was the unhappy Fate of that Expedition, and such was the untimely End of our Viceroy *Monçada*, who, for the Troubles of the Times, could not enjoy the Government of the Kingdom above six Months; and therefore left no Laws of his own, nor any other Memory of himself. The *Neapolitans* celebrated his Obsequies in a solemn Manner the 8th of *June*; and *Guicciardin*, who likewise says that his Corps was cast into the Sea, makes it improbable that his Body was carried to *Amalfi*, and from thence to *Valentia*, where a stately Monument was erected for him, with an Inscription and Elogium in his Praise, as some Writers affirm: However that may be, *Philibert* of *Chalon*, Prince of *Orange*, took upon him the Charge of Viceroy in his Stead.

TO this good Fortune of the *French*, was added the Arrival of the *Venetian* Fleet, consisting of two and twenty Gallies, who, having made themselves Masters of those Places on the *Adriatick*, passing the *Pharo* of *Messina*, came to the Gulph of *Naples* on the 10th of this Month; and cruizing continually before the City, endeavour'd to hinder Provisions from being brought to it; but such was the Avarice of the daring Seamen of the Places adjacent, that every Day they brought fresh Supplies from *Sorrento*, *Capri*, *Procida*, *Ischia* and other Parts, running a thousand Hazards for the Expectation of considerable Gain.

THE *French* conceived great Hopes, by these successful Events, of accomplishing their Design in a short time: *Lautrech* now began to batter the Walls from the Hills where *Peter Navarre* was quarter'd; he likewise turn'd the Water from the Conduit which carried it to the City, on the Side of *Poggio Reale*; but the Want of

¹ Roso, p. 28 & 29.

that Water was of no great Loss to the Besieged, because of the great Quantity of Spring-Water with which the City abounded; whereas the stopping of it became most pernicious, as well to his Army, as to *Naples*; for the Water stagnating in the Neighbourhood, infected the Air, and increased the Plague, which likewise seized the *French* Camp. The City in the mean time was miserably afflicted with the Pestilence, Cannonading, and a great Dearth of Flower, Meat and Wine, the Besieged being obliged to feed upon boiled Grain. To all these Misfortunes were added, the Miseries brought upon them by the *Spanish* and *German* Soldiers, who, with intolerable Insolence, pillag'd their Goods, ravish'd the Women, killed and abused the People; which Treatment, the *Neapolitans* having been freed from a Civil War for a considerable Time, bore very impatiently.

BUT when Things were at this pass, Fortune, which had hitherto been so propitious to the *French*, gave a sudden Turn to the Emperor's Side against them. *Andrea D'Oria* being dissatisfied with the King of *France* (at the Instigation of the Marquis *Del Vasto* his Prisoner) leaving that King's Service, declared for the Emperor; upon which *Philip D'Oria* left *Naples*, with all his Gallies, upon the 4th of *July*. That which hasten'd the Ruin of the *French*, was the Sickneſs occasioned by cutting the Aqueduct at *Peggio Reale*, to hinder the *Neapolitans* from grinding their Corn; for the Water standing in the Valley, having no Out-let, corrupted the Air, which brought Diseases among the Soldiers, who were intemperate, and unable to bear the Heats: Besides that, the Plague had enter'd their Camp, by means of some Persons, who being infected with it in *Naples*, were sent amongst them on Purpose. Thus did the *French* begin to dwindle away every Day; so that instead of Besieging, they were besieged, whereas in *Naples* all Conveniencies daily increas'd, and consequently our People conceived fresh Hopes. But to complete the Ruin of the *French*, *Lautrech*, upon whose Conduct and Bravery all their Hopes depended, falling sick, partly through the Infection of the Air, and partly through Grief to see his Army almost destroyed, died on the 15th of *August*. He was buried in the Vineyard of the Duke of *Montalto*, where his Head Quarters were, and his glorious Remains became afterwards exposed to the Contempt and Avarice of the *Spaniards*; of which *Gonsalvo* Duke of *Sessa*, Nephew to the Captain-General, having Notice, with great Generosity and Humanity, caused them to be transported to *Naples*, and buried them in his own Chapel, in the Church of *St. Maria la Nuova*, and erected for him a magnificent Marble Tomb, where his Elegy is yet to be seen. He did the same by the famous *Peter Navarro*, who, soon after, being made Prisoner in the Defeat given the *French*, died in the Prison of *Castel-nuovo*: His Tomb, with the Inscription, remains likewise to this Day^{*}.

BY the Death of so great a General as *Lautrech*, the Command of the Army falling to the Marquis *De Saluce*, a Person very unequal to such a Charge, the Disorder increased in the *French* Army; and *Andrea D'Oria* arriving at the same time at *Gaeta*, with twelve Gallies for the Emperor's Service, the *French* being almost without Men, and without Government, were no longer able to maintain the Siege, and therefore decamp'd in order to retire to *Aversa*: But the Imperialists having Intelligence of their Motion, defeated them in their March, where *Peter de Navarro*, and many Officers of Distinction, were made Prisoners; the Marquis *De Saluce* saved himself, with Part of his Army, in *Aversa*; but not being able to defend it, he sent Count *Guido Rangone* to the Prince of *Orange* to capitulate; who in the Beginning of *September* agreed with him upon the following Terms:

THAT the Marquis should evacuate *Aversa* and the Fort, leaving in them all the Artillery and Ammunition; that he himself, with all the General Officers (except the Count, who was to have Liberty as a Reward for making the Capitulation) should yield themselves Prisoners of War; that the Marquis should use all his Endeavours to oblige the *French* and *Venetians* to restore all the Towns and Forts which they had taken in the Kingdom; that the Soldiers, and all who were by Agreement to have their Liberty, should leave behind them their Ensigns, Arms, Horses and Baggage, allowing, however, to those of the better Sort, Horses and Mules for the Month; and that the *Italian* Soldiers should not serve against the Emperor for the Space of six Months.

^{*} See *Eugeni Napo. Sacr.* p. 494, & 496.

THUS the whole *French* Army was routed, all the Principal Officers being either dead, taken in their Flight, or Prisoners by Agreement. In a few Days, *Capua*, *Nola*, and all the other Towns of *Terra di Lavoro*, surrender'd. The *Venetian* Fleet separated from that of the *French*; the former sailing towards the East, and the latter Westward: Only in *Abruzzo* and *Puglia* there was still some Appearance of War; (for they made no Reckoning of some few Places in *Calabria* that held out for the *French*) but the Prince of *Orange* afterwards drove them intirely out of those Provinces; and the Towns and Ports which the *Venetians* possessed on the *Adriatick*, were restored upon the general Peace which was concluded afterwards.

BUT, although the Affairs of *Naples* seem'd to be in a peaceable and quiet State, the Plague having likewise ceased, yet the Rigour which the Prince of *Orange* us'd towards the Barons, much disturb'd the Peace of the Kingdom, and occasioned the Ruin and Reduction of some Families, and the Aggrandizing of others. His Predecessor *Moncada* having, as has been observed before, compounded with many of the Nobility, and given them Leave, in Cases of Necessity, to set up the *French* Standard, and to open their Gates to the Enemy, had by that Licence encouraged many of them to do it; but the Prince of *Orange* (now that the Kingdom was free, and intirely reduced to the Emperor's Obedience) would not admit that Agreement made with the former Viceroy, as an Excuse for the Barons; alledging, that it was not in *Moncada's* Power to remit the Allegiance due from Subjects to their Sovereign, and therefore began to punish them as Rebels, some with Death, others with Forfeitures; nay, he made some, upon bare Suspicion of their being Favourers of the *French* Interest, compound, by paying large Sums; and this with the Emperor's Connivance, who had always Occasion for Money for the Wars which he maintain'd, sometimes at the Pope's Charge, and sometimes at other Peoples; or by Contributions, Taxes and Donatives which he rais'd for that End. The Prince made use of the secret Service of *Girolamo Marone*, a *Genoese*, for this Purpose, who was appointed *Commissary* for the Execution of these Orders, and performed his Office effectually and punctually. He first caus'd the Heads of *Errico Pandona*, Duke of *Ischia*, and of the Count *Di Morone*, to be cut off; and would have done the same by the Prince of *Melfi*, the Duke of *Somma*, *Vincenzo Caraffa*, Marquis of *Montesarchio*, *Errico Ursino* Count of *Nola*, the Counts of *Castro* and *Conversano*, *Retro Stendardo*, and *Bernardino Filinighiero*, if he had gotten them in his Power: But the Marquis of *Montesarchio*, the Count *De Nola*, and *Bernardin Filinighiero*, died before the *French* left *Naples*, and the others retired to *France*; but they were all forfeited.

THE Marquis *Di Quarata*, and other Barons, by pleading the Licence given them by *Moncada*, saved their Lives, but the Plea was not sufficient to secure their Estates, which, as was believed, had likewise been safe had *Don Hugo* lived. In the Number of the Barons of this Kind, were the Duke *D'Ariano*, the Count *De Montucro*, the Baron of *Solefra*, of the *Zurlo* Family, the Baron *Di Lettiere*, *Gragnum*, of the House of *Miroballo*, the Duke *Di Gravina*, and *Roberto Bonifacio*, lately made Marquis *D'Orra*; the two last of which recovered afterwards the greatest Part of their Estates by compounding; the Duke *D'Atri* also got his: These appeal'd to the Emperor, who did not re-instate them without a considerable Fine, which they could in no wise shun. Upon this Occasion the most celebrated Lawyers in *Italy* wrote in Favour of the Nobility; and *Decio* compil'd many Pleadings upon that Subject, proving, that it was not in their Power to make such Agreements so inconsistent with their own Innocence: But all their Labour was in vain, the Emperor wanted Money to pay his Troops, and to maintain the War. *Aquila* likewise having mutinied, was reduced by the Prince of *Orange*, who condemn'd that City to pay 100,000 Ducats, to raise which Sum, they were obliged to sell even the Church Plate, and to mortgage the Rents of *Zaffarano* to two *German* Merchants, who advanced the Money; besides having deprived the City of its Jurisdiction over several Lands, which the Prince of *Orange* bestowed upon some Officers of his Army.

AFTER the Prince had taken these Cities from their former Masters, he divided them among the Imperial Officers; he kept *Ascoli* for himself, which was afterwards possess'd by *Antonio di Leva*; *Melfi*, with the greater Part of the Prince

¹ Giornale del Rosso, p. 49 & 50.

of *Melfi's* Estate, was given to *Andrea D'Oria*; the Marquis *Del Vasto* had *Mutesarchio*, *Aircia*, *Lettere*, *Gragnano*, and *Angri*; to *Ferrante Gonzaga* was given *Ariano*; to *Alessandro Colonna*, the Duke *D'Atri's* Estate, which was forfeited by the Rebellion of the Count *Di Conversano*; but the People of *Abruzzo*, the Duke's Vassals, refusing to obey *Alessandro*, made the Cause of the old Duke to be better inquired into; and finding that there was not the least Reason to suspect him guilty of Treason, his Estate was restored to him, and an Equivalent given to *Alessandro* upon other Cities.

THE Lands of *Valle Siciliana*, which had been possess'd by *Camillo Perini Orpino*, were given to *Don Ferrante D'Aercone*, and afterwards the County also of *Rende*, belonging to the Duke of *Scutari*; to Admiral *Cardona* was allotted *Scutari*; to *Don Philip de Lancia*, Prince of *Sulmona*, and Son to the Viceroy *Don Carlos*, was given *Venafro* belonging to the Duke *Di Bajano Pandone*; *Ottaviano* to *Federico Marimallio*; *Quarata*, which had been the Estate of the Marquis *Lanzialo d'Aliphan*, to *Monsieur Beuri*, a *Flaman*; *Castro*, to Secretary *Gattinara*; *Montesperi*, to *Giralamo Colle*; the City of *Brasano* was given, as a Reward for his good Services, to *Giralamo Marone*, the indefatigable Executor of the Viceroy's Rigour: Other Lands were distributed to others, which cannot be remember'd. Some of those pretended Rebels obtained a Hearing of their Causes at Law, such as *Michael C...*, Baron of *Procida*, but all that was got by that Process was, that upon the 1th of May 1529, the same Sentence was pronounced against them as against the Marquis of *Quarata*, viz. that they should lose their Estates, but not their Lives: So that *Procida* was forfeited, and given to the Marquis *Del Vasto*¹.

¹ Rosio, p. 56.



C H A P. V.

A Peace between the Pope and the Emperor concluded at Barcelona, which was succeeded by another between the Emperor and King of France at Cambray; and afterwards a third with the Venetians, exclusive of the Florentines: The Emperor crown'd at Bologna.



THE ill Success of the *French* Arms in *Italy*, made the Pope, the King of *France*, and the other Confederates think of Peace, and of the Means to procure it. The Pope was the first who applied himself towards it, and, by the Mediation of the General of the *Franciscans*, whom he made a Cardinal, with the Title of *St. Grace*, and who pass'd several times between *Rome* and the Court of *Spain*; he brought the Affair to great a Length, that in the Beginning of the Year 1529. there was Advice in *Rome* of the Prospect of an Accommodation: At last, having been negotiated by the Cardinal for some Months, it was concluded by *Giovan-Antonio Muscattola*, Ambassador for the Emperor, at *Rome*, and very favourably for the Pope; either because the Emperor was willing to remove any Impediment towards his coming into *Italy* (as he was minded to do) and thought that he might have Occasion for the Pope's good Offices in that case; or, that he would have his Holiness forget the ill Usages he had received from his Ministers and his Army, by granting him large Concessions at this

Juncture

Juncture. In Effect, he granted what the Pope most earnestly desir'd, the Re-establishment of his Family in *Florence*, promising, upon the new Marriage of his natural Daughter *Margaret*, with *Alexander de Medicis*, the Pope's Nephew, Son to *Lawrence*, to establish *Alexander* in *Florence*, in the same Grandeur which the Family had there before they were banish'd.

THE Articles of this Treaty are to be seen in *Giovius*¹, *Guicciardin*² and other Writers³; the precise Words of it are set down by *Summonte*⁴ and *Chiocarelli*⁵. As to what relates to *Naples*, it was agreed as follows;

THAT the Pope should allow free Passage through the Ecclesiastical State to the Imperial Army, if they had Occasion to leave *Naples*; and that upon the Emperor's coming into *Italy*, they should converse together, and treat of the general Peace of *Christendom*, receiving one another with the usual Honours and Ceremony.

THAT the Emperor should take care, as soon as possible, by Arms or otherwise, as should be most proper, to put the Pope in peaceable Possession of *Cervia*, *Ravenna*, *Modena*, *Reggio*, and *Rubiera*, without Prejudice to the Rights of the Empire and the Apostolical See.

ON the other Hand, the Pope agreed (upon the Delivery of the Lands mentioned) to grant to the Emperor, as a Recompence of his Favours, a new Investiture of the Kingdom of *Naples*, with a free Discharge of all past Tribute, and reducing the Tribute of the former Investiture to a White Horse, in Acknowledgment of the Fief, to be presented to the Pope upon the Feast of *St. Peter* and *St. Paul*. The Tribute which the Popes had claim'd for the Investiture of *Naples*, was uncertain, sometimes less, and at other times rising to considerable Sums, which not being paid, the Popes, not to lose their Title, used, by new Bulls, to remit the Arrears, ordaining the King for the Time being, to pay it from that Time; and if afterwards it happened not to be paid, they remitted it afresh.

BY this Treaty, all pecuniary Tribute was taken off, and the White Horse substituted in Lieu of it, which has continued to this Time. *Thomas Campanella* composed, for this Purpose, a *Consultum de Censu Regni Neapolitani*, never printed⁶. *Paul IV.* notwithstanding this Treaty, claimed the Tribute-Money of *Philip II.* and went so far as to declare, that he had forfeited the Kingdom for failing to pay it: But of this we shall speak in its proper Place.

IT was further granted to the Emperor by this Treaty, to have the Nomination to four and twenty Cathedrals in the Kingdom (about which there had formerly been a Dispute) the Pope retaining the Disposing of the other Churches, where no Patronage was pretended, and also of all other Benefices: Of which we shall have Occasion to speak at large, when we come to treat of the Ecclesiastical Polity of the Kingdom during this Century.

THE last Article (not to mention those which have no relation to *Naples*) was, That neither of the Parties should have Power to enter into any Alliance (as to *Italy*) with any other State, nor observe any League already made in Prejudice of this Treaty: But it was allowed to the *Venetians* to accede to this Confederacy, upon leaving to the Emperor what they now possess'd in *Naples*.

THIS Peace was concluded and signed at *Barcelona*, June 29. 1529. and solemnly sworn to in the Name of the two contracting Powers, before the great Altar of the Cathedral Church of *Barcelona*, by *Mercury Gattinara* and *Lodovico de Flandes*, the Emperor's Ambassadors, and by Bishop *Girolamo Seletto*, the Pope's Master of the Household.

THE Emperor being willing to re-instate *Alexander de Medicis* in *Florence*, according to the Treaty, resolved to make use of our Viceroy the Prince of *Orange* in that Expedition, to whom he sent Orders to march with his Army from *Abruzzo*, where he then was, towards *Florence*, and to pass by Way of *Rome*, to receive the Pope's Orders.

AT the same time, Negotiations for bringing about a Peace between the Emperor and King of *France* went on with no less Vigour; and *Cambray*, a City destined for ending great Controversies, was pitch'd upon for the Place of Congress

¹ Giov. l. 26, 27.

² Guicciard. l. 19.

³ Tarcagnola, l. 2. Vol. IV. Panvinio in
vita Clem. VII. Eurgatto, l. 6. Bellay, l. 3.

⁴ Summonte, tom. 4.

⁵ Chioc. MS. Giurisd. tom. 1.

⁶ Toppi Biblioth. Let. T

THE Management of this Peace was committed to two great Ladies, *Margaret of Austria*, the Emperor's Aunt, and *Madame the Regent*, the King of France's Mother, to which the King of *England* consented, who, for that Purpose, had sent an Ambassador to *Cambrey*. King *Francis* used all his Art with the Ambassadors of the League of *Italy*, to persuade them that he would not make Peace without their Concurrence and Satisfaction: He laboured to induce them not to depend upon Peace, but rather to turn their Thoughts to warlike Preparations; this he did, lest the Confederates, suspecting his Design, might prevent him, by making up the Matter with the Emperor: For this Reason, he seemed to be wholly intent upon military Preparations, and sent the Bishop of *Tarbes* into *Italy*, with Orders to go to *Turin*, *Milan*, *Ferrara* and *Florence*, to treat about Matters relating to the War, promising them, that upon the Emperor's marching into *Italy*, he would likewise be there with a powerful Army. These were his Pretences, but, in reality, his earnest Desire to have his Children restored, who had been given as Hostages by the Treaty of *Madrid*, made him continually press for an Agreement; to which End, the two Princesses enter'd *Cambrey* at different Gates, with great Magnificence, upon the 24th of *July*; and being lodged in two Houses contiguous to one another, and having a Communication one with the other, the two Ladies had an Interview that very Day, and by their Agents began to treat of the Articles of Peace: The King of *France* (to whom the *Venetians*, frighten'd at this Familiarity, made large Offers) had retir'd to *Compeigne*, to be near at Hand to remove any Difficulty that might arise.

TO this Place, came not only the two Princesses, but likewise, on the Behalf of the King of *England*, the Bishop of *London*, and the Duke of *Sussex*; for the Negotiation was carried on with that King's Advice and Consent: The Pope sent thither the Archbishop of *Cyprus*, and the Ambassadors of all the other Confederates were also there; but to these last the French Ministers gave account of Things quite different from what was really transacting; and the King always promised them, that no Peace should be made without their Consent and Approbation. Mean while, upon the 23d of *July*, Advice was brought of an Accommodation between the Pope and the Emperor, upon which, the Treaty (being in great Forwardness) had like to have been disturbed, by certain Difficulties about some Territories in the *Italian* *Counties*; but by the Mediation of the Pope's Legate, and the Archbishop of *Cyprus*, it was at last concluded.

THIS Peace was proclaimed, with great Solemnity, in the great Church of *Cambrey* on the 5th of *August*: A Copy of the Instrument is to be seen in *Leonard's Collection* *. The Principle Articles, and such as relate to *Naples*, were as follow;

THAT the King's Sons should be set at Liberty, upon his paying the Emperor, for their Ransom, 1,200,000 Ducats, and 200,000 more (upon his Account) to the King of *England* †.

THAT the King should give up to the Emperor, six Weeks after the Ratification of the Treaty, all that he possess'd in the Dutchy of *Milan*, as also *Agno*, with all his Pretensions to it.

THAT, as soon as he could, he should evacuate *Barietta*, and all that he held in the Kingdom of *Naples*. That his most Christian Majesty should declare to the *Venetians*, that according to the Articles of *Cognac*, they must restore the Places they had taken in *Puglia*, and upon their Refusal, he shou'd denounce War against them, and assist the Emperor in the Recovery of them, with 30,000 Crowns a Month, 12 Gallies, 4 Ships, and as many Brigantines, and six Months Pay.

AND, to name no more, it was agreed, that the King should disannul the Process against the Duke of *Bourbon*, and restore the Deceased to his Honour, and his Heirs to the Estate, and likewise give back all Confiscations made upon Account of the War, either to the Persons forfeited, or to their Heirs: Which Article the King made no Account of after he had got his Sons set at Liberty, for he took the Title from the House of *Bourbon*, and did not restore to the Prince of *Orange* what had been taken from him, of which the Emperor complained much.

IN this Peace, the Pope was comprehended as a Principal, and the Duke of *Suzo* was included: There was also an Article, that the *Venetians* and *Electors* should be comprehended, upon Condition that they made up all Differences with the

* Leonard. tom. 2. p. 346

† Guizot 1. 19. B. Bay, 1. 3.

Emperor in four Months; which was, in effect, a tacit Exclusion: The like was done with respect to the Duke of *Ferrara*, but no mention was made of the Nobility and Exiles of the Kingdom of *Naples*.

WHEN this Peace was made publick, it is inexpressible how the *Venetians*, and much more the *Florentines*, cried out against it, seeing themselves, by their not being included, at the Mercy of the Emperor and the Pope; which last, received the Prince of *Orange* (who was arrived at *Rome*, on his March to reduce the *Florentines*) with great Joy, and gave him a good Reinforcement to facilitate the Undertaking, which he wish'd might have a good Issue.

IN the mean time the Emperor, after the Peace made with the Pope, set out for *Italy*, where he was desirous to go, not for the bare Ceremony of receiving the Imperial Crown from the Pope's own Hands, but for Reasons of greater Consequence; having a Mind, in his Conferences with his Holiness, to settle many Things in *Italy*, which yet remain'd doubtful: So that leaving *Barcelona* upon the 28th of *July*, on Board *Andrea D'Oria's* Gallies, he arrived at *Genoa* the 12th of *August*, where the Articles of Peace, concluded at *Cambray*, were presented to him, which he very readily ratified. In Execution of which, the King of *France* recall'd his Forces from *Naples*, giving Orders to his Officers, to put *Barletta* and all other Places possess'd by them in the Kingdom of *Naples*, in his Name, into the Emperor's Hands, which was accordingly done¹.

FROM the Time that this Peace of *Cambray* was made, the Kings of *France* never made an Attempt upon the Kingdom of *Naples* in their own Names, nor pretended to the Conquest of that Kingdom for themselves: It is true, they join'd upon Occasion with the Enemies of the Kings of *Spain*, in order to annoy them, but for other Reasons, as shall be shew'd in the Progress of this History.

THERE were still some Remains of War in *Puglia*; for the *Venetians*, not being included in the Peace, obstinately resolved to keep that Country, and the Ports of the *Adriatick*, of which they were possess'd: And although the Marquis *Del Vasto* had Orders to beat them out, he being call'd by the Prince of *Orange* to *Florence*, the reducing of which was more tedious and difficult than was believed at first, the Charge of the *Puglian* Expedition was given to *Alarçon*, newly made Marquis *Della Valle Siciliana*².

WHEN the Emperor was arrived at *Bologna*, upon the 5th of *November*, where, according to Agreement, the Pope also was; the first Thing that was treated of in their Conferences together, was the Restitution of the Dutchy of *Milan*, and the Peace with the *Venetians* and other Christian Princes. To facilitate which, *Alonzo Sauches*, the Emperor's Ambassador at *Venice* did good Service: It was also of great Use to *Francis Sforza*, his presenting himself to the Emperor as soon as he arriv'd at *Bologna*, where the Difficulties of the Accommodation with him and the *Venetians*, having taken up a Month, at last (the Pope being much fatigued) the Agreement with both was concluded upon the 23d of *December* this Year. It was stipulated, that the Dutchy of *Milan* should be restored to *Sforza* upon his paying to the Emperor 400,000 Ducats in one Year, and 500,000 in ten Years more; and till the first Payment should be made, *Como*, and the Citadel of *Milan* were to remain in the Emperor's Hands: So *Sforza* got the Investiture, or rather had that confirm'd to him which he had received before³.

THAT the *Venetians* should restore to the Pope *Ravenna* and *Cervia*, with all its Territories, but without giving up their Pretensions to them.

THAT they should deliver up to the Emperor, before the End of *January* next, all that they possess'd in the Kingdom of *Naples*.

THAT in case any Christian Prince, of whatever Rank, should attack the Kingdom of *Naples*, they obliged themselves to assist the Emperor with fifteen light Gallies well arm'd.

AND, to name no more Articles, it was stipulated, that if the Duke of *Ferrara* should make an Accommodation with the Pope and the Emperor, he should be understood to be included in this Peace.

THIS Peace was solemnly publish'd in the Cathedral Church of *Bologna*, on the first Day of *January* 1530. from which the *Florentines* alone were excluded.

¹ Giorn. del Rosso, p. 61.

² Ibidem.

³ Guic. l. 19.

IN Execution of the Treaty, the Emperor restored to *Francis Sforza* the Dutchy of *Milan*, and withdrew his Forces out of it, except such as were necessary for garisoning the Castle and *Como*, both which he evacuated at the Time agreed upon: But because the Emperor's Generals were dissatisfied with the Peace, and particularly the Marquis *Del Vasto*, and *Antonio di Leva*, the Emperor, to please them, persuaded the Duke of *Milan* to condescend to give them some Lands in his Dutchy.

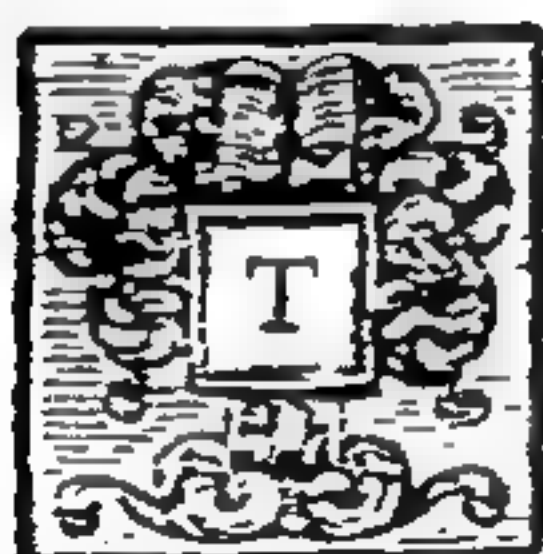
THE *Venetians* gave up to the Pope the Territory of *Romagna*, and to the Emperor they restored, in the same Month, *Trent*, *Melfetta*, *Pulignano*, *Monopoli*, *Brindisi*, and all other Places which they had taken on the Coast of *Puglia*.

THUS the Kingdom being freed from the Invasion of Foreigners, and Peace restored to it, had need of Ease and quiet Repose to make up the past Losses.



C H A P. VI.

The Government of Cardinal Pompeo Colonna, who was made Viceroy in the Room of the Prince of Orange, becomes grievous to the Subjects, not so much by his own Rigour, as by Taxes and Donatives exacted from them upon account of the Emperor's Coronation, his Journey into Germany, the Birth of a new Prince, and the War against the Turks.



THE Prince of Orange being appointed for the *Florentine Expedition*, Cardinal *Pompeo Colonna*, in the Beginning of *July 1529*. was made Viceroy of *Naples* in his Stead. This was the first Cardinal, who being likewise Archbishop of *Monreale*, that, as Viceroy, and Captain-General, had govern'd the Kingdom. Formerly (when those who had dedicated themselves to the Church, could not meddle in Secular Affairs) this Promotion would have been esteemed a horrible Thing; but in the Pontificates of *Alexander VI.* *Julius II.* (of whom *John Owen*¹ says, that having laid aside the Keys, and taken up the Sword, he was more intent upon the Arts of War than the Sacerdotal Function) *Leo X.* (who, as *Guicciardin* observes², having no Regard to Religion, had his Mind intirely bent upon Splendor and Magnificence, as if he had been descended from a long Race of Kings, encouraging, not only learned Men, but Musicians and Buffoons, with a Royal Profuseness); and in this Pontificate of *Clement VII.* (in whose Reign, the Abuses of the Court of *Rome* were come to such a Height, that a General Council was much wanted for putting an End to them) I say, in such Times, this Promotion of Cardinal *Colonna* did not seem strange: It was no Blemish then, for a Cardinal and an Archbishop, to leave his Diocese, and govern Kingdoms as Viceroy and Captain-General; and, indeed, less wondered at in Cardinal *Colonna*, who, not minding Religion, gave himself intirely to Arms and Love Intrigues, according to the Genius of those Times.

IN his Youth he had been brought up to Arms by his Uncle *Pedro Colonna*, and fighting under that Great Captain, he gave good Proof of his Courage. Afterwards, chusing to leave the Army, and retire to *Rome*, he gave himself to the Study of Human Learning, and made such wonderful Progress in *Poetry*, that he was

¹ Jo. Oweni Epigram. l. i. Epig. 77.

² Guicc. l. 14.

much esteemed by *Minturno*¹, and other *Virtuosi* of his Time. And as it was the Custom of Poets to chuse a *Heroine*, by whose Influence their Poetical Vein being inspired, they versified with more Life and Vigour; *Colonna* follow'd the same Practice, and being taken with the Beauty and Gracefulness of *Donna Isabella Villamarino*, Princess of *Salerno*, he loudly sung her Praise, and made many Copies of Verses upon that Subject, which are yet extant: He was likewise very much in the good Graces of the celebrated *Donna Vittoria Colonna*, his Cousin, whom he also extolled to the Skies. And to shew how fond he was of the Ladies, he composed a whole Volume of *the Vertues of Women*, giving them excessive Praises, and defending them from all the Faults commonly laid to their Charge².

AS a Recompence for all this Labour, upon the Death of his Uncle Cardinal *John Colonna*, *Julius II.* made him Bishop of *Rieti*; *Leo X.* who was better pleased with his Behaviour and Learning, rais'd him to greater Honour; for besides his translating him to greater and better Bishopricks, he made him Vice-Chancellor of the Apostolick See, and at last Cardinal. But *Clement VII.* hated him for being attach'd (as indeed all the *Colonna* Family was) to the Imperial Interest, and for that Reason opposed him in all his Designs: And the Cardinal being supported by the Emperor's Favour, did not stick to talk publickly against the Pope, as having obtained the Papacy by base Means, and magnifying what the House of *Colonna* had done against other Popes, added, that the Hatred of intruding Popes had been fatal to their House, but that such had often been restrained and kept under by the Power of the *Colonna's*. The Pope, enraged at these Discourses, published a severe *Monitory* against him, citing him to *Rome* under great Penalties, in which he pointed directly at the Viceroy of *Naples*, and obliquely at the Emperor himself. Cardinal *Pompeo* did not fail to revenge himself when the *Colonna's* entered *Rome*, and pillaged the Pope's Palace, and *St. Peter's Church*; for which, as soon as the Pope was in Safety, by the Truce made with *Don Hugo di Moncada*, he excommunicated the whole *Colonna* Family, as Hereticks and Schismatics, and deprived the Cardinal of his Hat. The Cardinal was then at *Naples*, and hearing of his Degradation, slighting the Pope's Censure, he publish'd an *Appeal* to a future Council, and cited *Clement* to it, giving, as his Reason, the Injustice and Nullity of his *Monitories*, *Censures* and *Sentences* against himself and the *Colonna* Family; and the Partisans of the *Colonna* Family, caus'd many Copies of this Appeal to be affixed in the Night-time, upon the Doors of the chief Churches in *Rome*, and upon many other Publick Places, and dispersed them thro' *Italy*. These sharp Disputes continued between them till the Treaty of *Barcelona*, by Virtue of which, all those who had offended the Pope, in *Rome* or elsewhere, being absolved, the Cardinal was restored to his former Dignity, but never to the Pope's Favour: But these Things having render'd him much more acceptable to the Emperor *Charles V.* he made him Archbishop of *Monreale*, a rich See in *Sicily*, and then upon the Departure of the Prince of *Orange* to *Florence*, the Cardinal being in *Gaeta*, he made him Viceroy.

UPON the Cardinal's Arrival at *Naples*, he found the Kingdom no less drain'd of Money, than full of Lewdness and Debauchery, occasioned by the late Calamities and Disorders; his Predecessors having been obliged, by reason of the Wars and Revolutions, to mind rather the military Affairs, than the Distribution of Justice; and the Prince of *Orange* had, more by his own Example, than the Negligence of his Government, introduced an intolerable Licentiousness and Debauchery among the young Nobility, to the great Contempt of Law and Justice: Not only the Chief Men of the Kingdom, but even private Gentlemen, openly rescued Offenders from the Hand of Justice; oppress'd and abus'd the Common People; kept the poor Tradesmen out of the Money which they had earn'd by their Labour, and even beat them as often as they came to demand it. The Great Men kept in their Houses, Miscreants [called *Bravo's*] to execute their unjust Orders; nor could the Ministers of Justice find any Remedy against that abominable Practice: The Palaces of the Nobility were become so many Places of Refuge, and those who fled to them, although they had been guilty of a thousand Villanies, were secure there; and if they were at any time drawn from thence by the Officers (whom they call *Sbirri*) those Officers were beaten, and the Delinquents rescued, or else they were prosecuted for Breach of Privilege, and obliged to restore the Prisoners.

¹ Lettère de Minturno, char. 9.
VOL. II

² Nicod. Biblioth. in Pompeo Colonna.
5 R

THE Cardinal in the Beginning of his Government, following the Example of his Predecessors, let the Disorders go on as usual ; but at last seeing Things grow to such a Pitch of Wickedness, he rous'd himself : He made his Valer de Chambre *Gio. Battista d'Alsis di Caserta*, lose a Hand, for having given another of his Servants a Blow in the Face, in his Antichamber ; and although Donna *Victoria Colonna* came from *Licbia* to intercede for his Pardon, she lost her Labour ; and all that the Princess of *Salerno* (so much celebrated by the Cardinal in his Poetry) could obtain, was, that instead of the Right-Hand, he allow'd the Left to be cut off¹. He caused to be

hang'd in the Market-Place, *Cela Giovanni di Monte*, who, in
¹ *A Sort of Magistrate.* 1525. had been *Eletto del Popolo**, and was actually then

Maefirodatti of the Court of the Vicariate, together with his Brother *Julio*, who was Partner in his Office, and likewise his Accomplice in innumerable Frauds, Falshoods, and other enormous Crimes, of which they were convicted. A Malefactor having made his Escape from the Captain of the *Sbirri*, and taken Shelter in the Prince of *Salerno's* Palace, he threaten'd to confiscate the Prince's Estate, unless he was given up, which was instantly done : And towards the End of his Government, his Rigour towards *Paul Poderico*, slightly suspected to have had a hand in Assassinating the Count *De Policastro*, would have turned to Cruelty and manifest Injustice, if it had not been stopp'd by *Tommaso Gramatico*, our Civilian, who was at that Time Judge of the Vicariate. These Severities kept many in Order, but did not altogether restore Justice to its due Vigour ; that Honour was reserved for Don *Pietro de Toledo* his Successor, who (as we shall have Occasion to shew afterwards) almost at his first entring upon the Government, raised it to so high a Pitch, that in a Medal struck in his Time at *Naples*, representing Justice a falling, and supported by him, he justly deserved the Motto put upon it, *Erectori Justitix*.

BUT Cardinal *Colonna's* Government became grievous to the *Neapolitans*, by reason of the Occasions which the Emperor had, during his Viceroyship, for repeated Taxes and Donatives. Whilst the Emperor was at *Bologna*, there came Advice from *Spain*, that the Empress was brought to bed of a Prince ; so that about the End of *January* 1530. at the same time that they were making Feasts and Tournaments in *Naples*, they were obliged to think of a new Donative to his Imperial Majesty for the Birth of his Son : Besides, the Day was appointed for his Coronation, which was the Feast of *St. Matthias*, a Day very lucky to him, as being both his Birth-Day, and that on which he made the King of *France* Prisoner, he therefore chose it for his Coronation. He had been crown'd before at *Aix la Chapelle*, with *Charles the Great's* Crown, and now he sent to *Monza*, from *Bologna*, for the Crown of Iron, which he also received from the Pope's Hand with great Solemnity ; and afterwards, on *St. Matthias's* Day, *February* the 24th, he was crown'd with another Crown of Gold, and proclaimed *Augustus*, with Sound of Trumpets, and firing of Cannon. *Guicciardin* says², This Coronation was perform'd with a vast Concourse of People from *Naples*, and other Parts of *Italy*, but with little Expence or Pomp ; but although it cost little, yet the Prince of *Salerno* carried from *Naples*, 300,000 Ducats for defraying the Charge of it.

THIS Solemnity was the sooner over, because the Emperor had resolved to go immediately to *Germany*, as well for quelling the Disturbances occasioned there by *Luther's* Heresy, as for electing a King of the *Romans*, to which Dignity he endeavour'd to raise his Brother *Ferdinand*. He had received pressing Letters from thence to hasten his going thither : The Electors, and other Princes of the Empire press'd his coming, upon Account of the Dyet ; his Brother wanted his Presence, that he might be elected King of the *Romans* ; and others were earnest for his coming, because they thought, that so many Revolutions that had happen'd in *Germany*, on the Account of Religion, could not be quieted but by a Council.

THE Emperor therefore left *Bologna* in the End of *March*, to go to *Germany* (at the same time that the Pope took his Journey to *Rome* :) At his Arrival at *Ausburg*, he found the Princes of *Germany*, who waited his coming to hold the Dyet against the *Lutheran* Heresy. The Prince of *Orange* being kill'd in Battle on the 3d of *August* this Year, Cardinal *Colonna* was no longer Lieutenant-Governor, but absolute Viceroy of *Naples*.

¹ *Giorn. del Rosso*, p. 63.

² *Guicc.* 1. 20.

IN the mean time, the Emperor during his Stay in *Germany*, was intent upon settling the Commotions begun in these Provinces, and to get his Brother chosen King of the *Romans*, which last he happily effected, *Ferdinand* being elected in the Beginning of the Year 1531, and crowned at *Aix la Chapelle*.

BUT it must be allowed, that the Kingdom of *Naples* has always been very unhappy, and much to be pitied; for whilst it was governed by little Kings, such as the *Arragon* Family were, those having no other Dominions from whence they could draw Money, the Subjects of *Naples* were obliged to defray the Charges of their Wars; yet that was reasonable and supportable: But who would have believed, that when this Kingdom came under the Dominion of so powerful a Prince as *Charles V.* Master of two Worlds, to whom not only the Gold of *Spain*, but that of the New *Indies* was brought, he should be always in want of Money, so that his Troops often mutiny'd for want of Pay, and nothing was heard but continual Demands of new Taxes and Donatives?

ANOTHER Misfortune for this Kingdom was, that as soon as the War with *France* was over, the *Turks* began another; so that we were always harass'd and forced to be at intolerable Charges, by the War with the first, and by Fear of the latter, which was worse than War. *Solyman* Emperor of the *Turks*, prepared to invade *Austria* this Year with a great Army, and to lay close Siege to *Vienna*; and the Year following he march'd with a powerful Force into *Hungary*, which obliged the Emperor to prepare himself for a vigorous Defence: But he wanted Money and Men to resist so formidable an Enemy; and therefore he intimated to the Cardinal Viceroy, that he should endeavour to procure larger Donatives from the Kingdom, to supply the Necessities of the War. The Cardinal summon'd a *Parliament* according to Custom, to meet in *St. Lawrence's Church* on the 11th of *July*, where declaring the Emperor's Mind, and exaggerating the Necessity of his Demand, he labour'd to persuade the Nobility and Commons to give a Donative of at least 600,000 Ducats. The Representatives on the other Hand, although they declared themselves willing to comply with his Majesty's Desire, yet they represented to the Viceroy their Inability, the Kingdom having been quite drain'd by the late Scourges of War, Famine, and Pestilence; they put him in Mind of the 300,000 Ducats which they had sent to his Imperial Majesty by the Prince of *Salerno*, for the Expence of his Coronation, by which they were in such a miserable State that they were to be pitied; notwithstanding which, to shew their Readiness to serve their Prince, they offered to give him 300,000: But the Cardinal being inflexible, and obstinately adhering to his first Demand, they were under a Necessity to offer at last the 600,000 Ducats, but to be paid in four Years, and levied by a Tax laid upon every House. They appointed the Prince of *Salerno* to carry the Donative; and upon this Occasion they asked a new Confirmation of the Old Privileges, and likewise new Grants, which they obtained the Year following, the Emperor being at *Ratisbon*, where he sign'd them on the 28th of *July* 1532, as they are to be seen among the Privileges and Grants of the City and Kingdom of *Naples*¹: But this Money was employed to pay the Army in *Tuscany*, and to levy more Forces in *Naples* and elsewhere, to recruit the Armies.

ABOUT this Time the Cardinal receiv'd five Edicts made by the Emperor in *Germany*, some of which related to this very End of raising Money. The Cardinal only proclaimed them, so that we may truly say, that he made no Laws in *Naples*.

BY the first Edict, sign'd at *Innspruck* *July* the 5th, 1530. and publish'd in *Naples* *January* the 2d, 1531², it was declared, That any Alienations made, either by private Persons, or by the Court, from the first of *March* 1528, to the End of *February* 1530, should be no Hindrance to the Seller, but that they might recover their Lands by paying the Money stipulated: The Period therein mentioned, having been a Time full of Revolutions, War, and other Calamities.

BY the second, dated at *Ghent*, *June* the 4th, 1531. published at *Naples* the 27th of *July* following, it was allow'd to all the *Neapolitans* to arm Ships against the Infidels, and to scour the Seas in Defence of the Coasts of the Kingdom³.

THE third, dated at *Brussels*, the 13th of *March* 1531, published by the Cardinal the last Day of *September* in the same Year, recalled all Grants, Rewards, Provisions, Immunities and Exemptions made by former Viceroys; confirming only

¹ Capitoli e Graz di Nap. in tempo di Card. Colonna, 101. 87.

² Pragmat. 1. de Pacto de retrovend.

³ Prag. 2. Quod Regnicoli possint armare.

such as had been made by the Prince of *Orange*; and charged the Treasurer, the Great Chamberlain, and his Lieutenant, with the exacting of the Revenues of the Exchequer, prescribing, in strong Terms, such Laws by which the Treasury might be augmented and frugally administer'd¹.

BY the fourth, bearing Date likewise at *Brussels*, the 20th of *December* 1531, published at *Naples* *February* the 17th 1532, severe Laws were prescribed to the Collectors, and all other Officers who receive or give out the King's Money, ordering them to keep an exact Account of the Quality, Weight and Value of it, and to make a just Account of it to the Ministers of the Court of the Royal Chamber².

THE last, dated at *Cologne*, *January* the 28th 1532, published at *Naples* the 17th of *February* following, declares, That the Viceroy had not Power to bestow any Office in the Kingdom worth above One hundred Ducats a Year, because it belong'd to the King to dispose of such; and in those of a hundred Ducats, are comprehended not only Officers Salaries, but Perquisites and all other Dues³.

A FEW Months after the publishing this Edict, the Cardinal finished his Government and Life together. It was his Custom this Summer 1532, to go often to his Garden at *Cbiana* for his Diversion, and going thither in the Morning in the Beginning of *July*, with his great Friend the Count *De PolICASTRO*, and having eaten Figs, a little after Dinner he was taken with a slow Fever, which took him off in a few Days, in the 53d Year of his Age: It was reported, that the Figs were poison'd by one *Philipetto* his Butler, who knowing that it was his Master's Custom often to eat Figs in that Garden, had poison'd them. *Gregorio ROSSO* a contemporary Writer, relates⁴, That it was thought strange that the Cardinal should die, and not the Count *De PolICASTRO*, who had likewise eaten Figs that Morning with him. There were various Reports about the Author of the Villany; some said that *Philipetto* was hired to do it by a great Person at *Rome*, who was the Cardinal's mortal Enemy; others pretended that it was done by some Relations of that Lady so much extoll'd in the Cardinal's Poems, being affronted that he should have made choice of their Relation to be the Subject of his Muse, and have treated her as *Petrarch* did his *Laura*. But *Agostino NISO*, a famous Physician of that Time, who was called to prescribe a Remedy to him, and was present at opening the Body, declared that there was no Sign of Poison in his Bowels. *Paul GIOVIO*, who wrote the Cardinal's Life, is of the same Opinion, attributing his Death to the immoderate Use of Ice-Water, which he used (after the *Roman* Custom) to drink mix'd with Wine, two Hours after Dinner, to refresh himself. His Body was buried in the Church of *Monte Oliveto*, where, not many Years ago, his Sepulchre was; but afterwards his Bones were transported to the Chapel of the Princes of *Sulmona*, of the *Lancio* Family. After his Death the Collateral Council undertook the Government till another Viceroy came; the Chief of which Council was Don *Ferdinand* of *Arragon*, Duke of *Montalto*. As soon as the Pope, to his great Joy, heard of the Cardinal's Death, he gave his Office of Vice-Chancellor, with the greatest Part of his Benefices, to his own Nephew, Cardinal *Hyppolito de Medicis*, who was gone to *Germany*⁵.

AS soon as the Emperor had an Account of the Cardinal's Death, he made Don *Pedro di Toledo*, Marquis of *Villa-Franca* (who was then with him in *Germany*) Viceroy of *Naples*; who leaving *Ratisbon*, where the Emperor was, upon the first Day of *August*, arrived at *Naples* the 4th of *September*, and took Possession of his Charge the next Day.

BUT because his Government was of the longest Continuance of all the Viceroys we ever had, having kept it for the Space of 21 Years and a half, in which Time there happened many notable Occurrences; and that from him *Naples* began to take that Form and Polity, of which it retains a great Resemblance at present, it will be more proper to refer the relating of those memorable Events to the following Book of this History.

¹ Pragm. 2. De Revocat & Suspensione.

² Ibid. 1. De Offic. Quæst. Cesar.

³ Ibid. 1. De Offic. ad Reg. M.

⁴ Giorn. del Rosso, p. 83.

⁵ Ibidem, p. 84.



T H E

CIVIL HISTORY

Of the KINGDOM of

N A P L E S.

B O O K XXXII.



ON *Pedro di Toledo*, was born at *Alva di Tormes*, in the Kingdom of *Castile*, in the Year 1484. of *Don Frederick di Toledo II.* Duke *D'Alva*, and *Donna Isabella Zuniga*, Daughter to the Duke of *Bedmar*, a Lady no less accomplished in Mind than in Body: She was tall and well-shap'd; so that she used pleasantly to say, That she came to mend the Breed of the House of *Alva*, who were low of Stature. *Don Pedro* was, in his Infancy, put into the Hands of good Masters, to be instructed in Literature; but the Duke his Father, finding that he made no great Progress that Way, and that he was more inclined to Exercises of the Body, than the Speculations of the Schools, sent him to Court, and made him Page to the King of *Spain*; and *Don Pedro*, although but a Boy, taking diligent Notice of the Actions and Words of that wise King, learned both Judgment and Prudence; and applying himself to Horsemanship, he piqued himself in out-stripping all the Courtiers of his own Age in that Exercise, as well in the Service of the King, as in making a handsome Appearance in Tilts and Tournaments, and all other Diversions of the Court; so that he became a greater Favourite of the King's than any other, and most expert in the Feats of Chivalry, so that he was call'd in *Spain* the great *Bull-fighter*: And after he came to be Viceroy of *Naples*, he introduced Bull-Feasts, and many other Tiltings and Tournaments, which he often made the *Neapolitans* practise during his Government.

HAVING, by these Accomplishments, ingratiated himself with the King, his Majesty was pleased to make a Match for him, with *Donna Maria Osoria*, Marchioness of *Villa-Franca*, the Count of *Benevento's* Grand-Daughter, a Lady of

thirteen Years of Age, handsome, and sole Heiress to her Grandfather's Estate: and although Don *Pedro* was only a Cadet of his own Family, and not the eldest Son, yet both the King and the Count, with whom Donna *Maria* had been brought up, made Choice of him, before many others of great Estates and Titles, that courted her. By this Marriage he took the Title of Marquis of *Villa-Franca*, together with Possession of the Estate, to the great Joy of the Vassals, who soon found the Sweets of his prudent and just Management: So early did Don *Pedro* give Proof of his knowing well how to Rule. Not long after, the King gave him a Benefice, *in Commendam*, of the Order of St. *James*, of 6000 Ducats a Year; to which Order he was attach'd all his Life. The Duke his Father, being afterwards sent Captain-General of the King's Army, in the Expedition against the King of *Navarre*, the Marquis, entering himself in the King his Master's Service, accompanied his Father in that War, where he served till *John Alibert* was driven out, and the Kingdom conquer'd by the Duke: In that Expedition he gave Proof, that he was as well skill'd in the Art of War, as in that of Government.

UPON the Death of the Catholick King, as hath been related in the preceding Book, there arose some Troubles in *Spain*; some *Grandeos* refusing to accept *Charles* Archduke of *Austria*, his Grandchild, for their King, whilst Queen *Jean* his Mother was alive, although they were willing to receive him as Prince, and Successor to her: But that Matter being made up upon certain Conditions; and *Charles* being afterwards made Emperor upon his Grandfather's Death, there happen'd other Stirs (as has been said) amongst the *Spaniards*, by reason of the illegal Exactions of the *Flemish* Ministers, whom the Emperor had brought with him from *Flanders*: The People mutinied and took Arms; but being routed, and the Chief Leaders of them punished, the Tumults ceased. In these Confusions, the Marquis, following the Example of the Duke *D'Alva* his Father, did the Emperor good Service, which made him a great Favourite, and highly honour'd and esteem'd by that Prince above all his other Courtiers; insomuch that he would never part with him, but carried him to *Flanders*, *Italy*, and *Germany* with him. He was in *Ratisbone* this Year 1532. with the Emperor, when *Solyman*, with 300,000 Men, had enter'd *Servia*, in order to subdue *Hungary*, and threatening likewise the other Imperial Dominions; and the Emperor, intent upon driving him back, had written to *Andrea D'Orsi*, lately made Prince of *Melfi*, to get together as great a Fleet as he could, and to sail to the *Levant*, to the *Grecian* Coasts, in order to attack the Maritime Towns of the *Turks*, thereby to divert them from their Enterprize upon *Hungary*.

BUT, as the *Turks* began to disturb *Naples* after the *French* were gone, as we observed before, the Emperor having Intelligence of the Sailing of the *Turkish* Fleet, was apprehensive of their Design upon *Naples*, and having Advice, at the same time, of the Death of Cardinal *Columa*, he immediately dispatch'd the Marquis of *Villa-Franca*, with the Character of Viceroy and Captain-General of the Kingdom, not only to do him Honour, but for the better Defence of the Kingdom against the Attempts of the *Turks*, being perfectly satisfied of his Prudence and Courage. He set out immediately, and made long Journies, accompanied by *Nicolo-Antonio Caracciolo*, Marquis of *Vico* (then likewise at *Ratisbone*) who said, that by the Conversation which they had together upon the Road, about the Affairs of *Naples*, he had found out, that the Marquis of *Villa-Franca's* Government would be a severe one*. He pass'd thro' *Rome*, where he was received by *Clement* with great Honour. He was, at his Arrival in *Naples*, welcomed with great Acclamations, the People being persuaded, by his Reputation, that he would govern them with Prudence and Justice, and reform the many Abuses and Corruptions which had crept in, as also that they should now be freed from the Insolence of the Nobility.

HE found the Kingdom, as we said, in a miserable State, by reason of the preceding Calamities; the City emptied, both of Men and Money, by the Plague; the Houses ruined; the Fields a Desert; but above all, Justice depress'd; and therefore he thought fit to begin by re-establishing the last.

* *Giorn. del Rosso*, p. 85.



C H A P. I.

Don Pedro di Toledo reforms the Courts of Judicature in Naples, from which Justice began to flourish.



HIS wise Minister, knowing that the chief Fountain from whence the People's Repose is derived, is the equal Distribution of *Justice* to all ; and this (being impossible to be done directly by Kings in Person) must be trusted with their Ministers ; the first Step he took was, to call before him all the King's Council, and all the Magistrates and Officers of Justice, charging them to have the right Administration of it always before their Eyes ; to make it their principal Study to distribute Justice to all, without Respect of Persons ; and to have no other View in their several Charges, but the Honour of GOD, and the Service of their Prince.

TO gain his End in these Admonitions, and to be sure of the Fruit he expected from them, he trusted no-body, but gave Audience to all, without Exception, every Day, with the greatest Patience, being intent upon hearing and knowing every Thing, one after another. By which Method he came quickly to be acquainted with the Faults of the Officers, who, soon finding that there was nothing that could be hid from the Viceroy, some of them reform'd themselves of their own accord, others neglecting to do it, were admonished, some sharply reprov'd, and some others turn'd out of their Offices.

HE found, that in punishing Delinquents, the Favour of the Nobility was a great Obstruction to Justice ; for they, either with too great Importunity run immediately to beg them off, or made use of their Power to threaten the Judges to acquit them : But the Viceroy forbid such Practices, assuring them, that neither Intercessions nor Threats should have any Weight with him. And to shew them that he was in Earnest in his Resolution, he gave them a great and signal Instance of it, in the Execution of Commendator *Giovan-Francesco Pignatelli*, who, though he had been guilty of many Crimes, yet being of a great Family, and protected by many of the Nobility, had staved off the Execution of Justice ; the poor People who were wrong'd, and complain'd, being crush'd by his Interest : The Viceroy being informed of the Matter, gave Encouragement to the Plaintiffs and Judges to proceed with all Freedom against him ; and the Sentence of Death passing upon him, his Head was cut off in the *Piazza of Castel-novo*, the usual Place of Execution of Noblemen, in extraordinary Cases. The same Fate had the second Count of *Policastro*, and also a rich Citizen, well allied, called *Mazzeo Pellegrino*, who, by Force of Money, had long smother'd the Complaints against him, and still persisted in his wicked Courses ; but though he had offer'd vast Sums to compound the Matter, his Offers were reject'd, and he condemn'd to die, which was executed with the utmost Rigour.

TO take away the very Occasion of their Offences, he publish'd an Edict, forbidding every one, of what Quality soever, to keep (as it was become common) in their Halls and Porches, Spears, Javelins, Halbards, Guns or Musquets, or to carry in the Streets either Pistols, Daggers, or any other Arms, but a Sword only. He ordain'd, that from the second

* Hour of the Night, till the next Morning, none should go Abroad with any Arms whatsoever ; and that he might prevent any Dispute that might arise about the Hours, or any Excuse of not hearing the Clock strike, he ordered the great Bell of *St. Lawrence's Church*, which could be heard all over the City, to be tolled every Night when

* [i. e. Two Hours and a half after Sun-set.]

when the Clock struck Two. He likewise ordained, that Night Robberies in the City should be punish'd with Death. And because there were in *Naples* many Porches, where, as in dark Vaults, the Villains surprized unwary People, he caused them all to be demolish'd; of which Number were those of St. *Martin* at the *Capuan* Gate, and St. *Agatha*, Old Buildings, which were frightful even in the Day-time: For the same Reason he made the Bulk-Heads, and Benches of the Artificers, upon which they expos'd their Wares in the Street, to be taken away, as being a Shelter for the Rogues by Night, from whence they bolted out to assault those that pass'd. And there being a Rock in the Sea, near *Castel del Uovo*, called *Fiattamone*, where were many Caves or Grotto's, in which dissolute young Fellows committed horrid Wickedness, he caused them all to be destroyed to the very Foundation: And he order'd the lewd Women, who were dispers'd through the City, without being distinguish'd from the Modest ones, to leave their Habitations, and confined them to the publick Stews. And he never gave over prosecuting a Sort of Men call'd *Compagnoni* (forbidding, by Proclamation, any to associate in Troops) till he had effectually banish'd them out of the City.

HE took away the Sanctuaries from Delinquents, which they had in the Palaces of the Chief Nobility: And being informed that there were many Houses in *Naples*, where Outlaws were received and supplied with Food and Money, that their Protectors might make Use of them to serve their bad Purposes, he caused the Houses to be pull'd down, so that none afterwards had the Boldness to encourage them. The Tradesmen were punctually paid, and no longer insulted; and the Ministers of Justice were duly respected: And that the City might be the better guarded, he made new Captains of the Watch, and distributed them through all the Quarters of the City, for the greater Safety of it. He also made new *Bargells* for the Country, that so the Rogues might be less secure there than in the City.

AND finding that many other Abuses had crept in, he abolished them all. There was a Custom in *Naples* at that Time, that when Widows married again, the Mob used to assemble and getting under the Windows of the married Couple at Night, sung injurious Songs, and obscene Ballads, which they called *Ciamtel-larie*, from which Custom proceeded much Strife, and frequent Murders; and often the Bridegroom, not to be plagued with such Impertinence, compounded for Money, or some Consideration, to be free of the Mob. There was a Custom still in Use in his Time, taken from the old Heathen Practice, which was, that during the Vintage, all Licentiousness and Immodesty were indulged. The Grape-Gatherers, when they met with any Woman, though never so Virtuous and Noble, or Fryars, and grave Men, did not stick to accost them with the most obscene Ribaldry, and vile Country Jest, with as great Freedom as *Luegi Transillo* represents them in his *Vendemmia*. There remained among us likewise, the superstitious Custom of doleful Lamentations, and other indecent Demonstrations of Sorrow at Funerals; the Women accompanying the Herfes through the Streets, and even in the Churches, as if they had been seized with a Frenzy, tore their mourning Habits, howled and cried, scratching their Faces, and filling the City with Horror and Grief. All these Abuses *Toledo* abolished, reducing Funeral Mourning to decent and suitable Bounds; and as he publish'd an Edict for the better preserving Womens Portions, so he suppress'd their Extravagance in Apparel.

HE published a severe Edict against Duelling, from which many Disorders, and frequent Mischiefs in the City had proceeded: He ordained, that the Challenger should be punished with Death, and took care, that such as refused to accept a Challenge, should not be charged with Cowardice.

HE afterwards remedied a most pernicious Custom which had crept into the City, to the Ruin of many young Women, and from which the Chastest, and the most sacred Places were not secure. This Abuse increased under the Prince of *Orange's* Government; for in his Time the young Nobility were guilty of a thousand Insolences, the Ravishing of Ladies of Quality and Vertue was not punished, because that Prince went Shares with them in their Wickedness: And that they might proceed with the greater Security, and have Access to the most close and retir'd Places, they made use of Ladders of Ropes, even to scale the Walls of Convents. Cardinal *Colonna* being too remiss with regard to such kind of Abuses, had not sufficiently guarded against this Practice: But *Toledo*, abhorring such corrupt and scandalous Doings, published a most severe Edict, condemning to Death, without

Mercy,

Mercy, every one who should be found at Night, with a Ladder of Wood, Ropes, or of any other Matter whatsoever. Of this Edict (although there be no Mention made of it in our Laws) the President *De Franchis* gives an Account. Afterwards, in the Year 1560. Don *Parafan de Rivera*, Viceroy under King *Philip II.* published a Law, which is yet to be seen, with this Title, *De scalarum Prohibitione noctis tempore*; where, that Minister, for Decency's Sake, concealing the principal Design of the Edict, declares, that those who were found with Ladders by Night, should be punished with Death, or other Pains and Penalties, at his Pleasure, to prevent Thieves and others from scaling Walls by Night, and committing Robberies, which was judg'd to be levell'd against the abovementioned wicked Practice.

BUT Don *Pedro's* Edict was more severe than this, and was put in Execution with more Rigour, of which there was an unhappy Instance in 1549. of a Nobleman, who being catch'd scaling a Lady's Window by Night, was beheaded, although the Princesses of *Salerno* and *Salmon*, and almost all the Nobility of *Naples* interceded in his Behalf. The like would have happen'd to *Paul Poderico*, a Gentleman much esteem'd in the City, who being taken as he had just fix'd his Ladder under his Mistress's Window, was condemn'd to die; and the Viceroy, although he was his intimate Friend, would not obstruct the Course of Justice; but yet he allow'd his Relations to sue for a Pardon for him from the Spiritual Court (he being in Holy Orders) to which they made Application, and by that Means saved his Life.

S E C T. I.

The Reform of the Tribunal of the Vicariate.

BESIDES what is already mentioned, *Toledo* made many more Regulations with Regard to the exact Administration of Justice; and to that End he reform'd the Court of the Vicariate. He ordained, That the Deputy, and all the Judges and other Officers should meet together in their Court at certain fix'd Hours, to administer Justice: And because the Judges were but four, it was impossible for them, according to his Regulations, to hear such a Multitude of Causes, he join'd to them two others, and established the Number to six, four Criminal, and two Civil Judges. He appointed, that such as brought in Complaints, or enter'd false or calumnious Suits, should be punished as *Forgers*; that Contumacy in Delinquents, should be no Bar to the Rights of the Exchequer; that the Opinions of the Judges should not be made publick till they were heard by the Exchequer; that the poor Prisoners should every Day be supplied with Bread; and he made Hospitals for sick Prisoners near the Gaols, where they were cured at the King's Charge, for which he obtained the Emperor's Allowance: And that those poor Wretches might be more carefully protected, he augmented the Salaries of the Advocate and Proctor of the Poor.

HE ordained, That the Compositions should be moderate; that such as were set at Liberty should pay no Fees; that in the Summer Vacations, all Prisoners for civil Debts should be released, giving Security, either to agree with their Creditors, or to return to Prison.

HE ascertained the Fees of the *Mastrodatti*, Clerks, and other Under-Officers of that Court; giving Orders, at the same time, that they should give Tables of their Fees, which they did: He extirpated the Shoals of false Witnesses, and made *Perjury* a Capital Crime. He likewise made many other wise Regulations, which, with those mentioned, are set down in the *Annales* prefix'd to the first Tome of our Laws

S E C T. II.

The Reform of the Tribunal of the Royal Chamber.

HAVING reform'd the Vicariate, he proceeded, with the same Success, to that of the *Royal Chamber*. He saw the Straits, which the War between the Emperor and the *Turks* daily occasioned; the bad Oeconomy in the Charges of it; the frequent Contributions and Donatives, which impoverished the Kingdom; and

that the Government was always obliged to demand Money to prevent a Mutiny in the Armies: To contribute in some measure to so great Demands, he resolved to reform this Tribunal as well as he could, because to it belong'd the Care of the *King's Patrimony*; to raise the Reputation of it; to prevent Disorders in it, and all purloining usually committed by the Under-Officers; and to take care that the *Revenues* and *Taxes* should not be imbezzled.

TO this End, he procured from the Emperor, many Ordinances concerning the good Administration of this Court; all which he published in *Naples*, commanding an exact Obedience to them: He afterwards himself made many other Regulations, and laid down Rules to this Court, about their Vigilance and Care in the Collection of the Revenues.

HE ordained, That the Causes belonging to the Exchequer, or where it had any Concern, should be tried in the Royal Chamber, and that all the other Tribunals should, as Occasion served, give Assistance to that Court; that there should be no Time limited to the Exchequer for recovering what belonged to it; that no Gold or Silver should be carried out of the Kingdom; that the Money should be of a just Weight, and a new Coinage to be made, in order to make up what had been consumed; and besides his many other Regulations, which are printed with our Statutes, he took care that the Judges of this Tribunal were Men of the greatest Learning and Integrity, and the most indefatigable of his Time: For in his Administration, *Bartolomeo Camerario* was made Lieutenant of this Court, and *Antonio Baratucci* Treasurer, the most eminent Lawyers of that Time, and Men of singular Learning and Diligence, as we shall have Occasion to take notice of hereafter. And so great was the Viceroy's Zeal and Care to have this Court well regulated, and the Ministers of it diligent, that one of the Reasons why *Camerario* lost his Favour, was, That whilst he was Lieutenant of this Court, he used too often to take his Pleasure in the Country at *Somma*; and *Toledo* representing to him, that it was not proper that a Minister, who was trusted with such a laborious Charge, should be so often absent from the Court to which he belonged; he answered, That it was yet more improper for a Viceroy to leave the City, and divert himself at *Pozzuolo*, as *Don Pedro* often used to do: By this indiscreet Repartee, he so disobliged the Viceroy, that he brought him in Disgrace with the Emperor, which, as shall be related, was the first Step to his Ruin. In fine, to give the greater Lustre to this Tribunal, in the Year 1537. he removed it from the Marquis *Del Vasto's* House, who kept it there, as being *Great Chamberlain*, and settled it, and all other Courts, in *Castel Capuano*.

S E C T. III.

The Reform of the S. C. of Santa Clara.

THIS great Minister took care, not only to have Justice administer'd with Equity and Expedition, in Criminal and Exchequer Causes, but also in Civil and Private, and to the Honour of the Ministers, as well as the Dignity of the Courts. This Tribunal had been hitherto kept in the Cloister of *Santa Chiara*, and being confin'd to one Chamber, made but one Bench; and therefore, we often read in the *Decisions* of *Matteo degli Afflitti*, that when any Cause was decided by unanimous Votes, it was said to be determined *per totum S. C.* not that they were all obliged to concur in their Votes, as they do now, and have the Suffrages of the Counsellors of all the other Benches, but because they all sat on one Bench. But *Toledo*, for the greater Ease and Expedition in hearing and determining Causes, ordained, That there should be two different Benches made out of the whole Counsellors, who before made up this Tribunal, that each Bench, after this Division, might have Cognizance of Causes, and the President might sit sometimes in one, and sometimes in the other, according to the Importance of what they had in Hand.

THIS Tribunal made a bright Figure in *Toledo's* Time, by having for President of it the famous *Cicco Laffredo*, and for being composed of so many eminent Counsellors, amongst whom the Chief Men were, *Giovanni Marziale*, *Antonio Capesce*, *Antonio Baratuccio*, *Giovan-Tomaso Minacci*, *Scipione Capesce*, *Matteo Freccia*, and some others, of whom *Teppi* makes a long Catalogue¹. In short, it

¹ *Teppi* de Orig. Tribun. tom. 2. l. 4. cap. 1. num. 53, 57. & seq.

became more glorious and splendid, by being removed from the narrow Bounds of the Cloister of *Santa Chiara*, and kept with the other Courts, in a more decent and stately Place in *Castel Capuano*.

S E C T. IV.

The Uniting of all the Courts in Castel Capuano.

ALTHOUGH many of the Ordinances and Regulations already mentioned, as also the removing all the Courts to one Place, were not effected by *Toledo* in the Beginning of his Government, but in the Progress of it; as this Translation of the Courts was made in 1537. after he had beautified and enlarged the City, and done many other great Works, as shall be related hereafter: Yet, not to be obliged to turn back, to give an Account of all that he did towards the Reforming the Courts of Justice, I thought it more proper to speak of them in this Place, that, at one View, the Reader may see the Value of this Great Man, and how much he exceeded the other Viceroys his Predecessors.

AFTER his Return from *Puglia*, where he had provided against the frequent Incursions of the *Turks* upon that Coast, of which by-and-by, he began to build a Palace, which he dedicated to *Justice*, in the same Place where *Castel Capuano* once stood, but was then reduced to be a private House of Pleasure, from having been a *Royal Palace*. He ordered the Rooms to be made in the Form of *Great Halls*, with many and spacious Chambers, for the Conveniency of the Courts which he designed to remove to that Place.

IN this Palace he assembled all the Courts of Justice; the *S. C.* of the *Royal Chamber* of Accompts; the *H. C.* of the *Vicariate*; those of the *Bailiwick*, and of the *Mint*: He was at great Pains to finish this great Design, to which some thought he was the more prompted by the small Friendship which he had for the Marquis *Del Vasto*; for by this new Enterprize, he removed the Court of the Chamber of Accompts from his House, where it was kept before, on the Account of his Post as Great Chamberlain.

HE ordered, in the Vaults under that Palace, Prisons to be made, and the Prisoners who were shut up in the old Vicariate, and all other Prisons in the City, to be brought thither by a Hundred, or Two hundred at a time.

HE ordained, That the *President* of the *Sacred Council*, the *Lieutenant* of the *Chamber of Accompts*, the *Deputy* of the *Vicariate*, and one *Judge Criminal*, should lodge in that new Palace.

IT is incredible what Ease this Translation of the Courts brought to People of Business; for being, before, obliged to drudge up and down the different Parts of the City where the Tribunals were kept, now that they were all held in one Place, they could attend there without Loss of Time. Another Advantage was, That that Part of the City which was unpeopled and desolate, was become well inhabited and frequented.

BESIDES, that by this uniting of the Courts in one Place, he could appoint two ordinary Counsellors of the *S. C.* to preside as Criminal Judges in the Vicariate, to hear Causes, that Justice might not be delayed, when Men of such Experience had the Management of it. He likewise ordained, That the Tribunal of the Vicariate should be visited every *Saturday* by one of the Deputies who lived next to it; and for the more ready and quick Determination of Causes, and doing Justice, he limited the Festivals and Days of Vacation, restricting them within as narrow a Compass as he possibly could.

S E C T. V.

Of the restoring Justice in all the Provinces of the Kingdom, and of the Courts there.

THIS wise Minister, not content with having restored Justice in the *Metropolis* of the Kingdom, set about to do the same in all the *Provinces* of it, and to reform their Courts.

THIS

THIS Design he began by regulating the Officers who had the Charge of the Provinces, and therefore he ordered, that not only the *Judges*, but the *Presidents* of the Provinces, should every forty Days send him an Account of their Proceedings. He prohibited all Provincial Officers, under the highest Penalties, to live at *Free-Cost* as they travelled through the Provinces upon their Duty.

THAT no Order should be put in Execution in the Provinces, till they had first notified it to the *Governors*. That what was ordained by the Provincial Courts, had no need of the *Exequatur* of the Regal Courts.

THAT those who had the Privilege of Citizens of *Naples*, whilst they lived in the Provinces, should not be exempted from the Taxes paid in those Places.

THAT no Writs drawn up out of the Kingdom, could be put in Execution within it, without the Viceroy's Consent. And he made many other Regulations, which are contained in the forementioned *Chronology*, among the Laws which were made during *Toledo's* Government.



C H A P. II.

The Emperor Charles V's Expedition to Tunis. His Arrival in Naples: What happen'd during his Stay there: His Return; and how much he was importun'd by some of the Nobility, to remove Toledo from the Government of the Kingdom.



IN the mean time, the Emperor *Charles V.* having settled all Things in *Germany*, if not to his Wish, at least as well as he could, with regard to the new *Lutheran Heresy*; and finding that *Solyman's* Army, having left *Hungary*, was retir'd to *Constantinople*, and that there was nothing to be afraid of in that Kingdom, resolv'd to quit *Vienna*, where he had resided for some time, and to go through *Italy* into *Spain*, purposing to have an Interview with the Pope as he pass'd, of which he sent him Notice. He began his March therefore on the 4th of *October* 1532. with his *Spanish* Infantry, and all his Horse, leaving his *Italian* Foot under the Command of *Fabrizio Maramaldo*, for any Occasion that his Brother, the King of the *Romans*, might have for them¹. Upon the 8th of *November* he arriv'd at *Mantua*, and had a Conference with the Pope in *Belogna* (where he discovered that his Holiness had enter'd into strict Alliance with the King of *France*); from thence, having call'd back *Andrea D'Orta's* Fleet from the *Levant*, he embark'd for *Spain*, and landed in *Barcelona* in the Month of *April* 1533. where he staid.

BUT here he had little Rest, for the Emperor *Solyman*, having made the famous Pirate *Barbarossa* Admiral of his Fleet, had given him the Command of a Fleet of eighty Gallies, in order to restore *Arendino Barosso*, by some called *Misresetto*, to the Kingdom of *Tunis*, and to chase *Muleasser* his Brother from thence, and in his Passage to attack *Sicily* and *Calabria*. And at last, *Barbarossa* getting ready his Fleet, in the Spring of the Year 1534. set sail, and passing the Fare of *Messina* about the End of *July*, burnt some Ships, landed in *Calabria*, and pillaged *St. Lucia*, not leaving so much as one Person in it. He burnt *Cetraro*, belonging to the Monks of *Cassina*, together with six Gallies which *Toledo* had ordered to be built there; and passing in the Sight of *Naples* (which was more afraid than hurt)

¹ Giorn. del Rosso, p. 39.

he landed some of his Men in the Island of *Procida*, and pillaged it. And not content with that, he attack'd *Sperlonga* unawares, making many of the Inhabitants Slaves; and sent some Men as far as *Fondi*, in order to seize *Donna Ginlia Gonzaga*, with a Design to make a Present of her to *Solyman*, who had a great Desire to have her, the Fame of her Beauty having reach'd his Ears: *Fondi* was pillaged, and the Lady had just time to save herself by getting a Horseback in her Smock¹. The *Neapolitans*, in order to put a Stop to *Barbarossa's* Insolence, and free the Coast of *Naples* from the Invasion of the *Turks*, met in *Parliament* on the 20th of *August*, in the Convent of *Monte Oliveto*, and gave the Emperor a Donative of 150,000 Ducats, of which the Nobility paid 50,000, and the rest of the Kingdom the 100,000².

THE same Misfortune happened to *Terracina*, which so frightened the Court and City of *Rome*, that it was believed, if the *Turks* had proceeded farther, that City had been deserted. Pope *Clement*, who was at that time grievously afflicted with a Pain in his Stomach, being no longer able to support his Infirmities, finish'd his Days on the 25th of *September* 1534.

UPON his Death, the Cardinals, the very first Night that they enter'd the Conclave, with one Consent, elected *Alexander Farnese*, by Birth a *Roman*, in his Room. He was then 67 Years of Age, the oldest Cardinal of the College, and the most respected, both for Learning and a seeming good Life. Great Rejoycings were made in *Rome*, the People being overjoy'd to see a Pope of *Roman* Extraction, after 103 Years that the See had been fill'd with foreign Popes, to the Number of Thirteen. He was elected the 11th of *October*, and crown'd the 1st of *November*, by the Name of *Paul III*.

IN the mean time, *Barbarossa* tacking about, steer'd his Course for *Tunis*, and having surprized that City by Stratagem, chased *Muleasser* out of it, settled *Barosso* on the Throne, and strengthening his Party there, he fortified *Goletta*, and left in it a good Garrison of *Moors*.

THE Emperor considering, That if *Solyman* were Master of the Kingdom of *Tunis*, its being subject to so formidable a Prince might occasion the Destruction of *Sicily*, *Naples*, and all the Sea-Ports of the *Mediterranean*, even to *Hercules's Pillars*, resolved to break his Measures, and therefore determined to go in Person upon that Expedition. He dispatch'd Orders throughout all his Dominions for levying Soldiers, and the whole Winter was spent in making Preparations for the *African* War. *Toledo*, to encourage others, built a Galley at his own Charge, and many followed his Example. The Princes of *Salerno* and *Bisignano*, the Dukes of *Castrovillaro* and *Nocera*, the Marquis of *Castelvetero*, and *Alarcone* Marquis *Della Valle*, did the same. Many Noblemen and Gentlemen, hearing that the Emperor was to go in Person, prepared for the Expedition³.

IN the Beginning of the Year 1535, the Marquis *Del Vasto*, who, by the Emperor's Order, had gone to *Genoa* to treat with Prince *D'Oria*, return'd to *Naples* with many Gallies, a good Number of large Ships, and a great many Soldiers. The Pope likewise gave his Assistance, and made *Virginio Orsini*, General of the Ecclesiastical State, and sent him to *Naples*, where he arrived in *May* with two and twenty Gallies.

MANY *Neapolitans* embark'd in this Fleet. *Toledo* sent his two Sons, *Don Federico* and *Don Garcia*, whom he had by his Wife the Marchioness of *Villa-Franca*. The Marquis *Del Vasto* likewise went aboard, with the Prince of *Salerno*, *Don Antonio d'Arragona*, Son to the Duke of *Montalto*; the Marquises *De Laino*, *Vico*, and *Quarata*; the Counts of *Popoli*, *Novellara*, *Sarno*, and *Auverfa*; *Scipione Caraffa*, Brother to the Prince of *Stigliano*, *Don Diego de Cardines*, Brother to the Marquis *De Laino*, *Cesare Berlingero*, *Baldassar Caracciolo*, *Biafe di Somma*, *Cola Toraldo*, *Costanzo di Costanzo*, and others⁴. They set out from *Naples* the 17th of *May*, and steer'd for *Palermo*, and being there join'd with more Men and Ships, they set sail for *Sardinia*, and anchored at *Cagliari*. Upon the 11th of *June* the Emperor arrived at that City with the Gallies commanded by *Andrea D'Oria*, and those of *Don Alvaro Bazan*, Admiral of the *Spanish* Squadron, in which were almost all the *Spanish*

¹ Giorn. del Rosso, p. 103.

² Sumonte, tom. 4. Tasson de Antef. v. 4. obs. 3. n. 25.

³ Giorn. del Rosso, p. 105.

⁴ Ibid. p. 107.

Nobility: This combin'd Fleet, consisting of 300, sailed from *Cagliari* for the Coast of *Africk* on the 13th of *June*, and with a prosperous Wind reach'd it in three Days.

THE Emperor having landed at *Porto Farina*, made the Marquis *Del Vasto* his General, and order'd all to obey him. *Goletta* was first attacked, and, after much Toil and Slaughter, was taken the 4th of *July*. The *Neapolitans* behaved with great Courage, and particularly the Prince of *Salerno*, General of the *Italian* Foot, signalized himself much to his Honour. The Count *De Sarro*, *Cesare Berlingiero*, the Count *D'Auverga*, *Baldassar Caracciolo*, *Coslanzo di Coslanzo*, *Ottavio Monaco*, and other *Neapolitans* were kill'd at this Siege. *Tunis* was likewise taken, *Arunano Barosso* turn'd out, *Barbarossa* put to Flight, and *Muleassar* restor'd to his Throne by the Emperor, who made him his Tributary, and took his Promise, that he should send him as a yearly Tribute, 20,000 Crowns of Gold, and six *Barbary* Horses.

THERE were many who thought that this Expedition, for which such vast Preparation had been made, and so much Money expended, had turned to very small Account by the Emperor's Imprudence, in leaving in *Muleassar's* Hands, for a small Tribute, a Place of such Importance, capable of hindering the Incursions of the *Turks* upon *Sicily* and *Naples*, and all the Coast of the *Mediterranean* Sea, when he might have made himself absolute Master of the whole Kingdom. And *Thomas Campanella*, in his whimsical Discourses on the Monarchy of *Spain*, blames the Emperor's Conduct: And indeed, the Event shew'd, that this Expedition prov'd altogether fruitless; for in Process of Time, the People of *Tunis*, dissatisfied with the Government of *Muleassar*, sided with his Son *Amido*, who aspiring to the Crown, lost no Opportunity of laying Snares for his Father, which the King suspecting, very imprudently resolv'd to leave *Tunis*, and go to *Naples*, to ask Assistance of the Viceroy. He was scarce gone, when *Amido*, with the Help of the *Arabians* and some of the principal *Moors*, took Possession of the Kingdom; of which *Muleassar* being advised, he made the greater Haste for *Naples*, where he arrived in 1544, and was received by *Toledo* with the Honours due to a King, and he immediately began to levy Men; but not being able to raise a sufficient Number, *Toledo* did not fail to tell him, that his Design would prove very dangerous; for, said he, since the Emperor, in order to recover that Kingdom, was lately obliged to go in Person with a great Army, what Hopes could he have to recover it with a small Force of 2000? But that King, being deceived by his relying on the Fidelity which he expected in some of his Governors, would needs try his Fortune; and therefore departing from *Naples*, he arrived at *Goletta*, and trusting to some *Moors*, who falsely told him that *Amido* had fled from *Tunis*, he made great haste thither, where he no sooner appeared, than he was attacked and routed by his Son, who made him Prisoner, and barbarously caused his Eyes to be put out. Thus all was lost, to the great Grief of our Viceroy, who wisely foresaw the Detriment which the Kingdom of *Naples* would suffer by this Loss, as indeed it happen'd, for it was perpetually expos'd to the Incursions and Depredations of those barbarous Pirates.

S E C T. I.

The Emperor arrives in Naples.

THE Emperor having put an End to the *Tunis* Expedition, left a Spanish Garrison in *Goletta*, and fix'd *Muleassar*, his Tributary, upon the Throne on the 1st of *August*, with his whole Fleet, set sail for *Sicily*. The Marquis *Del Vasto*, and the Princes of *Salerno* and *Bisignano*, were very pressing with his Imperial Majesty to go to *Naples*, to see the Beauty of that City, and to honour it with his Presence. What prompted them to desire to see the Emperor there, among other Things, was, That being disgusted at *Toledo's* severe Government, by which he kept the Nobility under, they were in Hopes of persuading his Majesty to remove him. The Emperor consented to go, and arriving at *Trapani* the 20th of *August*, a Month after he came to *Palermo*, and then to *Messina*; and having pass'd the *Pace*, he came to *Reggio*: And in his Progress through *Calabria* and *Basilicata*, he was treated with great Magnificence by the Princes of *Bisignano* and *Salerno*, and by the

the other Nobility through whose Estates he pass'd, and on the 22d of *November* he arrived at *Pietra Bianca*, a Place three Miles distant from *Naples*.

UPON *St. Catherine's Day*, *November* the 25th, he made a solemn and triumphal Entry into *Naples*, being met by a Procession of the Citizens, Clergy, and Nobility in great Numbers, and a vast Concourse of the common People. The Solemnity of this Entry, with the Order in which it was performed, has been described by many Authors, with an Exactness and Particularity more than was sufficient. *Gregorio Rosso*, who being the Peoples Delegate upon that Occasion, had a great Share in the Ceremony, gives a particular Account of it in his Journals. *Summonte* and many others, have filled Volumes with it, to whose Accounts we refer the Reader.

BUT we must not pass over in Silence one Thing, which *Rosso* takes notice of upon this Occasion, *viz.* the Privilege pretended to by the chief Nobility of the Kingdom, of being cover'd before his Imperial Majesty.

THIS Privilege is reckon'd the greatest that is allowed in *Spain*; the Nobles, who keep on their Hats in the King's Presence, are *Grandeess*, and all those to whom it is granted, become *Grandeess* of *Spain* by that Concession, which is the greatest Honour that can be conferred upon any Subject. The Grandeur of the Barons of our Kingdom of *Naples*, did not consist in being cover'd before our Kings, but in the Titles of Princes and Dukes, and in the Offices of the Crown; and those who got such Titles and Offices, had the Privilege to be cover'd in the Presence of our Kings.

WHEN the Emperor, some Years before this, was crown'd at *Bologna*, where many of our chief Nobility were, his Majesty allowed some of them to be cover'd, but not all of them; that Honour was granted to the Prince of *Salerno*, the Marquis *Del Vasto*, and the Marquis *Di Laino*¹. But this being in a foreign Country, he might grant or refuse that Privilege at Pleasure.

BUT his Imperial Majesty being now in *Naples*, where he was received as King of this Kingdom, all who had Titles pretended to this Honour, and to all other Privileges granted by the other Kings of *Naples*, *Charles's* Predecessors, alledging the Example of the Catholick King, who had allowed all such to be cover'd in his Presence when he was in *Naples*.

BUT the Emperor would not grant it, because it being a Thing introduced in his own Time, that the *Spaniards* had rais'd this Privilege so high, that in it alone consisted the making a *Grandeess* of *Spain*, which was the greatest Dignity of all others, and was never conferr'd on any but the first Quality, and the most famous Generals; for this Reason he would not allow all who had Titles in *Naples* to be cover'd, that he might not debase the Dignity of *Grandeess*.

ROSSO says, that the first who submitted to stand uncover'd before the Emperor, was the Marquis *Di Tripalda*, whose Example was follow'd by many others, as not thinking it proper to insist on a Privilege which their Patron had given up.

BUT what disgusted the Nobility was, the Emperor's Partiality in allowing some to be cover'd, and others not, both in *Naples* and other Parts of the Kingdom. They who had this Privilege granted them, were the Princes of *Squillace* and *Sulmona*, the Dukes of *Castrovillari* and *Nocera*, the Marquises of *Castelvetero* and *Vico*, and the Count *Di Conza*: Perhaps others had the same Honour allow'd them, but *Rosso*, who was an Eye-witness, says, he did not know any other, except the Duke *De Montalto*, who was of Royal Extraction, the Prince of *Bisignano*, to whom the Emperor likewise gave the Order of the *Golden Fleece*, and those who had been allow'd to cover in *Bologna*, and other Places out of the Kingdom.

IT was the Custom of *Spain*, that whoever once put on his Hat in the King's Presence, did so always; but *Rosso* says, That he does not know whether the Nobility of *Spain* had that Privilege out of the Kingdom.

AFTER the Solemnity of the Entry, and of the Emperor's taking the Oath in the Great Church, to observe the Privileges and Grants formerly given by his Predecessors to the City and Kingdom, his Majesty retir'd to *Castel-nuovo*, the Palace appointed for his Residence, where, with great Humanity, he began to give Audience to all, hearing every one's Complaints and Grievances against the Barons, and especially those of the Provinces. And a Dispute arising, on *Sunday, November* the 28th (as the Emperor was going to the Royal-Chapel of the Castle) about

¹ Giorn. del Rosso, p. 67.

Precedency, the *Grandeos* of *Spain*, and those who were cover'd out of the Kingdom, pretending a Right to take Place of the rest; whereas, on the other Hand, the Nobility of *Naples* insisted on the Custom of their own Kingdom, where they were to have the Precedence of all others: The Emperor, in order to prevent all Dispute, order'd, that there should be no Seats in the Chapel, but that all who came there should stand¹.

HIS Majesty was entertained in *Naples*, by the Viceroy, with continual Feasting, Plays, Tiltings and Tournaments. The City, at this Time, was full of most noble Personages; for (besides the *Spanish* Nobility, the Duke *D'Alba*, the Count of *Benevento*, and other Nobles of the Kingdom of *Naples*) the most famous Captains, and other Strangers of great Rank, came thither to pay their Court to the Emperor; the Dukes of *Urbino* and *Florence*, *Pietro Luigi Farnese*, Pope *Paul III's* Son; four *Venetian* Ambassadors, and *D. Ferrante Gonzaga*, Prince of *Melfetta*; the Pope's two Legates, Cardinals *Siena* and *Cesarino*; as also the Cardinals *Caracciolo*, *Salviati*, and *Ridolfi*, were all in *Naples*, together with *D. Francesco d'Estè*, Marquis of *Padula*; and Cardinal *Hyppolito de Medicis* designed to have been there, but died by the Way at *Itri*: But that which made our Court most famous and splendid, was an Assembly of the finest and most celebrated Ladies, both for admirable Beauty, and rare Accomplishments; such as *Donna Maria d'Arragona*, Marchioness of *Vasto*, a Lady of incomparable Beauty, fine Presence, and singular Judgment and Wit; and, little inferior to her, was her Sister *Donna Giovanna d'Arragona*, Spouse to *Ascanio Colonna*, *Donna Isabella Villamarino*, Princess of *Salerno*, *D. Isabella di Capua*, Princess of *Melfetta*, and Wife to *Don Ferrante Gonzaga*, the Princess of *Bisignano*, *D. Isabella Colonna*, Princess of *Sulmona*, *D. Maria Cardona*, Princess of *Padula*, and Spouse to *D. Ferrante d'Estè*, *D. Clarice Urbina*, Princess of *Stigliano*, the Princess of *Squillace*, *D. Roberta Caraffa*, Dutchess of *Middaleni*, Sister to the Prince of *Stigliano*, *D. Dorothea Gonzaga*, Marchioness of *Bitonto*, *D. Eleonora de Toledo*, the Viceroy's Daughter, and many great Ladies of Quality of the Kingdom; and there was likewise the fam'd *Lucretia Scaglione*, who (although she had no Title) was esteem'd and commended above all the rest, for her extraordinary Beauty, Vivacity and Vertue.

BUT while the Emperor was diverting himself, in constant Games and Feasting in *Naples*, he had an Account of the Death of *Francesco Sforza*, Duke of *Milan*, who having left no Issue, the Dutchy devolved to the Emperor, who immediately dispatch'd *Antonio de Leva* to take Possession of the Dutchy, and the Government of the State. This gave Occasion of fresh Disgust, and renew'd the War with *Francis I.* King of *France*; who, having also Intelligence of the Duke's Death, sent immediately Orders to his Ambassador, who was then with his Imperial Majesty, to demand the Investiture of the Dutchy of *Milan*, for the Duke of *Orleans*; at which the Emperor being troubled, and not giving an agreeable Answer to the Demand, he soon after got Intelligence, that the most Christian King was preparing to make War against him; and that, besides his Pretensions to the Dutchy of *Milan*, that King had declared War against his Brother-in-Law the Duke of *Savoy*, with a Design to invade *Piement*. And although the Emperor seem'd not to give over his Feasting and Jollity, yet he prepared in good Earnest for War, which he saw he should very soon be obliged to enter into against the King of *France*, and made ready to leave *Naples*, and march into *Lombardy*, or elsewhere, as Occasion should require.

¹ Giorn. del Rosso, p. 122

S E C T. II.

The Marquis Del Vasto, and the Prince of Salerno, endeavour the Removal of Toledo from the Government of Naples.

ABOUT the End of this Year, the Practices and Intrigues of the Marquis *Del Vasto*, the Prince of *Salerno*, and others of the Nobility, for having the Viceroy removed from the Government, which had hitherto been kept very close, began to appear above Board. This Concert was begun to be carried on, from the Time that

that the Emperor was in *Sicily*, and all the Way as he came to *Naples*; the Marquis and the Prince labouring all they could to make their Party good against *Toledo*, by representing his Government as too rigid and severe, and not agreeable to the Genius and State of the Kingdom; insinuating, that his Majesty would do well to remove him. But these bad Offices had no Weight with the Emperor, he being well apprized of the Reason of the Hatred which the Lords bore the Viceroy; nor was *Toledo* himself a Stranger to their Designs. It is said, that upon the Emperor's Arrival in *Naples*, when the Viceroy came to wait upon him, his Imperial Majesty received him with this Compliment; *I am glad to see you, Marquis, and I find you are not so fat as I was told you were*: To which the Viceroy pleasantly answer'd with a Smile, *Sir, I don't doubt but I have been represented to your Majesty as a Monster, but I am not such*. They did not fail to move the Populace also, to beg of the Emperor to remove him, on the Account of two new Taxes, and his other Severities; and they had also drawn *Gregorio Rosso* (the Peoples Deputy) to their Party, and therefore we find him, in his Journals, not very favourable to *Toledo*. This *Rosso* knew how to manage his Part well; for he says himself, that being call'd to the Emperor, on the 16th of *November 1535*, and ask'd his Opinion of the Inclinations of the Citizens of *Naples*, and what he (the Emperor) could do that would oblige them; his Answer was, *That they were faithful, and devoted to his Person and Government, and that there was nothing wanting to keep them contented and easy, but to maintain them in Plenty, without being over-taxed, that everyone may be able to live under his own Vine with Safety*: And he added, *That they had lately been much disgusted on account of the new Taxes imposed upon them by the Viceroy*. This Answer was the Occasion, as himself says, of his being removed, the very next Day, from being Deputy, and *Andrea Stinca*, Accomptant of the Chamber of Accompts, and a Creature of the Viceroy's, put in his Place.

BUT the Viceroy's Enemies did not stop there; for the Emperor, that he might reap some Advantage by his coming to *Naples*, summoned a Parliament to meet in the Church of *St. Lorenzo*, on the 8th of *January 1536*, where, the Barons being assembled, with the Officers of the Kingdom, he made a Speech to them, representing the Necessities of the Crown, and that for the Security of the Kingdom, and the new Wars with which he was threaten'd by the *Turk* and the King of *France*, a Subsidy was absolutely necessary. The next Day the Parliament met again, and resolv'd, That in Honour of the Emperor, they would Compliment him with a Million and a half of Ducats: This they did out of Pride and Vanity, without considering their Ability. And indeed, this Donative was so extravagant, that neither in *Naples*, nor any where else, was there ever such a Thing heard of; and the Emperor seeing the Impossibility of raising it, was obliged to remit the 500,000, and content himself with the Million¹.

THE Deputies met often in *St. Lorenzo*, to find out Ways and Means for levying this Sum; and they agreed, that the Barons should pay Three-fourths, and the People the Remainder. They likewise met to consult what new Grants and Privileges they should demand in Recompence of so profuse a Donative. They debated about many Demands, but as those Meetings were managed by the Nobility, they resolv'd to take this Opportunity to desire the Removal of *Toledo*; but to ask it above Board, was against all Decorum due to such a Minister, and not likely to be obtained; they therefore propos'd, amongst the chief Articles, to beg the Removal of the whole Ministry, high and low, that the Viceroy might be included, without naming him. Although the greatest Part of the Nobility concurred in this foolish and indiscreet Proposal, yet the Duke of *Gravina*, the Marquis of *Tripalda*, *Caspar Pignatelli*, and *Scipio di Somma* oppos'd it; but it was most vigorously contradicted by *Andrea Stinca*, the People's Elect, and by *Dominico Terracina*, who having been Elect some Years before, was now made Deputy: So that nothing was concluded, and there were great Debates between *Del Vasto* and *Scipione di Somma*, which came to high Words, and even to Reproaches and Injuries².

WHILST these Things were in Agitation in Parliament, the Emperor diverted himself during the Carnival, with Feasting, Plays, and Masquerades; and one Night, as the Marquis *Del Vasto* attended him in his retiring to the Castle, coming

¹ Privil. & Capit. di Nap. fol. 103. à ter. | ² Gior. del Rosso, p. 129, 130.
Tasson de Antef. v. 4. obf. 3. n. 25.

up close to him, he urged many Reasons to his Majesty, to shew how much it was for his Service to remove *Toledo* from the Government of *Naples*: But finding, by the Emperor's Answers, that he was not at all inclined to listen to that Proposal, he took a Resolution to absent himself from the Parliament, and only to attend his Majesty at his Diversions. This Behaviour of the Marquis was of great Service to *Toledo*, because *Del Vasto* coming no more to the Parliament, his Party flagged; and *Stinca* the Elect, and *Terracina* the Deputy, being informed of the ill Offices the Marquis did *Toledo* with the Emperor, desired an Audience of his Majesty; and being introduced, *Stinca* began to represent to him, that the Reason why the Nobility were eager to have the Viceroy removed, was, because it had been always their Custom to oppress and despise the People; and that their Pride had increased to such a Pitch, that they not only maltreated the People of *Naples*, but even the Officers of the Guard, and the Ministers of Justice; that they used to keep Villains in the Porches of their Houses, to insult and abuse People, and sometimes to commit Murder; that it had been a Custom among them to rescue the greatest Delinquents from the Hands of Justice, and to protect Rogues in their Houses; that they never used to pay the Tradesmen they employed, but to abuse and beat them for demanding their Money: And because *Toledo* had put a Stop to such wicked Practices, and given Justice its due Force, the Nobility were earnest to have him remov'd, which, if his Imperial Majesty should consent to, the old Abuses and Oppressions would soon be renewed, and put in Practice again.

THIS Representation meeting with a favourable Reception from the Emperor, confirm'd him in his Resolution to continue *Toledo*; and being assured of the Truth of what the Deputies had told him, to take off the least Blot from *Toledo's* Reputation, he did every Thing in *Naples* by him, and made his most weighty Affairs pass through his Hands, and heap'd new Favours upon him every Day: And not long afterwards (being intent upon leaving *Naples*, to return to his other Dominions) at his Departure for *Rome*, he left *Toledo* greater Authority than he had been vested with before. The Parliament breaking up, there was no more of that Affair; but having concluded and drawn up One and thirty Heads of Grants and Privileges to be laid before the Emperor, in Favour of the City of *Naples*, and Four and twenty more for some of the Provinces, and particular Persons; those Grants were confirmed by his Majesty, in a new Parliament held in his Presence in *St. Lorenzo*, February the 3d, as may be seen at this Day, annexed to the Articles and Grants given from time to time to the City and Kingdom of *Naples*, by the Kings, the Predecessors of *Charles V.*¹

¹ Capit. & Privilegia di Nap. p. 102, & seq.





C H A P. III.

Toledo beautifies the City, and makes many more Regulations. His Care to make it stronger, more healthy and rich. He pursues the same Design with regard to other Parts of the Kingdom, and especially the Sea-Coasts, causing many Towers and Castles to be built to prevent the Inroads of the Turks.



THE Emperor left *Naples* on the 22d of *March* 1536, intending to go, by the Way of *Rome*, to *Lombardy*, and from thence to *Spain*, and having left *Toledo* with full Authority, and greater Power than formerly, the Viceroy undertook the Government, with a Greatness of Mind and Confidence, equal to his Trust.

HE prosecuted with more Vigour the great Designs he had proposed for aggrandizing and beautifying the City of *Naples*, that it might deserve the Title of the Metropolis of so great a Kingdom; and which he perform'd in a magnificent and splendid Manner. Those Works of his were indeed at different Times; but not to interrupt the Thread of this History, I shall here give them at one View. He had at first proposed to make strait, and pave the crooked and dirty Streets, and to repair the Walls; but the Income of the City not being sufficient to defray that Expence, there was a Necessity to raise a new Tax to carry on the Work; so that having held several Councils in the City for that End, and it being concluded in 1533, to lay a *Livre* on every *Rotolo* * of Fish, Salt Flesh, and Cheese¹, a Mutiny ensued, by the Instigation of *Fucillo Micone*, a Wine Merchant, on account of this new Tax; and though *Toledo*, with great Intrepidity and Vigour, quelled the Mutiny by the Death of *Fucillo* and the other Mutincers, yet he did not think it convenient to prosecute his Design at that Time. But having new Occasion in 1535. for Money to defray the Expence of the Preparations which were necessary against *Barbarossa*, who infested the Coast the 20th of *March* the same Year, he laid a Tax of a Penny on the *Rotolo*; and being obliged to have that Money immediately raised, to supply the present Necessity, he took care to levy both this new Tax, and the other of 1533, for paving the Streets (which had not been exacted when it was imposed) and that without any new Tumult. From that Day, as *Rosso* says², they began to take up the Flint Stones which were in the Streets, and to put Bricks in their Place.

THE Emperor's coming interrupted the Work, but after his Departure it was prosecuted with the greater Diligence. The Viceroy, in order to make the City more healthy, as well as beautiful, caused many under Porches or Sheds to be taken away, because they made the City dark, as also the Pent-houses before the Dwelling-Houses and Shops; he repaired the Common Sewers, giving them a more declining Course towards the Sea; he order'd the Streets to be made straiter and plainer, and so encouraged the Citizens, that every one strove who should signalize himself most in beautifying his House and Palace. He made the City larger and stronger, by carrying the Walls further out, as well towards the Sea, as on the

¹ *Rosso*, p. 92.² *Ibid.* p. 105.

Land Side, and with such wonderful Expedition, that in less than in two Years, he surrounded the whole City with a very thick Wall, with a Terras on the Inside; and towards the Sea, he caused the Wall to be built a good Way into the Water, insomuch, that by this new Work, there was no Vestige of the old Walls and Gates built by King *Charles II.* and the other Kings of the House of *Anjou*. The Names of *Porta d'ſſi Orſo*, the old *Porta Reale*, *Porta Petruccia*, *Porta del Caſtello*, and of that of *St. Giovanni a Carbonara* were forgotten. He incloſed many Houſes, and Part of *Monte S. Eramo* and *Ecchia*, call'd at preſent *Pizzifalcone*, within theſe new Walls; ſo that the City was beautified and enlarged, twice as much as it had been formerly¹.

HE rebuilt Caſtle *S. Eramo*, making it (according to the Fortifications of thoſe Days) impregnable; for, beſides a good Garrifon, and Store of Ammunition, the greater Part of it was cut out of the ſolid Rock; the Palace only, and the Citadel, were built of ſquare Stone; and he likewiſe cauſed a Ciftern of a vaſt Diameter to be cut out of the Rock, not inferior to the famous *Piſcina Mirabilis* of *Baja*, a magnificent Monument ſtill remaining of the Greatneſs of the antient *Romans*. The Ditches were cut likewiſe out of the Rock, with ſuch Art and Sumptuouſneſs, that they might deſervedly be compared to the Buildings of *Old Rome*.

BESIDES the famous Edifice of the Palace of Juſtice, where, as we have ſaid, he aſſembled all the Courts; he built alſo a Royal Palace near *Caſtel-nuovo*, with pleaſant Gardens for the Dwelling Place of the Viceroy: This at preſent is called the *Old Palace* (becauſe the Viceroy, the Count *De Lemos*, ſince that Time, built a new one, greater and more magnificent, not far from the other) at the Side of which, to make it more ſtately, he made a wide Street, which ſtretcheth to the new *Porta Reale*, at preſent called the Gate of *Spirito Santo*: This Street to this Day retains his Name, being called *Strada di Toledo*, or *Toledo's Street*.

HE enlarged the Arſenal to above twice the Bigneſs it was before, making it ſo large, that ſixteen Gallies may be built in it all at once; and he found out a Contrivance for bringing the Wood to it, with more Eaſe, and leſs Charge.

HE adorn'd the City with many Fountains of Marble, and particularly he erected one in the *Piazza di Sellaia*, which he called *Atlante*, from the Statue of *Atlas* carrying the Globe of the World upon his Shoulders, carv'd by *Giovanni de Nola*, the moſt famous Sculptor of that Age².

HE likewiſe adorn'd the City, by building new and magnificent Churches and Hoſpitals, to which he was prompted, not only by his natural Greatneſs of Mind, but likewiſe by his great Devotion and Piety towards Things ſacred. He founded the Hoſpital and magnificent Church dedicated to *St. James* the Apoſtle, the Patron of *Spain*, for the Conveniency of that Nation; in the Quire of which, in his own Life-time, he erected a ſtately Tomb of Marble, cut with Figures, in *Baſſo Relievo*, by the above-named *Nola*. He rebuilt and beautified the Church of *St. Nicholas*, near the Cuſtom-Houſe. He erected, from the Foundation, the Hoſpital of *Santa Maria di Loreto*, for Orphan Boys; and another, called *St. Catarina*, within *St. Eligio*, for Girls: But that which gave the greateſt Luſtre and Decorum to the City, as well as to Religion, was his Care in ſeeing that the Churches ſhould be well look'd after, and the old Churches repaired; that their Incomes ſhould not be imbezzi'd; that the Priests ſhould attend Divine Service, and all Holy Offices; and as far as was in his Power, he reform'd the exterior Eccleſiaſtical Polity. He order'd, that the Churches, where the *Jus Patronatus* obtained, ſhould be kept clean and decent, and well ſerved, and all their Revenues, which had been uſurp'd by thoſe who had no Right to them, to be reſtor'd. He made the Priests go decently, in their proper Garbs and Tonſure, under the Penalty of being puniſhed for any Fault, as Laicks. He introduced the Cuſtom (in Uſe to this Day) that when the Sacrament was carried thro' the City to ſick Perſons, it ſhould be carried under a Canopy, with lighted Torches, and with Solemnity; and, by his own Example, to make it the more venerable, if he happen'd to meet it, he, with all his Retinue, accompanied it to the very Place whither it was to be carried.

IN a Word, after the Viceroy had beautified and imbelliſhed the City, he made many other Proviſions for making it more healthful and opulent. *Naples*, in his Time, was ſubject to many Diſeaſes in the Summer; the chief Occaſion of which

¹ *Tutina. Orig. de Seggi.*² *Giorn. del Reſſo*

was the Corruption of the Air by the standing Waters, which took their Rise from the Territories of *Nola*, and run towards the Sea through *Marigliano*, *Aversa*, *Acerra*, and *Fragola*: The Corruption was sometimes so great, that it infected all *Terra di Lavoro*, or the greatest Part of it. *Toledo*, to give a seasonable Remedy to this Mischief, ordered a large and deep Canal to be made in the Middle of these Plains, with high Banks, and contriv'd the Canal in such a manner, that all the Water of the Lakes run into it; and, as if it had been one great River, was by it carried into the Sea: And thus the Lakes being drained, *Naples* became the most healthful City in the World; and for that End, he made all the Country round about to be ploughed and kept cultivated; and he established a Fund, the yearly Income of which was sufficient to keep the Canal constantly clear. Our Forefathers called this Canal *Lagno*, and at present it is named the *Lagni*, and the Court of the Royal Chamber takes care of it, and appoints an *Overseer* to keep it clean and in Order.

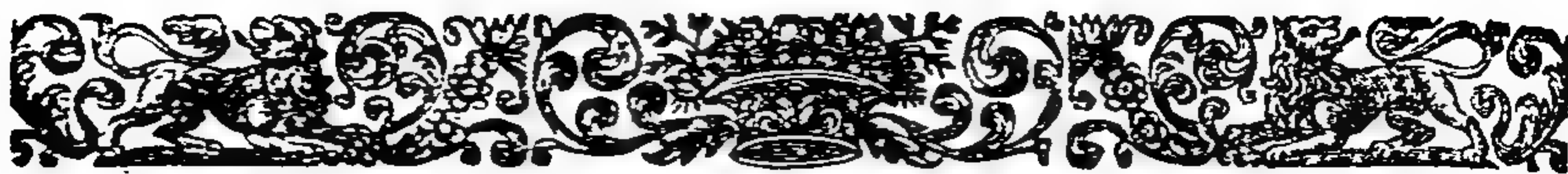
HE made likewise many Regulations concerning the Necessaries of Life, and for keeping the City well stored with all Sorts of Grain, and prohibited the Exportation of it, and that none should keep Magazines or Granaries, either of Wheat or Barley, within thirty Miles of *Naples*; and he introduced the Custom of making Contracts with the Merchants for supplying the City with Corn.

AND, indeed, the Splendor and Magnificence at which the City of *Naples* has arrived since, must be attributed to him; for it was owing to his good Example, that the other *Spanish* Viceroys, his Successors, laid it down as a Rule to themselves, not to quit the Government without leaving behind them a Memorial of their Viceroyalty, by some great and magnificent Structures; in which the Dukes *D'Alva*, the Counts of *Lemos*, the *Medina's*, and many others, signalized themselves, as shall be related in the Course of this History: So that by the glorious and splendid Monuments left by those Governors, and by the stately Buildings erected by the new Religious Orders brought since into the City, such as the *Theatins*, the *Jesuits*, the *Hieronymites*, and many others, which having grown excessively Rich, raised magnificent Churches, and vast Palaces rather than Monasteries, and sumptuous Castles instead of Convents, *Naples* may at present vie with the greatest Cities in *Europe*, and does not yield to *Rome*, *Constantinople*, *London*, or *Paris*.

THIS Greatness of *Naples*, and its being so well inhabited, is owing to *Toledo*, who by his Magnificence, and his Regulating the Courts of Justice, raised it to the Height it is in at present; although, in some measure, its being so populous, is owing to the ordinary Residence of the Nobility, occasioned by the frequent landing of the *Turkish* Pirates in those Times upon the Coasts of the Kingdom, which made them abandon their Estates, and come to *Naples*, to shun the Barbarities and Slavery, which must have been their Fate, if they had fallen into the Hands of those Barbarians. Thus many from the Coast of *Amalfi*, *Citara* (a Castle on the Sea-Coast near *Salerno*) *Cilento*, *Cava*, the Island of *Capri*, and from *Calabria*, retired to *Naples* ¹.

¹ Summ. Part 4. l. 7. cap. 4.





C H A P. IV.

Toledo takes the same Care of the Provinces, and the Towns of the Kingdom, occasioned by Solymán's designing to invade it with a formidable Fleet.



ALTHO' the Kingdom, during Don *Pedro de Toledo's* Government, had not suffered those Miseries in its Provinces, which are the constant Concomitants of open War; yet the Apprehension of the Danger they were in, being threaten'd by two such powerful Enemies, as *Solymán* and *Francis I.* King of *France*, who were confederated together to depress the over-grown Power of *Charles V.* was worse than War. *Solymán*, enraged at the Emperor for having defeated his Designs at *Tunis*, and to revenge his having put his Army to flight, and chased them out of *Hungary*, fitted out a formidable Fleet in 1537. to conquer the Kingdom of *Naples*. He was likewise spurr'd on to this Attempt by the *French* Ambassador, and by *Troilo Pignatelli* ¹, who being disgusted at the ignominious Death to which *Toledo* had put his Brother the Commandator, had left the Kingdom full of Revenge, together with many others, who taking Refuge in *Constantinople*, solicited that Emperor, with much Earnestness, to hasten the Undertaking, representing it as an easy Matter, because *Charles* being obliged to turn his Arms against the King of *France* in *Lombardy*, for the Defence of the State of *Milan*, it was impossible for him, at the same time, to resist *Solymán*. The Sultan therefore determined to move with all Expedition, and getting 20,000 Men in Order, he marched from *Constantinople*, and on the 13th of *July* the same Year, arrived at *Velona*; at the same time he had given Orders for fitting out a Fleet of 200 Sail, what Transports, what well-mann'd Ships of War, under the Command of *Barbareffa*, who was almost as soon at *Velona* with his Fleet, as *Solymán* was by Land.

THE Viceroy, who watched the Steps of the *Neapolitan* Fugitives that had taken Shelter at *Constantinople*, had received Advice, some Months before, from *Scipione di Somma*, Lieutenant of the Province of *Otranto*, of the Intrigues of *Pignatelli*, and what was doing at the *Ottoman* Court, and *Solymán's* Designs; therefore he began speedily to fortify the Sea-Coast of the Kingdom, as well as he could: He wrote immediately to the Emperor an Account of the *Turk's* Design, desiring him to send him, as soon as possible, some *Spanish* Infantry for re-inforcing the Garrisons, in order to make Resistance; and in the mean time, he himself had taken care to store them with Ammunition and Provisions. He gave Orders to the Soldiers to repair to their Colours, and being assembled, they incamp'd in the *Low Puglia*, from whence they could easily send Assistance to all the Coast. He divided the Militia through the different Parts of the City of *Naples*, to guard the Place; and because it was only to defend themselves against the common Enemy, he made no Difficulty to trust the Citizens with Arms, that they might use them if there should be Occasion: And they, on the other Hand, with much Courage, offered to encounter any Danger, in opposing the implacable Enemy of Christianity. Then he summon'd all the Barons of the Kingdom to assemble, in a Parliament to be held in *Castel-nuovo*, where he told them the Occasion of their Meeting, the great Danger they were in, and that *Solymán* having already march'd from *Constantinople*,

¹ Giorn. del Rosso, p. 142.

with a Design to invade the Kingdom, they were under a Necessity of arming themselves for a vigorous Defence. All the Nobility offered their Concurrence with equal Chearfulness; and the Parliament breaking up, every one prepar'd for War, with the utmost Expedition and Diligence.

IN the mean time 24 Ships arrived at the Port of *Naples*, full of *Spanish* Troops; and, not long after, Prince *D'Oria*, with 25 Gallies, and two Galleons; and these were followed by five other Gallies sent by Pope *Paul III.* who was very intent upon frustrating *Solyman's* Designs. This Fleet, being provided with all Things necessary, sail'd towards *Messina* (having on Board *D. Garcia de Toledo*, the Viceroy's Son) and steering towards the *Levant*, *D'Oria* put the Enemy's Fleet in Disorder. Upon *D'Oria's* leaving *Naples*, the Viceroy sent the *Spanish* Infantry, with some Pieces of Cannon, to *Puglia*; and having Intelligence of *Solyman's* Arrival at *Velona*, he march'd in Person from *Naples* the 28th of *July*, accompanied by the Nobility, and a good Body of Horse, and made a General Review of the whole Army at *Melfi*. Here he received Advice, that the Bassa *Luffibeo*, landing unawares at *Castro*, had pillaged that City, and made the Women and young Men Slaves, and killed the rest: And then having attack'd *Urgento*, had burnt it, with many Villages thereabouts. At the same time *Barbarossa*, with 70 Gallies, having come to the Coast of *Otranto*, had landed both Foot and Horse for invading that Province; but *Scipione* the Lieutenant, being well provided both with Horse and Foot, tho' he would not have been long able to resist so great a Force, yet he made many Skirmishes, and defended himself gallantly. Upon these Advices *Toledo* march'd his Forces from *Melfi* to *Tarento*, to the Assistance of *Scipione*, where he was no sooner arrived, than he had an Account, that the Enemy had retir'd and re-imbark'd; and some *Turkish* Prisoners assured him likewise of *Solyman's* having left *Velona* to attack the Island of *Corfu*, and take it from the *Venetians*.

THE Reason of *Solyman's* unexpected Retreat, was his having had Intelligence, that all the Coast of the Kingdom was well provided and garrison'd with gallant Soldiers, and that the Viceroy was in the Field with 30,000 Men, and that the Pope was raising Men for re-inforcing him. He had also heard, that *D'Oria* had destroy'd many of his Gallies; and he was afraid that the *Venetian* Fleet (although there was a Truce betwixt him and that Republick, yet, by his having detained twenty of their Gallies that Year in the *Levant*, they might look upon it to be broken) might have Orders to keep a Correspondence with *D'Oria*, and to unite against him: So that being oblig'd to retire, that he might not shew Cowardice, and hazard his Reputation, he resolv'd to attack *Corfu*.

THE Enemy being thus retired, the Viceroy, after having given Thanks to the Nobility, and those who had accompanied him in this Expedition, gave them all Leave to return to their own Homes, which they did. But wisely considering that *Solyman* had not given over his Design upon the Kingdom, and knowing what an Advantage had accrued to it, by being well provided with Men, he resolv'd to fortify all the Places upon the Coast; and, to that End, he visit'd them himself, taking with him good Architects and Ingincers: He gave Orders for building the Castle of *Reggio*: He inclos'd the City of *Cotrone*, with Walls and Bulwarks; he caus'd the Castles of *Otranto*, *Lecce*, *Gallipoli*, *Trani*, *Barletta*, *Brindisi*, *Monopoli*, and *Manfredonia* to be built; and *Vesti*, a City situated on the furthest Point of *Monte Gorgano*, to be fortified: And having in this Progress discovered, That the greatest Part of the Kingdom, and especially the Cities of *Puglia*, were grievously oppress'd with Debts, so that many of them, by being dispeopled, were render'd incapable of paying the Taxes; he took such effectual Care to remedy that Evil, that in a few Years those Cities were out of Debt, and in full Possession of all the Revenues belonging to them, and were better Peopled than ever, and many more Houses built in them than before: So that by this means *Barletta*, *Trani*, *Bisceglia*, *Monopoli*, *Manfredonia*, *S. Severo*, *Rutigliano*, *Minervino*, and many others, discharged their Debts, and redeemed and augmented their Revenues. Then the Viceroy, after the happy Success of this Expedition, having sent the Army to their respective Garrisons and Quarters, return'd himself to *Naples*; where, at his Arrival, the City, in Gratitude for the signal Service he had done, presented him with a Chain of Gold of curious Workmanship, done at the Publick Charge, and gave him Thanks with great Ceremony, as their Deliverer from so dreadful and potent an Enemy.

BUT

BUT the Viceroy, not thinking he had done enough for the Defence of the Kingdom, did not fail afterwards to fortify the other Cities and Places, till he had made the whole Coast capable of repelling the Incursions of the *Turks*.

IT was *Toledo* who prevailed with the Emperor to cause to be built upon the Coasts of the Kingdom, high Towers at small Distances from one another, with a constant Salary for those that had the Charge of them, to the End, that the News of the Landing of any Pirates being quickly communicated from one Tower to another, the Country People being advertised by them, might save themselves. He likewise caused a great Tower to be built upon the Confines of the Kingdom, towards the Estate of the Church, called *Porta di Martino severo*, for the Security of honest People, and the Punishment of Rogues. And in *Abruzzo* he rebuilt a Castle, and another in *Terra di Lavoro* at *Capua*, as also the old Castle of *Baja*.

TO him the City of *Pozzuolo* owes its Preservation; for, without his Care, it had not been remaining upon the Earth, but had been a desolate Field of Sand or Grass, as *Cuma*, *Baja*, and *Miseno* are at this Day: For the Stones, Fire, and Clouds of Smoak and Dust, which, in a most terrible manner, burst out of those Gulphs that open'd in the Plain between *Monte Barbaro*, and the Lake *Averno*, during the frequent Earthquakes in 1538, so frightened the Inhabitants of *Pozzuolo*, that they all fled from the City, with their Families, some by Sea, and some by Land, leaving it quite desolate. Whereupon the Viceroy went directly thither, and halting upon the Hill of *St. Genaro*, saw the miserable City quite cover'd with Ashes, so that there was scarce a Vestige of a House to be seen; the Inhabitants being determined to abandon the Place, the Viceroy refused to give them Leave to desert so antient a City, and so famous of Old, and therefore he issued a Proclamation, ordering them immediately to return, and exempted them from all Taxes for many Years; and, to encourage them the more, he caused a magnificent Palace, with a strong Tower, and publick Fountains, to be built there. And to make their Commerce the easier with *Naples*, he repaired the Road between the two Cities, making it larger and smother: He also enlarged the stupendous *Grotta* (that wonderful Monument of the *Roman* Greatness) and made it so light, that People could go through it without Torches. He repaired the Baths as well as possible at that Time, and rebuilt the City Walls; and to make it more populous, instead of staying there (as he used to do) only in the Spring Season, he made it his Residence for one half of the Year: And in 1544, when *Barbarossa* return'd to make new Incursions upon that Coast, and had sacked the Islands of *Ischia* and *Procida*, designing to serve *Pozzuolo* in the same manner, having already begun to cannonade it from his Ships; *Toledo*'s keeping a good Garrison in the City, and marching expeditionly in Person, with all his Cavalry, and a great Multitude of People from *Naples*, and the adjacent Cities, forced *Barbarossa* to give over his Design, and immediately set sail towards the *Levant*, and the Viceroy having thus delivered *Pozzuolo*, return'd to *Naples*. Such was his Care in defending all the Cities of the Kingdom against so powerful and troublesome Enemies.

S E C T. I.

The Jews banish'd the Kingdom.

THE provident Care of this Minister, in banishing the *Jews* in the Year 1540, was thought a Matter of great Importance both to the City and Kingdom: They came first among us in 1200, and increased so much, especially in *Calabria*, that they peopled large Streets in many Cities, so that they got the Name of the *Jewish Cities*; and they multiplied to that Degree, and became so rich, that when the *Jews* of *Asia* persuaded the Grand Signor to take Possession of King *David*'s Tomb, under the false Pretence of Treasure hid in it, as had been done before, to the great Loss, and intolerable Charge of the Christians, *Martin V.* was so exasperated against the *Jews* of the Kingdom, that he prevailed with Queen *Jean II.* to punish them for it; therefore, on the 18th of *October* 1429, she gave Orders to *Lewis* of *Anjou*, Duke of *Calabria*, to exact from every *Jew* in the Kingdom, Men and Women, the third Part of a Crown, which amounted to such a Sum as

was sufficient to defray the Charge of recovering the Holy Sepulchre ¹. The second Coming of the *Jews* was in 1492, upon their being banished from *Spain* by the Catholick King *Ferdinand*; and here mixing with the *Jews* who inhabited those *Jewish* Cities, they multiplied exceedingly, and became immensely Rich, for they gave themselves to their usual Trade of buying and selling old Cloaths, and other second-hand Goods, and of lending Money upon extravagant Usury ². The Convenience of that kind of Commerce was very great, but the Advantage which the Traders made of it, was insupportable. *Gregorio Rosso* says ³, That during the Time that *Charles V.* staid at *Naples*, many Citizens, and even the Nobility, and Men of Estates, were ruined; for, to support their Grandeur upon that Occasion, they had pledged almost all their Plate and Goods to the *Jews*, who taking excessive Usury for the Money they advanced, became vastly Rich, and had the Emperor staid longer in *Naples*, their Gain would have been much greater. Although they had been banish'd out of *Spain* by King *Ferdinand*, yet *Charles V.* suffer'd them in *Naples*; but to distinguish them from his other Subjects, he ordained that they should all live in one Street, and wear a particular Mark of Distinction upon their Heads, both Men and Women ⁴: But their Usury increasing in *Toledo's* Time, and the City being full of Complaints against their Extortions, the Viceroy thought proper to represent the Matter to the Emperor, who gave him an Order for their Banishment, so that in 1450, he issued out a Proclamation, ordering them all to leave the Kingdom ⁵. In fine, they left *Naples*, and a great Part went to *Rome*, and the rest to other Places; the Streets where they lived at *Naples*, are called to this Day the *Jewish Streets*, and those who follow their Trade, are called still by the Name of *Jews*.

BUT the Remedy used by *Toledo*, to prevent this Mischief, would have proved worse than the Disease, if his Care, and the Charity of some well-disposed People had not prevented it; for the Convenience of raising Money upon Pledges given to the *Jews* failing, People that were in Streights had recourse to the Christians, who being allured by so great Gain, began to grow greater Usurers than the *Jews* had been: And therefore, that the Needy might not want the Convenience of borrowing Money, and that the Citizens might not have an Opportunity of imitating, and, perhaps, exceeding the Rigour of the *Jews*, the Bank call'd *Monte della Pietà* was appointed, to recover Pledges from the *Jews*, and to relieve the Wants of the Poor. In this Bank, to this Day, Money is lent upon Pledges, at moderate Interest, and, as far as ten Crowns, without any Interest at all ⁶.

HITHERTO *Toledo* had govern'd the Kingdom with such Prudence, to the general Satisfaction of the People, excepting some discontented Nobility, who hated him for his Severity, that he was belov'd, obey'd, and had in great Esteem by all.

BUT a new unhappy Accident troubled all our good Order, and disturbed the Peace of the Kingdom; and if the Love of the *Neapolitans* towards their Princes, and their Fidelity towards the Emperor, had not put a Stop to the Mischief, worse Calamities, and inevitable Ruin had ensued. This was occasioned by the Viceroy's designing to settle an Inquisition in *Naples*, during his Government, according to the Custom of *Spain*. The History of which, as containing one of the most remarkable Events, and as being a signal Instance of the Constancy and Resolution of the *Neapolitans*, we shall give distinctly, as in its proper Place, and not delay it till we come to treat of the Ecclesiastical Polity, because the Design and Management of that Affair, had more of Policy and Temporal, than of Spiritual and Ecclesiastical Views.

¹ P. Fiore, Calabr. Illustr. l. 1. p. 1. ch. 5. num. 3.

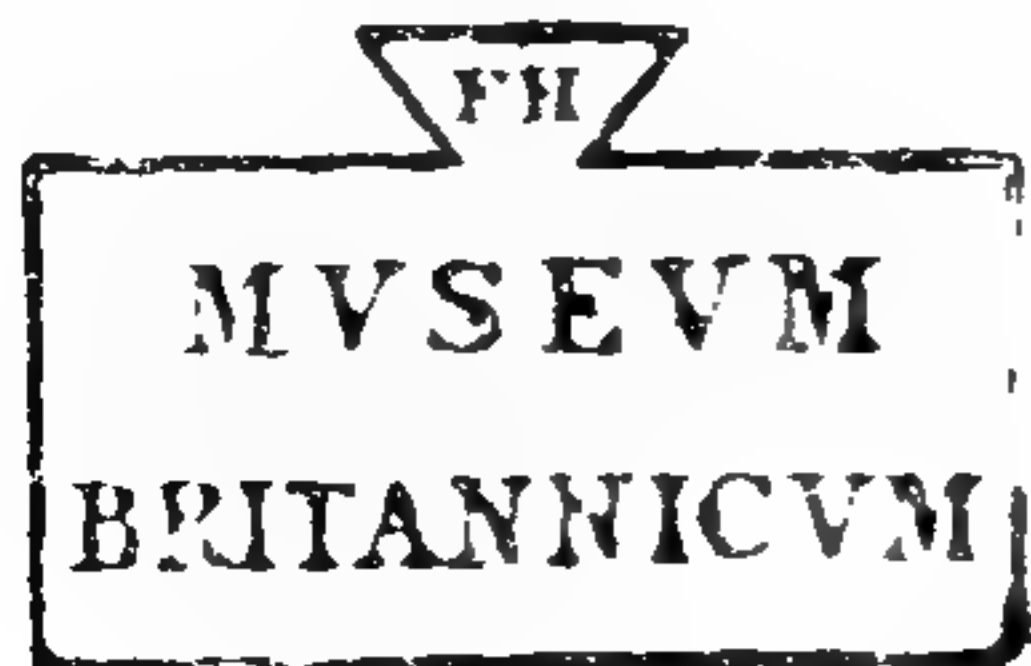
² Summ. p. 4. l. 7. c. 4. Rosco Hist. l. 1.

³ Giorn. del Rosso, p. 135.

⁴ See Pramm. de Judeis of the old Edit. printed at *Naples* 1570 and at *Venice* 1590.

⁵ Toppi de Origine Trib. par. 2. l. 1. c. 4. num. 34.

⁶ Eugenio, Nap. sac. p. 334.





C H A P. V.

The Inquisition constantly opposed by the Neapolitans, and their Reasons for so doing.

SOME People wonder very justly, how it comes to pass, that the *Neapolitans*, who are naturally so Religious, as to fall rather into Superstition, and too great Credulity, than to keep a just Medium in Matters of Faith, should all along have shew'd such Horror and Aversion to the Inquisition: How they could, from time to time, suffer such Abuses and Inroachments introduced into the Kingdom by the Court of *Rome*, and yet never be brought to endure this, which was proposed under such plausible and specious Colours; such as the preserving intire and inviolable their antient Religion, and not suffering it to be corrupted by new Errors and Heresies, which would be attended with irreparable and eternal Perdition. Under the Reigns of *Alexander VI. Julius II. Leo X. and Clement VII.* they had suffered Abuses from that Court of the grossest Nature. *Rome*, by her Authority in granting Indulgences, her Prodigality in granting Dispensations, by the Spoils, Reservations, *gratiae expectantiae*, and exacting the Annats of Benefices, which she bestowed, and by the Charges People were at in getting the Bulls dispatched, through the Multitude of Offices belonging to that Court, had no other View but to drain the Kingdom of Money, as she did other Parts of *Christendom* by such Arts. The People of *Naples* had suffer'd grievous Taxes and Decimations to be laid upon the Clergy, the Monasteries, and all Ecclesiasticks within the Kingdom; all which center'd in *Rome*. The Election of Bishops, the Collation of the greatest Part of Dignities and Benefices, great and small, even to the meanest Arch-Priestships and Canonships, were usurp'd from the Clergy, the People, and the Ordinaries of the Dioceses, and transferr'd to *Rome*. Nor would these Grievances have been so insupportable, had they been designed for the Salvation of Souls, and the good Government of the Church; but it was quite otherwise, for one Person enjoyed Benefices which were incompatible; and, without any Consideration of the Merits of the Person, Livings were given by Favour, either to Persons incapable by their Age, or utterly void of Learning, and, which was yet worse, of most scandalous Lives¹. The Benefices within the Kingdom of *Naples*, which by the Canons could not be bestowed but upon Natives, were given to Strangers and Foreigners. There was no care taken, even of the Inroachments surreptitiously made upon the Regal Jurisdiction by the Ecclesiastical Courts, and the Abuses and Corruptions of exorbitant Fees and Taxes, which they exacted from the poor People who had any Suits there. There was no Opposition made to the immense Acquisitions of Real Estates, for the Use of Churches and Monasteries, tho' they saw that all tended to their Ruin; nor to the Violence offer'd them, in being forc'd to sell their Houses to make those Monasteries more magnificent, and very often to make way for a stately Portico or Gallery. They did not mind their being obliged to bear the whole Weight of the Publick Taxes, by the Ecclesiasticks being exempted from them. How the *Neapolitans* could suffer these and many other Hardships (which I don't mention) and yet boggle so at the Inquisition, that the very Name of it struck them with Horror, is a Thing very strange; and, which is more surprizing, the Abhorrence is so rooted in their Minds, by having been deriv'd

¹ Guicc. l. 13.

from Father to Son, by a Succession of many Years; that neither the Course of many Ages, nor the Endeavours of some of their Kings, who had different Inclinations from them, nor the Intrigues and Arts of the Court of *Rome*, could ever remove it: Infomuch, that at present, under the benign Influence of a more mild Government, their Resolution being stronger, and better fortified, they don't fear that the strongest Efforts will ever be able to make them stoop.

BUT who would believe that so great a Privilege should be owing, first to the *Spaniards*, and then to the very Court of *Rome*? But in order to evince the Truth of this Position, it will be necessary to recapitulate what was said in the XIXth Book of this History, concerning the Origin of the Inquisition, that thereby we may see how it was managed under the Kings of the Family of *Anjou*, to the Time of *Ferdinand* the Catholick, in whose Reign they began to abhor it, for the Reasons which shall be assigned; which Abhorrence came to its Height under *Charles V.* and *Philip II.* his Son, and continues so to this Day.

AFTER the Emperor *Frederick II.* by his terrible Constitution *Inconsutilem*, published against the *Patareni* and *Arnaldisti*, and many other Hereticks, which, at that Time, had set up against the Church, because of the Depravity and wicked Lives of the Clergy, had given the greatest Proof of his Rigour to extirpate them; some of them being pertinacious in their Errors, rather than to renounce them, chose to fly to foreign Princes for Protection; and others, affecting a pure Apostolical Life, strict Vertue, and unshaken Constancy, not regarding Prison or Death, resolved to suffer the greatest Punishment and Torments, and even the most cruel Death: And for this Reason they chose to be called *Patareni*, looking upon themselves to be equal to the Martyrs of the Primitive Church. Their Number much increased, and there was not a City in *Italy* that was not infected with their Errors. The others, among whom the most considerable were the *Albigenses*, spread themselves further; for being favoured by the Count of *Toulouse*, and other Persons of Distinction, they had broach'd their Heresies in many Parts of *France*.

ABOUT the same time, those two Great Men, *Dominick* and *Francis*, very opportunely appeared in Favour of the Church; these, by their Sanctity, made themselves famous every where, and founded the two Orders, of *Preaching Fryars*, and *Fryars Minors*; and indeed, they came in a very lucky time to lay the Storm that was like to overset *St. Peter's Ship*: But they took different Methods. *Francis*, in Opposition to the *Patareni*, was resolved, by his own Example, to shew what was the true Apostolical Life, and the right Imitation of Christ, by founding his Order on a rigid Poverty, Humility, and a holy Life and Conversation, that thereby he might bring back into the right Way, those that had gone astray.

DOMINIC, by Birth a *Spaniard*, of the noble Family of the *Gusmans*, undertook, with his Fraternity, to run down the rest, especially the *Albigenses*, against whom he disputed, preached and declaimed with great Zeal, and, by his Sermons, endeavoured to convince them of their Errors, and to warn the People not to let themselves be impos'd upon by them. But finding that his Disputes and Preaching, had little Effect upon those obstinate People, he thought the best way to extirpate them, was to have recourse (as they had done) to the Assistance of Princes; and being made Inquisitor General by Pope *Innocent III.* for that Purpose, he made Application to the Count of *Montfort*, and to many of the *Spanish*, *German*, and *French* Nobility; who, being join'd by a great Number of Prelates, and some Troops, enter'd into a Crusade against them, and scowr'd the Country in order to destroy them; and in passing through *Narbonne*, and other Places, they defeated many of them, and put them to Death. And *Dominic*, not content with that, came to *Rome*, and in many Sessions of the *Lateran Council*, declaimed against the *Albigenses*, and got their Doctrine to be condemn'd as Heretical.

FROM this Beginning came the Custom of sending Inquisitors from the Pope, into Places suspected of Heresy; at least in peaceable Provinces, where the Hereticks did not assemble in Troops, and where there was no Occasion for Cruisades: And because *Dominic's* way of Management was more agreeable to the Court of *Rome*, than that of *Francis*, the Office of the Inquisitors was given to the *Dominicans*, who, being join'd with the Secular Magistrate, inquired into all Errors, and those who were convicted of them, were by their Sentence pronounced Hereticks, and then delivered over to the Secular Power, to be burnt, or otherwise punished.

IN the Reign of the *Swedish* Race, *Frederick* II. and *Manfred* would not allow the Pope to send Inquisitors; but (as we have related in the XIXth Book) they made use of the Prelates of the Kingdom to take Cognizance of the Matter of Right, and as to the Fact and the Punishment, they were tried by the ordinary Magistrates.

THE Kings of the House of *Anjou*, as Vassals to the *Roman* Pontiffs, admitted Inquisitors from *Rome* into this Kingdom, who, though they did not keep any fix'd Court, yet they went through the Provinces by Leave from those Kings, who also bore their Charges.

THE Kings of the Family of *Aragon*, began to limit their Concession, and but very rarely allowed them to come into the Kingdom, and when they did, they obliged them to give an Account of their whole Proceedings; nor were they suffer'd, without a *Special Licence* from the King, and the *Approbation* of the *Civil Magistrate*, to execute any *Sentence*.

AND although they endeavoured, in the Beginning of the Reign of *Ferdinand the Catholick*, to establish their Authority better, and to shake off the *Dependance* they had been under before; yet the *Neapolitans*, to obviate every Insinuation of that Kind, obliged the *Great Captain* to consent to their Demands, insomuch, that when he took Possession of the Kingdom in the Name of *Ferdinand*, who had given him most ample Authority, he promised that there never should be either *Inquisition* or *Inquisitor* in the Kingdom: So that the *Great Captain* was very watchful in guarding against the Incroachments of the Court of *Rome*, which was very ready to lay hold of all Opportunities. And therefore, in 1505. he wrote to *M. Foces*, giving him an Account, that the Bishop of *Bermejo*, the Pope's Commissary and Inquisitor, had applied to him, in his Holiness's Name, to have some Women put in Prison, who were accused of Heresy, and had fled from *Benevento* to *Munfredda*, in order to make their Escape to *Turkey*; the Captain therefore gave *such* Orders to secure them, and when they were in Custody, to let him know, that he might give him farther Instructions about them. In like manner, the Count of *Belagera*, in 1507. wrote to *Francis Viceroy*, of *Ferranania*, quarrelling him for going to *Barletta*, to hold an Inquisition upon some Persons without his Knowledge, or shewing his Commission; charging him, at the same time, to stop all Proceedings, and to come to him forthwith, and shew his Authority, otherwise, he assured him, that he would take such a Course with him, as should not be to his Honour.

THIS was the Method of Proceeding in the Beginning of *Ferdinand's* Reign, with relation to such as were accused or suspected of Heresy; and such an Inquisition was not frightful, because the Inquisitors had no fix'd Tribunal; their Commissions were laid before the King's Council, and they could not put them in Execution without the Royal Assent; they went but seldom through the Provinces, and did nothing without the King's Permission, and the Assistance, Advice, and Favour of the Secular Magistrate; nor did they occasion any Noise or Tumult: Besides, there were no Remains of the old *Patarens* in *Italy*, much less in our Kingdom; and there was not the least Suspicion of any new Doctrine contrary to that of the Church of *Rome*: So that the Inquisition of *Rome*, not to be thought idle, began to take Cognizance of some Crimes which did not require an extraordinary Tribunal, but might have been tried, as formerly, by the ordinary Tribunals. For the most Part the Inquisitors made themselves Judges of Blasphemy, which they brought into their Court under the Notion of Heresy, although it had been uttered through bad Habit, Rage, or Drunkenness, or even through Ignorance and Folly. Thus one, who to commend his Wine, had said, *That even Christ might drink of it*, did not escape their Clutches; whoever cursed the Bells, for the Noise they made, was sure to incur their Censure: If any Person presum'd to declaim against the Immoralities of Priests or Monks, or mock'd, ridicul'd, or cursed them, he did not escape unpunish'd. And that they might not want Work, they took under their Cognizance, *Fornice-telling*, *Conjuring*, and many other foolish Arts, practis'd by silly old Women, rather to trick People of their Money, than out of Disrespect to Religion. They brought likewise into their Court, Crimes proceeding from the Frailty of Human Nature; as also Bigamy, Night Assemblies, in which a thousand

Lewdnesses were committed, under Colour of Religion: These, and many other Crimes, committed rather through Frailty, than Contempt of Religion, were by them deemed to be Heretical. In short, they did not trouble themselves about correcting Opinions and false Doctrine, but all their Business was to correct Manners and Discipline; so useless was the Inquisition become, that there was no Reason to be afraid of it, nor was there any Occasion for it, either in *Naples* or elsewhere.

BUT although *Italy* was very easy with respect to this Tribunal, it made a terrible Noise in *Spain*. King *Ferdinand*, after having banish'd the *Moors*, and conquer'd the Kingdom of *Granada*, had erected there a frightful Inquisition, in order to purge *Spain* of all Remains of *Moors* and *Jews*, and to extirpate them intirely. This Court was managed by the *Dominicans*, who, under pretence of Zeal for Religion, exercised the greatest Cruelties imaginable; banishing, imprisoning, putting to Death, and confiscating, without Mercy: And what raised the greatest Horror, were the tragical Methods, the lugubrious Apparatus, the so many Crosses, the terrible Invectives, Imprecations, Conjurations, Exorcisms, and the lighted Piles of Wood for burning the Guilty: So that Death itself was not so terrible as the hideous Apparatus. When any Person was accused, even upon the smallest Suspicion, he was clapt into a dark Dungeon, seen by no-body, and fed with Bread and Water, and very often without knowing what he was accused of. They were not told who had been Evidences against them; for after they were once accused, they were not allowed to exculpate themselves: Their Goods were immediately confiscated, and if they were convicted (according to the severe Laws of that Court) or confess'd the Facts laid to their Charge, as some did, to avoid the grievous Torments they were put to, although they had never been guilty of the Crimes, then they were condemn'd to be burnt alive. Others were sentenced to perpetual Exile; but all of them forfeited their Estates, and both the Guilty, and also their Heirs, were branded with perpetual Infamy, and doom'd to Beggary¹.

THESE terrible Proceedings in *Spain* against the *Jews* and *Moors*, coming to the Ears of the *Italians*, and especially the *Neapolitans*, gave them an incredible Abhorrence for the Inquisition. It happen'd, that King *Ferdinand* suspecting that many *Moors* and *Jews*, who had escaped his Hands, had taken Shelter in the City of *Naples*, and in other Parts of that Kingdom, resolved to erect an Inquisition there, dependant on that in *Spain*, in order to exterminate those Infidels: And if any Credit is to be given to some Letters of that King's, taken notice of by *Ludovico Paramo*², and said to be written in 1504, it appears, that he recalled the Grants and Privileges given in his Name by the Great Captain, when he took Possession of the Kingdom for *Ferdinand*, with a Design to settle the Inquisition amongst us; but that the *Neapolitans*, frighten'd at the very Proposal, from an Apprehension of the Misery and Ruin which such a Tribunal must introduce, were it once received, determin'd firmly to oppose it, even at the Hazard of forfeiting their Lives and Fortunes at the King's Pleasure; to whom they got it represented, that there was no great Occasion for such a Court in *Naples*, where the People were so devout and religious; and as to the few *Moors* and *Jews* who had taken Shelter there, other Methods might be taken to get rid of them: In short, they protested, that they would not, upon any Account, accept of that new Court; and when King *Ferdinand*, not rightly apprized of their Obstinacy, sent some Inquisitors from *Spain* to *Naples*, they were at first very ill received by the *Neapolitans*, and afterwards expell'd the Kingdom with Ignominy³.

AT last, *Ferdinand*, seeing them so head-strong, that he might not engage himself in greater Quarrels, and run the Risque of losing the Kingdom, gave over his Design,

¹ Uberr. Foilet. Tumult. Neapol. Thuan. l. 3. Hist.

² Ibid. Augebat horrorem perversa, & præpostera Judiciorum Forma, quæ contra Naturalem Aequitatem, & omnem legitimum Ordinem in Jurisdictione illa explicanda observatur; tum etiam immanitas tormentorum, quibus plerumque contra veritatem quicquid delegatis Judicibus ferebat, à miseris & innocentibus reis, ut se cruciatibus eximerent, per vim extorquebatur: Quo fiebat, ut non tam pietatis tuendæ causâ eam

inventam dicerent, cui alia via satis ex antiqua Ecclesiæ Disciplina prospectum esset, quam ut eversis ista ratione etiam omnium Fortunis, liberis capitibus periculum crearetur.

³ Param. de Orig. Inquilic. l. 2. tit. 2. c. 10.

⁴ Uberr. Foilet. Tumult. Neap. Thuan. loco cit. Itaq; nec Ferdinandus cum eo tempore Neapolim venisset, id impetrare potuit, & Inquisitores illuc tunc illi, à Neapolitanis male accepti, ac postremo Regno ejecti sunt.

and contented himself with publishing an Edict against the *Jews*¹: On the contrary, he promised the *Neapolitans*, that for the Future, he never would suffer an Inquisition to be introduced amongst them, as two very grave Authors, *Zurita*² and *Mariana*³ testify. This Declaration of his was approved by the Pope, so during the rest of *Ferdinand's* Reign, the Name of the Inquisition was not so much as mentioned. The *Neapolitans* were now as much satisfied, as they had been before terrified at this Tribunal; and their Abhorrence to it was such, that they transmitted it down to their Posterity, like an Heritage, by their last Wills, which still keeps up the Aversion and Abhorrence to the very Name of it.

¹ See *Prammatic. 2. De Judæis*, of the *Naples* Edition, 1570.

² *Zurita Annal. d'Arragon. lib. 5. cap. 70. & lib. 6. cap. 76.* In the Preamble of the Proclamation issued on this Occasion, 'tis said, That the King being sensible of the antient Loyalty and Religion of that City and Kingdom, and of their Zeal for the Holy Catholick Faith,

had taken care, that for the general Good of all, the Inquisition should be laid aside.

³ *Mariana, l. 30. Hist. cap. 1.* Totius Provinciæ in veræ Religionis constantia & animorum pietate satis perspectam Inquisitionis rem, & nomen minus videri necessariam, proinde cessare & amoveri sancitum.

S E C T. I.

The Inquisition attempted anew under the Emperor Charles V. but constantly rejected.

THE new Heresy of *Martin Luther* being broach'd during the Reign of *Charles V.* occasion'd new Jealousies, and fresh Attempts. In the Year 1520. new Doctrines were spread abroad in *Germany*, especially in *Saxony*, first against the Pope's Authority, and then against the Church of *Rome* itself. What had given Occasion for these Novelties in *Germany*, was the licentious Use of the Papal Authority practis'd by *Leo X.* who, by the Advice of Cardinal *Santiquatro*, had dispersed through all Parts of *Christendom*, without Distinction of Time and Place, Plenary Indulgences, not only for the Benefit of the Living, but also for delivering the Souls of the Departed out of Purgatory: Which Indulgences were known to be granted for no other Reason but to raise Money¹; and being distributed with much Imprudence by the Commissaries employed for that Purpose (the greatest Part of which purchased from the Court of *Rome* the Power of selling them to the People) gave such Scandal, especially in *Germany*, where they were sold at low Rates, and the Power of freeing Souls out of Purgatory, stak'd at Game in the publick Inns, that in many Places these Practices raised the Indignation of the People. But the Reason why these new Doctrines began in *Germany*, and no where else, was, that *Leo* having bestowed the Profits of the Indulgences granted in *Saxony*, and that Part of *Germany* which extends itself to the Sea, upon his Sister *Magdalena*, she, in order to reap the more Advantage by the Pope's Gift, gave the Charge of preaching up Indulgences, and exacting the Money for them, to Bishop *Aremboldus*, a fit Minister for such a Commission, who exercised it with great Avarice and Extortion, giving Power to publish the Indulgences, to such as undertook to raise the most Money. And though it had been the Custom, that the *Augustin* Friars had the Dispensing of the Pope's Indulgences in *Saxony*, *Aremboldus's* Delegates would not employ them, because they were too well used to that Trade to answer the Bishop's Expectations, or pay more than ordinary for them; they therefore chose the *Dominican* Order for their Tools: These preach'd up many Novelties in publishing the Indulgences, and gave great Scandal by extolling the Value of them to the People, above what had ever been said of them before, on purpose to raise their Desire of purchasing them.

THESE Practices stirr'd up *Martin Luther*, a Friar of the Order of *S. Augustin*, to inveigh, first against the Collectors, reproving their new Excesses; and afterwards, being provok'd by them, and engaging in Dispute upon the Subject of Indulgences (a Matter but little examined into in the preceding Ages) he found, that his Adversaries did not use any other Argument in Defence of them, but the Pope's Authority, therefore he began to despise those Concessions, and to call in question the Pope's Power of granting them; and, in the Heat of Dispute, the Papal

¹ Guicc. l. 13.

Authority was as much debas'd by him, as it was rais'd too high by the others: And his Audience still increasing, by the Inclination the People had to his Side of the Question, by Degrees he proceeded openly to deny the Pope's Supremacy.

IN a short Time his Doctrine spread, and was favourably received, so that being encouraged by the Applause of the People, and the Favour of the Duke of *Saxony*, he not only rail'd immoderately against the Pope's Power, and the Authority of the Church of *Rome*, but falling into the Errors of the *Bohemians*, in process of Time he began to remove the Images out of the Churches, and plunder sacred Places of what had been dedicated to them; he allow'd profess'd Monks and Nuns to marry, supporting the Practice, not only by the Strength of his Authority and Arguments, but likewise by his Example. He denied Purgatory, and consequently Prayers for the Dead; he asserted that the Pope's Authority did not extend beyond the Limits of the Bishoprick of *Rome*, and that every other Bishop had the same Authority in his own Diocese, as the Pope had in his; he despised the Decisions of Councils, the Writings of the Doctors of the Church, all the Canon Laws, and Decrees of the Popes, appointing all Things to be decided by the *Old Testament*, the *Gospels*, the *Acts of the Apostles*, and what is comprehended under the Name of the *New Testament*, and the *Epistles of St. Paul*; but even to these he gave new and suspicious Glosses, and unheard-of Interpretations.

NOR did his Folly, and that of his Followers, end here; for, almost all *Germany* adhering to him, they fell every Day into more abominable and dangerous Errors. He proceeded to strike at the Sacraments, to despise Fasting, Penances, and Confession; and his Followers (in some respect disagreeing with him) began to invent Diabolical Opinions concerning the Eucharist, which being founded upon rejecting the Authority of Councils, and the Doctors of the Church, made way for every new Invention, and perverse Interpretation.

THIS new Doctrine increased in many Places, even out of *Germany*; for by it People being freed from the Obligation of many Austerities, were allowed a more easy and libertine Life. *Ulric Zuinglius*, a Canon of *Zurick* in *Switzerland*, having embraced this Doctrine, had, by his Preaching, spread it over all that Country, and being in great Credit there, he was heard by great Numbers, and made wonderful Progress.

THUS whilst the Princes of *Europe* were engaged in War, the Affairs of Religion suffer'd many Changes in several other Places: In some, by the publick Decrees of the Civil Power, and in others by the Mob. In *Bern* they called a publick Assembly of their own and foreign Divines; and after a Debate of several Days, they accepted the Doctrine set up at *Zurick*: And in *Basil*, all the Images were burnt and destroyed, and the new Religion was established by popular Sedition. The Example of *Bern* was followed by *Geneva*, *Constance*, and other neighbouring Places; and in *Strasburgh*, after a publick Dispute, Mass was forbidden by a publick Decree.

THIS Poison began to spread, though secretly, in *Italy*, as it did openly in *France*; for the *Italians* seeing such Corruptions in the Ecclesiasticks, and the Court of *Rome*, believed that these Innovations were so many Judgments from Heaven, to punish such gross Abuses as they saw every Day committed, and therefore many embrac'd the Reformation; and in private Houses in many Cities, especially in *Raenæ*, a City belonging to the Pope, the Papal Authority was preach'd down, and the Number of *Lutherans* increased daily, who took the Name of *Evangelists*.

WHAT contributed much to the Spreading of this new Doctrine, was the Learning of *Philip Melancthon*, a faithful Disciple of *Luther*, who, finding that his Eloquence, and his Reputation for polite Knowledge, got him many Followers, he employed all his Talents and Learning in exposing and ridiculing the Scholastick Divinity; and being admired by the Ignorant, he made them easily believe, that the Doctors of the Church of *Rome* understood neither Religion nor polite Learning: By these Arts many were taken, particularly some Preachers of these Times in *Italy*, who set up for Masters of Eloquence, and had got a Smattering of Learning.

THE Emperor *Charles V.* seeing that the Doctrine of *Luther* had not only got footing in *Germany*, but had also infected *Italy*, being then at *Naples*, on the 4th of *February* 1536, published a severe Edict, and ordered it to be proclaimed in all his other Dominions, forbidding all his Subjects, upon Pain of Death and Forfeiture,

feiture, to have any Dealing, or Communication, with any Person infected, or suspected to be tainted with the *Lutberan* Heresy¹. And before his Departure, he recommended to *Toledo*, above all Things, to take Care that it might not be suffer'd to enter the Kingdom committed to his Charge.

BUT the very Remedy that was applied to this Mischief, occasioned the Growth of it. One *Barnardino Occhino*, a *Capuchin* Friar of *Sienna*, had at this Time the greatest Reputation, both for Learning, Eloquence, and Austerity of Life, and was the most celebrated Preacher in *Italy*; this Friar had a new Method of Preaching, for he did not use the Scholastick Divinity, and other Extravagances (as was the general Practice) but his Discourses were full of Spirit and Life, and delivered with Earnestness and Zeal, which procured him not only great Applause from the People, but made him very acceptable to the *Italian* Princes: But he was in his Heart a *Lutberan*, and secretly spread that Doctrine, but so cunningly veiled, that no-body suspected him. The *Neapolitans* hearing of the Fame of this *Fra' Bernardino*, sent to invite him to come and preach in *Naples* during the *Lent* 1536. He came thither to the great Satisfaction of the City, where the Emperor residing at that Time, his Admirers had a great Desire that so great a Prince should hear him. He preached at *St. Giovanni Maggiore*, with such Applause and Admiration, that he drew all the Audience from the other Preachers, the whole City flocking to hear him. And *Gregorio Rosso*², who was an Eye-witness, says, That in those Days of *Lent*, whilst the Emperor staid (for he left *Naples* before the End of it) his Majesty went often to hear him preach at *S. Giovanni*, with great Satisfaction; for, as he said, *he preached with such Spirit, and so much Devotion, that he made the very Stones weep.*

AFTER the Emperor's Departure, *Fra' Bernardino* continued to preach, and to sow some Seeds of *Lutberanism*, with so much Dexterity, that it could not be discover'd but by the Learned, and those of good Judgment. The Viceroy, who as a *Spaniard*, was a great Admirer of the Scholastick Divines, who did not much relish this new way of preaching the Gospel, being advised by them, that *Fra' Bernardino* was secretly instilling the *Lutberan* Heresy; ordered the Vicar of *Naples* to inform himself dextrously of the Truth of this Accusation, and to guard against the Consequences of it. The Vicar afraid, in order to secure himself, sent the Friar an Order not to preach any more, without declaring publicly in the Pulpit his Opinion concerning those Errors which were laid to his Charge, but the Friar being a Man of Learning and Eloquence, defended himself so well, that he was allowed to preach during that *Lent*, and he not only removed all Suspicion of his Doctrine, but gained great Reputation, and many Followers, who having imbibed his Doctrine, taught it privately to others after his Departure.

BUT the *Neapolitans* had been so much taken with him, that about three Years after he had been gone, they very earnestly solicited him to return and preach in the Cathedral of *Naples*; and being come, it was observed by the Judicious, that in his Discourses he was more cautious, and made use of ambiguous Words, that he might be able to defend himself in case he was attack'd. The new way of preaching upon the Holy Scriptures, gave a Handle to many to dispute about them, to study the Gospels, and to argue about Justification, Faith, and Works; about the Pope's Power, Purgatory, and such like Difficulties, as before had only been handled by great Divines, and in the Schools; but by his Sermons, being become familiar to the People, they came to be the common Discourse of Laicks, and talk'd of by Men of little Understanding, and less Learning: Every Cobler in his Stall took the Liberty to discourse of *St. Paul's* Epistles, and of the most difficult Passages in them; and, which was worse, at his Departure, he left some faithful Disciples behind in *Naples*, and many infected with his pernicious Doctrine, as he had done through all *Italy* where he had preached.

THERE were at the same Time in *Naples*, some Divines and famous Preachers of other Orders, who were Favourites of the Viceroy, and no way tainted with this new Doctrine; on the contrary, they opposed it, and used all their Industry to let others see the Poison of it, that they might abhor it. Amongst others, *Fra' Angelo di Napoli*, of the Reform'd *Franciscan* Order, a Man well read in Divinity, and the *Platonick* Philosophy, but above all, an eminent Preacher. This Man was in

¹ Giorn. del Rosso, 133 fol.

² Ibid. fol. 135.

great Credit with *Toledo*, who chose him for his Confessor, and would have raised him to greater Dignities, had not Death prevented his Design; but he order'd a handfom Monument to be erected for him in the Monastery *Della Croce* (where he staid) with an Inscription, which is yet to be seen. There was likewise in great Reputation, *Fra' Girolamo Seripando*, a Nobleman of the *Seggio Capuana*, of the Order of St. *Augustin*, a learned and good Man, a great Preacher, and of consummate Wisdom and Prudence, infomuch, that at a general Chapter held in *Naples* in 1539, he was made General of his Order, and being much esteem'd by *Toledo*, was by his Interest made Archbishop of *Salerno*, and afterwards had the Dignity of Cardinal conferr'd on him by Pope *Pius IV.* This was he, who, out of Love to his native Country, at his Death, left his great Library, furnished with famous, rare, and foreign Manuscripts, to the Convent of St. *Giovanni à Carbonara*¹; which was one of the greatest Ornaments of this City, long since pillaged by the very Monks who had the Care of it; and lately (to the Grief of all good Men) by others from whom it was little expected. There likewise flourished at this Time, *Frate Ambrogio di Bagnoli*, of the Order of *Preaching Friars*, a notable Orator, and afterwards Bishop of *Nardo*, whose Statue in Marble, with an Inscription, is yet to be seen in the Church of the Holy Ghost: *Fra' Teofilo di Napoli*, a great Disputant, and eminent Preacher, who pronounced the Funeral Oration for the Death of the Empress, which happen'd this Year; *Fra' Agostino di Trivigi*, and many others, who by Disputing, Preaching and Teaching, being favoured by the Viceroy, were at great Pains to hinder the new Doctrines, which were secretly planted, from taking Root.

ON the other Hand, there were not wanting many, who, with great Dexterity, and in Sheep's Cloathing, endeavoured, both by Disputing and Teaching, to establish them in *Naples*. Some, according to the new Scheme, had begun to read publicly St. *Paul's* Epistles, in the Exposition of which, they foisted in the new Doctrine; of which Number the most famous were, *Giovanni Montalcino*, a Friar Minor, *Lorenzo Romano*, a *Sicilian*, an Apostate *Augustin* Monk, and *Pietro Martyre Vermiglio*, a Priest and Canon Regular, a Native of *Florence*, on whom *Thuanus* in his History, does not forget to make an Elogium.

FRA' GIOVANNI had already caused himself to be suspected of Heresy, not only by his expounding the Epistles, but by his disputing whole Days together with Father *Teofilo di Napoli*, his Antagonist and Rival, whom he used ill, with sharp and biting Repartees; and the Event shew'd his being guilty, for some Years afterward, being seized at *Rome*, he was convicted and put to Death. *Peter Martyr*, much more famous, expounded the Epistles of St. *Paul* in the Church of St. *Peter ad Ara*, in *Naples*, with great Learning and Eloquence; where he had such Reputation, and so great an Audience, that whoever did not attend his Lectures was reckon'd no good Christian. He had drawn many into his Opinions, among the rest a certain *Catalan* called D. *John Valdes*, who was also an intimate of *Fra' Bernardino da Siena*; but by the Vigilance of the Viceroy, and of others, who were jealous of *Peter*, his Discourses were strictly and nicely examined, which put a Stop to his Progress; for one Day, explaining that Passage in St. *Paul*², *Si quis autem superædificat*, &c. although he did it with much Art, and many Protestations and Reserves, he gave great Jealousy that his Doctrine was not sound with respect to Purgatory; which coming to the Viceroy's Ears, he was prohibited to preach any more: So that finding he was disappointed of Success in *Italy*, and at last being informed that they were lying in wait for him in *Rome*, he made his Escape out of *Italy*, and took Sanctuary among the *Lutherans* in *Strasburgh*, where he became a famous Promoter of that Doctrine, as is well known to the World. *Lorenzo Romano* staid in the Kingdom, first in *Caserta*, where, and in the neighbouring Cities, he secretly instill'd the Errors of *Zuinglius*; afterwards he went to *Germany*, where having been better instructed, in 1549 he return'd to *Naples*, and began privately to teach *Melancthon's* Logick: He expounded the *Psalms*, and St. *Paul's* Epistles, and a Book published in those Days, called *The Benefits of Christ*. But soon after he was discovered, and being cited by the Inquisitors, he fled, but in the Year 1552, he went of his

¹ Toppi Biblioth. Lit. G.

² 1 Cor. iii. 12. But if any Man build upon this Foundation, Gold, Silver, precious Stones, Wood, Hay, Stubble, every Man's Work shall

be manifested; the Day of the Lord shall declare it, for it shall be revealed by Fire: And the Fire shall try every Man's Work of what Sort it is.

own accord to *Rome*, and presented himself to Cardinal *Teatino*, to whom he confess'd his Errors, and likewise discovered, that he had many Disciples in the City and Kingdom of *Naples*, amongst whom were many Persons of great Rank, Ladies of Quality and Condition, who studied Human Learning; and being sentenced to make a publick Recantation in the Cathedrals of *Naples* and *Caserta*, he was order'd (after his performing that) to return to *Rome* to do further Penance.

NOTWITHSTANDING all this, *Toledo's* Watchfulness, and the Care that was taken, there was still Fear that *Naples* might be corrupted by their Followers, who propagated their Doctrine with much Art and Secrecy; and many other Preachers came thither, who endeavoured to spread the same Errors which were imbib'd by great Numbers, some out of Ignorance, others out of Malice: So that they began to form Congregations and Conventicles; the Head of which was *Valdes* the *Spaniard*, who pretended to understand and explain the Scriptures, giving out that he was enlighten'd by the Holy Ghost for that Purpose. By this Pretence he drew many after him, so that he had not only instill'd his Poison into the Hearts of some of the Nobility, but had infected some of the greatest Ladies in *Naples*; and it was thought that the famous *Vittoria Colonna*, Widow of the Marquis *Di Pescara*, and *Julia Gonzaga*, were poison'd with *Valdes's* Doctrine, by the strict Intimacy they had with him.

WHILST the Affairs of Religion were come to this Pass in *Naples*, about the Year 1541 and 42, News was brought that Father *Occhino* had declared himself a *Lutheran*, and fled from *Italy*, and taking Shelter in *Geneva*, had join'd that Party. This Apostacy of *Occhino* created much Uneasiness, not only in *Naples*, but over all *Italy*; for he being look'd upon to be a Man of Probity and sound Doctrine, now that they saw the contrary, they began to be afraid that his Preaching had done more Harm than Good, and the Disciples he had left in *Naples*, and over all *Italy*, were the more suspected; to whom, that they might continue stedfast in his Doctrine, he wrote some Homilies in the Vulgar Tongue, which, by a particular Letter, he dedicated to his native Country *Italy*, in which he declared, *That in Italy, Liberty he had preach'd Christ mask'd, but now, since he could not preach him by Word of Mouth naked, as the Father had sent him to us, and as he was crucif'd, he did it by his Pen, in these his Writings*; many Copies of which were dispers'd through *Italy* and *Naples*, and were in the Hands of many.

AT the same Time came out some printed Books, without any Author's Name, one of which was called, *The Seminary of the Scriptures*, and the other, *The Benefits of Christ*; and there appeared likewise some Works of *Melancthon* and *Erasmus*. At first no notice was taken of those Books, and for some Months they were dispers'd every where: But the Viceroy, being inform'd of the Mischief they did, prohibited them all, and order'd them to be burnt publicly; and being all put into a Heap by Father *Ambregio di Bagnoli*, they were burnt before the great Gate of the Archbishop's Palace, in the Sight of the People; and he published a severe Edict against all such as should keep them, or other heretical Books, or read or procure them. This Rigour quieted Matters so, that there was no more Noise about such Books; and although many spoke of the Scriptures, it was with more Modesty and Reserve than before.

FOR this End the Viceroy *Toledo*, on the 11th of *October* 1544. published an Edict, whereby he ordained, That the Books of Divinity, and of the Holy Scriptures, which had been printed Twenty-five Years before that Time, should not be reprinted; and those that were printed, should not be kept nor sold, before they had been revised by the Chaplain Major, whose Business it was to see if they were fit to be published. He likewise prohibited all the Books of Divinity, and of the Holy Scriptures, that should be printed without the Author's Name, and all those whose Authors were not approved of.

THIS Apprehension of introducing the *German* Heresy into *Naples*, and the Viceroy's Care to prevent it, made all Sort of Learning suspected, and was the Reason that Literature did not make such Progress with us, as in *France* and other Places, either with respect to the Law or other Sciences. There were only some Remains of the Academy of *Pontano*, which was supported by a few: But this did not proceed from want of Inclination in the *Neapolitans*; for if they had not been hinder'd

by *Toledo's* Jealousy, many noble Genius's would have encouraged Learning, by founding new Academies, as they had begun to do; for in the Year 1546. the Nobility of the *Seggio di Nido*, in imitation of what was doing in *Sienna*, and other Cities of *Italy*, erected an Academy in *Naples*, of *Latin*, and *Italian* Poetry, of Rhetorick, Philosophy, and Astronomy; for which, under the Name of the *Sireni*, they prepared a handsome Apartment on a Level with the Court-yard of *St. Angelo a Nido*, and made *Placido di Sangro* the Principal of it, and the Members were the Marquis *Della Terza*, *Trojano Caraniglia*, Count of *Montella*, the famous *Antonio Epicuro*, *Antonio Grifone*, *Mario Galeota*, *Giovan-Francesco Brancalone*, a celebrated Physician, a good Philosopher, and an eloquent Orator, and other Lovers of Learning. In imitation of *Nido*, the *Seggio Capuana* founded another, under the Name of the *Ardenti*; and another was erected in the Court-yard of the *Annunciata*, by the Name of the *Incogniti*. But these were scarce begun when they were suppressed; for *Toledo*, unwilling at that Time, under Colour of advancing Learning, to suffer so frequent Meetings and Assemblies of Learned Men, ordered the Collateral Council to forbid them. The Reason why these Academies were so suddenly suppressed, was a Rule laid down, That every Member should read a Lecture, in Disputing, upon which afterwards (although the Subject were Philosophy or Rhetorick) they often dropt the Subject, and fell into Questions of Scripture and Divinity, and therefore all those Schools were forbidden and abolished.

WHENCE it came, that the Middle and End of this Century, did not produce such Learned Men as the Beginning of it, and the End of the preceding: Of Philosophers and Physicians, only *Agostino Nifo*, and *Antonio* and *Bernardino Telesio*, two *Calabrians*, were famous, who therefore yet were not able to make a Stand against the Scholasticks, or discredit their Master *Aristotle*. There were some few Poets, but those not to be compared to the Poets of the preceding Age.

HENCE likewise it came, that all Literature being suspected, our Civilians could not imitate the *French* (who taught the Laws in their Schools, with Purity and Politeness) but went on in the old Form and Manner. Besides the Courts of Justice were raised so high, that the Number of Lawyers increased, who gave no manner of Jealousy, being more intent upon gaining Money, than upon improving in Learning, or the Study of Letters.

THIS was the State of Affairs in 1546, and it seem'd by the Viceroy's Care, and the Precautions taken, that there was no Occasion for any other Thing to remove all Apprehensions of introducing new Doctrines, contrary to the old Religion. But *Toledo*, thinking what had already happen'd was a Business of the last Importance, had given the Emperor a distinct Account of the whole, advising him to provide effectual Remedies for such dangerous Evils. The Emperor, who was an Eye-witness of the Disorders and Revolutions occasioned in *Germany* by the new Doctrine, thought it necessary (lest the same Disturbances should happen in his other Dominions depending on the Monarchy of *Spain*) to apply an effectual Remedy; and the best he could think upon for putting an End to the Mischief, was to erect a Tribunal of *Inquisition* in his other Dominions, like that in *Spain*, that thereby, the People being terrified, might think of living as formerly; therefore he wrote to the Viceroy, to use his utmost Endeavour to introduce the *Inquisition* into *Naples*, but he injoin'd him to manage it with all the Art and Dexterity imaginable, so as not to provoke the People, and to cover his Design with fair Pretences, and mild Methods. The Emperor had already experienc'd how dangerous it was to force it upon the People; for having endeavoured to settle the *Inquisition* in *Flanders*, in a short time he saw that Country turn'd topsy-turvy, and almost dispeopled; for many had such Abhorrence to that Tribunal, that they left their native Country, and chose rather to be Fugitives elsewhere, than submit to it: So that he was forc'd to give over his Design, and there was no more mention of the *Inquisition* in *Flanders*. The Viceroy had bethought himself of this Remedy before he received these Instructions; but knowing that the Name of the *Inquisition* had always been odious to the *Neapolitans*, and that neither the former Viceroy, nor King *Ferdinand* himself, had been able to effect it, although it had often been attempted; his Answer to the Emperor was, That the Enterprize was very difficult, but that he would employ all his Art, and greatest Cunning to bring it about; and in such a manner as it should not be thought to proceed, either from his Imperial Majesty, or from himself.

ABOUT

ABOUT this Time, Pope *Paul III.* finding that the Infection was still spreading in *Italy*, added fresh Vigour to the Inquisition of *Rome*, and, by the Emperor's Connivance, sent Deputies from that Tribunal through all the Provinces of *Italy*, but they were received, upon Condition, that they should proceed by the ordinary Course of Justice, in producing Witnesses; and above all, that they should not proceed to the Confiscation of Goods.

TOLEDO thinking, that by making it appear as if the Attempt had been contrived in *Rome*, and not by him, and that under that Colour he might cover his own Design, by means of Cardinal *Borgia*, his Relation, one of the Inquisitors of *Rome*, procured, that, as had been done in other Provinces of *Italy*, a Deputy should be sent to *Naples*, with the Pope's Brief, empowering him to proceed by way of Inquisition, against the Clergy both Regular and Secular: The Brief was sent, and communicated to *Toledo*, who was very much puzzled how to put it in Execution.

IT is said, that the Pope willingly granted the Brief at the Request of the Cardinal, not that he much minded the settling an Inquisition in *Naples*, since he found that the Emperor and the Viceroy designed to have it after the Model of that of *Spain*, and not of *Rome* (which Competition was of great Use to the *Neapolitans*); but that knowing how odious the Inquisition was to that People, and bearing the Emperor a secret Grudge, he believed that the Attempt to introduce it into that Kingdom would occasion Revolutions, Tumults, and Seditious in that City.

*UBERTO FOGLIETTA*¹, a *Genese* Writer, followed by the President *Thuanus*², says, That when the Deputies of the Inquisition of *Rome* desir'd, according to Custom, that the Viceroy would give the Royal *Exequatur* to the Brief, *Toledo* made Answer, that they ought not to be too hasty in that Affair, but might keep the Brief by them; for although he could not then give the *Exequatur*, without giving Umbrage to the People, who hated the Inquisition mortally, yet they needed not despair, but keep the whole Matter a Secret, for he would find Means to get it put in Execution.

BUT our *Neapolitan* Writers, Co-temporaries, as well as *Foglietta*, with these Occurrences, and although they yield to him in Majesty and Elegancy of Style, yet in the Truth of Facts, and minute historical Relation, they must be prefer'd to a Stranger, as having been present, and concern'd in the Management of these Affairs, at the Hazard of their Lives and Fortunes: Our Writers, I say, affirm, That the Viceroy, after some Days, gave the *Exequatur* to the Brief in the Collateral Council, but would not suffer it to be published through the City by Sound of Trumpet, nor from the Pulpit, for fear of an Insurrection, but caused it to be affixed upon the Door of the Cathedral; and at the same time, retiring himself to *Pozzuolo*, where he used to pass the Winter, he gave Orders to *Dominico Terracina*, who was as odious to the People, as he was obsequious to him (besides his making him his Companion about four Months before, he got him to be chosen anew the *Elect* of the People) and to the other Officers of the City, whom he confided in, that they should insinuate, after the mildest Manner, to the People of their several Districts, that they ought not to make so great a Noise about this Edict of Inquisition, nor be so much alarm'd, since it was not after the *Spanish* Model, but came provisionally from the Pope, who was a competent Judge of that Matter; and therefore the City had no reason to complain of the Viceroy, since neither he, nor the Emperor had any Intention to force the Inquisition upon them; but that the Pope had done it of his own Motion, that if the City should be found to be in the least infected with Heresy, it might be purged of it, and if not, it might be preserv'd from Infection by this Fright.

ON the other Hand, the *Neapolitans*, to whom the Viceroy's Artifices were well known, became extremely Jealous, and therefore had elected Deputies, who had often had recourse to the Viceroy, on Account of the Rumours they had heard of the Inquisition, and were as often assured by him, that he would not suffer any Novelty; nevertheless the Report still continuing, that the Inquisition would soon be established, their Fear and Jealousy was as great as ever; and when afterwards, one Day in *Lent 1547*, they saw the Edict affixed upon the Door of the Cathedral Church, which being read by many, and represented to be worse than it really

¹ Ubert. Fol. Tumult. Neap.

² Thuan Hist. 1. 3.

was, they began to mutiny, make a great Noise, and run to the Archbishop's Vicar (who hearing the Tumult, had hid himself for Fear) and made the Edict be torn to pieces. The Report of this Riot coming to *Toledo*, he sent for *Terracina*, and other Officers of the City, upon *Palm Sunday*, and saying nothing of the Inquisition, but only exaggerating the tumultuous Proceeding of the People, he urged them to punish the Mutineers with the utmost Severity. Whatever Inclination these Officers had to obey the Viceroy's Orders, yet their Fear of the Populace (already suspicious and enraged) hinder'd them from giving a resolute Answer, only they made fair Promises, and cautiously said, that they would represent the Matter to their *Seggi*. Therefore having assembled the Deputies, as well of the Nobility as Commons, and finding the Matter very ticklish, it was concluded to send a Deputation to *Pozzuolo* to the Viceroy; and having chosen some of their Number for that Purpose, who were thought most capable to manage the Affair, they sent them in a Body to the Viceroy, to whom *Antonio Grifone*, a Gentleman of the *Seggio di Nido*, spoke with great Resolution and Energy, representing the constant Abhorrence which the *Neapolitans* had always shewed to the very Name of an Inquisition, and especially, because there were always to be found Villains, who for Hire, or out of spite, were ready upon all Occasions to bear false Witness, as he (the Viceroy) well knew, having been obliged to make an Edict against such Evidence, and to punish it with Death: So that if the Business of the Inquisition were not laid aside, he told him, that he would very soon see the whole City and Kingdom in Confusion, and brought to Ruin; he therefore begg'd, in the Name of all the rest, that during his Government, under which they had received so many Benefits, he would not suffer their City to be subjected to such a grievous Yoke, and stain'd with Shame and Reproach.

THE Viceroy, with much Civility answer'd, That they needed not to have taken the Trouble to come to *Pozzuolo*; that he loved their City better than they imagined, for he looked upon it as his native Country, not only for his having lived so many Years in it, but for having married his Daughter to one of their Nobles; that it was never the Emperor's Intention to impose an Inquisition upon them; and for his Part, he would sooner lay down the Government, than suffer such an Innovation to take Place in his Time; and that they might rest secure, that they should not so much as hear an Inquisition mention'd hereafter: But he added, That since they knew very well, that many ignorant obscure Persons took intolerable Liberty in speaking, by which they had given just Cause to suspect that they were corrupted, it did not appear improper, nor ought the City to take it amiss, that if any such were found, they should be prosecuted in the ordinary Way, and according to the *Canons*, lest those who were tainted with Heresy should infect others; and for this End only he believed the Edicts had been affixed. The Deputies gave him infinite Thanks for this gracious Answer, and with great Joy returning to *Naples*, they reported the same to their *Seggi*. But although it was received with general Applause, yet many took Exception at the last Words, *viz. prosecuting Offenders according to the Canons*; by which they conjectur'd, that the Viceroy was not averse to the Inquisition, but that he had a Mind to introduce it by specious Pretences, till by Degrees it might grow and gather Strength, and at length be settled in good Earnest, after the Model of that in *Spain*.

BUT what increased their Jealousy afterwards was, that *Terracina* and his Partisans were seen constantly going about among the Populace, insinuating to them, that they ought not to trouble themselves, and make such a Noise about the Matter: But they were convinc'd of the Truth of what they only suspected before, when, on the 11th of May 1547. they saw affixed upon the Door of the Cathedral another Edict, by much more plain and frightful than the first, mentioning the Inquisition openly. Then the City was all in an Uproar, and nothing was heard in the Streets but a great Cry *To Arms, To Arms*; the Edict was torn to pieces, and the People tumultuously ran to *Terracina*, bidding him immediately to assemble the Ward, in order to dismiss the old Deputies, whom they suspected to be of Intelligence with the Viceroy, and elect new ones. *Terracina's* Unwillingness to comply with their Request, increased their Jealousy, whereupon in great haste they went to St. *Augustin's* Church, assembled the Ward, and having expos'd the Difficulty of the Matter, and the Danger they were in, and how inconsistent the Viceroy's Actions were with his Promises; it was agreed upon, with common Consent, to deprive *Terracina* of

his Office of *Eleſt*, and his Associates of that of Counſellors (for at that Time thoſe Officers were made by the People.) In *Terracina's* Place, they made *Giovanni Paſcale Eleſt*, a bold and popular Man, and for Counſellors, they choſe Perſons zealous for the Publick, and Enemies to *Terracina*.

UPON theſe vigorous Proceedings of the Commons, the Nobility likewise beſtirr'd themſelves, and greedily embrac'd this favourable Opportunity to be reveng'd upon the Viceroy, whom they ſecretly hated; and being no leſs averſe to the Inquiſition than the People, they joined with them, calling them Brethren, and adviſing them to be watchful, becauſe the Viceroy certainly intended to introduce the Inquiſition, and not to truſt him in the leaſt, but to reſiſt him openly, to avoid all Tricks and Ambiguities, and to tell him in plain Terms, that they would have no Inquiſition, either after the *Spaniſh* or *Roman* Model, but with all due Reſpect to their Prince, would oppoſe it to their laſt Breath. *Terracina* and his Associates became extremely odious to the People and the Mob, even to the very Children, who called them in the Streets, *Traytors to their Country*. They hated likewise the Marquis *Di Vico Vecchio*, the Count *Di S. Valentino Vecchio*, *Scipione di Scanna*, *Federico Caraffa*, the Father of *Ferrante*, *Paolo Poderico*, *Ceſare di Genaro*, and many others of all the *Seggi*, who were the Viceroy's Creatures.

THE Viceroy hearing of this Inſurrection and Tumult, and that, without his Leave, *Terracina* and his Associates, in an imperious Manner, had been turn'd out of their Offices, and that the People gave no Credit to his Words or Promiſes, was in a terrible Rage, and came immediately to *Naples*, threatening to chaſtiſe ſeverely the Authors of the Tumults; and although Deputies were ſent to him to ſoften his Indignation, he gave ſevere Orders to the Vicarial Court to proceed againſt the Ringleaders, not only of the Inſurrection, but of the new Election of the *Eleſt* and Counſellors: Among others who were brought before this Court, as Heads of the Tumult, there was one *Tommaſo Anello*, a *Sorrentine*, of the Street *Del Mercato*, one of the moſt conſiderable Men in *Naples*, and of great Intereſt. This Man had diſtinguiſh'd himſelf above all the reſt, as well in the Elections as in the Tumults, and it was he that took the Ediſt from the Door of the Cathedral, and tore it. He having been ſummoned to appear before the Tribunal of the Vicariate, after long Deliberation whether he ſhould go or not, at laſt he went, accompanied by an infinite Number of People, who placing themſelves round the Vicarial Palace, waited impatiently for *Anello's* ſafe Return. *Girolamo Fonſeca*, Deputy of the Vicariate, ſeeing ſuch a Multitude, thought it more fit, for the preſent, to diſmiſs him after a ſhort Examination, than to keep him Priſoner; and having delivered him to *Ferrante Caraffa*, Marquis of *St. Lucido*, a Perſon much in Favour with the People, the Marquis took him up behind on Horſeback, and carried him through many Streets of the City, to quiet the Mind of the People, who were afraid of the Life of their Fellow Citizen. The Viceroy being thus fruſtrated of his Deſign, full of Indignation return'd to *Pozzuolo*; and ſoon after *Ceſare Mormile*, a Nobleman of *Portici*, and a Favourite of the People, being ſummoned to the Court likewise for the Tumult, went thither with much Caution, and ſo well attended, that the Deputy thought fit alſo to diſmiſs him as he had done the other. This Proceeding very much vexed the Viceroy, but he diſſembled it, and reſolved to be revenged at another more proper Time.

BUT a new Accident increaſed the Tumults and Diſorders. The Viceroy had, during theſe Troubles, brought into the City from the Out-Gariſſons, ſome Companies of *Spaniards*, to the Number of 3000, and lodged them within *Catelano's*: One Day, whatever the Occaſion might be, they were ſeen, all of a ſudden, coming out of the Caſtle; whereupon the People immediately roſe in Arms, ſhut up their Houſes and Shops, and ran towards the Caſtle. The *Spaniards* fir'd upon them, and purſued them as far as the *Catalan* Street, pillaging Houſes, and killing Men, Women, and Children. The *Napolitans* ran to the Steeple of *St. Lorenzo*, and rung the Alarm-Bell, at the Sound of which, as the Citizens aſſembled, the Royal Forts began to fire Cannon againſt the City, but with little Execution. Wherever any *Spaniards* were found within the City, they were kill'd and torn to pieces: The Courts of Juſtices were ſhut up, and there was nothing but Diſorder and Confuſion, till Night came, when the Fury was ſomething abated.

THE Viceroy in great Rage alledged, that the City was guilty of open Rebellion, by taking up Arms; on the other Hand, the Deputies complaining of him,

said, That in order to be reveng'd of the City for what had pass'd, he had brought *Spanish* Soldiers to pillage it, and that he had caused it to be cannonaded from the Forts and Castles, as if it had belong'd to the *French* or the *Turks*, and not to the Emperor ; and they declared they would give an Account of the Whole to his Imperial Majesty : And in the mean time, having assembled the most celebrated Advocates and Doctors of the Law, the Chief of which was *Giovan-Angelo Pisanello*, who was of Opinion, and was seconded by all the rest, that the City could not be accused of Rebellion, for they might arm themselves against an incensed Minister, to preserve to their lawful King, the City and Kingdom. Then they resolved to raise Soldiers for the Guard of the City ; and that Charge was given to *Giovan-Francesco Caracciolo*, Prior of *Bari*, a Gentleman of the *Seggio Capuana*, to whom was joined his Brother *Pascale*, *Cesare Mormile*, the Viceroy's Enemy, and *Giovanni di Sessa* the *Elect* ; but the Prior and *Mormile* had the chief Direction of all.

A NEW Incident exasperated the People much more. Some young Noblemen of the *Seggio* of *Portanova* being together in that *Seggio*, some Under-Officers of the Vicariate pass'd by with a Prisoner for Debt, and, as the City was in Arms, People having little Regard for the Ministers of Justice, the young Noblemen stop't the Officers, and ask'd for what Reason they carried that Man Prisoner ; the Rogue with a loud Voice said, *Gentlemen, they are carrying me to Prison on account of the Inquisition* : Upon which Words the young Men, without more ado, did what they could to rescue him. The Deputy of the Vicariate being inform'd of the Fact, five of them were seized, three of which being found Guilty, he immediately advertis'd the Viceroy of it, who presently came to *Naples*, and on the 23d of *May* gave Orders that they should be brought to the Castle, and calling a Collateral Council, contrary to the Advice of the famous *Cicco di Loffredo* the President, at that Time Deputy, would by all Means have them condemn'd to die by the Sentence of a Court Martial, thinking thereby to humble the Nobility, as the People had been in the Case of *Focillo*. This Sentence being therefore pass'd upon them, they were brought from the Castle the next Day, being the 24th of *May*, about Ten a Clock, and carried to the usual Place of Execution ; and because the Affair required Expedition, they were made to kneel down, and had their Heads cut off after the military Manner.

AS soon as the Execution was over, the Viceroy, flattering himself, that by shewing Intrepidity, would abate the Pride of the Seditious, made a Cavalcade through the City, accompanied by many *Spanish* and *Neapolitan* Gentlemen, and some Companies of Foot Soldiers. In the mean time the Populace having shut up their Houses and Shops, were all in Arms, and run through the Streets, bawling, blaspheming and threatening, as if they had been all drunk ; therefore the Deputies, hearing of the Cavalcade, sent to the Viceroy, begging of him to defer it for the present, lest some desperate Fellow should be so bold as to offer him Violence, the People being all in Arms : But the Viceroy would not stop, thinking, that if he did, the Mutineers would grow more insolent upon it ; therefore the prudent Deputies sent *Cesare Mormile*, and some other Gentlemen, before the Cavalcade, to restrain the People, who stood arm'd in great Multitudes in the Streets, from attempting any Thing against the Viceroy. But it was surprizing to see, that although they offered no Violence to him, yet through all the Streets as he pass'd, there was not one single Person that shew'd him the least Sign of Respect, either with Hat or Knee ; whereas formerly, when he rode through the City, every one run to salute him with the most cordial Affection. So much were they chang'd by their Abhorrence to the Inquisition.

THIS severe Execution, and the Cavalcade made by the Viceroy with an Air of Contempt, produced greater Insurrections and Tumults ; for the People being afraid that the Viceroy would revenge himself upon all who had oppos'd him in establishing the Inquisition, as he had done upon the afore said three young Noblemen, were in the utmost Despair ; and in order to convince them that such was the Viceroy's Design, *Mormile* and the Prior of *Bari* industriously gave out, that the Viceroy was to send a Detachment of his *Spaniards* to seize *Mormile*, and all who had oppos'd him in establishing the Inquisition. Upon this Report the Bell in the Steeple of the Church of *St. Lorenzo* was rung to Arms, where Multitudes came arm'd ready to die for the Liberty of their Country : Then the Heads of the Faction taking hold of the Opportunity, and seeing the People in a manner distracted, called

called a General Meeting, wherein many Things were resolved upon. First, it was determined, That the Viceroy should be no longer obey'd. 2dly, That for that End the Nobility and Commons should enter into an Association, with a firm Resolution, either to live or die together. 3dly, That they should dispatch Ambassadors to the Emperor.

THE Association was drawn up and sign'd with great Solemnity, and a Trumpet sent to intimate it to all the Gentlemen who were shut up in the Castle with the Viceroy, with a Protestation, that unless they appeared to sign the Association with them, they would burn their Houses, and destroy their Estates, whereupon the Viceroy gave them all Leave to go, to preserve their Houses and Estates. The Association being solemniz'd, the Nobility and Commons, great and small, rich and poor, went promiscuously in Procession through the City, with a Crucifix before them, crying out, *The Association, the Association, for the Cause of GOD, of the Emperor, and of the City.* And that every one might be brought to join with them, it was resolved, that whoever did not enter into the Association should be deem'd a *Traitor to his Country*, which had such Effect, that all Men, great and small, enter'd into it, as an honourable Society; so that the Viceroy uled to say with a Smile, That he was sorry he could not enter into that *Holy Association*.

FERDINANDO SANSEVERINO, Prince of *Salerno*, an Enemy to the Viceroy, was pitch'd upon to be the City's Ambassador to the Emperor, and he being a vain Man, and full of Levity, instead of excusing himself, accepted the Employment with great Joy, and to him was join'd *Placido di Sangro*. The Prince went immediately to take Leave of the Viceroy, who told him, that if his Business with the Emperor was about the Inquisition, he might save himself the Fatigue of his Journey, for he would give his Word to procure the Emperor's Edict for laying it aside for ever; but he answered, That he must of Necessity go, because he had given his Promise to the City, and so made haste to *Salerno*, to get Things in order for his Departure. The Viceroy stood that whole Day at the Gate of the Castle, to learn what passed in the City, and hearing that they had thrown off their Obedience to him, calling him no more Viceroy, but *Don Pedro*, he turn'd to those about him, and said smiling, *Come, Gentlemen, let us go and divert ourselves, for now I have nothing to do, since I am no longer Viceroy of Naples.*

PIETRO SOAVE¹, in his History of the Council of *Trent* (though the *Neapolitan* Writers mention no such Thing) says, That the City likewise sent Ambassadors to Pope *Paul III.* and that the *Neapolitans* offered to give the Kingdom up to him if he would accept of it; but that his Holiness contented himself with fomenting Sedition, which he did with great Dexterity, and refused the Offer of the Kingdom, as not thinking himself able to defend it, although Cardinal *Teatino* Archbishop of *Naples* promised to stand by him with all his Relations, who were many and powerful, offering to go in Person to the City, and use all his Interest for him, and therefore press'd the Pope not to let slip so fair an Opportunity to serve the Church, by the Conquest of so great a Kingdom.

BUT of this Fact, which would have been downright Rebellion, there is not one *Neapolitan* Writer that makes the least Mention. And although the Duke *D'Alba*, and the *Spaniards* took it for granted, yet Pope *Julius III.* in a Letter of his to *Charles V.* recorded by *Cbioccarelli*, praying him not to defer giving Cardinal *Teatino* Possession of his Archbishoprick of *Naples*, denies the Fact positively, as shall be told hereafter. Every Body would have expected, that Cardinal *Palavicino*², *Soave's* great Antagonist, would have taken him to Task for this Assertion: But although this Author seems to be intirely contrary to *Soave*, and contradicts him as to the Intent of the Actions, yet they agree in the Truth of the Facts, and there seems to be very little Difference between them, except in some Circumstances of small Importance, particularly in the Fact abovementioned; *Palavicino* confesses, that the *Neapolitans* made large Offers to the Pope for his Protection³, but that he, out of his great Piety and Wisdom, gave no Ear to them, knowing, that the Acquisition of that Temporal Kingdom, in such ticklish Times, would indanger his whole Spiritual Dominion, of which the Temporal was only an Accessory, and could not be supported without the other.

¹ Hist. Council of *Trent*, l. 3. ann. 1547.
² *Palavicini*. Hist. Con. Trid. l. 10. c. 1

³ Gio Battist. Adriano, Hist. l. 6.

IN the mean time the Viceroy, lest this Association should breed a Rebellion, especially when he found that they pursued the *Spaniards* to Death, doubled the Garrison of *Castel-nuovo*. The next Day, which was the 26th of *May*, the Heads of the Sedition spread a Report, that the Viceroy design'd to attack them, and punish them as Rebels, for having rung the great Bell to Arms; therefore in all haste they barricadoed the Street *Dell'Olimo*, and all the other Streets fronting the Castle, they put Soldiers in *Santa Maria della Nuova*, and ran with great Fury to attack the *Spaniards* in their Quarters: Whereupon the Viceroy ordered the Cannon of the Castles to be fired upon all Places where any Number of Men were seen in Arms, and he sent *Spanish* Soldiers to attack the Barricadoes. Thus, without Intermision, did they skirmish for three Days and three Nights, in which many of both Sides were killed and wounded.

WHILE Matters were in this Situation, the Deputies, being extremely careful not to run into any rebellious Action, held continual Consultations; and to shew their Loyalty towards the Emperor, they set up a Standard, with the Arms of the Empire, upon the Steeple of St. *Lorenzo*; and as the *Spaniards* cried out, *The Empire and Spain*, they made the People likewise to cry out, *The Empire and Spain*: Besides, they solicited the Prince of *Bisignano*, and other Persons in Favour with the Viceroy, to treat with him about a Cessation of Arms, and that he should not attempt to punish any Person for what had pass'd, till he had first acquainted the Emperor. To which the Viceroy agreed, and it was resolv'd, that the City should send one Deputy, and the Viceroy another, to inform the Emperor of the Matter of Fact. The Viceroy sent the Marquis *Della Valle*, Governor of *Castel-nuovo*, by whom he wrote to his Imperial Majesty, telling him, amongst other Things, that the Inquisition would never go down with the Subjects of *Naples*, as it was settled in *Spain*, for many Reasons; so that in order to extinguish the Name of the Association now enter'd into, it was absolutely necessary never to mention the Inquisition again. The City sent on their Part, the Prince of *Salerno*, and *Placido di Sangro*, who took Post from *Naples* the 28th of *May*; but the Prince staying at *Rome*, and spending his Time in visiting the Cardinals, the Marquis *Della Valle* got the Start of him, and was first at *Nuremberg*, where the Emperor resided at that Time.

DURING the Truce, both Parties stood upon their Guard, and kept Centries in their Forts, but the Soldiers and Citizens conversed with one another, although the People, being still in Arms and Commotion, had no Regard to the Ministers of Justice, nay they often affronted and abused them. The Deputies seeing this, and fearing lest some Rebellion should ensue, went to the Viceroy on the 15th of *June*, accompanied with one of the Judges, and a Notary, to desire that he would take Care to see Justice administred as formerly, for they were as ready to obey as ever, and protested that they would never depart from their Duty, and they offer'd him Hostages for the Security of his Officers. But the Viceroy, who saw that all this was only done out of Cunning (for in Effect, no Officer durst appear in the Streets for the Insolence of an arm'd Mob) refused to do it, telling them, that their Obedience was only in Words, but not in Facts; whereupon, by a publick Decree of the City, it was resolv'd, that a Guard should be appointed to patrol Day and Night through the Streets, to seize all Delinquents, and imprison them in the Vicariate, to be tried and punish'd by the Deputy and the Judges, who were shut up in that Palace, and a Company of Soldiers was placed about the said Palace, that none might dare to break Prison, or offer Violence to the Officers: But this Care signified nothing, for the Insolence of the Mob was such, that they did not regard even the Officers of the City.

IN the mean time, the Viceroy found Means to divide those of the Association, and discover whether there was a Rebellion hatching in the City, by sending a written Order to all the Barons, under the Pain of Rebellion, to come and lodge in the *Spanish* Quarters, because his Majesty's Service required it; upon which there was a Council held in the City, where it was concluded, that they might go if they thought fit: Whereupon they all went to the Viceroy, and had Apartments and Necessaries assign'd them. The next Day the City, to make up that Breach, confirm'd anew the Association, and dispatch'd a Message to the Viceroy, desiring, that there might be Lodgings for them all, because not only the Nobility, but they were all ready, for his Majesty's Service, to come and lodge in those Quarters; to

which the Viceroy jestingly answered, That although it was Summer-time, the Message sent him from the City was too cold.

AFFAIRS being in this Posture, all good Men, not able to live under such a vile Government, left the City with their Families, and none would have staid if the Deputies had not posted Guards at the Gates. It was lamentable to see the City void of Nobility and honest Citizens, and only filled with an arrogant Mob, and Shoals of Banditti, who running from Place to Place, committed a thousand Insolences, and whoever reproved them were insulted, call'd Traytors to their Country, and forced to take Arms and join them; but whoever appear'd swaggering in the Streets in their Doublets, or Arms in their Hands, boasting of their Willingness to die for their Country, and threatening the Giant of the Castle (for so they called the Viceroy) were honoured, stiled Patriots, and deemed worthy to be made Deputies of the City: And now the Government of the Deputies began to dwindle away, and the whole Authority devolved to a few of the most powerful, till it became a Triumvirate, compos'd of *Mormile*, the Prior of *Bari*, and *Giovanni di Sessa*, leaving the Deputies only the Name, for the Reputation of the City.

WHILST Things were at this Pass, there came Ambassadors to the Viceroy from his Son-in-Law the Duke of *Florence*, from the Republick of *Sienna*, and from other Powers of *Italy*, offering to assist him both with Men and Money, for which he gave them Thanks, but only accepted the Duke of *Florence's* Offer, to whom he sent Word to have 5000 Foot in Readiness, and to send them by Sea to *Naples*, in case there should be Occasion. This being known in the City, the Deputies fearing to be attack'd unawares, resolv'd to levy 10,000 Men, which, out of the great Number of Peasants and Exiles that had come into the City, were quickly rais'd. They also muster'd all the People, and there were found 14,000 fit to bear Arms, the greatest Part Musquetiers. This Army, rais'd in this Manner, was without a Head, because the Deputies would not trust a Captain-General with it, lest he should make himself Master of the City, and overturn their Government, but commanded it themselves the best Way they could, and only made use of it to guard their Barriers in case they should be attack'd: But this Army, being under no Restraint, attack'd the *Spaniards* in their Quarters, and on the 21st of *July* a bloody Scuffle ensued, and the great Bell was rung to Arms; whereupon the whole People attack'd the *Spaniards*, and drove them to the *Catalan* Street, where they kill'd a great Number of them, and particularly sixteen poor Soldiers who were eating in a Publick House. Upon Notice of this, the Viceroy likewise order'd his Men to take their Arms, and having drawn up the *Spanish* Infantry in order of Battle, he sent them under the Command of *Balt. Urries* to beat them back, which was quickly done, for they were so pelted with small Shot, that they retired from the Quarter *S. Giuseppe* and the *Catalan* Street, to the Head of the Street *Dell'Olimo*; but the *Spaniards* being gall'd from the Houses, forc'd the Doors and Walls, and entering them, pillag'd and set them on Fire: When Night came on, the *Spaniards* were posted in the Custom-House and other strong Houses. They took also by Force the Convent of *S. Maria la Nuova*, in which were many *Italian* Soldiers, and Captain *Orizuela*, with a Company under his Command, got the Charge of it. The City on the other Hand, fortified *Santa Chiara*, the Palaces of the Prince of *Sienna*, the Duke of *Gravina*, *Mente Oliveto*, and of Secretary *Martirano*, and posted many Musqueteers, and some Pieces of small Cannon within them. This being done, the Viceroy gave Orders that the Soldiers should not stir out of their Forts, but keep upon the Defensive: But the People, on the other Hand, being without a Head, and void of Fear, never rested Day nor Night, but were always under Arms, attacking the *Spaniards*, and killing them with great Cruelty, as also the *Italians* of the Viceroy's Party, whose Houses they pillag'd, and destroyed their Vineyards; sometimes they run out as far as *Pozzuolo* to plunder the Viceroy's Goods, and at *Chigi* they attack'd those Gentlemen who were quarter'd there by the Viceroy's Orders. This cruel War lasted fifteen Days, during which time it was carried on both Day and Night, the Artillery of the Castle and the Gallies fired into the City where-ever they perceived arm'd Men; and now the People began to cry out, that the Cannon ought to be put in Order, and planted against *Chigi*, *San Pietro*, and the other Forts, but the Deputies would by no Means consent to this, as thinking it open Rebellion. This War ought to be call'd a Civil War, and it

that Reason the Number of the Slain ought to have been conceal'd, after the Example of *Julius Cæsar*, who would never mention the Number of those kill'd by him in the Civil Wars; but there are Authors, who, without that Caution, have given Lists of their Names.

BUT in the Heat of this War, the Marquis *Della Valle*, and *Placido di Sangro*, return'd from their Embassy. There was immediately a Cessation of Arms, that the Emperor's Pleasure might be known, which *Placido di Sangro*, in a publick Council declared to the City, which was, That his Imperial Majesty commanded them to deliver their Arms to the Viceroy, to whom he would afterwards send full Instructions concerning what had pass'd. Although this Order appear'd very hard to the City, being oblig'd, without Security, to lay down their Arms, and put themselves in the Power of their Enemy, who continued arm'd; yet, to shew that what had pass'd was done without any Design of disobeying the Emperor, they resolv'd to obey, and they all willingly, without Delay, went and delivered their Arms to the Deputies in *S. Lorenzo*, who afterwards, in the Name of the City, deliver'd them to the Viceroy in the Castle; and although many Arms were wanting, yet the Viceroy, satisfied with this Obedience, resolv'd not to be too severe in obliging them to bring all their Arms, only he insisted upon the Delivery of the Cannon; and being desirous to have Tranquility restor'd, he wisely dissembled many Things in which he might have shew'd Rigour. This being over, the Viceroy applied himself diligently to restore the Exercise of Justice, and to reform the Government of the City. The Tribunals were open'd, and every one began to follow his own Business as formerly; and the Viceroy, to secure the Citizens, and quiet their Minds, forgave them all, telling them, That he knew they had been impos'd upon by some People, who, to carry on their own bad Designs, and gratify their Passions, had endeavour'd to make an Insurrection, and to bring about a Revolution under Colour of the Inquisition, and that he was heartily glad that GOD Almighty had deliver'd them out of the Hands of such People; and therefore the Emperor forgave them all, as he himself did, and was ready to do all that was in his Power for their Ease and Relief.

BUT the City being still in Suspence, and desirous to know the Emperor's full Pleasure, begg'd of the Viceroy to signify it to them, because they were ready to obey his Commands; therefore the Viceroy, on the 12th of *August*, sent for the Deputies to come to the Castle, and as soon they had enter'd, the Bridge was drawn up, which struck Terror into those without; but the Viceroy received them very graciously, and declared the Emperor's Pleasure to them, which was, That there should be no Inquisition; that he pardon'd their rising in Arms, because he knew that it was not done out of Rebellion; and that if *Cesare Mormile*, the Prior of *Bari*, and *Giovanni di Sessa*, in the Name of the City, had gone to the Emperor, he would have done them Justice to the utmost of his Power. The Deputies overjoy'd at this Declaration, return'd to give an Account of what had pass'd to the City; but soon after Thirty-six were publicly excepted out of the Emperor's Indemnity, and condemn'd to die: The Prior of *Bari*, *Mormile*, and the rest, upon the News of this fled, only *Placido di Sangro* was taken and brought Prisoner to the Castle; but after some time many of them were pardon'd, except *Mormile* and such as had enter'd into the *French* Service, who were all forfeited, and their Effects sold; and the unhappy *Giovan-Vincenzo Brancaccio*, one of the Excepted, was taken and beheaded.

AFTER this the Emperor sent a Letter to the City of *Naples*, in which he called it his most faithful City, pardoning all the past Excesses and Disorders; but to indemnify himself of the Charges he had been obliged to be at on that Account, he fined them in 100,000 Crowns. He farther added, That whatever the Viceroy had said or done, had been by his Consent and Approbation, ordering them, for the future, to respect him as they would his own Person.

THE City had now in some measure recovered itself, and was at Ease, but still kept a Correspondence with the Prince of *Salerno*, who continued by their Order at the Emperor's Court, but was not well look'd upon, nor in much Credit there: On the contrary, he was blam'd for having undertaken the Office of Ambassador

Ubert. Fol. de Tumul. Neap. fol. 24. | Phil. II. Paramo de Origine S. Inquisitionis,
 Thuani Hist. lib. 2. fol. 195. Bentivog. Hist. | l. 2. cap. 10. tit. 2. Card. Palavicino Hist.
 di Fiand. par. 1. l. 3. in Oratione Duc. Feriæ ad Conc. Trid. l. 10. cap. 1. num. 4.

from the City whilst it was in Arms, and likewise because it was said, that he was not a lawful Ambassador, as not having been chosen by all the Wards; and therefore he advised the City by Letters to be upon their Guard, and not to think themselves secure, and that they ought to send new Ambassadors to represent to the Emperor what he had insinuated to them; whereupon *Julio Cesare Caracciolo* was sent from the Nobility, and *Giovan-Battista del Pino* from the People, who left *Naples* the 2d of *December*, and were graciously received by his Imperial Majesty. Not long after the Prince of *Salerno* returned from Court, and secretly persuaded such as were so weak as to believe him, that the Emperor had promised to remove the Viceroy from the Government; but the Viceroy, who was better inform'd of the Truth, stood his Ground, and kept the Government, with the same Authority as before, during his Life.

AFTER this Manner did the *Neapolitans* constantly oppose the *Inquisition*, a Tribunal so much hated and abhorred by them. From the Time that they receiv'd the aforesaid Letter from *Charles V.* there never was more mention made of the *Inquisition*: And, as the Animosity and Hatred increased afterwards between the Emperor and the Pope, it was the more hush'd; for *Pier Louigi Farnese*, the Pope's Son, having been killed in his own Palace on the 10th of *September* this Year, by a Conspiracy hatch'd against him, the Pope was exceedingly afflicted, not so much for the violent and ignominious Death of his Son, as for the Loss of *Placentia*, and because he plainly saw that it had been done with the Emperor's Approbation. And Pope *Paul III.* dying, his Successor *Julius III.* at the Solicitation of D. *Juan Manriquez*, the Emperor's Ambassador at *Rome*, and at the Request of the City of *Naples*, dispatched a Bull, dated *April 7. 1544*, directed to Cardinal *Pacecco*, at that Time Lieutenant of the Kingdom, by which, in order to gratify the Emperor, the said Cardinal, and the City of *Naples*, he ordained that there should be no more Confiscation of the Goods of Hereticks in the Kingdom, annulling all such as had been done before that Time¹.

IN the mean time the Viceroy, to root out the Poison which had remained in some Persons, gave the Assistance of the Secular Power, without any Difficulty, to the Vicar of *Naples*, who proceeded therein after the ordinary Way prescribed by the Canons. But 'tis true, there was an Abuse which was not then eradicated, but, as we shall see, continued for many Years after, viz. the sending Persons that had been tried, Prisoners to *Rome*, to the Officers of that *Inquisition*, or else requiring Bail of them, that they should go and present themselves there before those Officers; for that was practised as well in D. *Pedro's* Time, as under the Government of his Successors, viz. That those, who were tried for Heresy in the Kingdom of *Naples*, went to *Rome*, made their Recantation, did the Penances enjoined by the *Inquisition* there, and then returned.

¹ Chiocc. MS. Giur. tom. 8.

S E C T. II.

The Inquisition again attempted under Philip II. but still rejected.

TO follow the due Order of Time, we should here make an End of speaking of the *Inquisition*, and proceed to the other Occurrences of the Reign of *Charles V.* and *Toledo's* Government; but I judge it more Methodical to prosecute that Subject even to our own Times, that, without interrupting the Thread of the History, or being obliged to treat of it anew, the whole may be laid open to the Eyes of every Body, to the End, that at one View, my Countrymen may distinctly see the Horribleness of the *Inquisition*, and may judge, with how much Reason our Ancestors always detested it, and may thereby know, what Thanks we owe our present most August Prince, who has freed us intirely from it.

THE Abhorrence of our Ancestors to the *Inquisition*, has been found to have proceeded from the horrible Method of proceeding of the *Inquisition* of *Spain*, in the Time of *Ferdinand the Catholick*, against the *Moors* and *Jews*; now we shall see, that the Aversion increased by the new and more terrible Methods made use of by

by the *Roman* Inquisition under Pope *Paul* IV. our Countryman: The other Popes, his Predecessors, endeavour'd, or at least pretended to extinguish the *German* Heresy by calling a General Council; but *Paul* was no sooner advanced to the Chair, than he thought the Inquisition the strongest Bulwark against Heresy, and the best Fence of the Apostolick See, inſomuch, that he was wholly intent upon making that Tribunal more terrible by rigorous Constitutions¹. Thus by a new Constitution published on the 15th of *February* 1558. which he made all the Cardinals ſubſcribe, he renewed all the Cenſures and Penalties againſt Hereticks made by his Predecessors, all the Decrees of Councils, all Canons or Sentences of Fathers pronounced at any Time againſt Heresy, and revived ſuch as were in Deſuetude, and declared, That all Prelates, Princes, and even Kings and Emperors, tainted with Heresy, ſhould be reputed as deprived of their Benefices, States, Kingdoms and Empires, without any other Proceſs or Declaration, and incapable of being reſtored to them, even by the Apoſtolick See: and that their Effects, States and Dominions, ſhould be underſtood to be taken from them, and might lawfully be poſſeſſed by ſuch Catholicks as could ſeize them. And the Preſident *Thuanus*² relates, That when the Pope, ſome Years before his Death, ſaw himſelf free from the Trouble of War, his whole Care was to aggrandize the Power of the Inquisition, to which he gave the Name of *The moſt Holy Office*, ordering the greateſt Rigour to be exerciſed, and which was put in Execution (to name no more) upon *Pompeo Algeri* of *Nela*, who was burnt alive as a Heretick³. To this End, he ſet over it as Preſident, *Michael Gaſſeri* a *Dominican*, whom he had made a Cardinal, for the Aſterity and Ruggedneſs of his Temper, that he might exerciſe the greater Rigour, as he did, not only whiſt he was Inquiſitor-General, but alſo when he afterwards came to be Pope by the Name of *Pius* V. who, during his Pontificate, uſed ſuch Severities againſt thoſe that were ſuſpected of Heresy, that *Thuanus* does not ſtick to ſay, that he could not relate them without Horror⁴. *Paul* IV. not only made Caſes of Heresy to be brought before this Tribunal, but alſo other Crimes, which before were always tried by the ordinary Judges⁵.

ABOUT this Time the Order of the *Theatines* ſtarted up among us, who, following the Foot-Steps of their Founder, employed themſelves as Spies upon the *Napolitans*, and thought they could not do a more acceptable Service to the Pope, than to inform the Inquisition of all ſuch as they ſuſpected of Heresy, however ſlight the Grounds were upon which they were accuſed, which occaſioned terrible Diſorders and Tumults in the City, and in private Families; and if their Rivals and Competitors the Jeſuits, who ſtarted up at the ſame Time, had not oppoſed them, they would have occaſioned greater Troubles: Hence it came, That the Aversion to the Inquisition, not only in *Naples*, but in *Rome*, increaſed to that Degree, that on the 8th of *Auguſt* 1559, Pope *Paul* dying, and while he was ſcarce cold, the common People of *Rome*, out of Hatred to him, demolish'd his Statue in the Capitol, broke open the Priſons, and ſet the Priſoners at Liberty, ſet fire to the Place of Inquisition, and burnt the Proceſſes, and all the Records and other Writings kept there; and they were very near burning the Convent of *Minerva*, where the Friars, who had the Direction of this Tribunal, lived⁶.

BUT at this Time the Dread increaſed, not only by the Terror of the *Roman* Inquisition, but much more by that, which by the Means of *Philip* II. in the Year 1559, was done by the Inquisition of *Spain*, as we ſhall now relate.

KING *Philip*, after the Death of his ſecond Wife *Mary* Queen of *England*, reſolving to leave *Flanders*, and retire to *Spain* by Sea, was overtaken by ſuch a Storm, that he loſt almoſt his whole Fleet, with much rich Furniture which he had on Board, and with great Difficulty eſcap'd himſelf. When he arrived at *Cadiz*, he ſaid he had been ſaved by the particular Providence of GOD, that he might extirpate the *Lutheran* Heresy, which he immediately ſet about; for as *Thuanus* ſays⁷, he was ſcarce landed in *Spain*, when he gave Orders, That a ſtrict Inquiry ſhould be made after all Sectaries, and all ſuch as were ſuſpected of Heresy, and that they ſhould be ſeverely puniſhed: And whereas formerly, when one or more Perſons

¹ Paolo Soave Hiſt. Conc. Trid. l. 5. p. 417.

² Thuan. Hiſt. l. 22.

³ V. G. Diſt. V. Algerius.

⁴ Thuan. l. 39.

⁵ Thuan. lib. 39.

⁶ Ibid. l. 23.

⁷ Ibid. V. Paolo Soave Hiſt. Conc. Trid. p. 425.

were condemn'd for bad Principles of Religion, it was the Custom to deliver them to the Executioner to be put to Death; after this Order of the King's, all condemn'd Persons were from all Parts of *Spain* conducted to *Seville* and *Valladolid*, where they were kept Prisoners till his Arrival in those Cities, where they were to be executed with theatrical Pomp. The first Act of this dreadful Tragedy was performed in *Seville* on the 2th of *September* 1559, where, to give a signal Instance of Punishment in his auspicious Reign, and to leave no room for any to expect Mercy or Pardon, he made *John Pentio*, Count of *Baslen*, be brought first of all from a Tower where he had been imprison'd for a *Lutheran*, and carried in great Pomp to the Theatre, where he was burnt by the devouring Flames; and with him was likewise burnt *John Gonzalez* a Preacher: These were follow'd by four noble Ladies, *Isabella Tena*, *Maria Viquez*, *Cornelia* and *Isabella*; and what made the dismal Spectacle the more lamentable, was the tender Age and Intrepidity of *Isabella*, who was not 21 Years complete, when, with the greatest Constancy, she suffer'd so cruel a Death. *Isabella Tena's* Houses, where the Sectaries met for Worship, were razed to the Foundation.

AFTER these were likewise burnt *Fernando de Eno*, *John* and *Julian Ferdinand*, who, from his little Stature, was commonly called *El Pequeno*, and *John de Lina*, who having in his Youth been a Taylor in *Mexico* in *New Spain*, and returning to his native Country, enter'd into the College of *S. Idier*, where he privately profess'd the new Religion. The Number of the Sufferers was increased by *Francisco Chavez*, a Nun of the Convent of *S. Elizabeth*, who had been instructed by *Gregorio Egido*, preaching Friar of *Seville*; and *Cristobal Lopez*, a Physician, had the same Fate. Out of the same College of *S. Idier* were brought to the Stake, *Cristobal Arriaga* and *Garcia Arriaga*, who having been the Introducer of this new Doctrine into the College, there was a larger Pile made for him, and he was burnt alive. The College was likewise set on Fire, and intirely burnt, and with it a good Part of the City.

TO complete the Tragedy, there remained *Egido* the preaching Friar of *Seville*, and *Cristobal Pentio*. *Egido* was in such Favour with *Charles V.* for his Learning and Piety, that he design'd to have made him a Bishop; but being afterwards accused of Heresy, either out of Cunning, or at the Instigation of *Domingo Soto*, having publicly renounced his Error, he was released, and only suspended from Preaching, and other sacred Offices, for some Time by the Inquisitors, and he died a little before this Tragedy was finished: But the Inquisitors, being now sorry for their former Mildness, re-examined his Process, called his Corpse to account, and although Dead, pronounced Sentence of Death; but not being able to burn him alive, they made his Effigy, which was burnt on that frightful Theatre. The other, *Cristobal Pentio*, had been Confessor to *Charles V.* in his Retirement, in which Office he serv'd him to his Death, and that Prince breathed his Last in *Pavia's* Arms; but upon the Emperor's Demise he was put in Prison on Suspicion of Heresy, where he died a short while before this lugubrious Scene. The Inquisitors likewise re-examined his Case, and, though dead, was condemn'd to the Flames; for which End his Statue was immediately made in a preaching Posture, a Spectacle which at first drew Tears from some, and Laughter from others, but at last Indignation from all the Spectators, who seeing an inanimate Statue used in such a manner, concluded, that there was little Hopes of Mercy or Indulgence from him, who did not think fit to show some Respect towards a Person whose Infamy reflected Dishonour upon the Memory of the deceased Emperor his Father.

IN *October* the King went to *Valladolid*, where using the same Rigour, in his own Presence, with the like lugubrious Apparatus, he caused Light and twenty of the chief Nobility of the Country to be burnt, and kept in Prison *Dr. Bartolomeo Carranza*, so famous in the first Reduction of the Council to *Trent*, afterwards made Archbishop of *Trent*, and Primate of *Spain*, from whom were likewise taken all his Revenues.

THESE cruel and horrid Executions coming to the Ears of the *Nepoleon*, it is easy to imagine what Detestation and Fear they created in them. But a few Years afterwards two Accidents happened which gave a greater Alarm, and fill'd their Minds with greater Apprehensions, continual Jealousies and Distrusts.

THE new Doctrine having pass'd the *Alps* by the Way of *Savoy* from *France*, began to creep into the Dutchy of *Milan*, and there infect People with new Opinions with respect to Religion. The Duke of *Savoy*, being obliged by the Necessity of the Times, had suffered in his Dominions some hidden Protestants¹; but the *Spaniards* finding the Poison had reached the *Milanesè*, thought the best Way to crush it in the Bud was, to use their wonted Severity. King *Philip II.* earnestly desired Pope *Pius IV.* by his Authority, to erect an Inquisition in *Milan* after the *Spanish* Model; but the Pope having consulted the Affair in the Consistory, found many Cardinals against it, and he himself was very unwilling to disoblige the City of *Milan*, the Place of his Birth: but being overcome with the strong Solicitations of *Philip*, he granted his Request, and this Year 1563. dispatched a Bull for that Purpose: The *Milanesè*, who detested this Tribunal as much as the *Nepolitans* did, upon the News of this were exasperated to that Degree, that if the Prudence of the Duke of *Sessa*, their Governor, had not prevented it, there would have happened the same Tumults and Disturbances in *Milan*, as had been in *Naples* under the Government of *Felice*. *Felice* was *Guglielmo de Cordova*, Duke of *Sessa*, who had then succeeded the Marquis *Di Febo*, lest the State should be disturbed with Seditions in the Beginning of his Government, sent some Citizens to the King, and others to the Pope, to divert them from the Undertaking; and he himself insinuated to the King by Letters, that to establish the Inquisition in *Milan*, after the Manner of *Spain*, was the Way to turn the whole State into Disorder and Confusion. Upon this Representation, both the King and the Pope were satisfied, and the Inquisition was dropt.

NAPLES was soon after struck with the same Fear, upon an Occasion which we shall trace from its original Cause. In the Reign of *Frederick II.* they endeavoured to extirpate the Hereticks of those Times, especially the *Waldenses* and *Albigenses*, with an armed Force, after the same Manner that had been used against the *Saracens* with *Crusades*. Those People being routed and banished, their Effects confiscated, and Honours forfeited, dispersed themselves in different Parts; and continuing obstinate in their Opinions, when they could no longer defend themselves by Force, they retired to private and obscure Places, where, not being minded, they kept up their Opinions. Some took Shelter in *Provence*, in that Ridge of Hills which join the *Alps* to the *Pyrenees*, where there were Remains of them in the Pontificate of *Julius II.* and afterwards. Others retir'd to *Germany*, and took up their Residence in some Corners of *Bohemia*, *Poland*, and *Livonia*, who, by the *Bohemians* were called *Piccolari*. And some others, as very grave Authors relate, especially *Thomas*², fled for Refuge (who would have thought it?) to our *Calabria*, and lived in that Province till the Pontificate of *Pius IV.* and the Reign of *Philip II.* when under the Viceroyalty of the Duke *D'Alcala*, they were intirely exterminated³.

THESE People lived in the *Ilther Calabria*, in some Towns near *Cosenza*, called *Guarda*, *Baccarizza*, and *S. Silve*, of their own Founding, and for that Reason called *Guardia Lombarda*, as being inhabited by People that came from beyond the Mountains, and from *Lombardy*⁴: Here they lived a long Time not observed or minded. At first they were so stupid and ignorant, that there was no Danger of their communicating their Opinions to others; their Number was so inconsiderable, and being altogether illiterate, they neither cared to spread their Doctrine, nor that others should have the Curiosity to learn it. But after the *Lutheran* Heresy sprang up in *Germany*, and spread itself, as has been said, among the *Switzers*, *Piemontese*, and some *Lombards* living upon the *Po*, from whence they had their Rise, and with whom they had a Correspondence, they were the first amongst us who had an Account of the pretended Reformation, and in order to be better informed, they sent to *Genoa* to invite some of that People to their Towns to instruct them in that Faith; for that Purpose there came into *Calabria* two Ministers from *Genoa*, Followers of *Luther*, who publicly preaching up the pretended Reformation, and teaching it by particular Instructions and Catechisms, not only spread it through *Calabria*, but in the neighbouring Cities, and from

¹ Tassin. l. 26. Anno 1567.

² Item Epist. Dedic. ad Hen. IV.

³ U. loc. cit. Pars in Calabr. concessit, in eaq;

diù, atque adeo usque ad Pii IV. Pontificatum continuit.

⁴ Summont. tom. 4. l. 10. cap. 4.

thence infected the adjacent Province; for *Faito*, *Castelluccio*, and *Celle*, Towns in *Basilicata*, were corrupted. Father *Fiore*, a *Capuchin*, says¹, That the first Discoverer of this Infection, was one *Giovanni-Antonio Anania*, of *Taverna*, a Priest, Brother of *Gio. Lorenzo*, the famous Author of the Book *De Natura Daemonum*². This Priest was Chaplain to the Marquis *Fuscalio Spinelli*, to whom *Guardia* belonged; so that by his being in the Neighbourhood of that Place, and perhaps, by Conversation with that People, he found, that unless a speedy Remedy was applied, the Evil would quickly spread, therefore in 1561. he wrote about it to Cardinal *Alessandrino*, Inquisitor-General in *Rome*, who was afterwards Pope *Pius V.*: The Cardinal knowing *Anania's* Zeal, committed the Conversion of that People from their Errors to him. *Anania*, laying aside other Business, and calling to his Assistance some Jesuits lately come into *Calabria*, with great Earnestness set about to exhort them, and preach the true Faith to them: But whatever Pains he and his Companions took, they had small Success in their Labours; for those People being obstinate in their Errors, and not fearing either Menaces, or the severest Punishment, grew more insolent and numerous, therefore it was found necessary to have recourse to a stronger and more effectual Remedy, which was, to apply to the Duke *D'Alcala*, then Viceroy of *Naples*; he, thinking it sufficient at first to proceed against them with a little more Earnestness and Care, wrote to the Vicar of *Cosenza* (as may be seen in his Letter published by *Chioccarelli*³) that with respect to those of *Guardia Lombarda*, imprisoned for Heresy, he should proceed by the Advice of Doctor *Bernardino Santa Croce*, who was then in those Parts, and at the same time he wrote to the Doctor, recommending the Matter to him: But finding that ordinary Remedies were not sufficient for so inveterate a Disease, and it being represented to him that the Hereticks in *Calabria* daily increased, and being regardless of Punishment or Threats, were likely to occasion great Disorders; the Viceroy, in order to suppress their Insolence, sent thither *Annibale Moles*, a Judge of the Vicariate, with a good Number of Soldiers, some from *Naples*, and some from the adjacent Places; but the Judge met with a bad Reception, for those People, refusing Obedience to any Magistrate, took the Field, and assembling in such Numbers as look'd like a formid Army, made a vigorous Defence, being resolved to die rather than quit their Errors: On the contrary, as it usually happens in religious Wars, fearing nothing, they ran with Joy to encounter Death, fully persuaded, that by dying in that Quarrel they went directly to Heaven, there, in Company with the Angels, to enjoy God. Upon this Occasion, the Duke *D'Alcala* made use of *Scipio Spinelli*, Lord of *Guardia*, for re-inforcing his Troops; because, in order to disperse these Hereticks, there was a Necessity to engage them in the Field: The Battle was vigorously fought, and although many of them were killed upon the Spot, yet those that were left alive would not yield, but, full of Courage, finding that their Number was so small that they were not able to stand their Ground in the open Field, they retired within the Walls of *Guardia*, which (besides the natural Strength of its Situation, which render'd it able to resist any Attack) they fortified after such a manner, that they made it a secure Sanctuary. *Spinelli* despairing of Success by open Force, had recourse to Deceit, and under pretence of bringing in Prisoners, sent some bold Men, well arm'd, into the Castle; these discovering themselves, and fighting bravely, routed the Head Men, and made a great Slaughter among the rest; some fled, and many were made Prisoners: All their Effects were confiscated, and the most obstinate were condemned to the Flames, at the same Time that their Head, *Lewis Pascale*, a *Piedmontese*, was burnt by Order of the Inquisition in *Rome*⁴. Thus were they at last extirpated; and *Anania* wrote an accurate Piece upon the Subject in *Latin Verse*, but (as *P. Fiore* says) the Author not suffering it to be printed, we are now depriv'd of that Poem. The greater Part of those People being destroyed, as we have said, they endeavoured by all Means to convert the few that remained, and to extinguish their Errors by severe Catechisings, and constant Preaching, whilst the Duke *D'Alcala*, on the other Hand, did not stick to punish them with Rigour, giving Orders to the Royal Chamber, to proceed to the Sale of the confiscated Goods of those of *Guardia* and *S. Sisto*, that had been put to Death⁵; he forbid all Communication with them,

¹ P. Fiore Calab. Illustr. l. 1. p. 1. c. 5. n. 6.

² Nic. Bond. Biblioth. Top. p. 121.

³ Calab. tom. 3. De S. Inquil. Offic.

⁴ Spondan. ann. 1561. num. 31.

⁵ Chioc. loc. cit.

and prohibited Marriage with them, till such Time as the true Faith should flourish amongst them, and their false Doctrines were intirely rooted out; and at present the Inhabitants of those Places, who are very numerous, live just like the other Subjects, and profess the true Faith in its Purity.

THE Duke *D'Alcalà* was obliged to use the same Severity in the City of *Naples*, as in *Calabria*. There were in that City many Seeds of false Doctrine remaining; the Conversations kept up in *Toledo's* Time at the Houses of *Vittoria Colonna*, and *Julia Gonzaga* (both suspected of Heresy) had infected many; therefore the Duke keeping a more strict Watch over them than formerly, many were discovered, and summoned, under the Penalty of having their Goods confiscated, to appear before the Archbishop's Vicar: But two of them underwent a more severe Punishment, *viz. Giovan-Francesco d'Alois*, of *Caserta*, and *Giovan-Bernardino Gargano*, of *Aversa*, who having been imprisoned, and condemned as Hereticks, were, upon the 24th of *March* 1564. publickly beheaded in the Market-Place, and afterwards their Bodies were burnt in the Sight of the whole City¹. Then they proceeded to the Confiscation of their Goods, but not without Opposition, because the *Neapolitans* insisted upon *Julius III's* Bull, agreed to by the Emperor, by which, as has been said, no Goods of Hereticks could be confiscated in the Kingdom of *Naples*. This Debate is yet to be seen in the Accounts given of *D'Alois's* Trial by the Deputies *Saleritano* and *Revertera*².

THESE severe Punishments, and the Harmony that was seen between the Ecclesiastical and Secular Courts, not only struck Terror into the *Neapolitans*, but they were likewise afraid, that under that Cloke, it had been concerted to establish in *Naples* the Tribunal of Inquisition, so much abhorr'd by them: So that it being rumour'd about the City, that the Duke had a Mind to introduce it after the *Spanish* Manner, and the Citizens being frighten'd at so many Citations from the Vicarial Court, upon pain of Confiscation of Goods, many Families left the City, with all their Effects: And the Inhabitants beginning to murmur on account of the Execution of *D'Alois* and *Gargano*, lest an Insurrection should follow, the whole *Catalan* Street and Ward was deserted³. The City continued many Days in this unsettled Condition, during which Time, there were frequent Meetings of the Wards; at last, it was determin'd to send some Persons to the Viceroy, plainly to tell him, that they would never suffer any Tribunal of Inquisition, any more than their Ancestors had done. The Duke being a Man of great Probity and Wisdom, and knowing how odious such a Novelty was to the *Neapolitans*, the great Difficulties that must attend the introducing of it, and the dismal Consequences which the like Attempt had produced under *Toledo's* Government, prudently laid aside all Thoughts of it.

BUT the City, not content with this, resolv'd to dispatch an Ambassador to the King in *Spain*, to beg of his Majesty that he would never impose an Inquisition upon the City and Kingdom of *Naples*; and that according to the Agreement made in the Pontificate of *Julius III.* there might be no more Confiscation of the Goods of Hereticks: For this Embassy they made Choice of the celebrated *Paolo d'Arezzo*, once the Ornament of the Council of *Santa Chiara*, afterwards of the Order of *Theatines*, and at last Archbishop of *Naples* and Cardinal. Although he had thrown off the long Robe, and put on the Monks Habit, he refused the Office; but being encouraged by Cardinal *Charles Borromeo*, and by the Pope himself, he at last accepted of the Embassy⁴. The City gave him (besides the Letters address'd to the King) sufficient Instructions, together with the Bull of *Julius III.* containing the Agreement abovementioned⁵. With these he departed in 1564. and arriving at the Court of *Madrid*, he was graciously received by the King, and having represented to his Majesty the Request of the People, and delivered their Letters, the King freely granted all that they desired, ordering that *Naples* should never be troubled with the Inquisition, and that in Cases of Religion, no other manner of Proceeding should be practis'd but the ordinary Way; for which End, he wrote three Letters, two to the City of *Naples*, dated the 10th of *March* 1565. and another to the Viceroy of the same Date; and all three containing the same Declara-

¹ Summ. tom. 4. l. 10. cap. 4.

² Salar. Decis. Revertera, Vol. I. Decis. 27.

³ Summ. loco cit.

⁴ Chioc. in Arch. Neap. & in MS. Giurisd. tom. 8. de S. Inquis. Of.

⁵ Jo. Ant. Cargian. in Hist. vit. P. de Arcio, cap. 16.

tion. These Letters are recorded by *Chioccarelli* ¹, in which, amongst other Things, are these Words; *By the Tenor of this Letter we say and declare, that it was not, nor is our Intention to establish the Inquisition, after the Manner of Spain, in the said City and Kingdom; but that the ordinary Way of Proceeding be continued as it was, and shall be observed and practised as formerly, without the least Alteration: And elsewhere; so that the Ordinaries may do their Duties as they ought.*

P. ARLZZO, returning from his Embassy, stopt at *Rome*, from whence he sent to *Naples* an Account of the good Success of his Negotiation at *Madrid*, which gave intire Satisfaction to the *Napolitans*, and removed all Jealousy of the Inquisition, the People being overjoyed at the great Bounty and Clemency of the King.

BUT this was not sufficient to put a Stop to the Abuses of the *Roman* Inquisition. By Virtue of these Royal Letters, the Ordinaries could only proceed against Delinquents in Matters of Religion in the ordinary Way; but *Rome* went on prosecuting them as formerly, taking Information against the Subjects of this Kingdom, and often arresting them, and carrying both them and their Processes to *Rome*. It is true, nothing was done without the Viceroy's Approbation, nor had the Commissions from *Rome* any Force till the Royal *Exequatur* was first obtained, in which the Duke of *Alcalá* was very exact. But as the Viceroy was very severe where Commissions were put in Execution without the *Exequatur Regium*, by disannulling all their Acts, and setting at Liberty all their Prisoners, of which *Chioccarelli* gives some Instances ², so he was ready to favour and assist the *Roman* Inquisitors, when the Royal *Exequatur* was obtained, allowing their Commissaries to form Processes, to imprison the Accused, to sell their Goods for defraying their own Charges, and even to carry to *Rome* Prisoners of all Ranks and Conditions.

THE Proceedings of the Inquisition of *Rome* against the Marquis *Di Vico* are very famous. Ever since the Year 1560. that Tribunal had appointed an Apostolick Commissary to take Information against him in the City of *Benevento*, where Witnesses were summoned, *per Edictum*, from the neighbouring Places, and examined against him. And the Process being sent to *Rome*, and in a Meeting of the Inquisition, held in the Presence of the Pope, it being determined to imprison the Marquis, on the first Day of November 1564. Cardinal *Alessandrino* wrote a Letter to the Duke of *Alcalá*, begging of him, that he would either send the Marquis, with a strong Guard, Prisoner to the Holy Office, or take sufficient Bail of him to present himself before it, because it had been so ordained by the Cardinals his Collegues in the Pope's Presence. The Viceroy was obliged to give Orders to the Court of the Vicariate to take Bail for 10,000 Crowns that he should present himself before the Inquisition in *Rome* ³. And afterwards, the Cardinal *Granvela*, in the very Beginning of his Viceroyalty, suffer'd two old *Catalans*, who had refused to abjure *Judaism*, to be carried to *Rome*, and, continuing obstinate, they were there put to Death.

LIKEWISE in the Duke *D'Ossuna's* Government, that Viceroy, on the 14th of November 1583, wrote to the Governor of *Calabria*, telling him, that he had received a Letter from Cardinal *Satell*, in the Pope's Name, signifying, that he must secure the Person of *Giovanni-Battista Spinelli*, and send him to *Rome*, to answer to what was laid to his Charge by the Inquisition; and therefore, being willing to give all Satisfaction and Assistance in what concerns the Holy Office, he ordained, and commanded the said Governor, to send the Prince Prisoner to the Royal Chamber, or take Bail for him in 25,000 Crowns, to present himself within a Month before the Inquisition of *Rome*, and not to depart from thence without the Leave of that Tribunal: And in case he gave that Bail, he might set him at Liberty, if not, keep him Prisoner, and send him (the Viceroy) an Account.

THE same Viceroy, having received Letters from the said Cardinal *Satell*, telling him, that the Holy Office, for Matters concerning Religion, wanted to have the Person of *Francesco Conte*, Captain of the Island of *Capri*, to be secured; wrote to the Deputy of the Vicariate ordering him to seize the said Captain, and to take Bail of him for 10,000 Crowns, to present himself before that Tribunal in *Rome*, otherwise to keep him Prisoner till further Orders. On the 8th of March 1586. he dispatch'd such another Order to *Carlo Spinelli*, Deputy of the Vicariate, to

send *Francesco Amoroso*, late Captain of *Pietra Molara*, under a safe Guard to the Inquisition in *Rome*.

THE Count of *Miranda* followed the said Duke's Example; for provided that Licence, or the *Exequatur Regium* was demanded, which was easily obtained, he did not fail to shew all the Favour, and give all the Assistance he could to the *Roman* Inquisition, to the great Detriment of the Kingdom, and of the Subjects thereof: Whence proceeded greater Disorders afterwards; for the Court of *Rome* pretending, that their Commissions did not want any *Placitum Regium*, endeavoured to execute them without asking Leave: So that the Commissaries of the *Roman* Inquisition, being for the most part Bishops, imprisoned Laicks without consulting the Viceroy, and sent them to *Rome*.

¹ Chiocc. ubi supra.

S E C T. III.

The Court of Rome endeavoured by Stealth to introduce the Inquisition into Naples during the Reigns of Philip III. and IV. and of Charles II. but was always rejected, and at last, by an Edict of the Emperor Charles VI. altogether abolished.

IN those Times the Inquisition of *Rome* was arrived at such a Pitch of Arrogance, that they pretended, that even the greatest Monarchs of the Earth were not exempted from their Jurisdiction; therefore they introduced two Ways of proceeding, one open, known to every body, which they made use of against the meaner Sort of People, whom they condemned to Death; the other secret and hidden, by which Kings, and others of the highest Rank were privately condemned; and Means were found out for putting their Sentences against them in Execution, by declaring them to have forfeited their Kingdoms and Dignities, and allowing the Seditious and Malcontents, nay encouraging them by Indulgences, and easing their Consciences, to chase them from their Thrones, or to lay Snares against their Lives: Which hidden Way of proceeding, *Francesco Suarez*, a *Spanish* Jesuit, has revealed to us ¹ in his Book called *Defensio Fidei*. And *Richerius* says ², that this hidden Way of proceeding has often been put into Practice by Means of the Jesuites; and 'tis probable that this was the Method practised in *France* against *Henry III.* There was published in *Rome* in 1585. a Book intitled *Directorium Inquisitorum*, which contained so many Impertinencies as made it detested by all the World: Such as these; That the Inquisition had Power to pronounce Sentence, *Capitaliter in Hæreticos, & Fautores Hæreticorum*: that the Pope had both the Spiritual and Temporal Sword, to punish all, even Kings: that the Holy Office ought to proceed, *per Delationem, aut Denunciationem & Inquisitionem*, laying aside all Proceedings *per Accusationem*, because that Method was *multum periculosus, & multum litigiosus*; that all Persons should be allowed to bear Witness, even Enemies, People of infamous Characters, perjured Persons, Ruffians, Whores, and all Persons whatsoever; that no Account ought to be given either who the Witnesses were, or what they said; and that there should be no Appeal from that Tribunal: In short, that the Inquisition ought to proceed without any Regard to the Laws of Defence, or the Rules of Justice; that it should not be tied up to any Order, or be in the least dependant. Whence proceeded in *Rome*, towards the End of this Century, most terrible Executions of People suspected of Heresy; and amongst others in 1600. *Giordano Bruno*, a *Dominican* of *Nola*, was burnt in *Rome*, being accused of having taught the *Plurality of Worlds*; that the Jews were the only Descendants of Adam, and that Moses was a great Magician ³.

WHENCE in our Kingdom, the *Placitum Regium* was no more sought to their Commissions, but they proceeded with the same Independance as the Bishop of *Molfetta* did, when, during the Government of the Duke *D'Alba* in 1628. he was

¹ Suarez Def Fidei, c. 4. l. 6. n. 17, 18.
Rich. Apol. pro Jo. Gerson, p. 117, &c.

² Nicod. ad Bibl. Toppi. V. Dist. Critic.
V. Brunus

Commiffary of the *Roman* Inquifition, and the Popes Legate in *Naples*; and they obftinately infifting, that they had Power to proceed in that manner, there was a Neceffity for our greateft Lawyers to exert themfelves in demonftrating the Abufe, and at laft the King himfelf was obliged to interpoze his Authority, and forbid it. Upon this Occafion, *Fabio Capese Galeotta*, the King's Counfeller at that Time, and Advocate of his Royal Patrimony, published a *Discourfe* infcribed to the Duke *D'Alba*, and alfo fome *Allegations*. *Vincenzo Corcione*, Prefident of the Royal Chamber, likewife published fome other *Instances*, fhewing that it was not only contrary to Law, but alfo to the antient Custom of the Kingdom, to imprifon any Subject on account of Herefy, without firft acquainting the Viceroy for the Time being, and having his *Licence*.

THIS occafioned a Letter from King *Philip III.* forbidding the Orders of the Inquifition to be put in Execution in the Kingdom without the Viceroy's Knowledge; declaring at the fame Time, that this Prohibition did not comprehend the Tribunals of the Holy Office of the Courts of the Archbifhops and Bifhops of the Kingdom, which had no Occafion for the *Exequatur Regium*, whilft they proceeded in their ordinary Courfe in Matters of Religion; but that they were not to execute any Commiffion fent them from the Holy Office of *Rome*, or from the Pope, without acquainting the Viceroy¹.

BUT this Letter of *Philip III.*'s did not fufficiently remedy the Grievance, becaufe the Bifhops of the Kingdom were not thereby prohibited to receive Commiffions from the *Roman* Inquifition, and to proceed as Delegates thereof; but they, thinking it fufficient if they got the *Exequatur*, favour'd the faid Inquifition in every Thing, drew up the Proceffes, put People in Prifon, and fent them to *Rome*; whereas by *Philip II.*'s Letters, the Bifhops had only Power to proceed in religious Matters, as Ordinaries, but not as Delegates of the *Roman* Inquifition.

AN Instance of this Abufe happened in 1614. in the famous Cafes of *Julia di Marco da Sepino*, a Nun of the third Order of *S. Francis*, of *P. Agnello Arciere Crocifero*, and of Doctor *Giufeppe de Vicariis*; which Three, making an ill Ufe of myftick Divinity in *Naples*, had fallen into a thoufand ridiculous and vile Practices, and had given Rife to a moft abominable Society, into which they had received many Difciples of both Sexes: *Fr. Diodati Gentile*, Bifhop of *Caserta*, who, living in *Naples*, charged with the Affairs of the Inquifition, by Commiffion from the Holy Office of *Rome*, had Orders from the faid Tribunal to fhut up *Julia* in the Convent; and afterwards, by another Order from the fame *Roman* Inquifition, ſhe was transported to another Convent in *Cerreto*. *P. Agnello* was called before the Holy Office of *Rome*, where he appear'd, and was fentenced to hear no more Confefſions, and never to return to *Naples*. The Bifhop of *Caserta* being made Nuncio of *Naples* by *Paul V.* *Fr. Stefano de Vicariis*, Bifhop of *Nocera*, was made Inquifitor, and got Leave from *Rome* to transport *Julia* to *Nocera*. This Nun had very powerful Advocates, of which *Fabio di Coſtanzo*, Marquis of *Corleto*, and Deputy Dean of the Collateral Council, was one, who obtained Leave of the Inquifition of *Rome*, the Chief of which was then the Cardinal of *Arragon*, for *Julia* to return to *Naples*, and *D. Alphouſus Suarez*, Deputy of the Royal Chamber, gave her a convenient Apartment in his Palace, whither the Fame of her feign'd Sanctity drew a great Concourse, not only of the chief Nobility, eſpecially *Spaniards*, who are naturally addicted to the like *Enthuſiaſms*, but likewiſe of Ladies and Gentlewomen. But the *Theatin* Fathers, by Means of the Confefſions which ſome of *Julia*'s unwary Difciples made to them, diſcovered the abominable Practices committed by that Society, and prevailed upon them to give Information againſt their Accomplices to the Bifhop of *Nocera*, and they undertook to let him ſee the ſhameful Copulations of Men and Women in *Julia*'s Apartment; but theſe Fathers ſuſpecting that the Bifhop of *Nocera* inclined to favour *Julia*, wrote to the Cardinals of the Holy Office of *Rome*, giving them an Account of what had paſſ'd, whereupon the Cardinals ſent a Commiffion to *M. Maranta*, Bifhop of *Calvi*, to proceed in that Affair as their Delegate.

THE *Theatines* were thwarted in this Cauſe by their old Antagoniſts the *Jesuits*, who favoured *Julia*, and had admitted *Giufeppe de Vicariis* into their Society, and they undertook the Defence the more vigorously, that they ſaw the Count of *Le...*

¹ Chiecc. loco cit. tom. 8. in fin.

then Viceroy, by the Persuasions of *Julia's* Friends, had taken her under his Protection; for when the Bishop *Maranta* was about to examine the Witnesses, the Viceroy sent immediately for him, and asked him, if he proceeded by Virtue of a Commission from the Holy Office of *Rome*. *Maranta* not only shew'd him the Commission from *Rome*, but discover'd to him all the Wickedness committed by this new Society, not sticking to tell him, that he ought not to suffer the Vicequeen his Wife, to have any Communication with *Julia's* Disciples. The Viceroy, surpriz'd at this Account, believed what the Bishop said, and gave him leave to put *Julia* and *Giuseppe de Vicariis* in Prison, who were accordingly sent to that belonging to the Archbishoprick.

THIS sudden Imprisonment put the City in great Consternation; for *Julia's* Friends, who were for the most part Noblemen, Officers, and Religious of the most conspicuous Orders, made a terrible Bustle, and murmuring loudly at such a manner of Proceeding, went to the Viceroy, and told him, that what was alledged against them, was pure Calumny, and proceeded from the Rancour and Malice which the *Theatines* bore the *Jesuites*, because *Julia's* Disciples frequented their Churches. This Remonstrance, so warmly urged, stagger'd the Viceroy, who then began to believe that it was all a Trick of the *Theatines* in order to discredit the *Jesuites*; so that he sent again for Bishop *Maranta*, and check'd him severely, who, in his own Vindication, and to shew the Viceroy that it was no Calumny, delivered him the Process which he had drawn up against the Offenders, to the End he might no longer protect them. The Viceroy gave the Process to be consider'd by his Ministers, by which means *Julia's* Favourers came to know the Accusation and the Witnesses, and therefore they made ready for a vigorous Defence, and chose for their Advocate the famous *Scipio Rovito*.

ON the other Hand the *Theatines*, who had been unjustly reproached, sent an Account immediately to the Inquisition of *Rome*, of the Disorders occasioned by *Maranta's* exposing the Process, which gave such Disgust there, that they sent Orders to that Bishop to meddle no more in that Affair, and even called him to *Rome* to give an Account of his Proceedings; and at the same time they charged the Nuncio with the whole Affair, and order'd him to proceed with all Rigour, according to the Rules of that Tribunal.

THE Nuncio proceeded in the Cause as Delegate, without the least Opposition, according to the Orders sent him by the Inquisition. He took new and more exact Information; he removed *Julia* and *Giuseppe* from the Archbishop's Prison, to his own Palace; and upon his advising the Inquisitors of *Rome* of what he had done, they commanded him to send them both with a strong Guard to *Rome*, where *P. Agnello*, *Julia's* Confessor, was likewise in close Prison. The Nuncio perform'd their Orders with much Secrecy in the Night-time, and they were arrived at *Rome* before it was known in *Naples* that they had been sent thither. *Julia's* Friends were no sooner appriz'd of this, than they sent *Girolamo Martino*, and *D. Giovanni Salamanca*, to plead their Cause; but these, upon their Arrival in *Rome*, were likewise put in Prison by the Inquisition, though some Months after, on the 14th of *March* 1615. *Salamanca* was set at Liberty upon giving Bail of 3000 Crowns for his Appearance, when call'd for by the Inquisition, and *Martino* was likewise dismissed on the 11th of *April*, but by giving a greater Bail, and upon the same Terms.

PAUL V. with particular Attention, made the Inquisitors examine into this Cause with much Exactness and Diligence; and *P. Agnello*, *Julia*, and *Giuseppe de Vicariis*, being found Guilty of Heresy, they were condemn'd, first to make publick Recantation, and then to perpetual Imprisonment; and accordingly, upon the 12th of *July* 1615. a Scaffold and Seats being made in a most solemn Manner in the Church of *Minerva*, before the College of Cardinals, many of the principal Nobility, and a vast Crowd of People, they all three abjur'd their Errors, confessing their vile Practices, and mystical Phrenzies: And that *Julia's* Friends in *Naples* might be undeceiv'd in their Opinion of her pretended Sanctity, the Pope order'd an Abstract of their Process to be read in the Cathedral of *Naples* on the 9th of *August*, to the Amazement and Wonder of all People.

THE great Dexterity and Vigilance of the Court of *Rome* on the one Hand, and the Negligence, or rather Connivance of the King's Ministers in *Naples* on the other, were the Occasion, that, notwithstanding the Edicts of our Kings, Inquisitors sent from *Rome* were suffered in the City and Kingdom of *Naples*, and often

proceeded as Delegates against such as were accused of Heresy or *Judaism*, and even imprison'd them, and sent them to *Rome*, where they were condemn'd to abjure in the *Minerva*; of which many Examples might be given, if it were not out of Respect to many Families yet extant.

BUT in the Reign of *Philip IV.* the indiscreet Behaviour of *M. Piazza*, Deputy from the *Roman* Inquisition, occasioned a new Uproar in the City; so that the *Neapolitans*, being now grown wiser, applied themselves in good Earnest to root out all Remains of the Inquisition. *Piazza* having come to *Naples* in 1661. whilst the Count *De Penaranda* was Viceroy, took up his Residence in the Convent of the *Hieronymites* of *St. Peter* of *Pisa*, where he received Informations, and proceeded by Commission from *Rome* against such as were suspected of Heresy. It happen'd that Year, that a Friar had given a certain Book to a *Bolognese* residing in *Naples*, who, fancying that he found in it some Things not Orthodox, without any more ado went to *Piazza* to accuse the Friar of Heresy, and deliver'd him the Book. After some Days, the Friar ask'd his Book of the *Bolognese*, but, under several Pretences, he put him off, so that the Friar seeing himself thus made a Mock of, and being in great Friendship with the Duke of *Noci's* Barber, he desired his Assistance. The Barber went immediately, accompanied by some of his Friends, to the *Bolognese*, and threatening him severely, obliged him to promise to return the Book the next Day. The *Bolognese* went directly to *M. Piazza*, and desired that he would be pleased to return him the Book, telling him the Perplexity he was in, and that he was insulted for not returning the Book to the Owner. But *M. Piazza*, instead of returning him the Book, sent some of his Tip-Staffs, with Orders, to apprehend not only the Barber, but all those that had insulted the Accuser, and they were accordingly put in Prison.

THIS imprudent and scandalous Imprisonment being told the Duke of *Noci*, put him in such a Passion, that having made a grievous Complaint of it to many of the Nobility, he immediately assembled the *Seggi*, and in great Fury went to the Viceroy, and, not able to bridle his Passion, spoke to him with too much Freedom, and little Respect; the Viceroy, surpriz'd at his Boldness, but foreseeing the Mischiefs that might ensue, wisely dissembled his Resentment, and to pacify him, sent immediately a Message to *M. Piazza* to set the Prisoners at Liberty, which was accordingly done.

BUT that was not sufficient to quiet the City now in Commotion, and jealous, that by these Overt-Acts, and conceal'd Processes, it had been resolv'd to introduce a real Inquisition, contrary to the gracious Concessions of *Ferdinand the Catholic*, of the Emperor *Charles V.* and of King *Philip II.* and that therefore it was necessary to remove all Remains of that Tribunal, since by Right the Cognizance of all Religious Matters belong'd to the Bishops, who, without any Delegation from *Rome*, ought to proceed by their own Authority in the ordinary Way, without hidden Judgments and Processes, but as they used to do in other Spiritual Causes: For this Purpose, the Wards being assembled, Deputies were chosen to represent to the Viceroy the Sentiments of the City, and to manage this important Affair with the utmost Care and Diligence. The Deputies declared to the Viceroy, That the City was determin'd to suffer no more Inquisitors, and they also put him in Mind of the past Inconveniencies, and the Aversion of the *Neapolitans* to the Name of the Inquisition. The Count, seeing them so resolute, very prudently thought fit to give them Satisfaction; and having at large represented the Matter to the King, he in the mean time gave *M. Piazza* to understand, that he must instantly depart the City and Kingdom, which he did: And at the same time, being offended with the Duke of *Noci*, and some of the Deputies, who, too boldly, and with too much Warmth, had push'd on this Affair; he order'd the Duke to be put in *Casfel-nuovo*, and afterwards sent him Prisoner to *Spain*, where having clear'd himself from the Crimes laid to his Charge, he was set at Liberty, and, in *November* 1663. return'd to the Kingdom. Some of the Deputies were made Prisoners, others of them were confined to their Houses, and *D. Tiberio Caraffa*, Prince of *Chiusano*, *D. Rinaldo Mirabella*, and *D. Andrea di Genaro*, in order to avoid the first Sally of the Viceroy's Passion, took Sanctuary in a Church; but a most gracious Answer to the Representations made to the King being arrived, in which his Majesty declared, That they had no Reason to be under any new Apprehensions, for that all the Ordinances made in Favour of the City and Kingdom of *Naples* by the Kings his Ancestors,

cestors, and especially by his Grandfather *Philip II.* should be inviolably observed: The Viceroy, by a particular Letter ¹, signified this Answer to the Magistrates and Deputies of the City, who, being restor'd to his Favour upon account of the Birth of *Charles II.* went to return him Thanks. By this, it was thought, that the Court of *Rome* would never send to this Kingdom any more Inquisitors, Delegations, or Commissions to its Bishops concerning Matters of Religion.

M. PIAZZA's being chased out of *Naples*, put a Stop for some time to the coming of Inquisitors from *Rome*, but they did not give over their Pretensions, nor did they fail to make new Attempts when a proper Occasion offer'd, and which appeared plainly in the Reign of *Charles II.* by reason of a new Philosophy introduced into *Naples*, which, running down the *Scholastick* Philosophy professed by the Monks, was very unacceptable at *Rome*.

THE Academy set up at *Naples*, under the Name of *Investiganti*, of which the Marquis *D'Arena* declared himself Protector, quite removed the Slavery commonly borne with hitherto, of swearing *in verba Magistri*; and having laid aside the *Scholastick* Philosophy, left its Members at more Freedom to philosophize according to the Dictates of Reason. These Academists were all Learned Men, and the brightest Genius's of the City, which gained them great Reputation amongst Men of Knowledge, and especially among the Youth, to whom it was an easy Matter to demonstrate the Errors and Dreams of the Monkish Philosophy. The Works of *Petrus Gassendus* had acquired great Fame in *France*, as well upon the Account of his great Learning and Eloquence, as for his having restored the *Epicurean* Philosophy, which, compar'd to that of *Aristotle*, and especially as taught in the Schools, had the Reputation of being more solid and true. These Books were brought to *Naples*, and when they were read there, the Youth was infinitely pleased with them, not only upon the Account of the Principles which they taught, but for the Variety of good Learning they contained: So that in a short Time they all became *Gassendists*; and this Philosophy was profess'd by the new Philosophers. And although *Gassendus* had adapted his *Epicurean* System to the Catholick Religion, which he himself professed, yet *Titus Lucretius* being the greatest Supporter of it, many were induced to read that Poet, hitherto known but to very few; however, the *Investiganti*, as well as *Gassendus*, having discovered the Errors of *Lucretius*, made the Youth abhor them; and demonstrated, that his Philosophy was inconsistent with our Religion, and therefore ought not to be studied. What made them likewise afraid of it, was the Fate of *Galileo de Galilei*, who, notwithstanding his reverend gray Hairs, was obliged in *Rome* to abjure his Opinion concerning the Motion of the Earth.

BUT a few Years after, the Works of *Renatus des Cartes* were likewise brought to *Naples*; and 'tis said, that *Tommaso Cornelio* ², a famous Physician and Philosopher at that Time, was the first Introducer of them. The Youth therefore, and especially the Physicians, were very intent upon studying them, and very soon abandon'd the *Epicurean* Philosophy, and applied themselves to that of *Renatus*; and those who formerly were *Gassendists*, at last became most zealous *Cartesians*.

THE Monks seeing, that by these new Studies, their Schools were not only forsaken, but themselves ridiculed for the many Fooleries which they taught, contracted such an implacable Hatred against the new Philosophers, that they ascribed many Errors in Religion to them, cavilling at all their Propositions, and treating themselves as Hereticks.

THIS was sufficient to give a Handle to the Inquisitors of *Rome* to arm themselves anew, and again endeavour to introduce their Commissaries into *Naples*, in order to watch the Proceedings of the new Philosophers. And they not only attempted, but actually establish'd an Inquisitor, who received Informations, put People in Prison, and, which was more, had his own Prison in the Convent of *S. Dominico Maggiore*. This Inquisitor was *M. Gilberto*, Bishop of *Cava*, who exercised this Office by secret Processes, and with such Rigour and Insolence, that he often forced many ignominiously to abjure, for no other Crime, but their holding Opinions in Matters purely Philosophical, contrary to those of the Schools, although

¹ This is said to be *Charles II's* in his Diploma which is to be seen, tom. 2. *Cap. e Grazie di Napoli*, fol. 217. | ² Tom. 2. De' Capit. e Grazie di Nap. p. 217.

there was nothing of Religion in them ; which occasioned many Complaints and Disorders in *Naples*.

THE Deputies of the City, moved by these Proceedings, had recourse to the Count of *S. Stefano*, then Viceroy, and having represented to him, that the City was determined to have no Inquisitor, even with a limited Power, but that all Religious Matters within the Kingdom, ought to be decided by the Bishops in the ordinary Way ; they intreated him to order the Bishop of *Cava* immediately to depart the City and Kingdom, to suppress the Prison he had erected in *S. Dominico*, and to remove the Prisoners to the Archbishop's Gaol, in order to be punished by him in the ordinary Way, and as the Canons directed.

THE Viceroy having proposed the Matter in the Collateral Council, with Advice thereof, ordered the Inquisitor to depart the City and Kingdom, the Prison of *S. Dominico* to be suppressed, and the Prisoners to be removed to that of the Archbishop, which was accordingly performed ; and the Count, in order to make the City easy, by a Letter, dated the 27th of *September* 1691. acquainted the Deputies that he had complied with their Request.

THE Count at the same Time laid the Matter before King *Charles II.* who, by his Royal Letters, dated in *Madrid* the 25th of *March* 1692, not only approved of all that the Viceroy had done, but likewise ordained, that for the future, all the Privileges granted to the City and Kingdom, with respect to the Inquisition, should be inviolably observed, and that the Cardinal Archbishop of *Naples* should proceed to take Cognizance of the Crimes of those Prisoners, and that the Pope's Nuncio should not meddle in any thing relating to the Inquisition, and that the said Nuncio might acquaint the Pope (as he had also done by the Duke of *Medina Celi*, his Ambassador at *Rome*) that the Aversion of the *Neapolitans* to the Inquisition, was not the particular Humour of some few, as the Clergy had made his Holiness believe¹, but the general Bent of the whole City.

TWO *Neapolitans*, Doctor *Basilio Gianelli*, and *Giovan-Battista Menuzio*, having also been imprisoned in *Madrid*, at the Instance of the *Roman* Inquisitors ; and *Francesco Sernicella*, Envoy from the City to the King, running the same Risque, the Deputies had recourse to the King, representing the great Discontent of the City at this Way of proceeding of the *Roman* Inquisitors, praying him to order the said Gentlemen to be set at Liberty ; the King most graciously dispatched his Royal Letters, dated the 27th of the same Month of *March*, to the Viceroy ; in which, having confirm'd his former Orders, he quieted the City, by letting them know, that *Menuzio* was already at Liberty ; and as to *Gianelli*, he had sent pressing Instances to the Inquisitor-General for releasing him also, which was accordingly done soon after².

BUT neither the frequent bold Repulses, nor the pressing and vigorous Orders of our Kings, nor the Care and Vigilance of the Deputies, were sufficient to quiet the Inquisitors of *Rome*. They, not being able to proceed openly as before, went another Way to work, by making use of secret, under-hand, and subtle Dealings. In the Year 1695. they published an Edict in *Rome*, whereby, according to the Method of that Tribunal, they prescribed sundry Rules to the Bishops and Inquisitors how to perform their Offices ; and seeing they take it for granted, that their Edicts stand in need of no *Exequatur Regium* in any Part of *Christendom*, but that their being published in *Rome* is binding every where, therefore they secretly attempted to have this Edict published in any one Diocese of the Kingdom, without the Royal *Exequatur*.

THEY likewise found an Expedient for sending their Commissions to the Bishops themselves, ordering them to proceed, not as Ordinaries, but as their Delegates ; and besides, they created Officers (for the most part Monks and Friars) who depended upon them, and had their Commissions from the Holy Office, to act in the very Courts of the Bishops.

IN order therefore to root out all Vestige and Remains of an Inquisition, there was a Necessity of having recourse anew to the King. This Work was begun in the Reign of *Charles II.* but was not perfected till the Time of our most august Emperor *Charles VI.* ; for no sooner had his Victorious Arms entered

¹ Capit. e Graz. di Carlo II. tom. 2. p. 217, 215.

² Ibid. p. 219

our Kingdom, than the City solicited him to extirpate the Inquisition Root and Branch, as the most important Service that could be done them.

TO put a Stop to the first Incroachment, he dispatched Letters from *Barcelona*, dated the 28th of *August* 1709. directed to Cardinal *Grimani*, Viceroy, whereby he positively and expressly ordered, that no Bull, Brief, or other Writ from *Rome*, relating to the Inquisition, or that had the least Tendency to introduce it, should be executed in the Kingdom ¹.

THE Viceroy took care to remove the second Incroachment, *viz.* the appointing Officers in the Courts of the Bishops, depending upon the Inquisition of *Rome*; for the *Neapolitans* having discovered, that a certain bare-footed *Teresian* Friar, named *F. Maurizio*, frequented the Archbishop's Court in *Naples*, with a secret Delegation from the Inquisition of *Rome*, and boasted that he was Commissary of that Tribunal, sent their Deputy immediately to the Viceroy, to beg of him to order the said Friar to depart the Kingdom, and to intimate to the Archbishop's Court, that they should proceed in the ordinary Way in Causes relating to the Inquisition, without having any thing to do with extraordinary Officers; whereupon the Viceroy having called an extraordinary Collateral Council, with their Consent, agreed to the City's Request, and ordered *F. Maurizio* to leave the City in two Days, and the Kingdom in eight, which he readily complied with; and the Cardinal, for the Satisfaction of the People, by a Letter under his own Hand, dated the 2d of *August* the same Year ², acquainted the *Eletto* with it.

NEVERTHELESS, the Deputies in *Barcelona* did not fail to petition the King, that, in order to deprive the Clergy of all Pretence of imposing upon, or oppressing them by their subtle Inventions, he would be pleased, by his Royal Letters, to ordain, that for the Future, *All Causes concerning Faith should be tried by the Bishops in the ordinary Way, as they used to do other Crimes, and according to the Canons.*

THE King consented to the Request, and confirmed all the Privileges granted to the City relating to that Matter by the Kings his Predecessors, and especially those of *Philip II.*; and sent an express Order to the Viceroy Cardinal *Grimani*, *By no means to suffer any Person to proceed, within the Kingdom of Naples, in Causes relating to our Holy Faith, except the Archbishops and Bishops, as Ordinaries, in the usual Manner, as is practised in other Crimes and Causes purely Ecclesiastical, as may be seen in his Letters, dated in Barcelona the 15th of September the said Year 1709* ³. The last Words of this Order, which were not in that of *Philip II.* left the Ecclesiasticks no room for cavilling at the ancient Privileges, and inventing new Quirks.

THUS were all Remains of the Inquisition altogether suppressed amongst us; but still the Deputies continue upon their Guard, and have a watchful Eye upon the Clergy for fear of new Surprizes: And indeed they have Reason, because the Ecclesiasticks are so artful and diligent, that they slip no fit Opportunity for compassing their Ends, and at unawares making fresh and unexpected Attempts.

¹ Capit. e Graz. di Carlo VI. tom. 2. p. 231.

² Ibid.

³ Ibid. p. 232.





C H A P. VI.

Solyman, in Conjunction with the King of France, at the Instigation of the Prince of Salerno, who had rebell'd, makes a new Attempt upon the Kingdom of Naples. New Donatives made for supporting the War, which at last is dropt.

AFTER the *African Expedition*, and after the War which the Emperor had carried on in 1551. against *Maurice Duke of Saxony* (for supporting of which 30,000 Ducats had been sent from *Naples*) and the Comotions occasioned by the Inquisition being likewise at an End, when it was thought that the Kingdom would have enjoyed Peace and Tranquillity, News was brought of Preparations for a new War, much more frightful than any that had ever been heretofore; for the Princes, who jointly had undertaken it, were the most powerful and formidable of all *Europe*. *Francis I.* King of *France*, being dead, *Henry II.* his Successor, inherited not only his Kingdom, but his Hatred and Enmity to the Emperor: And, in order to facilitate his Design upon the *Milanese*, had entered into a League with *Solyman* against him; in which it was agreed to attack *Naples* by Sea with their joint Fleets, that of *France* being to set Sail from the West, at the same Time that *Solyman's* was to put to Sea from the East. These Princes were yet more incensed, and prompted to undertake the Expedition, by the Prince of *Salerno*, who, by reason of a private Enmity between him and the Viceroy, believing, that a Musquet Shot, fired at him as he passed from *Naples* to *Salerno*, by which he was slightly wounded, had been done by Order of *Toledo*, and the Accusation meeting with little Credit at the Emperor's Court, the Viceroy having been before-hand with him, by representing the Matter, he became much disgusted; and therefore, as soon as he was recovered of the Wound, he left the Kingdom under Colour of going to *Padua* to be cur'd of a pretended Disorder in the Nerves, proceeding from his Wound; and when he was called to Court by the Emperor, if he had obeyed, he might have been able to clear himself from the Crimes and Suspicions with which *Toledo* had charged him; but instead of complying, he sent *Tommaso Pagano*, who very impertinently desired the Emperor to give him his Parole for the Prince's Security when he should come to Court, at which the Emperor being much offended, gave him a suitable Answer, which so disgusted the Prince, that he very imprudently and rashly determined not to go; and therefore, revolting from the Emperor, he resolved to go and serve *Henry King of France*: So that having had an Interview with the Cardinal *De Tournon*, in all haste he went to *France*, where he was honourably received by the King; to whom having represented the Conquest of *Naples* as an easy Matter, the King was so eager upon it, that he immediately ordered some Gallies to be fitted out, and gave the Prince the Command of them, in order to join the *Turkish Fleet*. To excuse this Step, the Prince published a Manifesto, wherein he endeavoured to shew, that he had done great Service to the Emperor, both in his Wars and otherwise, for which he had been very ill rewarded by him and his Ministers. The Viceroy, who was overjoyed at the foolish Proceedings of the Prince, hearing of this Manifesto, said, That he had forgot to mention in it the greatest Piece of Service he had ever done the Emperor, which was this last, in leaving to him so fine a Principality

Principality as that of *Salerno*. However, this Rebellion did not surprize either the Emperor or *Toledo*, for they had always suspected him of being in the Interest of the King of *France*, whose Valour and Generosity he used constantly to extol: In the mean time he was declared a Rebel, condemned to die, and the Principality of *Salerno*, with the rest of his Estate, were confiscated.

THE Viceroy hearing of the Preparations, not only of the King of *France*, but of the *Turk*, and considering, that the League between two such powerful Enemies, would occasion great Trouble and Disorders in the Kingdom, lost no Time in preparing for a vigorous Defence; and knowing that the most effectual Means, was to have a good Store of Money, therefore having assembled the Barons, and represented to them, that it was not to be expected that the League between those two powerful Enemies, would be soon dissolved, because they wanted neither Will nor Power to prosecute their Design of conquering the Kingdom; therefore it was necessary to provide for the Remedy before it should be too late, which was, to lay up 300,000 Ducats for maintaining 30,000 Men for the Defence of this Kingdom only, in case it should be attack'd by the Enemies at unawares; and that this Money should be kept in a publick Chest by Men appointed by the City: Adding, that the very Noise of such a Preparation, would make their Enemies think well before they attack'd them, and, perhaps, frighten them from the Design. The Viceroy's Proposal was applauded by the whole Assembly; so that in all haste the Money was laid up in a publick Chest: And although the same was not made use of at this Time, yet it was afterwards a Means of saving the Kingdom against the League between the King of *France*, Pope *Paul IV.* and the Princes of *Italy*; of which hereafter.

WHILST these Preparations were making in *Naples*, News was brought, that the *Turkish* Fleet, at the earnest Sollicitations of the King of *France*, and the Prince of *Salerno*, had set Sail from *Constantinople*; and some Days after, on the 15th of *July* 1552. a Fleet of a hundred and fifty large Gallies, under the Command of *Snam* Bassa, and of which *Draut Rais* was Pilot, appeared in Sight of *Naples*, and anchor'd near the Island of *Procida*, which struck a terrible Consternation in the City; and almost every Day, while they continued there, some Gallies came as far as the Cape of *Posilipo*, to skirmish with some *Genoese* Gallies that lay there. The *Turkish* Fleet rode at Anchor near *Procida*, from the 15th of *July* to the 10th of *August*, when, all of a sudden, they weighed and sailed towards the *Levant*. It was reported, that this Departure was owing to the Management of *Cesare Mormile*, who coming in Competition with the Prince of *Salerno*, and being dissatisfied with the King of *France*, for preferring the Prince to him, had left *France*, and taken Shelter in *Rome*, where he treated with the Imperial Ambassador, and Cardinal *Mendoza*, about his being restored to the Emperor's Favour; and having got full Assurance, not only of the Emperor's Pardon, but likewise of having his Estate restor'd him, with the Viceroy's Passport he came Incognito to *Naples*, in order to treat with the Bassa about his Departure; and in the Viceroy's Name, having offered him 200,000 Ducats, provided he would leave the Coast, the Bassa was satisfied, and the Money was no sooner paid down, than he set sail with his Fleet towards the *Levant*, which freed the whole Kingdom from great Troubles. *Mormile* was very much caressed by the Viceroy; but the former Enmity between them not being quite effaced, many Objections were started in passing the Pardon, so that he not only could not recover his Estate, which had been already sold, but he had great Difficulty in getting a bare Equivalent.

IN the mean time the Prince of *Salerno*, who had been sent by the King of *France* to join the *Turkish* Fleet with his Gallies, though upon his Arrival at *Genoa*, he heard that they were sailed for the *Levant*, yet he was resolved to follow them, and eight Days after the *Turkish* Fleet had left the Gulph of *Naples*, he arrived at *Iscbia* with 26 Gallies, and getting certain Information from *Rome* of the Agreement made with *Mormile*, full of Rage he pursued the *Turkish* Fleet, and having passed the *Phare* of *Messina*, and not finding them, he went on his Course till he joined them; but the Bassa would by no means return without a new Order from his Master, but persuaded the Prince to go to *Constantinople*, and that *Solyman* would give him more powerful Assistance the next Year. The Prince went to *Constantinople*, where he remained all the Winter expecting that *Solyman* would perform his Promise; but his staying in that City, discovered both his Vanity and Levity; for having given himself up to Amours and Lewdness, he lost all Credit and Reputation

tation with that Prince, and being become the Town-Talk, he was despised by every Body : So that he was disappointed of the promised Assistance for the Conquest of the Kingdom, for the Fleet was given to *Peter Corsius*, in order to subdue the Island of *Corfica* ; whereupon he returned to *France*, where, as long as *Henry* lived, he was handsomely treated, but after his Death, the Civil Wars breaking out in that Kingdom, and he siding with the *Hugonots*, was reduced to great Misery, and in 1568. in the 71st Year of his Age, he died in *Avignon*, not only a Rebel to his King, but to the Catholick Religion which he formerly professed.

THUS did this terrible Storm, which threatned *Naples*, blow over, but the following Years the famous *Corfair Dragut* did not fail to make Incurfions ; for he being sent by the Grand Seigneur in Favour of the King of *France* to harrafs the Kingdom in order to vex the Emperor, continually infested our Seas and the Maritime Towns : From which Mischiefs they were never free, because there being an eternal and irreconcilable War between the Kings of *Spain* and the Emperors of the *Turks*, there never was any Truce, but an implacable Hatred, and we were the greatest Sufferers, because many Millions yearly were not sufficient for ransoming our Captives, and nothing was to be expected from the *Turks*, who never redeem theirs ; nevertheless, out of Zeal for Religion, the vast Losses which our Kingdom suffered were not minded. But *Naples* being now dismember'd from the Monarchy of *Spain*, and govern'd by the Emperors of *Germany*, it has the good Fortune to be comprehended in the Treaties made with the Empire, so that Hostilities are ceased, and Commerce open'd with the *Turks*, to the great Advantage of the Kingdom.



C H A P. VII.

D. Peter de Toledo's Expedition against Sienna, in which he died. Philip the Prince of Spain's second Marriage with Mary Queen of England ; and a Resignation of the Kingdom of Naples in his Favour by the Emperor, who retires from the World into Estremadura, where he ended his Days in the Convent of S. Justus.



PETER DE TOLEDO, having put an End to the Troubles of *Naples*, governed the Kingdom with full Authority, but as he was obeyed by all, so he had many secret Enemies ; for the Prince of *Salerno's* Rebellion being discovered, and suspecting that there were others who intended likewise to revolt, he proceeded against the Suspected with great Rigour ; and the putting *Antonio Grifone* to Death, and the Information taken against others on the same Account, had rendered his Government both terrible and odious. Amongst the many Revolutions that happened in *Italy* this Year 1552. *Sienna* likewise revolted.

THIS Republick was under the Emperor's Protection, who had sent *D. Diego Urtado Mendoza* to be Governor of it : *Mendoza* having built a Citadel in *Sienna* of such Strength, as to be able, with a small Number of *Spaniards*, to defend itself against the City, made the *Siennese* suspect that he had a Mind to deprive them of their Liberty ; therefore they were resolved to have recourse to the King of *France*, who, taking them under his Protection, ordered his Ministers in *Italy* to consult with them about what was necessary to be done. It was concluded amongst them, that

that the Count of *Pitigliano*, and the two Counts of *Santa Fiore*, should privately raise Six thousand Foot, and a good Number of Horse, which was immediately done: The Count of *Pitigliano* entered the City, and crying out *Liberty, Liberty*, and, with Three thousand Foot, joining the Inhabitants, he forced *Otto di Monteguto*, who had been sent by *Cosimo de Medici*, Duke of *Florence*, to assist the Imperialists, to retire under the Citadel, with some Slaughter on both Sides. Duke *Cosimo* was preparing to send a strong Reinforcement to *Otto*, but the Republick dispatched Ambassadors to give him to understand, that they had no Mind to renounce their Allegiance to the Emperor, but only to recover their Liberty, of which, by Degrees, they had been deprived by *Mendoza*: The Duke giving Credit to what the Ambassadors said, concluded a Treaty with the Republick, that the *Spaniards* should march out of *Sienna*, and that *Otto* should return in Safety to *Florence*; but the *Spaniards* had no sooner left *Sienna*, than the *Siennese* levelled the Citadel to the Ground, received a *French* Garrison, and took care to fortify themselves against the *Spaniards*. The Emperor, who was then at the Siege of *Metz*, being informed of what had pass'd, wrote to *Toledo*, ordering him to raise an Army, and make War upon *Sienna*; and at the same Time *D. Francisco de Toledo*, the Emperor's Minister residing at *Florence*, came to hasten the Preparation for War. Although it was a very severe Winter, yet the Viceroy, with the utmost Application, began privately to put the Army in Order; and while he was thus employed, he was seized with a Rheum and Fever, with which he was wont to be troubled every Winter, and for which his Physicians had always advised him to reside at *Pozzuolo* during that Season; but notwithstanding the Viceroy's Illness, the Preparation was not slackened, and it began to be rumour'd abroad that a War was designed upon *Sienna*, and that the Viceroy was to command the Army in Person, who therefore was to go and have an Interview with Duke *Cosimo* his Son-in-Law. The March of the Army being made Publick, many Barons offered to accompany the Viceroy, who accepted of a few, and thanked the rest; and having made *D. Garcia* his Son Lieutenant-General of the Army, he sent him by Land with Twelve thousand gallant *Spanish*, *Italian*, and *German* Soldiers. In the Beginning of this Year 1553. *D. Garcia* marched peaceably through the Ecclesiastical State, and by the Way went to *Rome* to kiss the Pope's Foot, and at last arriving in the Territories of *Sienna*, without Loss of Time, he took many Castles. In the mean while the Viceroy caused the rest of the *Spanish* Soldiers, with his own Court, to be imbark'd in the Prince of *Doria's* Gallies; and leaving *D. Lewis*, his second Son, Lieutenant of the Kingdom, he took shipping, and set sail towards *Gaeta*, where he staid three Days, and then steer'd for *Civita Vecchia*; in which Voyage, by the Roughness of the Sea, his Distemper increased, and having afterwards landed at *Leghorn*, he immediately sent the *Spaniards* to join *D. Garcia's* Army, and he himself being so ill of the Rheum and Fever, was forced to stop there. But the Disease increasing, and his Physicians finding that the Air of *Leghorn*, situate in the Midst of Water, was quite different from that of *Pozzuolo*, and prejudicial to his Distemper, he went to *Pisa*, and from thence, in order to be farther from the Sea, he went to *Florence*, where he was very affectionately and magnificently received by Duke *Cosimo* his Son-in-Law. At this Time *Ascanio della Cornia*, and other Colonels of the Army, came to wait upon him, and receive his Orders how they were to carry on the War; and the Disposition being already made, and his Illness something abated, he sent forward his Court, and was preparing to follow the next Morning himself; but he was again so violently seized with the Rheum, that he got no Rest the whole Night, and the Fever likewise returning, all Remedies proved ineffectual.

UPON the News of his Danger *D. Garcia* his Son came to visit him, and give him an Account of what he had done; but the Viceroy ordered him, without waiting for the Issue of his Distemper, to return to his Command of the Army, and blessed him; and not long after, his Illness still increasing, on the 12th of *February* 1553. he breathed his last in the Arms of his Daughter and Son-in-Law. It was reported, that his Death was hastened by Poison given him by Duke *Cosimo*, out of Suspicion that he had laid Snares for his Life: Moreover, that the Emperor, in order to remove him from the Government of *Naples* (which he had determined ever since the Commotions of that City) had taken the Opportunity of the War of *Sienna*. Some believe neither the one nor the other, and refer to a Letter of the Emperor's arrived at *Florence* before he died, in which, without knowing that he

had as yet left *Naples*, he wrote, that by no means he should go upon that Expedition, because he had heard he was Valetudinary, but that he should send his Son *D. Garcia*: However that may be, he govern'd the Kingdom twenty Years, five Months, and eight Days, with so much Prudence, that he excelled all the preceding Governors, and deservedly got the Title of the *Great Viceroy*.

BY his first Wife *D. Maria Ossorio Pimentel*, he left several Children, but being old when he married his Second, he had none by her. *D. Frederick* his eldest Son; *D. Garcia*, whom, at his Death, he left Lieutenant-General in the War of *Sienna*, and *D. Lewis*, who was Lieutenant of the Kingdom when he left *Naples*. He had likewise four Daughters; he married *D. Isabella*, the Eldest, to *D. Giovan-Battista Spinelli*, Duke of *Castrevillari*, and Count of *Cariati*; *D. Eleonora* the Second, in 1539. was married to *Cosimo de Medici*, Duke of *Tuscany*; *D. Giovanna* the Third, was the Wife of *D. Ferrante Ximes d'Urrea*, the eldest Son of the Count of *Aranda*; and *D. Anna* the Youngest, was married to *D. Lopes Mesoso*, Count of *Altamira*.

D. LEWIS being left Lieutenant in *Naples*, had not Opportunity to display his noble Talents in the Government of the Kingdom, because he held it only for a few Months; for the Emperor, upon the News of *D. Peter de Toledo's* Death, sent the Cardinal *Pacecco* to succeed him, and the Cardinal being then at *Rome*, in the Month of *June* this same Year, went immediately to *Naples*.

CARDINAL *Pacecco*, no less famous for his illustrious Family in *Spain*, possessed of the Marquisate of *Villena*, and Duchy of *Escalona*, than for his great Learning, and the signal Service he did in the Council of *Trent*, while he was Bishop of *Jæn*, at the Desire of the Emperor was promoted to the Purple, and likewise declared Bishop of *Saguntum* by Pope *Paul III.* and that Council being removed to *Belagna*, he had the Charge of the Emperor's Affairs in *Rome*, and upon *Toledo's* Death, as we have said, was sent to be Viceroy of the Kingdom.

NAPLES, out of a Notion that he was a severe Man, was at first alarm'd, but the Event proved the contrary; for being of a calm and sweet Disposition, he not only treated the *Neapolitans* with the greatest Humanity, but did them most signal Service with the Emperor, from whom he obtained a Confirmation of their Privileges, which, at the Request of the famous *Girclamo Seripando*, *Charles V.* by his Patent, dated at *Brussels* the last Day of the Year 1554. had granted them. Sudden Imprisonments, Tortures, and criminal Punishments inflicted upon Delinquents on bare Information, were no more heard of. Provident Orders were given, and Rules laid down to be observed in the Collation of the Chaplain Majorship, Royal Prelatures, the chief Doctorship of Physick, and in appointing the Officers of Justice, and the Castellains of the Kingdom; and during his Government, many new Favours and Privileges were granted by the Emperor both to the City and Kingdom¹.

IN the mean time *Mary of Portugal*, *Philip* Prince of *Spain's* first Wife, dying, a Door was opened for uniting the Kingdom of *England* to the Monarchy of *Spain*; and if Queen *Mary of England's* Death, without leaving Children of this Marriage, and the many Revolutions that happened in that Kingdom, had not frustrated so noble a Design, that Union would have been compleated; for on the 20th of *July* 1553. *Mary*, the eldest Daughter of *Henry VIII.* being proclaim'd Queen of *England*, and on the first of *October*, in the Thirty-seventh Year of her Age, being crown'd, in order to secure the Succession, the Barons of the Kingdom requested her to marry: She therefore pitched upon *Philip* Prince of *Spain* to be her Husband; and in *Jan.* 1554. she sent Ambassadors to notify her Intention to the Emperor, who with incredible Joy accepted the Proposal, and, without Loss of Time, the Marriage was immediately concluded, and the Prince called from *Spain* in order to go to *England* to consummate the Marriage: The *English* Barons, both out of Hatred to the *Spaniards*, and that they did not like to have that Kingdom fall to the Emperor's Off-spring, were not satisfied with the Queen's Choice.

HOWEVER, on the 16th of *July* 1554. *Philip* set sail from the *Groyne* with a great Fleet, and a most splendid Court, and having arrived at *Southampton*, where the Queen expected him, the Marriage was celebrated there with great Pomp and Magnificence.

¹ Capit. & Grazie del Regno di Car V.

BUT the Emperor, thinking it was not suitable to so great a Queen to marry *Philip*, who was not as yet a King, sent *Figurino*, Deputy of *Naples*, to *England*, to deliver him a Resignation of the Kingdoms of *Naples* and *Sicily*, and of the Duchy of *Milan*: Thus *Philip*, being render'd more Majestick by these Royal Titles, added Mirth and Jollity to the Marriage Feast. The new-married Couple having passed many Days in Feasts and Tournaments in *Winchester*, on the 19th of *August* set out, and, with a double Court, and almost all the Nobility of *Spain* and *England*, in great Pomp and Magnificence made their Entry into the City of *London*; and the Mal-content Barons, finding that *Philip* was a Prince of a sweet and courteous Disposition, were satisfied.

PHILIP having received his Father's Resignation of the Kingdom of *Naples*, immediately sent the Marquis of *Pescara*, in his Name, to take Possession of it, which, with publick Solemnity and great Rejoycing, on the 25th of *November* the same Year, was given him by Cardinal *Pacecco* the Viceroy: At the same time, that the Emperor *Charles V.* his Father, either wearied of worldly Anxieties, or that he imagined Fortune began to frown upon him, resolved to retire into a Cloister.

THE Emperor was then in *Flanders* continually afflicted with the Gout, and unable any longer to bear the Burden of the Empire, he resolved to retire from worldly Cares; therefore he sent to *England* for his Son *Philip*, and upon his Arrival in *Brussels*, first of all he made him Head of the Knights of the Order of the Golden Fleece, then, on the 25th of *October* 1555. in a great Hall, in Presence of all the Counsellors of State, of all the Knights of the Orders, and of the Nobility, he made a general Resignation to the King his Son of all the Low Countries, with the States, Titles, and Rights of *Flanders* and *Burgundy*: He resign'd the Kingdoms of *Spain*, *Sardinia*, *Majorca*, and *Minorca*, and the new-discovered Countries in the *Indies*, with all the other Islands and States belonging to, and depending upon the Crown of *Spain*.

WITH the same Solemnity he resigned the Government of the Empire to *Ferdinand* his Brother, already elected King of the *Romans*, and three Years after, a few Months before he died, he sent the Resignation of the Empire to the Electoral College, which, on the 14th of *March* 1558. elected in his Room the same *Ferdinand*.

CHARLES having afterwards retired to the City of *Ghent*, the Place of his Nativity, dismissed all the Ambassadors of Princes who were then residing at his Court, and all the Officers of the Army; and on the 14th of *September* 1556. having taken shipping, he set sail for *Spain*, and retired into *Estremadura*, where he remain'd all his Days in a Convent of Monks of the Order of *S. Hierom*, called *S. Justus*. He led there a solitary Life, and died on the 21st of *September* 1558. in the 59th Year of his Age.





C H A P. VIII.

*The State of our Jurisprudence during the Empire of Charles V.
and of the most famous Lawyers who flourish'd in his Time.*



THE Emperor Charles V. or rather his Viceroys, who during his Reign governed this Kingdom, left us many Laws, of which there being an exact Chronology, according to the Times in which they were established, inserted in the last Edition of our Statutes, there is no Occasion to swell this Work by repeating them here.

OUR Tribunals having been so much favoured, and brought into a more ample and magnificent Form by the Viceroy Toledo, if in this Reign the Jurisprudence was not improved, at least it was in more Splendour by the great Number of learned Professors.

FOR the Reasons formerly alledged, it could not be brought to that Neatness and Purity of Style in this Century, with us, to which it had attained in France. The Spaniards were jealous of all Learning, and were very much upon their Guard against introducing Novelties in the Sciences, or in the Method of teaching and professing them; therefore the antient Style was continued: But notwithstanding the want of Learning, and the Knowledge of the Roman History, whereby the Sciences were improved in France, we had excellent Lawyers, not inferior to those of other Nations.

IT seems very strange, that the Jurisprudence having been first illustrated in Italy by *Andrea Alciati*, a *Milanese*, who was the first that taught the Law with Erudition and Elegancy, this Study should be forsaken in Italy, and that *Andrea* should have so many in France that imitated, and even excelled him, and none in Italy. France at this Time boasted of the famous *Gulielmus Budeus*, a *Parisian*; *Franciscus Duarenus* his Disciple, and Professor of Law in *Bourges*, who died in the Year 1559. at the Age of Fifty; the celebrated *Carolus Molineus*, who died in 1566; the never-enough-to-be commended *Jacobus Cujacius*, a Native of *Toulouse*, who was Professor in *Bourges*, *Toulouse*, *Cabors*, *Valencia*, and *Turin*, and who was a Prodigy in this Science, for which *Tibullus* very justly calls him the First and Last amongst the best Interpreters of the Law; *Antonius Contius*, a Native of *Neyen*, Cotemporary with *Duarenus* and *Cujacius*, and likewise Professor of Law in *Bourges*, who died in 1566; *Franciscus Hottomannus*, *Petrus Puteus*, and many others, of whom the President *Tibullus* makes honourable mention in his History.

ON the contrary, as to Professors, for the abovementioned Reason, and others that shall be given in the following Books of this History, I confess we could not pretend to have Lawyers equal to those of France; but as to those that were employed in the Courts of Justice, and the Magistracy, we might compare with theirs, both as to their Skill in the Law, and Number.

THERE flourished at this Time in our Tribunals, many notable and renowned Lawyers. *Antonio Capace* became first famous in the Courts of Justice as an Advocate, and afterwards, in 1509, was made a Counsellor by King *Ferdinand the Catholic*, and at the same time read Law in our University, where he possessed the first Evening Chair of the Civil Law; and in 1519, he likewise taught the Feodal Law there, and *Bartolomeo Camerario*, *Sigismondo Goffredo*, and many other famous Lawyers were his Scholars. On account of the Commotions in *Sicily*, raised during the Government of *Ettore Piguntelli*, Count of *Montelione*, by the King's Command he

he went to that Island, and the Count made use of him for curbing the Authors of those Tumults, where he collected some of his Decisions. He returned afterwards to *Naples*, and notwithstanding that his Office of Counsellor allowed him very little Leisure, yet he wrote an Explanation upon the *Cap. Imperialem, de probib. feud. alien. per Feder.*; and he had begun another famous Work, intitled, *Investitura feudalis*, which he could not bring to Perfection. He collected sundry Decisions, which in his Time had been made in the *S. C. of St. Clara*, which being added to those he had collected in *Sicily*, are now made use of by our Professors. At last he died in *Naples* in 1545. and was buried in the Chapel of his Family, within the Church of *S. Dominico Maggiore* of that City ¹.

BARTOLOMEO CAMERARIO, of *Benevento*, distinguished himself above the rest in the Study of the Laws, and in 1521. he published in *Naples* an Explanation upon the *§. Equè de Actionibus*; but he became eminent above all others by his great Application to *Feodal Matters*. He undertook to amend the *Feodal Commentaries* of *Andrea d'Ijernia*, which, through the Fault of the Transcribers, having been sent to the Press very incorrect, he restored to the true Reading; and he laboured so hard for the Space of three Years, in bestowing sixteen Hours every Day upon that Work, that, as he himself ² says, he lost an Eye. He read Lectures upon the *Feodal Books* in our University Twenty-four Years; from the Professor's Chair, in 1529. he was advanced to be President of the Royal Chamber, in the Room of *Gianangelo Pisanello*. Afterwards, in 1541. the Emperor *Charles V.* made him Lieutenant of that Tribunal: But falling under the Displeasure of *D. Peter de Toledo*, for the Reasons elsewhere related, and because of the Inclination he always shewed for the *French*, he was much suspected, whence *Toledo* took the Opportunity to put him in Disgrace with the Emperor; of which being sensible, he went to *France*, and accepted the Honour offer'd him by that King, who made him his Counsellor, and took him under his Protection. The Viceroy *Toledo* having immediately put *Francesco Revertero* in his Place, ordered him to be impeached; he was declared a Rebel, and in 1552. all his Goods were confiscated. While he was in *France*, the Affairs of Religion being in great Confusion, and the Works of *Luther* and *Calvin* doing much Mischief in that Kingdom, he, as one well skilled in Divinity, undertook to confute them: So that in 1556. he printed a Treatise in *Paris*, *De Jejunio, Oratione, & Eleemosina*; and that same Year he likewise published another Work, written by way of Dialogue between himself and *Calvin*, which he intitled, *De Prædestinatione, ac de Gratia, & libero Arbitrio, cum Johanne Calvino disputatio*; and in 1557. having gone to *Rome*, he published there another Treatise, *De Purgatorio igne*.

BUT finding that his Merit was not rewarded in *France* according to his Expectation, he retired to *Rome*, where Pope *Paul IV.* a bitter Enemy both to the Emperor and King *Philip* his Son, received him very graciously, and admitted him into his Councils; and 'tis said, that *Paul's* not publishing the Sentence pronounced against King *Philip*, depriving him of his Kingdom, of which hereafter, was owing to *Camerario*: And in the War which was then vigorously carried on between the Pope and King *Philip*, the Duke *D'Alba* having besieged *Rome*, the Pope made him Commissary-General of his Army, and Overseer of the Markets of *Rome*; so that in order to shew his Gratitude to the Pope, in the Year 1558. he published his Commentary *Ad L. Imperialem de probib. feud. alien. per Feder.* and dedicated it to him, promising in the Epistle Dedicatory, that if he should have Leisure, he would likewise dedicate to him seven other *Feodal Books* which he had composed. He spent the rest of his Days in *Rome*, where he died in 1564. and was buried in the Church of the Holy Apostles of the Fathers Conventuals of *S. Francis*, where his Tomb, with an Inscription, is to be seen. Besides the abovementioned Works, there are some Dialogues of his concerning *Feodal Matters*, which, for want of that Grace and Comeliness peculiar to that way of Writing, are looked upon to be dull and insipid.

SIGISMONDO GOFFREDO, Disciple of *Antonio Capece*, of the *Seggio Capuana*, after he had made wonderful Progress in the *Belles Lettres*, applied himself to the Study of the Laws, and in 1512. on account of his Learning was

¹ Toppi de Orig. Tribun. par. 2. lib. 4: cap. 1. num. 57.

² Camer. conf. 371. post Canner.

³ Toppi de Orig. Trib. tom. 3. p. 187.

made President of the Royal Chamber by *Ferdinand the Catholick*; and in less than five Years he was advanced to be Head of the Chancery, and was afterwards sent for to *Spain* to assist in the Supreme Council of *Arragon*, as Deputy of *Naples*. He died in 1539. leaving a shining Monument of himself in his learned Discourses and Commentaries upon *L. Jurisconsultus de gradibus*, which were printed in *Venice* in 1572.

AT the same time with him flourished the famous *Cicco Loffredo*, a renowned Advocate, who in the Year 1512. was made one of the King's Counsellors. On account of his great Abilities, he was sent Ambassador to *Flanders* by the City of *Naples*, to do Homage to King *Charles* in Name of the said City, and to ask a Confirmation of its Privileges. He was afterwards, in 1522. raised to the high Honour of President of the *S. C.* which he officiated till 1539. in which Year he was removed to the Collateral Council, of which he was made Head. He died in *Naples* in 1547. and was first buried in the Cathedral Church of that City, in the Chapel of his Family; but *Ferdinando Loffredo*, Marquis of *Trivico*, his Son, removed his Bones to the Church of the Holy Ghost, which he had founded, where his Tomb, with an Inscription, is to be seen; and from this famous Lawyer the present Marquis of *Trivico* is descended¹.

ABOUT the same time flourished likewise *Girolamo Severino*, *Tommaso Salernitano*, *Giannandrea de Curte*, *Scipion Capete*, and *Marino Freccia*, all of them most famous Lawyers.

GIROLAMO SEVERINO, of the *Seggio of Porto*, while a Youth, in 1516. was appointed to be Advocate for the Poor; then in 1517. he was made Judge of the Vicariate. On account of his Learning and Eloquence, when *Charles V.* came to *Naples*, the City made him their Spokesman to welcome that Prince; and in 1536. they created him *Syndick*: In a general Parliament begun the 8th of *January* the same Year, there being a large Donative granted to the Emperor by his good Management, as a Reward of his signal Services, the Emperor put him at the Head of the Chancery, and of the Supreme Council of *Italy*, which obliged him to go to *Spain* with the Emperor; but afterwards, in 1541. he was raised to the high Honour of President of the *S. C.* and in 1549. he was made Viceprotonotary of the Kingdom; and having exercised the Office of President for fifteen Years, being unable, by reason of his great Age, any longer to undergo so great a Charge, in 1555. he returned to the Collateral Council, which his Decrepitness forced him likewise to leave, reserving only the Office of Viceprotonotary, which he exercised as long as he lived. At last, in 1559. he died in *Naples*, and was buried in *S. Maria della Nuova*, in the Chapel of his Family, where his Tomb, with an Inscription, is to be seen².

TOMMASO SALERNITANO, at the Age of Eighteen, gave such evident Proofs of his surprizing Knowledge in the Laws, that he was admitted to explain them in the University of *Naples*; he afterwards pleaded at the Bar, and succeeded so well, that in a short time he was made President of the Royal Chamber. In the Reign of King *Philip II.* he was employed in the most weighty Affairs of State, and was sent to *Germany* about the famous Cause of the Dutchy of *Bari*; so that in 1567. he was made President of the *S. C.* and afterwards in 1570. Director of the Chancery. He left us a shining Monument of his Learning by the Decisions collected by him, which, being now printed, are highly esteemed by our Professors. He died in *Naples* in 1584. and was buried in the Church of *S. Maria delle Grazie*, in the Chapel of his Ancestors, where his Tomb and Inscription remain. *Paolo Regio*, Bishop of *Vico Equense*, and a famous Preacher in these Times, composed his Funeral Oration, wherein he very much extols his Virtues and notable Actions³; and our celebrated Poet *Bernardino Rota* did not fail to commend him highly⁴.

GIOVAN-ANDREA DE CURTE, on whom *Uberto Eghetta*⁵ bestows great Encomiums, according to that Writer, was originally of *Patia*, but ours⁶ will have him to be of *Cava*. He was the Son of *Molesto*, Judge of the Vicariate, who, applying himself to the Study of the Laws, became a most famous Lawyer; and after having been some Years in the Vicariate, the Emperor *Charles V.* made him

¹ Toppi de Orig. Trib. tom. 2. lib. 3. cap. 1. num. 22.

² Idem, num. 23.

³ Idem, loc. cit. n. 25.

⁴ Rota Epigram. fol. 59.

⁵ Foilet Tumul. Neap.

⁶ Toppi loc. cit. num. 26

a Counsellor of *S. Clara*. In the Tumults that in 1547. happened in *Naples* on account of the Inquisition, both he and his Sons narrowly escaped being torn in pieces by the Mob; for seeing the City all up in Arms, he resolved (like all other peaceable and worthy Men) with his Family to leave the City, which being whispered to the Populace, who always looked upon him to be one of *Toledo* the Viceroy's Creatures, they pursued him furiously, and though he had taken Shelter in a Convent of *Monks*, they broke open the Gates, and used the Monks very roughly, in order to make them discover where he was; but they constantly denying that he was in their Convent, and affirming that he had fled by another Way, after having searched all the hidden Places of the Monastery, in great Rage they ran as far as *Torre del Greco*, whither they heard his Sons had fled, and those innocent Youths had certainly been murdered, if the Peasants of the Place had not taken Arms and curbed their Fury. One of those Sons was *Marino* so much commended by *Foglietta*, with whom, while *Foglietta* was in *Naples*, he had contracted an intimate Friendship, who afterwards proved a great Divine, and one of the most famous Preachers about the Court of King *Philip II.* who, as a Reward of his Learning and signal Services, raised *Giovan-Andrea* to be President of the Council. He died in 1576. and was buried in the Church of *S. Severino*, in the Chapel of his Family, where his Tomb, with an Inscription, is extant. *Bernardino Rota* in his Poems highly commends him¹, and the President *De Franchis*² did not fail to make honourable mention of him.

BUT *Scipion Capece*, the Son of *Antonio*, excelled all these, both in the Knowledge of the Law, and in being an universal Scholar. In his Youth he applied himself to the Study of the *Belles Lettres* and Philosophy, and succeeded so well in Poetry and Oratory, that he was reputed one of the greatest Poets of the Age. He wrote two Books *De principiis Rerum*, which he dedicated to Pope *Paul III.* so much commended by Cardinal *Bembo* and *Paulus Manutius*, that they did not stick to compare them to the Books of *Titus Lucretius Carns*. He likewise wrote the Life of CHRIST in heroick Verse, and the Praises of his Fore-runner *John the Baptist*, in Three Books, which he intitled, *De Vate Maximo*, which were dedicated to Pope *Clement VII.* by *Giovan-Francesco di Capua*, Count of *Palena*. And some of his Elegies and Epigrams were cried up by the most famous learned Men of these Times, of which *Nicodemo*³ has made a long Catalogue.

HE was no less successful in the severe and rigid Study of our Laws, than in those of Poetry and Oratory; he bore away the Bell, not only in the Courts of Justice, but in the Chair: He was looked upon to be the first Advocate in our Supreme Tribunals, and in the Year 1534. he possessed the first Evening Chair of the Civil Law in the University, which he held till 1537. When the Emperor *Charles V.* came to *Naples*, he was pitched upon to congratulate him upon his Arrival; whereupon the Emperor, as a Reward of his Learning and bright Parts, made him a Counsellor of *S. Clara*. He wrote many Commentaries upon sundry Titles of the *Pandects*, which he explained in the University, of which that only is printed which he wrote upon the Title *De acquirenda possessione*, which he dedicated to *D. Lewis de Toledo*, the Son of *D. Peter* the Viceroy, in which he promised in a short Time to publish another upon the Title *Solutio Matrimonio*. He likewise wrote a short Treatise, intitled, *Magistratum Regni Neapolis qualiter cum antiquis Romanorum conveniant, Compendiolum*, which was first printed in *Salerno* in 1544. and afterwards in *Naples* in 1594. This celebrated Writer died in 1545. and was buried in the Church of *S. Dominico Maggiore*, in the Chapel of his Family, where his Tomb is to be seen⁴.

TO *Capece* we must add *Marino Freccia*, who, besides his Skill in the Law, had a good Taste of History, and was the first among us that found Fault with our Writers, who, having neglected History, have fallen into a thousand Errors; he was a great Admirer of our antient Records, and to him we owe some Fragments of *Erchempertus*, which were afterwards printed by *Camillo Pellegrino* in his History of the *Longobard* Princes. The Book which he wrote *De Subfeudis*, and which he dedicated to Cardinal *Pacecco* while he governed the Kingdom, demonstrates how

¹ Rota loc. cit.

² Franchis decis. 470. num. 4.

³ Nicod. Addit. ad Biblioth.

⁴ Toppi de Orig. Trib. tom. 2. lib. cap. 1. num. 98.

much he had the Illustration of the Affairs of our Kingdom at Heart, and what Pains he had bestowed upon our Antiquities. He derived his Origine from *Ravello*, and for his singular Skill in the Laws, and especially the *Feodal*, which he formerly expounded in our University, the Emperor *Charles V.* in 1540. made him a Counsellor of the *S. C.* of which he was afterwards Vice-President. He also wrote another Treatise *De formulis Investiturarum*, but being prevented by Death, he could not finish it; and while he was yet a Youth of twenty Years of Age, he wrote a Treatise *De præsentatione Instrumentorum*, which is at present made use of by our Professors. He died in 1562. and was buried in the Chapel of his Family in the Church of *S. Dominico Maggiore*, where his Tomb and Inscription remain¹.

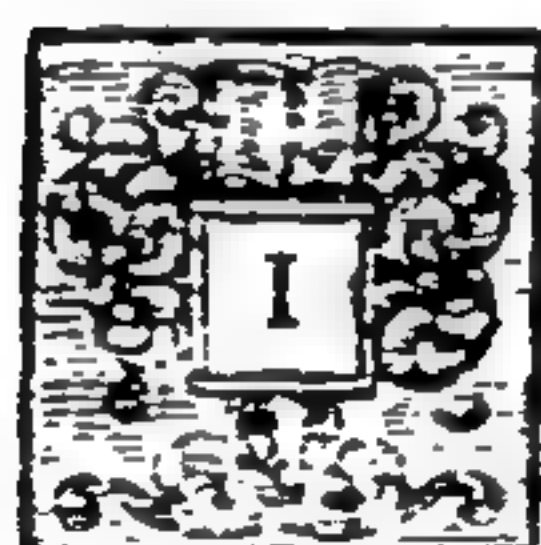
ABOUT the same time flourished *Jacobuzio de Franchis*, *Antonio Baratuccio*, *Giovan-Tommaso Minadoi*, *Tommaso Grammatico*, and many others, who may be found in *Toppi's Bibliotheca Neapolitana*, and his Books *Dell'Origine de nostri Tribunali*, wherein he has given a long Catalogue of them.

¹ Toppi loc. cit. num. 101.



CHAP. IX.

The Polity of our Churches during the Reign of the Emperor Charles V.



IN this sixteenth Century the Authority of the *Roman* Pontiffs received one of the greatest and most fatal Blows that ever it had got since its first Rise. By the Heresy of *Luther* it suffered lamentable and irreparable Losses in *Europe*. Many Provinces of *Germany* withdrew their Obedience; *Flanders*; *England*, which was once most obsequious and profitable to the See of *Rome*; *Scotland*, and the Kingdoms of the North were intirely lost; *France* was likewise in great Danger, and *Italy* gave much Ground of Suspicion: Losses which were but ill made up by the Acquisitions made in the *Indies* and *America*; Acquisitions which were both barren and useless to *Rome*. The *Roman* Pontiffs were likewise alarmed at the Thought of calling a new Council, looked upon then to be absolutely necessary for settling the distracted State of Religion, whereby all *Europe* was in a great Fermentation; but for all that they did not stoop in the least, nor were they a whit more indulgent to the Princes that were the greatest Sticklers for them (whose Business it likewise was to prevent the Alteration of Religion in their Dominions) in remitting the least Title of the Pretensions which they imagined they had upon the Churches, or any other Thing within their States. After that the Emperor *Charles V.* had received those exorbitant Sums from *Clement VII.* for his Ransom, he was very easy about the Court of *Rome's* beginning again to exact the Incomes of the vacant Churches with greater Severity than ever: *Tithes* were frequently imposed upon the Clergy and Monasteries, of which he only remitted his Part; and because of the Profit which he (as all the Kings his Successors have done ever since) by Permission from the Popes, reaped in the Kingdoms of *Spain*, he little minded his own Rights, and much less our Advantage, or that of our Churches.

IN the Treaty of Peace, which, as we have said, in the Year 1532. was concluded between the Emperor and *Clement*, there were long Disputes about the Presentation to the Cathedral Churches of our Kingdom, to which our Kings claim
a Right

a Right of Patronage, because the most remarkable Cathedrals were founded, and with rich Revenues endowed by their Predecessors. The *Normans*, as may be seen in the preceding Books of this History, erected many of them from the very Foundation; and their having withdrawn many of them from the See of *Constantinople* to that of *Rome*, was no small Advantage. The Kings of the Family of *Anjou* likewise founded others of them: So that as the Cathedrals of *Spain*, for the same Reason, are in the King's Gift, so ours likewise ought to be so too; and consequently all the Archbishopricks and Bishopricks, when they are vacant, ought to be in the King's Nomination. And although in the Reign of the Family of *Anjou*, the *Assent* which formerly was sought in the Election of Prelates, was taken away, yet as the *Exequatur Regium* was still reserved (as we have shewed elsewhere) so much less could that Agreement, foisted into the Investiture, comprehend the Churches of Royal Patronage, from which they were expressly excepted: Whence it is, that very many Churches and Benefices, in all the Provinces of the Kingdom, are still of Royal Collation and Presentation; of which *Chioccarelli* and *Tassone* have made long Catalogues.

DEPUTY *Muscettola*, at that Time *Charles V's* Ambassador at *Rome* for that Affair, maintained the Pretension of our Kings; but (as 'tis the Custom of that Court, that whenever they can but once bring an Affair to be referred to a Treaty, then, under Pretence of preventing Quarrels and tedious Debates, they offer to come to a Composition) it was agreed with *Clement VII.* that Twenty-four Cathedral Churches, *viz.* seven Archbishopricks and seventeen Bishopricks should continue to be in the King's Gift, and the rest to be at the Pope's Disposal. In the Province of *Terra di Lavoro*, the Bishopricks of *Gaeta*, *Pozzuolo*, and *Cerra*, were declared to be in the Royal Gift. In the County of *Molise*, the Bishoprick of *Trivento*. In the *Hither Principato*, the Archbishoprick of *Salerno*, and the Bishoprick of *Castellumare*. In the *Further Principato*, the Bishoprick of *Ariano*. In the *Hither Calabria*, the Bishoprick of *Cassano*. In the *Further Calabria*, the Archbishoprick of *Reggio*, and the Bishopricks of *Cotrone* and *Tropea*. In *Basilicata* (according to the present Disposition of the Provinces) the Archbishoprick of *Matera*, to which the Church of *Cerenza* is now annexed, and the Bishoprick of *Potenza*. In *Terra d'Otranto*, the Archbishopricks of *Otranto*, *Taranto*, and *Brindisi*, to which the Church of *Oira* is now annexed, the Bishopricks of *Gallipoli*, *Mottula*, and *Ugento*. In *Terra di Bari*, the Archbishoprick of *Trani*, the Bishopricks of *Giovenazzo* and *Monopoli*. In the *Hither* and *Further Apruzzo*, the Bishopricks of *Aquila* and *Lanciano*, which last Church is now Archiepiscopal, but not Metropolitan, because it has not one Suffragan. In *Capitanata* there is not one Bishoprick in the King's Gift, although in the Church of *Lucera*, all the Dignities, and the half of the Canonships are of Royal Collation, as we have said elsewhere.

THIS was the Division that was then made of the Cathedral Churches, which continues to this Day, and was inserted in the Articles of that Peace, in which the other Benefices, and Churches not Cathedral of Royal Patronage, of which there are many, are expressly excepted, of which our Kings are in Possession, and provide them when vacant, and during the Vacancies appoint Stewards for collecting the Revenues, part of which is applied towards Repairing and Supporting the Fabricks, and the rest is reserved for the future Successors.

THE Emperor *Charles V.* for the abovementioned Reasons, was likewise very easy about the Court of *Rome's* laying new Burdens upon our Kingdom, the greatest of which in his Time was, that finding it impracticable to introduce the Tribunal of the Inquisition here, they established another new one, called the Tribunal of the *Fabrick of S. Peter*, of which, as in its Place, we must here give an Account of the Origin and Introduction.

S E C T. I.

The Origin of the Tribunal of the Fabrick of S. Peter, and how, and upon what Conditions it was introduced amongst us; and afterwards in our Time suspended.

POPE *Julius II.* having a mind to imitate the Magnificence of King *Solomon*, resolved to build a Temple in *Rome* in Honour of *St. Peter* the Head of the Apostles, that should be the most magnificent and surprizing of any that ever had been in the World; judging, that as *Rome* was become the Head of the *Spiritual Church*, and was exalted above all the other Churches of the Earth, so it was fit that her *Material Church* should overtop all others, in the same manner as *S. Peter*, to whom it was dedicated, was more eminent than the other Apostles, and all the Faithful that believed in Christ; but not having *Solomon's* Riches, he employed his whole Thoughts about finding out Mines, out of which to dig Gold and Silver for this Work. He began first with Plenary Indulgences, granting them with a liberal Hand to all those who left or gave any Thing towards the Building of that Temple: But seeing that these did not answer his Design, he contrived a new Method, and by his Constitution published in the Year 1509. besides granting them Privileges, he ordained, that all pious Legacies that should be found left to Places incapable of receiving them, or that were not fulfilled by the Heirs, should be applied to this Building; therefore he instituted a Tribunal in *Rome*, whose Ministers were not only to have the Inspection of the Building of the Temple, but likewise to receive the Money arising that way over the whole Catholick World by Means of their Commissaries.

THIS Bull was afterwards confirmed and much enlarged by *Leo X. Clement VII.* and the other Popes their Successors. But in order to its producing a plentiful Crop, it behoving it to have Force in the Dominions of others, many Princes opposed its being put in Execution, some altogether refusing to receive it, others moderating and reforming it. *Leo X.* endeavoured to introduce the Commissaries of this Tribunal of *Rome* into our Kingdom; and in the Year 1519. dispatched a Brief directed to them, giving them Power, for the Space of three Years, to receive all the pious Legacies, and for that Effect to force the Debtors to pay them, and also the Notaries to exhibit the Protocols, Instruments and Wills. The Brief being produced to *D. Raimondo de Cardona*, then Viceroy of the Kingdom, for his giving it the *Exequatur*, he granted it, but with this Clause, *Præter quam contra laicos personas*; so that the said Commissaries, resolving to force the Laicks, had recourse anew to *Cardona*, who ordered the King's Officers to do them Justice, by obliging the Laicks to pay the pious Legacies, and the Notaries to exhibit the Protocols and Instruments¹.

CLEMENT VII. prolonged these Commissions, and in 1532. dispatched another Brief, to which *D. Peter de Toledo*, then Viceroy, gave the *Exequatur*, with some Restrictions, which however did not prevent the great Losses which the Kingdom suffered by the Extortions and Disorders committed by the Commissaries appointed in the Provinces; so that in the Parliament held in *Naples* in 1540. *Toledo* was requested, in Behalf of the City and Kingdom, to treat with the Pope about suppressing this Tribunal altogether, because of the many Grievances and Extortions occasioned by it²: And the Viceroy having afterwards in 1547. treated of this Affair with Pope *Paul III.* many Abuses were redressed, the Tribunal was in a great measure reformed, and new Regulations were made, so that for some Years after it was in a manner suspended. But in 1557. the Duke *D'Alba* then Viceroy, ordered this Tribunal to be put upon its former Footing, according to the Agreement made in 1547. between Pope *Paul III.* and *Toledo*; for which End it was ordained, that the Commissary of the Fabrick residing in *Naples*, which was usually the Nuncio, could not take Cognizance of the Causes of this Tribunal, nor decide them without the Votes of the Laick Assistants, who should be appointed by the King, or his Vice-

¹ Chioce. MS. Giurisd. tom 12

² Capit. e. privilegi. di Napoli fol. 173. à ter.

roy, to be present at all the three Hearings; whence proceeded the Custom, that for the first and second Hearings, the King's Counsellors, or the Presidents of the Royal Chamber were generally appointed, and for Assistant or Judge of the Third, a Deputy of the Collateral Council; and likewise, that the Commissaries appointed for the Provinces, could not by themselves take Cognizance, or decide, but were to have Laick Assistants, to be named by the Corporations of the Places¹: So that Cardinal *Granvela* in 1574. according to this Appointment, ordained, That the Officers of the Kingdom should not hinder the Orders of this Tribunal to be put in Execution, whenever they came from the King's Counsellors appointed by him and his Collateral Council, and that they should give all Assistance in seeing them obeyed.

BUT notwithstanding all this, the Disorders and Extortions of the Commissaries were not redressed, nor was there a Stop put to the vast Damages which the Kingdom suffered by this Tribunal; for, although by Virtue of this Appointment, the Tribunal of the Fabrick of *S. Peter* of *Rome* could not meddle in Causes depending before the Tribunal of *Naples*, but only appoint the Commissary, the Manager, and other inferior Officers of it; nevertheless, as Cardinal *De Luca* himself testifies², the Tribunal of *Rome*, by way of Reference, and extrajudicial Information, took upon them to revise the very same Causes, which in all the three Hearings had been debated, and already decided in *Naples*. The Tribunal of *Rome* had likewise appropriated to themselves all the Causes that were not in Dispute, that is to say, all Compositions, to which the Parties desired to be admitted without going to Law; and likewise, with respect to that Matter, restricted the Nuncio, or Commissary-General residing in the Kingdom, and stript the Manager of the Power of transacting in Causes of Consequence, whereby great Compositions were expected: And in order, as well to draw more Money to *Rome*, as to reduce the Causes in the Tribunal of *Naples* to a small Number, Compositions were made easy to every Body that paid Money, little minding whether the Will of the Testator was fulfilled or not, or the pious Legacies rightly applied; for they said, that the pious Work made amends by the inexhaustible Treasure they have in *Rome*, which they call *Mare Magnum*, one Drop of which was sufficient to counterballance all the pious Legacies in the World; and by this means Compositions in *Rome* being made easy by ready Money, the Wills of the pious Testators were not in the least executed.

BUT what most of all rendered this Tribunal odious, were the Extortions and Disorders which the Commissaries committed both in the City and Provinces, of which Extortions Cardinal *De Luca*³ bears witness. The Commissaries, according to an Account given in the Year 1587. which we read in the *M. S. Giurisdizionali*⁴, immediately upon their entering any Town or Village of the Kingdom, though never so little, they posted up their Bills, and rung the Bells, and with a dreadful and awful Voice, threaten'd with Excommunication, the Notaries, and all Persons that had the keeping of last Wills, wherein pious Legacies were left, and did not bring the Wills to them. As soon as they were brought, the Commissaries summoned all the Heirs of the Testators, altho' they had been dead a hundred Years before, to shew how they had applied the pious Legacies; and upon their not appearing, they were declared Contumacious, and then publicly excommunicated; and when any did appear in order to clear themselves, they were not heard till first they had paid for their Contumacy, and then they were not absolved till they produced their Vouchers, and paid anew; and those who could not appear, or came too late, when the Commissaries were gone from the Place, were obliged to go to *Naples* to be absolved; and many, who on account of their extreme Poverty, had not wherewithal to bear their Charges in going to *Naples*, continued excommunicated, and when they died were denied a Christian Burial. Greater Extortions were practised in *Naples*, for even though an Executor immediately answered the Summons, and made it appear that he had performed the Will of the Person deceased, yet that did not clear him, but he must pay down the Fees of the Decree (though neither sought nor wanted) in order to get free of Trouble; and a few Years being over, they began afresh

¹ Card. de Luca Relat. Cur. Rom. disc. 20. num. 26.

² Idem, loc. cit.

³ Idem, loc. cit. num. 23.

⁴ Chioc. tom. 12.

with new Demands and new Decrees; and if, by Misfortune, written Vouchers could not be produced, but only Witnesses, a voluminous Process must be drawn up, and thereby the Party put to vast Charges before he could be cleared: Whence People, being frightened, forbore to leave pious Legacies, or they expressly ordered that this Tribunal should not in the least meddle with their Wills.

IN order to shun these and many other Disorders which we pass over here, this Tribunal having become odious and burthensome to our Forefathers, the City and Kingdom had still recourse from time to time to our Kings to have it quite abolish'd, till at last our present most august Prince, moved by the Complaints of his Subjects, by his Royal Writ dated in *Vienna* in the Year 1717. ordained, That both the Nuncio and Commissary should depart the Kingdom, and their Tribunals be shut up; and upon the Arrival of this Order in the Month of *October* the same Year, it was immediately put in Execution, and not only the Nunciature, but the Tribunal of the Fabrick was suppressed: And by another Imperial Writ, dated in *Vienna* the 8th of *October* 1718. Count *Dunn* then Viceroy, was ordered to take a particular Account of the Extortions and Abuses committed by the said Tribunals, and how they might be remedied, as was accordingly done; and altho' the Nuncio returned in the Month of *June* 1719. and the Tribunal of the Nunciature was restored, yet the Restitution was attended with many Restrictions and Declarations, as shall be told hereafter; and the Tribunal of the Fabrick was not restored, but continues to this Day suspended and abolished.

S E C T. II.

Of Monks and Temporalities.

IF ever at any time new Religious Orders implied new Riches, or that Monks and Temporalities ought to be joined together, in this Century there started up two, which made it evident, that Monachism and worldly Riches are synonymous Terms; for notwithstanding that the fundamental Laws of their Institution forbid it them, yet the Devotion of the People being captivated by that very Prohibition, and Men thereby the more readily induced to give, it was afterwards easy for the Monks to obtain from *Rome* (where their Wealth generally centers) Dispensations and Explanations for rendering them capable of receiving.

IN this Century there started up many Societies of Regular Clergy; but one of the Principal was that of the *Theatins*. They were so call'd from *Gian-Pietro Caraffa*, Bishop of *Chieti*, by the *Latins* called *Theate*, who before he was translated to other Churches, and to the Papacy, together with *Marcello Gaetano Tiene*, a Gentleman of *Vicenza*, and Apostolical Protonotary, instituted this Order. *Clement VII.* in the Year 1524. approved of it; and it was afterwards confirmed by its Founder when Pope, by the Name of *Paul III.* and in 1567. by Pope *Pius V.* and by other succeeding Popes. From *Venice* (according to *Giorgio Rosso*¹, a cotemporary Writer) they came to us in the Month of *May* 1533. when they were greedily received by the *Neapolitans*, and especially by *Antonio Carracciolo*, Count of *Oppido*, who entertained them in a Place belonging to him, without the Gate of *S. Januarius*, but shortly after being received into the City, they were lodged by *Maria Francesca Lenza* (famous for her having founded the Hospital of Incurables) in some Houses belonging to her. But on account of the Narrowness of their Habitation, they were upon the Point of returning to *Venice*; but *D. Peter de Toledo*, the Viceroy, gave them the antient Parish-Church of *S. Paul* for a Habitation, whither they removed in 1538².

ALTHO' they professed a strict Poverty, and that by their Institution they could not so much as seek Alms, but were wholly to rely upon Divine Providence, which, as it takes care of the Lillies of the Field, and the Birds of the Air, so it was to provide for them; yet, in spite of their Teeth, the *Neapolitans* bestowed so much Riches and large Revenues upon them, that they have since erected such magnificent and stately Monasteries, that they vie with the most sumptuous Edifices in the World. They distinguished themselves above the rest, by their Vigilance in pre-

¹ Giornal. del Rosso, p. 95.

² Eugen. Nap. Sacr. p. 85.

venting the Errors that at this Time had been broached in *Germany*, from creeping into *Naples*; so that, as we have said, they were the most faithful Ministers of the *Roman Inquisitors*: And in process of Time, the Veneration of the *Neapolitans* for *B. Gaetano Tiene*, one of their Founders, came to that Height, that they erected a Statue of Brass to him in the *Piazza di S. Lorenzo*, and likewise placed one upon each Gate of the City, as a Token of the particular Devotion they had for him above all their other Patrons.

BUT about the same time there started up an Order, that in Time became much more famous, and spread more than all the rest; *viz.* that of the *Jesuits*, which has made so great a Noise in the World. It had its Rise in *France* from the famous *Ignatius Loyola*, a *Spaniard*; and the Introduction of this new Order into that Kingdom met with great Opposition, of which the History written by President *Thuanus* is full. The *Jesuits* were at last admitted there; and although in the Reign of *Henry IV.* in the Year 1594. they were obliged to leave that Kingdom, yet in 1603. they returned. They made wonderful Progress and Acquisitions in the other Dominions of *Europe*, and especially in *Rome* and the other Parts of *Italy*; and although in the Pontificate of *Paul V.* the *Venetians* forced them to depart their Territories, yet in the Pontificate of *Alexander VII.* they were again received.

BUT in our Kingdom they met not with the least Opposition; on the contrary, in 1551. having come under the Guidance of *P. Alfonso Salmerone*, the *Neapolitans* received them with no less Pleasure than they had the *Theatins*. In a short time they gained the Friendship of the Nobility, and particularly of *Ettore Pignatelli*, Duke of *Monteleone*, who lodged them in a House in the *Vicolo (Lane) del Gigante*, where there was a little Chapel; there they began to instruct the Youth in the Christian Doctrine, which put the Secular Priests upon doing the same. The *Neapolitans*, delighted with these their pious and charitable Labours, gave them a more commodious Habitation, and bought the House of the Count of *Maddaloni*, near the Church of *Monte Virgine*, where they built a Church, and call'd it the *Name of Jesus*, where the Fathers began to teach Children without any Reward, and to preach and perform other Spiritual Exercises; so that their Auditory growing so numerous, that that Church was not able to contain them, Cardinal *Alfonso Caraffa*, the Archbishop, gave them the Church of *S. Peter* and *S. Paul*, which in the Year 1564. the *Jesuits* pulled down, and re-built much larger: But afterwards they began to build a magnificent Structure for their famous College, which now takes up many Streets of the City; for the Sumptuousness of which, they induced the Prince of *Rocca* alone, to lay out Twenty thousand Ducats¹. The other immense and surprizing Acquisitions, which, in less than a Century, they made in the City and Kingdom, are too well known; the other stately and stupendous Edifices of their other Colleges and professed Houses, in the choice Places of the City and Kingdom, have exceeded all those of the most numerous and rich Orders that have hitherto appeared.

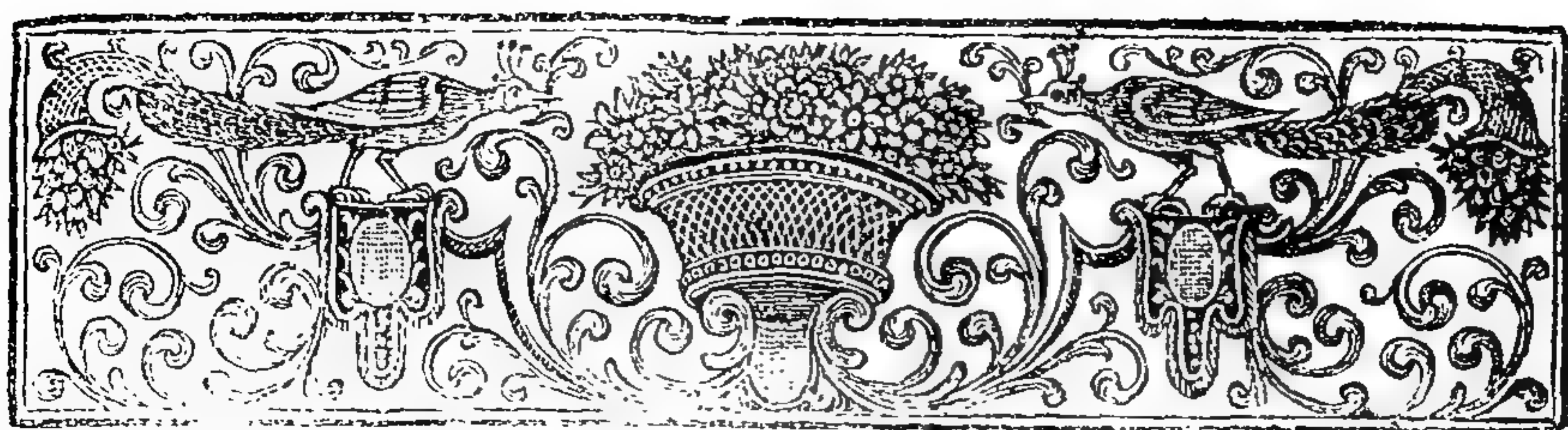
IT may, perhaps, seem very strange how they came by so great Riches, since they did not regard the ordinary Method of acquiring them; but they considered, that the Mendicants had no sooner obtained from *Rome* a Power of acquiring, than they lost their Credit, and the Devotion of the People, so that they made but small Progress afterwards: That those Orders that persisted in a downright and constant Poverty, kept up both their Credit, and the good Opinion the People had conceived of them, but did not acquire Riches; so that it behoved them to think of a Medium between Poverty and Plenty; by Poverty to gain the Credit and Devotion of the People, and by other Hands to receive what was offered and given to the Society: For which end they instituted the profess'd Houses and Colleges. The profess'd Houses by no means can acquire or possess Immoveables; in these they profess Poverty, and 'tis the chief Aim of all their Labours; but the Colleges, where they receive and instruct the Youth, by bringing them up to Vertue, that they may afterwards be fit to live in Evangelical Poverty, they can acquire and possess Immoveables. By this means Poverty comes to be their Scope and essential Design, but accidentally they receive Possessions and Riches. Nevertheless, from what has since happened, and from the great Number of Colleges, and from the few profess'd Houses, every Body may conclude what their Essential is, and what

¹ Eugen. Nap. Sacr. pag. 308.

their Accidental. From the Beginning of the last Century, it has been reckoned, that the Jesuits had no more than Twenty-one profess'd Houses, but the Number of Colleges amounted to 293. Add to that, the other Colleges and vast Acquisitions which they have made since, during the Course of another Century to this Time, and it will be seen, that there has been no other Order, that in a Century and a half, ever acquired so much Immoveables, and heaped up so great Riches and Treasure as this.

IN these Times the antient Orders underwent many Reforms, such as the *Cisterciens* and *Recollects*, or *Zecolanti*, both of the Order of *Friars Minores*, and the *Penitents*; the Reform of the *Carmelites* introduced by S. *Theresa*, who began with the Women, and afterwards extended it likewise to the Men, whence arose the *Unshod Theresians*; and the Reform of the *Hermits of S. Austin*, for the Monks of that Order. There were likewise new Orders founded, such as that of the *Brothers of Charity*, instituted by S. *John of God*, and that of the Regular Clerks, called *Sacramentals*, instituted by *Girolamo Miano*, or *Emiliano*, a noble *Venetian*, for the Education of Orphans; and in 1540. confirmed by Pope *Paul III.* who afterwards, in 1568. were by Pope *Pius V.* admitted to make monastick Vows; and some others: But all these Reforms and new Orders were not introduced into our Kingdom upon their being first instituted, they came among us much later. so that as Occasion offers, we shall give an Account of them in the following Books of this History.





T H E

CIVIL HISTORY

Of the KINGDOM of

N A P L E S.

B O O K XXXIII.



ING *Philip II.* in the Government of his Kingdoms, did not follow the Foot-steps of the Emperor *Charles V.* his Father, who travelling over all his vast Dominions, adapted himself to the Humours of the different Nations, and was not only acceptable to the *Spaniards*, but to the *Flemings*, *Germans*, and *Italians* : On the contrary, *Philip*, upon the Death of *Mary Queen of England* his second Wife, left *Flanders*, and resolving to fix in *Spain* for good and all, he shut himself up in *Madrid*, and giving himself over intirely to the *Spaniards*, he began to govern the *Monarchy* according to their Maxims ; and being

flattered by them as the most prudent and wise King of the Earth, full of himself, he took upon him to govern the World from his Cabinet. Some have attributed the Decline of the *Monarchy of Spain* to him, at least, that such Seeds were sown by him, as in Time produced nothing but Disorder, Losses, and Confusion ; for the *Spaniards* governed so imperiously, that they gained the Hatred of the foreign Nations ; whence they lost *Flanders*, and afterwards, in the Reign of *Philip IV.* his Grandchild, *Catalonia*, *Naples*, and *Sicily* were in Danger : *Portugal* revolted, and the *Monarchy* was at last reduced to that deplorable State in which it was seen in the Reign of *Charles II.* the last of his Male Posterity.

THERE has been so much written of *Philip II.* that it would be mispending of Time to repeat the same Things here ; in this History therefore, we shall only recount some signal Events relating to the Polity of our Kingdom, whereby the Reader may be acquainted, as well with the Civil and Temporal, as the Ecclesi-

astical

astical State thereof, during the Forty-four Years that he reigned, from 1554, when his Father resigned to him the Kingdoms of *Naples* and *Sicily*, to the 13th of *September* 1598. when he died. In that Space of Time he sent hither eight Viceroy, besides six Lieutenants, who governed the Kingdom in their Turns. And 'tis surprizing to find what immense Sums were drawn out of it during that Time, by the Donatives which were made him upon various Occasions, of which our Writers have made long Catalogues¹; but there being so many, it was not possible to keep an exact Account of them: Therefore in the Volume of the Statutes there are a vast Number of Favours and Privileges granted by this Prince to the City and Kingdom of *Naples*, but always ill executed, and worse observed.

AS we have said, he took Possession of this Kingdom in his Father's Life-time, by the Marquis of *Pescara*, in the Viceroyalty of Cardinal *Pacecco*, and Pope *Julius* III. gave him the Investiture of it, in which his Holiness declared, That he did not in the least derogate from the Right of Queen *Jean* his Grandmother, *Charles* V's Mother, who was still alive. The Bull is dated the 3d of *October* 1554. and recorded by *Cbioccarello* in the first Tome of his *MS. Giurisdizionali*.

WHILE Pope *Julius* lived, and during the few Days that *Marcellus* II. his Successor sat in the Chair, our Kingdom enjoyed Peace and Tranquility. Cardinal *Pacecco* being confirmed in the Government of the Kingdom by the new King, pursued his prudent Conduct, in taking care to see Justice rightly administred, of which we have flagrant Instances in his eight Edicts inserted in the Volumes of our Laws². His Prudence is likewise conspicuous in the History of the Council of *Trent*, written by Cardinal *Pallavicino*, in which Assembly he was at great Pains till 1560. the Year of his Death. But Pope *Marcellus* being scarcely seated in *S. Peter's* Chair, died on the 30th of *April* 1555, and the Election of a new Pope, deprived us of Cardinal *Pacecco*, who was obliged to go to *Rome*, leaving *Bernardino de Mendoza* his Lieutenant, who governed the Kingdom only six Months.

BUT the Election of Cardinal *Giovan-Pietro Caraffa*, who took the Name of *Paul* IV. disturbed the Peace of the Kingdom. This Pope being an Enemy to the *Spaniards*, and ill-pleased with the Emperor *Charles*, who had thwarted his Election in the Conclave, brought that War upon the Kingdom which we are now going to give an Account of.

¹ Mazzella Descriz. del Reg di Nap. Costo in |
Apolog. Tassione de Autef.

² Chronologia Prag. tom. 1.



CHAP. I.

War made by Pope Paul IV. upon King Philip, in order to deprive him of the Kingdom: The Occasion, Pretence, and bad Success of it.



ALTHOUGH there be many Writers who have given us the History of the War made upon the Kingdom of *Naples* by Pope *Paul* IV. yet it having been so accurately written by *Alessandro d'Amore*, a *Napolitan*, who was present, and served in it under Colonel *Marques*, we shall follow him preferable to all the rest; so much the rather, that the President *Thuanus*, in describing it in his History, has likewise followed the same Writer: In the mean time, it will be necessary here to give an Account of the Grounds of this War, and the Pretences for entering into it.

GIOVAN PIETRO CARAFFA, Son to the Count of *Montorio*, in his Youth having applied himself to the Study of Literature, and especially Divinity and the Languages, owed his Rise to the famous Cardinal *Oliviero Caraffa*, who entertained him in his own House in *Rome*, when he was only a simple Canon of the Cathedral Church of *Naples*¹. Cardinal *Oliviero* having resigned the Bishoprick of *Chieti* in 1505, Pope *Julius II.* made him Bishop of that See; and on account of his Knowledge in the *Latin, Greek, and Hebrew* Languages, he became a great Favourite of Pope *Leo X.* who sent him Nuncio to *England*, to receive, as was customary then, *S. Peter's Pence*. King *Ferdinand the Catholick*, out of Regard to *Leo*, did him great Honour at his Court, by making him one of his Privy Counsellors, and Vicar to his Chaplain Major, in which Dignities he was confirmed by *Charles V.* who likewise offered him the Archbishoprick of *Brindisi*², of a much greater Revenue than the Bishoprick of *Chieti*³; but being then seized with heavenly Raptures, and professing Piety, he not only refused it, but likewise resigned the Bishoprick of *Chieti* into the Hands of *Clement VII.* then Pope, and shunning the Conversation of Men, he retired to *Monte Prucio*, where he led an austere and solitary Life: But that City being afterwards pillaged, he was forced to quit it and go to *Verona*, and from thence to *Venice*, where, being joined by *Gietano Tienne, Bonifacio del Celle*, and others, he instituted the Order of Regular Clerks, who, from the Name of the Church he formerly had, as we have said, called themselves *Theatins*, which Institution being afterwards approved of by *Clement VII.* rendered him very famous, not only for Learning, but for the Sanctity of his Life and Manners, insomuch, that *Paul III.* in that remarkable Promotion of new Cardinals, which he made on the 22d of *December* 1536. advanced him to the Purple, and then obliged him to accept of the Church of *Chieti*, which about that Time was made an Archbishoprick.

POPE *Paul III.* had a vast Esteem for him, not only on account of the Sanctity and Austerity of his Life, but because he was a great Stickler for the Apostolick See, and a terrible Persecutor of the Hereticks, which in his Time swarmed in many Countries of *Europe*. It was he that put *Paul III.* upon raising the Tribunal of the Inquisition in *Rome*, and rendering it terrible by so many rigorous Laws and new Methods; which afterwards in his Pontificate grew to that Height⁴, that, as may be seen in the preceding Book, that Tribunal was abhorred, not only by foreign Nations, but by *Italy*, and even *Rome* itself; insomuch, that he was no sooner dead, than the *Romans* burnt the Tribunal and the Prisons, and set the Prisoners at Liberty: Whence it came, that with us the *Theatins* rendered themselves famous by preaching up the Inquisition; and it was they that often informed against those that were suspected of Heresy, and got them to be put in Prison.

WHILE this Cardinal staid with *Paul III.* in *Rome*, it was discovered, that both he and the Pope were Enemies to the Emperor and the *Spanish* Nation, and great Favourers of the King of *France*, then *Charles's* Enemy. The Hatred which the Cardinal bore the *Spaniards*, proceeded from an old Cause, which was, that many of the Family of *Caraffa*, during *Lautrech's* Invasion, having sided with the *French*, as soon as the Invasion was over, some of them were severely punished; on the other Hand, the *Spaniards* were firmly persuaded, that during the Commotions in the Year 1547. occasioned by the Inquisition, he had used his utmost Endeavours (promising not only his own Assistance, by going in Person to *Naples*, but likewise that of his Relations) to persuade the Pope not to slip so fair an Opportunity of making himself Master of the Kingdom, and that God would call him to a strict Account if he should neglect to make so great an Acquisition to his Church; with which the Duke *D'Alba* did not fail to upbraid him after he was Pope, in a Letter he wrote him before the War broke out, which is recorded by *Summonte*⁵: Wherefore the *Spaniards* having acquainted the Emperor with the Cardinal's being in the

¹ Thuan. lib. 15.

² Chiocc. Archiep. Neap. Anno 1549.

³ Thuan. loc. cit.

⁴ Ibid. lib. 22. Hist. Tum a Curis belli vacuus, totum se Inquisitionis muneri, quod Sanctissimum vocabat, mancipavit, quam in omnes severè admodum exercuit. Huic ut præ esset Michaellem Gisslerium Alexandrinum

nuper a se in Cardinalium Collegium cooptatum summa austeritate, ac morum asperitate virum delegit: Et in hoc Tribunali non Hæresicos solum, sed aliquot etiam crimina, quæ aliorum Judicium sententiis definiti solebant, agitari voluit.

⁵ Summ. tom 4. p. 273

French Interest, and of his Aversion to the *Spanish*, the Emperor scored him out of the List of his Counsellors. And besides that, the same Pope *Paul III.* at the Request of the Cardinal, having given the Priory of *S. Hieron* in *Naples* to *Card. Caraffa*, his Nephew, *Toledo*, who was then Viceroy, hindered him from taking Possession of it.

BUT in 1549. by the Resignation of *Ranuccio Farnese*, the Church of *Naples* being vacant, *Paul III.* immediately gave it to the Cardinal, who, having got the Bulls to be dispatched, without any more ado thought to have been put in Possession of it, but the Viceroy *Toledo* refused to give the *Exequatur Regium* to the Bulls; and a few Days after Pope *Paul* dying, and on the 10th of *February* 1550. *Julius III.* being elected in his Room, wrote a very pressing Letter to the Emperor *Charles V.* begging of him not to delay any longer the giving Cardinal *Caraffa* Possession of the Church of *Naples*; among other Things in this Letter, which we read in *Chiccarelli*¹, he insists much upon the Cardinal's Innocence, and that what had been reported of him was nothing but Calumny; for it had never entered into his Mind, *in proximo Neapolitano tumultu, illud tantum Regnum legiro præce. sed tradere: Nec vero nos quid tale de hoc viro audivimus, &c. Nec is tantum non meliori, tantis meritis cedere, periculum ipse facultatibus, ausus esset.* Therefore he intreated him to give the Cardinal Possession, and for that End sent a Nuncio to negotiate the Affair.

THE Emperor, having no Grudge against *Julius*, as he had had against his Predecessor, hearkened to his Request; and the Affair being taken into Deliberation, not only in *Rome*, but in *Spain* and *Naples*, after a long Consideration, according to the usual Slowness of the *Spaniards*, at last the Cardinal obtained the *Exequatur Regium* to his Bulls, and an Order came from the Emperor to put him in Possession.

BUT the Cardinal knowing, that if he should go to *Naples*, he would be but coldly received by the *Spaniards*, sent Bishop *Amico*, who, as his Proctor, on the 2d of *July* 1551. took Possession for him, and was made his Vicar. In this manner did he govern the Church of *Naples* four Years by this Vicar, and never came to reside himself; wherefore the *Spaniards* frequently thwarted his Vicar, and started Difficulties about his Jurisdiction.

JULIUS III. was succeeded by *Marcus II.* who living but a short time after his Election, on the 23d of *May* 1555. Cardinal *Caraffa* was elected in his Room, who took the Name of *Paul IV.* It was very surprizing to find this Man, who had led a holy and austere Life, no sooner advanced to the Papacy, than he became proud and insolent; for being asked after what manner he would be pleased to live, he answered, *As it becomes a great Prince*. The *Spaniards* were very ill-pleased with the Election; so that King *Philip* thought fit to order Cardinal *Paleario* not to return to his Government of *Naples*, but to remain in *Rome*, that by his Prudence and Management he might find Means, either to soften the new Pope, or to look narrowly into all his Proceedings, and give him an Account of his Designs, that he might be upon his Guard to prevent any Insult.

IT was not long before it was found out that the Pope was resolved to be revenged of the *Spaniards*, and to enter into a new League with *Henry* King of *France* for attacking the Kingdom; of which *Philip* being advised, very opportunely sent to be Viceroy of *Naples* *D. Ferdinando Alvarez de Toledo*, Duke *D'Alba*, who, being then Governor of *Milan*, had the chief Command of the *Spanish* Troops in *Italy*: This was that famous General, who, by his many renowned Actions, rendered himself glorious, not only in *Germany* and *Italy*, but likewise in *Flanders* and *Portugal*.

THE Duke *D'Alba* arriving in *Naples* about the End of the Year 1555. began narrowly to observe all the Proceedings of the Pope; who, as well in order to raise his Nephews, as to strengthen himself for the Expedition he designed against the Kingdom of *Naples*, under Pretence, that *Montemonte Colonna* kept a secret Correspondence with the *Spaniards*, had divested him of the Lordship of *Pallano* in *Campania* at *Rome*, and given the Investiture of it to *Giovanni Caraffa*, Count of *Montorio* his Nephew, with the Title of Duke of *Pallano*; and at the same time had invested *Antonio Caraffa*, another Nephew, with the County of *Bisignano*, and

¹ Chiccarelli de Archiep. Neap. loc. cit.

² Thuan. lib. 15. Hist.

given him the Title of Marquis of *Montebello*; and had made *Carlo Caraffa*, another Nephew, Knight of *S. John of Jerusalem*, a Cardinal. He depressed all those that were in the Interest of *Spain*, and raised those of the contrary Faction; yea, he caressed all the Exiles and Malcontents of our Kingdom, and protected them in *Rome*; and among the rest he received *Bartolomeo Camerario* our famous Lawyer. And he went so far, that there being some Letters intercepted, he caused *Giovanni Antonio de Tassis*, the Post-Master, to be put in Prison, and cruelly tormented, depriving him of that Office which the Kings of *Spain* were always wont to keep in *Rome*; and besides that, he caused *Garcilasso della Vega*, Philip's Ambassador as King of *England*, to be imprisoned, and ordered all the Friends and Servants of the King, and his Ministers, that were in *Rome*, to be narrowly looked after.

SUCH was his Imprudence, that, not able to conceal the Malice and Hatred he bore the King and the *Spaniards*, he publicly threatened to deprive him of the Kingdom, as being devolved to the Holy See. *Paul IV.* according to *Bacon* of *Jerusalem*¹, was proud and imperious, and naturally rough and severe, which led him frequently to speak very reproachfully of the King and the Emperor, in Presence of all Sorts of Persons; and once a *Spanish* Cardinal being present, he spoke the more freely, and even commanded him to write what he had said of them. And one Day, in a publick Consistory, he ordered his Attorney-General, and *Silvestro Aldobrandino*, the Consistorial Advocate, to plead, and insist upon it, that the Kingdom ought to be declared devolved to the Holy See; to which he answered, That he would take care of that in due time². With which the Duke *D'Alba* did not fail to upbraid him, as an indiscreet Attempt, in that Letter he wrote him³, in these Words; *Your Holiness has suffered the Attorney-General, and Solicitor of the Holy See, in a Consistory wherein you was present, to make so unjust, unreasonable, and inconsiderate a Demand, that the King my Master should be deprived of the Kingdom, to which your Holiness consented, by saying, That you would take care of that in due time.* But this Affair was carried beyond a simple Demand, for an Action was commenced, and Sentence pronounced.

THE President *Thuanus*⁴, and *Soave* write, that the Reason that moved the Pope to declare the Kingdom devolved, was because *Philip*, according to him (the Pope) had committed High Treason, by having countenanced and received under his Protection the *Colonn* his Rebels. But the Pretence which was made publick, and upon which the Sentence was founded, was the Non-payment of the Arrears of the Quit-Rent. King *Philip*, before he had received News of Cardinal *Caraffa*'s being elected Pope, had written a Letter, dated the 25th of *June* 1555. to his Ambassador in *Rome*, in which he gave him in Charge to treat with the Pope that should be elected, about remitting the yearly Quit-Rent of Seven thousand Ducats claimed by the Apostolick See; because in the Agreement made between *Clement VII.* and the Emperor *Charles V.* his Father, among other Things it was stipulated, that upon the Emperor's getting the *Venetians*, and the Duke of *Ferrara*, to restore to the Holy See some Cities and Lands which had been taken from it, of which they were in Possession, neither he nor his Successors should be bound to pay the said yearly Quit-Rent of Seven thousand Ducats, but only to send to the Apostolick Chamber a white Nag in lieu thereof; and seeing the Emperor had fulfilled the said Promise, and got the *Venetians* and the Duke of *Ferrara* to deliver up those Cities and Lands belonging to the Apostolick See, the Quit-Rent ought to be remitted: Moreover, ordering him, that if the new Pope was not as yet elected, and while the See was vacant, he should deposite the Quit-Rent of that Year, since the Term of Payment was drawing near, with a Protest, that it ought to be returned, as not due⁵.

IF any other of the Cardinals had been elected, he would have thought the Demand reasonable, but *Paul IV.* laid hold of it as a fit Pretence for carrying on his Designs; for rejecting it as unjust, he not only claimed the Arrears, notwithstanding the Agreement of *Clement VII.* but these Arrears not being paid at the Time appointed, he ordered his Attorney-General, as we have said, to insist upon *Philip*'s having forfeited the Kingdom, and its being devolved to the Holy *Roman* Church for Non-payment of the said Quit-Rents, and a

¹ Bacon. Hist. vite & mortis: Alios gerens
ignis, & imperiosus.

² Thuan. lib. 17. Hist.

³ Summon. tom. 1. lib. 12. cap. 1.

⁴ Thuan. lib. 17. Hist.

⁵ Chioe. MS. Clav. tom. 1. in fin.

Bull was accordingly drawn up¹: However the Sentence was never published, because, as we shall see, the Duke *D'Alva* hemmed the Pope in so close, that he was fain to humble himself, and by the Mediation of the *Venetians*, to accept of Peace. *Alessandro d'Andrea*² writes, that his not publishing the Sentence was owing to the Advice of *Bartolomeo Camerario*, who, as we have said, being an Exile, staid at *Rome* under the Protection of the Pope.

BUT, by some intercepted Letters, it was discovered, whence the Pope's great Vanity and Arrogance proceeded, not only in speaking, but acting so publicly and openly both against the King and Kingdom: In fine, the Treaty and League, which, by the Means of the Cardinals *Tournon* and *Lorrain*, he had made with the King of *France* in order to invade the Kingdom, was discovered; and what is more, it was then found out, that the Prince of *Salerno*, who had gone from *France* to *Constantinople*, having had a Hand in that Alliance, the Pope, by means of King *Henry* and the Prince, had likewise made a League with the *Turk*, that he by attacking, or at least infesting the Kingdom by Sea, the Conquest of it by Land might be the more easy. It was also reported, that the Pope, in order to aggrandize his Nephews, had concerted with the King of *France* to marry his Niece *Maria*, the Cardinal and the Duke's Sister, to one of his Sons, who was to be invested with the Kingdom, according to the Articles, which shall be related, and that the Investiture should be her Portion; and it was then thought, that the Marriage would have taken Effect, if the Design upon *Naples* had succeeded, and if *Maria*, who was only nine Years of Age, had not been snatched away by an untimely Death.

THE Articles of the League concluded in *Rome* on the 15th of *December* 1555. recorded by *Sammonete*³, were these:

THAT the most Christian King, with all his Forces, should be obliged to defend his Holiness Pope *Paul* IV. against all Persons whatsoever that should offer to offend him; and if he should be attacked, to come himself, or send Armies into *Italy* for his Defence.

THAT he should take under his Protection the Cardinal *Caraffa*, the Count of *Montorio*, and *D. Antonio Caraffa*, his Holiness's Nephews, and their Off-spring, and make up what Losses they might happen to suffer, either in their Titles or Estates upon account of this League, by giving them other Titles and Estates in *Italy* or in *France*, suitable to their Nobility, and his Royal Generosity.

THAT the King should send into *Italy* Ten or Twelve thousand foreign Foot, more or less, according as should be judged necessary, and 500 *French* Lance-Men, with 500 light Horse.

ON the other Hand, That the Pope should furnish out of the State of the Church, or otherwise, 10,000 Foot, more or less, as Occasion required, with their Generals and other Officers, and 1000 Horse.

THAT he should give Passage, Victuals, Artillery, Ammunition, and other Necessaries, which the Army of the League should stand in need of in the State of the Church, they paying for the same.

THAT the War may be begun either in the Kingdom of *Naples*, or in *Tuscany*, as shall be found most expedient for the common Cause.

THAT upon conquering the Kingdoms of *Naples* and *Sicily*, the Pope shall give the Investitures of them to one of the most Serene Sons of his most Christian Majesty, provided it be not the Dauphin, when, and as often as it shall be required by King *Henry*, reserving the City of *Benevento*, and its Territories and Jurisdiction: and with this Condition likewise, that the Limits of the State of the Church be enlarged and extended on this Side of the *Apennines*, as far as *S. Germano* inclusive, and to *Garigliano*; and on the other Side of the *Apennines*, as far as the River *Pescara*: So that all that Tract of Land lying within the said Limits of the Province of *Abruzzo*, as far as *Pescara*, and of the Province of *Terra di Lavoro*, as far as *S. Germano* inclusive, and to the River *Garigliano*, may be understood to be within, and belong to the Jurisdiction of the Church; and the Borders of the Kingdom shall be confined within the said Rivers, and a straight Line cross the *Apennines* from *S. Germano* to the Head of the River of *Pescara*, within which Bounds are comprehended the City,

¹ Chiod. loc. cit.

² Aless. Andrea della Guerra di Campagna di

³ Roma, e del Regno di Napoli nel Pontificato di Paolo IV. Ragionamento I.

Sammon. par. 3. lib. 10. cap. 1.

Fort, and Harbour of *Gaeta*, which were to belong to the Church, as well as all the other Lands and Places contained within the aforesaid Bounds.

THAT the Quit-Rent shall be increased to 20,000 Ducats of Gold, besides the usual Nag.

THAT the Apostolick See shall have a free Estate in the Kingdom of the yearly Rent of 25,000 Crowns of Gold, in a convenient Place at the Pope's Choice.

THAT there shall be given to the most illustrious Lord, the Count of *Montorio*, an Estate likewise free, & *pleno jure*, at the Pope's Choice, and which shall yield a Revenue of 25,000 Crowns, and belong to him and his Heirs whatsoever, Male or Female, as he shall think fit to appoint, with Power, by his last Will, to give or sell it, as he shall judge most convenient; and if he should happen to die Intestate, the nearest Heirs shall succeed.

THAT such another Estate, or at least of 25,000 Crowns Revenue, shall be given to D. *Antonio Caraffa*.

THAT the King, as soon as possible, shall send his Son to be invested with the Kingdoms, and to reside and be brought up in one of them, and both to be governed in his Name. The Council, with respect to the Administration and Government of the State, shall be composed of faithful Men, devoted to the Pope and the Holy See, and be chosen with common Consent, till the said young King shall be of Age to govern by himself the said Kingdoms; that the most Christian King shall chuse Governors for taking care of his Person, and that the Captain-Generals of the Army shall be Men well affected to the Pope and the Holy See, and chosen by common Consent.

THAT the most Serene Prince, who is to be invested, his Heirs and Successors, shall not be elected or named King or Emperor of the *Romans*, or King of *Germany* or of *France*, or Lord of *Lombardy* or *Tuscany*.

THAT till he who is to be invested, shall arrive in these Kingdoms, they shall be governed and managed with common Consent, and according to the Liking of the Pope and the King, by one or more; and those who shall be pitched upon, whether Ecclesiasticks or Laicks, shall be obliged to take an Oath to his Holiness and the most Christian King, faithfully to administer and govern to the Satisfaction of both.

THAT if the most Serene Son, who is to be invested, be not of a proper Age for taking the Oath, and doing Homage to the Pope and the Holy See, the King, as his Father and Tutor, at the giving of the Investiture, shall be obliged to swear and do Homage for him: Which Oath shall be exactly of the same Form with the Oaths formerly in use to be taken to the preceding Popes and the Apostolical See, especially to Pope *Julius III.* to which Form shall be added and altered, all that which by the present Articles is added and altered.

THAT as an Acknowledgment of this first Investiture, he is hereby bound to build in the Church of *St. Peter* in *Rome*, one of the great Chapels; and when the said King shall be of lawful Age, he himself shall take Oath, and do Homage to the Pope and his Successor.

LASTLY, That by Virtue of the Investiture to be given, he shall be obliged to allow 10,000 *Tonels* of Grain to be exported from the Kingdom of *Sicily ultra Pharrum*, as often as the City of *Rome* shall have Occasion for it, without paying any Duty.

THESE Articles, so well contrived by the Pope, made him speak with so much Boldness and Dildain; and in the Interim he lost no Time in strengthening himself before-hand, which made the Duke *D'Alba* suspect him the more; for Cardinal *Cicci*, and his Brother the Duke, were openly, with all Diligence, fortifying *Pallano*, and had carried thither *Pietro Strozzi*, an Officer in the King of *France's* Service, who was then in *Rome*, in order to take his Advice about the Fortifications proper to be made there; and News was Daily brought to *Naples* of Commissions given by the Pope for levying Soldiers. He had likewise taken into his Service *Camillo Orsini*, an experienced Officer of those Times, and had sent *Paolo* his Son with a thousand Foot to *Perugia*, besides Twelve hundred *Gaskoigne* Foot, which the King of *France* sent him from *Cervica* to his Assistance: They were hard at Work building Bastions in *Rome*, and adding new Fortifications to many Places of the State of the Church.

THE Duke *D'Alba*, seriously considering all this, at last, like an experienc'd General, resolved to prevent the Pope, and in order more securely to defend the

Kingdom, to attack the Ecclesiastical State, and make it the Seat of the War. In the mean time he did not neglect, by Messengers and Letters, to complain to the Duke of *Palliano* of these Innovations made by the Pope his Uncle, and to offer him Peace; but instead of an Answer, the Preparations for War were continued with greater Vigour, and News brought, that Cardinal *Caraffa* was gone to *France* to solicit that King's Assistance in the Expedition.

THEN this gallant and prudent General, unwilling to wait till the Storm should fall upon the Kingdom, after having sent a particular Account to King *Philip* in *Spain* of the impending War which the Pope was preparing to make for possessing himself of the Kingdom, assembled the best Way he could 12,000 Foot, 300 Men at Arms, and 1500 Light Horse, with twelve Pieces of Ordnance, and on the first Day of *September* 1556. marched towards the State of the Church, and upon his Arrival at *S. Germano*, took Possession of *Pontecorvo*¹. Before he advanced further, he was resolved to sound the Pope anew, and for that End sent *Pirro Lefireus*, with Letters directed² to him and the College of Cardinals, wherein he offered him Peace, and roundly protested, that all the bad Consequences of a War should be imputed to him.

BUT the Pope, altogether averse to Peace, trusting to the League with *France*, and more insolent than ever, slighted the Letters; whereupon the Duke pursuing his Conquests, made himself Master of *Frisclene*, *Veruli*, *Banco*, and other Places in that Neighbourhood. The Pope highly enraged, caused *Pirro Lefireus* to be imprisoned in Castle *S. Angelo*; and if the College of Cardinals had not hindered it, he would have made him be put to a cruel Death, and the Duke in the mean time pursuing his March, made himself Master of the important Cities of *Anagni*, *Tivoli*, *Viterbo*, *Ponte-Lucano*, and of almost all the Cities belonging to the *Colonna*, as far as *Murino*, and threatened to besiege *Veletri*, making Incursions to the very Gates of *Rome*.

THIS General left us an excellent Lesson, and a noble Example, that the best Way to carry on a War against the Pope for the Defence of the Kingdom, is to attack him in his own Dominions. The Duke, besides his former respectful Behaviour to the Pope, in taking Possession of the Cities belonging to the State of the Church, that it might not be said that he made these Conquests in order to rob the Church, caused the Arms of the Sacred College to be painted upon the Gates of the Cities, from time to time as they surrendered, with a Protestation, that he kept them in Name of the said College, and of the future Pope: Although, as *Alessandro d'Andrea*³ writes, there were some who took this to be an artful Contrivance of the Duke, to create Jealousy and Discord between the Pope and the College.

ON the other Hand King *Philip*, according to his usual Custom, and the *Spanish* Sagacity, caused this Affair to be taken into Deliberation, and as in the Conquest of *Portugal* he consulted the greatest Lawyers of those Times, and the most famous Universities of *Spain* and *Europe* to make it more plausible; so in this Affair with *Paul IV.* he consulted the Divines how he was to behave, and what was fit to be done against a Pope, who, on many Occasions, both when he was Cardinal, and now being Pope, had been a professed Enemy to the Emperor his Father and to himself, and who had entered into a League with the King of *France* for attacking the Kingdom of *Naples*. He seemed to be very much troubled at this new League, and with great Difficulty was drawn into this War; he considered that the Truce made with the King of *France* was now broken by means of the Pope, who ought rather to have made it his Business to keep Peace among Christian Princes: he looked upon it as a very scandalous Thing that the Pope, having caused Cardinal *Caraffa*, in his Name, to promise the King of *France*, that in the new Promotion, he should make such a Number of Cardinals, Favourers of *France*, and Enemies of *Spain*, that he should always have a Pope in his Interest, had absolved that King from his Oath in order to break the Truce, and make War upon the Kingdom of *Naples*, notwithstanding that the Princes of the Blood, and the Nobility of *France*, abhorred the Infamy of breaking the Truce, and receiving Absolution of the Oath. He considered, that in the very first Year of his Reign, it was his Misfortune to be obliged to take up Arms against the Vicar of Christ: Therefore he ordered the following Heads to be taken into Consideration.

¹ Alessandro Andrea Rag. 1.

² Summonte loc. cit.

³ A. d. Andr. loc. cit.

W H E T H E R the King could order, that none of the Subjects of his Kingdoms should go to, or remain in *Rome*, even although they were Cardinals; that all Prelates should come and reside in their Churches, and that the beneficed Clergy should come and serve in their own Churches, and upon their refusing, if they could be deprived of their Temporalities?

W H E T H E R, during a War with the Pope, he could hinder Money from being sent to *Rome*, either by Bills of Exchanges, or any other Way, directly or indirectly, for obtaining Bulls, Briefs, &c.?

W H E T H E R he could call a National Council in *Spain*, or in any other of his Majesty's Dominions, for reforming and redressing Ecclesiastical Matters, and what Method ought to be taken for calling it?

W H E T H E R, supposing the State in which the Council of *Trent* is at present, and what was determined in the last Session of it, a Continuation of the said Council, and a Reformation in its Head and Members might be demanded, and the End for which it was called prosecuted; and in case the Pope should forbid it, whether he might be resisted, and, notwithstanding his Dissent, the Prelates of his Majesty's Dominions might be sent to hold it, and what Method should be taken for carrying on the said Continuation, in case the Prelates of other Kingdoms should absent themselves?

PAUL IV. not having been Canonically elected, but having intruded himself into that See, whether his Election may be said to be void, and what is fit for his Majesty to do in that Case?

W H E T H E R, after so much Trouble, Charges, and Inconveniencies, which the Subjects and Natives of his Majesty's Dominions of *Spain* have suffered, in going to the Court of *Rome* on account of Suits at Law, and other Affairs, it may be demanded, that the Pope should appoint a Legate in the said Kingdoms for dispatching Affairs *Gratis*, and establish a Rota (Court) in *Spain* for deciding Suits at Law, that the Subjects may not be obliged to go to *Rome*; and if that should not be granted, what is proper to be done?

I T having been seen, that so many Abuses are practised at *Rome* in the Provision of Benefices, Prebends, and Dignities; and it being evident to every Body, that the King may require the Provision to be left to the Ordinaries, and suppress the other Abuses, what Remedy can be now applied for removing so many Disorders and Excesses resulting from such Provision of Benefices?

W H E T H E R it be just, that the Pope should have the Fruits and Revenues of the vacant Churches within his Majesty's Kingdoms; and whether it ought to be suffered, and what he is to do in that Matter, since 'tis known, that he forbears to take them in other Kingdoms, and that such a Custom has been but lately introduced into his Majesty's Dominions?

W H E T H E R it may be lawfully demanded and claimed, that the Apostolical Nuncio, residing in his Dominions, should dispatch Business *Gratis*, and no otherwise? and what can or ought to be done in that Matter?

T O each of the aforesaid Heads, an eloquent *Spanish* Divine gave King *Philip* suitable and affirmative Answers¹; so that the King being thereby encouraged, wrote to the Duke *D'Alba* to go on vigorously with the Expedition, and to make use of all proper Expedients for bringing the Pope to Reason, for that he himself on the other Hand would not fail (if he did not amend) in his Dominions of *Spain*, to make good his Pretensions deduced in the said Heads.

T H E Duke therefore, during the remaining Part of the Year 1556. having made great Progress in the Ecclesiastical State, which occasioned so great Terror and Confusion in *Rome* itself, that a vast Number of Families left the City, believed that he had sufficiently humbled the Pope; but he sticking close to his Purpose, and because of the Duke's Success, more passionately bent upon Revenge, ordered the Marquis of *Montebello* to attack the Kingdom on the Side of *Trento*, hoping thereby to foment a Sedition in *Abruzzo*, and to remove the Seat of the War from his own Dominions into the Kingdom. But *D. Ferrante Loffredo*, Marquis of *Trevico*, the Governor of that Province, to whom the Viceroy had sent a Re-inforcement, having marched against the Marquis of *Montebello*, not only

¹ The Answers made by the said Divine, dated in *Valladolid*, the 15th of November 1555. are recorded by *Chioccarelli*, in tom. 18. of his *MS. Giurisd. in fin.*

forced him to shut himself up in *Ascoli*, but took him Prisoner, and pillaged *Mantignano*.

THE Pope pressed the King of *France* to send him the promised Succours, and exclaimed against the Duke *D'Alba*, cursing and excommunicating him: On the other Hand, the more the Pope exclaimed, so much the more did the Duke pinch him; for having marched towards *Grottaferrata* and *Frescati*, he took Count *Baldassare Rangone*, with a hundred and fifty of his Men lying in Ambush; then he halted under *Albano*, from whence he sent *Ascanio della Cornea*, to take Possession of *Perigliano* and *Ardea*¹. From thence he marched towards the Sea, and with small Opposition made himself Master of *Nettuno*; from thence he marched to *Ofit*, which having surrendered, he began to batter the Castle, which after some Resistance likewise surrendered, and was garrisoned by the Viceroy: And now his Cavalry scoured the Country, without Opposition, to the very Gates of *Rome*.

CARDINAL *Caraffa*, who was returned from *France*, by Means of the Cardinal of *S. James*, the Viceroy's Uncle, proposed an Interview, in order to set on Foot a Treaty of Peace: Accordingly the Duke and Cardinal *Caraffa* met in the Island of *Furcinia*, but nothing was concluded, excepting a Truce of forty Days, more for giving time to deceive one another, than for concluding Peace². Both Parties seemed to find their Advantage in this Truce: The Cardinal had a Mind to gain Time, because he had had an Account, that the King of *France* had already sent the Duke of *Guise* with 12,000 Foot, 400 Men at Arms, and 700 Light Horse, with a great many Knights, to his Uncle's Assistance, and was expecting his Arrival, being only detained in *Piement* by the Roughness of the Season. On the other Hand, the Viceroy having certain Intelligence of the coming of the *French*, was willing to have Hostilities cease, not only to get together Store of Provisions for maintaining the Army, since by contrary Winds the Gallies were stopt from bringing them, but likewise to have time to go to *Naples*, in order to make what Preparations were necessary for making Head against the Duke of *Guise*.

THE Duke therefore having left his Army at *Tivoli*, under the Command of the Count of *Peperli*, whom he made his Lieutenant, returned to *Naples* to make the necessary Preparations for so important an Expedition: The first Thing he did was to call a General Parliament of the Barons and Commons; and having laid before them the urgent Occasion the King had for Money, he got a Donative of a Million of Crowns for the King's Use, and 25,000 for himself. By this Means he formed a Scheme of an Army proportionable to the Occasion, and gave the necessary Orders for assembling it, which amounted to 30,000 *Italian* Foot, 12,000 *German*s, and 2000 *Spaniards*, besides the Cavalry of the Kingdom, which came to 1500³. Besides he made all necessary Provision, both for the Maintenance of so great an Army, and the Defence of the most important Places, particularly those in *Abruzzo*, which were recommended to the Fidelity and Care of the Marquis of *Trivico*.

BUT that in which he discovered his provident Care most, was his preventing the Pope's drawing Money out of the Kingdom; and on the contrary, his taking care that the King, in case of Necessity, might make use of the Ecclesiastical Revenues for the Defence of it against an unjust Invader: Therefore, on the 15th of *January* 1557. having assembled the Collateral Council, in his own Name, and that of the said Council, he dispatched a Royal Letter directed to the Tribunal of the Royal Chamber, representing, That his Majesty's Service required, that the Fruits and Revenues of some Archbishopricks, Bishopricks, Abbeys, and other Benefices of the Kingdom, should be sequestrated and collected in the Name of the Royal Chamber; therefore he commanded them to dispatch Orders to the Treasurer-General, and all the Collectors of the Provinces of the Kingdom, to demand the said Revenues, and to keep them sequestrated in the Name of the Royal Chamber, and to send him a List of the said Archbishopricks, Bishopricks, Abbeys, and Benefices that were to be sequestrated, and of the Prelates and Ecclesiastical Persons that were in Possession of them. And since the Pope, by a new Ecclesiastical Discipline, refused to name a Successor to the Archbishoprick of *Naples*, vacant by his Advancement to the Papacy, but said, that he would govern that Church himself, altho' he was Pope, and having sent a Vicar, took all the Revenues of the said Church, therefore the Revenues of the Archbishoprick of *Naples* were likewise sequestrated.

¹ Aless. Andrea Rag. 1. ² Idem. Theatrus lib. 17. Rag. 1. Hist. ³ Aless. Andr. Rag. 2.

THE Viceroy also in his own Name, and that of the Collateral Council, on the 21st of *January* the same Year, sent another Royal Letter to all the Governors of Provinces in the Kingdom, telling them he had heard, that the Pope had imposed two Tenth upon the Kingdom, and that they were exacted without his Leave, and the Royal *Exequatur*; therefore he commanded them to order the Officers of their Provinces to give Injunctions to all the Churches, Monasteries, Archbishops, Bishops, and other beneficed Persons, under Pain of losing their Temporalities, not to pay the said Tenth to the Pope's Collectors, nor any other way to send, or cause to be paid in *Rome* any Sum of Money, under any Pretence whatsoever, without express Licence from the Viceroy.

HE likewise wrote in the same manner, on the 22d of *February* the same Year, to *Christoforo Grimaldo*, Commissary of *Terra di Lavoro*, that his Majesty's Service, and the Good and Preservation of the Kingdom, required, that it should be known what Gold and Silver was in the Kingdom belonging to the Churches of whatsoever Dignity, Abbeys and Monasteries; therefore he ordered him to take an Account and Inventory, by the Hands of a publick Notary, of all the Gold and Silver that was in the Churches, Monasteries and Abbeys, setting down in Writing each Piece, the Quantity and Value; and after they are inventoried, to leave them in the Possession of the same Prelates and Keepers, with a Caution not to send any of them out the Kingdom, but to have them ready at the Viceroy's Command, to be employed in the King's Service, and for the Defence and Preservation of the Kingdom; and that he was to use his utmost Diligence in finding out all the Gold and Silver, that it might not be imbezzed, and to give him a speedy Account of his having put this Order in Execution.

THE Necessities of the War still pressing, and the Preparations of the Enemies being daily found to be greater, the *Turk* being likewise invited to infest the Kingdom with his Fleet, on the first Day of *March* the same Year, the Viceroy was obliged, in his own Name, and that of the Collateral Council, to write to all the Governors of the Provinces of the Kingdom, telling them, That on account of the Steps the Pope had taken, and the great Preparations for War he had made, and was making in Conjunction with other Princes, by having invited the *Turkish* Fleet to come and attack the Kingdom, it was necessary for the Defence and Preservation thereof, to provide both Horse and Foot for reinforcing and supporting the Army, and to march and attack the Enemies without the Kingdom, and likewise to provide the Maritime Places with sufficient Force for defending them against the *Turkish* Fleet; all which being for his Majesty's Service, the Preservation and general Good of the Kingdom, a great Store of Money was requisite for defraying the Charges; and seeing the Barons and People of this Kingdom are oppressed with the great Payments they have made, and the last Donative of two Millions of Ducats, of which they advanced a Third of the *Easter* Payment, he had determined, that the Archbishops, Bishops, and other Prelates and Abbots, shall lend the Royal Court out of their Revenues, the other Two Thirds of the *Easter* Payment, according to the Proportions marked and sent them, of which they may be reimbursed out of the Payment of the said Donative due at *Christmas* next to come: And in case the said Prelates, Monasteries and Abbots, shall refuse to advance the said Two Thirds, the Governors of Provinces are immediately to exact the same out of their Revenues, according to the said Proportions.

A FEW Days after, the Necessities of the War being more pressing, on the 4th Day of the same Month of *March*, he gave Orders to several Commissaries, in his own Name, and that of the Collateral Council, to go in all haste, and put in Execution that which before had been committed to the Governors of the Provinces, and to force those who had the keeping of the Gold and Silver belonging to the Churches and Monasteries of the Kingdom, to deliver it up by Inventory and Weight, to be sent to the City of *Naples*, and there kept in the Archbishop's Palace in the Name of the Owners, till the Viceroy shall have Occasion to call for it; and likewise to oblige the Debtors of the Archbishopricks, Bishopricks, Abbeys, and beneficed Persons, to pay the Two Thirds of the Third Part of their Revenues, by way of Loan to the Royal Chamber.

AND seeing this Order was general, it also included the Chalice and Cups, therefore on the 9th of the said Month, the Viceroy dispatched Letters to the Governors of the Provinces, who were to execute his Order concerning the Gold

and Silver, wherein he excepted the Chalice and Cups, and such as had been taken he ordered to be restored. Since this Carriage of Gold and Silver to *Naples* made a great Noise, on the 18th of *March* he ordered, that from that Time forth no more Gold and Silver should be taken from the Churches, but only sequestered, and what had been taken restored to the Ecclesiastical Persons, to be kept by them till his further Orders.

HE likewise ordered, that for the Occasions of the present War, all the Bells of the Churches and Monasteries of *Benevento*, and all the Brass Cannon in the said City, should be coined into Money, and valued, in order to be paid when the War is over.

AFTER having made all these Provisions for so great an Expedition, on the 11th of *April* 1557. the Duke set out from *Naples* for *Abruzzo*. in order to make Head against the *French*¹, leaving his Son D. *Federico de Toledo* Lieutenant-General, who, till his Return in the Month of *September* the same Year, after the Peace had been concluded with the Pope, governed the City of *Naples* and the Kingdom.

ON the other Hand, Cardinal *Caraffa* went from *Rome* to *Lombardy*, in order to have an Interview with the Dukes of *Ferrara* and *Guise*, and to consult about the Method of carrying on the War, and the Seat of it. They were of different Opinions, some were for attacking *Milan*, others for setting *Sienna* at Liberty, and others for attacking the Kingdom of *Naples*; but the Cardinal protesting, that if any other Resolution was taken, than that of attacking of the Kingdom of *Naples*, it would not be approved of by the Pope his Uncle; the Duke of *Guise*, who had Orders from the King to obey the Pope, being furnished with some Pieces of Cannon by the Duke of *Ferrara* his Father-in-Law, marched with his Army into *Romagna*, and passing through the State of *Urline*, advanced by *La Marca* to the Neighbourhood of *Trente*.

IN the mean time, the Truce between the Pope and the Viceroy being expired, Hostilities were renewed, and in a Trice the War was kindled both in *Abruzzo* and *Campagna di Roma*. The Duke of *Palliano*, with *Pietro Strozzi*, took the Field with Six thousand *Italian* and *German* Foot, 600 Light Horse, and seven Pieces of Cannon, marched to *Ofiz*, and retook the Castle and the Bastion raised by the Viceroy. He recovered *Mazara*, *Frascati*, and the other neighbouring Places. *Nettuno* was abandoned by the *Spaniards*, and if the Pope's Troops, in the Heat of their Victory, had advanced further, they might likewise have retaken *Frosolone* and *Anagni*. *Giulio Orfin* was also wholly bent upon driving the *Spaniards* out of the Dutchy of *Palliano*; but *Marcantonio Colonna* coming there, and being assisted by the Inhabitants, Friends to the *Colonna*, he was forced to give over the Undertaking.

BUT the Duke of *Guise* was resolved to besiege *Civitella*, and halted at *Alessi* waiting for the Artillery, which had a great Way to come, of which Delay he made a grievous Complaint to the Marquis of *Montebello*; and that he might not seem to be idle, he ordered 1500 Foot, and a Troop of Horse to enter the Kingdom under the Command of the said Marquis and *Giovanni-Antonio Toraldo*, who pillaged *Campoli*, took Possession of *Teramo*, and ravaged the Country as far as *Giulia Nova*. The Artillery at last arriving, he besieged *Civitella*, whither, upon the News of the Approach of the Enemy, *Carlo Lefredo*, the Son of the Marquis of *Trivulzio*, and the Count of *Santa Fiore* had gone: The City was battered without Intermision by the Duke of *Guise*, but with equal Valour defended by the Besieged; and the *French* wanting Necessaries for repeating the Assaults, the Duke complained to the Marquis of *Montebello* of his Brother the Cardinal, who had put his King upon such an Expedition, and then did not perform his Promises; the Marquis having answered him haughtily, there passed such high Words betwixt them, that the Marquis left the Camp without so much as taking Leave². In order to make up this Breach, the Duke of *Palliano* and *Pietro Strozzi* came with a Reinforcement, whereby it seemed, that the Pope in some measure had performed his Obligation; but the Reinforcement being but very small, and many Things still wanting, that were necessary for carrying on the Siege, the *French*, impatient, began to curie, not only those who had advised their King to join in a League with Priests, who

¹ Alessi Andrea Rag. 2.

² Idem.

knew nothing of the Art of War, but likewise to inveigh bitterly against Cardinal *Craffa*, who had imposed upon their King ¹.

IN the mean time the Duke *D'Alba* with 20,000 Foot, 2000 Horse, and a great Store of Ammunition and Artillery, marched to relieve *Civitella*, and having entered *Giulia Nuova*, he halted twelve Miles distant from the Place; upon the News of this General's coming with so powerful an Army, *Pietro Strozzi* advised the Duke of *Guise* to raise the Siege: So that after Twenty-two Days Labour, about the Middle of *May* it was raised, and the Duke retiring to *Ascoli*, was followed by the Viceroy, who having entered the Lands of the Church, took Possession of *Angarano* and *Filignano*.

DURING these Transactions in *Abruzzo*, *Marcantonio Colonna* had the like good Success in *Campagna di Roma*; for the provident Viceroy having sent him a Reinforcement of 3000 *Germans*, out of six that had come in *Doria's* Fleet, he took the Tower near *Palliano*, *Valmontone*, and *Palestrina*, and at last laid Siege to *Palliano*. The Pope's Troops endeavoured to relieve it, and for that End the Marquis of *Montebello* and *Giulio Orsini* marched out of *Rome* with 4000 *Italian* Foot, 2200 *Swiss*, that had been hired by the Bishop of *Terracina*, some Troops of Horse, and many Waggon's loaded with Provisions for the Place; but *Colonna* having got a new Reinforcement of *Germans*, *Spaniards*, and *Cuirassiers*, that after the Relief of *Civitella* the Viceroy had sent him, marched to find out the Enemy; from small Skirmishes at last they came to an Engagement, in which the Pope's Troops were worsted and put to the Flight, and *Giulio Orsini* being wounded, was made Prisoner ². *Marcantonio* knowing well how to make Advantage of the Victory, advanced further, and made himself Master of *Rotca di Massimo* and *Segna*, without quitting the Siege of *Palliano* ³.

THE Pope being terrified at this Success, and seeing the Enemy advance too near *Rome*, called the Duke of *Guise* to come and defend the City; but the Duke *D'Alba* having left the Frontiers of the Kingdom well provided, and some Troops with the Marquis of *Trivico* for covering them, marched likewise into *Campagna di Roma*. He incamped the whole Army under the Walls of *Valmontone*, from whence he marched to *Colonna*; and being resolved to put *Rome* in a Fright, on the Night between the 25th and 26th of *August*, he sent 300 choice Musqueteers, under the Command of *Ascanio della Cornia*, with a Guard of Horse, and good Store of Scaling Ladders, in order to attack the Walls of *Rome* near *Porta Maggiore*, and to make themselves Masters of that Gate, and he himself was to follow them with the whole Army to favour the Undertaking. But a drizzling Rain falling, hindered the Foot from getting to the Walls that Night, which disappointed the Design; so that the next Morning they were forced to make a hasty Retreat, that they might not be exposed, after the Fatigue of the Night March, to engage with the *French* that were quartered in the neighbouring Places.

WHEN the *Romans* saw the Danger so near, they began to exclaim against the Pope, and threaten him if a Treaty of Peace was not set on Foot, and the Mediation of the neighbouring Princes obtained; therefore the Duke of *Florence* and the Republick of *Venice* were employed, who used their Interest with King *Philip II.* to induce him to Peace. King *Philip*, who, on account of the Victory he had obtained over the *French* in the Battle of *S. Quintin*, was at this Time very well pleased and delighted with having been revenged of them, like a pious Prince, and who unwillingly had entered into this War, notified his Victory to the Republick of *Venice*, and at the same Time answered them, and declared, that it was not his Intention to continue the War against the Church, and that he very willingly accepted of their Mediation for making Peace between the Pope and the Viceroy, adding, that if any Dispute should happen in concluding it, they might freely take upon them to decide it, since he was resolved to stand to whatever they should determine: He likewise wrote to the Viceroy to the same Purpose, injoining him to satisfy the Pope in whatever he could desire, provided it were not prejudicial to his own Interest, and that of his Servants and Friends. On the other Hand, the Pope seeing the War had proved very unsuccessful, and that the great Defeat the King of *France* had received near *S. Quintin*, obliged him to recall the Duke of *Guise* with his Army from *Italy* ⁴, seeing the Design of invading the Kingdom

¹ Thuan. lib. 18. Hist.

² Aless. Andrea Rag. 2.

³ Idem, Rag. 3.

⁴ Thuan. lib. 18. Hist.

frustrated, and the Ecclesiastical State again made the Seat of the War, d'd not seem so averse to consent to Peace as formerly he had been; however, he would have it concluded to the Reputation of the Apostolical See, and that by all Means the Duke *D'Alba* should come in Person to *Rome* to beg him Pardon, and receive Absolution, saying, that he would rather see all the World ruined, than quit a Jot of his Due; that it was not his own Honour that lay at Stake, but CHRIST'S, which he could neither derogate from, nor give up.

THE Cardinal of *Santa Croce*, finding the Pope's Inclination, immediately dispatched *Cosanzo Tasson* to the Duke of *Florence*, and *Alessandro Placidi* to the Viceroy, to the End that the Treaty might be begun, and he likewise sent to the Viceroy the Proposals made by the Pope, which, besides the Duke's coming to beg him Pardon, consisted in demanding Restitution of what Places had been taken from him; he promising on his Part to dismiss the *French*, and pardon the Injuries that had been done him.

THE Duke *D'Alba*, who had not as yet had Experience of the great Difference that is between making War with other Princes, and with the Popes, from whom, in the End, nothing is to be got, on the contrary all Charges are lost, hearing these Proposals, was very much offended, and said, that they were so extravagant, that a Conqueror could not have made greater to the Conquered. But the Republick of *Venice*, who in good Earnest had undertaken the Mediation, in order to persuade the Duke to hearken to Peace, sent one of their Secretaries to him for that End; on the other Hand, the Cardinals *Santa Fiere* and *Vitellazzo Vitelli* went from *Rome* to treat about it with the Viceroy. Cardinal *Caraffa* likewise went, and was with great Honour received by the Duke in the Town of *Citta*, where the Matter being debated for some Days, at last the Peace was concluded on the 14th of *September*, upon these Conditions.

THAT the Viceroy, in the Name of the Catholick King, shall go to *Rome* to kiss his Holiness's Foot, and perform all the necessary Submissions in Atonement for the past Offences; and that the Pope on his Part shall receive him with the Bowels of a most clement Father.

THAT the Pope shall dissolve the League made with the King of *France*, by dismissing the *French*, and for the Time to come to act the Part of a Father and common Pastor.

THAT *Anagni*, *Froselone*, and all other Cities and Lands taken from the Church, shall be restored, and that both Parties shall return to each other all the Artillery taken during the Course of this War.

THAT both Parties shall remit all the Punishments and Censures incurred by whatsoever Person or Community, excepting *Marcantonio Colonna*, *Alessandro Cornia*, and the Count of *Bagna*, who are to continue under Censure, and to be dealt with as the Pope shall think fit.

AND lastly, That *Pallano* shall be put into the Hands of *Giamberardino Carbone*, a Nobleman of *Naples*, as Trustee for both Parties, to be kept by him with 800 Foot, who are to be maintained at the common Charges; and the said *Giamberardino* shall swear to keep it in Trust till it shall be disposed of by the joint Consent of the Pope and the Catholick King.

THESE Articles were received in *Rome* with universal Joy; so that upon the Departure of the *French*, the Duke *D'Alba* with his Son went to *Rome*, and were graciously received by the Pope, and absolved from the Censures which he imagined they had incurred by their late Conduct, and at the Duke's Intercession he likewise pardoned all the King's Friends and Dependants, and sent the Golden Rose to the Dutchesse *D'Alba* in *Naples*, a Present, in these Times, usually made to great Princes, which, with great Pomp and Respect, was received in the Cathedral Church of *Naples* by that most religious Lady.

THE Duke, accompanied by Cardinal *Caraffa* and the Duke of *Pallano*, left *Rome*, and sent an Account of all that had passed to King *Philip*, who gladly accepted the Peace, and bountifully rewarded all those that had distinguished themselves in the War. He gave the Title of Duke to the Count of *Peperin*, with a Pension of 3000 Ducats, and Power to dispose of his Estate, which would have

¹ Thuan. lib. 13. Hist.

² Aless. Andrea Rag. 3.

³ Thuan. lib. 13. in fin

devolved to the Crown for want of Issue ¹. To *Ascanio della Cornia*, he gave a yearly Pension of 6000 Ducats, till he should recover his Estate possessed by the Pope, besides a thousand Crowns given to his Mother, and many Ecclesiastical Revenues to the Cardinal of *Perugia* his Brother. The Inhabitants of *Civitella* obtained many Privileges, as a Reward of their Loyalty. And the Lordship of *Rossano*, in *Calabria*, was offered to the Duke of *Paliano*, provided he would part with *Marcantonio Colonna's* Estate, to which the Pope refusing his Consent, the Duke lost both, for when the See became vacant *Marcantonio* recovered his Estate.

WHEN the Duke *D'Alba* returned to *Naples*, the *Neapolitans*, justly looking upon him as their Deliverer, received him with Acclamations and Rejoycing. But while he was making Preparation for driving the *French* out of *Piemont*, King *Philip*, for more weighty and pressing Affairs of the Monarchy, ordered him to go to *Spain*, whither he went in the Spring of the Year 1558. to the great Grief of the *Neapolitans*, who had enjoyed his Presence but a short Time, the Cares of War having obliged him to be elsewhere: During these few Years he made four Statutes, and at his going away left his Son *D. Federico* his Lieutenant, but his Government was very short; for when King *Philip* called the Duke to *Spain*, at the same time he ordered *D. Juan Manriques de Lara*, then his Ambassador in *Rome*, to go and take the Government of *Naples* upon him, till he should appoint a new Viceroy, and his Government lasted only five Months, being succeeded by the Cardinal *De Cueva*, whose Lieutenantcy was not much longer; for *Paul IV.* dying, he was called to *Rome* to the Election of a new Pope. At last King *Philip*, an excellent Judge of the Abilities and Merits of Men, sent *D. Parafan de Ribera*, Duke *D'Alcala*, to be Viceroy, as knowing a Minister as any that ever had been in that Office, of whose long and prudent Government we shall discourse by-and-by.

THUS ended the War so unjustly ² begun by Pope *Paul IV.* and which brought great Distraction upon the Kingdom, and cost vast Sums for maintaining it. Such is the Advantage of the Popes in making War, that besides the Restitution of what is taken from them, there is not the least Mention made of the great Damage and irreparable Losses suffered by the People, which they ought to be in some measure obliged to make good. The Kingdom of *Naples* not only laid out two Millions, but for supplying the Necessities of this War, and paying the Debts contracted during the Lieutenantcy of *D. Federico de Toledo*, the City of *Naples* made two other Donatives, one of 400,000 Ducats, and another of 200,000 Ducats. Besides the Price of the Bells taken from *Benevento* being now to be paid, the Royal Chamber was obliged to make up the Accounts and clear it, and the Artillery taken from that City was likewise restored ³.

BUT all this is nothing in Comparison of the terrible Mischief that happened afterwards, as a Consequence of this War; for though it was at an End by this Peace, yet the *Türk* having been invited by the King of *France* and the Pope to infest the Kingdom by Sea, and though his Fleet had not come at the Time they expected it, and notwithstanding the Peace, he did not fail to harraß it for some time; for the Duke *D'Alba* was but just set out for *Spain*, and that unlucky Minister entered upon the Government, when, on the 5th of *June* 1558, the *Ottoman* Fleet appeared in our Seas, consisting of 120 Gallies, under the Command of *Mustafa Bassa*, which, after having pillaged and depopulated the City of *Reggio* in *Calabria*, entered the Gulph of *Naples*, and landing in the Night-time, pillaged and destroyed the Cities of *Massa* and *Sorrento*; in which last Place it made a terrible Havock, carrying off almost all the Inhabitants into Slavery, for whose Ransom the miserable remaining Inhabitants were forced to sell their Fields and Possessions at a very low Price, and send the Money to *Constantinople* ⁴: A Disaster, of which to this Day *Sorrento* bears the Marks, being still poor, and thin of Inhabitants.

BUT it was not long before the revenging Hand of God lay heavy upon the Pope, his Nephews and Relations, Authors of so much Mischief; for the Pope, before he died, underwent great Affliction for the so many wicked Actions of his Nephews, and he had near died of Grief, when, after having been forced to banish them out of *Rome*, he heard of so much Villany as had been committed in the House of the Duke his Nephew, which occasioned cruel and violent Deaths, and deplorable

¹ A'eff. *Andrea Rag.* 3.

² *Thuanus*, lib. 17. & 18. Hist. calls it *Bellum injustum*.

³ *Chiocc.* tom. 18. MS. *Giurisd.* in fin.

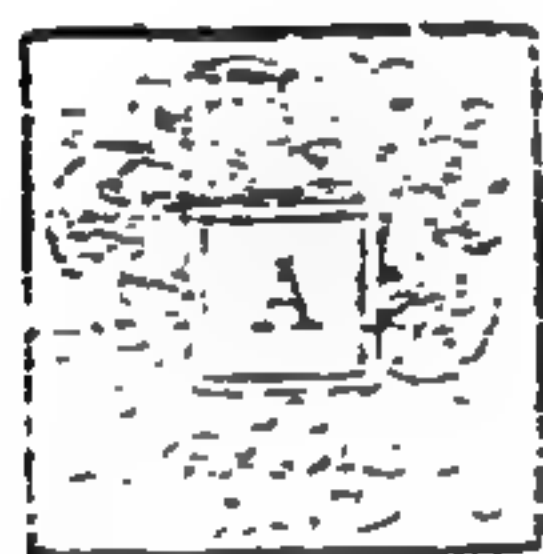
⁴ *Thuan.* lib. 20. Hist.

Tragedies. And on the 18th of *August* 1559. when he was breathing out his last, out of the Hatred which the People and Commonalty of *Rome* had conceived against him and his Family, there arose so great Tumults in the City, that the Cardinals were more put to a puzzle with these Commotions, as near at Hand and pressing, than with those in which all *Christendom* was then involved. The City was all in an Uproar; the Head of the Pope's Statue was struck off, and dragged through the City; the publick Prisons were broke open; the Place where the Inquisition was held, set on Fire, and the Proccesses and Writs kept there were burnt; and the Convent of *Minerva*, where the Monks who had the Inspection of that Tribunal lived, was near being burnt by the People. *Paul V.* having afterwards mounted the Chair, the *Cardinals* were imprisoned, and Proccess being taken out against them, they were sentenced to die for their Wickedness. The Cardinal strangled, and the Duke beheaded, and as for their Relations and Adherents, they were as severely punished, and reduced to as lamentable a Condition as ever was read in History.



CHAP. II.

A Treaty with Cosmo Duke of Florence, whereby the Garisons of Tuscany were reserved to the King, and the Duke invested with the State of Sienna, yielded to him by King Philip. The Dutchy of Bari, and the Principality of Rossano, by the Death of Bona Queen of Poland, devolve to the King. The Death of Mary Queen of England, and King Philip's third Marriage, who fixes his Residence in Spain for good and all.



IN this very Time King *Philip* fixed his Dominion more firmly in those Islands contiguous to the State of *Sienna*, about which he was in perpetual War with the *French*, by providing them with strong and settled Garisons, whence they were called the *Garisons of Tuscany*, which Name they retain to this Day; so that it was afterwards found by Politicians^a, that the *Spaniards*, what with the State of *Milan*, what with these Garisons, and the Kingdom of *Naples*, like so many Links, had made a Chain to bind *Italy*, and keep it at their Devotion. *Charles V.* as we have seen, looked upon the State of *Sienna* to be his own, as being devolved to the Empire^b, and sent *Spanish* Governors to take the Command of it: And while the Viceroy *Tello* governed the Kingdom, the *Siennese*, displeased with *Marino's* severe Government, revolted; so that a War being kindled, *Tello* was forced to go in Person for extinguishing it: An unlucky Expedition to him, for, as we have seen in the preceding Book, he lost his Life in it. *Charles V.* afterwards yielded *Sienna* to his Son *Philip*, who ruled it by his Governors: Whence it came, that our *Napoleans* learned many Institutions and Customs from *Sienna*, a City at that Time very polite. The Academics for improving Arts and Sciences were introduced into *Naples* in Imitation of those of *Sienna*. We had not only Theatres and Comedies, at that Time unknown in our Kingdom, from *Sienna*, but the *Comedians* themselves.

^a Nardi Hist. Venet.

^b Thomas. Hist. de la France. Dis. sur les Loix de la France.

BUT the Possession of the State of *Sienna* by the *Spaniards*, occasioned cruel and obstinate Wars betwixt them and the *French*, who were jealous of their too great Power in *Italy*: In the mean time *Cosmo* Duke of *Florence*, who sometimes sided with the Emperor, sometimes to make a Ballance of Power, took part with the *French*, flipt no Opportunity of raising his State; by his Industry and great Cunning he took Care to keep King *Philip* still jealous, insomuch, that by seeming to be in the *French* and the Pope's Interest, he at last induced him, upon the Conditions which we shall relate, to yield *Sienna*. The King owed the Duke prodigious Sums, partly lent to *Charles V.* his Father, partly laid out by the Duke in the Expences of the War, when he was Auxiliary of the *Spaniards*; for which, although he had *Piombo* in Pledge, yet, as Occasion offered, it was often taken from him: Therefore he exclaimed against the King for not paying back his Money, and the Charges of the War; but *Philip* still putting him off with fair Words, at last *Cosmo* seeing himself deluded, in order to induce the King to yield up *Sienna* to him¹, seemed as if he had a Mind to join with the Pope and the King of *France*. President *Thuanus* describes the Stratagems made use of by *Cosmo*, not only to impose upon King *Philip*, but likewise upon the Pope and the King of *France*, and how all succeeded to his Mind; for it being of great Importance to *Philip*, that *Cosmo* should not join with his Enemies at a Time when he stood most in need of him, lest he should leave him in the Lurch at this Pinch, contrary to the Advice of all his Friends, he yielded up *Sienna* to him.

IN the mean time King *Philip* pretended to make this Resignation purely out of Love to the Duke, but at the same Time (having reserved the adjacent Islands) he was determined, by new Garisons, to strengthen himself much more in *Italy*, that he might be able to resist any foreign Enemy whatsoever, and in that Manner him in *Italy*; therefore, with the Consent of the Emperor his Father, he resolved to yield up the State of *Sienna* to the Duke, and invest him with it; for which End he appointed D. *Juan Figueroa*, at that Time Governor of the Castle of *Milan*, his Proxy, who, on the 3d of *July* 1557. entered into an Agreement with the Duke, whereby the State was yielded to him upon many Conditions, amongst which it was stipulated, that *Port' Ercole*, *Orbitello*, *Talamone*, *Mont' Argentario*, and *Porto di S. Stefano* were not comprehended in the Surrender. From that Time these Islands were garisoned by *Spanish* Soldiers at the Charge of the Kingdom of *Naples*, and from thence an Intendant was sent to administer Justice to the Inhabitants, who nevertheless are governed according to the Laws and Customs of the *Siennese* their Neighbours, and therefore that Minister still retains the Name of the Intendant of the Garisons of *Tuscany*.

PIOMBINO was likewise comprehended in this Treaty, which was faithfully executed, as both *Chioccarelli*² and *Thuanus*³ testify.

AMONGST these Islands there is one called the Island of *Fanuti*, about which there was a long Dispute at that Time, whether it belonged to King *Philip*, or was comprehended in the Surrender of the State of *Sienna* to the Duke of *Florence*. For maintaining the King's Right there were two Decisions made by the Royal Chamber, the one dated the 1st Day of *June* 1573. and the other the 26th of *August* the same Year, which we read in the 18th Tome of the *MS. Giurisdizionali* of *Chioccarelli*.

SINCE that the Emperors of *Germany* pretended, that the State of *Sienna* belonged to them; the Emperor *Reidolphus II.* in order more firmly to establish what King *Philip II.* had done, on the first Day of *January* 1604. sent a Writ to King *Philip III.* whereby he not only confirmed to him the Vicariate of *Sienna*, *Port' Ercole*, *Orbitello*, *Talamone*, *Mont' Argentario*, and *Porto di S. Stefano*, with

¹ Chiocce MS. Giurid. tom. 17.

² Thuan. Hist. lib. 13. Tandem in eas leges conventum, ut Cosmus, ac liberi ejus. Philippi beneficio Senensem ditionem acciperent, uti eam ipse a Casare parente acceperat, exceptis Herculis portu, Talamone, Monte Argentario, Orbitello, & Piombini Arce, quem sibi Philippus servabat; & ita res omne alienum tam Casari olim a Cosmo commodatum, quam in se sumptus factum, quod ipsi Philippo I. delatatur, dissolutum intelligatur, icto item

foedere, quo uterque vicissim hinc ad Principatus Medi lanensis, ac Neapolitani, inde ad Ferruæ defensionem teneatur. &c. Missus vicissim Carolus Dozzacum aliquot Hispanis, qui Arcem Piombinentem à Cosmo instauratum reciperet, qua excepta, & urbe ex suo nomine in Ilva à Cosmo ædificata, ac Portu ejus, quæ ex pactis in potestate ipsius remaneret, tota ditio Piombinentis Jacobo Apiano ejus Domino a Bernardo Bolea Albani jura restituta est.

³ Chiocce. loc. cit.

the Title of Duke and Prince of the Empire, but likewise confirmed the Surrender and Investiture of the State of *Sienna* made and given by King *Philip II.* to *Cosmo di Medici*, Duke of *Florence*: Thus were the Garisons of *Tuscany* annexed to the Crown of *Spain*.

S E C T. I.

By the Death of Bona Queen of Poland, the Dutchy of Bari, and the Principality of Rossano devolve to King Philip.

AT this very Time the Dutchy of *Bari* and the Principality of *Rossano* devolved to King *Philip*, which, excepting the Sovereignty, had for a long time belonged, either to the Dukes of *Milan*, or the Kings of *Poland*.

AFTER that *Ferdinand I.* of *Aragon*, had divided the Prince of *Taranto* of his Estate, of which the Dutchy of *Bari* was part; in Requital of the Succours which *Francesco Sforza*, Duke of *Milan*, had sent him, and in Regard of the Marriage of his Daughter *Eleonora* to *Sforza Maria Visconte*, the said Duke's third Son, in 1465. he invested the Duke with the City of *Bari* and its Dutchy: But the Duke dying in 1466. with *Ferdinand's* Permission and Consent, he left the Dutchy of *Bari*, not to *Galeazzo* his eldest Son, who succeeded him in the State of *Milan*, and was afterwards married to *Isabella* of *Aragon*, the Daughter of *Alphonſus II.* but to *Sforza Maria Visconte*, and his lawful Children. Duke *Sforza* immediately sent a Lieutenant to *Bari*, with the Title of Vice-Duke, to govern that City and Dutchy; but though, on account of Duke *Sforza's* many and great Infirmities, the Marriage betwixt him and *Eleonora* of *Aragon* being dissolved, inſomuch that ſhe was afterwards married to *Ercole* Duke of *Ferrara*, yet the Dutchy was left to Duke *Sforza* during his Life, but he dying in 1479. it devolved to the King; and on the 14th of *Auguſt* the ſame Year, together with the Principality of *Rossano*, it was given to *Lodovico Moro*, the deceased Duke's Brother, and to his lawful Issue: *Lodovico* poſſeſſed theſe States, but when it was afterwards known, that he had invited *Charles VIII.* King of *France*, to conquer the Kingdom of *Naples*, *Alphonſus II.* beſides having recalled his Ambaſſador reſiding in *Milan*, and diſmiſſed *Lodovico's* reſiding in *Naples*, cauſed all the Revenues of the Dutchy of *Bari* and the Principality of *Rossano* to be ſequeſtrated, that they might not come to the Hands of his declared Enemy. The Kingdom afterwards, upon the King of *France's* quitting it, returning to the King of *Aragon*, and Peace being made with *Lodovico*, he demanded a new Investiture of the Dutchy of *Bari* and Principality of *Rossano* from King *Frederick*, who generously granted it, and the Writ is dated the 6th Day of *December* 1496. The Year following *Lodovico* made a new Request to the King, deſiring him to inveſt with the ſaid Dutchy and Principality his ſecond Son, named *Sforza*, a Child of three Years of Age, to whom he yielded them up; and the King having granted his Request, on the 20th of *June* 1497. the Child was created Duke of *Bari*, and Prince of *Rossano*, upon Condition, that *Lodovico* the Father ſhould govern theſe States till the young Duke ſhould be of Age.

IN the mean time, D. *Isabella* the Daughter of King *Alphonſus II.* being left *Giovanni Galeazzo's* Widow, with 130,000 Crowns Dowry, and the new King of *France*, *Lewis XII.* having made a new War in *Italy*, with a Deſign to be revenged of *Lodovico* his mortal Enemy, and to ſtrip him of the Dutchy of *Milan*, *Lodovico* being frightened, fled to *Germany*, and, before he went, had aſſigned to the ſaid D. *Isabella* the Dutchy of *Bari* and the Principality of *Rossano*, in lieu of her 130,000 Crowns: D. *Isabella* took Poſſeſſion of theſe States, and kept it as long as ſhe lived; for when *Frederick* was forced to leave the Kingdom, and when it fell into the Hands of the *French* and *Spaniards*, and at laſt of *Ferdinand the Catholic*, ſhe enjoyed theſe States without the leaſt Diſturbance. In 1501. ſhe came and took up her Reſidence in *Bari*, where ſhe left many Marks of her Generoſity, by enlarging and beautifying that City with ſtately Edifices¹.

¹ Beatiſ. Iſtor. di Bari, lib. 4.

SHE had by *Galeazzo* her Husband one Son named *Francesco*, and a Daughter named *Bona*, but *Francesco* dying while a Child, *Bona* was left sole Heiress, who was brought up by her Mother in *Bari* with great Care and Tenderness; being grown up to Woman's Estate, she resolved to marry her; the Emperor *Charles V.* at *Isabella's* Request, took that upon him, and for that End set a Treaty of Marriage on Foot with *Sigismund* King of *Poland*, who was then a Widower, and had no Male Issue: The Marriage was concluded in the Year 1517. and *Sigismund* sent for his Bride, who, on the 3d of *February* 1518. having embarked at *Mantua*, with great Pomp and Magnificence was received in *Poland*. *D. Isabella* having afterwards retired from *Bari* to *Naples*, and soon after falling ill of a Dropsy, in 1524. died, and was buried in the Church of *S. Dominica*, where her Tomb is still to be seen.

BY her Death there arose a Dispute about the Succession of the Dutchy of *Bari*, and the Principality of *Rossano*, betwixt *Bona* her Daughter and Heiress, and *Sforza* the Son of *Lodovico Moro*. *Sforza* pleading the Investiture given him by King *Frederick*, claimed the said Dutchy and Principality, and said, that *Lodovico* his Father being only a simple Guardian, could not assign them to *D. Isabella* for her Dowry. The Emperor *Charles V.* likewise pretended, that *Lodovico* not only had not Power to dispose of them, as not being his own, but also, because when he assigned them to *D. Isabella* he did not ask the Assent of *Frederick* King of *Naples*, to whom, and his Successors, upon the Failure of Heirs, these States were to devolve. At last, after various Deliberations and Treaties, it was decided, that the Castle of *Bari* should be assigned to *Charles V.* as having the *Dominum animum*, and being lawful Heir of the Kingdom; and that the City of *Bari* with its Dutchy, and the other Estates in *Calabria*, should be assigned to Queen *Bona* during her Life, without Prejudice to, or derogating from *Sforza's* Rights. This being settled, the Emperor immediately sent *Colanaria di Somma*, a *Napolitan* Knight, to be Governor of the Castle of *Bari*; and the Queen, who accepted the Conditions, sent thither as Vice-Duke, *Scipione di Somma* to govern the City and Dutchy.

THIS Affair continued in this State till the Year 1530. when *Sforza*, who with the Assent of the Emperor *Charles V.* was become Duke of *Milan*, gave up to the same Emperor, all the reserved Rights and Pretensions which he ever had to the said Dutchy and Principality: So that the Emperor being intirely Master of them, gave a new Investiture of them to Queen *Bona*, for her Life only, and in 1536. he invested her likewise with the Castle of *Bari*; so that they were afterwards governed by her and her Husband King *Sigismund*.

QUEEN *Bona*, by the Death of King *Sigismund*, which happened in the Year 1548. being left a Widow, although she had had four Children by him, one Son, who succeeded him in the Kingdom, named *Augustus*, and three Daughters, yet a few Years after, the Queen and the King her Son came to an open Rupture. The King was not pleased with his Mother's licentious Manner of Life: On the other Hand she, in order to live as she thought fit, pretending to be disgusted at the King's having married one of his own Subjects, though of noble Birth and great Beauty, resolved to abandon the Kingdom and her Children, and retire to *Bari*. *Augustus* allowed her to go; so that in 1555. having set out with a great Retinue, she travelled by Land to *Venice*, where she was received by that Republick with Royal Pomp, and great Demonstrations of Respect; and amongst the Orations of *Cicco d'Adria*, there is one made by him in *Venice* on this Occasion². From *Venice* she took Passage in the Gallies of the Republick to *Bari*, where she was received with great Honour, and much Feasting.

SHE did not live quite two Years in *Bari*, and during that Time she bought from different Barons, *Capri*, *Noja*, and *Trigiano*, in the Neighbourhood of *Bari*, and fortified the Castle with some new Bastions. At her Death she made a Will, wherein she left the said Cities which she had purchased, to *Giovanni-Lorenzo Pappacoda*, her favourite Courtier, who for many Years had served her faithfully both in *Poland* and *Bari*, by whose Advice she declared in her Will, that the Dutchy of *Bari* and the Principality of *Rossano*, by her Death were devolved to King *Philip II.* to which she therefore appointed him Heir. She died in the Month of *November* 1557. and was buried in the Cathedral Church of *Bari*, where many Years after,

¹ Martin Cremer. In erat. funebr. Sigisf. Polon. Regis.

² Orat. del Cicco d'Adria.

Anne Queen of *Poland*, her Daughter, and Wife to *Stephen Battori*, caused a stately Monument, with an Inscription, to be erected to her, which is to be seen at this Day.

KING *Augustus*, upon Advice of the Death of the Queen his Mother, and of her Will, was highly vexed, and made his Complaint to the Emperor *Ferdinand*, his Father-in-Law, pretending that it was not in his Mother's Power to deprive him of the Dutchy of *Bari* and the Principality of *Rossano*, by disposing of them in Favour of King *Philip*, and that the Investiture comprehended him also. In the mean time *Philip* had already adjudged them as devolved to himself, and as a Reward for *Properzio*'s good Office, he had given him the Title of Marquis of *Ciparolo*; and having had Advice from the Emperor's Uncle of the Pretensions of the King of *Poland*, he was willing, that as well those as his own might be discussed before the Emperor, and decided according as those skilled in the Law should think fit. The Proposal was agreed to; so that both Parties sent to *Germany* famous Lawyers to support their Rights. King *Philip* was pleased to send from *Naples* *Federico Longo*, an excellent Doctor of these Times, and who was then Attorney-General of the Royal Chamber; but he having set out for *Vienno*, upon his Arrival at *Vienno* was taken ill, and on the 24th of October 1561. died there: His Corpse was brought back to *Naples*, and honourably buried in the Church of *S. Severino*. To supply his Place, *Tommaso Salernitano*, a renowned Doctor, and President of the Royal Chamber, was pitched upon, who having gone to *Germany*, and been graciously received by the Emperor, defended his King's Rights so well, demonstrating, that Queen *Eleanora*'s Investiture became void at her Death, and that her Children were not comprehended in it, that Sentence was pronounced in King *Philip*'s Favour, which put an End to that Dispute for ever. King *Philip* was so well pleased with *Salernitano*, that in 1560. the Presidency of the Collateral Council being vacant by the Death of *Francesco Antonio Villano*, he made him President thereof, in which Post he continued to the 10th of June 1584. the Year of his Death¹.

IN this manner, by Degrees, became extinct those vast Principalities and Lordships in our Kingdom, which often made the Possessors to be suspected by, and in a manner equal to the Kings, particularly in the Reign of the little Kings of the House of *Aragon*, who had no other Dominion but that of *Naples* only, therefore they were frequently subject to the Conspiracies and Treachery of the powerful Barons, and continually afraid of the Malcontents inviting the *French*, their constant Rivals, and who, either by intestine Commotions, or external Wars, still disturbed the Kingdom. The *Spaniards*, whenever any Estate devolved to them, either by Death or Felony, suppressed the great Lordships; they did not erect others in their Places, but annexing the principal City to the King's Demains, divided the Remainder into small Shares, and invested different Persons with the other Cities of which the Estate was formerly composed: instead of one who had been a Prince, Duke, or Marquis, they made many, by granting separate Investitures; insomuch, that in their Reign, beginning from the Emperor *Charles V.* and *Philip II.* to this Time, we shall find the Nobility so much multiplied, that their Number has glutted the Kingdom. Thus became extinct the Principalities of *Taranto* and *Salerno*, the Dutchy of *Bari*, the Counties of *Lecce* and *Noli*, and many other Dutchies and Counties; and by the provident Care of the *Spaniards*, the principal Cities being annexed to the Royal Demains, and different Persons invested with the other Cities and Towns, the petty Barons were multiplied, and the great suppressed.

¹ Summont. par. 4. lib. 10. cap. 4.

S E C T. II.

The Death of Mary Queen of England, and King Philip's third Marriage, who retires to Spain, where he continued all the rest of his Days.

WHILE these Things were transacting in our Kingdom, the Death of the Emperor *Charles V.* (which, as we have said, happened this Year 1558.) occasioned no small Grief to King *Philip* his Son ; so that not only in *Brussels* (where King *Philip* then was) *Germany* and *Spain*, but in all the Dominions of that vast Monarchy, pompous Funeral Obsèques were celebrated. But this Prince was much more afflicted, when, a little after the Emperor's Death, on the 17th of *November* the same Year, he saw the irreparable Loss of *Mary* Queen of *England* his Wife, by whom he had no Children ¹. A Death which broke all the Designs that he had contrived upon that Kingdom ; for though in her Life-time he had despaired of her having Children, yet in order to keep a Footing in *England*, he had treated about a Match between *Elizabeth*, *Mary's* Sister, who was to succeed in the Kingdom, and *Charles* his Son, by his first Wife *Mary* of *Portugal* ² ; or, as *Thuanus* says ³, had agreed with his Uncle *Ferdinand*, that *Ferdinand* one of his Sons, should be married to her ; and that afterwards, there being little Hopes of *Mary's* living, he had drop't some Words as if he intended to marry her himself : Nevertheless the new Queen, like a prudent Woman, having discovered these Designs, and the Inclination of the *English*, who being ill-pleas'd with the late Government, were for having no more to do with the House of *Austria*, had no sooner mounted the Throne, than by an Oath she assured the Kingdom that she would never marry a Foreigner ⁴. And from her Accession there having arisen such Misunderstandings between her and the Pope, as at last ended in a total Separation ; the King of *France*, left by the Pope's Dispensation, the Marriage between her and King *Philip* should take Place, fomented the Difference, insinuating to the Pope, that he ought not to trust Queen *Elizabeth*, but abhor her, as one that was brought up in the Doctrine of the Protestants, and profess'd it openly ; by which Means he gained his End, and put a Stop to all Commerce between the new Queen and the Court of *Rome* : So *Philip*, out of all Hopes, rested satisfied, and all his Thoughts were afterwards turned upon concluding the Peace with *Henry II.* King of *France*, for which a Treaty had been set on Foot in the City of *Cambrai*, the 14th of *February* 1559. ; and on the Part of King *Philip* it was managed by the Duke *D'Alva*, the Prince of *Orange*, the Bishop of *Arras* (afterwards Cardinal *Granville*) and the Count of *Melito* ; and on the Part of the King of *France*, the Cardinal of *Lorraine*, the Constable, the Marshal, and the Bishop of *Orleans* : At last, on the 13th of *April* the same Year, it was concluded and confirmed by two Marriages ; the one of King *Philip* to *Isabella* King *Henry's* eldest Daughter, and the other of the Duke of *Savoy* to the said King's Sister ⁵. A Peace which rejoiced all *Europe*, and the Cardinal *De Cœter* the Lieutenant, entertained the *Neapolitans* with noble Feasts and Tournaments. But in *Paris* their Mirth ended in a lamentable Tragedy ; for King *Henry* in Jousting in a Tournament, received a mortal Wound whereof he died, and was succeeded by *Francis II.* In the mean time King *Philip* left *Flanders*, and took shipping for *Spain*, where he fixed himself with his new Spouse, and resolv'd never to wander any more ⁶, and shutting himself up, he governed the Monarchy from his Cabinet.

¹ Thuan. lib. 21. Hist.

² P. Saue Hist. Conc. pag. 419.

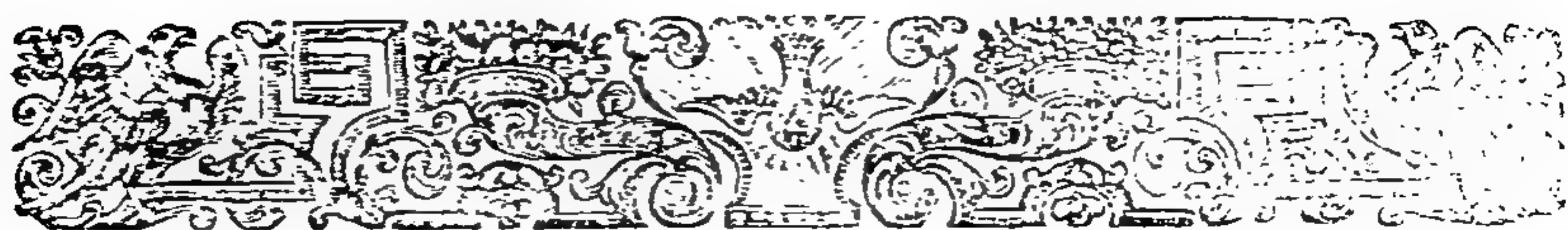
³ Thuan. lib. 22. Hist.

⁴ Idem.

⁵ The Instrument of this Peace is set down

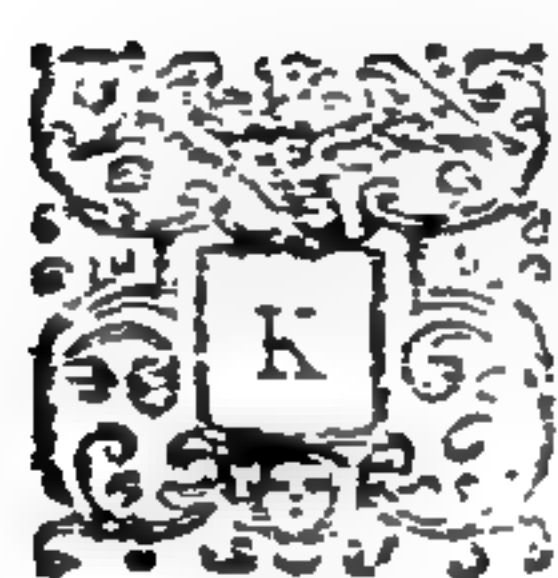
by *Frederick Leonard* in his Collections, tom. 2. pag. 525.

⁶ Thuan. lib. 22. Hist. In ea certum domicilium, quod sub Carolo Patente quodam modo vagum fuerat, in posterum fixurus.



C H A P. III.

Of the Government of D. Parafan de Rivera, Duke D'Alcala, and of the remarkable Events, and the Disputes which he had with the Ecclesiasticks during the twelve Years of his Viceroyalty; and in the first Place about the Acceptation of the Council of Trent.



KING Philip being fixed in Spain, with a Resolution never to wander any more, and having celebrated the Marriage of his new Q. *Izalalla* with sumptuous Feasts, soon after made the People of *Castile*, by a solemn Oath, acknowledge Don *Charles* his Son as Prince of *Spain*, and his Successor to the Crown; and then made the People of *Naples*, and of the other Kingdoms of his Monarchy, take the same Oath successively: In the mean time the Cardinal *De Cueva* Lieutenant of *Naples*, on the 12th of *June* this Year 1559. went to *Rome* in order to be nearer at hand to watch the Steps of *Paul IV.* but the Pope dying the 18th of *August*, he was obliged to remain there for the Election of a Successor, and he was very near being elected himself; but his being a *Spaniard*, and a great Stickler for that Crown, standing in the Way, *Giovani-Angelo de Medici* was chosen, who took the Name of *Pius IV.* In 1562. the Cardinal *De Cueva* died in *Rome*, where his Tomb is to be seen in the Church of *S. James* belonging to the *Spanish* Nation.

BUT King Philip, who always shewed himself a Man of great Judgment in the Choice of his Ministers, had long before designed D. *Parafan de Rivera*, Duke *D'Alcala* for the Government of *Naples*, who was then Viceroy in *Castile*, a Man of great Probity, Prudence, Courage and Piety. He arrived in *Naples* the very same Day that the Cardinal set out for *Rome*, and was received with demonstrations of Joy suitable to the great Opinion the *Napoleans* had conceived of his Prudence and Justice. In the Beginning of his Government he had many Difficulties to struggle with, which required no less than his Courage to surmount. The Kingdom was reduced to that Extremity for want of Grain, that the People went pale and famished begging Bread through the Streets; the frequent Earthquakes, which were felt not only in the City of *Naples*, but in the Provinces, especially in *Puglia* and *Bruttium*, struck Terror in the People, and destroyed the Cities and Country; the Plague, grievous Diseases, and in fine, all the Judgments of God were poured down upon the Kingdom: Nevertheless by his Wisdom and Piety he provided proper and reasonable Remedies.

HE had not only Fate to wrestle with, but the Forwardness of Man, for the *Turks*, who in his Government more frequently than ever, invaded the Kingdom on all Sides, and ventured to pillage the Cities, and carry off the very *Napoleans* into Slavery, and the *Barbary* creants, who being infected with *Charles's* new Religion, disturbed the State: And in 1563. many *Christians* assembling in great Numbers, chose one *Martin* for their King.

made War upon him, and infested *Calabria*. This Adventure made so great a Noise in *Europe*, that *Thuanus* thought it worth his while to relate it in his elaborate History ¹. He says, that the Boldness of this Man was such that having assumed the Title of King *Marco*, he usurped the Regal Ensigns, and Royal Authority over his own Men; and then having gathered together a competent Army, he pillaged the neighbouring Countries, and with the Booty maintained it. He likewise endeavoured to surprize *Citrone*, but in vain. The Duke *D'Alcala* seeing that the ordinary Remedies were not sufficient against so great a Number, ordered *Filippo Pignatelli*, Marquis of *Carbiara*, President of that Province, to go and attack them with 600 Horse, and if need were, to employ the Regular Troops for destroying them; but that not being sufficient for doing it all at once, the Marquis was forced to make use of Stratagems for ruining them by Degrees, which had the desired Effect: In which Pope *Pius* likewise concurred, by ordering that of them as should come within the Ecclesiastical State for Shelter, to be taken and delivered up to the King's Ministers.

BUT in these ticklish and hard Times, he had Enemies to deal with, who, as they were very pernicious to the King's Authority, were as cautious and cunning. These were the Ecclesiasticks, and the Ministers of the Court of *Rome*, who, by most extravagant Pretensions endeavoured to make dangerous Incroachments upon the King's Temporal Authority, and found out a thousand Ways for injuring him in his Royal Prerogatives, upon the Occasions which in several Chapters we are now going to relate.

¹ Thuan. lib. 36.

S E C T. I.

Of the Disputes about receiving the Council of Trent in the Kingdom of Naples.

AFTER that in the Pontificate of *Pius IV.* the most famous Council of *Trent*, which for so many Years, sometimes had been adjourned, sometimes set agoing, according to the different Ends of the Court of *Rome* and of the Princes, had been brought to Perfection, at last, at the pressing Instance of that Court, in *December 1563.* it broke up. The Princes, contrary to their Expectations, found that it came far short of answering the Ends for which they had been at so much Pains to get it called; for when they expected that the Ecclesiastical Discipline should have been reformed, the overgrown Power of the Court of *Rome* moderated, and the Authority of the Ecclesiasticks, which had exceeded the Bounds of the Spiritual Power, restricted, they saw, that the Deformation (according to the Designs of *Rome*, and the Method concerted for putting the Decrees of Reformation in Execution) would prove much greater, as the Event demonstrated; and it began to appear in the very Pontificate of *Pius IV.* who, according to *Thuanus* ¹, the very next Year 1564. when the Council was just ended, contrary to the Decrees of it, in order to enrich *Annibale Altemps*, and Cardinal *Marco Sittico*, dispensing with the Decrees, turned all his Thoughts upon heaping up Money, and it appeared more plainly under the Popes his Successors. It was found, that their Power, in Opposition to that of Princes, had taken too deep Root; for which Cause, all Princes having a watchful Eye over them, to prevent their doing them Prejudice, when the Question was to receive into their Dominions the Decrees of the Council, new Difficulties and Debates arose in the Catholick Kingdoms, not only about *Doctrine*, but likewise *Discipline*.

THE Decrees of Reformation were not in the least regarded by the Catholick Princes of *Germany*; on the contrary, the Emperor, the Duke of *Bavaria*, and the other Catholick Princes demanded, that the Laicks should receive the Communion in both Kinds, and that the Priests should be allowed to marry ².

THE publishing of the Council was forbid in *France*, and the King alledged for his Excuse to the Pope, that according to the State in which *France* was at that

¹ Thuan. lib. 36. p. 737.

² Idem, lib. 36.

Time, the Publication of it was very dangerous¹. At last the Doctrine of the Council was received, as being the antient Doctrine of the *Gallican Church*, but such of the Decrees concerning *Discipline*, as were repugnant to the Common Law, were by the Authority of the King and Clergy rejected, although the Court of *Rome* made pressing Instances to have them received and published²; and the Decrees were no sooner printed, than the Parliament of *Paris* made it their Business to examine those relating to *Discipline*, of which they took Notice of very many, especially those established in the two last Sessions in great Hurry, as most prejudicial, no less to the Good of the Publick, than to the King's Power and Sovereign Authority³. They observed, that the Council had established the Ecclesiastical Immunity according to the Decretals of Pope *Boniface VIII.* in order to engage the Prelates of *France* to use all their Interest, as they did, to have the Council received; but the Parliament having always vigorously opposed it, it was to no purpose⁴. They observed, that the Ecclesiastical Power had been enlarged beyond its Bounds, to the lessening of the Temporal, by giving Power to the Bishops to proceed against Laicks in exacting pecuniary Mulcts, and seizing their Persons: That Emperors, Kings, and other Princes had been incroached upon, by subjecting them to Excommunication if they suffered Duels in their Dominions. They looked upon excommunicating Kings and Sovereign Princes as unsufferable, it being a constant Maxim in *France*, that neither the King, nor his Ministers, can be excommunicated for any Thing relating to the Execution of their Offices. That the depriving Princes of their Dominions, and confiscating the Fiefs and Estates of Noblemen and private Persons, was an Usurpation of the Temporal Authority, an Authority not given by Christ to his Church over Things of that Nature. That there was great Wrong done not only to Princes, but to private Persons in their Rights of Patronages. They by no means approved, that the Mendicants should be allowed to possess Immoveables; that the Parishioners, by Collections, First Fruits, or Tythes, should be obliged out of their own Goods to furnish the Bishops and Curates wherewithal to erect new Parishes. In short, all the new Discipline, excepting what was consonant to the Common Law, was not received, but openly rejected: So that the Publication of this Council, for which the Court of *Rome* was so earnest, was stiffly disputed in *France*; and although (it being still stayed off) at last, in the Year 1614. in the Reign of *Lexis XIII.* not only the Ecclesiastical State, but that of the Nobility requested it, yet being vigorously opposed by the third State and the Populace, their Sollicitations had no Effect⁵. In the said Year 1614. a great deal was written upon this Subject in *France*, among the rest one Piece with this Title, *Sylloge complurium articulorum Concilii Tridentini, qui Juri Regum Galliarum, libertati Ecclesiæ Gallicanæ, privilegiis, & immunitatibus Caputulum, Monasteriorum & Collegiorum repugnant.*

IN *Spain* King *Philip II.* was much displeased to hear that the Council had ended in such a Hurry, and that in the two last Sessions many Things had been established derogatory to the Temporal Power of Princes⁶, but with the wonted *Spanish* Cunning, accommodating himself to the Times, in outward Appearance he seemed to be pleased that the Council was at an End, and that he would immediately cause it to be published and received in *Spain*, and all the other Dominions of his Monarchy; and being told by his Ministers, that there were many Things in the Decrees of Reformation most prejudicial to his Authority, the Laws of his Kingdoms, and the general Good of his People, he resolved, with great Circumspection and Caution, to convene before himself the Bishops and Agents of the Clergy of *Spain*, in order to find out a Method how these ought to be put in Execution, and with what Modification: So that not only all that which was done this Year 1564. in *Spain*, with respect to the receiving and putting in Execution the Decrees of the Council of *Trent*, was by Order of, and Resolution taken in the King's Council, but the King sent his Presidents to be present in the Synods which the Bishops of *Spain* held in *Toledo*, *Salamanca*, *Segovia*, and *Valencia* (for the Council of *Trent* being over, almost all the Metropolitans of *Europe* began to hold Councils, and valued themselves upon it, for the most part adapting their Regulations and Decrees to those of that Council) lest in these Meetings his Royal Prerogatives, and Sovereign Power

¹ Thuan. lib. cix.

² M. de Marca, lib. 2. De Concord. Sacerd.

³ Idem. lib. 2. num. 6.

⁴ Protest. Libert. Gall. cap. 14.

⁵ Richer. Apolog. pro Jo. Gerf. pag. 104.

⁶ See the Continuator of Thuanus, tom. 4.

lib. 7. pag. 262.

⁷ P. Soave, pag. 338.

and Authority might be prejudiced, allowing only such Things to be proposed as suited with his own Interest.

IN *Unicors*, King *Philip* making use of the same Artifice, this Year 1564. wrote to *Margaret of Parma*, then Governess, to whom he only signified, that his Intention was, that the Council of *Trent* should be published and received in all his Dominions; but *Margaret* foreseeing, that by reason of the Tumults which were then begun to be stirred up in *Flanders*, the Publication and Receiving of it might occasion Disorders and Inconveniencies, consulted that Matter, not only with the Bishops, but with the King's Council and Magistrates, who, observing in the Decrees of *Reformation* many Things prejudicial both to the King's Prerogatives and his Subjects, and contrary to the antient Customs, Privileges, and Usages of these Provinces, so that by publishing them great Disturbance and popular Commotions were to be feared, advised her not to suffer them to be published without an express Restriction, and a Protestation to each of the Articles they had already taken Notice of, that the Publication of them should in no manner be derogatory to the said Customs, Privileges and Usages, but that they should remain safe and untouched. King *Philip* having been advised by the Governess of all that had past, ordered her to cause the Council to be published and received in the Provinces of *Flanders*, but at the same Time signified to her, that the Publication should be made with the Restrictions and Conditions mentioned by the Royal Council, which accordingly was done; for on the 12th of *July* 1565. she allowed the Bishops to publish it, with inserting this express Clause, that it was the King's Intention, that by the said Publication nothing should be altered, nor any Thing innovated concerning his *Regalia*, his own, or the Privileges of his Subjects, and especially concerning his Jurisdiction, Laick Patronages, Rights of Nomination, Administration of Hospitals, the Cognizance of Causes, Benefices, Titles, nor any Thing else contained in the Articles marked by his Council. The Governess likewise wrote Letters, dated the 24th of *July* the same Year, directed to the Supreme Councils and Magistrates, containing the same Clause¹; whence the *Flemish* Writers², having made a Catalogue (by observing the Order of the Sessions, and Chapters of the Council) of all those prejudicial Articles, such as that made by *Antony Anselm* in his *Tribonian. Belgic.*³, give us to understand, that the Council of *Trent*, with respect to the said Articles, had not been received in their Provinces.

THESE were the Artifices and Cautions made use of by King *Philip* and his wary *Spanish* Counsellors; they got the Pope seemingly to be satisfied, by soothing him up, and managing him with Dexterity, shewing at the same Time all Respect and Regard both to the Holy See and his Person, but they took Care to preserve the Regalia and their own Privileges untouched: On the contrary, the *French* openly rejected those Canons, and had immediately recourse to Fire and Sword for crushing those growing Mischiefs. Whence that famous Archbishop of *Paris*, *Peter de Marca*, took Occasion to say, that the *Spaniards* had cured these Wounds with Plaisters and Ointment, but the *French* with Fire and Sword; Medicines much more effectual and proper for intirely rooting out the Distemper, it having been found by Experience, not only in *Spain*, but in our Kingdom of *Naples*, that, according to these *Spanish* Maxims, by endeavouring to cure those continual Wounds and Blows which the Royal Jurisdiction received by such Plaisters and Ointments, tho' the Controversies lay dormant for a while, yet they were not quite extinguished: On the contrary, the Ecclesiasticks being always vigilant and cunning, revived them whenever they found a favourable Opportunity, when not only Fire and Sword, but even the Plaisters could not be applied; whereupon they seldom failed to break in upon the Temporal Authority of our Princes. Whence *John Bodin*⁴ calls the Kings of *Spain*, most obsequious Servants of the Roman Pontiffs.

SO it happened exactly to us with respect to this Affair of the Council of *Trent*, for by having made use of these Methods, what was out of the Question in *France* and other Countries, became controverted Points with us.

KING *Philip* therefore, in order seemingly, as we have said, to shew his Subordination to the Pope, by giving a Sanction to the said Decrees of this Council in

¹ Van-Espen, Traët. de promulg. Ll. Eccl. par. 2. cap. 2. §. 2.

² Berthrand. Loth. in Resolut. Belgic. traët. 2. art. 9.

³ Ant. Anf. Trib. Belg. cap. 32.

⁴ Bodin. de Rep. lib. 1. cap. 6. Hispanos Reges excipio, servos Pontificum Romanorum obsequentissimos.

all his Dominions, as soon as they were published in a printed Volume, sent to Naples a general Order, dated the 27th of July 1594. and directed to the Duke D'Alca the Viceroy, in which he signified to him, that he having accepted the Decrees of the Council which the Pope had sent him, his Will was, that they should be published, observed, and put in Execution in the Kingdom of Naples. But at the same Time he sent the Viceroy a particular Letter of the same Date, signifying to him, that tho' by his Order he had commanded that the Decrees of the Council of Trent should be obeyed and put in Execution in the Kingdom of Naples, as in all his other Kingdoms and Dominions; nevertheless he did not thereby intend, that his Prerogatives and Royal Authority should in the least be diminished, or his *Jus Patronatus Regium*, the *Exequatur Regium* to Bulls that come from Rome, or any of his other Rights and Regalia should suffer any Prejudice: That therefore he ordered him to guard against all Novelties, and to send him an Account of every Thing in these Decrees that shall be found to be prejudicial to his Prerogatives and Royal Authority. He likewise enjoined him not to let the Court of Rome know any Thing of this Order, but to pretend the contrary, by saying, that he had received an Order commanding the said Decrees to be observed¹.

THE Duke D'Alcala, in consequence of these Royal Orders, gave out publicly, that the King had ordered the Observance of the Council, but at the same Time gave it in Charge secretly to the President *Francesco Antonio Villano*, to set down in Writing all the Articles of the Council that were prejudicial to the Royal Jurisdiction, in order to be sent to the King. The President readily obeyed, and made a Report of them; but having afterwards discovered others, he made a second, in which he took notice of many Articles that were prejudicial to the Temporal Authority of his Majesty, and many others, which, relating to Laicks, incroached upon his Royal Jurisdiction²: However, President *Villano* was not so very exact but some escaped his Observation, so as to leave Room for others to glean after him. We in this History, so far as is consistent with our Purpose, shall take Notice of the most important Articles, which are not to be suffered without vast Prejudice and Injury to the Supreme Authority of our Princes.

THAT which we read in many Decrees, whereby the Spiritual Authority is extended beyond its Bounds, in giving the Bishops Power to impose pecuniary Mulcts upon Laicks, and seize their Persons, is intolerable. In the fourth Session³, besides Excommunication, a pecuniary Mulct is laid upon the Printers of the Scriptures, or other such holy Books, who shall print them without the Licence of the Ordinaries, or without the Name of the Authors, according to the Tenor of the Canon of the last *Lateran* Council, held in the Pontificate of Leo X. In the 25th Session⁴ Power is likewise given to the Bishops (that they might not proceed too hastily to Excommunication) to inflict the same Penalty and pecuniary Mulct, and to imprison the Guilty, whether Ecclesiasticks or Laicks, by their own or other Officers; that when they had a mind to imprison Laicks, and their own Officers not being able to put their Orders in Execution, they might have recourse to the Assistance of the Civil Magistrates. In the 24th Session⁵ Power is also given to the Bishops to banish out of their Cities or Dioceses a Concubine, who, after the Expiration of a Year under Excommunication, does not leave off Concubinage, and in case of Necessity only, they may call for the Assistance of the Secular Power.

WHEN the Fathers of the Council heard these Penalties at first proposed, some of them were scandalized, and among the rest the Bishop of *Alborg*, and the Archbishop of *Palermo*, both *Spaniards*, opposed them strenuously, saying, that our Saviour had given no other Authority to his Ministers but what was purely Spiritual, and that therefore they could not impose pecuniary Mulcts upon the Laicks, the Penalty then ought to be merely Spiritual, such as Excommunication; but Cardinal *Pallavicino*⁶ writes, that these Prelates were severely rebuked by the Bishop of *Biserta*, an *Italian*, who told them, that the Majority of the Council was of a contrary Opinion, *being persuaded* (as the Cardinal's Words are) *that the Church had all the Power which was necessary for the Government of all Christendom; and that it was found by Experience, that Temporal Punishments were more effectual than Spiritual*

¹ Chios. MS. Giurisd. tom. 17

² Idem. lib. 2.

³ Conc. Trid. Sess. 4. Decret. de edit. lib.

⁴ Sess. 25. De Reform. cap. 2.

⁵ Sess. 24. De Reform. Marr. cap. 8.

⁶ Pallavic. Hist. del Conc. lib. 6. cap. 12.

for preventing outward Crimes, because Punishment is designed for a Curb to the Wicked, whereas the Unlawfulness of the Action, though unpunished, is sufficient to make good Men repent, but the Wicked are such, because they prefer the Good of the Body to that of the Soul. At that rate, the Ecclesiasticks being persuaded that the Church has all the Power requisite for the good Government of Christendom; in order to obtain that good Government, she may make use of all Means that can conduce to it; and because it is found, that to obtain that End Temporal Punishments are more effectual than Spiritual, she can lay aside the last, and take hold of the first: Whence, if she shall judge Banishment and Confiscation of Goods more effectual than Imprisonment and pecuniary Mulcts, she will have Power to put them in Execution, as often as they tend to the good Government of Christendom. And even if these shall not be thought sufficient, she may likewise condemn to Banishment, the Gallies, Mutilation of Members, Death, and the Gallows, because whenever they conduce to that good Government, every Thing may be done, and every Thing is lawful. Who ever heard of such monstrous and stupendous Things! This same Writer, as we have observed upon another Occasion, elsewhere adds another Reason why the Ecclesiasticks may impose these pecuniary Mulcts; for otherwise, says he, *it would be the same as to unbinge Discipline; because as Money is virtually every Thing, so a pecuniary Mulct, through human Weakness, is of greater Weight than all the other Punishments that a Court purely Ecclesiastical inflicts; which, like the Secular, not having Power to bridle Dissoluteness with Iron, 'tis fit they should do it with Silver.* All prudent Princes therefore, being sensible of these pernicious Maxims, did not suffer them to take Root in their Dominions; so that with us a Stop was put to them, nor did the Duke D'Alcala ever suffer these Decrees to obtain in the Kingdom, as his Successors did, of which hereafter.

T H E R E are likewise Articles in the other Decrees of this Council no less prejudicial. In the 5th Session¹, with a great Flourish of Words, 'tis said, that the Teachers of Grammar, and Professors of Divinity, ought to be examined and approved of by the Bishops, comprehending likewise the publick Schools and Universities, the Professors whereof are sufficiently authorized, either by the Universities or the Prince, to teach whatsoever Faculty, either sacred or prophane, without the Examination or Approbation of any Bishop: Whence it came, that some of our Bishops, who in their Synods, for the most part convened and guided by the same Spirit with the Council of *Trent*, have had the Assurance to enact, That the Teachers of Grammar, and all other Professors of Sciences, under Pain of Excommunication, shall not presume, either in Private or Publick, to teach without their Licence or Approbation; so that it behoved the Tribunal of Jurisdiction to suppress that Abuse, which was done not without great Opposition and Wrangling.

I N the 21st and 24th Sessions² it is ordained, that if the Bishop thinks fit to erect new Parishes, and the Incomes and Fruits of the Mother Church not being sufficient, he may force the People, by laying on Tythes, Collections, and otherwise as he shall think fit, to furnish wherewithal to maintain the necessary Priests and Clergy. Moreover, if the Revenues of the Parish Churches shall not be sufficient for maintaining the Parish Priests and the other Clergy, when a Plurality of Benefices cannot be obtained, the Bishop may force the Parishioners by Collections, First-Fruits or Tythes, to supply what shall be wanting. These Decrees were neither received in *France* nor in our Kingdom, as being most prejudicial to the Power of Princes, and making it lawful for Bishops to lay Burdens and Collections upon the People at a Time when the Clergy had acquired so much, that there was little left to the Laity, and when the new and poor Parishes might have been well supported by the Rich, and when the Church abounded with such great Revenues, that they were not only sufficient for Things necessary, but for Pomp and Luxury.

I N the 22d Session³ there are many exceptionable Things. In the 8th Article all Hospitals and Laick Societies are subjected to the Visitations of the Bishops; all the *Monte Pii**, and other pious Foundations erected and managed by Laicks, as being pious Works, excepting only those which are immediately under the Royal Protection: So that although these be mere Laick Societies, yet they were to give Account of their Administration to the Bishops;

* Charitable Corporations for lending Money to the Poor on small Interest.

¹ Sess. 5. De Reformat. cap. 1.

De Reformat. cap. 13.

² Sess. 21. cap. 2. De Reformat. Sess. 24.

³ Sess. 22. De Reform. cap. 8. 9, 10, 11.

any Custom, Privilege, or Statute to the contrary notwithstanding. And in the 9th and 10th Articles of the 24th Session², all Secular Churches are subjected to the Visitation of the Bishops. In Article the 9th, all Laick Overseers appointed for the Building of whatsoever Church, Hospital, or Convent, are obliged to be accountable to the Ordinary. In Article the 10th, the Royal Notaries are obliged to be examined by the Bishops, and made liable to be suspended from the Exercise of their Offices, either for ever, or a certain Time, *etiam si Imperiali, aut Regia auctoritate creati fuerint*. In Article the 11th, the Laicks, and those who have the Right of Patronage are injured, by being made liable to be deprived of their Rights if they shall make a wrong Use of the Revenues, Fruits, Rights and Jurisdictions of their Churches.

IN the 23d Session³, Article the 6th, the Privilege of Immunity is granted to the Clergy of the first Tonsure, and to married Clerks at their Choice, and according to the Circumstances prescribed, as if it did not belong to Princes to exempt their Subjects from their Jurisdiction when they think fit; and in the 17th and 18th Articles, the Goods of the Secular Societies are ordered to be taken and employed in founding and erecting new Seminaries. Likewise in the 11th Article of the 24th Session⁴, the Privileges of the Royal Chaplains, and their Exemption from the Ordinaries are incroached upon; and in the last Session held in a Hurry, many remarkable Injuries were done, some of which we shall pass over.

IN the 3d Article of the 25th Session⁵, all Secular Magistrates whatsoever, are prohibited to stop the Ecclesiastical Judges from fulminating Excommunications, or to cause them to retract those already fulminated, contrary to the Custom, not only of our Kingdom, but of other Dominions, where, when the Censures are null or unjust, or emitted contrary to the Prescription of the Canons, the Ecclesiastical Judges are stopt from emitting them, or if emitted, are forced to revoke them. In the 8th Article, the Hospitals under the Direction of Laicks are incroached upon, by giving the Bishops Power to alter the Will of the Founders, apply the Revenues to other Uses, punish the Inspectors by depriving them of their Administration and Government, and to appoint others. In the 9th Article, the Patronages of Laicks are freely disposed of, by laying down a Rule concerning the Acquisitions, Prescriptions, and Suppressions. In the 19th Article, Emperors, Kings, Marquises, Counts, or any other Lords whatsoever, that shall suffer Duels in their Dominions, besides being excommunicated, are to be looked upon as deprived of their Dominions, and if they hold them in Fief, they are immediately to devolve to their Superiors; as for the Combatants, and their Seconds, besides Excommunications, the Penalty of confiscating all their Goods, and perpetual Infamy is imposed, and they are to be punished as Murderers. All Usurpations upon the Temporal Authority, that, as we have said, given by Christ to the Church, not extending to Things of this nature.

THESE and the like Articles, prejudicial to the Power of the Prince, and his Supreme Regalia, being found in the Decrees of Reformation; and two Reports of them being made by the President *Illano*, and delivered to the Viceroy, he sent them into *Spain* to King *Philip*, who, having caused them to be carefully examined, and being convinced of the Prejudices they contained, wrote a Letter dated the 3d of *July* 1566. wherein he told the Viceroy, that it was not the Intention of the Council in the least to do any Prejudice to his Majesty or his Royal Prerogatives (as he had been assured in *Spain* by some Prelates who were present in the Council) and charged him not to suffer any Novelty to be introduced in Prejudice of his Royal Authority.

THEREFORE, although the Duke *D'Alcala* suffered printed Copies of the Decrees of the Council to be dispersed over all the Kingdom, and did not openly oppose the Publication of them; yet being required to give the *Exequatur Regium*, both he and the Collateral Council refused to grant it: And that the Bishops of the Kingdom, who had accepted the Council, and together with the other Decrees were putting in Execution those we have mentioned, might not prejudice the King's Jurisdiction, the Viceroy gave Orders to the Presidents and other Officers of the

¹ Sess. 23. De Reformat. cap. 6, 17. & 18.

² Sess. 24. De Reformat. cap. 11.

³ Sess. 25. De Reform. cap. 6, 17, & 18.

⁴ Sess. 24. De Reform. cap. 11.

⁵ Sess. 25. De Reform. cap. 3.

Kingdom, not to suffer any Innovation to be made, but to send him an Account of the Proceedings of the Bishops.

AT last, the Bishop of *Tricarico*, under Cover of what is ordered in the 4th Article of Reformation of the 21st Session, and the 13th of Session the 24th above-mentioned, imposed some Tythes upon the Laicks of his Diocese, contrary both to Custom and Reason, and the Citizens of *Salandra* refusing to pay them, he excommunicated them. and interdicted their City; whereupon the Viceroy, on the 30th of *November* 1564. wrote a sharp Letter to the said Bishop, injoining him upon no Account whatsoever, to demand the Payment of any Thing from the said Citizens but what they had formerly used to pay; and if he had any Thing to object to the contrary, to apply himself to the Viceroy, who would do him Justice, it not being reasonable that he should act as he thought fit: And in the mean time the Viceroy ordered him to revoke the Excommunication, and take off the Interdiction, otherwise he might come to repent of what he had done.

SO likewise the Archbishop of *Capaccio*, pretending to exact some Tythes from the Laick Citizens of *Polla* besides the Ordinary, the Viceroy wrote him a very serious Letter, dated the 10th of *August* 1565. wherein he exhorted him, by no means to exact them, or cause them to be exacted, it not being reasonable that he should act in so arbitrary a manner; and if he had any Thing to object to the contrary, to apply to the Viceroy, who would do him Justice. The Count of *Miranda*, and the Viceroys his Successors, followed this Example¹.

MOREOVER the Bishops of the Kingdom pretending, not only as a *Cajus mistus*, but by Virtue of the said 8th Article *De Reform. Matrim. Sess. 24.* to proceed against Concubinage with Temporal Punishment, Banishment and Imprisonment, the Viceroy opposed them vigorously; and the Bishop of *Gravina* having a Mind to imprison one that kept a Concubine, on the 20th of *June* 1567. the Viceroy wrote a Letter to Doctor *Troilo de Trojanis*, Commissary of *Gravina*, to take care to have him remitted immediately to his competent Laick Judge. And the Archbishop of *Cosenza*, who likewise pretended to imprison Laicks on account of Concubinage, and that the Secular Magistrate ought to assist him in it, was vigorously opposed by the Viceroy, who on the 13th of *November* 1568. first wrote to the Auditor *Starvano*, and afterwards, on the 17th of *April* 1569. to the Count of *Sarno* Governor of *Calabria*, that if the Archbishop would not deliver up one imprisoned on that Account, to break open the Prison, and carry the Prisoner to the Prison of the Royal Audience, signifying to them that the Ordinaries could only proceed to Excommunication against such Persons. In like manner the Vicar of *Bojano* (the Boldness of the Ecclesiasticks still increasing) having had the Assurance to condemn a Laick to the Gallies for the Space of two Years on account of Concubinage, on the 10th of *July* 1569. the Viceroy wrote an angry Letter to the Governor of *Capitanata*, charging him immediately to take the said condemned Person, and put him in the Prison of the Audience.

BUT this prudent Minister perceiving, that the Abuses with respect to Concubinage daily increased in all the Provinces of the Kingdom, where the Bishops, without Controul, imprisoned and inflicted Temporal Punishments upon such as were guilty of this Crime; so that a strong Remedy was necessary to be applied to so stubborn an Evil, on the 15th of *July* the said Year, he wrote a Letter to the King in *Spain*, giving him an Account of the Excesses of the Prelates, and desiring to know what he should do for putting a Stop to them. The King answered him, that he ought to proceed with Vigour and Courage, as was done in *Spain*; that he should admonish the Bishops once, twice, or thrice, that they had no Power to proceed against Concubinage, but by Excommunication only; and if that did not serve them, he was to drive them out of the Kingdom, and take Possession of their Temporalities, by sequestrating the Revenues of their Churches. The Duke *D'Alcala* no sooner received this Order from the King, than he wrote a Royal Letter to all the Governors of the Provinces and Cities, to whom he intimated the King's Order, commanding them, that as oft as the Prelates of the Kingdom had a Mind to proceed to Ecclesiastical Censure against Laicks on account of their Sins, not to hinder them, but rather give them all Assistance; but whenever they offered to proceed against them with Temporal Punishment², to oppose them. This Order was still kept up by his

¹ Chiecc. tom. 5. De Casib. Mistis, & Decimis. }
MS. Giurisd.

² Idem, tom. 5. De Casib. mist de Concub.

Successors, so that whenever the Ecclesiasticks offered to exceed the Bounds of the Censures, they were constantly opposed.

THE same Remedy was always applied, whenever the Bishops, by Virtue of the abovementioned Articles of the Council, pretended to visit and examine the Accounts of Laick Societies, and other pious Places governed by Laicks. The Duke *D'Alcala* never suffered the Ordinaries to visit these Places during his Government; so that amongst the other Grievances which the Pope ordered Cardinal *Giustiniano*, his Holiness's Legate at King *Philip's* Court, to complain of, this was one, that the Viceroy hindered the Prelates from visiting the Churches governed by Laicks, and taking an Account of their Administration ¹.

THE Duke *D'Alcala* not only prevented the Council from taking Effect in the Kingdom, with respect to these, but to all the other Articles abovementioned. The Bishops were amazed how, notwithstanding the Council had been published through all the Kingdom, and that many Copies of it had been printed and dispersed every where, a Stop came to be put to the Execution of its Decrees; therefore they began to complain loudly, and to solicit Pope *Pius V.* who was wholly intent upon having the Decrees of the Council punctually observed, to apply a Remedy; whereupon, in Consideration of this and other Rubs which the Bishops met with upon other Accounts, that shall be taken notice of hereafter, the Pope sent two Legates to the King, to wit, *Giustiniano* and *Alessandrino*, of which Legation we shall discourse by-and-by.

¹ Chiocc. tom. 5. De Extauritis.



C H A P. IV.

Of the Disputes about accepting the Bull of Pius V. In Coena Domini.



POPE *Pius IV.* lived but a short time after the Conclusion of the Council of *Trent*, dying on the 9th of *December* 1565. On the 7th of *January* 1566. Cardinal *Michele Ghislieri*, surnamed *Alessandrino*, because in 1504. he was born in the Village of *Bosco* near *Alessandria* ¹, was elected in his Place. He was a Monk of the Order of *S. Dominick*, and, by the good Offices of Cardinal *Caraffa*, was made Commissary of the Inquisition, and because he exercised that Office with great Severity and Boldness, when *Caraffa* came to be Pope, in 1517. he made him a Cardinal. *Ghislieri* being raised to the Papacy, took the Name of *Pius V.* and having imbibed the Maxims of *Paul IV.* he was a terrible Enemy to the Sectarians; and in the Beginning of his Pontificate, he caused *Giulio Zanneto*, and *Pietro Carnejecco* to be burnt, only because it had been discovered that they kept a Correspondence with the Sectarians in *Germany*, and in *Italy* with *Vittoria Colonna* and *Giulia Gonzaga*, who were suspected of Heresy. The most learned *Alonio Palearco* had the same unhappy Fate, who, when he heard his Sentence, said, *Inquisitionem esse sicam districtam in Literatos* ². *Pius* had conceived too high an Opinion of the Papal Dignity, and, on the contrary, too low of the Imperial; and, like *Paul IV.* he was persuaded, that he could exert the Authority of the Holy See over Princes, more than was

¹ Thuan. lib. 39. Hist.

² Idem, loc. cit.

consistent with Spiritual Power. He looked upon himself to be superior to them in every Thing, and made it a Matter of Conscience to keep up that Authority ; therefore whatever he did was out of pure Zeal for Religion and Discipline : So that by this Severity of Manners, and his having furnished such great Sums for carrying on the War against the *Turks*, he acquired the Reputation of Sanctity, and in our Time we have seen him canonized by Pope *Clement XI.*

NOT content with having used his utmost Endeavours to have the Decrees of the Council observed, in order more firmly to establish the Papal Monarchy, a Work begun by the Decretals of *Innocent III.* and *IV. Gregory IX. Boniface VIII.* and of the other Popes his Predecessors, in the Beginning of the second Year of his Pontificate he issued out that so famous and remarkable Bull, *In Cœna Domini*, which every Year on *Holy Thursday* is published in *Rome* ; whence that Day takes its Name. He published it in the Year 1567. The Year following he published another, wherein he added many Things, and made it much more terrible ¹. He commanded that all the Christian World should obey it, without any other Publication but that made in *Rome* ; that every Year on *Holy Thursday* it should be read from the Pulpit in all Parishes to the People ; that Copies of it should be affixed on the Doors of all Churches and Confessionaries ; and that it should be the Rule of Discipline and Conscience, not only to the Bishops, but to the Penitentiaries and Confessors. It contains many Articles, for that which is handed about, and is seen upon the Confessionaries, is curtailed and very much abridged. Some Writers have given us a full Account of it in their Works, among the rest *Francisco Toledo* ² ; and *Lionardo Duardo* gives a Copy of it with large Commentaries, which in 1619. he caused to be printed in *Milan*, in the Metropolitan Church of which City he had been a long time Penitentiary ³.

THIS Bull, besides an infinite Number of Extravagancies, intirely overthrows the Power of Princes, deprives them of the Sovereignty of their Dominions, and subjects their Government to the Censure and Correction of *Rome*. Besides those from the 19th Article to the 29th, we read in *Toledo's Summa de Instruct. Sacerdotum*, eighteen Articles all tending to that End.

IN the 19th Article, all Favourers of Hereticks are excommunicated, thereby putting it in the Pope's Power to excommunicate Christian Princes, who, either for the Defence of their Dominions, or other Reasons of State, should make Leagues with Hereticks or Infidels ; giving the People to understand, that the Prince that does so, has not a sound Faith, and may be dethroned, as *Henry III. of France*, a Catholick Prince, was served, only because he took the People of *Geneva* under his Protection, which gave the Jesuits a Handle to teach, that the People might rebel against him ⁴.

IN the 20th Article, all those are excommunicated who appeal from the Decrees, Sentences, and other Orders of the Pope to a general Council. All Universities, Colleges, and Chapters, that hold or teach that the Pope is subject to a general Council, are excommunicated and interdicted ; so that, not only all the Articles established in this Bull, but all the Constitutions, Decrees and Sentences of the Court of *Rome* are to be obeyed and received under Pain of Excommunication and Interdiction.

IN the 21st Article, all Princes are excommunicated, who in their Dominions lay on new Tolls, Taxes and Customs, or augment the Old, excepting in Cases where they are allowed by Law, or by a special Licence obtained from the Apostolical See ; therefore, agreeable to this Article, *Martin Becan* ⁵ taught, *That a Prince becomes a Tyrant, if he loads his Subjects with unjust Taxes, sells the Offices of Judges, makes Laws for his own Conveniency, &c.* Thus by Virtue of this Excommunication, it shall be in the Pope's Power, whenever he thinks fit, to declare a Prince a Tyrant, and stir up his Subjects against him, in order to dethrone him, if he shall offer to lay on Taxes without having first obtained his Licence. And thus Christian Princes must lay the Secrets of their States and their Necessities before the Pope, in order to obtain Liberty to impose new Taxes, or augment the old. *Boniface VIII.*

¹ We find both these Bulls in tom. 4 of Chiocciarello's MS. Giurisd.

² Fran. Toleti Summa de Instruct. Sacerdotum, lib. 1.

³ Leone Allacci. In Sannio, lib. 5. cap. 23.

Toppi in Bibl. Neap. lit. Lion. Duardo.

⁴ Richer. Apolog. Jo. Gerson, pag. 194.

⁵ Martin. Becan. Opusc. quo respondet ad Aphorismos falsò Jesuitis impositos, resp. ad 9. Aphorismum.

made use of this Pretence against King *Philip the Fair* of France, reproaching him with having oppressed his Subjects with unjust Taxes, and diminished the Value of the Money in his Kingdom. And if the provident Care of the Duke *D'Alcaiz* had not intervened, it might have had bad Effects in our Kingdom, for the People had already begun to murmur on account of the Imposition of Taxes, which they looked upon as unjust, because they were laid on without a Licence from the Pope, and therefore they thought they were not bound to pay them, as we shall see by-and-by. And in 1552. in the Government of the Duke *D'Offuna* the pernicious Effects of this Doctrine too manifestly appeared; for it having been resolved by all the *Seggi* of the City of *Naples*, excepting those of *Capuana* and *Papale*, to lay on a new Duty of a Ducat upon each Hogshead of Wine that should be drunk, the People in a tumultuous Manner declared that they would not pay it, in which they were encouraged by many Spiritual Fathers, who openly declared, all those that had had a Hand in laying on that Duty, were guilty of a mortal Sin; and among the rest, there was a Spanish Capuchin, named *Fra' Lupo*, who, with great Ferency, declaiming in all the Corners of the City, and preaching and protesting to all, that the Judgments of God would light upon them if that Duty should be paid, the Viceroy was forced to turn him immediately out of the City. But notwithstanding the People could never be brought to consent to it, and the Duty was laid aside; and the Year following all Means possible were used, in order to dispose them to give a new Donative of 1,200,000 Ducats: Whence proceeded among us that pernicious Doctrine of the Casuists, with which they direct the Consciences of Men, and insinuate to them from their Confessionaries, that it is lawful for the People to cheat the Custom-House of the Duties, because they are imposed without the Papal Licence.

IN the 27th, 28th, and 29th Articles, the Ecclesiastical Immunity is established absolutely, and independently from any Prerogative of the Prince whatsoever, and consequently, all Presidents, Counsellors, Parliaments, Chancellors, in fine, all Magistrates and Judges appointed by Emperors, Kings, and Princes are excommunicated, who, in any manner, shall hinder the Ecclesiasticks to exercise their Ecclesiastical Jurisdiction *contra quoscunque*. By this Article all the Political Authority of the Prince is overthrown and transferred to the Episcopal Court, for the Ecclesiasticks are not only declared exempted from the Political Jurisdiction both in Civil and Criminal Causes, but whenever they have a Mind they can draw the Laicks to their Courts, nor can the Magistrates oppose them, because if they hinder the Exercise of the Ecclesiastical Jurisdiction, *contra personam*, they incur Excommunication.

IN this Bull all those are excommunicated who shall hinder the Exportation of Provisions and other Necessaries out of their Dominions, in order to be carried to Rome and the Ecclesiastical Dominions, for the Subsistence and Necessities of that City and State.

IN the 13th Article, all those are likewise excommunicated who shall hinder the Execution of the Apostolical Letters, under pretence that they must first have their Assent, Good Will and Approbation: whence the Ecclesiastical Doctors were very ready to insert in their Works, as to pass over others, *Reginaldus* did², that Magistrates incur the Censures contained in the 13th Article of this Bull, when, without their Assent and Examination, they hinder the Execution of the said Letters, even though they should confine themselves to examine them only, without putting a Mark or Note to them, but returning them as intire and untouched as they were presented to them. And by this in our Kingdom the *Exemptio Regum* fell to the Ground, and very many important Prejudices followed, insomuch, that to receive the Bull was to ruin the Kingdom.

ALL the Catholic Princes on the other Side of the *Alps* by no means would receive it in their Dominions, nor at any Rate suffer it to be published; and *Tellarius* writes³, that the Princes of *Italy* themselves looked upon it as a too heavy and insupportable Yoke, and especially our King *Philip* and the Republick of *France*.

² Tom. Costo par. 3. del Compendio al
lib. 1. c. 15. §. 2.

³ Reginald Prax for. poenit. lib. 5. cap. 27.
num. 227.

⁴ Thuan lib. 44. pag. 523.

IN *France*, the Publication of the Bull was forbidden by many *Arrêts* of Parliament, under most severe Penalties, as, in many Articles, repugnant to the King's Rights, those of his Officers, and the Liberty of the *Gallican Church* ¹.

IN *Germany*, the Emperor *Rodolphus II.* vigorously opposed the Publication of it. Yea, the Archbishop of *Mentz* himself, one of the Electors of the Empire, forbad the Publication of it in his Territories and Dioceses ².

IN *Spain*, King *Philip II.* likewise opposed the Publication of it. And *Zypæus* ³ and *Van-Espen* ⁴ testify, that it was never received in *Flanders*; and though *Bentivoglio* the Nuncio did his utmost Endeavours to get it received and published, by sending Copies of it to the Bishops, yet it was not published there, nor would the Bishops obey him in that.

WHEN this Bull was published in *Rome*, the Duke *D'Arca* our Viceroy, with the Advice of those two famous Regents of the Collateral Council *Villano* and *Revertera*, having been informed of the great Prejudices it contained, and that all the other Catholick Princes had quite rejected it, and were using their utmost Diligence and Rigour to prevent its being published, punishing those that dispersed it, by practising the same Rigour in our Kingdom, prevented its being received.

THE Bishops had immediately recourse to *Rome*, by complaining to the Pope of the Viceroy's doing all he could to have the Bull rejected; the Pope perceiving that it would be in vain to endeavour to have the Viceroy removed, making use of the wonted Arts of *Rome*, with the Favour of Princes not well informed, to compass his End, ordered the Bishop of *Ascoli*, his Nuncio in *Spain*, to make pressing Instances with King *Philip* to induce him to write to the Duke to cause the Bull to be received in the Kingdom; and the Nuncio managed the Matter so dexterously, complaining that the Ecclesiastical Jurisdiction was thwarted in *Naples*, that the same Year 1567. he persuaded the King, not well informed, to write a Letter to the Duke, in which he ordered in general, that a particular Regard should be had to the Ecclesiastical Jurisdiction, and that it ought not to be thwarted; but with his wonted Prudence added, that he might favour it in so far as it should not be prejudicial to his Royal Prerogatives; and therefore, that he might be able to satisfy the Pope upon good Grounds, he wanted to have particular Information of all that had been taken notice of in the Kingdom, therefore he charged him, that after he had consulted with Men of Learning, Skill, and undoubted Probity, to send him an Account of all, together with his own Opinion.

THE Viceroy returned an Answer to this Letter, with two particular Consultations, one of them dated the 31st of *July*, and the other the 22d of *December* the same Year, wherein he related all the Articles of the Bull, which chiefly struck at the Royal Jurisdiction, and told him, that this Affair being of the greatest Importance, it behoved him to be very circumspect, and that he was resolved to send to his Holiness in *Rome*, one of his Majesty's Council, a Man of Learning, and well skilled in the Pragmaticks, Statutes, Customs and Usages of the Kingdom, who, together with his Majesty's Ambassador in *Rome*, might treat with the Pope about an Affair of so great Consequence, in order to prevent so many Prejudices.

BUT while they were about examining the Duke's Report of the Articles in *Spain*, in order to come to a Resolution about what was fit to be done, the Archbishop of *Naples*, and the Bishops of the Kingdom, encouraged by the Pope, laid hold of the Opportunity, published the Bull, and dispersed it over all their Dioceses, whence, particularly with respect to the Collection of the Taxes, and the *Exequatur Regium*, great Inconveniencies followed. King *Philip's* Ambassador residing in *Rome*, complained to the Pope, *That the Bull In Cœna Domini, had been published in his Majesty's Dominions, and particularly in the Kingdom of Naples, without the Exequatur Regium*; but Pope *Pius* answered, according to *Catena* ⁵, "That tho' the very antient Bull *In Cœna Domini*, was only published by the Popes in *Rome*, yet, like all other General Constitutions, it had Force over all the World; and that in all Times past, such Princes and People as have been found to contravene any of the Prohibitions contained in that Bull, have asked Absolution

¹ Probationes libert. Eccl. Gallic. per Pytheos, cap. 7. num. 50, & 55. & Comment. in eadem libert. art. 17.

² Addit. ad num. 57. d. cap. 7.

³ Zypæus in Jure novo tit. de Ordinandis, n. 14.

⁴ Van-Espen Tract. de promulg. LL. Eccles. par. 1. cap. 7. §. 4.

⁵ Girolamo Catena, vita di Pio V. lib. 93. & 101

attempted against his Royal Prerogatives. In the first Place he gave him to understand, that he was very much grieved to hear that Matters had been carried so far as he represented, and that he must needs tell him that he was heartily sorry for having dissembled so much, and suffered Things of such pernicious Consequence to pass so easily; that he (the Duke) had a very just and lawful Excuse to make to the Pope, for not suffering or giving way to such Innovations as were pretended to be introduced in his Time, by telling him, that as he was Lieutenant of the Kingdom, and being intrusted to govern it with those Privileges and Prerogatives it had for so many Years enjoyed, he could not but preserve them in the same State he had found them; that therefore his Holiness ought not to take it in ill part, nor think it Disobedience in him, that he first consulted his Majesty, and performed his Duty and Office; that he ought to tell the Nuncio, that while he governed the Kingdom he would not suffer any Thing to be done in prejudice of its Prerogatives and Privileges, but would leave them as he had found them; and that if his Holiness pretended to introduce any Thing into it, he might apply to the King his Master, whose Business it was to command, as it was his to obey.

WHEREFORE he expressly commanded that the Duke, by the best Means he could devise, should restore the Kingdom to the same State in which he had found it, without suffering his Jurisdiction and Royal Prerogatives to be prejudiced in the least Jot, and as he confided intirely in him, he would admit of no Excuse.

THAT he should give the Nuncio *Odescalchi* to understand, that while he had the Charge of the Kingdom, he would not suffer Innovations in it so prejudicial to his Majesty.

THAT he should severely and exemplarily punish those who shall dare to make use of any Brief, Bull, or Apostolical Concessions, without having first obtained the *Exequatur Regium*, which for so long a Time, and for so necessary and just Reasons, has been practised in the Kingdom. And that (approving of his Resolution to send a well qualified Person to *Rome*) he should expostulate with the Pope about those Injuries and Prejudices occasioned by these Novelties: In the mean time, he ordered him to send him immediately Advice of his having punctually put his Orders in Execution; likewise adding (to shew his Earnestness) that having given him Liberty, on account of his bad State of Health, to come to *Spain*, if, peradventure, he may have left the Kingdom, he ordered him, upon Receipt of this Letter, immediately to return and settle the Kingdom, and reinstate it in its antient Privileges, so as to leave it in the same Condition, and with the same Jurisdiction and Prerogatives it had when he entered upon the Government.

HE likewise answered what the Duke had written concerning the Scruple which those of the City had with respect to the Tax, that he should be at Pains to undeceive them of their Mistake; for he having consulted his ablest Divines about that Matter, it was found to be an Error and a Trick, therefore he ordered him immediately to lay on the said Tax, that the Court of *Rome* might be undeceived, and find, that such indirect Means would be of no use to them in Things of that Nature.

THE King likewise, on the 31st of *July* the same Year, wrote very pressingly to the Great Commendatory, to whom he committed the Management of this Affair with the Pope, and sent his Instructions, and all the Writs and Consultations relating to it, charging him to manage it with such Vigour and Efficacy as the Nature of so serious and important a Matter required. Besides, the King with his own Hand added at the Bottom of this Letter, that he had this Affair so much at Heart, that he would not have intrusted any other with it but him, being assured of his Ability and Fidelity in managing it. And *Thuanus*¹ writes, that King *Philip* was so highly offended that the Bishops and Parish Priests had had the Assurance to publish this Bull in his Dominions of *Spain* and *Italy*, that he forbid it under a Penalty suitable to their Boldness, saying, as *Thuanus* has it, *Nolle se committere, ut ignava sua patientia Majestatem Imperii a majoribus acceptam, atque adeo ærarium imminuisse videatur; videre se, nec invidere, quod Regi Francorum, qui Regnum Sæclaria peste infectum habeat, nova quotidie subsidia à sacro ordine emungere concedatur, id vero ferre non posse, sibi qui Regna ab eadem peste incontaminata servet, interdici, quominus jura ab omni ævo ad hunc diem ab eodem sacro ordine*

¹ Thuan. lib. 44. pag. 893.

in suis ditionibus pendi solita, exigere liceat. The Venetians made the same Complaints, and by no means would suffer these Novelties in their Republick.

ALTHO' the Duke *D'Alcala* had got Liberty from the King to return to *Spain*, yet he had not left *Naples* when the King's Letter arrived, which obliged him to stay; and being now assured of the King's resolute Intentions, he began more boldly and vigorously to oppose the Bishops, and, in his own Vindication, was wholly intent upon repairing the past, and preventing new Injuries; he caused the Regents of the Collateral Council to make a Report, that the publishing of the Bull by the Archbishop of *Naples*, and the other Bishops in their Dioceses, had not prejudiced the King's Royal Jurisdiction and Prerogatives; that Matters were in their former State, and ready to be amended as Occasion offered: And in fine, notwithstanding that the Great Commendatory was negotiating this Affair in *Rome*, as the Bishops, whenever they had an Opportunity, never failed to attempt Innovations, so the Viceroy was as ready to oppose and prevent them.

THE Bishop of *Venafro* had taken upon him to forbid the paying of Taxes in his Diocese, but the Viceroy immediately wrote to the Commissary *Barbato*, ordering him to cause them to be collected notwithstanding the said Prohibition; and having heard that the Syndicks and Magistrates of *S. Germano* had sent to *Rome* to obtain a Bull, and the Assent of the Apostolical See, in order to enable them to go on in collecting the Taxes they had imposed upon the said City by Virtue of the King's Licence and Decree; and that when they began to collect the said Taxes they had been publicly prohibited in the Church by the Vicar, intimating, that these Taxes were declared unlawful by the Bull *In Cæna Domini*, and not to be collected under the Pain of Excommunication: He commanded the said Commissary *Barbato* to take Information against the Syndicks and Magistrates, and likewise against those who had advised them to send to *Rome*, and finding them guilty, to bring them to *Naples*, together with the Information, and in the mean time to continue the Collection.

THE Archbishop of *Cbiati*, and the Bishops of *Bitonto*, *Lavello* and *Venosa*, had likewise the Boldness, by Virtue of the said Bull, to prohibit the Taxes; but the Viceroy, besides having severely reprimanded the said Prelates for intermeddling in that Affair, and ordering the Collection to be continued; on the 3d of *October* 1568. gave the King a particular Account of the Outrages committed upon the Laws.

THE Bishop of *Melfi* had also proceeded against the Laicks, by prohibiting the Collection of the Taxes of that City; whereupon the Viceroy vigorously opposed him, and on the 11th of *December* the same Year wrote to the King, begging of him that he would be pleased to order proper Remedies against the Usurpation of his Royal Jurisdiction by the said Prelates.

THE Bishop of *Cava* had likewise put a Stop to the Collection of the Taxes of that City, and published Excommunication against those who collected them. But on the 6th of *February* 1569. the Viceroy sent the Bishop a severe Reprimand, ordering him to revoke the Excommunication, and not to hinder the Collection; he likewise sent a Royal Letter to the *Capitano* and City of *Cava*, ordering them to go on in the Collection of the Taxes imposed by Royal Decree, excepting from the Churches and Ecclesiastical Persons, notwithstanding any Prohibition whatsoever, made, or to be made by the Bishops; and he likewise gave the King an Account of what had passed.

THE Viceroy, as we have said, having sent a particular Account to the King of all the Incroachments of the Bishops, and of what he himself had done in Opposition to them, in order to obtain his Majesty's Commands how he should act in so weighty an Affair; the same Year 1569. the King answered him by another Royal Letter, by which he not only approved of his Vigilance, but charged him vigorously to oppose the Outrages of the Bishops, and not to suffer them to incroach a Hair's breadth upon his Royal Jurisdictions and Prerogatives: Wherefore the Duke, assured anew of the King's Pleasure, wrote a severe Mandate to all the Bishops and Archbishops of the Kingdom, intimating to them, that they were not to publish, or cause to be published, the Bull *In Cæna Domini*, nor any other Bull without the *Royal Exequatur*, otherwise he would proceed against them as Incroachers upon the Royal Jurisdiction. At the same time he likewise wrote to all the Governors of Provinces, ordering them to send Messengers on purpose to deliver the said Mandate

to all the Prelates, and in their Absence to their Vicars, and to be careful in preventing the Publication of the Bull *In Cæna Domini*; and for that End to order all the *Capitani*, both of the King's Patrimonial and Baronage Cities, that whenever they understand it is to be published, immediately to snatch it out of the Hands of the Prelate, or of any other Person designing to publish it, or in case they should affix it upon the Doors of the Cathedrals, or upon any other Place, to pull it off, and directly to send it by an Express to the Viceroy; besides, immediately to sequestrate both the Patrimonial and Temporal Estates of such Bishop as shall presume to publish the said Bull.

THESE Orders had their designed Effect, for some Prelates, who, notwithstanding the Mandate, presumed to publish the Bull, had their Estates confiscated. The Archbishop of *S. Severino* having caused it to be published in that City, the Viceroy wrote to the Count of *Sarno* Governor of *Calabria*, to sequestrate both his Patrimonial and Temporal Estate. The Viceroy having likewise heard, that the Vicar of the City of *Cedogna* had published it, wrote to the Governor of the *Further Principato* to send an Auditor to take Information, and if it should be found that he had published it, to sequestrate his Estate, and if the Bull was affixed upon the Doors of the Church, or elsewhere, to pull it down. The like Orders were sent to the said Governor against the Arch-Priest of *Eboli*; to the *Capitano* of the Town of *Cameli*, against the Bishop of *Bojano* and his Vicar; to the Governor of the *Hither Principato* against the Arch-Priest of *Casale dell' Acqua*; to the Governor of *Capitanata* against the said Bishop of *Bojano*, and to many others; and some of these having come to *Naples* and waited upon the Viceroy, and making it appear that they had not published the Bull after they had received his Mandate, their Estates were restored to them. Of all which, and of the general Mandate sent to the Bishops and Archbishops, and of the Orders sent to the Governors of Provinces, and of the Sequestrations, the Viceroy sent a distinct Account to the King in *Spain*.

IN order to put a Stop to the Dispersing of this Bull, there was one Thing yet wanting to be done, which was, to order the Printers and Booksellers not to print or sell it, therefore the Viceroy having been informed that some Booksellers in *Naples* sold Copies of it; and although the Printers had been prohibited to print any Thing without Licence, yet some of them had printed it, ordered their Houses and Shops to be searched, all the Copies seized, and themselves put in Prison, which was accordingly done. And the Count of *Sarno*, Governor of the Province of *Calabria*, having acquainted him, that the Booksellers of *Cosenza* had many Copies of this Bull, and sold them, he ordered the said Count to search their Houses and Shops, seize all the Copies, and imprison the Booksellers; with which he likewise acquainted the King, by a Letter dated the 7th of *May* the same Year 1569.

BUT the more careful the Viceroy was in putting a Stop to the Publication of this Bull, that the Ecclesiasticks might not make use of it in the Kingdom, so much the more pressing was the Court of *Rome* with the Prelates to oppose him, and to leave no Stone unturned in order to have it take Effect. The Pope exclaimed against these Expedients taken by the Viceroy, calling them Violences; and if we may give Credit to Cardinal *Albitius**, he threatened to excommunicate both him and the Collateral Council, and to put the City of *Naples* under Interdiction. But looking upon this Remedy then to be worse than the Disease, the Court of *Rome* fell upon a cunning, malicious, and scandalous Shift (not minding how they insnared Mens Consciences, particularly those of the Weak, who are most numerous) which was, to order the Confessors, both Regular and Secular, to deny Absolution to their Penitents; so that finding they had reaped but small Advantage by sending the Bull to the Prelates, they resolved to send it to the Generals of Orders, to be distributed amongst all the Confessors of their particular Orders, with an Injunction not to absolve any Person that had contravened it.

IT being known in *Rome*, that the Viceroy had for his Confessor a Monk of the Monastery of the Cross, they began with him. The Pope ordered the General of the *Franciscans* to send the Bull to all the Confessors of his Order; and besides to write a particular Letter to *Fr. Michele*, the Guardian of the Monastery of the Cross, who was the Viceroy's Confessor, to take care not to absolve the Viceroy when he found he had acted against the Bull. The Viceroy got a Copy of this Letter,

* Card. Albitius, de inconstant. in Fide, cap. 30. num. 401, 405, & 413

and sent it to the King, together with another Consultation, dated the 15th of May the same Year, begging of him to take a vigorous Resolution in an Affair of so great Consequence.

THEN it came to the Regents of the Collateral Council's Turn, particularly *Villano* and *Revertera*, the Viceroy's Advisers. Regent *Villano*, some Days before *Whitsunday* having gone to confess to his ordinary Confessor, who, unluckily for him, was a *Franciscan* of the Monastery of the Cross, by no means could persuade his ghostly Father to absolve him, because he had contravened the Bull; telling him besides, that the Nuncio had secretly reprimanded the Guardian of the Convent, because he sent every Day one of the Monks to say Mass in the Chapel within his (the Regent's) House, when he knew that he had been excommunicated for opposing the Bull. Wherefore the Regent was forced to go to another Monk, who absolved him for that Time, and gave him the Sacrament on *Whitsunday*; but the Monk told him, that he would not adventure to absolve him any more till he had atoned for his Proceedings with the King.

THE Case of Regent *Revertera*, who had to do with the Jesuits, was more lamentable; on the Vigil of the Ascension the Regent went to confess to his ordinary Confessor; the Jesuit would not so much as hear him, but bawling out, said, that he could not absolve him, because he had been excommunicated for having forbidden the Publication of the Provisions and Briefs of *Rome* without the *Exequatur Regium*; that he had consented to the Imprisonment and Punishment of those who had published the Bull *In Cœna Domini*; and that he had ordered the Collection of the Taxes to be continued: Therefore he must not expect to be absolved by him, nor by any other Priest; and that Regent *Villano* had been absolved by that Monk, because the Order for not absolving the Regents was not then come to the General of his Order; so that poor *Revertera*, all in Confusion, and blushing, was forced to sneak away. By this Means it was found out that such an Order had been sent from *Rome* to the Confessors of all the Orders, and that Cardinal *Savelli*, the Pope's Vicar, in Name of his Holiness, had commanded the General of the Jesuits to give strict Injunctions to all the Confessors of his Order, not to absolve the Viceroy, nor the Regents, and that the same had been given to all the other Orders.

THE Example of the Court of *Rome*, by their Insinuations, was followed by the Bishops of the Kingdom; for the Bishop of *Bojano* had likewise taken upon him to give Orders to the Confessors of his Diocese, and particularly to those of the City of *Ferrazzano*, not to confess nor absolve the Citizens, and those who had the Government of the said City, who continued the Collecting of the Taxes; and although the Viceroy sent a Mandate to the Bishop to revoke the Orders, otherwise he would proceed against him as he thought proper, the Bishop would not obey; therefore the Duke, on the 29th of *January* 1570. wrote to the King, begging of him, that he would be pleased to allow him to turn the Bishop out of the Kingdom, and sequester his Revenues: In the mean time he wrote to the Governor of *Capitanata*, immediately to cause the Mandate to be presented to the Bishop, and returned to him; and he also wrote to the *Capitano*, and University of *Ferrazzano*, to take care to see that the Taxes were collected notwithstanding the Bishop's Orders.

THE Duke being well informed of all the Proceedings at *Rome* and in the Kingdom, on the 10th of *June* the same Year 1570. wrote a full Account of them to the King, earnestly begging of him to order a speedy Remedy, likewise laying before him, that he himself was already sixty Years of Age, Regent *Villano* above Seventy, and Regent *Revertera* little less, and that it was very likely some of them might come to die of the Fear and Scruples which the Ecclesiasticks exaggerate, and which in the End disturb the Peace of the Mind, especially in old Men, who have one Foot in the Grave¹.

IT was not long before the Regent *Villano* fell ill, and the Confessors would not absolve him, nor even when he came to be at the very Point of Death, had they any Compassion of him; at last the Nuncio, after having made very narrow Inquiry, being assured that he was breathing out his last, gave Liberty to confess and absolve him, but upon Condition, that if he should recover, not to side with the Viceroy when Matters of Jurisdiction should come to be treated of, nor meddle with

¹ Chiecc. rom. 2. MS. Giurisd. de Bulla In Cœna Domini.

them: So he was absolved, and thus died the so famous Regent *Villana*, a Minister no less learned, than a zealous Defender of the Jurisdiction and Prerogatives of his King, whose Tomb is to be seen at this Day in the Church of *S. Lorenzo* in *Naples*.

ALL the Confessors protested that they would not, upon any Consideration whatsoever, absolve the Regents, till they had first promised not to meddle with the Bull *In Cœna Domini*, but to observe and execute it. The Bishop of *Nola* had likewise ordered, that the Magistrates of that City should not be absolved by the Confessors, because they exacted the Taxes upon Bread, laid on by the Royal Decree and Assent, whereby the Clergy, Churches, and Ecclesiastical Persons were excepted; and the Viceroy having sent him a Mandate to revoke the Orders, he would not obey.

MORE OVER, the Pope having this Year 1570. published a Jubilee, in order to exclude from it the Regents and other Ministers and Officers belonging to the King, caused a Clause to be added, that those could not partake of it who had violated the Ecclesiastical Immunity; and the Confessors said, that by these Words the Regents and other Ministers were pointed at, and the Nuncio likewise declared the same.

THE Viceroy sent the King a full Account of all these Disorders in two different Letters, one of them dated the 29th of *January*, and the other the 10th of *May* this same Year 1570. begging of him, that he would be pleased to apply a Remedy to them, since he could not resist the pressing Instances of the Regents and other Ministers, who were in the greatest Perplexity on that Account¹.

IN the mean time King *Philip*, by the Means of *Vincenzo Giustiniano*, and Cardinal *Alessandrino*, at this Time sent to *Madrid* by Pope *Pius* as his Legates (of which Legation we shall discourse by-and-by) and by the good Offices of his own Ambassador, and the Great Commendatory in *Rome*, had in some measure softened the Pope; and *Thuanus*² writes, that *Pius* V. had cooled, and laid aside his former Passion for Religious Wars, which were then carried on with more Heat in *Flanders* and *France* than ever: So that the King, by a Letter dated the 17th of *July* 1569. assured the Duke, that, by what had been transacted in *Rome*, he foresaw that his Holiness would be pacified, and proceed no further; and that at present he had only to let him know, that his Nuncio in *Spain* had told in great Secrecy, that the Pope had given an Order not to publish the Bull *In Cœna Domini* till his further Orders; therefore he desired to be advised if that Order continued, or if another contrary had been sent³.

MATTERS continued in this State during the Government of the Duke *D'Alcala*, who died soon after in *Naples*; nor was there ever a decisive Resolution taken in this Affair, but Things went on afterwards according as the Times would allow, the *Spaniards* still applying their wonted Remedies. They on the one Hand never failed to oppose the Prelates whenever they had a Mind to put the Bull in Execution, though they did not much trouble themselves about their causing it to be read every Year. On the other Hand, the Bishops and Ecclesiasticks never failed to publish it from the Pulpits every *Holy Thursday*, and to affix it upon the Confessionaries, and the Doors of the Churches; nor did they much mind whether it were afterwards put in Execution or not. In the Viceroyalty of the Duke *D'Alcala*, by the pressing Instances of King *Philip*, they found great Opposition and Vigilance. His Successors, according to the Times and Opportunities, sometimes made weak, sometimes strong Opposition.

CARDINAL *Granvela*, the Duke's Successor, shewed no less Courage than his Predecessor; for King *Philip* being terribly vexed, that notwithstanding the Nuncio's Promises made in *Spain* in the Pope's Name, yet the Court of *Rome* never left off insinuating to the Bishops of the Kingdom to publish and affix the Bull, wrote a very serious Letter to *Granvela*, complaining, and shewing his Indignation at the Manner of proceeding of that Court, and among other Things said: " 'Tis a
" hard Case, that because I alone, and my Kingdoms, have the greatest Respect
" and Veneration for the Apostolical See, in place of a thankful Acknowledgment
" as they ought to make, they take Advantage of it, in order to usurp the
" Authority so necessary, and adapted to the Service of God, and the good Govern-

¹ Chiocc. loc. cit.
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² Thuan. lib. 44.

³ Chiocc. loc. cit.

“ment of the Kingdoms with which he has intrusted me, and 'tis very probable
 “that they may force me to take another Course; and I must confess to you, I am
 “very weary of them, and they do what they can to wear out my Patience, great
 “as it is, and if they carry Matters to that Extremity, they, perhaps, may all
 “come to repent of it”. For which Cause *Granvela* exerted himself with Vigour
 and Vigilance; infomuch, that the Archbishop of *Rossano* having published the Bull,
 and it appearing, that a Laick Servant belonging to the Archbishop was present, he
 caused him to be put in Prison, where, after having been many Months, he died.

THE Duke *D'Ossuna*, by the Memoirs that are left us, which we owe to the
 most careful *Bartolomeo Chieccarello*, endeavoured, as far as the Times would permit,
 to imitate him; for having heard, that the Bishop of *Ugento*, one Sunday in Time of
 Mass in the Year 1583. had published the Bull in the said City, on the 12th of October
 the same Year, he wrote a Royal Letter to *Francesco Caraffa*, Governor of *Terra*
d'Otranto, ordering him to inform himself if it was true, that the said Bull, or any
 other had been published without the *Exequatur Regium*; and that if any Laicks
 had been present, to imprison them, and to send him a Copy of the Information,
 that he might consult what further was fit to be done: But there having been no
 Laicks present, and it appearing by the Information taken and sent to the Duke,
 that the Bull had not been affixed, but only published by Word of Mouth, and that
 the Bishop had no Patrimonial Estate in the Kingdom; on the 23d of January the
 same Year, the Duke wrote to the King, giving him an Account, that it was not in
 his Power to act in this Case as the Duke *D'Alcala* and Cardinal *Granvela* had
 done, because the Bull had not been affixed, nor had there been Laicks present, so
 that he was resolved to call the Bishop to *Naples*, and to sequester the Revenues
 of the Bishoprick; but before he had received his Majesty's Answer, he did not
 think it fit to proceed farther than to summon him, and order the Count
D'Ugento to send an Account of the Revenues of the Bishoprick, and their Qualities,
 that he might be able, in the Name of the Exchequer, to send an Order *Ad Ossen-*
dendum titulum, and by that Means to punish him for his Fault.

THESE Events, which are collected from the Accounts sent by the Duke
D'Alcala to King *Philip* in *Spain*, and from the King's Letters which are registred in
 the Chancery of *Naples*, and from the Testimony of *Thuanus*, a grave, faithful,
 and cotemporary Writer, are convincing Proofs of the impudent Flattery of Car-
 dinal *Albitius*², who did not stick to say, that this Bull had been received in all the
 Dominions of the Monarchy of *Spain*, and especially in the Kingdom of *Naples*,
 giving the Lye not only to *Salgadus*, who writes, that it was not received in the King-
 dom of *Spain*, but to our *Tappia*, who, in his Treatise *De Contrabandis Clericorum*,
 very justly writes, that it was never received in our Kingdom: These are the Words
 of *Albitius*, *Totum enim contrarium apparet ex consultationibus, & literis directis ad*
Regem Christianum Philippum II. à Duce de Alcala Prælege Neapolis de Anno 1567.
videlicet, Bullam hanc fuisse, non solum in Civitate Neapolis, sed per totum Regnum
publicatam; for these Consultations. or Accounts and Letters, as we have seen, are
 so far from proving that it was received, that they prove that the Bishops, who had
 the Boldness to publish it, were punished. The Bishops, 'tis true, spurred on by
 the Court of *Rome*, had the Arrogance, in Spite of the King, to publish it, but
 their Designs always proved vain, and never took Effect; the Collection of the
 Taxes was continued, and new ones were imposed without a Licence from the
 Apostolical See; the *Exequatur* was maintained; the Magistrates were not disturbed
 in the Exercise of their Offices; the Exportation of Corn was forbidden as formerly;
 nor was there any carried to *Rome* without a Royal Licence.

WHAT this Author adds is yet more fabulous, that King *Philip* II. had yielded
 this Point, and that in the Instructions given to the Marquis *De las Navas*, who in
 the Year 1578. was sent to *Rome*, he had confessed, that the Bull had been pub-
 lished and received in all his Dominions; for *Thuanus* tells us the contrary, that the
 Pope had abated of his Ardour, and King *Philip* wrote to the Duke *D'Alcala*, that
 the Pope had ordered not to publish the Bull till his further Orders; and after the
 Marquis *De las Navas* was sent to *Rome*, Cardinal *Granvela* and D. *Pedro de Giron*,
 Duke *D'Ossuna*, who was Viceroy from the Year 1582. to 1586. opposed the At-

¹ Van-Eipen de placito Regio. in Appendice
 Monumenti f. 11. 25.

² Card. Albit. de inconstancia in fide, cap. 3.
 § num. 403. ad num. 414.

tempts of the Bishops, as their Successors likewise did, though not with the same Vigour and Courage as the Duke *D'Alcala* had done.

IF the *Spaniards* had applied the Remedies practised in *France* for curing these Wounds, instead of Plaisters and Ointments, the Flatterers of the Court of *Rome* would not have had Room for writing these and greater Extravagancies, to the great Reproach of the Power and Jurisdiction of our Kings; but having neglected to punish the Bishops and Parish Priests for publishing the Bull, and only withstanding particular Cases, such as preventing the Bishops from putting it in Execution: The Ecclesiastical Authors, by finding it published by the Bishops and Parish Priests, and seeing it affixed upon the Doors of the Churches and Confessionaries, have written that the Bull was published and received in the Kingdom, as, among the rest, Cardinal *Albitius* did, who therefore, as an Eye-witness, says, *Et ego, qui per triennium exercui officium Auditoratus Nunciaturæ Neapolis, sub fel. rec. Urbani VIII. Pontificatu, testor acceptationem, & ejus usum in prædicta Civitate, & Regno.* But he ought likewise to have known, that when the Bishops had a Mind to put it in Practice, they were immediately opposed and prevented by the Collateral Council, and the Judge Delegate of the Jurisdiction: That in his Time new Taxes were laid on without a Licence from the Apostolical See; that it was prohibited to send Corn to *Rome* and the Ecclesiastical State, without a Royal Licence, although by the Bull such a Prohibition could not be made, yea the Ecclesiasticks desired Liberty of Exportation every Year, and nothing was altered that had been in use to be done before the Bull.

WHENCE likewise proceeded, that the Bishops of the Kingdom, in establishing Decrees in their Diocesan Synods, made use of the Bull, and quoted it; but for all that, they were not received, but a Stop was put to the Execution of them. Our Provinces are full of such Synods, but none dares to put them in Practice.

WHENCE likewise proceeded, that the Ecclesiastical Writers, and particularly the Casuists (for through supine Negligence they are not much minded) have stuffed their Works with Maxims as false as they are prejudicial to the King's Jurisdiction, by maintaining, as, not to mention others, *Marta, Diana, del Bene*, and many others have done, that the Bull *In Cæna Domini*, like all other Bulls, has Force, and is binding upon the Consciences of Men, even in Kingdoms where it has not been received, Publication and Acceptation not being necessary to the Pope's Bulls, but that it is sufficient, if they be published *In acie Campi Floræ, ad Valvas Basilicæ D. Petri*, and other usual Places of *Rome*, to bind all Princes and all Nations of the Christian World: That the Pope having his Authority immediately from God, his Laws stand not in need of Publication or Acceptation; that the Bull *In Cæna Domini* itself decides the very same: And many other Extravagancies; as if, though the Pope should exceed the Limits of his Spiritual Power, by foisting into his Bull whatever he thinks fit, Princes were obliged blindly to obey, though by these Bulls they were to be deprived of their Authority and Jurisdiction, which they likewise have from God. And, as if the Prince, for the Safety of his Dominions, was not under an Obligation to have a watchful Eye over whatsoever may be introduced into them by *Rome*, and to guard against any Prejudice, that either his own Rights, or his Subjects might suffer thereby; for which see *Van-Espen*¹, a learned Priest, and famous Professor of the Canon Law in the University of *Louvain*, who upon this Subject has written a particular Treatise confuting the Errors of those Authors, printed in *Brussels* in the Year 1712. Yea, these Flatterers of the Court of *Rome* have not stuck to say, that whoever thinks otherwise may be suspected of Heresy, and accused before the Holy Office; and besides (which cannot be heard without raising Laughter and Indignation at the same time) they have had the Assurance to write, that to controvert the Fact, that is to say, whether in such a Province this Bull be received or not, is incurring the same Suspicion; and Cardinal *Albitius* says², that in his Time, by Order of Pope *Alexander VII.* this Proposition, *Bulla, quæ promulgatur in Cæna Domini, non est in Belgio usu recepta, juxta probabilem multorum Opinionem*, was by all the Members of the Holy Office, *nemine excepto*, called false, rash, erroneous, injurious to his Holiness's Authority, and that it opens a Door to Schism; and he quotes the Decree pronounced on the 20th of *September*

¹ Van-Espen Tract. de Promulg. Ll. Eccl. par. 1. per totum.

² Albit. loc. cit. num. 404, 405, & 413.

1657. And what better Document can they have of the Non-observance of this Bull, than the Bull itself, whereby Princes are prohibited to lay on new Taxes or Duties without a Licence from the Apostolical See; whereby their Officers, who shall hinder the Ecclesiastical Judges to exercise their Jurisdiction, *contra quoscunque*, are excommunicated; in fine, whereby Empire is subjected to the Priesthood, and the Pope makes himself Monarch over all the Kings and Princes of the Earth.



C H A P. V.

Of the Disputes about the Exequatur Regium to the Pope's Bulls and Rescripts, and other Provisions that come from Rome to the Kingdom.



IS truly worthy of Observation, how, in the Pontificate of *Pius V.* God, out of his infinite Providence, was pleased to set in Opposition to the excessive Zeal and Boldness of that Pope, the Vigilance and Courage of the Duke *D'Alcala*, that what he had from his own Mouth ordered, might be executed in our Kingdom, to give unto Caesar that which is Caesar's, and to God that which is God's. The Bull *In Cana Domini*, as we have seen, forbids Subjects to pay Tribute to Kings, if imposed without Licence from the Apostolical See; but the Duke did not mind the Bull, but collected the Taxes and Duties lawfully imposed by the Royal Decree and Assent. By this Bull Princes were deprived of the Supreme Rights of their Royal Authority; but so scandalous and prejudicial an Inroad was not suffered: In short, it was endeavoured to subject Empire to the Priesthood, but since God had said otherwise, his Divine Will was executed. But the Court of *Rome* not stopping there, and being always vigilant and upon the Catch, used their utmost Endeavour to bereave our Kings of a Prerogative so dear to them, that they value it as the Apple of their Eye, and the chief Foundation of their Royal Jurisdiction, viz. the *Exequatur Regium* given to the Pope's Bulls and Rescripts, and all other Provisions coming from *Rome*, without which they are not suffered to be put in Execution. Pope *Pius V.* above all his Predecessors, hated it so much, that he said it unhinged the Apostolical Dignity and Authority, and did his utmost to have it laid aside and abolished: His Successors following his Footsteps, as well as the Bishops of the Kingdom, have left no Stone unturned in order to have it suppressed. On the other Hand, our Kings have been commended for their Constancy, in always vigorously opposing their Inroadments, insomuch, that 'tis now more firmly established than ever. Therefore, pursuant to our Purpose, we shall relate its Origine, how it has been maintained in the Kingdom under all the Princes that have governed it; the Disputes had upon that Account with the Court of *Rome*, which sought to abolish it, and particularly in the Viceroyalty of the Duke *D'Alcala*, and for what Reasons, and how at last it always stood its Ground.

THE Ecclesiasticks, in order, the best Way they can, to support the Pretension of the Court of *Rome*, besides the general Reasons abovementioned, that the Pope's Bulls and Rescripts stand not in need of any other Acceptation or Publication than what is made at *Rome*, alledge a particular one for this Kingdom; and confounding the *Royal Assent*, which our Kings formerly gave to the Elections of all the Bishops of the Kingdom, with the *Exequatur Regium*, which is given to all the Pope's Bulls and Rescripts, and to whatever other Provision comes from *Rome*,

they pretend, that as by the Investitures that were begun to be given to the Kings of the Family of *Anjou*, and since continued to this Time, the Assent was suppressed, so likewise ought the *Exequatur* to be abolished. Thus Cardinal *Alessandro* being sent Legate to *Madrid* by Pope *Pius V.* his Uncle, to King *Philip II.* among other Things which he set forth in the Memorial ' given him, said by way of Complaint, That in very many Articles the Council of *Trent* was not observed in the Kingdom, and that innumerable Ways were taken for hindering the Execution of the Apostolical Letters and Dispatches; which Abuses, and particularly that of the *Exequatur Regium*, your Majesty, by your own Oath, is obliged to remedy and remove, as may be seen in the Clauses of the Investiture given by Pope *Julius II.* to *Ferdinand* the Catholick, and of *Julius III.* to your Majesty, to which you swore.

FOR this End they gave a very fabulous Rise to the *Royal Assent*, saying, that it was introduced into the Kingdom, and began to be practised in the Collation of Prelates to Cathedral Churches, only to know, before the Collation took Place, whether the elect Prelates were Enemies and Disaffected to the King, that no Person might be received into the State, who could be suspected of contriving Plots, Com-motions, and Revolutions; and that it was introduced when the Kingdom was involved in Troubles on account of the Disputes betwixt contending Princes, and when every Day there was fighting, and one of them turned out the other. This very Rise did Pope *Clement VIII.* give it in a Letter dated the 5th of *October* 1596. written with his own Hand to Count *Olivares* our Viceroy, whereby he pretended to have it abolished in those peaceable Times, when there was no War, nor any suspected Persons.

BUT to confound two Things of quite different Natures, and of as different Origines; to give the same Rise to the *Exequatur Regium*, which has its Beginning in the Dominions of Christian Princes at the same Time with Principality and their Royal Power, favours either of too much Ignorance, or subtle Malice.

THE Royal Assent, which was formerly required in all the Elections of the Prelates of the Kingdom, did not chiefly arise on the Occasion abovementioned, but proceeded from another Cause, to wit, from the Princes having formerly had a Share in the Elections of the Prelates; or, as *Duverno* says³, because the Prince representing the People, to whom they transferred all their Power; and, as formerly the People, as well as the Clergy, had a great Share in Elections, so that was transferred to the Prince; or from their having erected Churches from the Foundation, or rebuilt or enriched them with ample Revenues, reserving to themselves, not only that Right, but likewise the Power of investing the Prelates with the Staff and Ring, not for the Spirituality of their Office, which does not belong to them, but for the Temporality, which they, or their Predecessors had given to the Churches. Thus in the Reign of the *Normans*, who were so liberal and profuse in endowing Churches, there was not an Election made without their Consent. Thus was it likewise practised in the Reign of the *Suevi*, till that *Charles I.* of *Anjou*, who, by the Invitation and Favour of the Pope, having conquered the Kingdom, made no Objection to the Investiture given him by the Pope, but was content that for the Future his Assent in the Election of Prelates should not be sought: However, that did not abolish the *Exequatur Regium*, nor the Check upon Provisions sent from *Rome*, in case the Elect was an Enemy to the King, or a suspected Person, because this Right proceeds from another Principle; yea, Pope *Nicholas IV.* declared in a Bull, dated the 28th of *July* 1288. in the Time of King *Charles II.* of *Anjou*, that no Person, who was suspected by the King, could be raised to the Dignity of Archbishop, Bishop, or other Prelature of the Kingdom⁴. Nor was the Right of presenting and naming Persons to the Churches founded and amply endowed by our Kings, or their Predecessors, taken away, but they continued to be of Royal Patronage; whence afterwards, in order to put an End to the continual Debates with the Court of *Rome* about Cathedral Churches, proceeded that Agreement made between *Clement VII.* and the Emperor *Charles V.* of which we have discussed at large elsewhere.

¹ Archiv. Cast. S. Ang. cas. 14 9. num. 22.

³ Duar. de Sacr. Fecl. Min.

² Ch. eccl. fol. 15. à ter. & tom. 4. MS. Giustin.

⁴ Ch. eccl. tom. 3. de Regio Exequatur.

THE *Exequatur Regium*, which is given in the Kingdom, not only to Collations of Prelatures, and other Benefices of the Kingdom sent from *Rome*, but to all the Pope's Bulls and Rescripts, even to the Briefs of Jubilees and Indulgences, and to whatsoever other Provision comes from *Rome*, does not proceed from this Principle, nor did it begin in the troublesome Times of War, when the contending Princes were frequently driving one another out, and therefore had reason to be cautious in receiving Bishops. Its Origin is more antient, it had its Beginning not only in the Kingdom of Naples, but in all the Dominions of Christian Princes, with Principality itself, and belongs to them *Titulo sui Principatus*, or *Jure Regium*, as the abovementioned *Van-Espen*¹ fully proves. It was contrived for the Preservation of the State, and to prevent an Inlet to Commotions and Disorders from foreign Parts; therefore it has always been lawful for Princes, and commendable in them, that whenever foreign Writs came within their Dominions, whereby it was pretended to exercise Jurisdiction, either Spiritual or Temporal in them, to examine such Writs before they were put in Execution; so much the rather, that the Court of *Rome*, for a very long time, had assumed an Authority far exceeding the Bounds of a Spiritual Power, and often took upon them to decide Points belonging to the Temporal Power of Princes, and not within their Province: Whence the Custom was introduced, that if Writs from *Rome* are to be executed against Laicks, they cannot be put in Execution without applying to the Secular Magistrates for their Concurrence, who, not as bare Executors, but after having considered and examined the Affair, if they find it just, they give their Concurrence, otherwise they put a Stop to the Execution. If the Writ concerns Ecclesiastical Affairs only, or if it relates to Things merely Spiritual, and that its being put in Execution will not be prejudicial to the King's Prerogatives, the State, or his Subjects, or does not clash with the Usages and Customs of the Country, it gets the *Exequatur Regium*: So that it is not pretended thereby to add Force to, or undo what the Pope has done, as if in Ecclesiastical and Spiritual Matters he stood in need of the Authority of Secular Princes²; but it is required only, that the Prince, who ought to be careful and vigilant that the Government of his Dominions be not disturbed, may know what is contained in Writs that come from Abroad into his Territories, that under that Colour or Pretence, nothing be introduced that may disturb the Peace and Tranquillity of his State; and this is all that is intended by the *Exequatur Regium*, as *Van-Espen*, in his Treatise *De Placito Regio*³, has at large demonstrated, which was very well understood by Bishop *Covarruvias*⁴, *Belluga*⁵, and the Cardinal *Di Luca*⁶, the last of which wrote, that for this End the *Exequatur Regium* was practised in our Kingdom.

WHENCE it comes, that no Bull, Brief, Rescript, Decree, or any other Writ whatsoever that comes to us from *Rome*, is exempted from it; and even the Bulls of Jubilees and Indulgences must have it⁷: Yea *Van-Espen*⁸, by many Arguments, proves, that it must likewise be obtained to the very Dogmatical Bulls: Not that it belongs to the Prince to decide or reason upon Matters of Faith; but because the Clauses, which are usually inserted in them, and with which, according to the Modern Style of *Rome*, they are generally coloured, the Manner, Time, Juncture, and the Occasion of publishing such Bulls ought to be known by the Prince, perhaps, to see, if, besides the Doctrine and the Spiritual Punishments therein defined, the Temporal be incroached upon; perhaps, for other weighty Reasons of State, it may not be proper to publish them at that Time, but to wait till a more fit Opportunity, and for other Motives and Reasons at large discussed by that Writer: Whence it likewise comes, that the *Exequatur Regium* is sought to all Decrees of the Tribunals of the Inquisition of *Rome*, and of the *Index Expurgatorius*, of which we have elsewhere discoursed at large. And whence it also comes, that the Manner of proceeding in such Cases, is not by the ordinary Way of taking Cognizance, but by an extrajudicial Method, and according to the Rules of State and Government, not of the Courts of Justice; so that we see how little this Matter

¹ Van-Espen Tract. de Promulg. Lib. I. Eccl.

² Idem ibid. Tract. de Relat. Bull. & Reg.

³ Van-Espen loc. cit. cap. 2. par. tot.

⁴ Covarr. Præf. de Reg. cap. 10. num. 56.

⁵ Belluga in secolo Principis, rubr. 13. verb. restat.

⁶ Card. de Luca Relat. Rom. Cur. disc. 2. num. 26.

⁷ Van-Espen loc. cit. par. 3. cap. 1. §. 1. & 2.

⁸ Idem loc. cit. par. 5. par. tot.

is understood by the Casuists and Canonists, who, thinking that these Examinations ought to be made according to the Methods of the Courts of Justice, prate and write¹, that the Popes Bulls and Rescripts can neither be stop't nor examined by Laick Judges, because they have no Jurisdiction over Spiritual and Ecclesiastical Matters, handling this Subject after their own manner, and making use of Law Terms foreign to the Purpose.

WHENCE likewise proceeded, that all Tribunals of Justice, though Supreme, have not Power to grant this *Exequatur Regium*, but that Power is reserved to the King's Supreme Councils and Countellors only; so with us, it belongs solely to the Collateral Council, of which the Viceroy is Head, to grant it, but to no other Tribunal of Justice, be it ever so Supreme². And in the Dominions of the other Christian Princes of *Europe*, such as *France* and *Spain*, it is reserved to the King's Supreme Councils only: As in *Flanders* to the Supreme Council of *Brabant*, and the other Supreme Councils of those Provinces³; therefore in 1551. the Regent and Judges of the Vicariate were deservedly reprimanded by the Viceroy *Toledo*, for having taken upon them to grant the *Exequatur Regium*, by admonishing and ordering them to do so no more for the future, because that Prerogative belonged solely to the Viceroy and his Collateral Council, not to the Tribunals of Justice⁴.

NOR is this Prerogative peculiar to our Kings and Kingdom only, as some have believed; it is common to all Princes, who in their Dominions practise the same. In *Spain*, as *Covarruvias*⁵, *Belluga*⁶, and *Cevallos*⁷ testify, the Bulls and all other Provisions that come from *Rome*, before they are published, are examined in the Royal Council, and often, when they have no Mind they should be executed, they retain them; so that *Salgado*, in order to justify that Custom and constant Practice, wrote that Treatise *De Retentione Bullarum*, and that other, *De Supplicatione ad Sanctissimum*, &c. and *Agostino Manuel*, in his History of *John II.* witnesseth, that the same is practised in *Portugal*⁸.

IT is well known, that in *France* and *Flanders*, nothing that comes from *Rome* is published till it be first examined by the King's Officers; yea, they don't so much as make use of the humble and respectful Word *Exequatur*⁹ (although they once designed to have changed it into *Obediatur*) or, as is practised in *Milan*¹⁰, of *Pareatis*, but of *Placet*; and when the Provisions don't please them, they are rejected¹¹. The same, according to *Argentrens*¹², is practised in the Dutchy of *Bretaigne*, and in the Dutchy of *Savoy*, as *Antonio Fabro*¹³ witnesseth. In *Sicily* the same is practised; and *Mario Cutello*¹⁴ gives us the Form and Custom made use of in that Kingdom concerning it. *P. Servita* declares it to be the Practice of *Italy* and *Venice*: *Angelo*¹⁵ writes the same of the Dutchy of *Florence*; and *Antonio Amato* gives the same Account of all the other Countries of *Italy*¹⁶.

IT was unalterably practised in our Kingdom of *Naples*, not only under the *Norman* and *Suevian* Princes, but likewise under the Kings of the Family of *Anjou* themselves, who were very submissive to the *Roman* Pontiffs, and who in their Investitures gave up the *Assent* in the Elections of Prelates; which is a very convincing Proof, that the *Assent* formerly required, has nothing in common with the *Exequatur Regium* always retained, and never interrupted.

Instances of the Kings of the Family of Anjou.

MANFREDI DI GIFFUNI, a Canon of the Church of *Melito*, having been elected Bishop of that City, *Charles II.* of *Anjou* by no means would give the *Exc-*

¹ Marta de Jurisdic. par. 4. cap. 4. Tomaso del Bene de Immunit. c. 3. dub. 10. num. 4, 6, & 16. Diana p. 4. tr. 1. resol. 9. § igitur. Acosta in Bull. Cruciat. q. 69. per tot. Bellet. Disquis. Cler. par. 1. de Exempt. Cl. §. 3. num. 26 & 27.

² Camil. Porrel. in Comm. ad Stat. Neap.

³ Van-Espen. de Plac. Reg. par. 2. cap. 3. §. 2.

⁴ Chiocc. tom. 4. MS. Giur. de Reg. Exequatur.

⁵ Covar. Pract. q. cap. 25. num. 4.

⁶ Belluga in Speculo Princ. rubr. 13. verb. restat.

⁷ Cevallos. Comm. contr. Com.

⁸ Manuel. Ist. di Gio. II. lib. 4.

⁹ Reg. de Ponte MS. Giur. de Reg. Exequatur, n. 22.

¹⁰ Menoch. Tract. de Juris. lib. 1. cap. 10.

¹¹ Van-Espen de Placit. Reg. par. 2. §. 1 & 2.

¹² Argentr. lib. 2. Hist. cap. 12.

¹³ Fabro Col. lib. 7. tit. de Appel. abus.

¹⁴ Cutello ad L. Federici, n. 46. & L. Martin. not. 64.

¹⁵ Angel. conf. 23.

¹⁶ Amato tom. 2. l. 1. fol. 28 & 32. num. 28. Jac. de Grassis, lib. 1. decis. aurearum, &c. Super. explicat. Buc. in Caus. Dom. ap. p. 11. 13. num. 2.

quatur to his Bulls, but hindered him from taking Possession, because he suspected him of Disloyalty; and the King's Writ for that Purpose dated in Naples in the Year 1299. is recorded by *Ughello*¹. When the other Princes of this Family had no Objection, they gave it, and the Bulls and Briefs, or other Provisions coming from Rome, were no sooner presented, than they not only granted it, but gave all Assistance to their being put in Execution.

THE Archbishop of *Siponto* having presented to *Charles* Duke of *Calabria*, King *Robert's* eldest Son, and his Vicar-General, some Apostolical Letters from Pope *John XXII.* concerning a Cause depending in *Rome* about annexing the Monastery of *S. John* in *Lamis* in the Diocese of *Siponto*, to the Monastery of *Casanova* in the Diocese of *Penna*, he not only gave the *Exequatur*, but on the 1st Day of *August* 1321. wrote to the Justices and other Officers of the Province of *Capitanata* to see them put in Execution.

POPE Urban VI. having bestowed the Abbey of *S. Philippo de Gerito*, in the Diocese of *Reggio*, upon *Fra' Girlando di Ponte Datilo*; King *Charles III.* did the same, and on the 28th of *November* 1382. wrote to the *Capitan* of that City to assist him in taking Possession of the said Abbey.

A CERTAIN *Fra' Elias* having been made Abbot of the Monastery of *S. Anton.* in the Diocese of *Rossano*, by *Benedict IX.* King *Ladislaus* inquired into his Life and Conversation, and finding them good, gave the *Exequatur* to the Bull, and on the 6th of *January* 1403. ordered his Officers in *Calabria* to assist him in taking Possession; and the same King, particularly in the Time of the Schism, hindered others from taking Possession.

THE Pope having bestowed the Abbey of *S. Mary of Melocco*, in the Diocese of *Reggio*, upon *Cicco Guassano*, who having presented the Original Bulls to Queen *Jean II.* which being seen and read, she gave her Assent, and on the 20th of *April* 1419. ordered her Officers in *Calabria* to see them put in Execution².

Of the Kings of the House of Arragon.

THIS was practised not only by the Kings of the Family of *Anjou*, but likewise by those of the House of *Arragon*. After that King *Alphonso I.* had received the Investiture with the usual Clauses from *Eugene IV.* he represented to that Pope, that it was the Custom of the Kingdom, not to receive Prelates collated by *Rome* without the Good Will of the King, and the Pope made no Objection why that Prerogative should not be still continued; therefore, in 1451. the Bishoprick of *Marturano* in *Calabria* being provided, King *Alphonso* gave the *Exequatur* to the Elect, as may be seen in the Writ recorded by *Ughello*³. Pope *Callistus III.* having given the Abbey of *S. Peter* in *Pariete*, without the Walls of the Castle of *Cilenza*, of the Order of *S. Benedict* in the Diocese of *Vulturara*, to *Baldassare di Montauro*, a Monk of the Monastery of *S. Peter della Canonica*, without the Walls of *Amalfi* of the *Cistercian* Order, the same King gave the *Exequatur* to the Bulls, and on the 29th of *July* sent Orders to the Count of *Termuto* to see them put in Execution. The Great Master of *Riodes*, of the Order of *S. John of Jerusalem*, having given the Priory and Government of the Church of *S. Euphemia* of the said Order to *Philippo Ruffo*, the natural Son of *Carlo Ruffo*, Count of *Sinopoli*, the same King gave the *Exequatur* to the Bulls, and ordered his Officers to assist him in taking Possession and receiving the Revenues.

KING *Alphonso* being dead, was succeeded by *Ferdinand I.* his Son, who, in the Pontificate of Pope *Sixtus IV.* following the Footsteps of the Kings his Predecessors, some called this Prerogative in Question; on the contrary, he established a Pragmatick concerning it, after whose Example the Duke *D'Alcala* published another in 1561. of which hereafter⁴; therefore, when he found that no Inconveniences attended the Bulls and other Provisions sent from *Rome*, he gave the *Exequatur*. And the said Pope having bestowed the Bishoprick of *Capaccio* upon *Lodovico Tassili*, Archbishop of *Damascus*, the Bulls were no sooner presented to him, than he gave them the *Exequatur*, and on the 13th of *May* 1476. wrote to the *Capitan* of *Capaccio*, and his Officers, to see them put in Execution.

¹ Ughel. tom. 1. in Epis. Marturan. n. 6.
² A. 1419. Informations are recorded by Chiocc.
 tom. 1. lib. 2. c. 1. Exequatur.

³ Ughel. tom. 9. in Epis. Marturan. n. 24.
⁴ Chiocc. loc. cit.

AT the Accession of *Innocent VIII.* to the Papacy, the Depravation of Manners was such, that *Rome* was arrived at the highest Degree of Corruption; in him was seen (but more in the Popes that succeeded him) so immoderate an Ambition, that his only Study was, by all Methods, to render himself absolute Monarch over all the Princes of the Earth; he began to be displeased with this *Exequatur* or *Placet*, which was practised in the Dominions of all the Christian Princes in *Europe*.

INNOCENT VIII. was the first, who, by means of a Constitution¹, sought to take it away from them, and first of all disputed it with our King *Ferdinand*; but as his Bull had no Consequence, and was looked upon in other Kingdoms to be impertinent and chimerical, it had the same Fate in ours; the *Exequatur* therefore was continued: And the same Pope having conferred the Bishoprick of *Sessa* upon a certain *Fr. Ajossa*, the Bull was not executed till it was first presented to *Ferdinand*, who, on the 3d of *April* 1487. gave it the *Exequatur*².

ALEXANDER VI. *Innocent's* Successor, a Pope indued with so many fine natural Gifts and Virtues, as is known all the World over, for the Reasons related in the 29th Book of this History, being a great Enemy to our good King *Frederick*, among other Things, impugned the *Exequatur* with all his Might; and seeing all his Attempts proved fruitless, he was so far led by his Passion, that on the 25th of *June* 1500. he did not stick to depose him; and amongst the other Faults which he laid to his Charge, this was one, that he had, on many Occasions, impeded the Apostolical Provisions, even when made in Favour of Cardinals, and would not suffer the Bulls from *Rome* to take Effect without the *Exequatur Regium*³. But the Misfortunes of this unhappy Prince proceeded from another Cause than Pope *Alexander's* Wrath and haughty Disposition; *Frederick*, during all the Time that he reigned among us, never suffered the Bulls to be received without the *Exequatur*; but now he exerted himself more vigorously than ever, for on the 3d of *July* the same Year 1500. he wrote a very serious Letter to the Bishop of *Carniola*, telling him, that in the Time of the Kings his Predecessors, and especially of King *Ferdinand* his Father, it had been the antient Custom continually observed, never to suffer any Provision coming from *Rome*, or any other foreign Part, to be admitted, read, or published in the Kingdom without the King's Licence: And thus it was likewise observed by *Ferdinand's* Successors, and the preceding Popes bore it patiently; but it appearing now, that some, through length of Time, excused themselves on the Score of Ignorance, therefore he was resolved to make it known to all his Subjects, by ordering, that no Bull, Brief, Excommunication, or any other Provision whatsoever coming from Parts without the Kingdom, be read, admitted, or published by any Person whatever, without his Letters of Licence, and that none presume to act otherwise upon Pain of his Displeasure. Pursuant to this Order, having heard, that a prohibitory Writ from *Rome* had been presented to the *Maestrodatti* of the Vicariate of *Capua* without the *Exequatur*, on the 3d of *December* the same Year, he wrote to the *Capitano* of *Capua* to procure the said prohibitory Writ, and send it to him, that he might consider what was fit to be done.

BUT the Observation of the *Exequatur* was never so rigorously enforced, as in the Reign of *Ferdinand the Catholick*, and while the Kingdom was governed by the *Great Captain*, and after him, by the Viceroy's his Successors.

IN the Viceroyalty of the *Great Captain*, we read in *Chioccarello*⁴ many Orders of his against giving Possession to Bishops and Abbots without the *Exequatur*; and if Possession was taken without it, he sequestered the Revenues; and the same was likewise practised with respect to Abbays bestowed upon Cardinals, who were not so much as exempted in that, and therefore they made no Difficulty to seek it, as the Cardinal of *Arragon* did for the Abbey of *S. Maria dello Mito*, situate in the Province of *Terra d'Otranto*, given him by Pope *Julius II.* in 1505.: So likewise when the said Pope, by the Resignation of Cardinal *Oliviero Caraffa*, Archbishop of *Naples*, gave the Bishoprick of *Chieti* to *Gianpietro Caraffa*, afterwards Cardinal and Pope, named *Paul IV.* the Bull was dispatched on the 30th of *July* the same Year, and being presented to the *Great Captain*, on the 22d of *September* following he gave it the *Exequatur*.

¹ Inn. Constit. 17. num. 2. 3.

² Chiocc. tom. 4. de Reg. Exeq.

³ Idem MS. tom. 4. de Exeq Reg. fol. 77

⁴ Idem de Reg. Exeq. tom. 4.

THE Great Captain likewise proceeded with much Rigour against those who presumed to make use of any Writ, even of Excommunication or Interdiction, coming from *Rome*, without the *Placitum Regium*. So having with great Concern heard, that Excommunication or Interdiction had been posted up on the Door of the Metropolitan Church of *Cosenza*, against Sister *Arcangela Ferrara*, a Nun of the Order of *S. Bernard*, without having first obtained the *Exequatur Regium*, on the 23d of *December* the same Year 1505. he wrote to the Governor of *Calabria*, ordering him to take Information of it; and if he should find that the said Censures had been posted up by a Laick, to punish him severely and exemplarily, if by an Ecclesiastick, to advise him of it, that he might proceed as he should see Cause. And the *Placitum Regium* was not only sought to Provisions of Benefices, or Censures coming from *Rome*, but likewise to Commissions from the Apostolical See. So the Pope having sent a Commission to D. *Niccolò Panico*, Apostolical Commissary, together with the Bishop of *Melfo*, to examine and punish some delinquent Priests of the Church of *Melfo*, the said Commission was presented to the Great Captain, and on the 20th of *June* 1506. he gave it the *Exequatur Regium*.

UPON *Consalvo's* going from *Naples* to *Spain* with *Ferdinand the Catholick*, the King left in his Place the Count of *Ribagorza*, Governor of *Lupeña*, an *Arragonian*, and gave him a Commission dated in *Casertuovo* the 5th of *June* 1507. wherein he calls him his Nephew¹. There remained likewise in *Naples* Queen *Joan*, the Widow of *Ferdinand I.* King of *Arragon*, Sister of *Ferdinand the Catholick*, the other Queen *Joan* the Younger, who was the Wife of King *Ferdinand II.* *Beatrice* Queen of *Hungary*, the Daughter of King *Ferdinand I.* and *Isabella* Duchess of *Milan*, the Daughter of King *Alphonso II.* who, by the Death of Duke *John Galeazzo* her Husband, having succeeded at the Time that *Charles VIII.* King of *France* came to *Italy*, was turned out of that Dutchy by *Lodovico il Moro*. *Ferdinand the Catholick* gave Orders that these Princesses should not in the least be disturbed in the Possession of the Cities and Lands which they possessed, and had been assigned to them in the Time of the *Arragon* Kings for their Dowries and Appenages, and confirmed by the Treaty of Peace concluded between *Ferdinand* and the King of *France* when they divided the Kingdom, in which, amongst other Conditions, we read, that these Queens were to hold, and quietly possess, during their Lives, all the Dominions, Lands and Revenues, which, on account of their Dowries, they possessed in the Kingdom, as well in the City of *Naples*, *Terra di Lavoro*, and *Abruzzi* (the Boundary assigned to the King of *France*) as in the Dutchies of *Calabria* and *Puglia*, the other Boundary belonging to King *Ferdinand*. Pursuant to which, *Ferdinand* always treated Queen *Joan* his Sister, and Widow of King *Ferdinand I.* with the utmost Respect, and maintained her in the Possession of her Estates with all the Royal Privileges, as if she had been free and independant Mistress of them.

THIS Queen possessed the City of *Lucera* in *Puglia*, called *De' Saracini*, the City of *Nocera*, called *De' Pagani*, the Cities of *Sorrento*, *Cava*, and, as Princess of *Salerno*, the City of *Salerno*, with their Appurtenances. The Count of *Ribagorza*, the new Viceroy, respected this Queen as his Mistress, and did not meddle with the Government of these Cities, where she exercised absolute and independant Authority. In these Times we find many *Placita Regia* given to the Writs coming from *Rome*, not only by the Count of *Ribagorza* in the Kingdom, but by Queen *Joan* in the aforesaid Cities belonging to her. All which are clear Demonstrations of the constant Practice of the *Exequatur Regium*, and that the Neglect of it was looked upon then as a great Crime.

BUT the most convincing Proof of the strict Observance required in this Practice, is a Letter written by King *Ferdinand the Catholick* to this Viceroy, full of Threats, and very severe, because the Count, perhaps out of Regard to Queen *Joan*, had been something remiss with respect to Rigour, upon an Occasion which we are going to relate. There having a Controversy arisen in the City of *Cava*, in which the Queen, as her City, was concerned, the Pope had sent an Apostolical Messenger with a Brief, who had the Boldness to make use of it without the *Placitum Regium*, and to notify it to the Viceroy himself, which occasioned great Disorders. The Count of *Ribagorza* wrote an Account of it to King *Ferdinand*;

¹ Li. 10. Riv. di Nap.

² Lionard. tom. 1. Rac. de' tr. delle Paci, &c. ann. 1500.

who then resided in *Burgos*. The King answered him with so much Resentment and Passion, that, among other Things, he wrote to him, that he was very much dissatisfied with him for not having proceeded in an Affair of so great Consequence with such Rigour as it deserved, having suffered so flagrant a Prejudice to be done to his Royal Dignity and Prerogatives, without immediately hanging the Apostolical Messenger for the Action; that it was an Incroachment upon his Right, and that there was no Instance of any such Thing having been attempted either against a King or Viceroy of this Kingdom; that he was resolved to have his Right maintained in the Kingdom of *Naples*, as it was in the Kingdoms of *Spain*, and as was practised in that of *France*; that, as was found by Experience, these Incroachments of the Pope tended to nothing else but the Augmentation of his Jurisdiction, therefore he had written in very strong Terms to his Ambassador residing in *Rome*, to complain of it to the Pope in home Expressions; for he was determined, if he did not revoke the Brief, and make void all the Acts following thereupon, to withdraw from his Obedience all the Dominions of the Crowns of *Castile* and *Aragon*; that he, the Viceroy, was to acquaint the Queen with this his firm Resolution, and to take care that no Bull, Brief, or other Apostolical Writ containing Interdictions, or other Provisions concerning that Affair, directly or indirectly, should enter the Kingdom, and not to suffer any other Writs of what nature soever to be presented or published.

THIS Letter, though not recorded by *Chioccarello*, was printed in the Original *Spanish* by the Author of the Treatise *De Jure Belgarum circa Bullarum receptionem*; and it is likewise in *French* by *Van-Ispeu* in his Treatise *De Placito Regio* in the Appendix², where he alledges this Practice as constant and never interrupted.

THE Count of *Ribagorça*, frightened at the King's Resentment, all the Time of his Government was more watchful than he had been before, that no Writ from *Rome* should be received without the *Placitum Regium*; and he punished the Transgressors, as he had already done upon the Possession of a Rectorship being given without the *Exequatur*, by imprisoning many, and among the rest a Priest, whom he obliged to find Bail to present himself, and then set him at Liberty.

HAVING been likewise advised, that a prohibitory Writ from the Pope had been presented in the Court of *Civita Ducale*, whereupon the Judge would not proceed in that Cause, on the 7th of *April* the same Year 1508. he wrote to the Governor of that City, that he was very much surprized at it, because he ought to know, that in this Kingdom no Apostolical Provisions can be presented without the *Exequatur*; and that inhibitory Writ having been presented without it, he ought to have no Regard to such a Writ, therefore he ordered him to cause the Judge to proceed in that Cause notwithstanding the said prohibitory Writ, and upon the like Occasion to continue to act so for the future. And on the 30th of *June* the same Year, he ordered the Archbishop of *Nazaret*, the King's Chaplain Major, not to give Licence for summoning to *Rome* the benediced Clergy, without knowing the Cause, and till he, the Viceroy be acquainted. And the following Year 1509. he caused a certain D. *Felice*, of the Diocese of *Nola*, to be imprisoned in *Naples*, for having made use of certain Provisions from *Rome* without the *Exequatur Regium*³.

QUEEN *Joan* of *Aragon* acted in her Territories, as the Count of *Ribagorça* did in the Kingdom. On the 1st of *June* 1510. as Mistress of *Nocera de Saraceni*, she gave her *Exequatur Regium* to an Order from *Rome* against the Patriarch of *Antioch*, Bishop of that City. On the 8th of *June* 1512. as Princess of *Sulmona*, she gave her *Placitum Regium* to *Prospero de Rusticis*, for the Bishoprick of the City of *Sulmona* bestowed upon him by Pope *Julius II.* by Apostolical Bulls dated the 30th of *April* 1512. As Mistress of the City of *Nocera de Pagani*, on the 3d of *June* the same Year, she granted the *Exequatur* to *Dominico Jacobaccio* for the Bishoprick of the said City, conferred upon him by the same Pope; as also on the 12th of *February* 1515. she granted it to D. *Pietro Jacopo Veneto* for the Parish-Church of *S. Matthew* in the said City of *Nocera*, conferred upon him by the Pope. As Mistress of

¹ Autor. de Jure Belgar. circa Bull. recept. cap. 2. n. 2.

² Van-Elpen Traët de Promulg. Ll. Eccles. par. 2. de Placito Regio, cap. 1. §. 2. & in Append. fol. 178. Lit. A thus: Epistola Ferdinandi Regis Catholici die 22 Maii 1508. ad Vice-

Regem Neapolitanum, occasione Brevis, quod Papa miserat in Regnum Neap. nolens illud ibidem observari, non obstantis literis Placiti, sive Parcatis.

³ Chiocc. MS. Giurisd. de Reg. Exeq.

the City of *Sorrento*, on the 8th of *October* 1514. she gave it to the Reverend M. *Alberto*, Brother to the Cardinal of *Sorrento*, for the Archbishoprick of that City, given him by the Pope upon the Resignation of it made by the said Cardinal his Brother. And lastly, as Mistress of the City of *Civita*, she gave the *Exequatur* to a Bull of *Leo X.*¹, who had published a terrible Constitution² against all Emperors, Kings, and Princes, that pretended their *Placitum* or *Exequatur* ought to be obtained to the Provisions of *Rome*; but that had not been accepted by any Prince, but proved useless, and had no Effect.

Instances of the Kings of the House of Austria.

IN the Beginning of the Reign of *Charles V.* the same Practice was constantly kept up by the Lieutenants which he sent to govern this Kingdom. The Viceroy D. *Carlos de Lanaja* gave the *Exequatur* to the Bulls sent by Pope *Adrian VI.* to *Gianpietro Caraffa*, Bishop of *Chieti*, for the Archbishoprick of *Brindisi*. And the Count of *S. Severina*, when he was Viceroy, wrote to the *Capitano* of the City of *Aquila*, that his Majesty's Service required, that the Cardinal of *Sienna* should not take Possession of that Church without his express Orders, and that he was to take special Care to prevent it: So that no Person whatever was to have Possession of it without his express Orders³.

THIS Custom was inviolably observed without the least Opposition in the Reign of *Charles V.* till the Pontificate of *Clement VII.* who used his utmost Endeavours to have it taken away. He following the Footsteps of his Predecessors, on the 11th Day of *January* 1533. published a Constitution like to that of Pope *Leo X.*⁴, and in order to have it obeyed in the Kingdom of *Naples*, he made *Antonio Montalto*, Attorney-General of the Kingdom of *Sicily* write to the Emperor, to order the *Exequatur Regium* to be abolished in *Naples*; in which Letter, dated the 20th of *December* 1533. are these Words, *His Holiness desires that your Majesty would take off that Slavery of the Exequatur Regium put upon the Apostolical Letters, as your Majesty is bound to do by the Conditions of the Investiture you received of that Kingdom, and by the Oath taken when you got it, &c.*⁵

BUT neither the Emperor, nor D. *Pedro de Toledo*, who was then Viceroy, took any notice of that Letter, and the same Custom was continued as formerly; on the contrary, *Toledo*, that his Prince's Constancy might be known to all, on the 3d of *April* 1540. wrote a Royal Letter to all the Governors of the Provinces of the Kingdom, in which he put them in mind of this antient Custom of the Kingdom, that whatsoever Provision came from Abroad, could not be put in Execution without his Knowledge and Licence; that therefore he ordered them to act accordingly in their Provinces; and if any Thing was done to the contrary, to take Information of it, and dispatch it immediately to him; and if Notaries and Laicks were concerned in it, to imprison them; and if Ecclesiasticks, to order them betwixt that and a certain Time, to come and appear before him in *Naples*, that he might proceed in that as he should see Cause.

AND on the 16th of *June* 1557. the Viceroy *Francesco Pacecco* wrote to the Governor of *Benevento*, ordering him not to suffer any Provision from *Rome* to be published in the said City without his Licence *in Scriptis*, and the *Exequatur Regium*⁶. Thus were *Clement VII.*'s Designs baulked, nor did the Court of *Rome* make any other Attempt till the Pontificate of *Pius V.*

BUT of all these Popes, none impugned this *Exequatur* more strenuously than *Pius V.* He by all means would have it abolished in the Kingdom; and King *Philip II.*'s Ambassador in *Rome* having endeavoured to dissuade him from it, his Answer, according to *Girolamo Catena*⁷, was, "That the pretended *Exequatur Regium*, or other Secular Licence, had nothing to do with the Execution of any Ecclesiastical Order. That it has clearly been so decided by the Sacred Canons and Councils, and such Orders are put upon the same Footing with preaching the Word of God, which requires no Secular Licence, &c. And he concluded with

¹ All these Instances are recorded by Chiocc.

² *Leo X.* Constit. 20.

³ Chiocc. loc. cit.

⁴ *Clem. VII.* Constit. 39.

⁵ Ex Archiv. Vatic. Cod. 663. Bzov. tom.

19. A. 1512.

⁶ Chiocc. loc. cit.

⁷ *Girolamo Catena*, vita di *Pio V.* fol. 101, this,

this, “ That he was resolved not to suffer an Abuse so much to the Dishonour of
 “ God and the Holy Faith. That the Offices were distinct, and therefore Princes
 “ might preserve theirs, and leave to the Church what is God’s, repeating fre-
 “ quently these Words, *Reddite quæ sunt Cæsaris, &c.*

AMONG the other Instructions given to Cardinal *Alessandrino* his Nephew, whom he sent to *Madrid*, this was one; and his Request to King *Philip II.* was this, “ To which Abuse many more were added in *Naples*, where in many Articles
 “ the Council of *Trent* was not observed, and a thousand Methods were fallen upon
 “ for impeding the Execution of the Apostolical Letters and Dispatches; which
 “ Abuses, and particularly that of the *Exequatur Regium*, your Majesty, by your
 “ Oath, is obliged to remedy and remove, as may be seen by the Clauses of the
 “ Investiture given by Pope *Julius II.* to *Ferdinand the Catholick*, and by *Julius III.*
 “ to your Majesty, to which you swore”¹.

THE Duke *D’Alcala* our Viceroy, whom kind Fate brought to the Government of *Naples* exactly at this Time, when there was most need of his Courage and Vigour to withstand the Efforts of Pope *Pius*, in order to oppose him, was not content with following the Example of the Viceroy his Predecessors, but imitating King *Ferdinand*, and the Custom of other Nations, where the Princes by constant and perpetual Laws and Edicts, had published this in their Dominions by way of written Law, he was resolved to do the same in the Kingdom of *Naples*.

’TIS well known, that there are many such Edicts in *France*, particularly of *Lewis XI.* in 1475. and of his Successors, which may be seen in the Treatise of the Proofs of the Liberty of the *Gallican Church*². We likewise find many such Edicts in the Provinces of *Flanders* of *Philip the Good*, Duke of *Brabant* in 1447. of the Archdukes *Maximilian* and *Philip* in 1485. and 1495. and others recorded by *Van-Espen*³. And, as *Salgado* witnesseth, in *Spain* likewise, which the Duke *D’Alcala* imitated.

THEREFORE, on the 30th of *August* 1561. he put forth a Pragmatick, whereby it was ordained, that no Rescripts, Briefs, or other Apostolical Provisions should be published without the *Exequatur Regium*, and his Licence *In Scriptis obtenta*, to the End that those, who should be so bold as to act otherwise, might be punished.

WE see this Pragmatick printed in the vulgar Editions under the Title *De Citationibus*⁴, which was subscribed by the famous Regents *Villano* and *Revertera*; and we likewise find it in the fourth Volume of the *MS. Guirisd. of Chioccarrello*: It was also printed in the antient Editions, and is cited by many Writers. In the *Consultum* made by the Council of *Brabant* in the Year 1652. to the Archduke *Leopold*, which is related by *Van-Espen* in the Appendix⁵. This Pragmatick of the Duke *D’Alcala* is quoted in these Words, *As for the Kingdom of Naples, there is an express Statute in Pragmatica Regni Neapolitani, Tit. De Collation. prag. 6.* (it should have been *De Citationibus, prag. 5.*) It is likewise quoted by *Van-Espen*⁶; and Regent *Rovito*, in his Commentaries, has made a long Catalogue of *Italian* Writers that have quoted it⁷.

IN Pursuance of this Law the Duke *D’Alcala* put forth several Edicts for the more exact Observance of it. In 1566. he wrote a Letter to all the Archbishops of the Kingdom, and also to the Archbishop of *Benevento*, on account of a Bull sent into the Kingdom by the Pope, seriously exhorting them, that since they knew, that such Bulls or Provisions from *Rome* could not be published and executed without the *Placitum Regium*, they ought by no means to publish it; and therefore they were to advertise the Bishops their Suffragans, and other Prelates not to do it. And in the following Years, particularly in 1568. he imprisoned and punished more severely those, who by transgressing this Law, presumed to make use of Writs from *Rome* without the *Exequatur*.

ON the other Hand Pope *Pius* made a grievous Complaint to the Great Comendator of *Castile*, then King *Philip’s* Ambassador in *Rome*, that these were intolerable Abuses, to the Dishonour of God and the Holy Faith, and that he could

¹ Ex Archiv. Cast. S. Ang. cas. 14. 9. n. 22.

² Probat. libertat. Eccl. Gall. cap. 10.

³ Van-Espen De Placito Regio, par. 2. cap. 2. §. 2.

⁴ Pragm. 5. De Citationibus, tit. 29.

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⁵ Van-Espen tract. De Plac. Regio in App. fol. 218. Lit. P.

⁶ Idem Ibid. par. 2. c. 1. §. 2.

⁷ Rovit. super cit. Pragm. 5.

not bear them; and at last, the same Year 1568. he ordered Cardinal *Alessandro* his Nephew, in his Name, to write a Letter to all the Bishops and Prelates of the Kingdom, in which he told him, that his Holiness's Will was, that they should not subject the Bulls and other Rescripts which he sent into the Kingdom, to any *Exequatur Regium*, but put them immediately in Execution. But the Duke *D'Alcala* being advised of this by the Great Commendator, who sent him a Copy of this Letter, went still on in the old manner, and having given the King an Account of what had passed, he was punctually careful that no Writ should be received or published in the Kingdom without being first presented to him, examined, and the *Exequatur* obtained.

AND his Vigilance is both remarkable and commendable, that even to the Bulls of Jubilees the Nuncios required the *Exequatur Regium*; so that on the 14th and 15th of *December* the same Year, he sent Circular Letters to all the Governors of Provinces, and of some principal Cities of the Kingdom, giving them to understand, that his Holiness's Nuncio residing in *Naples*, had presented a Memorial to him, desiring the *Exequatur Regium* to a Bull of Jubilee sent into the Kingdom by the Pope, that it might be published, and that he had granted it; therefore he ordained, that upon this Intimation they might suffer it to be published in their Provinces and Cities.

THE Court of *Rome* seeing, that neither Flattery nor Threats had any Effect upon the Duke *D'Alcala*, with their usual Cunning, had recourse to the Court of *Spain*, giving it in Charge to the Nuncio residing in *Madrid*, to apply directly to the King for an Order to the Duke not to hinder the Execution of three Briefs about the Reformation of the Friars Conventuals of *S. Francis*, which they had a mind should be published in the Kingdom. But though the King wrote to the Duke, that it was his Will, that what was contained in the said Briefs should be complied with, yet at the same Time, in a Postscript written with own Hand, he ordered the Briefs to be put in Execution in the ordinary Form with the *Exequatur*¹.

THE Nuncio in *Spain* likewise endeavoured to have this Custom laid aside in *Naples*, as well because the Occasions of it were removed, because formerly in those troublesome Times of War, when one Pretender was driving out another, it was, perhaps, necessary, as because at present it served for no other End than to extort Money for granting it. The Year following 1569. the King wrote an Account of this to the Duke, desiring to be informed how much Money was exacted for granting the *Exequatur*, and to whom the Money belonged, that a Way might be found out for giving it *Gratis*, and by that Means to stop their Mouths. The Duke wrote to the King, giving him to understand, that the Nuncio had given him a false Information of the Matter; that this *Exequatur* was the greatest Prerogative the Kings of *Naples* had; that by most antient Custom, invigorated by a Pragmatick made by King *Ferdinand I.* in 1473. it had been in all Times observed; that no Money was extorted for granting it, except some small Dues, of which (by his own Appointment) and to whom they were paid, he had sent inclosed a particular and distinct Account; that, to remove all Grounds of Complaint, he had ordered, that the Dues belonging to the Chaplain Major, and his Counsellor, should not be exacted from the Parties, but be placed to the Account of the Royal Court during the Lives of those who held these Offices; and besides, he had ordered quick Dispatch to be made, that the Parties might not complain of Delay².

IN fine, 'tis owing to the Duke *D'Alcala*, that King *Philip II.* then doubtful and wavering, by the continual Sollicitations and false Informations of the Pope's Nuncio residing at *Madrid*, stood his Ground, and at last rejected so fulsome and insolent a Pretension. The Duke did not fail, by frequent Consultations, to advise him not to yield in this Point, which was the Foundation of his Royal Jurisdiction, and the greatest Prerogative he had in this Kingdom; for which cause the King took care always afterwards, whenever Application was made to him in *Spain*, to suspend his Judgment, and not to determine any Thing, but remit the Affair to the Viceroy of *Naples* and his Collateral Council.

THERE was an Instance of this in the Publication of the Bull *De Censuris*, established about this Time by Pope *Paul V.* whereby he regulated that Contract

¹ Chiocc. loc. cit.

² Idem.

as he thought fit, and pretended that it ought to be observed, not only in the State of the Church of *Rome*, but in all the Dominions of Christian Princes. The Court of *Rome* did not think it convenient to apply directly to the Duke of *Alcala* about this, but ordered the Archbishop of *Naples* to send the Bull directly to the King, desiring that he would order it to be implicitly executed in the Kingdom. But the King, suspecting what the Matter was, and looking upon the Thing to be of great Importance, would not of himself determine any Thing, but on the 3d of *March* 1569. he wrote a Letter, and directed it to the Viceroy, his Collateral Council, and the President of the *S. C.* in which he acquainted them with the Request made him by the Archbishop; and thinking that it was an Affair that required mature Deliberation, and of great Consequence, therefore his Will was, that they should examine and discuss this Bull, and that not only the Regents of the Chancery, but *Gianandrea de Curtis*, *Antonio Orefice*, and *Tommaso Altomare*, then Royal Counsellors, should likewise be present at the Discussing of it, to the End, that it being examined, they might advise him if there was any Inconveniency in it, that he might take a suitable Resolution; repeating the same in another Royal Letter, dated the 13th of *July* the same Year.

THE Duke *D'Alcala*, in Pursuance of these Royal Orders, caused the Bull to be examined, and it was found, that in it the Pope arrogated to himself many Things which exceed his Spiritual Power, and took upon him to decide many Questions that did not belong to him, but to the Temporal Power of Princes; that it contained some Articles, which, if put in Execution, would be attended with Inconveniencies, and particularly if it should obtain in the Kingdom, the Subjects might bid farewell to free Contracts; therefore, though the Archbishop of *Naples* had at the same time given in another Memorial to the Viceroy, requiring the *Exequatur Regium* to the said Bull, yet he thought fit not to grant it, and therefore it was not to be received nor executed, as prejudicial to the Publick Good and Commerce. But the Archbishop of *Chieti* having given the Governor of *Abruzzo* to understand, that Cardinal *Alessandrino* had written to him, ordering him to cause the Bull to be published in his Diocese, and that therefore he was resolved to publish it; the Governor advised the Duke of it, who, on the 7th of *April* 1569. wrote him a Royal Letter, charging him to speak to the Archbishop, and tell him, that as that Bull contained some Articles, which, if put in Execution, would be the same as to abolish all Contracts, therefore it was under Examination in order to form a Resolution, and when that was done in *Naples*, Notice should be given over all the Kingdom; and in the mean time to exhort him, in his Name, by no means to publish it, or cause it to be published, and to take care himself not to consent to the Publication of it, or of any other Bull or Provision from *Rome*, without the usual *Exequatur*, and to advise him of what should happen¹. This Bull got no Footing in the Kingdom during his Government; and Cardinal *Granville*, *Alcala's* Successor, on the 31st of *July* 1571. wrote to the King, advising him, that the Execution of it in the Kingdom would occasion many and great Inconveniencies: Whence it came, that it was never received nor put in Execution with us, as at present it is not minded in the Tribunals, nor elsewhere². And the Bull of Pope *Nicholas V.* is observed because it was inserted by King *Alphonfus I.* in one of his Pragmatics, in order to give it the Force of Law, otherwise it would never have been binding upon us; for to lay down a Rule and Method to Contracts, belongs to the Temporal Power of Princes, and is peculiar to Empire, but not to the Priesthood; and such Bulls will have all Authority within the State of the Church of *Rome*, but not without it, nor in the Dominions of the Princes of *Europe*.

THE Order of Time would require, that an End should be made here of speaking of this *Exequatur Regium*; but, that I may not be obliged to resume this Subject, I chuse rather to prosecute it after the Death of the Duke *D'Alcala*, during the Times of the other Viceroys his Successors, to this Day, that the Extent of it may be laid before the Eyes of all, particularly of those who shall have a Share in the Government of this Kingdom, that knowing by what has happened, how odious this *Exequatur* has always been to the Court of *Rome*, and that they have left no Stone unturned in order to overthrow it; they may likewise be informed, that such strong Attempts were made, for no other End, but to strike at the chief Foundation of the

¹ Chiocc. loc. cit.² Rovit. aliiq. passim sup. Prag. 1. De Censib.

Royal Jurisdiction, and the greatest Prerogatives that Princes have in their Dominions, which they ought to take for a Warning to be always watchful that it be not in the least touched, but, minding the Vigour and Constancy of the Duke *D'Alcala*, to take care to act so, as it may always remain intire and firm, that no Storm whatsoever may be able to shake it.

POPE *Pius V.* being dead, his Successors, as for the most part it commonly happens, following the same Footsteps, impugned the *Exequatur* as much as he, among the rest, the greatest Sticklers against it, were Pope *Gregory XIII.* and *Clement VIII.*

POPE *Gregory*, like *Pius V.* looking upon it to be the unhooking of the Authority of the Apostolical See, had always an Abhorrence to it, and did his utmost with King *Philip II.* to have it quite abolished in the Kingdom. But finding the King obstinate, by good Management he got the Matter to be referred to a Treaty, and the King to appoint his Ministers to go to *Rome*, in order to fall upon, at last, some moderate Temperament, seeing to abolish it quite, was found to be an Undertaking not only hard and difficult, but altogether desperate and impossible. Among other Differences about Jurisdiction, this Point was long debated in *Rome* between the King's and the Pope's Ministers; but, excepting that our Ministers promised, that a more quick Method should be taken in giving the *Exequatur*, without nicely examining into the Cause, or putting the Parties to great Charges, the Pope's Ministers gained nothing else: Whatever Bull, or other Provision came from *Rome*, was examined, nor was it put in Execution without the Royal Permission. This Pope, to whom we owe the Reformation of the Kalendar, likewise found, that *D. Juan de Zuniga*, Prince of *Piedra Perla*, who was then Viceroy, would never suffer the said Kalendar to be accepted and published in the Kingdom, till the King, by a particular Letter, dated the 21st of *August* 1582.¹, ordered him to allow it to be done; nor was it executed absolutely, but with some Restrictions and Modifications, as shall be told in the following Book, when we shall have Occasion to discourse more at large of this new Reformation of the Kalendar made by *Gregory*.

IN 1584. the Duke *D'Osuna* checked the Arrogance of the Bishops of *Gracina*, *Ugento*, and *Lecce*, the first of which had had the Boldness to publish some monitory Letters sent him from *Rome* without the *Exequatur*; and the other two had likewise published two Bulls without this indispensable Requisite. He called them all three to *Naples*, and sent two Consultations about the Matter to the King, representing to him, that these were pernicious and wicked Attempts, to which he ought to apply a quick and effectual Remedy in order to obviate greater Prejudices and Disorders; for the Court of *Rome* had presumed to send a Messenger to intimate a monitory Letter to the Princess of *Austria*, without the *Exequatur*.²

THE Count *De Miranda*, the Duke *D'Osuna's* Successor, was no less vigilant in this Point, to whom the Ambassador at *Rome* in 1587. having written about giving the *Exequatur* to a Bull, whereby the Pope, designing to erect in *Rome* a Place for keeping publick Writings, pretended, that Inventories of all the Writs of the Estates, Revenues, and Jurisdictions of all the Churches and Hospitals of the Kingdom ought to be sent to *Rome*; the Count answered him, that it could not be granted, and told him, that the putting of that Bull in Execution would be of dangerous Consequence.

IN the Pontificate of *Clement VIII.* when Cardinal *Gesualdo* was Archbishop of *Naples*, the Dispute grew as warm as ever, the Occasion of which we shall relate. In 1586. this Pope had directed a Brief to the Cardinal, by which he ordered, that all the Monasteries of Nuns of the Order of *S. Francis*, should be no longer under his own immediate Protection, but should acknowledge the Ordinaries, by removing the Monks that were there and performed Divine Offices, and putting Priests in their Places; in which Brief were likewise included the Monasteries of *S. Clara*, of *Egizziano*, and of *Mary Magdalen* in *Naples*, which are of Royal Patronage: The Cardinal had caused the Brief to be intimated to the Monks and Nuns without the *Exequatur*; whereupon Count *Olivares*, the Viceroy, sent the Secretary of the Kingdom with a Message for putting a Stop to the Execution of the Brief, and ordered a Guard to be put upon the Monasteries, and at the same time he advised the King of what had passed, and wrote likewise about it to the Duke of *Sessa*,

¹ Chiocc. loc. cit.

² Idem, loc. cit.

Ambassador in *Rome*, and even to the Pope himself. The Count might easily have guessed what *Clement's* Answer would be, who, no less than his Predecessors, hated the *Exequatur*. The Pope's Answer, besides expatiating upon the depraved Manners of those Monks and Nuns, contained, That the *Exequatur* was an Abuse, introduced into the Kingdom in the troublesome Times of War, when one Pretender was frequently turning out another; that now there was no more Occasion for it; therefore he commended the Cardinal's Conduct, who, without requiring it, had intimated his Brief. The Viceroy replied to the Pope, shewing him, that the Use of the *Exequatur* in the Kingdom was no less just than antient and uninterrupted; that it being one of the King's greatest Prerogatives, and the chief Foundation of his Royal Jurisdiction, he would not suffer it to be prejudiced in the least. He likewise wrote to the Duke of *Seffa*, that he was resolved to apply more effectual Remedies for repelling all other Attempts, and in *January* the following Year 1587. he sent the King an Account of what had passed.

CARDINAL *Gesualdo*, like a prudent Prelate, foreseeing, that to go on in the Way they had taken, would occasion greater Mischief, thought upon an Expedient for putting an End to all Dispute; he got the Monks to resign the Government of these Monasteries into his Hands, as the Ordinary, excepting however the Monasteries that were of Royal Patronage: This Resignation being made by a publick Instrument, the Cardinal wrote a Letter to the Viceroy, wherein, giving him an Account of what had been done, he declared, that he, as Ordinary, without standing in need of the Pope's Brief, and consequently of the *Exequatur*, intended to govern these Monasteries; and therefore, excluding the Monasteries that were under the Royal Protection, in which he did not intend to make any Innovation, having a Mind to visit in Person the Monasteries of *Jesus*, *S. Francis*, *S. Girolamo*, and *S. Anthony of Padua*, he begged of the Viceroy, that he would be pleased to order him all Assistance and Favour, that, as Ordinary, he may do his Duty without any Impediment: The Viceroy, upon Sight of this Letter, ordered the Regent of the Vicariate immediately to dismiss the Guards, which, by his Order, had been posted upon these four Monasteries, that the Cardinal might freely enter them. Thus ended this Affair, to the great Commendation both of the Viceroy and the Cardinal.

THIS Course was constantly pursued by the Viceroys that succeeded Count *Olivares*; and as long as *Philip II.* reigned, he maintained this Prerogative as it had been by all his Predecessors.

IN the Reign of *Philip III.* no Innovation was suffered with respect to this *Exequatur*, which, being now become famous on Account of the many Disputes that had arisen about it, was constantly kept up; and it being looked upon to be so precious a Jewel, it was judged, that to yield it up voluntarily, would have been one of the most valuable Presents that the Kings of *Spain* could ever make the Court of *Rome*; which would have put an inestimable Value upon it. Infomuch, that *Tommaso Campanella*, in his whimsical Treatise upon the Monarchy of *Spain*, which is handed about in Manuscript, designing, by new and strange Methods, to regulate the Monarchy, says, that in order to remove all Ground of Jealousy, the King of *Spain* should, in some measure, yield the Point of the *Exequatur* to the Pope, and send Bishops and Cardinals to govern *Flanders* and the New World, and by that Means every Thing would succeed to his Heart's Desire; for (subjoins he) 'tis seen, that the Pope's Indulgence of the Crusade yields him more Money than he spends in entertaining Cardinals, Bishops, and other Ecclesiasticks, and instead of being a Loser, he would be a Gainer. And elsewhere, in the same Treatise, he says, that there might be an Exchange made between the King and the Pope: Let the King give up the *Exequatur* to the Pope; and, on the other Hand, let the Pope give him the Power of giving final Judgment without further Appeal, so as there may be a Tribunal composed, where the King, as being of the Clergy, may be Head, and being joined with two Bishops, they may be Judges of all Appeals. But laying these Dreams aside, in our Kingdom, not only in the Reign of King *Philip III.* (when, to pass over other Instances, the *Exequatur* was not given to the Pope's Briefs of Counts Palatines and Knights, but with this Restriction, that they could only wear the *Torquem, seu habitum Equitis aurati* *) but in the Reigns of *Philip IV.* his Son,

* Chiocc. loc. cit. in fin.

and of *Charles II.* the last of the *Austrian* Kings of that Race, there was not a Writ that came from *Rome* to which the *Exequatur* was not sought. They were all subjected to Examination, whether they were Commissions or Patents of Apostolical Nuncios and Collectors; whether they were Briefs, Decrees, or Edicts concerning the Holy Office, or the Tribunal of the Fabrick of *S. Peter*; whether they were for prohibiting Books, or for Indulgences and Jubilees: In fine, whether they were monitory Letters and Citations; and in short, whatsoever Provision came from *Rome*, was not suffered to be published, much less put in Execution, without this indispensable Requisite. The Viceroy, with his Collateral Council, commits the Examination of the Writ to the Chaplain Major and his Counsellor, who makes a Report of it to that Tribunal; and if there be no Inconveniency or Harm found in it, the *Exequatur* is granted, and even frequently denied. This is the inveterate and ancient Custom, introduced into the Kingdom when Principality was first settled in it; maintained by a Series of so many Ages, by all the Princes that have governed it, and in our Days more firmly established by our most august Prince, who, in the Years 1708 and 1709, residing in *Barcelona*, by many of his Royal Writs directed to Cardinal *Grimani* our Viceroy, ordered it to be inviolably observed with respect to all Provisions coming from *Rome*; so that at present it is more firm and stable than ever.

¹ *Graz. e Privileg. di Nap. tom. 2. pag. 230 & 231.*



C H A P. VI.

Disputes about Apostolical Visitors sent by the Pope into the Kingdom; and on account that Laicks were forbid to go to Rome when cited by that Court.



THE Custom of sending Apostolical Visitors by the *Roman* Pontiffs into these our Provinces, as *Suburbicarian*, is very ancient; we have related in the Tenth Book of this History, that Pope *Nicholas II.* gave that Charge to *Desiderio* the famous Abbot of *Monte Cassino*, that, as Legate of the Apostolical See, he should visit all the Churches and Monasteries of the Provinces of *Campagna*, *Principato*, *Puglia*, and *Calabria*¹; and the same was practised in the other Provinces of *Europe*. But what Damage these Legates occasioned in the Provinces committed to them, we have at large related in the said Book; so that they were so abhorred in *France* and other Kingdoms, that they were chased out of them, and by severe Edicts prohibited ever to return.

OUR first *Norman* Kings, with respect to the Kingdom of *Sicily*, found an easy Remedy; for by the famous Bull of Pope *Urban II.* the Foundation of that Monarchy, the King being declared Legate of the Holy See, they were no more received into that Island. But our *Puglia* and *Calabria*, under which Names all the other Provinces, of which the Kingdom of *Naples* is now composed, were then comprehended, continued in their former State. Whence it came, that in the Peace made in *Benevento* 1156. between King *William I.* and Pope *Adrian IV.* about these Legates, it was agreed for *Sicily*, that the Church of *Rome* had the Power of

¹ *Lion. Ostiens. lib. 3. cap. 12.*

Elections and Consecrations in the Form there described, *Excepta Appellatione & Legatione, quæ nisi ad petitionem nostram, & hæredum nostrorum, ibi non fiant.* But as for Puglia and Calabria, it was agreed thus, *Consecrationes & Visitationes liberè Romana Ecclesia faciet Apuliæ, vel Calabria Civitatum, ut voluerit, aut illarum partium, quæ Apuliæ sunt affines, Civitatibus illis exceptis, in quibus Persona nostra, vel nostrorum hæredum in illo tempore fuerit, remoto malo ingenio, nisi cum voluntate nostra, & eorumque hæredum.* In Apulia & Calabria, & partibus illis, quæ Apuliæ sunt affines, Romana Ecclesia liberè Legationes habeat¹. Nevertheless there was some Care taken for preventing the Damages which the Churches of the Kingdom usually suffered by such Legations, by subjoining, *Illi tamen, qui ad hoc à Romana Ecclesia fuerint delegati, possessiones Ecclesiæ non devassent.*

ALTHOUGH the Church of Rome could freely send these Visitors or Legates into the Kingdom, yet their Commissions were constantly inspected. Sometimes it was found that they exceeded the Bounds of Spiritual Power, and often reached the Persons of Laicks, therefore their Commissions were examined before they got the *Placitum Regium*, as all other Provisions coming from Rome were; and so much the rather, if their Commissions were for the City of Naples, now declared a Royal Seat, where the Kings had taken up their Residence, and afterwards the Viceroy.

IN the Pontificate of Pius V. while the Kingdom was governed by the Duke D'Alcala, the Court of Rome abusing this Power, endeavoured to make Incroachments; for the Pope had sent a Brief to the Bishop of Strongoli, whereby, as his and the Apostolical See's Legate, he gave him Power to visit some Archbishopricks and Bishopricks, some of which were of Royal Patronage, such as Salerno, Gaeta, and Cassano, with all their Churches, and all the Ecclesiastical Persons, even those who were exempted from the Jurisdiction of the Ordinary. Moreover, in a separate Bull, many Instructions were given to the said Bishop most prejudicial to the Royal Jurisdiction and Prerogatives, as giving him Power to visit Hospitals, and take an Account of their Revenues and Incomes, though administered by Laicks; but what was most intolerable of all, was, that the Bishop had a secret Instruction and Order to execute these Commissions without asking the *Exequatur*; and he had already begun to visit some of these Churches without requiring it from the Viceroy. The Duke D'Alcala, out of Excess of Civility, caused the Bishop to be advertised not to execute these Commissions without having first obtained the *Exequatur*; and the Bishop saying, that he had Orders from the Pope not to take it, it was replied, that in the mean time he ought to forbear executing them till his Majesty should be informed. The Bishop did forbear, and in the mean time the Duke wrote to the King's Ambassador in Rome, to the Commendator D. Ernando Torres, and likewise to Cardinal Alessandrino, to intercede with the Pope to order the Bishop to take the *Exequatur*, for he was resolved not to suffer such an Incroachment to be made in his Time. But Pope Pius, offended at the Proposal, would not consent to it; so that the Affair being negotiated with the Nuncio in Naples, a new Expedient was fallen upon, but that did not please the Nuncio, therefore the Viceroy was forced to call the Collateral Council, and on the 29th of December 1566. they sent a full Information of the Affair to King Philip, in which they earnestly begged of him to consider the great Prejudice it would occasion to his Royal Jurisdiction, and with all haste to send them Orders how they were to behave in this and the like Cases that might daily occur; so much the rather, that the Pope threatened to forbid the Celebration of the Divine Offices in the Kingdom, always putting them in Mind of the Excommunications contained in the Bull *In Cæna Domini*.

KING Philip, seriously considering that it was an Affair of great Importance, wrote a very pressing Letter to his Ambassador in Rome, to use his utmost Endeavour to get the Pope to be satisfied with the Expedient concerted in Naples, of dispatching Writs of Execution according to the Draught offered by the Viceroy, with which the Pope was at last satisfied, only leaving out some Clauses, and that these Writs should be directed in general to all Persons, without mentioning either Ecclesiasticks or Laicks. The King wrote likewise to the Duke D'Alcala, not to suffer Hospitals governed by Laicks to be visited, and much less the Monastery of S. Clara, or any other Thing belonging to the Royal Patronage and Prerogatives; that he should oppose all those Articles in the Bishop of Strongoli's Instructions

¹ Apud Baron. & Capec. Latr. Hist. Neap. lib. 2. pag. 75

which concerned Laicks: And in fine, that he left it to his Prudence to make use of all Ways and Means that shall be found most conducive to his Service, and to do by the Pope what is just and reasonable. The Duke managed Matters so dextrously and effectually, that he brought the Nuncio to ask the *Exequatur* to all such Commissions; and the Viceroy and his Successors never suffered the Apostolical Visitors to execute their Commissions, till they had first presented them; and, being found reasonable, they gave them the *Exequatur*; however, with this Clause always, that they might execute them against Ecclesiastical Persons; and they often modified such Commissions as were thought prejudicial to the Royal Prerogatives and Rights of the Kingdom.

BUT at the same time this Minister had an Affair much more difficult and intricate to manage with Pope *Pius*. He had sent *Pao'lo Odescalchi* to be his Nuncio in Naples; to whom, besides the Commissions given him relating to Spoils and Tythes, and what in general concerned his Office, he had likewise given him particular Commissions about other Things; among the rest, he gave him Power to inquire into, and take Cognizance of the Ecclesiastical Estates, wrongfully alienated for a hundred Years backward, and of the Nullity of the said Alienations, though confirmed by the Apostolical See, or its Commissaries: Likewise to take Cognizance of the unjust Possession and retaining of the said Estates; and they being found to have been unjustly alienated and possessed, to restore them to those Churches from which it should appear they had been alienated and taken, with Power to force the Possessors of them, without Distinction of Persons, whether Ecclesiastical or Secular, not only to restore these Estates, but likewise to be accountable for the past Rents.

THE Nuncio presented all these Commissions to the Viceroy; to such of them as were regular, Licence was given for executing them with the wonted Conditions and Limitations; but as for this last, he was absolutely forbid to put it in Execution. The Nuncio acquainted the Pope with this Prohibition; and the Viceroy, on the other Hand, sent a full Information of the Matter to the King, in which he represented to him, that the Execution of this Commission would be most prejudicial to the Royal Jurisdiction, and that it would be the same as to erect a new Ecclesiastical Tribunal against the Laicks, contrary to the antient Custom, the Royal Tribunal having always proceeded in such Causes against Laicks that were sued, according to the Rule, *Actio sequitur Forum Rei*; and the Ecclesiastical Judges, whether Ordinaries or Apostolical Delegates, were never suffered to proceed against Laicks in the like Causes: Adding, that Pope *Paul III* having attempted the same Thing, by appointing Judges in this Kingdom with the like Commissions, and particularly this same *Pao'lo Odescalchi*, when Cardinal *Perceco* was Viceroy, a Licence for putting them in Execution was denied, and Pope *Julius III* was served the same Way; that if such a Practice got footing, it would not only disturb the Peace and Tranquillity of the Kingdom, but occasion great Detriment and Charges to the Subjects, by overturning all the Alienations of Ecclesiastical Estates made so long ago as a hundred Years, not only at the Suit of Parties, but *ex mero Officio*, and by way of Inquisition, as it is expressed in the said Commission. For which Reason the preceding Popes laid aside the like Attempt; and therefore his Majesty ought to interpose all his Royal Authority with the present Pope, that he may order the Nuncio to give over such a Pretension, as his Predecessors had done. These strong Insinuations had such Weight with the King, that he managed Matters so, as the Inquiry and the Nuncio *Odescalchi's* Commission took no Effect; the Pope recalled him, and on the 9th of February 1569. sent another to Naples.

BUT for all that, the Court of Rome did not give over the Undertaking; they attempted it afterwards by very scandalous Means. Cardinal *Mercus*, with *Lorenzo de Torres*, negotiated the Affair in Rome, and contrived an Expedient, which, as that Cardinal said, in a Letter he wrote to the Viceroy, dated the 18th of August 1570. was not only much for the Service of God, but honourable and advantageous to his Majesty, and redounded to the Praise of his Ministers. The Cardinal, perhaps, was ashamed to name this Expedient in his Letter to the Duke, but got D. *Lorenzo* to write and name it to him, who, inclosing the Cardinal's Letter within his own, told him, that provided he would suffer the Bull for taking Cognizance of the Possessions of the Churches that had been unjustly alienated, the Cardinal had told him, that his Majesty should have a Third Part of all that shall be recovered, and the Business shall be managed in the Kingdom, as that of the Fabrick of S. Peter, with the Assistance

Assistance of such Persons, as he (the Viceroy) shall be pleased to appoint; and that without doubt his Majesty would thereby receive above 100,000 Ducats, and it will be much for the Service of God, of the Churches, and of the Souls of those who at present possess those Estates unjustly, of the Pope, and of the Fabrick of *S. Peter*; that therefore he was of Opinion, that he (the Viceroy) ought to give Ear to it; because he would thereby be able to gratify some Barons: He likewise wrote to him, that the Cardinal had told him, that the Pope had sent the like Bull to *Spain*, and over all *Italy*.

THE Duke *D'Alcala*, offended at this, returned no other Answer, but that he would advise his Majesty of it, and wait for his Resolution, not being able to determine any Thing of himself; so that on the 12th of *October* the same Year, he sent a full Account of all to the King, as also Copies of the Cardinal's and *Ernando's* Letters, not neglecting to represent to him the Inconveniencies and Prejudices that would attend the granting such a Liberty by such scandalous Means.

THE prudent King abhorring the Offer, and likewise ashamed of it, on the 7th of *March* 1571. answered the Duke, that it was not fit for him to meddle in that Affair, that therefore he might delay giving an Answer, and if he were obliged to give it, without taking notice that he had written any Thing of it to him, he might answer, that having better considered the Affair, he did not think it proper to mention it to the King; but considering the many grievous Inconveniencies that might follow, and being taught by Experience, he was resolved not to make any Innovation during his Government; that he ought to intimate this Resolution to the Cardinal by the Means of *D. Ernando*, and thus put an End to the Affair¹. The Duke did as the King had directed him, and so ended the Treaty; and as during the few Months that he survived (for he died soon after) no Novelty was introduced, so he set a good Example to the Viceroys his Successors, always to oppose the like Attempts of the Court of *Rome*, who not only obliged the Apostolical Visitors not to execute their Commissions without the *Exequatur Regium*; but when they did grant it, it was always with this Clause, *Quo ad Ecclesias, & beneficia Ecclesiastica, & quo ad beneficia, & possessiones contra Personas Ecclesiasticas tantum; & dummodo non operetur directè, nec indirectè contra Personas Laicas; neque super Prelatis, Beneficiis, Monasteriis, & Hospitalibus, & Cappellaneis, qui sunt sub protectione Regia.* And besides, there was great Care taken, that the Commissaries appointed by those Visitors, should not oppress, by Extortions, even the Ecclesiasticks.

THIS Minister likewise vigorously opposed the Inroachments of the Court of *Rome*, which often presumed to summon Laicks, even Subjects and Feudatories of the Kingdom in Ecclesiastical and Temporal Causes, though Defendants, to appear in *Rome* before any Tribunal there. Although King *Ferdinand I.* on the 24th of *April* 1474. by a particular Pragmatick, had, under the Penalty of Confiscation of Goods, forbid such Appearance², and King *Frederick* had invigorated the said Pragmatick in his Reign; and that in the Reign of *Charles V.* the Count of *Ribagorça* had strongly resented a Summons given the Duke *D'Atri*: Nevertheless in the Pontificate of *Pius V.* the Tribunals of *Rome* did not forbear to give such Citations; in 1567. *Marcello Ciraccolo*, at the Instance of the Exchequer of the Apostolical See, was cited to appear in *Rome*, and to give up the Village of *Monte d'Urso* near *Benevento*, with its Tenants and Jurisdictions. *Giancamillo Mormile*, on account of an Allom Pit which he possessed in the Lake of *Agnano*, was served the same Way, as also the Corporation of *Montefusco*, a Town belonging then to the Marquis of *Vico*, which was interdicted and suspended from the Divine Offices, because having been cited to appear in *Rome* and give up some Territories, they had not obeyed. But what was insufferable, it was alledged, that the Kingdom being subject to the Holy See, the Court of *Rome* had Power to command, cite, and force the Laick Subjects of it to appear. The Duke *D'Alcala* could not suffer these Abuses, but sent an Account of them to King *Philip*, representing the bad Consequences, and begging a speedy and effectual Remedy³.

THE Duke having so vigorously opposed the bold Attempts of the Court of *Rome*, the Viceroys his Successors, in Imitation of him, and encouraged by the King, who had been fully informed by the Duke, were very vigilant and rigorous against such

¹ Chiocc. tom. 4. de Visitat. Apostol.

² Pragm. R. Ferd. L. de Anno 1474.

³ Chiocc. loc. cit. De Laicis non citand. &c.

Citations; infomuch that in 1582. a Messenger was imprisoned by the Duke D'Ossuna's Order, for having had the Impudence to cite D. Margarita of Austria, Sister to D. John of Austria, who lived in the City of Aquila, which had been assigned her as her Dowry, ordering her to appear in Rome, and answer to a Process taken out against her by the Queen Dowager of France. And the Count of Benevento's Resentment, on the like Occasion, was greater, for the Duke of Maddaloni, and the Marquis of Circello having been cited to Rome, the first about a Right of Patronage, and the other about the Bailiwick of his Village of Colle, which Cardinal Valente, as Abbot of S. Maria di Carato, claimed; in 1605. he made a heavy Complaint of it to King Philip III. who, in a Letter dated the 18th of March 1606. answered him, that he was not to suffer the Parties cited to appear in Rome, charging him, that, in order to repair so great an Injury, and of such bad Consequence, he ought to exert his Authority in such a Manner, as not only to serve for Reparation, but Example, and to banish out of the Kingdom the Clergyman that cited the Marquis, and sequestrate the Temporalities of the Abbot that employed him, and imprison his Relations: and in fine, to punish with the utmost Rigour for so heinous a Crime.



C H A P. VII.

Disputes about mixed Causes, and the King's Share of the Tythes imposed upon the Clergy of the Kingdom by the Pope.



E owe likewise to the Duke D'Alcala, the removing of that Abuse, that the Ecclesiastical Judges, when they got the Start of the Secular, could proceed against Laicks in certain Causes, which therefore they called *Mix'd*. Among other Inroachments of the Ecclesiastical Justice, as we have related elsewhere, the Ecclesiasticks had invented a certain Kind of Tribunal, called *Forum Mixtum*, thereby meaning, that a Bishop, as well as Secular Magistrate, could proceed against Laicks by Way of Prevention; in which the Magistrate was often disappointed, because the Ecclesiasticks, by their exquisite Diligence and Care, almost always took the Start, so that leaving no Room for the Secular Magistrate, they ingrossed all the Causes to themselves: Among others, they reckoned that Sacrilege, Usury, Adultery, Polygamy, Incest, Concubinage, Blasphemy, Perjury, Sorcery, and to enforce the Payment of Tythes, and the fulfilling of pious Legacies, belonged all to the *Forum Mixtum*.

POPE Pius, after his wonted manner, made his Nuncio at Madrid importune King Philip with Complaints of the Duke, that in the Kingdom he hindred the Bishops, though they had prevented the Secular Magistrates from proceeding against Laicks in the abovementioned Causes; so that on the 17th of July 1569. the King wrote a Letter to the Duke, ordering him to consult with the Collateral Council, and three or four Countellors of the Council of S. Clara, with the two Attorney-Generals, whether, when the Bishops get the Start, they can take Cognizance of the aforesaid Causes. The Duke convened the Regents of the Collateral Council, with all the others the King had named, and the Affair being nicely discussed, it was concluded with unanimous Consent, that it was an Abuse; whereupon the Duke, on the 19th of July the following Year 1570. sent to his Majesty a solemn and full Consultation of what had been determined in the Collateral Council, with the Assistance of those Ministers, and the two Attorney-Generals; viz. That the Cognizance of these Causes in this Kingdom, belongs privatively to the Royal Judges,

Judges, and not to the Prelates, and that no Prevention is allowed, as the Bishops pretend: In Pursuance of which Decision, when it happened that the Bishops designed to meddle in the Crimes of Sorcery, Incest, &c. or in the exacting of Tythes, they were always vigorously opposed by the Duke, whose Footsteps Cardinal *Granvela*, and the Viceroys his Successors, afterwards followed, many Instances of which are to be found in the fifth Tome of *Cibiccarelli's MS. Giurisdizionali*.

IT was an antient Custom in the Kingdom, that whenever the Popes, either on Account of War against the Infidels, or for any other Reason, imposed Tythes upon the Ecclesiastical Revenues, the half of them belonged to the King; of which Custom there is Record in our Archives since the Times of Pope *Sixtus IV.* and of King *Ferdinand I.* Sometimes the Popes, conscious of this Right, consented to its being exacted, at other times it was done without their Consent; and the Collectors of the said Tythes, who were for the most part Bishops, gave in the Accounts of their Collections to the Royal Chamber, and the Money was put into the Royal Treasury, part of which was kept for the King's Share, and the rest given to the Persons appointed by the Popes. In the Pontificate of *Pius V.* the *Turk* threatening to make War in our Seas, and the War of *Malta*, so well described by *Thuanus*, then raging, this Pope, in order to assist the Christian Princes in opposing so powerful and implacable an Enemy, often taxed the Ecclesiasticks, and in our Kingdom, with the *Placitum Regium*, he imposed Tythes upon their Incomes. Pope *Pius's* Zeal for these Expeditions was truly commendable, but at the same time the Court of *Rome* endeavoured to get all the Money into their own Hands; they began to dispute the King's Right to his Share, and gave *D. Juan de Zuniga*, then Ambassador in *Rome*, and the Viceroy of *Naples* to understand, that they must shew the King's Title to that Right. The Duke *D'Alcala* gave a suitable Answer, and the King being advised of this Demand by the Ambassador, on the 1st of *July 1570.* answered, that he might tell that Court, that his King was under no manner of Obligation to shew the Title whereby he was in use to take his Share of the Tythes; that his Holiness had best let him possess that Right which had been handed down to him by his Predecessors, for he would never suffer himself to be robbed of it.

ALTHOUGH the Court of *Rome*, by these Disputes, gained nothing with respect to this Point, so strongly defended; yet the King, out of Piety, and because the Necessities of the War of *Malta* were truly great, was pleased to consent, that the Tythes imposed upon the Ecclesiasticks of the Kingdom for the Relief of that Island, should be collected by Ecclesiastical Ministers, who were to employ them all for that End; and that this Act might not prejudice the King's Right, a Declaration was ordered to be drawn up by *Fra' Martino Reyes*, the General Collector appointed for receiving the said Tythes, that his Majesty had graciously been pleased to grant the Half of the said Tythes belonging to him to the Knights of *Malta*, and had likewise consented, that the Money of the said Tythes should not be brought to the Royal Treasury, as usual, but might be received by Persons appointed by the said Knights, or, in their Name, by the said *Fra' Martino*. Moreover, the Pope intending to impose three Tythes upon the Ecclesiastical Revenues of this Kingdom, for assisting to complete the Fortifications of the City of *Malta*, provided his Majesty would remit the Half belonging to him in Favour of the said Knights, the King graciously consented to it; as afterwards, on the like Occasion, for assisting Christian Princes that were disturbed either by Infidels or Hereticks, he ordered his Ministers to suffer these Tythes to be collected and employed in such pious Expeditions, without exacting any Thing.

NEVERTHELESS this Piety of King *Philip* was not sufficient to stop the Mouth of the Court of *Rome*, for among the Instructions given to Cardinal *Alessandro*, in his Legation, this was one, to complain to the King, that the Ecclesiastical Jurisdiction was incroached upon by the Difficulties it met with in collecting the Tythes which his Holiness had imposed upon the Clergy of *Italy*, under pretence, that a Part of them belonged to his Majesty; and besides to tell him, that although former Popes had obtained some Permissions concerning the said Collections, yet that not ought to be made a general Rule, and that therefore his Majesty would be pleased to leave it to his Holiness's Disposal, and if he pretended to have any Right in it, he might give his Holiness an account of it, that he might be able to quiet his Mind, and remove all Scruple.

BUT

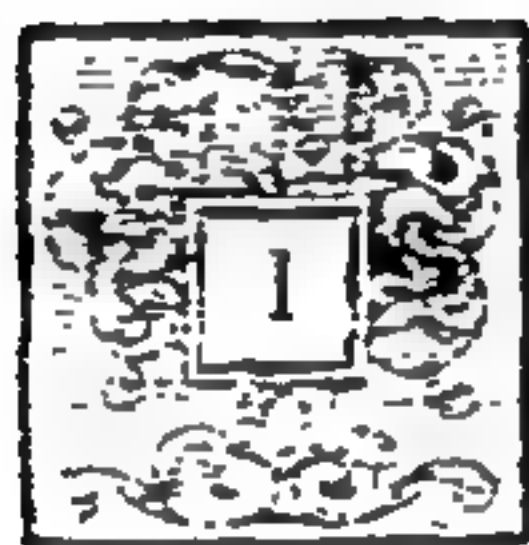
BUT Cardinal *Granville*, the Duke's Successor, to whom the King communicated the Heads of the aforesaid Legation, answered the King by a Consultation, dated the 22d of *March* 1572. that his Holiness could easily remove all Scruple concerning that, because it was a most antient Custom, and of which the Kings his Predecessors had been in quiet and peaceable Possession, with the Consent of the Popes themselves, Time out of Mind; therefore it seemed very strange now, that the filial Love and profound Respect, which his Majesty had always had for his Holiness, should be so ill requited, as to demand the Title to a Right so clear, inherited by his Ancestors, and yielded to by so many Popes. The Count of *Alvares*, and the Viceroy's his Successors, took the same Course; so that this Custom continues in the Kingdom at this Day more firm than ever¹.

¹ Chiocc. tom. 11. MS. Giur.



C H A P. VIII.

Disputes occasioned by the Knights of S. Lazarus.



It truly seems as if the Duke *D'Alcala* had been designed by Heaven to oppose the so many Inroachments of the Court of *Rome*, as were set on Foot in the Pontificate of *Pius V.* We shall now relate one very new and extravagant; and since the Subject has something of Dignity in it, we shall not grudge our Pains in tracing it back to the Institution and Origin of these Knights, and shew what Disorders they occasioned in the Kingdom.

THESE Knights boast of a very antient Institution, and carry it back to about the Year 363. under the Emperor *Julian*, in the Times of the Popes *Basilus the Great* and *Damasus I.* They confirm this Antiquity by the many Hospitals, which, under the Name of *S. Lazarus*, are recorded in History to have been built in those early Times over all the Christian World, and especially in *Jerusalem* and other Parts of the East¹. But this first Institution, by the Incursions of the Barbarians, and devouring Time, was in a manner buried in Oblivion, till *Innocent III.* and *Honorius III.* about the Year 1200. re-established it, and took it under their Protection. Afterwards *Gregory IX.* and *Innocent IV.* granted them many Privileges, and prescribed a new Rule to their Order, with Power to create a Master. *Alexander IV.* very freely confirmed their Privileges, and whatever had been granted them by his Predecessors.

THE Secular Princes, drawn in by the Example of the Popes, and the pious Design of their Institution, like to that of the antient *Hebrews* (of whom *Fleury*² bears Witness) with respect to Hospitalaty, and taking care of the Diseased, and especially of those who were infected with Leprosy, bestowed Temporal Riches upon them in great Plenty. The first were the Princes of the House of *Savoy*, and among the rest *Frederick*, who gave them many Possessions in *Calabria*, *Puglia*, and *Sicily*³. The Popes, and especially *Nicholas III.* *Clement IV.* *John XXII.* *Gregory X.* *Urban VI.* and *Leo X.* favoured them in their Acquisitions, and by granting them Power to retain those Possessions, and still getting more, they became exceeding rich. But it happened to them, what Experience has always shewn in the like Cases, that their overgrown Riches, the excessive Favour of Princes, and

¹ Tit. in lib. 79. Hist.

² Fleury. Contumes des Israel.

³ Thuan. loc. cit.

the so many Privileges bestowed upon them by the Popes, good Discipline and the antient Piety came to be neglected, whereby they sunk in their Reputation and Esteem with the Faithful. The Popes, among other Privileges, had granted them, that the Goods of those that died of Leprosy, either within or without the Hospitals, should belong to them; besides, that they could force the Leprous to stay in the Hospitals contrary to their Inclinations. The Princes assisted in seeing these Privileges put in Execution within their Dominions; whence we find, that our King *Robert*, on the 20th of *April* 1311. wrote to all the Officers of the Kingdom, telling them, that the Religious Brothers of the Hospital of *S. Lazarus* of *Jerusalem* had represented to him, that they, by Virtue of the Privileges given them by the Popes, had Power to oblige those that were infected with Leprosy, where-ever they should happen to find them, to retire to, and be confined within the said Hospitals appointed for such diseased Persons, and, if need be, to use Force in order to remove them from the Habitations of the Healthful, and to give them suitable Aliment; and seeing some infected with that Disease refuse to come to the said Hospitals, and are often borne out in it by their powerful Relations, therefore the King ordered his said Officers to give all Assistance, so these as leprous Persons might be confined to the said Hospitals, by forcing and taking them personally. And in the Reign of the Emperor *Charles V.* we likewise read, that *Andrea Caraffa*, Count of *S. Severina*, Viceroy of this Kingdom, at the Request of *Alfonso d'Arziza*, Master of *S. Lazarus*, on the 18th of *December* 1525. ordered all the Officers of the Kingdom to do Justice to the said *Alfonso's* Vicar, who was to go to several Parts of the Kingdom for recovering many Effects of Persons that had died of Leprosy, devolved to the Order by their Death, by Virtue of the Privileges and Bulls of the Popes.

THESE indiscreet Methods, frequently made use of as Traps for catching the Estates of those unfortunate People, in Time ruined their Reputation, and by Degrees they declined so much, that their Name was scarcely known. But upon the Accession of *Pius IV.* to the Papacy, he raised them again, and, like the other Religious Knights, adorned them with many and ample Privileges and Immunities, restored them to their antient Dignity, and created *Giannotto Castiglione*, Great Master of the Order. *Pius V.* likewise honoured and favoured them, insomuch that in the Viceroyalty of the Duke *D'Alcala* they were in great Esteem.

BUT if the Popes had contented themselves with heaping so many Honours and Prerogatives upon them without doing Prejudice to others, it would have been supportable, but to give them Prerogatives prejudicial to the Princes in whose Dominions they were entertained, was insupportable. They, though Laicks and married, by Virtue of these Papal Exemptions and Privileges, pretended, as well with respect to their Persons as Estates, to be exempted from Royal Jurisdiction, not to be liable to the King's ordinary and extraordinary Subsidies; and, what was not to be bore, with us, the Increase of their Number was endless, because they were made Knights not only by the Great Master, but likewise by the Pope's Nuncio residing in *Naples*, which, if it had been suffered to go on, would have been a vast Detriment to the Royal Prerogatives.

THEREFORE the Duke *D'Alcala* would not suffer their boasted Privileges to take Place in the Kingdom, but ordered, that they should be treated in all respects as mere Laicks, and on the 15th of *May* 1566. he sent a full Account of the Matter to King *Philip*, in which he acquainted him, that the Nuncio of *Naples* had made a great Number of Knights of *S. Lazarus*, and was daily making more, of purpose to exempt Laicks from his Majesty's Jurisdiction, which they laid hold of, though mere Laicks, and could marry, and do whatever they thought fit; and that if such Exemption were allowed, and they multiplying *ad infinitum*, a great Part of the Kingdom would soon be withdrawn from the Royal Jurisdiction. Some Time after, the Nuncio having applied to the Attorney-General for his Assistance in imprisoning one of these Knights, the Attorney refused to do it, telling him, that neither the Nuncio nor the Great Master had any Power or Jurisdiction over these Knights, as being Laicks, and subject to his Majesty's Jurisdiction; and the Nuncio having sent his Auditor to the Attorney's House to shew him the Privileges granted by the Popes to the said Order, he was answered, That these Privileges were not to be regarded, as well for want of the *Exequatur Regium*, as because they were most prejudicial to the Royal Jurisdiction; but the Auditor being put to a Nonplus, had no other Shift than to present to him the Bull *In Cœna Domini*, warning him, that

as a Christian he ought to take care, that what his Holiness had granted to the said Grand Master should be observed, otherwise he would be excommunicated. The Duke therefore represented to his Majesty, that the Execution of these Privileges granted to the Great Master, besides lessning his Royal Jurisdiction, would be of great Prejudice in the ordinary and extraordinary Subsidies, which his Subjects were obliged to pay.

THE King on the 12th of *July* the same Year, wrote back to the Duke, commanding the Order of *S. Lazarus* to be abolished in the Kingdom, and that none should wear the Habit of it ¹.

THE Regents of the Collateral Council, by the Duke's Order, on the 13th of *August* the same Year, likewise drew up a Report of the Case, in which among other Things, they said, that the creating these Knights, and giving them the Habit, had, for the Time past, been done by the Great Master, and not by the Nuncio, and that the Masters had never had any Jurisdiction, excepting of separating the Leprous from the Commerce of the Healthy; and that the Privileges pretended by that Order were most prejudicial to his Majesty's Jurisdiction, and have been newly granted by the Popes *Pius IV.* and *V.* which were never received in the Kingdom, nor had got the *Exequatur*, which had always been denied them, as it was at present; and that these Knights had always been, and are proceeded against by the Royal Tribunals, both in Civil and Criminal Causes, as mere Laicks; and some of them having been imprisoned in the Prison belonging to the Vicariate, although the Great Master, or his Vicar have demanded their Release, it was never granted; and some have been likewise condemned to Exile. But when the Great Masters have pretended a Right to the Goods of the Leprous, it has been recommended to the Royal Officers to do them Justice; and one of *Castellane*, who was of that Order, pretending to be exempted from the King's Taxes, he was condemned by the Tribunal of the Royal Chamber to pay like all the other Citizens, and not to enjoy any Exemption.

THE Court of *Rome* seeing that the Duke made no account of these Privileges, had recourse directly to King *Philip*, by offering him the perpetual Administration of the said Order within his Dominions; but the King wrote to the Duke, that as for their offering to make him perpetual Administrator of that Order, he did not think fit to accept of it, therefore he desired it might be no more mentioned. Nevertheless they softened the King, insomuch, that as formerly he had commanded this Order to be abolished in the Kingdom, he afterwards allowed it to continue, but that the Knights should be looked upon as mere Laicks. So, in the Year 1579. he having a Mind to know the State of the said Order, by Command of the Marquis of *Montferr*, then Viceroy, the Royal Chamber drew up an Account of all the Benefices *in Commendam* which it had in the Kingdom, and of their Revenues, and at the same time made a Report, that the said Knights enjoyed neither Immunity nor any Franchise whatsoever.

BUT as the Duke of *Savoy* was afterwards created Great Master of this Order, so 'tis fit we should here take notice of it. Upon the Death of *Giannetto Castiglione* at *Vercelli* in 1562. and *Gregory XIII.* having mounted *S. Peter's* Chair, he, with a Design to render it the more Illustrious, created *Emmanuel Philbert*, Duke of *Savoy*, perpetual Great Master of this Order ², who, the Year following, having called a Meeting of the Knights in *Nizza*, by a solemn Oath, made them acknowledge him for their Great Master, and, for their greater Ornament, prescribed new Laws and Ceremonies to them; and having obtained a Confirmation of them from the Pope, he united and jumbled together into one the Order of *S. Maurice* (from whom the Dukes of *Savoy* boast their Descent ³) and this of *S. Lazarus*, which were formerly distinct Orders, and he assigned to them two Hospitals, one in *Nizza*, and the other in *Turin*. Whence it is, that these Knights call themselves of *S. Maurice* and *S. Lazarus*; and whence it likewise comes, that these Knights are created, and the Benefices *in Commendam*, which they still have in the Kingdom, are given by the Duke of *Savoy*; so that we read, that a monitory Letter having been dispatched by the Apostolical Chamber, in the Name of the Duke of *Savoy*, Great Master of the Order of *S. Maurice* and *S. Lazarus*, to all the Archbishops, Bishops, Prelates, and other Ecclesiastical Persons, to obey and observe the Privileges granted to the

¹ *Chicco. Ita. etc.*

² *Thuan. Hist. 13.*

³ *Idem. loc. cit. genus regentis.*

and Order by Apostolical Briefs, it was presented to the Collateral Council by the Great Commendator *Giovan-Francesco Ravignone* in 1608. in order to obtain the *Exequatur*; but it being examined by the Chaplain Major, he made a Report to the Vice-Chancellor, that the *Exequatur* could be granted with respect to Ecclesiastical Persons only ¹.

THIS Order had alternate Fortune in *France*; it was there, as in all the other Kingdoms of *Europe*, distinct from that of *S. John of Jerusalem*; but the Knights of this last Order, as their Rivals, endeavoured to have it abolished, which at last they obtained from *Innocent VIII.* who in the Year 1490. by his Bull abolished it, and confounded it with that of *S. John of Jerusalem*. The Knights of *S. John* for a long time kept this Bull concealed; but when the Knights of *S. Lazarus* got notice of it, in 1544. they appealed from the Bull, as injurious, to the Parliament of *Paris*. The Case was debated and decided in Favour of the Appellants; and the Pope's Bull being declared void, a Decree was passed, that for the Time to come the Orders of *S. John* and *S. Lazarus* should be distinct and separate. From that Time (for they durst not do so openly) the Knights of *S. John* secretly and craftily endeavoured by Degrees to have the Order of *S. Lazarus* abolished, procuring the Great Mastership of it to be lodged in their Order, and it continued there till the Time of *Emarus Castus*, who, out of a Principle of Honour and Justice, though of the Order of *S. John*, restored this Order to its ancient Splendour ²: Whence it came, that the Knights of *S. John* have always aspired to have the Superintendency of those of *S. Lazarus*; and whence we see still in *Naples*, in the Church of *S. John a Mare* (a *Commendam* belonging to the Knights of *Malta*) a Chapel of *S. Lazarus* erected, and therefore they pretend it subordinate to them.

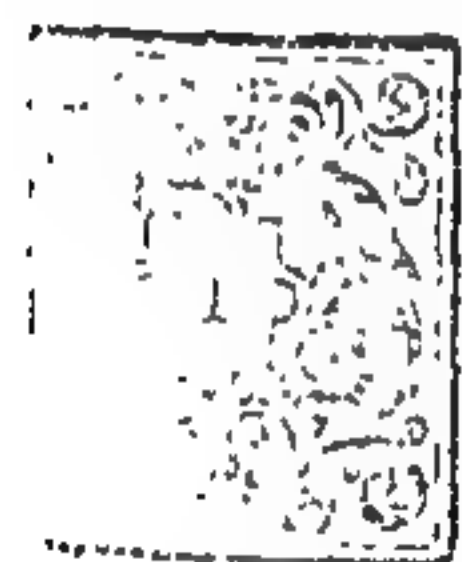
¹ Chioce. loc. cit.

² Thuan. lib. 37.



C H A P. IX.

Debates about last Wills, which the Bishops pretended to make for those who died Intestate; and about the 235th Usage of the High Court of the Vicariate.



THE Duke *D'Alcala* had likewise this Abuse to struggle with, which in his Time was become outrageous and insufferable. It had its Rise, as we have observed in the preceding Books of this History, in the Times of Ignorance, or rather of the Negligence of Princes and their Ministers; it started up when the Ecclesiasticks, without Opposition, maintained, that every Thing, where the Salvation of the Soul was in Question, was to their Jurisdiction: By Parity of Reason they maintained, that the Cognate of Wills, being a Matter of Conscience, belonged to them, and by the same Reason, that they were the proper Executors of them. They were not ashamed to say, that the Body of the deceased Testator, being left to be buried by them, he thereby became Mistress of his Moveables, in order to quiet his Soul, and execute his Will.

In fine, in *England*, the Bishop, or one appointed by him, seized the Goods of those that died Intestate, and kept them for the Space of seven Years, within Time the Heir, by compounding with him, might recover them. *Barbosa* writes, that in *Spain* of Old, the Ecclesiasticks would not bury the

¹ *Barbosa* lib. 3. sign. C. Just. Eccl.

Dead till they were first Masters of the Will, otherwise a special Order from the Bishop must have been obtained; so that the Heirs, to save the Honour of the deceased Intestate, asked liberty to make a Will for him *ad præsens causas*; and when is more, there were some Ecclesiasticks, who obliged the Heirs of the Intestate to agree to take Umpires to determine what Share the Deceased ought to have left to the Church; but the Bishops took this Arbitration regularly upon themselves, and arrogated the Authority of disposing *ad præsens causas* for those that died Intestate. From this Inroad of the Ecclesiasticks, even in our Time it continued to be a Custom, that the Curates and Vicars are capable of drawing up Wills as well as Notaries. Therefore it continued in some Dioceses of our Kingdom, that the Bishops by antient Custom could dispose for the Soul of the deceased Intestate; and this Pretension was carried so far, that they imagined they could dispose of his Goods so, as even to apply them to their own Use: And in some Parts of the Kingdom, the Prelates without Distinction pretended to apply to their own Use the fourth Part of the Deceased's Moveables. The Cardinal *Di Luca*¹ condemns these Excesses, as abusive, and like a prudent Man would have them reformed and moderated. In *Rome* likewise, the Congregations of the Cardinals and of the Bishops, in order to make the Custom plausible, moderate and restrict it to certain Rules, but do not absolutely condemn it. So also *Mario Caraffa*, Archbishop of *Naples*, having in the Year 1567. held there a Provincial Council, wherein he declared it to be a condemnable Abuse, however, modified the Condemnation by saying, that where such a Custom was, the Bishop, with a becoming Piety, having regard to the Time, Place, and Persons, and with the express Consent and good Will of the Heirs, might dispense some moderate Share of Money for Masses, and other pious Offices for the Good of the Soul of the Deceased. After the Examination and Report of the Congregation of Cardinals, this, as well as the whole Synod was approved of by Pope *Pius V.*

BUT our Kings and their Lieutenants always prohibited and quite rejected it, as a pernicious Abuse. Some Bishops of the Kingdom, Sticklers for Custom, maintain this Pretension, such as the Bishops of *Nocera de' Pagani*, *Alife*, *Oppido*, *S. Marco*, and some others, which may be seen in *Ughello's Italia Sacra*.

THE Duke *D'Alcala*, not able to bear these Abuses during his Government, as they had been abolished in *France* and elsewhere, endeavoured likewise to root them out of our Kingdom; and seeing that some Bishops, and among the rest the Bishop of *Alife*, were obstinate in this Point, and denied Burial when this Custom was not complied with, besides having written to them serious exhortatory Letters to give over such Pretensions, in 1570 he wrote to *D. Juan de Zuniga*, the King's Ambassador in *Rome*, charging him to speak home to the Pope about these Customs committed by the said Bishops, that they may forbear them for the Time to come. The Ambassador spoke to the Pope, and all the Answer that he got was, that if the Deceased had Heirs, the Bishop could not, *De Jure*, make a Will for him, but if he had none, he could with respect to pious Uses.

THE Viceroys that succeeded the Duke *D'Alcala* followed his Example, the Bishop of *S. Marco* having excommunicated the Baroness of *S. Donato*, because she would not give him the fourth Part of the Moveables of *D. Isabella Surferone*, Baroess of *S. Donato* her Husband, who died Intestate, on the 21st of March 1566. the Count of *Miranda* wrote him a grave exhortatory Letter to absolve her, and to leave her no more Trouble; and the Bishop not obeying, he ordered all the Relations of his Vicar to be imprisoned, and his Goods sequestrated; and on the 10th of June the Year following, sent a Report of the Case to the King.

MOREOVER the Bishop of *Nocera de' Pagani* pretended, that *Isabella Guerritore*, Mother and Guardian of the Children and Heirs of *Marcella*, a Noble of the said City of *Nocera*, ought to pay him what he had disposed of in the Will that he had made for the said *Marcella*, *ad præsens causas*, he having died Intestate. The Viceroy wrote him an exhortatory Letter, desiring him to forbear, and not trouble the said Lady on that Account. When due Care is taken, the like Abuses are not now suffered in the Kingdom.

THE Disputes with the Duke *D'Alcala* about Jurisdiction did not end here, but pass over some of less Moment, that which he had to maintain about the

¹ Cardin. de Luca Conf. L. & rat. observ. 75

² Chron. MS. Cl. 113. fol. 100.

vance of the 235th Usage of the High Court of the Vicariate, which the Ecclesiasticks pretended to make void and null, deserves to be related here.

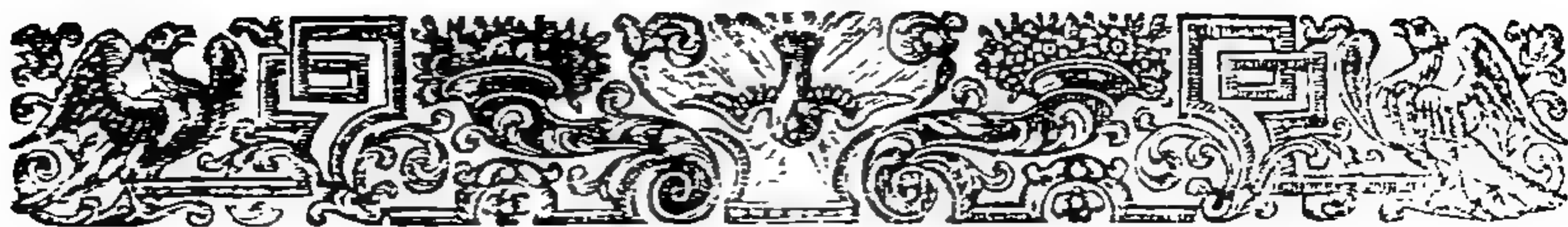
IT was an antient Custom in our Kingdom, consonant both to Law and Reason, that when it was objected in the Royal Tribunals, that they could not proceed in the Causes of the Clergy, but ought to remit them to their proper Judges; it belonged to these very Tribunals to examine whether the Parties were of the Clergy or not. It was their Business to examine into the Bulls they were to produce, and the Requisites necessary to their being remitted, such as their wearing Clerical Habits, the Tonſure, living Clerk-like, not meddling in Merchandizing, or any Thing thereto belonging; as, without any Dispute, was practised all the Time that the Kings of the Illuſtrious Family of *Anjou* reigned among us, inſomuch that Queen *Joan* II. in the Collection of the Usages of the High Court of the Vicariate, among others, cauſed this likewise to be inserted.

IN the Pontificate of *Pius* V. among other Attempts of the Ecclesiasticks, we likewise see this, that the Bishops pretended, that upon their bare Assertion the Clergy ought to be remitted, and that it belonged to them to take Cognizance of their Clerkship, and whether they had the usual Requisites. The Bishop of *Andria* having pretended to this, and it being denied him, he excommunicated the Governor and Judge of that City, because they would not deliver up to him ſome Clergymen that had been imprisoned; but the Duke *D'Alcala* approved of the Governor's Conduct, and on the 19th of *July* 1570. he ſent a Report of it to the King¹, and wrote to the Ambaſſador in *Rome*, to repreſent to the Pope, the Prejudices and Innovations which the Bishops of the Kingdom attempted; and among others, to aſſume the Cognizance of Clerkship, by robbing the Judges of that Right which they have always had, conformable to the Usage of the Vicariate; and to give his Holineſs to underſtand, that this was a Matter of the higheſt Importance that could happen in the Kingdom, not only with regard to the Prejudice it would be to the Royal Jurisdiction and Authority, but likewise to the Quiet of his Maſteſty's Subjects. The Ambaſſador managed the Affair effectually with the Pope, who finding the Demand to be reaſonable, answered him, that the Custom ſhould not be altered.

BUT for all that, the Ecclesiasticks did not forbear afterwards to proſecute their Deſign, though they always found Oppoſition; and in the Viceroyalty of the Count of *Miranda*, there came a Letter from the King, dated the 12th of *December* 1587. ordering the Royal Tribunals to continue to take Cognizance of the Clerkship, without ſuffering any Innovation in that Matter. And in Times leſs diſtant from us, *Fabio Capece Galeota*, printed a Treatiſe dedicated to the Duke *D'Alba*, maintaining that Practice conformable to the Uſage, and demonſtrated, that it was not only lawful, but had been ſucceſſively approved of at different Times by the Popes; and *D. Pietro Urries* wrote a particular Treatiſe about it; and tho' the Court of *Rome* prohibited the Book, yet there was no regard had to the Prohibition, as we have related in the XXVIIth Book of this Hiſtory.

¹ Chiocc. tom. 10. MS. Giuriſd.





C H A P. X.

The Legation of the Cardinals Giustiniano and Alessandrino to King Philip II. concerning this and other Points of Jurisdiction; whence proceeded the Custom of sending from Naples a Royal Minister to Rome for settling them.



POPE Pius V. who was as assiduous as any of his Predecessors, by all Means possible, in extending the Ecclesiastical Jurisdiction over the Dominions of Christian Princes, not pleased with the Duke *D'Alcala*, who, in doing his Duty, always thwarted his Designs, at last resolved to have these Points settled directly with King *Philip*, and for that End sent two Legates successively. The first was *P. Vincenzo Giustiniano*, General of the Order of Preaching Fryars, whom he afterwards made Cardinal; and the second was *Michele Bonello*, Cardinal *Alessandrino* his Nephew, who set out for *Spain* and *Portugal* with sundry Commissions, a little before the Death of the Duke *D'Alcala*, which happened in *Naples* in the Year 1571.

CARDINAL *Giustiniano* soon made an End of his Legation; for having represented to the King some Injuries (the greatest Part of which were those above-mentioned) which he said were done to the Bishops of the Kingdom, derogatory to the Ecclesiastical Jurisdiction and Immunity, and among others, that of not suffering them to take Cognizance of the Clerkship; the King took Care for some of them of small Moment, but considering that the rest were of great Importance, and required mature Deliberation, he said he could not determine any Thing in them, till he had first been fully informed by the Viceroy of *Naples*, and so dismissed him, with a Letter to Pope *Pius*, dated the 28th of *September* 1570. wherein, with great Respect, he wrote to him, that he had received his Brief which Cardinal *Giustiniano* brought him as his Credentials concerning the Ecclesiastical Jurisdiction; and that what by some Progresses, what by his continual Affairs which had happened since, he had not had Time or Opportunity to examine into Affairs of so great Consequence: Nevertheless, to satisfy his Holiness, he had taken care for some of them, as the Cardinal would inform him; and that as soon as he had received the Information he expected from *Naples*, he would endeavour to take care for the rest, in such a manner as the Ecclesiastical Dignity should suffer no Prejudice.

AT the same time he wrote two very long Letters to the Duke *D'Alcala*, in which he sent him the principal Points represented by the Legate as prejudicial to the Ecclesiastical Jurisdiction, charging him to communicate them to the Collateral Council, to be by them maturely examined and considered, and a particular Answer given to each of them, and then to send him a Report of the Whole, that he might the more maturely be able to consider what was fit to be done; which was accordingly obeyed.

THUS ended the Legation of Cardinal *Giustiniano*; but that of Cardinal *Alessandrino*, the Pope's Nephew, was much more Honourable; for *Pius* sent him to King *Philip* II. not only upon account of these Disputes about Jurisdiction, but for

more weighty and serious Reasons, and no less for the Kingdom of *Naples*, than that of *Sicily* and the Dutchy of *Milan*, and especially on account of the War threatened by the *Turk*, who, being grown more formidable than ever, struck Terror, not only into *Germany*, but even into *Italy*. Pope *Pius* therefore, was wholly intent upon persuading Christian Princes to unite and hasten to the Defence of the Christian Provinces, threatened by so cruel and powerful an Enemy; for this End he sent Cardinal *Commendone* to the Emperor, with Orders, that after he had treated with him about the Affairs of *Germany*, to go to *Sigismund Augustus* King of *Poland*, and invite him to join in a War both profitable and necessary; and at the same time he sent *Paolo Odescalchi*, Bishop of *Penna*, to the Princes of *Italy* with the like Commission: He likewise sent Cardinal *Alessandrino* to King *Philip* in *Spain*, from whom, above all other Princes, he expected powerful Succours, charging the Cardinal to go afterwards and invite the Kings of *Portugal* and *France* to join in the Expedition¹.

UPON Cardinal *Alessandrino's* entering *Spain*, he was met upon the Borders, with great Honour, by many Noblemen whom the King had sent to receive him; *Diego Spinosa*, Bishop of *Sagunto*, who then had the Management of the most weighty Affairs of the Crown, likewise met him; and at last being arrived at Court, King *Philip* received him with exceeding Demonstrations of Honour and Esteem.

THE Cardinal begun with his chief Commission, which was, to exhort the King, in all haste, to furnish powerful Succours for the War against the *Turk*; that as they would be the greatest, so they would encourage the other Princes to follow his Example, and enter into the Alliance: In the second Place he begged of him, that, as he was obliged to go to *Portugal* and *France* upon the same Errand, his Majesty would be pleased, for rendering his Negotiations the more Effectual, to interpose his good Offices with those Kings, and likewise to invite the Emperor to be a Party in this most holy War. King *Philip* thanked the Pope for the good Opinion he had of him, but that his Holiness ought likewise to consider with how many Troubles and Difficulties he was surrounded, and what a burthensome War about Religion he had upon his Hands in *Flanders*, which, if not taken care of in time, might prove more detrimental to Christianity than that threatened by the *Turk*; as for the rest, that his Assistance should not be wanting, and what Supply his Dominions in *Italy* could bear should be furnished; nor would he neglect to interpose his good Offices with the said Kings, and especially with the Emperor *Maximilian* his Cousin².

THE Title of *Great Duke of Tuscany*, given to *Cosimo* Duke of *Florence*, was likewise brought upon the Carpet; the Cardinal maintained, that to suffer it was highly injurious both to his Majesty and the Pope; that it not only struck at his Royal Dignity and Authority, but at the Majesty of the Apostolical See: Nevertheless nothing was done in that Affair.

BUT at the same time that Pope *Pius* was shewing so much Zeal for the Christian Faith against its implacable Enemies, he did not neglect the Interest of his See; he made the Cardinal complain to the King, that the Ecclesiastical Jurisdiction in *Sicily* was greatly depressed by his Majesty's Ministers, by reason of that *Monarchy* invented by them, which has nothing else to support it, but a supposititious and apocryphal Bull of *Urban II.* And he said, that besides that the Bull could not comprehend but the Persons of *Roger* Count of *Sicily* and *Calabria*, and of *Simon* his Son, or of the Heirs of *Roger* only, both the Date and Place give great Ground for Suspicion; that 'tis dated in *Saleruo* in the Year 1095. at which Time Pope *Urban* was at the Council of *Clermont*, assembled in *France* on account of the Holy War, which Expedition took him up that whole Year; that *Tommaso Fazello*, the first Broacher of it, was an Upstart, and a Man of no Credit or Authority, who said he had it from *Gio. Luca Barberio*, a *Sicilian*, a Man of as little Account; that it was also attributed by *Pietro di Luna*, a Schismatick, to *Ferdinand* and *Martin*, Kings of *Arragon*; the last of which married *Mary* Queen of *Sicily*, to the End that the Bishops might not make use of the Ecclesiastical Censures against the Royal Ministers; but that afterwards, at the Request of the three Estates of the Kingdom, that Privilege was quite abolished, the Kingdom of *Sicily* confined to what is prescribed by the Council of *Trent*, and the Ecclesiastical Jurisdiction restored to its former

¹ Thuan. lib. 49. Hist. pag. 1001.

² Idem, lib. 50. Hist. pag. 1031.

Authority and Splendor. King *Philip* considering with himself the Importance of the Matter, very gravely answered the Legate, that his Predecessors had transmitted to him these Rights together with the Kingdom, and that he could do no less than leave them to his Successors in the same manner as he had received them; as for the rest, if there has any Thing been done amiss in the Exercise of them, out of Respect to the Holy See, he would write and order it to be amended: With this Answer the Cardinal was dismissed. There was no more mention made of this Matter afterwards, till in the Reign of *Philip III.* that Cardinal *Baronius* took it in his Head, in the XIth Tome of his Annals, to controvert it; which, as we have told elsewhere, drew a severe Remonstrance from *Spain*. And lately in our Days, Pope *Clement XI.* having a mind to abolish it by his Bull; and taking Advantage of the Juncture of Time, when that Kingdom was in the Hands of the Duke of *Savoy*, his Attempt proved likewise fruitless, which induced the incomparable *Du Pin*, at the Desire of that Prince, to write that learned Treatise, wherein he not only maintains the Monarchy, but exposes the Weakness of *Baronius's* Arguments, upon which *Clement* had founded his Bull.

CARDINAL *Alessandrino* reserved to the last of his Legation, the Complaint to the King of the Prejudice done to the Ecclesiastical Jurisdiction in the Kingdom of *Naples*, and Dutchy of *Milan*; but he got the same Answer that had been given Cardinal *Giustiniano*, that these were Matters of great Importance, and therefore he could determine nothing of himself, till he should be first informed by the Viceroy of *Naples*, and by his Ambassador residing in *Rome*.

IN the mean time, in the Month of *April* this Year 1571. the Duke *D'Alcala* had died in *Naples*, and Cardinal *Granville* being then in *Rome*, was ordered by the King to go immediately to *Naples*, and take the Government of the Kingdom upon him, which he accordingly did. The King, in order to fulfil what he had promised to the Cardinal Legate, this same Year wrote four Letters; one in the Month of *November* to D. *Juan de Zuniga*, his Ambassador in *Rome*, and in *December* following three others to Cardinal *Granville* his Viceroy in *Naples*. In these Letters he advised them, that Cardinal *Alessandrino*, his Holiness's Legate, being arrived in *Spain*, received and kindly entertained by him, as became a Person of his Dignity, and so near related to the Pope, among his other Commissions, had laid before him some Articles, by which he pretended, that the Ecclesiastical Jurisdiction was prejudiced, as well in the Kingdoms of *Naples* and *Sicily*, as in the Dutchy of *Milan*; in *Naples* by the *Exequatur Regium*; in *Sicily* by the *Monarchy*; and in *Milan* by the *Familia armata* of the Archbishop, and by the Church of *Malta*; therefore he had sent them a Copy of the said Articles, with the Answers and Replies of the said Legate: He had likewise sent them a Copy of the Memorials given him by Cardinal *Giustiniano*, with the Answers made on the Margin of each Article, that the Ambassador, by this Hint, may be the better able to regulate his Conduct with the Pope. He enlarged upon the Subject much more to the Viceroy, giving him an Account, that as to the Points contained in the Memorials given him by Cardinal *Giustiniano*, and the Decisions of his Royal Council, with the Opinions of the Regents of the Collateral of *Naples*, although the said Cardinal *Alessandrino* had replied to them, yet having got such pat Answers, he was at last quiet, and therefore was resolved in three Days to set out for *Portugal*. As for the new Articles concerning the Kingdom, given him by the said Cardinal, he had sent him a Copy of them, in order to be examined by the Regents of the Collateral Council, and other Persons of Skill, Learning and Integrity. And lastly, he ordered the Viceroy to send him a very distinct Report of all, with his own Opinion, that if the Pope should reply, he might be able upon good Grounds to answer him, and by the good Management of this Affair prevent him. In the second Letter directed to the Viceroy, he gave him an Account of the Memorials given him about the Observance of the Council of *Trent*, and of his general Answers made to them; and in the Third he charged him to be careful in maintaining the *Exequatur*, that his Jurisdiction might not be lessened.

IN Answer to these Royal Letters, Cardinal *Granville*, with Advice of the Collateral Council, sent the King sundry Consultations, as well upon these Articles, as upon those contained in the Memorials given in to his Majesty by Cardinal *Giustiniano*, in which he gave him a full Account of all that had passed; at which the Court of *Rome* was much displeased, who seeing, that neither the controverted

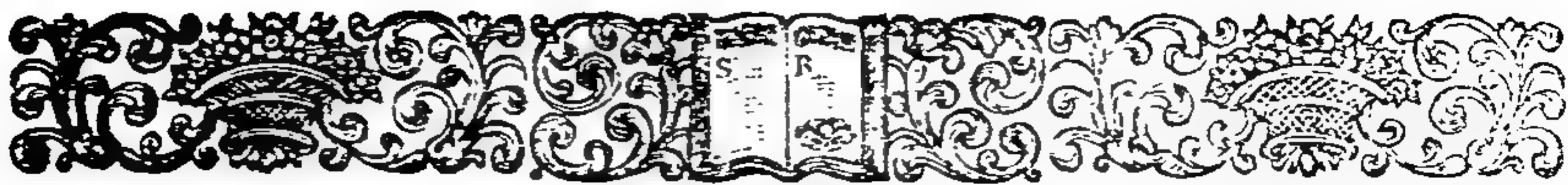
Points about Jurisdiction, contained in the Articles given in by the Cardinals *Giuliano* and *Alessandrino*, nor many others which were daily started, could be adjust'd to their liking, by Letters and Memorials sent to and again betwixt *Rome*, *Naples*, and the Court of *Madrid*, resolv'd to refer them to a Treaty to be held in *Rome*, whither the King might send his Ministers; therefore Pope *Pius* desired King *Philip* to send his Ministers, who, with those that he should appoint, might adjust and amicably agree the Points in Dispute. King *Philip*, not knowing the Secret, or out of Complaisance to the Pope, for whom he made a shew of great Respect, promis'd to send them; but soon after, on the 1st of *May* 1572. the Pope dying, the Promise had no Effect.

BUT Gregory XIII. who succeeded Pope *Pius*, did not fail, by frequent Messages, to put the King in mind of his Promise; so that in the Year 1574. the Ministers were sent. On the 4th of *June* the said Year, the King wrote a Letter to the Pope, wherein he told him, that out of Regard to his pressing Instances, he had sent D. *Pedro d'Avila*, Marquis *De las Navas*, and the Licenciate *Francisco de Icaza*, one of his Countellors, who, jointly with D. *Juan de Zuniga* his Ambassador, were to treat about the Points in Dispute concerning Jurisdiction in his Kingdoms of *Naples* and *Sicily*, and the Dutchy of *Milan*, in order to an amicable Agreement; for which End he sent them full Power, and likewise Instructions how they were to behave in the Treaty: Of all which he advis'd Cardinal *Granville* the Viceroy, that he might act accordingly.

WHENCE proceeded the Custom of sending Ministers to *Rome* for transacting such Affairs: Messages from their Beginning always fruitless. The Marquis *De las Navas*, and the Counsellor *De Icaza*, took a great deal of Pains to no Purpose. But for all that, this Custom, once begun, was kept up; for the Marquis dying in 1578 D. *Alvaro Borgia*, Marquis of *Alcaniz*, was sent to *Rome* in his Place. And the Governor of *Milan* having observed the same Custom of sending from that Dutchy a Person for managing those Affairs in *Rome*, in 1579. King *Philip* II. wrote to the Marquis of *Mondemar* our Viceroy, telling him that the Great Commendator, his Ambassador in *Rome*, and the Marquis of *Alcaniz*, had acquainted him, that, for keeping a good Understanding betwixt the Secular and Ecclesiastical Jurisdiction of the Kingdom, it was very fit to have always in *Rome* a Person of such Skill and Knowledge as Doctor *Giulio Riccardi*, whom the Marquis *De Agmonte*, the Governor of *Milan*, had sent thither from that Dutchy; that therefore he ordered him to send from *Rome* to *Naples*, a Person, though it were a Regent of the Chancery, and particularly the Regent *Salerntino*, as most knowing in the said Affairs, or even a Regent of the *Cipriota* Council, or of the Chamber of Accounts, or be who it will that the said Ambassador and Marquis shall pitch upon, that by his Advice these Affairs may be carried on.

SO, in Times less distant from us, we read, that on account of the Controversies about Jurisdiction, between the Bishop of *Gravina* and the Arch-Priest of *Altamura*, the Cardinal *Zapata* sent the Counsellor *Giam-Battista Migliore* to adjust and decide them. And in the Time of our Grandfathers, the Counsellor *Antonio di Gaeta* was sent to *Rome* on account of the new Disputes occasioned by the Bull of Gregory XIV. which Message turn'd no Account; and in our own Time, the Counsellor *Faletti*, the Attorney of the Royal Chamber *Mazzacorda*, and the Counsellor *Lucini*, were successively sent to as little Purpose: Whence it may be seen, that it is in vain to expect to get an End put to these Differences about Jurisdiction by such Messages. The most proper and effectual Method for deciding these Matters, since the *Spanish* Way of curing these Wounds with Plaisters and Ointments must be followed, and not that of the *French*, would be such as has been demonstrated by the wisest and ablest Lawyers and Divines; viz. to appoint Persons of high Rank, by turns, to be Arbitrators, and to be obliged to stand blindly to their Award: This Method, which has been often practis'd in the Territories of *Barcelona*, is said by *Jacopo Menocchio*, a famous Lawyer of *Pavia*, in his Treatise *De Jurisdictione*, to be the fittest for entirely putting an End to these Controversies in *Italy*. The *Romans*, who, of all others ought to desire it most, have always shew'd an Abhorrence to it, because they know, that by keeping them in suspense and undecided, the Time may come, when, by their Vigilance and Cunning, they may be able to make use of them to their great Advantage.

All these Acts and Writs are insert'd in *Chieccarelli's* 14th tome *De Legationibus*.



C H A P. XI.

The Death of the Duke D'Alcala, and the good Laws he left us.



HIS prudent Minister, during the twelve Years that he governed, not only underwent the Fatigue of these troublesome Disputes, but was obliged to be constantly upon his Guard for fear of a cruel and bloody War, with which the *Turks* threatened our Coast. The War undertaken in 1565. for the Conquest of *Malta*, alarmed both the Kingdoms of *Spain* and *Naples*, it behoved him therefore to provide the maritime Cities with strong Garrisons; and the Kingdom being almost surrounded by the Sea, his Care and Charges were the greater.

BUT though at last that Island was freed from the Miseries of War, yet our Fears were not at an end; for the Year following, after the *Turks*, with a most powerful Fleet, had conquered the Island of *Sey*, for the Space of 300 Years possessed by the *Genese*, they advanced into the *Adriatick*; and not having succeeded in the surprise of *Pescara*, they laid Waste all that Coast, and pillaged all the Towns situate upon the Sea, where they made a great Booty of People and Goods, and then returned to the *Levant*. But in 1570. putting to Sea again, they gave a fresh Alarm to *Italy*; therefore the Duke having provided the Places most exposed, brought 3000 *Germans* for the Defence of the Kingdom: However the Storm fell upon the *Venetians*, by the unexpected Attack of the Island of *Cyprus*, to the Relief of which *Granndrea Doria* went with fifty Gallies, whereof Twenty-three belonged to the Squadron of *Naples*, with 2000 Soldiers commanded by the Marquis of *Vila Maggiore*, and a vast Number of *Napolitan* Knights.

THESE continual Apprehensions of War, which are worse than War itself, and especially that about Religion, which was still raging in *Italy*, by the constant and immense Expence, put King *Philip II.* to the Necessity of being sometimes heavy upon the Kingdom by frequent Contributions and Donatives. But the courteous Behaviour of the Duke, who managed this Matter with the Barons with great Gentleness and Address, and the Love he had gained of all the States, particularly of the Nobility, who having invited him to be a Member of their State, he was received into the *Séggio* at *Managua*, was such, that in the Space of six Years only, having, according to Custom, convened General Parliaments in *S. Lorenzo*, he drew profuse Donatives from the City and Kingdom. In 1562. *Cristoforo Colanazzo* presiding as Syndick of *Porto*, the King got a Donative of a Million of Ducats. In 1566. *Fabio Roffe* being Syndick of *Managua*, they gave him a Donative of 1,200,000 Ducats. In 1568. in which Year *Giovanni Maria* was created Syndick of *Porto*, a Donative of the like Sum was given; and in 1570. *Paolo Peccorello* being Syndick, another Donative of a Million was given. And on account of these Donatives, we read in the Volume of Favours and Privileges granted to the City and Kingdom of *Naples*, very many Privileges and Favors that were graciously bestowed upon them by King *Philip II.* particularly when the Duke of *Alcala* was Viceroy.

BUT behold at last it behoved this incomparable Viceroy to yield to the continual Application, and his so many troublesome and anxious Affairs had impaired his Health; he had often begged of the King to allow him to retire to his native Soil for the Recovery of his Health, and the King at last had given him a Leave; but, as we have seen, by reason of the impertinent pretensions of the *Genese*,

of *Rome*, the King was obliged to recall his Leave, and order him not to go, nay, if he had been set out, to return: So, being weak and infirm, for the Benefit of the Air he often resided in *Torre del Greco*, in which Place we find some of his Pragmaticks dated; but in the Spring of this Year 1571. being seized with a violent Rheum, accompanied with a mortal Fever, on the 2d of *April* he ended his Days, in the 63d Year of his Age, and the 12th of his Viceroyalty of *Naples*. His prudent Government was commended by all People, and therefore every one bitterly lamented his Death; it was then thought, that *Spain* could not furnish the Kingdom with another like him; for truly since the Death of D. *Pedro de Toledo*, *Naples* had not had a better Minister than he. His Body was most honourably buried in the Church of the Cross, belonging to the Palace, from whence it was afterwards carried to *Spain*.

THE Virtues that adorned his Mind were truly admirable, and above all others that of Christian Piety; he was a great Adorer of the most August Sacrament of the Altar; when it was carried through the Streets to the Sick, he not only caused it to be accompanied by all the Pages of the Court with lighted Torches, but often when he met it, he came out of his Coach and accompanied it af or; he was compassionate and full of Charity towards the Poor and Afflicted; he frequently sent one of his trusty Gentlemen to visit the Sick, to whom the *Viaticum* was carried, in order to leave Charity in the House if the Person stood in need of it. Through the Scarcity of the Times, the Poor being reduced to extreme Necessity, he cald the City by that pious Work of opening the Hospital of S. *Juan* without the Walls, where he provided with Food more than a thousand Poor, and likewise added out of his own Pocket many thousand Crowns, which served for maintaining the bashful Poor. In order to prevent that wicked Traffick which the common Whores made of the Virginity of their Daughters, in 1564. he promoted that other Work worthy of his Piety, which was the Foundation of the Church and Store-House of the Holy Ghost, where, if young Women taken from their ravenous Mothers, will stay, they are handiomey maintained, and, if they have a mind to marry, are provided with a suitable Portion. The Piety of this Minister shined much more in the Disputes he had with the Clergy, wherein, although by their imperious and impertinent Methods, they were like to have wore out his Patience, yet at the same time that he was vigorously maintaining the Rights and Prerogatives of his King, he used them with all the Mildness and Respect imaginable, and the Apostolical See with the utmost Reverence and Submission.

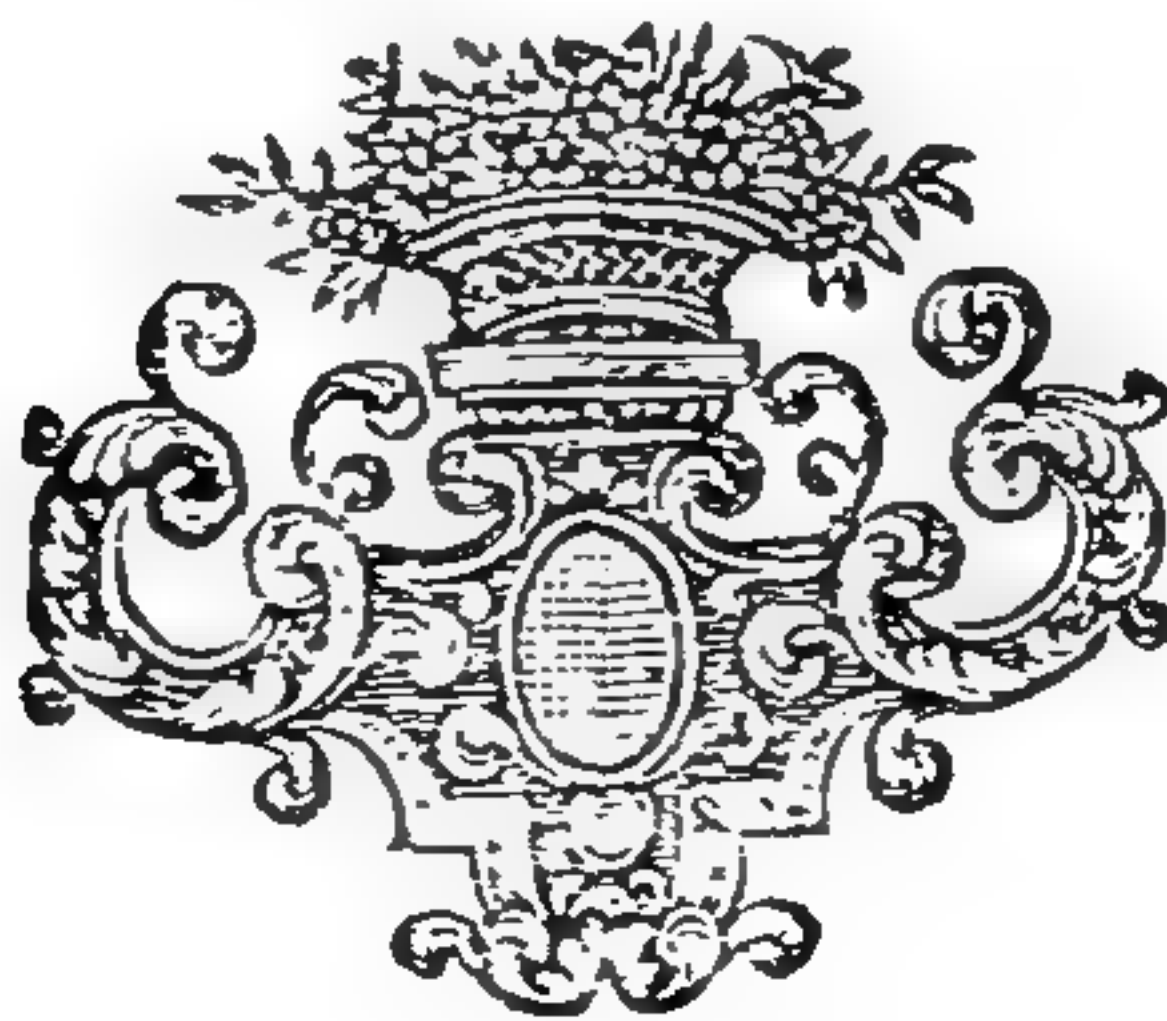
HIS Prudence was wonderful, and especially the Care and Concern he had for the Preservation and Security of the State was very commendable; he provided all the Cities of the Kingdom that were exposed to the Incursions of our implacable Enemies the *Turks*: For the greater Conveniency and Security of Commerce, he enlarged the Highways, and built many new and stately Bridges in the Kingdom. To him we owe the high Road that leads all the Way from *Naples* to *Reggio*; the other that goes through *Puglia* and *Sambrino* to the Borders of the Kingdom; and likewise that from *Naples* to *Pozzuolo*. To him we owe the famous Bridges of *Cava*, *Doria*, *Fusaro*, and of the River *Cramo* or *Laguna*, commonly called *Ponte a Selce*, betwixt the Cities of *Aversa* and *Capua*; the Bridge of *Rocca* at *Capua* near *Castell*; the Bridge of S. *Andrew* in the Territory of *Ugento*; and many others, which may be seen in the Inscriptions of many Marble Monuments erected in sundry Parts of the Kingdom in Honour of his Name. In fine, 'tis to him we owe the little Gate on the Road to *Rome*, and the Bound-Stones of Marble, distinguishing and separating the Limits of the Kingdom from those of the Estate of the Church of *Rome*, in order to prevent all Disputes for the future.

TO his Magnificence and Care we owe not only all this, but upon Occasions that offered while he was at the Head of our Government, his noble and truly generous Spirit made a shining Figure. He endeavoured, by a lugubrious Apparatus, and pompous Obsequies, to alleviate the never-enough to be lamented Death of the Prince D. *Carlos*, which happened on the 24th of *July* 1568. In *Spain* they were celebrated in a most sumptuous Manner, and upon Advice of it, the Duke D. *Alfonso*'s Performance in *Naples* was nothing inferior, for in the Month of *September* the same Year, he caused to be erected in the Church of the Cross, near the Royal Palace, a stately Mausoleum with costly Ornaments, where he himself, and the greatest Part of the Nobility and People were present to bemoan the Loss
of

of that Prince. Not long after, Queen *Isabel*, King *Philip's* Wife, being seized with a lingering Fever, in the 22d Year of her Age, being five Months gone with Child, at last in *October* the same Year 1568. died in *Madrid*, and was buried in the *Escorial*. The Duke *D'Alcala*, upon Advice of it, in the Month of *November*, with the same Magnificence and Pomp, caused the Obsequies to be celebrated in the same Church. And two Years after her Death, King *Philip* having married a fourth Wife, which was *Anne* of *Austria*, the eldest Daughter of the Emperor *Maximilian*, and of *Mary* his own Sister; upon the News of the Bride's Arrival in *Spain*, in the Month of *May* 1570. the Duke *D'Alcala* made sumptuous Feasts, and publick Illuminations for three Nights running. To his Liberality the City of *Naples* likewise owes that large Street which leads from the *Capuan* Gate to *Poggio Reale*. He likewise erected on the Point of the Mole, that formerly fine Fountain, adorned with white Marble, with four Statues representing the four Rivers of the World. It was also he that began those two pleasant and Royal Highways, which lead from the *Magdalen* Bridge to *Salerno*, and from the *Capuan* Gate to *Capua*.

THE many Statutes that he left us, are lasting Monuments of his Justice. Of all the Viceroys that have governed the Kingdom, he left us most Laws, which amount to a Hundred. The many Events and strange Adventures that happened in his Time, the Corruption of the Age, and the lost Discipline, obliged him by these Means, the best Way he could, to remedy the Dissoluteness and Wickedness of Men.

FROM 1559. the first Year of his Government, to the Month of *March* 1571. the Year of his Death, with great Judgment and Frudence he established very many Laws, whereby, among other Things, he checked the Rapacity of the Advocates, by taxing their Fees: He was careful that Tradesmen should be honest in their Dealings and Handworks; he had a watchful Eye over the Modesty of Women, most strictly forbidding Night-Ladders, and imposing the Pain of Death upon those who kissed Women against their Wills, even under Pretence of Marriage; he exterminated the Banditti; he punished false Coiners with Death; he re-established the Tribunal of the Vicariate; and it was he that ordered the Archbishops and Bishops of the Kingdom, to injoin the Parish-Priests, and such as had Benefices with the Cure of Souls, to keep Books, in which they were, from time to time, to enter the Names of those they Christened, in order to know their Ages, and likewise for the good Government of the State. He also reformed the Provinces of the Kingdom, and ordered publick Archives to be kept in them, and made other Provisions for the Polity of the Kingdom, which may be seen in our Pragmaticks; and to save the making a long Catalogue of them here, according to the Order of the Times in which they were made, they are to be found in the Chronology prefixed to the first Tome of the said Pragmaticks, according to the last Edition in 1715.





T H E

CIVIL HISTORY

Of the KINGDOM of

N A P L E S.

B O O K XXXIV.



ALTHOUGH King *Philip* II's Marriage with Queen *Anne*, his Niece, had been solemnized in *Spain* with great Pomp and Rejoycing, nevertheless it created both Wonder and Indignation in Men of Judgment: They were surprized, as *Tbuanus* ¹ says, how a King, reputed to be so wise, without any urgent Occasion, without having the least Prospect of Advantage by it for the Good of Peace, without Hopes of extending his Empire, whereby he could expect no Profit, but much Hatred, should, notwithstanding all that, have been at so much Pains to compass it. The bad Example likewise gave Offence, that the first among Christian Princes should take a Dispensation from the Pope for marrying the Daughter of his own Sister. And it proved to be such by the Event; for this Example that he set, was afterwards, in 1580. followed in his own Family by *Ferdinand* of *Austria*, the Son of the Emperor *Ferdinand*, who married *Anna* *Catherine*, the Daughter of *William* Duke of *Mantua*, and *Eleanor* his own Sister ²: But what afterwards gave greater Offence, was, that this very Example was at last followed by the Nobility, and even by the Commonalty ³. But however, of this Marriage, which after ten Years was dissolved by the Queen's Death, King *Philip* III. was born, who succeeded him in the Kingdom; for though she had had four Children, two of which, to wit, *Lernando* and *Juana*, who died before their

¹ Thuan. lib. 47. Hist.

² Idem. lib. 77. in fin. tom. 2.

³ Idem. lib. 47. Primo exemplo in Principe

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Orbis Christiani familia inchoato, & inde ad Nobilitatem, & a Nobilitate ad Plebem usque se extendente.

Mother, and D. *Diego*, who died soon after her, at eight Years of Age, *Philip* being the only Child left alive, he was sole Heir.

IN the mean time, by the Death of the Duke *D'Alcala*, according to Custom, the Collateral Council, in which at that Time presided the Marquis of *Trivice*, had taken the Government of the Kingdom upon them, which they held but a few Days; for upon the News of the Duke's Death, Cardinal *Granville*, who was then in *Rome*, by Virtue of the Power given him by the King, went immediately to *Naples*. By the continual Advices which King *Philip* had of the Duke's Indisposition, and the small Hopes of his Recovery, he had ordered the Cardinal, upon the first Notice of his Death, to go to *Naples*, and take the Government of that Kingdom upon him, which accordingly he did; so that on the 19th of *April* this Year 1571. he was received at the Mole with the usual Pomp of a Bridge, and as one, from whom, on account of the Fame of his great Knowledge and Prudence, much Good was expected; whose Government we are now going to relate.



C H A P. I.

Of the Government of D. Anthony Perenotte, Cardinal De Granville, and of the most remarkable Events in his Time: His Departure, and the Laws he left us.



HIS Minister, of whom we have discoursed elsewhere under the Name of the Bishop of *Arras*, was the Son of *Nicholas Perenotte*, Lord of *Granville*, a *Burgundian* by Birth, and first Counsellor to the Emperor *Charles V.* In his Youth having applied himself to the Study of Learning, he succeeded to Admiration; so that by the Favour of *Charles V.* on account of his Erudition, and the Merits of his Father, he was made Bishop of *Arras*: And being a very active and knowing Man, he was afterwards employed in Embassies in *England* and *France*; and he was in so great Favour and Esteem with the Emperor, that when he resigned the Crown to King *Philip* his Son, he gave him this Prelate to be his Adviser in the good Government of his Dominions. Being afterwards made Cardinal and Archbishop of *Mechlin*, he had the Charge of the most weighty Affairs of the Low Countries, under the Government of the Dutchess of *Parma*, the King's natural Sister; but being hated by that People, who could not bear his Rigour, which was not fit to be made use of in those ticklish Times, King *Philip* thought fit to recall him to his Court in *Spain*. There, by reason of his great Ability, he was employed in the most serious and weighty Affairs of the Monarchy. He went afterwards to *Rome*, where, as we have said, he remained by the King's Order, that he might be near at Hand to go and succeed the Duke *D'Alcala* in the Government of the Kingdom.

AT this Time nothing disquieted the Viceroy and the *Neapolitans* so much, as the continual Alarms given them by the IncurSIONS of the *Turks*; therefore all Means possible was thought of in order to prevent them. There was no fear of being attacked from other Countries, especially *France*, then so much taken up with their own Miseries and Revolutions. There was no Occasion to be afraid of Intestine Commotions; the Provinces being freed from the *Banditti*, were all in Peace and Tranquillity; only the frequent and sudden IncurSIONS of the *Turks*, our implacable and cruel Enemies, upon the Sea Coast, disturbed them.

THE Viceroy had yet another troublesome Affair upon his Hands ; King *Philip*, besides the War he was obliged to maintain against the *Turk* for the Defence of his Dominions in *Italy*, by the too rigid and haughty Conduct of his Ministers, was at this Time engaged in another War, no less cruel than chargeable, in the Low Countries, where there was not Money sufficient to support it.

SPAIN began to lose its Strength, and be desolate, by reason of the many Garrisons it maintained both at Home and Abroad, such as in *Naples*, *Sicily*, the Dutchy of *Milan*, but above all in *Flanders*, where, besides the Garrisons, it was obliged to maintain numerous Armies. It was likewise dispeopled and exhausted by the many Colonies that were sent to the *Indies* ; by the Unfitness of the *Spaniards* for drawing Traffick and Commerce to their Sea Ports, much less to their Inland Cities ; by the little Care they took of Agriculture, insomuch, that though their Fields were both spacious and fertile, yet, through the Scarcity of Husbandmen, and Laziness, they were not sufficiently cultivated : Whence proceeded an extreme Want of Money, and an Inability of supporting so great Charges. Wherefore King *Philip*, being obliged to bear the Expences of so great a War, began to make bold with the Funds of his Royal Patrimony, by selling the Excise, and pledging the Revenues of the Custom-Houses, and all the other Emoluments belonging to the Crown, to *Italians*, and particularly to the *Genoese* ; to whom, for the Loan of considerable Sums, he paid most extravagant Interest : Whence likewise, in order to satisfy the Creditors, proceeded the Alienation of the Cities and Lands of the Kingdoms of *Naples* and *Sicily*, and the Sale of Honours and Titles of Count, Marquis, Duke, and even that of Prince ; endeavouring by these Titles, without Substance, the best Way he could, to stop the Mouths of his Creditors.

ADD to this, that the *Spaniards* would not suffer one Farthing to go out of *Spain* for the Support of the Wars of *Flanders* and *Italy*, nor would they contribute to any Thing but the Defence of their own Country. The Mines of the *Indies* were in a manner exhausted by their Avarice, and much more by their not knowing how to make a right Use of them. There was nothing to be expected from *Flanders*, where a cruel War was raging, and all Commerce being interrupted, the Revenues of those Provinces were scarce sufficient for paying the Soldiers. To all this was added, some Years after, the War of *Portugal*, for which our Kingdom was also forced to give Donatives ; and the King went on, more than ever, alienating his Royal Demains, and the Revenues of the Crown.

THE Kingdom of *Naples* therefore, was, above all the rest, reserved for supplying those great Charges ; whence the pressing and continual Demands of Donatives and Taxes ; whence, in Time, the King was reduced to that Extremity, that, the Excise being sold, the Customs, and all the Revenues of the Crown pledged, there was little left him : So that in order to raise the Sums necessary for the Defence of the Kingdom, there was a Necessity of laying on new Taxes and Duties, and our Citizens were obliged to buy their own Chains never to be shaken off. Lordships, Fiefs, and Titles were made Subjects of Derision, and not given for the Merit of Virtue, but for Money ; and whence, in fine, proceeded, the so many Mischiefs and Disorders which shall be taken Notice of in the following Books of this History.

AMONGST the principal Anxieties therefore that disquieted our Viceroy, that of their being so frequently importuned, by the pressing Instances of the King, to raise Money in this Kingdom for Supporting so great Wars, was no less grievous than those occasioned by the *Turk*. Nor were they less disquieted by the insolent Behaviour of the Clergy, who endeavoured to incroach upon the King's Jurisdiction and Royal Prerogatives.

IN the mean time, Cardinal *Granville* having taken Possession of the Government of this Kingdom, as far as his own Circumstances, and those of the Times would bear, did not neglect in every Thing, and particularly in these three Cases, to employ all his Parts, and all his Vigour and Prudence.

THE *Ottoman* Power in these Times was become formidable, not only to the neighbouring, but to the remote Princes, and *Italy* was in Danger of falling under its Yoke ; for which Cause, the Politicians of best Judgment, and those who were well acquainted with the Strength of so powerful an Enemy, and the Extent of his overgrown Empire, did not fail to exclaim against the Christian Princes, in order

* Thuan. Hist. lib. 51. pag. 1262.

to rouse them out of their long Lethargy, and by letting them see their imminent Danger, encouraged them to a glorious Union for crushing so great Power. Among the rest, we read in the Works of *Scipio Ammiratus* ¹, a long Discourse directed to the Princes of *Christendom*, wherein he lays their Danger before them, and exhorts them to enter into the League. But none was more zealous and warm for the Cause than Pope *Pius V.* who, after several Legations, concluded that famous League, of which *Don J. Inghiera*, the natural Son of the Emperor *Charles V.* was chosen Generalissimo, who, though but a Youth of Twenty-one Years of Age, had given great Proof of his Valour against the *Moors* in the Kingdom of *Granada*.

THIS Prince arrived at *Naples* on the 9th of *August* this Year 1571. where he was received by Cardinal *Granville* with the greatest Marks of Respect, and by the *Napolitans* with such Honours as were due to so great a Personage. The Gallies of *Italy* and *Naples* joined his Fleet; and besides a great many *Spaniards*, he was accompanied in this famous Expedition by the chief Barons, and many Noblemen of the City and Kingdom. The *Turks*, on the other Hand, were scouring the *Archipelago* with a most powerful Fleet, and after having pillaged the Cities of *Buda*, *Belgrade*, and *Constantinople*, they came in Sight of *Cattaro*; therefore to prevent their advancing further into that Gulph, at the Instance of the Pope and the *Venetians* for joining of the Fleet, D. *John* set sail from *Naples* on the 20th of *August*, and on the 24th arrived at *Messina*, where he found the Pope's Gallies, those of the *Venetians*, some *Genoise*, three *Maltefe*, and as many of the Duke of *Savoy's*. There was an Account soon after of the Loss of *Tamagosa*, whereupon it was resolved, without Loss of Time, to fight the Enemy; and the *Turks* having taken the same Resolution, the two Fleets set sail for that Purpose, without knowing one another's Intentions. Thus they went in quest of one another, till on the 7th of *October* they came in Sight, and met, just as the Christians had got clear of the Rocks of *Cirzolari*, and as the *Turks* had doubled Cape *Metelegni*. The two Fleets engaged with equal Boldness, and after an obstinate Fight, the Christians gained the Victory, to the inestimable Loss and great Reproach of the *Turks*. This was that famous Victory, which having happened on the first Sunday of *October*, on which Day the *Dominicans* were wont to celebrate the *Rosary* with Processions, gave Occasion to Pope *Pius*, and Gregory his Successor, both of the same Order, in Memory of so glorious a Victory, to appoint over all the Catholick World a solemn Feast of the *Rosary*, to be celebrated every Year on that Day; which is still kept up with great Pomp and Magnificence; and it was likewise the Occasion of erecting Churches and Hospitals in *Naples* under the Name of *S. Maria della Vittoria*.

THE Defeat was considerable; for, besides the taking of the *Bassa* and other Generals of Note Prisoners, of a Fleet of little less than 300 Sail, scarce 40 escaped, above 100 were sunk, and as many taken. D. *John* returned to *Italy*, and having made a triumphal Entry into *Messina*, he remained there, and the other Generals set sail for *Naples*, where, on the 18th of *November* they arrived, and brought with them Prisoners *Mahomet Sangiac* of *Negropont*, with two Sons of *Ali*, the Captain-General of the Sea, who had been killed in the Battle. The *Bassa*, with the youngest of the two Brothers, the other having died of Grief in *Naples*, were carried to the Pope, and being put into the Castle of *S. Angelo*, they were civilly treated.

THE following Year 1572. was not so prosperous to the Confederates as was expected from this Victory; for a new War being likely to break out with *France*, on account of the Revolutions in *Flanders*, did not allow King *Philip* and his General D. *John*, to give so great Assistance to the Confederates as was necessary. To this was added the Loss of Pope *Pius*, who died on the first Day of *May* this Year. To him succeeded *Ugo Boncompagni*, called Gregory XIII. who, though he was as much for the Continuation of the League as his Predecessor, yet being a Novice at such Expeditions, and the *Turks* shunning all Opportunities of fighting, the Year passed without making such Progress as was expected.

IN the mean time, by the Death of Pope *Pius*, Cardinal *Granville* being obliged to go to *Rome* to assist in the Conclave, D. *Diego Simanca*, Bishop of *Badajoz*, was left Lieutenant of the Kingdom; but his Government was of short Duration, for Gregory, the new Pope, being chosen on the 13th of *May*, the Cardinal returned to *Naples* on the 19th of the same Month, and resumed the Government, with the

¹ Opusc. Ammir. disc. 3.

² Thuan. Hist. lib. 51. pag. 1057.

troublesome Cares; for he was no sooner arrived, than he was obliged to send to *Messina* the Squadron of Gallies with the *Spanish* Soldiers of the Garison of *Naples*, and 5000 *Italians*, commanded by D. *Oratio Aquaviva*, the Son of the Duke of *Atri*, to oppose the *Turks*. There likewise went from *Naples* many noble Volunteers of different Nations, among which there were seventy *Neapolitans*, under the Command of the Duke of *Atri* their General. In the mean time the Season advancing, and the Enemy's Resolution not to fight being known, in the Month of *November* this Year, D. *John of Austria* returned to *Naples*, where he was entertained all that Winter with continual Feasts and Tournaments, till the Spring of the next Year, when it was thought fit to make ready for a new Expedition.

THIS Year 1573. while D. *John* and Cardinal *Granville* were wholly intent upon furnishing the Fleet with Necessaries for an Expedition to the *Levant*, News came, that the *Venetians*, by the Mediation of the King of *France*, had concluded a Peace with the *Turk*, upon shameful Conditions, which afforded Pope *Gregory* Matter of Complaint, and King *Philip* no small Jealousy, who seeing, that the *Turks* were at a great deal of Pains to get the Duke of *Anjou*, the King of *France's* Brother, elected King of *Poland*, was afraid that the *Venetians* and *French* had a Mind to join in a League against him. The *Venetians*, in order to justify themselves, sent Ambassadors to the Pope and King *Philip*, representing that it was Necessity had forced them to make Peace¹.

AS soon as this Peace was published, the King, unwilling to keep his Troops idle, resolved upon an Expedition to *Africa*, whereupon he ordered D. *John of Austria* to attack *Tunis*. This Prince set out from *Naples* with his Fleet towards *Messina*, where he arrived in two Days; from thence pursuing his Voyage, he arrived at *Goletta*, where he landed his Troops, and marched directly for *Tunis*, of which City (it being unprovided of a Garison) he soon made himself Master, without striking a Stroke; but for all that he allowed his Soldiers to plunder it; and having built a new Fort, he left in it, with the Title of Viceroy, *Mahomet*, the Son of *Affano*, and Brother of *Amida*, whom he made Prisoner, being justly suspected by the *Spaniards*, and more by the *Turks*, and hated by the *Tunefins*, because he had most inhumanely murdered his own Father *Affano*. He sent *Amida*, with his two Sons, Prisoner to *Palermo*, who, by the Way, having understood, that *Mahomet* his Brother, whom he so much hated, had been left Viceroy of that Kingdom, fell into such a Rage, that had he not been prevented by *Amida* his Son, he had thrown himself into the Sea. In the mean time, for the better Security of that Kingdom, *Biserta* was likewise taken; and the Winter Season drawing near, D. *John* returned to *Sicily*, and from thence to *Naples*, whither he carried *Amida* and his two Sons with him, and sent them Prisoners to the Castle of *S. Ermo*. *Thuanus* says², that the Year following 1574. he, accompanied by *Paul de Foix*, having been sent to *Italy* to return Thanks to the *Venetians*, the Pope, and the other Princes of *Italy*, who had sent Ambassadors to *France* to congratulate the King upon his Brother's being elected King of *Poland*, after having visited the principal Cities of *Italy*, he likewise went to *Naples*, where he was curious to see *Amida* and his two Sons. The Governor of the Castle very courteously introduced him to *Amida*, who, by his Countenance, seemed to be about eighty Years of Age; and having had the Curiosity to ask the Governor how he passed his Time, he told him, that for all his being so old, there was not a Night but he had his black Concubine in Bed with him; that of the two Sons he loved the Ugliest, who was likewise lame, keeping him always in his Chamber with him; that he hated the other, though very handsome and lively, and on that account was in great Favour with the *Spaniards*, who allowed him to walk freely up and down the City, ride, and run at Tilt; and, if the State of Affairs had not altered afterwards, he would have succeeded his Uncle *Mahomet* in the Viceroyalty of *Tunis*, which was thought would have continued for a long time under the Monarchy of *Spain*.

BUT these fine Hopes soon vanished; for at the same time that Cardinal *Granville* was celebrating, with Carrouzels, Bull Feasts, and Tournaments in *Naples*, the safe Return of D. *John*, and the Birth of *Fernando* the King's first Son, News was brought, that the *Turks* were scowering our Seas, had advanced as far as the Cape of *Otranto*, and had pillaged the small City of *Casiro*; and this new Year 1574

¹ Thuan. tom. 2. lib. 55. in princ.

² Idem, lib. 57. pag. 43.

having driven our Men out of *Tunis*, they had made themselves Masters of that Kingdom; for on the 23d of *August* this Year, *Goletta* having fallen into their Hands, on the 13th of *September*, the City of *Tunis*, with the Fort built by *D. John*, were taken, and *Pedro Portocarrero*, and *Gabriel Sorbellon* made Prisoners; both which Places they demolished from the Foundation, to prevent our ever attempting to recover them. Thus an End was put to the great Labour undergone for this Kingdom of *Tunis*, which being conquered by *Charles V.* and, at vast Charges and Trouble, maintained for the Space of forty Years by his Son *Philip*, was at last, without Hopes of ever recovering it, lost.

THESE anxious Cares rendered the Government of Cardinal *Granville* very troublesome; for to ward off the Mischiefs that were to be feared from so powerful an Enemy, required all his Vigilance and Foresight. He was the first that put in Practice in the Kingdom, the new Militia called *Del Battaglione*; it was composed of Soldiers, which, proportionable to the Number of Families, each Corporation of the Kingdom was obliged to furnish: They had no Pay in Time of Peace, but only some Franchises, and in Time of War they were paid as the other Troops; their Number was considerable, amounting to Twenty-five, sometimes to Thirty thousand Men; they had their Captains and other lesser Officers, but at present there is no Vestige of this Militia. We have no more Soldiers, we are all Pagans, and the War is now confined to Strangers, who govern us; the Arms are in their Hands, and to us only is left the Glory of obeying.

TO supply such great Wants required earnest Attention; the King solicited the Cardinal, and demanded frequent Subsidies and Donatives. The Viceroy, in order to draw in the People, and to find Ways and Means for raising them without Difficulty or Grumbling, first put in Execution all the Favours and Privileges, which in the Year 1570. were granted by King *Philip* to the City and Kingdom. Then, encouraged by the Presence of *D. John of Austria*, having demonstrated to the Barons the urgent Occasion of the War that out of cruel Necessity they were obliged to maintain against so formidable an Enemy, who threatened to enslave the Kingdom, on the first of *November* 1572. he called a General Parliament to be held in *S. Lorenzo*, of which *Cesare di Gennaro*, a Nobleman of *Porto*, was Syndick, (Speaker) and a Donative of a Million and One hundred thousand Ducats was given¹. Afterwards, upon Advice of the Loss of *Tunis* and its Forts, in 1574. another Parliament was called, of which *Gianluigi Carmignano*, a Nobleman of *Montagna*, was Syndick, and the King got another Donative of a Million and Two hundred thousand Ducats. 'Tis said, that *D. John* pretending to have a particular Present from the City for himself, the Cardinal, commiserating the Distress of the *Neapolitans*, dextrously prevented it; whence proceeded that Disgust between them, which occasioned the Cardinal's being recalled to *Spain*, as shall be told: Such was the Distress, which the Expeditions to *Tunis*, and the Wars against the *Turks* brought upon the *Neapolitans*. *Summonte*, a cotemporary Writer with these Events, says, that the Supporting the Fort of *Goletta*, sucked the very Marrow of the *Neapolitans*; for whenever there was a Scarcity of any Sort of Commodity, all the Blame was laid upon the maintaining that Fort: So that if the Price of Corn and Wine was raised, or if Salt Fish or Flesh could not be got, or if Oyl was sold at a dear Rate, all was said to have been occasioned by providing *Goletta*, and so of all other Necessaries of Life, and even the Price of Charcoal was raised, insomuch that it seemed as if that Fort had swallowed up every Thing; for through the Greediness of the tyrannical Ministers, every Thing was sent out of *Naples* under pretence of furnishing *Goletta*, but afterwards was carried elsewhere.

IN fine, Cardinal *Granville* had the Court of *Rome* to struggle with, in opposing their Incroachments upon the King's Jurisdiction and Prerogatives. They constantly pursued their Point in the old Manner, and, as Experience hath always shewed, one Pope was no sooner dead, than his Successor still harped on the same String, and, perhaps, out-did his Predecessor; thus *Pius V.* dying, *Gregory* his Successor, following his Steps, did not fail to imitate him; but the Viceroy's Steadiness was commendable, who, though a Cardinal, opposed him vigorously. With respect to all the abovementioned Points about Jurisdiction, he followed the Example of the Duke *D'Alcala*, but in that of the *Causæ Mixtæ*, upon an Occasion

¹ Summont. par. 4. lib. 11. fol. 303.

that offered, he very much out-did him. The Ecclesiasticks reckoned, that the Crime of Sacrilege belonged to the *Forum mistum*, and therefore was liable to Prevention: It happened that a Thief, after having stolen some sacred Furniture out of the Cathedral Church of *Naples*, succeeding so well that Time, ventured to do the same out of the Church of *S. Lorenzo*; but the Monks of that Convent having caught him in the Fact, after drubbing him soundly, delivered him over to *Mario Caraffa*, then Judge of the Archbishop's Court, who put him in his own Prison, and pretended, though the Thief was a Laick, to take Cognizance of the Crime, as having got the Start of the Royal Judges. The Viceroy required the Archbishop and his Vicar several times to deliver up the Thief to the King's Judges, to whom it belonged to take Cognizance of that Crime; but these Demands proved all fruitless, so that the Archbishop obstinately refusing to deliver him up, the Viceroy was forced to send the Attorney-General, with the *Sbirri*, to break open the Prison of the Archbishoprick, and seize the Thief. The Archbishop caused his Vicar to excommunicate all those who had a Hand in executing the Viceroy's Orders, the Employers, the Consenters, and all that were present at the Action, and caused Copies of it to be posted upon all the publick Places of the City. The Viceroy was even with him; for in the first Place he caused the Copies to be covered with Paper, and daubed over with Ink; he caused the Thief to be immediately tried, and, on the 10th of *March* 1573. he was hanged in the Square of *S. Lorenzo*; he ordered the Vicar to be gone out of *Naples* within 24 Hours, and so to go on till he should be out of the Kingdom, and not to return till his or the King's further Orders, which was immediately obeyed: The Beadles that had posted up the Copies were put in Prison; the Counsellors, the Advocate and Chancellor of the Archiepiscopal Court, being all Laicks, were all likewise imprisoned; and in fine, all the Archbishop's Revenues, even his Patrimonial, were sequestered. Which being done, on the 25th of the same Month of *March*, he wrote a full Account of all that had passed to King *Philip*, who, on the 13th of *July* the same Year, answered him, not only approving of what he had done in Maintenance of his Right, but charged him, that for the future, he should take care to preserve his Jurisdiction so, as that it may not suffer the least Prejudice upon any Account whatsoever; and by his Prudence and good Management, to take care that none of the Regents, nor other Officers, pretended to be excommunicated on that Account, go to *Rome* for Absolution, as the late Pope pretended in the Case of those of the Senate of *Milan*. He likewise wrote the same Day to *D. Juan de Zuniga*, his Ambassador in *Rome*, who had also given his Majesty an Account of what had happened, ordering him vigorously to expostulate the Matter with the Pope; and if he should be obliged to yield the Point of Absolution, and that the Excommunicated must be absolved, yet for all that, he would not have his Holiness to think, that any of the Regents of *Naples*, or the other Officers, ought to go to *Rome* for that Purpose, because that would quite overthrow the Authority of his Ministers'.

POPE Gregory, on the other Hand, ordered his Nuncio residing in *Naples*, smartly to expostulate the Matter with the Cardinal, and even to threaten him; but by the Mediation of the Ambassador *Zuniga*, and by the Means of Persons of Credit, and especially of the President of the *S. C. Giovan-Andrea di Curte*, a Minister of great Weight and Prudence, Matters were adjusted, and this Medium was fallen upon; that all those who had been excommunicated upon that Account, should be privately absolved in the Treasury-Chamber, and so the Affair was dropt.

AFTER that Cardinal *Granville* had so well discharged his Duty in the Government of this Kingdom, and now when Matters were somewhat set to rights, more Good being still expected from his Integrity and Prudence, we were robbed of him by an Order of King *Philip*, who called him to his Court in *Spain* to greater Honours, having made him his Counsellor of State, and President of the Supreme Council of *Italy*. It was reported, that *D. John of Austria*, for the abovementioned Reason, had procured his Removal, in order to have the Duke of *Sessa* put in his Place; but though at his Desire the King removed the Cardinal, yet, being jealous of *D. John's* Authority, on account of the chief Command he had of the Fleet, instead of sending his Favourite to *Naples*, he sent thither the Marquis of *Mondejar*,

* Chiocc. tom. 5. M.S. de Casib. Missis.

whom D. *John* hated. The Cardinal left *Naples* in the Beginning of *July* this Year 1575. having governed the Kingdom a few Months more than four Years. He left us 40 Pragmaticks, all wise and prudent, which still are so many Monuments of his excellent Talents. He severely prohibited the carrying of any Sort of short Weapons: He ordered that Deeds between the Living, such as last Wills, should be penned by none but by Royal Notaries only; he enjoined a strict Secrecy in the Ministers; he commanded, that no Porter, Trumpet, or Servant of the Palace, or of any of the Ministers, should go through the City to ask new Years Gifts, under the Pain of four Lashes of a Rope: He forbid the Ministers to ask, either for their Relations, or others, Benefices or Prebends, or Offices from Barons, without the express Licence of the Viceroy. He forbid Ecclesiastical Persons, though they were Knights of *Jerusalem*, to exercise Royal or Baronage Offices, either in the City of *Naples* or the Kingdom; that no Person should play at any Game for more than ten Ducats in one Day: He prohibited all usurious Contracts; and he made other wholesome Laws, which, according to the Order of Time, may be found in the Chronology prefixed to the first Tome of our Pragmaticks.



C H A P. II.

Of D. Innigo Lopes Hurtado de Mendoza, Marquis of Mondéjar: His unhappy Conduct, and the Laws he left us.



THE Marquis of *Mondéjar*, who arrived in *Naples* on the 10th of *July* this Year 1575. not having narrowly inquired into the Characters of those, who immediately upon his Arrival, offered him their Assistance and Advice in the Government of the Kingdom, and crept into his Favour, made it soon to be discovered, that his Government would prove quite the Reverse of that of his wise and prudent Predecessor; for, by the Insinuation of these Flatterers, it was not long before he revoked many good Regulations made by Cardinal *Granvelle*: A most imprudent Conduct, for the Cardinal, as 'tis common to all Men to have a favourable Opinion of the Productions of their own Brains, offended at these Reforms, kept a watchful Eye over all his Actions. Whereupon the Marquis, sensible of his Error, resolved to amend it, but he applied a Remedy that proved worse than the Disease. There was at this Time at Court, as Provincial Regent of this Kingdom, one *Scipio Cutnari*, originally come from *Antwerp*, a Man of good Learning, cunning and ambitious; he, being bribed by the Marquis, advised him of the most secret Transactions of the Council of *Italy*, and of whatever the Cardinal spoke against him: As a Reward for this Service, he had prevailed upon the Viceroy to send to the King a false Account of his fictitious and boasted Nobility; by Virtue of which he obtained many Favours and Prerogatives from the King, and in particular a Power of chusing to be a Nobleman of any of the five *Segni* he should think fit. But that served only to discover the Imposture to the King and Council; for he having pitched upon the *Segni* of *Naples*, and the Viceroy, contrary to the Inclinations of the Nobility of that *Segni*, employing all his Interest to have him received, put them upon dispatching a Person to *Madrid* to represent the fabulous Genealogy sent by the Viceroy. Cardinal *Granvelle* favoured the Message, and having fully informed the King of it, his Majesty was no less displeased with the Cheat than with the Viceroy, insomuch that he revoked the Privilege, and ordered the Regent to be put in Prison, where he died soon

soon after, and his Brother to be confined in *Castel-nuovo*, from whence, after a tedious Imprisonment, he was banished to *Torre del Greco*, where he ended his Days.

BUT besides, the little Correspondence the Viceroy kept with D. *John of Austria*, was a certain Presage of an unhappy and short Government. D. *John* still continued to divert himself in *Naples* with Feasts and Tournaments; and, as he had the supreme Command of the Fleet, the *Neapolitans* paid him the greatest Honours, insomuch that he made such a shining Figure, that the Viceroy was quite eclipsed: The Marquis, not able to dissemble, and much less suffer this, there arose great Heart-burnings and Disgusts between them, which came to such a Height, that D. *John*, upon a certain Occasion, did not stick to call him a Breaker of his Word; whereupon the Viceroy answering, that he would acquaint the King with his Insolence, D. *John* drew his Dagger, and run at him with a Design to stab him, which he certainly would have done, if the By-standers, by Prayers and Intreaties, had not pacified him.

THESE unhappy Adventures, and the Enmity betwixt him and Cardinal *Granville* and D. *John of Austria*, had that Effect, that whenever any Thing happened during his Government, it was not imputed to his Care, but, either to Chance, or the Prudence and good Management of others, or to a Miracle. This was evident upon two Occasions. This Year of the Jubilee 1575. by reason of the great Confluence of People that flocked from all Parts to *Rome*, so cruel a Pestilence was brought into *Italy*, that, except that which in the Year 1528. in the Time of *Lautrech's* Expedition, so much afflicted *Naples*, a greater had not been seen. From *Trent*, where it first broke out, it went to *Verona*, from thence to *Venice*, and at last it spread itself over all as far as *Sicily*. The most famous Physicians of those Times, such as *Andrea Graziolo* of *Salona*, *Alessandro Canobio* of *Padua*, and *Antonio Gliscens* of *Brescia*, maintained, that the Infection was owing, neither to the Influence of the Stars, nor the Malignity of the Air, nor the Concourse of Strangers, but that it was bred in the Cities themselves, from the Sluttishness and Dirtiness of Private-Houses. However that may be, *Trent* was left in a manner desolate, *Verona* was little better; and the Year following 1576. it made so cruel and lamentable a Slaughter in *Venice*, that it was computed above 70,000 Persons died. The two famous Physicians *Girelamo Mercuriale* of *Forli*, and *Girelamo Caporacco* of *Padua*, were blamed for this Destruction, whose Assistance and Advice being asked by the Senate, and they judging the Disease not to be Pestilential, but that it could be cured, occasioned, that the Infected were not, as had been begun to be done, carried out of the City to a Place apart, they exposing themselves (as by their Example, all the other Physicians and Surgeons did) to take care of the Sick. But the Disease increased to that Degree, and raging more furiously, in a short time it dispatched not only the Sick but Fifty-eight Physicians and Surgeons appointed for their Cure. *Mercuriale* and *Caporacco* did not mind their own Danger, but with Intrepidity for some time went on in applying their Remedies amongst the Infected; but at length, having asked Liberty of the Senate, they scampered away. In *Milan*, *Cremenza*, and *Pavia*, the Piety and Vigilance of the Cardinals *Carlo Borromeo*, *Nicolo Sfondrato*, and *Ippolito Rossi*, the Bishops of these Cities, were much commended, who with great Zeal and Intrepidity visited the Sick, and gave them their Assistance. After the Example of *Borromeo*, *Agostino Valerio* Bishop of *Verona* did the same, which City, as well as *Padua*, was most miserably afflicted. The Distemper spread itself as far as *Sicily*, and made a cruel Slaughter in *Messina*, and by the continual Commerce all our other Provinces were in Danger. Now the provident Care of the Marquis of *Mondovì* appeared, for he not only, by most severe Edicts, prohibited all Persons coming from infected Places to enter the Kingdom, but he caused the Gates of the City of *Naples* to be shut, and none were suffered to enter without the necessary Bills of Health from the Places they came from; he used extreme Rigour, even upon the least Suspicion; he caused many Bales of Cotton, that had come from Abroad, to be burnt in *Naples*; and he made a Bark that had come from *Calabria* to be burnt in the Harbour, though loaded with Bales of Silk, without any Regard to the great Loss of the Merchants: So that the City of *Naples*, and the Kingdom, were freed from

¹ Thuan. lib. 62. in princ. tom. 2.

that dreadful Plague, which was not quite extinguished in *Italy* till the following Year 1577. But all this was attributed, not to the provident Care of the Viceroy, but partly to the Foresight of the City of *Naples*, and much more to the Intercession of *S. Januarius*, and the other Saints its Protectors¹.

MORE OVER, *Amurat* the Emperor of the *Turks*, pursuing the Designs of his Predecessors, made his Fleet scowre our Seas: This Year 1576. his famous Admiral *Ulzali* began to pillage the Coast of *Puglia*; but being repulsed by some Horse and Foot sent thither by the Viceroy, he left that Coast, and sailed towards *Calabria*, where he landed his Troops near *Trebisaccia*, wasted the Country, and was carrying off many of the People into Slavery; they were likewise beat back, and forced to leave their Booty: But all this was ascribed to the Vigilance, Readiness, and Valour of *Niccolo Bernardine*, Prince of *Bisignano*, who, as *Thuanus*² writes, coming opportunely as they were imbarcking with 600 Horse, and 200 Musqueteers, forced them to leave their Prey, made 40 Prisoners, and killed above 50 of them.

TWO Accidents which happened some time after, and shall now be related, added to the Viceroy's Disquiet, insomuch that being hated by the Nobility and Commons, he was at last recalled to *Spain* by the King, and obliged to set out in the Middle of Winter. The first was, his giving Ear to a Friar, who, having been drawn in by the Promises of some covetous Merchants, insinuated to him, that for the Use of the common People, Bread could be made of the Meal of Corn, mixed with that of the Herb which the Botanists call *Aren*, and the Common

* In English People *Calfs-Fest* *, which is looked upon to be so nourishing, that *Julius Cæsar* maintained his Army with it in *Albania*. This Project seemed to be very advantageous and useful, not only for

keeping low the Price of Corn, but would bring in great Profit to the King; but this Design had no sooner taken Air amongst the Commonalty, accustomed to eat Bread of pure Corn, than they, spurred on by the Nobility, who bore the Viceroy a Grudge, on account of the late Dispute about receiving Regent *Cutani* into their Number, openly declared, that they would not obey him in that; the Viceroy therefore seeing their Stedfastness and Obstinacy, in order to pacify them, dropt the Project. The other made a greater Noise in the World, and gave the finishing Stroke to his Removal: It was this; *D. Anna-Clarice Caraffa*, the Daughter of the first Marriage of *D. Antonio Caraffa*, Duke of *Mendragone*, by *D. Ippolita Gonzaga*, was in the Monastery of *S. Sebastian* for her Education, and for want of Heirs Male, being Heiress of all the paternal Estate, her Father had appointed her to be married to the Count of *Serrano*, the eldest Son of the Duke of *Nocera*, who was of the same Family; but the Prince of *Stigliano*, Grandfather of the young Lady by the Father's Side, unwilling to have his Family extinguished, married, though Old, *D. Lucrezia del Tufè*, of the Family of the Marquises of *Lavello*, and by this Lady had a Son, whom he designed to be Heir of that Estate, which divided the Family of *Caraffa* into two powerful Factions. On the other Hand, the Viceroy, flattering himself that he might be able to make Advantage by these Disputes, had contrived a Design to marry this Lady to *D. Lorenzo Hurtado de Mendoza*, Count of *Tendilla*, his eldest Son; and foreseeing the Difficulties he would probably meet with, under pretence of examining into her Inclinations, he resolved to take her out of the Monastery, and put her in a Place proper for his Design; and to compass this, seeing that all other Methods would be in vain, he thought fit not only to use Diligence, but Force; therefore he sent three Regents, with the Secretary of the Kingdom, and 150 *Spaniards* to bring the Lady out of the Monastery. This unlooked-for and scandalous Action moved the Nuns to take a very odd and noble Resolution; for all of them in a Body, with *D. Clarice*, whom they cloathed in a Nun's Habit, drawn up in order, and singing Psalms, with the Relicks of such Saints as they preserved in their Hands, caused the Gate of the Cloister to be opened, and met these Ministers, who being surprized at so uncommon a Sight, fell on their Knees, adored the Relicks, and immediately left the Convent. *D. Clarice* was privately conveyed to the House of *D. Giovanni di Cordero*, and according to her Father's Appointment, was privately married to the Count of *Serrano*, as she herself afterwards declared to the Collateral Council. Although this Action of the Viceroy had offended only these two principal Branches of the Family

¹ Summont par 2. lib. 1.

² Thuan. lib. 52. Hist. in princ.

of *Caraffa*, which at this Time were the Prince of *Stigliano*, and the Duke of *Noera*, now extinct, yet it incensed against him the numerous noble Progeny of that Family, who, adding this to the old Grudges, sent *Gianantonio Carbone*, Marquis of *Padula*, to *Madrid*, to complain of it to King *Philip*. The Message was backed by Cardinal *Granville*, and the Complaint being laid before the King, he immediately resolved to recall him; and he ordered D. *Juan de Zuniga*, who had been a long time his Ambassador in *Rome*, without loss of Time, to go and take the Government of *Naples* upon him: So that on the 8th of *November* 1579. the Marquis was obliged to set out, and expose himself to a Sea Voyage in the severest time of that Winter. He set sail with two Gallies, accompanied rather with his own Repentance, and the Tears of his Relations, than with the Blessings of the *Neapolitans*, among whom, according to *Summonte*¹, he left a very bad Reputation of himself.

ALTHOUGH the abovementioned Adventures had brought the Hatred of every Body upon him, yet during the four Years and four Months that his Government lasted, he left us some Monuments, no less for the Good of *Naples*, than the King's Service. In his Time the King got three Donatives; one in *November* 1575. a little after his Arrival, when, upon Advice of the Birth of D. *Diego*, King *Philip*'s second Son, a Parliament met in *S. Lorenzo*, wherein presided as Syndick, *Gianfrancesco di Gaeta*, a Nobleman of the *Seggio* of *Perto*, and gave the King a Donative of a Million²; another of a Million and Two hundred thousand Ducats was given by a Parliament which met in *February* 1577. of which *Giangirolamo Mirmile*, of the *Seggio* of *Portanova*, was Syndick; and the Third of the like Sum was given by the Parliament held the 23d of *April* 1579. for supporting the War of *Flanders*, of which Parliament, *Fabrizio Stendardo*, of the *Seggio* of *Montagna*, was Syndick.

IN 1577. he began the Fabrick of the new Arsenal on the Descent of *S. Lucia*, where it stands to this Day, under the Direction of Friar *Vincenzo Casali*, of the Order of *Servites*, a famous Architect of these Times. He had likewise begun to make the necessary Provisions for fitting out a Fleet against the Infidels; for which End Fr. *Vincenzo Caraffa*, Prior of *Hungary*, and *Carlo Spinelli*, were raising 3000 Foot Soldiers, and 4000 Pioncers, in order to join them to all the Forces of *Italy*, and to make one Body under the Command of *Pietro di Medici*, Brother to the Grand Duke of *Tuscany*; but this noble Design was dropt by his sudden Removal. In his Time, the Birth of *Philip*, the King's fourth Son by Queen *Anne*, born the 27th of *April* 1578. and who succeeded his Father, was celebrated with great Magnificence and Pomp.

THIS Minister likewise left us Twenty-four Pragmaticks, in which there are many prudent and commendable Provisions. He prohibited Gaming Houses under most severe Penalties; he suppressed the Importing of Counterband Goods; he laid down a Rule to the Tribunals concerning suspected Ministers; he ordered that Ministers should not contract Spiritual Relation, by being Godfathers at Christenings or Confirmations; and he made other wholesome Regulations for the good Government of the City and Kingdom, which, according to the Order of Time, may be seen in the Chronology prefixed to the first Tome of our Pragmaticks, printed in 1715.

¹ Summont. tom. 4. lib. 11.

² Idem, loc. cit.





C H A P. III.

Of the most remarkable Things that happened during the Government of D. Juan de Zuniga, Great Commendator of Castile, and Prince of Pietraperfia: His Conduct, and the Laws he left us.



JUAN ZUNIGA, a second Son of the Family of *Miranda*, of whom we had frequently Occasion to discourse in the preceding Book, when being Ambassador in *Rome* for many Years during the Government of the Duke *D'Alcala*, he so well managed the important Affairs about Jurisdiction, that he acquired the Reputation of consummate Prudence, and a sufficient Knowledge of the Affairs of our Kingdom; insomuch, that being pitched upon by King *Philip* to be Viceroy, he soon became acquainted with our Laws and Customs. The Choice therefore met with a general Approbation, and every Body promised themselves a happy Government from his known Prudence and Capacity. Nor did he fail to answer Expectation; for having arrived at *Naples* the 11th of *November* this Year 1579. he gave evident Proofs of his Magnificence and Piety, in refusing that vain Pomp of a Bridge ordinarily made for all Viceroys, which would have cost the City 1500 Crowns, but it was better bestowed upon the Hospital of the Incurables¹.

¹ Summont tom. 4. lib. 11.

S E C T. I.

The Expedition of Portugal.

THE great Events that happened in this Viceroy's Time, rendered his Government very remarkable; while he governed the Kingdom the Expedition to *Portugal* was undertaken, in which he had some Share with respect to Men and Money, which by his Care and good Management, were sent from the Kingdom for that Enterprize. The History of the War of *Portugal*, made by King *Philip* II. as one of the Pretenders to that Kingdom, has been so well written by *Thuanus*¹, *Bacon* of *Verulam*², and other famous Authors, that besides its not being to our Purpose, it would be spending of Time idly to transcribe it at large from these Writers. We shall only take notice of some Events, in which our Countrymen, and *Zuniga* who governed them, had some Share.

KING *Edward* dying in 1521. left four Sons, *John*, *Lewis*, *Henry*, and *Edward*, and two Daughters, *Isabel* and *Beatrice*; the eldest of the Sons succeeded, and was called *John* III. and had a Son named *Sebastian*, who, upon his Father's Death, succeeded to the Kingdom. *Lewis* was never married, but by a Concubine had a Son named *Anthony*, the Prior of *Castro*. *Henry* entered into Orders, and was made Cardinal. *Edward* left two Daughters, *Mary* the Wife of *Alexander* *Fernandez*,

¹ Thuan. lib. 69. & 70.

² Bacon de Verulam Hist. Henrici VII Ang. Reg.

Duke of *Parma*, and *Katharine* the Mother of the Duke of *Braganza*. *Isabel* was the Mother of King *Philip II.* and *Beatrice* of *Emanuel Philibert*, Duke of *Savoy*. King *Sebastian* was killed in the Battle of *Arzila*, and his Body not being found, gave Occasion afterwards to that famous Imposture, of which we shall discourse by-and-by. King *Sebastian* having died without leaving Issue, the Cardinal *Henry*, his Uncle, the only surviving Brother of King *John*, succeeded to the Kingdom; who being a Priest, infirm, and old, resolved, in his Life-time, to appoint a Successor: But the Claim of so many Pretenders proving too troublesome, he called an Assembly of the States, who appointed fifteen Judges, to whom *Henry* gave Power to examine the Claims of the Pretenders, and determine the Succession, giving them likewise Power to decide it after his Death, in case it should happen before Sentence: In the mean time he appointed Governors, who were to have the Administration of the Kingdom; and he made ever Body swear to acknowledge for King whomsoever the said Judges should pronounce to be such.

THE Pretenders were *Ranuccio Farnese*, the Son of *Alexander*, and the Duke of *Braganza*, *Katharine's* Husband; King *Philip II.* the Son of *Isabel*, and the Duke of *Savoy*, the Son of *Beatrice*. There was likewise *Anthony* the bastard Son of *Lewis*, who, more by the Love he had gained of the People, than by any Right, aspired to the Throne; and lastly, the King of *France*, in order to have a Hand in this Affair, and to oppose King *Philip*, pretended to make good some old Rights derived from *Katherin de Medici* his Mother.

BY reason of the Competition of so many Pretenders, and of the natural Aversion, both of the King, and the States of the Kingdom to King *Philip II.* one of the most powerful of them, great Troubles being likely to ensue, another Device was proposed, of having recourse to the Pope for a Dispensation, to enable the King, though a Priest, to marry, and for that End *Edward Castelblanco* was sent to *Rome*. In the mean time the King frequently consulted the Physicians, whether they thought him able, at that great Age, to beget Children; for, though all his Life-time he had professed Chastity, yet, to exclude a foreign Heir, he was now disposed to marry.

KING *Philip* being advised of the Aversion of the King and the States of the Kingdom, and of the intended Marriage, in order to prevent it, wrote immediately to his Ambassador in *Rome*, strictly charging him to use his utmost Efforts with Pope *Gregory* not to grant the Dispensation; and at the same Time, with great Secrecy, he sent *Ferdinando Castelli*, a *Dominican* Friar, to King *Henry* his Uncle, to dissuade him from marrying, among other Things insinuating to him one very foolish Reason, but which he thought would have weight with the King, who, in other Things was most Superstitious, which was, to shew him, that it would be a very pernicious Example, and not to be practised in these Times without Danger, because the Errors of the Sectaries, who teach that Priests may marry, spreading more than ever in *Europe*, wicked Men, from his Example, might easily persuade others that they may do the same. The Message proved fruitless, for the Friar, contrary to *Philip's* Expectation, was not admitted into *Henry's* Presence, but, little to his Credit, was forced to return.

IN the mean time the other Expedient was carried on. The Judges summoned the Pretenders, who by their Ambassadors gave in their Claims. *D. Pedro Giron*, Duke of *D'Offuna*, appeared for King *Philip*; *Carlo Roberto* for the Duke of *Savoy*; and for *Ranuccio Farnese*, the Son of *Alexander* Duke of *Parma* by *Mary*, *Ferdinando Farnese*, Bishop of *Parma*, was sent, who having consulted the Case with the Lawyers of the famous University of *Padoa*, had published a Consultation signed by them, wherein, by most convincing Arguments, as he thought, they maintained *Ranuccio's* Right.

THE Duke of *Savoy* did not contend with King *Philip*, as being the Son of *Isabel* the eldest Sister, but only demanded, that in case *Philip* should die before *Henry* their Uncle, his Right might then take Place. Therefore they joined in excluding the Pretensions of the Duke of *Braganza* and *Ranuccio Farnese*: They maintained, that the said Dukes could not enjoy the Benefit of Representation, which they endeavoured to overthrow by many Arguments, but that they, as Males, and nearer of Kin, ought to be preferred to all others. On the other Hand, the Duke of *Braganza* and *Ranuccio* retorted the Argument, as making for them; but *Ranuccio* afterwards made use of the same Argument against the Duke of

Braganza, because being the Son of *Mary* the eldest Sister, he ought to be preferred to the Duke. But the University of *Coimbra* being likewise informed of King *Henry's* Inclinations, who privately favoured the Duke of *Braganza*, published a Consultation in his Favour, by which these Lawyers, by many Arguments, strained hard, first to confute the Pretensions of King *Philip* and the Duke of *Savoy*, and then those of *Ranuccio*. However, all agreed in excluding *Anthony* the Prior of *Crato* (although he was cited) as a Bastard, as the King afterwards declared him by an express Decree.

ALTHOUGH the King of *France* was not summoned, yet he sent *Urban Sangelas*, Bishop of *Cominges*, to give in his Pretensions, who, after much Difficulty, was at last allowed to be present for proving the said King's Right. King *Henry*, in order to favour the Duke of *Braganza*, would willingly have excluded all the rest; but that King *Philip* might be excluded, all Claims were promiscuously admitted. The Pretensions of *France*, which were laid before that Assembly in the Name of *Katharine of Medici*, were derived from too old an Origine, and if ever they had been made good, they would have overthrown, not only the Pretensions of the Opposers, but would have called in Question both King *Henry's* own Right, and that of some of his immediate Predecessors; wherefore it would have been the Height of Imprudence in that Assembly to have examined into them, which would have been of very bad Consequence; for which cause *Thuanus*¹ says, that the *French* Ambassador obtained other Letters from his King, directed to the Assembly of *Lisbon*, wherein he offered the *Portuguese* all Assistance, provided they would reject King *Philip*, and not subject themselves to the Yoke of so powerful a Prince.

THE *Spaniards*, the Pope, and the other Christian Princes complained of this, and said, that the King of *France*, out of Envy and Hatred, intermeddled in this Affair of purpose to break all their Measures; for which cause King *Philip* began seriously to think, that his best Course would be to support his Pretensions by Force of Arms, rather than undergo these Discussions. Besides he was very sure, that not only the *French*, but the *English*, out of Jealousy, would oppose his having so great a Kingdom added to his vast Monarchy. He clearly saw the Aversion both of King *Henry* and of the People to him; and on the contrary the King's Inclination for *Braganza*, and the People's for *Anthony*; the States of the Kingdom, considering the Doubtfulness of the Rights which the Pretenders alledged, began likewise to claim, that it belonged to them to elect a Successor. King *Philip* therefore, in order to compass his Ends, resolved to assemble a powerful Army from all his Dominions, and to support his Right with Arms, rather than with the Quotations and Opinions of Lawyers: However, to make the intended War appear just and plausible to the World, he did not neglect to consult the most famous Lawyers and Universities in *Europe*; so that many Consultations appeared upon this Subject: Nor did he fail to consult *Cujacius*, the renowned Lawyer of these Times, who drew up for King *Philip* that Consultation which we read amongst his Works. Almost all the Universities of his vast Monarchy were employed to do the same; and our *Neapolitan* Lawyers, being likewise desired, bestowed their Labours upon this Subject². King *Philip* therefore, being resolved to maintain his Right by Arms, made the Duke *D'Ossuna* represent to King *Henry*, that there was no more Occasion for a further Examination; that his Title was most evident; that he had caused it to be examined into by the most famous Universities of *Europe*, and the most knowing Lawyers of the Age; that besides, out of Regard to the Publick Good of that Kingdom, he ought to declare the Succession in his Favour after his own Death. He got *P. Leo Enriquez*, *Henry's* Confessor, to represent the same to him, and who, having the Direction of the Conscience of this old timorous Man, wrought so upon him, that he perplexed him to that Degree, that he knew not what to resolve upon.

NOW the Preparations for War were carried on in good Earnest; Troops and Fleets were assembling, not only from all Parts of *Spain*, but from *Italy*, *Sicily*, and our Kingdom of *Naples*; and that the Popes and the other Princes might not conceive any Jealousy, it was given out, that the Preparations were made for the War of *Africa*. Therefore our Viceroy had Orders to have in Readiness for this Expedition, those Provisions which the Marquis of *Mondejar* had prepared against the

¹ Thuan. lib. 59. tom. 2² Summont. par. 4. pag. 415.

Infidels. But the Pope, fuspicious of the Design, endeavoured to divert King *Philip* from it ; and he proposed an Expedient, which, if it had succeeded, would have redounded much to the Honour and Reputation of his See '. He made pressing Instances to King *Philip*, that, in imitation of many Princes, who had not scrupled, especially in the happy Pontificate of *Innocent III.* to leave the Decision of the like Disputes about Principalities and Kingdoms to the Apostolical See, he would be pleased to refer the Matter in Dispute to his Determination. But King *Philip*, pretending to take his kind Offer and Interposition in good Part, and, according to the *Spanish* Slowness, spinning out the Matter, pursued the military Preparations with greater Vigour ; and now Scouts were sent into *Portugal* to view the most convenient Part for beginning the War ; and at the same time the States of that Kingdom, having had Advice of the great Preparations, and finding that the Faction of the Duke of *Braganza*, and that more numerous of the Prior of *Crato*, daily increased, were providing against Revolutions and Disorders.

BUT behold, while these Things were doing, King *Henry*, after a Reign of one Year and five Months, in the 68th Year of his Age, on the last Day of *January* this Year 1580. departed this Life. The Prior of *Crato*, who had been removed from *Lisbon* by the King's Order, hearing of his Death, returned immediately ; and King *Philip* pushing on the Expedition more briskly, assembled two powerful Armies in order to attack *Portugal* both by Sea and Land, and made the famous Duke *D'Alba* Captain-General of both. Our Kingdom gave great Assistance in this War ; the Viceroy sent seventeen well provided Ships, with 6000 Soldiers, and 4000 Pioneers, commanded by the Prior of *Hungary*, and *D. Carlo Spinelli* ; a free Pardon was granted to all Exiles, Outlaws, Rebels, and False-Coiners, that would come and lift themselves Soldiers in this War : And, in order to support the Charges of it, notwithstanding, as we have said, that in *April* the preceding Year, a Donative had been given, on the 29th of *September* this Year 1580. a new Parliament was called in *S. Lorenzo*, of which *Camillo Agnese*, a Nobleman of *Portanova*, was Syndick, and another Donative of 1,200,000 Ducats was given.

'TIS truly worthy of Observation, that King *Philip*, having already resolved upon this War, and had his Armies ready for Action, and the Duke *D'Alba*, on the 20th of *June* this Year 1580. having entered *Portugal* with one of them, should, at the same time that the Fleet arrived, as if there had been Room for Repentance, and calling back the Steps so far advanced, think of consulting some Divines, whether with a safe Conscience he had undertaken this Expedition. *Ibuanus* ² says, that his Design was, thereby to put a Stop to the malicious Reports that were spread in *Portugal* and *Italy* of his Injustice, especially of his manner of invading that Kingdom. The Pope still sollicitated him, that, in order to save so great Charges to his Dominions, and the shedding of Blood, he ought to refer the Decision of the Dispute to his See. The States of that Kingdom complained, that their Right was subverted by Force, and that being obliged by Oath to acknowledge for King whomsoever the Assembly of Judges shall declare to be such, which Declaration not being as yet made, they could not acknowledge *Philip* for their lawful Sovereign. For these Reasons King *Philip*, who in the mean time did not neglect to pursue the War, ordered the Divines, the Jesuits and *Franciscans* of *Alcala de Henares* to examine, and, for the Quiet of his Conscience, give him their Advice upon the following Points.

WHETHER, though he was persuaded of his just Right to the Succession of that Kingdom, devolved to him by the Death of King *Henry*, he was obliged in Conscience to subject himself to the Decision of any Tribunal ?

WHETHER, since the *Portuguese* refuse to accept of him for their King, till both his own Right, and those of the Competitors, be discussed by the Judges appointed for that Effect, he can, of his own Authority, take Possession of the Kingdom, and attack all Opposers ?

SEEING the Governors and all the States of *Portugal* plead their Oath given, not to acknowledge any other for King, but him whom the Assembly shall declare such, whether that ought to be deemed a lawful Excuse ?

THE Jesuits, as well as all the other Divines, answered exactly according to the King's Wish. As to the first Point, they said, that he was not in Conscience

¹ Thuan. lib. 59.

² Idem, lib. 59. in fine.

bound to subject himself in that Cause to the Jurisdiction or Arbitration of another; that he could of his own Authority adjudge the Kingdom to himself, and take Possession of it; that the Pope could have no Share in it, because the Matter in Question was purely Temporal, there being nothing of Spiritual in it that required the Authority and Judgment of the Ecclesiastical Court, much less could the States of *Portugal* intermeddle in it, so as to oblige him to wait for their Decision; for Kings being once elected, all Right is transferred to them and their Successors, whence all Jurisdiction is lodged in them, nor can they be judged by others; therefore it being evident that *Philip* is the true and lawful Heir, he ought not to be subjected to the Jurisdiction of any other Tribunal but his own.

AS to the Second, That the Judges Delegate have no Power to take Cognizance of this Cause, all their Jurisdiction having ceased and been void by the Death of King *Henry*; nor can the Jurisdiction of Kings be prolonged after their Death: So that he can make use of his own Right in adjudging the Kingdom to himself, and by his own Authority take Possession of it.

LASTLY, to the third Point they answered, That the *Portuguese* are not bound to observe their Oath; nor can it be a lawful Excuse for their not receiving *Philip* as their King, because they not having any other Person of higher Dignity set over them, who can take Cognizance of, and decide this Cause, they ought to obey him as the true and lawful Heir.

KING *Philip* having got this Judgment of the Divines in his Favour, caused it to be published, and though he trusted more to his Arms, he sent it to be dispersed every-where, in order to wipe off the malicious Reports spread by his Competitors; and at the same time the Duke *D'Alba*, who commanded the Land Army, having joined the Marquis *De S. Cruz*, General of the Sea Army, the Kingdom was invaded; and after various Adventures, so well described by *Thuanus*¹ and others, that there is no Occasion to relate them here, the Prior of *Crato*, who of all the Competitors made the greatest Opposition, being totally routed by the Duke *D'Alba*, *Lisbon*, the Capital of the Kingdom, fell into the King's Hands, as also the greatest Part of the Provinces.

ON the 9th of *November* this Year 1580. our Viceroy *Zuniga*, having had certain Advice of this Victory, and of the Surrender of that City, for three Days and three Nights made pompous Feasts and Illuminations; and though *Anthony*, who had been assisted by the *English* and *French*, was at last driven out of the Kingdom, and had fortified himself in the *Tercera* Islands, from whence he flattered himself to be able, not only to interrupt the Commerce of the *Indies*, but with the Assistance of those Nations, jealous of so great an Accession, some time or other to come to that Crown; however, he came short of his Design, for King *Philip* having sent the Marquis *De S. Cruz* with his Fleet, in order to subdue him, the Marquis engaged the Competitor's Fleet betwixt the Island of *Tercera* and that of *S. Michael*, defeated and dispersed it in such a manner, that *Anthony* was forced to fly and take Shelter in *England*. Thus was the Kingdom of *Portugal* united to that of *Spain*, from which afterwards, in the Reign of *Philip IV.* it was again separated, and came under its own Kings as formerly, who still reign there.

IN prosecuting this Subject, we must not pass over in Silence the Imposture of the fictitious King *Sebastian*, which was brought to a Trial in *Naples*. A few Years before, such another had been hatched in *England* under the Person of *Perkin*, the pretended King of that Kingdom, of whom *Bacon* of *Verulam* discourses at large². King *Sebastian*, a young and gallant Prince, having given the utmost Proofs of his Intrepidity in the Battle of *Arzila*, was deserted by his own Men, and unhappily made Prisoner by some *Moors*, who, contending among themselves about so valuable a Prize, came to Blows, and some were killed in the Scuffle³. Their General run to pacify them, but to no purpose, so that with unheard-of Barbarity, in order to remove the Occasion of the Quarrel, he gave the Captive King a Stroke with his Sword on the Head, and repeating his Strokes, he left him dead on the Spot: In this Confusion and Disorder among the *Moors*, his Body was so disfigured, that when his own People came to look for it, they could not find it, which made them flatter themselves that he had not been killed in the Battle; whereupon a Report was

¹ Thuan. lib. 70. tom. 2.

² Bacon. in Hist. Hen. VII.

³ Thuan. lib. 65. tom. 2. pag. 229.

spread, that he had made his Escape, which was the Foundation of the Imposture; for twenty and odd Years being past, when the Likeness could not be so easily discovered, there started up a *Calabrian*, named *M. Tullio Cotizone*, who gave out himself to be *Sebastian* King of *Portugal*; he laughed at the common Opinion of his having been killed in that Battle, and at the Mistake of those who thought he had made his Escape when the *Moor*s were quarrelling about the Booty. King *Philip*'s Rivals encouraged the Cheat, insomuch that it passed for current that King *Sebastian* was alive, and wandering up and down in *Italy incognito*. There were Snares laid, and great Pains taken to have him seized, and it luckily happened that he was taken and carried to *Venice*; afterwards, out of Favour to the *Spaniards*, being chased out of the Dominions of that Republick, he came to *Florence* in Disguise, where, by that Duke's Order, he was arrested, and carried Prisoner to *Naples*, in the Viceroyalty of the first Count of *Lemos*¹. Great Pains were taken to unriddle the Matter, and the Process being drawn up, the famous Regent *Gian-Francesco de Ponte*, was appointed Judge Delegate of the Cause. This Writer says², that the Process being ended, the Imposture was discovered, for he was convicted by the Deposition of his own Wife and Relations, who lived in *Calabria*; and then he freely from his own Mouth confessed the whole Cheat. He was sentenced to be hanged, but before Execution, a Report of the Matter having been sent to King *Philip* III. in *Spain*, it was very prudently resolved not to put him to Death, but that the Cheat might be publickly known, and all Suspicion quite removed, the King ordered him to be condemned to row in the *Spanish* Gallies, to the End that he might be there exposed to the View of all the World, which was accordingly put in Execution; and thus ended this Imposture.

¹ Thuan. Hist. lib. 126. tom. 3. pag. 952.² Jo Fran. de Ponte de Poteft. Pror. tit. 10. §. 1. De Insigniis & Armis.

S E C T. II.

The Reformation of the Roman Kalendar.

AMONGST the remarkable Things that happened during the Government of the Prince of *Pietraperfia*, the Reformation of the *Roman Kalendar*, which rendered the Year 1582. memorable to all After-Ages, ought not to be passed over in Silence; so much the more, that not only in the other Kingdoms of *Christendom*, but in ours, it was nicely examined and discussed before it was received.

THE antient *Roman* Year was not composed of ten Months, as *Junius Gracchus*, *Fulvius Varro*, *Ovidius*, and *Suetonius* will have it, but of Twelve, as *Censorinus*, from the Authorities of *Licinius Macro*, and *L. Fenestella*, hath written, of which the first Month was *March*, and the last *February*.

THE Months of *March*, *May*, *July*, and *October* were each of them made up of 31 Days, the rest of 29, except *February*, which had 28 Days only: So that the antient *Roman* Year was made up of 355 Days, and was ten Days less than the *Egyptian* Year; whence there was a Necessity of Intercalation, which was done every two Years, in the manner related by *Thuanus*¹. But this Intercalation proving faulty, gave a free Scope to the Priests, who took upon them to rectify Time, to regulate the Course of the Year as they thought fit, by putting, to make up what was wanting, the intercalary Month, which they called *Mercedonius*, and made *Numa Pompilius* Author of it. But, as *Plutarch* shews in *Numa's* Life, this Help was not sufficient to correct the Errors and Confusions occasioned in the Months of the Year, whereby the Days of solemn Sacrifices and Feasts, as *Plutarch* says in the Life of *Cæsar*, in process of Time fell out in the opposite Seasons of the Year; the Priests therefore, to whom the Management of this Affair was committed, and frequently out of Hatred to the Magistrates, made the Intercalation sometimes sooner, sometimes later. For which cause *Julius Cæsar* took in Hand to make a more exact Reformation of the Year; and while he was in *Alexandria*²,

¹ Thuan. lib. 76. tom. 2. pag. 441.² Dion. lib. 43.

having got the Opinions of those able Mathematicians, and consulted the Affair with other Philosophers, and more carefully observing the Cœlestial Signs, he published by an Edict a new *Reformation*, and pointed out the true Way; and *Plutarch* declares, that the *Romans* observed it in his Time. *Bacon* of *Verulam* ' very much commends this *Reformation*, calling it a lasting Proof, no less of *Cæsar's* Knowledge, than of his Power; and that not only his having known the Laws of the Stars in the Firmament, but his having given these Laws to Men to be a Guide to them upon Earth, ought to be ascribed to his Glory. But there were not wanting envious Men, who, as *Plutarch* says, found Fault with this *Reformation*; and some Body having said to *Cicero*, To-morrow we shall have the New Moon, Yes, said he, by *Cæsar's* Order; as if Men were obliged to say and think according to his Edict.

BUT in process of Time, *Cæsar's* Edict being misinterpreted by the Priests, was not thought sufficient, and his *Reformation* wanted afterwards to be reformed; so that *Claudius Ptolomæus*, who flourished 180 Years after *Cæsar*, considering the great Variety of Opinions about determining the natural Year, made another *Reformation*, which, differing from the former, created great Disturbance and Confusion.

IN the Reign of *Constantine the Great*, the Fathers of the Council of *Nice*, in order to fix the Feast of *Easter*, made another *Reformation*, from which Time there happened great Confusion in the Equinoxes. Afterwards, about the Year 526, the Confusion still increasing, *Dimysius Exiguus* endeavoured to remedy it by a new Computation, but that was of short Duration, so that the Confusion was as great as ever.

THE *Roman* Pontiffs therefore, looking upon it as their Business to remedy this Confusion, to prevent other Princes, especially the Emperor, were careful to have a new *Reformation* made; and a hundred Years before, Pope *Innocent VIII.* had brought *Joannes Regiomontanus*, a famous Mathematician of those Times, to *Rome*, in order to correct the Errors of the Kalendar; but it was reported, that the Sons of *Giorgio Trapezunzio*, not able to bear that a *German* should be preferred to the *Greeks*, poisoned him, which prevented his answering the Pope's Design. At this Time *Petrus Alliacensis*, Bishop of *Cambray*, and afterwards Cardinal, Cardinal *Cusano*, and soon after *Robert* of *Lincoln*, and *Paul* of *Middleburg*, Bishop of *Fossombrone*, wrote about the just Computation of the Year; and the last dedicated his Work to the Emperor *Maximilian I.*

THE Council of *Trent* being afterwards opened, and it being expected that these Fathers, after the Example of those of the Council of *Nice*, would have made a new *Reformation*, the greatest Wits in *Europe* employed their Pens upon this Subject, and amongst the rest *Joannes Genesius Sepulveda* of *Cordova*, *Giovan-Francesco Spinola*, a *Milanese*, *Benedetto Majorino*, the famous *Luca Gaurico*, and *Pietro Pitato*, a *Veronese*, who by a particular Treatise confuted *Gaurico's* Opinion. But the Council breaking up in a Hurry, had not Time to meddle with so intricate a Matter, which required much Time to discuss.

NEVERTHELESS *Gregory XIII.* afraid of being prevented by the Emperor of *Germany*, as an Affair by Right belonging to the Empire, with great Diligence set about to hasten this *Reformation*, and for that End sent to all the Universities of *Italy*, and wrote to the Senate of *Venice*, to send him the Opinions of the Mathematicians and Philosophers of *Padoa* concerning this *Reformation*. The first that gave his Opinion was *Giuseppe Moletio* of *Messina*, who two Years before had published the *Gregorian* Tables. But the Opinion of the famous *Nicholas Copernicus*, a great Astronomer of these Times, being sought, there arose various Sentiments; and *Sperone Speroni* having likewise entered the Lists, the Disputes among them grew the warmer. *Matthæus Maginas* had also his Share in them. And the Pope having required the Opinion of *Giuntinus*, he agreed with those who were for cutting off ten Days of the Year; but *Albertus Leonius* of *Utrecht*, having wrote a Book of Purpose, proved that eleven Days ought to be cut off: Duke *Francis Maria* of *Urbino*, at the Desire of the Pope, likewise sought the Opinion of *Vico Ubaldo*, a most skilful Man in that Science, who gave it agreeable to the *Reformation* made by the Fathers of the Council of *Nice*. *Gregory* wrote likewise to the King of *France*, who consulted *Francis Poix Candale*, a famous Astronomer, who also published his Opinion about it.

IN the mean time Pope Gregory, that he might not lose so fair an Opportunity of raising the Authority of his See, though he sought the Concurrence of other Princes, yet he would have whatever he should determine therein to be agreed to; so that all the Opinions being examined, at last, by the Advice of *Antonius Lilius*, a famous Physician of these Times, he adhered to the Reformation of *Lodovicus Lilius*, the Doctor's Brother, which in short was, that ten Days should be cut off, which, through the Fault of Intercalation were superfluous; and he prescribed a Rule for preventing the like Fault for the future. After this Reformation, contained in a small Volume, had been approved of by *Vincenzo Laureo*, Bishop of *Monreale*, upon whose Judgment in these Matters the Pope depended very much, he sent it to all the Christian Princes, and to the most renowned Universities of Europe.

BUT this Reformation of *Lilius* had many Opponents, among the rest *Joseph Scaliger*, a very learned Man of these Times, who, in his admirable Work *De Emendatione temporum*, discovered his Errors. *Michael Mestlinus*, a Professor in the University of *Tubingen*, likewise impugned the *Lilian* Computation with large Commentaries. But in Opposition to these, *Christophorus Clavius*, a Jesuit, and famous Professor in Rome, and *Hugo Martellus*, Bishop of *Glandeve*, stood up in Defence of *Lilius*.

AS soon as Gregory had published this Reformation of his, in order to have it received by all the Catholick Princes, and especially by the Emperor and the Princes of Germany, he sent Cardinal *Lodovico Madruccio*, Bishop of *Trent*, to the Emperor; but this Affair being laid before the Dyet of *Ausburg*, the Princes assembled there, gave it as their Opinion, that the Pope, by having intermeddled in it, had committed an outrageous Incroachment both upon the Authority of the Emperor and the Empire; and that the Publication of the new Kalendar ought not to be suffered in Germany: That to regulate the Kalendar belonged to the Emperor, as *Julius Cæsar* did, and afterwards in the Empire of the West, *Charles the Great*, who gave the Kalendar to the Germans in their Mother Tongue; that what the Fathers of the Council of *Nice* did, was by the Authority of the Emperor *Constantine the Great*, by whose Command that Council had been called; that therefore the new Kalendar ought to be rejected, so much the rather, that it had been made without the Consent of the Princes and States of the Empire. The Emperor seeing the firm Resolution of the Princes, and of the Cities of Germany, that had received the Confession of *Ausburg*, not to accept of it, adjourned the Debate, and ordered the antient Form to be observed in the Decrees of the Dyet¹.

THUANUS * being dead, and *Achilles Harley* absent, it * Not the Historian. was not much examined into in France; the King put forth an Edict, which was obeyed by the Parliament, whereby the new Reformation was received; and ten Days being cut off from the Year, it was established, that the tenth Day of *December* should be reckoned the Twentieth, so that that Year *Christmas* was celebrated on the 15th of that Month. In Emulation of the King of France, and to gain the Good Will of the Pope, *Francis* the new Duke of *Brabant*, obtained even of the Protestants, that his Holiness's Reformation should be likewise received in *Flanders*, as it was also in *Holland*, *West-Friseland*, and in the other Provinces².

UPON the Publication of this Reformation by Gregory, before it was received in Spain and the other Dominions of our King *Philip II.* particularly in *Naples*, it was examined, and the King's Permission and *Exequatur* sought, as had been done in all other Kingdoms; it being the Business of Princes, out of Regard to their States, to regulate the Days, both on account of the Celebration of their Birth and Coronation Days, and the Vacation of their Tribunals. King *Philip* being informed, that this Reformation had been made with the Advice and Approbation of many Princes of *Christendom*, and that they had received it in their Dominions, he did the same in his Kingdoms; and the Prince of *Pietraperfia* being then our Viceroy, he sent him the new Kalendar reformed by Gregory; and on the 21st of *August* this Year 1582. wrote him, that Pope Gregory, with the mature Deliberation and Advice of the Princes of *Christendom*, and with the unanimous Consent of the College of Cardinals, in order to reduce *Easter* and the other moveable Feasts to the

¹ Thuan. lib. 76. pag. 444.

² Idem, loc. cit.

just and true State of their antient Institution, having reformed the Kalendar, therefore he ordered him to cause it to be put in Execution in the Kingdom of *Naples*, and in all the Churches thereof.

BUT there being something contained in this Kalendar prejudicial to his Prerogatives, he wrote another Letter at the same time to the said Prince, bidding him take special Care, that if, in the Prohibition subjoined to it, *viz.* that none must offer to print it but *Antonius Lilius*, or his Assigns, there be any Thing found prejudicial to his Royal Jurisdiction, or any other Innovation worth minding, to stop the Impression, give him an Account of it, and wait his Answer¹. In this manner, and with these Restrictions was the new Kalendar received and observed with us; and *Summonte*² writes, that this Year the 4th of *October* was reckoned the 14th, and ten Days were deducted in the Payment of all Rents: Moreover it was observed, that there being preserved a Vial of the Blood of *S. Stephen* in the Church of *S. Gaudiosus*, according to *Baronius*³, brought to *Naples* by *S. Gaudiosus*, an *African* Bishop, which of itself was wont to liquify on the 3d Day of *August*, according to the antient Kalendar; but after *Gregory* had made this Reformation, the Blood did not bubble up till the 13th of *August*, on which Day, according to the new Reformation, the Feast of *S. Stephen* falls: Whence *William Cave*⁴ writes*, that this was a manifest Proof that the *Gregorian* Kalendar had been received in Heaven, tho' some Countries on Earth have refused to follow it.

¹ Chiocc. MS. Giur. tom. 4. De Reg. Exeq. pag. 92.

² Summont. pag. 428. tom. 4.

³ Baron. Martyrolog. die 3. Aug.

⁴ Cave's History of the Lives of the Martyrs.

* The Author has certainly either been imposed upon, or did not rightly understand the *English* Language; therefore, in order to clear Doctor *Cave* from this Imputation, I thought it fit to give the Reader the whole Paragraph from which this Quotation is taken, as follows: But the Miracle of the Miracle lay in this, that when Pope *Gregory XIII.* reformed the *Roman* Kalendar, and made no less than 10 Days Dif-

ference from the former, the Blood in the Vial ceased to bubble upon the 3d of *August*, according to the old Computation, and bubbled upon that that fell according to the new Reformation. A great Justification I confess (as *Baronius* well observes) of the Divine Authority of the *Gregorian* Kalendar, and the Pope's Constitutions; but yet it was ill done to set the Kalendars at variance, when both had been equally justified by the Miracle. But how easy it was to abuse the World with such Tricks, especially in these latter Ages, wherein the Artifice of the Priests was arrived at a kind of Perfection in these Affairs, is no difficult Matter to imagine.

S E C T. III.

The End of the Government of the Prince of Pietraperfia, and the Laws he left us.

FROM this Time forward we observe, that King *Philip II.* had prefixed a Time for the Government of his Viceroys of *Naples*, confining it regularly to three Years, whereas formerly it was during the King's Pleasure, and not limited to such Bounds; so that on the 11th of *November* this Year 1582. the Prince having governed three Years, it behoved him to go to *Spain*, and give Way to the Duke *D'Offuna* his Successor. His Departure was regretted by every Body; and on account of his Piety, Meekness, and courteous Behaviour, he left the Reputation of a most excellent Viceroy. During his Government, besides the remarkable Things abovementioned, on the 23d of *October* 1580. Queen *Anne* the Wife of King *Philip*, died in the City of *Elvas*, and left two Sons, *D. Diego*, who was then eight, and *D. Philippo*, two Years of Age, the other two Children, *Fernando* and *Joanna* having died before. He finished the Fabrick of the Arsenal, and built that magnificent Gate that faces the Mole. He founded in the Prison of the Vicariate the Infirmary for the Benefit of sick Prisoners; and lastly, as a lasting Monument of his Wisdom, he left us about 33 Pragmaticks, which may be seen in the Chronology prefixed to the first Tome of our Statutes.



C H A P. IV.

The Government of D. Pedro Giron, Duke D'Ossuna, and his Laws.

TO make up, in some measure, the vast Charges which the Duke D'Ossuna had been at in the Service of the Crown of *Spain*, in the Wars of *Granada*, the Conquest of *Portugal*, and elsewhere, King Philip II. was pleased to bestow upon him one of the best Governments that any Prince in *Europe* can give, which is that of our Kingdom of *Naples*. In the Month of *November* this Year 1582. in great Pomp and Magnificence D. Pedro arrived at *Naples*. His natural Reservedness, and a too haughty and disdainful Disposition, made him soon to be hated by the Nobility, which rendered his Government uneasy to him, and not much to be commended; of which being sensible, though too late, and endeavouring to remove the bad Opinion that had been conceived of him, that he slighted the Nobility, he got himself to be aggregated into the Body of the Nobility of the *Seggio* of *Nido*. But the Adventure of *Starace*, the Clerk of the Market, so famous over all *Europe*, that *Thuanus*¹ thought it worth the while to relate it in his History, rendered his Government much more troublesome and uneasy. 'Tis needless to repeat that Story here, because not only *Tommaso Costo*, from whom *Thuanus* took it, but *Summonte* has described every minute Circumstance of it, and with which that Writer ends his History.

THE continual Demands of Money to be sent out of the Kingdom to *Spain*, for the King's pressing Occasions, much disquieted the Duke. It was proposed to lay a Duty of a Ducat upon each Hogshead of Wine; but all the *Seggi* not agreeing to it, that was dropt: However, by the Promise of new Favours and Privileges, during his Government the King got two Donatives; one of 1,200,000 Ducats, in the Parliament that met the 2d of *January* 1583. of which *Muzio Tuttavilla*, a Nobleman of the *Seggio* of *Porto*, was Syndick; and another of the like Sum in *October* 1584. *Scipione Loffredo*, of the *Seggi* of *Capuana*, being then Syndick: And the Favours promised were actually granted upon both the Occasions. Indeed, his Zeal for having Justice impartially administred to all, without Distinction of Noble or Ignoble, and his Diligence in dispatching Business, gained him the Good Will of the People. The many Benefits that the City of *Naples* and the Kingdom reaped from his vigilant Care and Application during his four Years Government, got him many Encomiums and Blessings. It was he that repaired the Aqueduct which conveys the Water from the Village of *Polla* to the Fountains of *Naples*. He built a stately Royal Riding-House without the *Constantinople* Gate, near the Duke of *Nocera's* Palace, instead of that formerly built on the Bank of the *Sebeto*, in a very unwholesome Air, by the Kings of *Arragon*. He levelled the Roads, and built many Bridges upon the Rivers that run between *Puglia* and the City of *Naples*, for the more conveniently transporting Provisions and other Necessaries from thence to the said City. In fine, he left us many prudent Regulations, which may be seen in 46 Pragmaticks, contained in the Chronology prefixed to the first Tome of our Statutes.

¹ Thuan. Hist. tom. 3. lib. 32. in princip.



C H A P. V.

The Government of D. Juan de Zuniga, Count of Miranda, which was much disturbed by the Banditi. The Monuments and Laws which he left us.

* This does not agree with the above Resolution of confining the Government to three Years.



AS Fame had before-hand proclaimed the Virtues of the Count of *Miranda*, not unlike the other *Zuniga* his Uncle, so his prudent Government answered Expectation; and his having been continued in the Government for nine Years together *, was a manifest Proof of his being acceptable both to his Prince and the People he governed. In the Month of *November* 1586. he was received in *Naples* with great Demonstrations of Joy and Satisfaction. But strange Accidents rendered his Government very troublesome and uneasy. Although in the Times of his Predecessors the Banditi had begun to disturb the Provinces of the Kingdom, yet the Mischief in its Beginning not being thought so great, if it was not overlooked, at least such Means were not made use of as were proper for removing and quite extirpating it: So that their Number still increasing, Gangs of them lay sculking in the Woods, murdered Travellers, and robbed the King's Messengers; and at last they became so bold, that they pillaged Towns, yea, some that were walled, and carried Desolation and Ruin every where, insomuch that Traffick and Commerce were interrupted. To all this was added, the Danger of applying a Remedy, which often proved worse than the Disease; for they had grown so numerous, that in order to destroy them, Soldiers were sent, who did more Damage and Mischief where-ever they went, and often without Success; for the regular Troops were of no use amongst the Rocks and Mountains, and they were frequently baffled and roughly handled.

NEVERTHELESS the Count of *Miranda* did not fail to use his utmost Efforts in order to root them out; and it happened that he got hold of that notable Bandito *Benedetto Mongone*, whose infamous Memory, for the many wicked Actions committed by him in the Neighbourhood of *Eboli*, is still kept up. That he might be a terrible Example to others, he was drawn through the Streets of the City in a Cart, and had his Flesh torn off with Pincers; and afterwards, on the 17th of *April* 1587. he was carried to the Market-Place, and broke upon the Wheel. But this terrible Spectacle availed nothing; for not long after there came an Account of Incursions made by another famous Robber named *Marco Sciarra*, born in *Abruzzo*, who, in imitation of King *Marcone* of *Calabria*, called himself King of *Campagna*: He had drawn together a Band of 600 Robbers under his Command; and by the Nearness of *Abruzzo* to the State of the Church, he kept a Correspondence with the Banditi of that State, and they mutually assisted one another. The Viceroy did not neglect to use proper Means for crushing them; in the first Place he solicited Pope *Sixtus V. Gregory's* Successor, that, by Virtue of the antient Agreement between the Holy See and the Kingdom, whereby it was allowed to pursue the Banditi in either of their Territories, and mutually to assist one another, he would grant him Leave to send Commissaries into the Ecclesiastical State for that End, without being obliged to ask Permission of any other Person; and on the 14th of *May* this Year 1588. *Sixtus* sent him a Brief, whereby he not only empowered the Viceroy himself,

himself, but likewise the Commissaries appointed by him, to enter the State of the Church, pursue and seize the Banditi and Delinquents for the Space of three Months, without asking Permission of any other Person¹. Besides this the Viceroy sent Commissaries with Detachments of the regular Troops to destroy them; but all these Expeditions and Cautions were in vain, for *Sciarra* used the Inhabitants of the Places where he resorted, so kindly and generously, that they faithfully gave him notice of the Ambushes laid for him by the Viceroy; and he was so much upon his Guard, that he always took up his Quarters in inaccessible Places, posted his Guards, planted Centinels, and distributed his Men in proper Places. By these Means he was become, in a manner, invincible, insomuch that in many Rencontres he came off so well, that his Loss was but small, and that of the Aggressors very great.

AT this Time Pope *Sixtus* V. who, by his extravagant and vain-glorious Actions, gave no small Ground of Jealousy, being, as *Thuanus*² describes him, of a clownish Nature, neither Prayers nor Submission were able to move him, but only Fear or Force; wherefore King *Philip* had given the Count of *Miranda* Instructions, by these last Means, to keep him in Awe. The Viceroy therefore taking this Occasion of pursuing the Banditi, under Colour of destroying *Sciarra*, assembled 4000 Horse and Foot, and this Year 1590. having given the Command of them to *D. Carlo Spinelli*, he sent him against *Sciarra*; but the Success proved quite contrary to what was expected, for in this Expedition *Spinelli* had near lost his Life: So that instead of *Sciarra's* being suppressed, he grew so bold, that without Opposition he pillaged *Serra Capriola*, *Vasto*, and the City of *Lucera*, where the Bishop was unluckily killed with a Musquet Shot, while he was standing at a Window of the Belfry, whither he had gone for Shelter. The Insolence of this Bandito was much heightened by the Correspondence he kept with the Banditi of the State of the Church, who, notwithstanding the Agreement betwixt *Sixtus* and the Viceroy, mutually assisted one another. To all this was added, the Protection given them by *Alfonso Piccolomini*, a Rebel to the Grand Duke of *Tuscany*, who having fled for Shelter to the State of *Venice*, was serving that Republick in the War against the *Uscoks*.

BUT new Incidents that happened soon after, deprived *Sciarra* of all these Supports. The Grand Duke of *Tuscany*, in order to get the *Venetians* to chase *Piccolomini* out of their Dominions, had proposed to them, and strenuously urged, that it would be much more for their Purpose to employ *Sciarra* against the *Uscoks*, than *Piccolomini*: but it happened, that what he could not obtain one way, succeeded another; for *Piccolomini*, upon a certain Occasion, having given too bold an Answer to the Chief Men of that Republick, was banished out of the *Venetian* Dominions; and having fallen into an Ambush laid for him by the Grand Duke, he was put to a cruel Death. The *Venetians* then invited *Sciarra*, in order to send him against the *Uscoks*, but he did not much like their Invitation. At last Pope *Sixtus* died, and was succeeded by *Clement* VIII. who being of the same Mind with our Viceroy, and wholly intent upon destroying the Banditi of the State of the Church, sent *Gianfrancesco Aldobrandini* against them.

ON the other Hand the Viceroy, not pleased with *Spinelli's* Conduct, recalled him from the Command of the Troops, and gave it, with absolute Power, to *D. Adriano Acquaviva*, Count of *Conversano*, who, on *Palm-Sunday* 1592. marched out of *Naples* with fresh Troops; and that he might not be chargeable to the Towns and Villages, he took with him some Peasants that were well acquainted with the Country, and took care not to quarter in Places that were inhabited, which so endeared him to the People, that they all joined in concert with him to ruin the Banditi. So *Sciarra* being deprived of *Piccolomini's* Protection, and hemmed in not only by the Viceroy's Troops, but likewise by those of the Pope, at last resolved to embrace the Offer made him by the *Venetians*; so that having embarked with sixty of his Men in two Gallies belonging to the Republick, he arrived at *Venice*: Nevertheless those that remained, headed by *Luca*, *Sciarra's* Brother, did not give over plundering the Country; and *Sciarra* himself returned frequently from *Venice* to encourage them, till at last having come to *Marca* with some of his Gang, he was killed by one of his Associates, named *Battimello*, who, as a Reward for his Treachery, obtained from *Aldobrandini*, a Pardon for himself and thirteen of his Companions. Thus died *Sciarra*, who for the Space of seven Years together, had disturbed the State of the Church and the Kingdom. His Death put an End

¹ Chiocc. tom. 17. Var. de Convent. &c. super persecut. Bannit.

² Thuan. tom. 3. lib. 1.

to the Incursions of the Banditi, who were afterwards intirely rooted out by the Count of *Conversano*, who with great Honour returned to *Naples*, and was much esteemed and carested by the Viceroy. But though they were kept under for the present, yet some Years after they broke loose, and harrassed the Kingdom as much as ever it had been by *Sciarra* and *Mangone*. Heaven had reserved the Glory of quite extirpating them from among us, to D. *Gaspar de Haro*, Marquis *Del Carpio*, to whom, among many others, the Kingdom owes that inestimable Benefit.

NOT only these Incursions, but the continual pressing Demands that came from *Spain*, of Men and Money, lay heavy upon the Viceroy. The Expedition, in which King *Philip* had engaged himself, against *England* and *France*, compleated the impoverishing of our Kingdom, by the great Charges and Donatives it was obliged to furnish. Our Kingdom had likewise a Share in that great Armada unsuccessfully sent against *England*; there were built in our Arsenal four Galleasses, which the Count of *Miranda* sent to *Lisbon* to join that Armada, which in 1588. being dispersed by a Storm, and swallowed up by the Sea, ruined *Spain*, and brought all her Designs and ill-contrived Projects to nothing. In 1593. the *French* having invaded *Savoy*, the Count sent from our Kingdom 4500 Foot, under the Command of the Prior of *Hungary*, to be employed against the *French* in that Dutchy. In order therefore, to contribute towards the Charges of so many Expeditions during the nine Years of his Government, in the Years 1586, 1588, 1591, 1593, and 1595, five Donatives, each of them of 1,200,000 Ducats, were given by our Kingdom¹.

THE Expedition to *England*, and the Succour sent to *Savoy* against the *French*, were not the only Things that put the Viceroy to much Pain at this Time, but there being Advice that a strong Fleet was fitting out at *Constantinople*, put the Kingdom in great Fear and Consternation; in order to prevent the Mischiefs, the vigilant Viceroy caused immediately to be provided with Men and Ammunition the Places of the Kingdom most exposed, and particularly the Castles of *Brindisi*, *Otranto*, *Taranto*, and *Gallipoli*: He likewise raised the Horse and Foot Militia, and sent some Frigats to Sea, to observe the Enemy's Motions. And indeed these Precautions, though expensive, turned to Account; for in the Year 1593. the *Turks* having in vain attempted to make a Descent in *Sicily*, they came before *Catona*, a Place in *Calabria* near *Reggio*, whither *Spinelli*, then made Captain-General by the Viceroy, marching in all haste, they thought fit to retire with a small Booty; but having returned on the 2d of *September* with 100 Sail, they anchored in *S. John's Bay*, and pillaged *Reggio* and fourteen Villages in the Neighbourhood: Then they sailed towards *Otranto* and *Gallipoli*, but finding these Coasts well guarded, they retired to *Velona*.

BUT notwithstanding all these anxious Cares and toilsome Concerns, the Viceroy did not neglect, in imitation of his Predecessors, to improve both the City and Kingdom. To him we owe that majestick Plain before the Royal Palace, which serves not only for a Parade, but makes a noble Amphitheatre for Bull Feasts, Tournaments and other publick Shews. To him we owe the Road that leads from *Naples* to *Puglia*, which he caused to be levelled for the Benefit of Travellers. To him is owing the Inlargement of the stately Bridge of *Magdalena* upon the River *Sebeto*; and the Reparation of that which leads from the Root of *Monte d'Eschia* to *Castello dell' Uovo*. To his Generosity is likewise owing the Frontispiece of the Church of *S. Paul* belonging to the *Theatins*, where formerly stood a Temple dedicated to *Castor* and *Pollux*, by restoring it to the same Form it had before it was thrown down by the Earthquake that happened on the 5th of *June* 1588. And to his Piety is owing the Reparation of the Tombs and Sepulchres of the *Arragonian* Kings in the Vestry of the Church of *S. Dominick*, which he made to be covered with Cloth of Gold, and put in the same Place under rich Canopies. In fine, to prevent the Mischiefs that had frequently happened by Fire, he caused to be built in an uninhabited Place without the Gate *Capuana*, a stately Fabrick for the Manufacture of Gunpowder.

HIS Government lasted nine Years, in which he published about fifty Pragmatics, whereby may be seen how much he had at Heart Justice, the Uprightness of Magistrates, and the equal Distribution of Offices according to Merit. He removed many Abuses introduced into the Tribunals of the Vicariate and the *S. C.* and he made many Regulations for the Dispatch of Law-Suits, and sundry Provisions con-

¹ Annotazioni del Costo supra il Compendio del Collenuccio.

cerning the Price of Corn and other Necessaries of Life, which may be seen in the Chronology prefixed to the first Tome of our Statutes. He set out from *Naples* on the 25th of *November* 1595. accompanied with the Blessings of the People, and, as a Pledge of his Love, left there D. *Juana Pacheco* his Grand-Daughter, married to *Matteo di Capua*, Prince of *Conca*, and High-Admiral of the Kingdom.



C H A P. VI.

*The Government of D. Enrique de Guzman, Count of Olivares ;
his Virtues, and the Laws he left us.*



THE Count of *Olivares* was one of the most wise and prudent Ministers that *Spain* had in these Times, and by his great Skill and Facility in dispatching the political and most weighty Affairs of the Monarchy, he acquired amongst the *Spaniards* the Surname of *Gran Papelista* *. For which Cause he was employed by King *Philip II.* a very good Judge of the Abilities of Men, in the Offices of greatest Trust ; having sent him his Ambassador, in very ticklish Times, to Pope *Sixtus V.* with whom, by reason of the extravagant and odd Humour of this Pope, for the Space of twelve Years he had many very troublesome and difficult Matters to transact. In the Time of this Embassy he had born to him D. *Gaspar de Guzman*, afterwards called the Count Duke, who in the Reign of *Philip IV.* had the Direction of the Monarchy for the Space of Twenty-two Years, with the Title of Prime Minister. From *Rome* he was sent to govern *Sicily*, and from thence to succeed the Count of *Miranda* in the Government of *Naples*. He arrived at *Pozzuolo* in the Month of *November* this Year 1595. and after he had stayed some Days there, he made his Entry into *Naples*, and was received with great Acclamations, and the usual Ceremonies of a Bridge, Syndick, and Cavalcade.

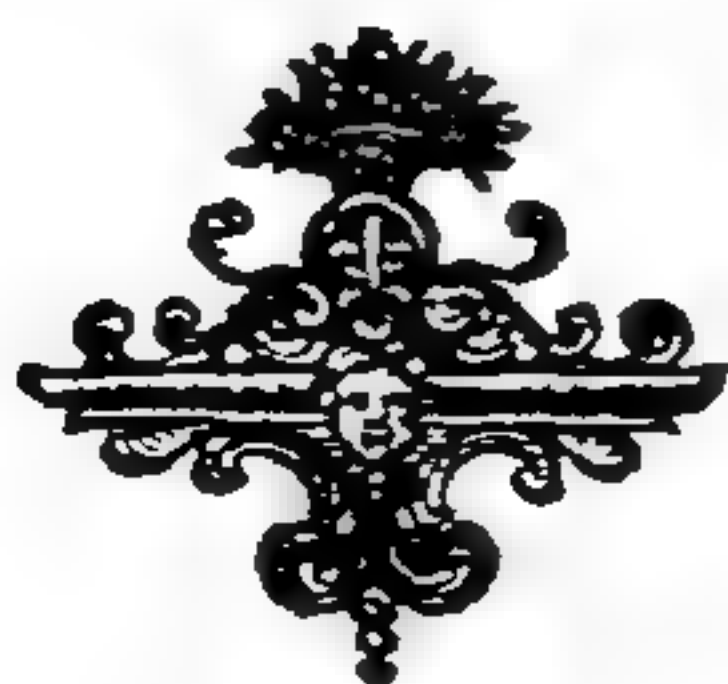
* A *Spanish* Term for a Man that is always busy among Papers or Writings.

IT was not long before it was perceived, that he was of a serious and severe Disposition, and an Enemy to Diversions: He did not much like that the Nobility should pay their Court to him at his Levee. He banished Dancing, Comedies, and Feasts, usually given by his Predecessors in the Palace. His chief Study was to give Audience at all Hours ; carefully to see that Justice was duly and rigorously administered ; and what distinguished him above all others, was the great Care he took about the Oeconomy of the Government, a Thing not much minded by the *Spaniards*, nay always quite neglected by them.

FOR this End he published many Edicts, whereby he reformed many Abuses, and particularly the Vanity of Titles, which both in writing and speaking many arrogated to themselves, and the immoderate Luxury in Womens Cloaths. To his own severe Temper, he added that of *Lodovico Acerbo*, a Lawyer, and a *Genoese* by Birth, whom he made Regent of the Vicariate, who was a just Revenger, not only of heinous but of slight Offences ; by which means he extirpated Robbers and Gamesters, and made the Country easy. He took care to keep Plenty in the City and Kingdom ; and for that End he caused to be built that spacious Granary, which still remains, for laying up Provision of all Sort of Corn that comes by Sea, for the Use of the Publick : And having accomplished these two most important Works, he applied himself to the beautifying of the City, under the Direction of *Dominico Fontana*, a famous Architect in these Times. He caused the Street which leads from the great to the little Mole to be levelled, and erected a Fountain there ; he began

that other Street which leads from the Wine Key to the Fish-Stone, and which was afterwards finished by the Count of *Lemos* his Successor. He caused to be levelled, enlarged, and made in a straight Line, the Street that leads from the Convent of the Trinity to *S. Lucia*, and from his own Surname called it *Via Gusmana*. He finished the large Edifice of the Royal Custom-House of *Naples*; and besides his many other magnificent Works which adorned the City, he beautified the Tombs of *Charles I. of Anjou*, and *Charles Martel*, King of *Hungary*, and put them into that stately Form as we now see them above the Door of the Cathedral Church of *Naples*.

BUT the Death of King *Philip II.* which happened on the 13th of *September* 1598. (of which afterwards) whose Obsequies he celebrated in a most pompous Manner in *January* 1599. shortened his Government; for not being in so great Favour with *Philip III.* as he had been with his Father, it gave his Enemies Opportunity to complain of him to the new King, upon an Occasion which we shall relate. By the failing that had happened of several Bankers, many People who had Money in their Hands having sustained great Losses, one *Saluzzo*, a *Genoese* Merchant, proposed to the Viceroy the setting up a general Bank in *Naples*, where every Body, both of the City and Kingdom, might lodge their Money; the Deputies of the City opposed it, alledging, that there being many Banks for pious Uses, and managed with the utmost Fidelity, in which Money might be safely lodged, it was not reasonable to force the Citizens, against their Inclinations, to trust their Money in the Hands of Strangers. But the Viceroy, judging that the Expedient would prove very advantageous to the Publick; and taking the Opposition of the Deputies to be done out of Envy to his Glory, he caused the Prince of *Caserta*, *Alfonso di Gennaro*, and *Ottavio Sanfelice* to be imprisoned, as those who were looked upon to be of greatest Weight among the Deputies. The *Seggi* of *Capuana*, *Porto*, and *Montagna* being offended thereat, after having elected other Noblemen to fill up the Places of the Prisoners, sent secretly to the Court of *Madrid* *Ottavio Tuttavilla*, in order to represent to the King the Violence used by the Viceroy in trampling under Foot the Rights of the City, in the Persons of the Deputies. The Viceroy being informed that every Thing was done by the Advice of *D. Fabrizio di Sangro*, Duke of *Vietri*, who was then Register of Accounts, he caused him to be put in Prison, under pretence of Accusations given in against him by *Giovan-Antonio Carbone*, Marquis of *Padula*, the Duke's Enemy. The Imprisonment of the Duke of *Vietri* gave fresh Occasion of Complaint against the Viceroy, and encouraged *Tuttavilla* the more to exclaim against him to the King, and in the blackest manner to describe the Rigour and Violence practised by him against the Nobility and his Majesty's faithful Subjects, for satisfying his own Revenge, contrary to Justice. The King therefore, being a Stranger to the Government of his Kingdoms, resolved to remove him, and appointed the Count of *Lemos* to be his Successor, who coming unawares to *Naples*, *Olivares* was immediately forced to leave it, and retire to the Palace of the Duke of *Nocera*, from whence on the 19th of *July* 1599. he set out for *Spain*. It was believed, that his Government would have been much longer had not the Death of King *Philip II.* happened; for never was there a more just, a more prudent Man, or one of more indefatigable Application than the Count of *Olivares*. During the four Years of his Government he put forth about Thirty-two Pragmaticks, all of them useful and well digested, which may be seen in the often mentioned Chronology prefixed to the first Tome of our Statutes.





C H A P. VII.

The Death of King Philip II. and his last Will.

IN the mean time King *Philip*, now full of Years, and labouring under many and different Infirmities, perceiving that his Days were drawing near to an End, began to think seriously upon Death, and to provide, as far as human Wisdom can reach, against the Misfortunes that might happen after his Death. *D. Diego* was already dead, and there was none left to succeed him in so vast a Monarchy but *Philip*, a Youth, and whom he well knew to be unfit, not only for the Mangement of the Affairs of State, but likewise for carrying on a War. Therefore he was eagerly bent upon clapping up a Peace with *Henry IV.* King of *France*, that upon his Death, his Son might not, in the Beginning of his Reign, be engaged in a War with so invincible and powerful a Prince: This Peace was concluded at *Vervins* on the 2d of *May* this Year 1598. the Instrument of which is inserted by *Lionard* in his Collection¹; whereupon, in the Month of *June* the same Year, in imitation of *Charles V.* his Father, he began to prepare himself for the next World, and to lay aside the Cares of Government; and finding himself much weakened by the continual Pains of the Gout, though the Physicians were against it, he by all means would be carried to the Monastery of *S. Laurence* belonging to the *Escurial*, six Leagues distant from *Madrid*. When he arrived at that Monastery, the Pains of the Gout increased both in his Hands and Feet; besides these he had a painful Swelling in his right Knee, which being laid open, though it eased the Pain, yet his Life was despaired of; nay, soon after, other four Tumours rose upon his Breast, which being likewise laid open, so filthy a Humour diffused itself over all his Body, that it turned into so great a Swarm of Lice, that four Men being continually employed, they were scarcely able to clear him of so much Filthiness: To all which were added a Hectick Fever, many Ulcers upon his Hands and Feet, a Dysentery, a Tenesmus, and in fine a Dropsy; and the Swarms of Lice still continued, which was not only a miserable Sight, but an evident Proof of the Vanity of all worldly Things. Nevertheless, in this pitiful and sad Condition, he shewed the greatest Constancy and Resolution, till being seized with a Paroxysm, he took the *Viaticum*, and prepared himself for the last Offices; therefore, before he breathed his last, he sent for Prince *Philip*, and *Clara Eugenia Isabella*, his beloved Daughter, and from the Hands of the Archbishop of *Tiedo*, in Presence of them, and of the Grandees of his Court, he took the Penance, which is a Sort of Consecration, that for a long time has been used in *Spain* among the Princes and Grandees, different from the extreme Unction, and mentioned by *S. Isidore* in the Chronicle prefixed to the Laws of the *Westrogoths*. Then turning towards *Philip*, he warmly recommended his Sister *Isabel* to him, and gave him some Instructions, which during the Course of his Life he had written, and preserved, in order to give them to him at his Death. He himself prescribed the manner of his Funeral; and the Agony increasing, he blessed and took Leave of his Children, and at last on the 13th of *September* 1598. he expired in the 72d Year of his Age, after he had reigned Forty-four Years.

KING *Philip* was of a short Stature, yet handsome, of a grave, but pleasant Countenance; had well proportioned Members, and fair Hair. He was a Man of

¹ *Lionard.* tom. 3. in fin.

a high Spirit, and sagacious; impatient of Rest; wary in transacting Affairs, and ready to take Advantage of other Peoples Calamities, by which means he not only preserved, but increased what his Father had left him: Fortune sometimes smiled, and sometimes frowned-upon him: It was found that he had made his Will in *Madrid* four Years before, in which, in the first Place, he ordered, that his Creditors should be faithfully paid; that the Damage suffered by private Persons, on account of the Chafes which he had reserved in the Woods, and the Inclosures he had made in other Places for that End, should be made up. He left many Portions to be distributed amongst poor Virgins of good Reputation; he left other Legacies for the Redemption of Christian Slaves from the *Turks*; he left many pious Legacies to sundry Churches, and ordered, that his Executors should sell his Moveables to answer them, and if they were not sufficient, to make up the rest out of the Imposts and Taxes of his Dominions.

HE recommended, that Respect and Reverence should be paid to the Church of *Rome*, ordering, that the Officers of the Inquisition, appointed for the Extirpation of the growing Sects, should be honoured and esteemed; and that if ever there should happen any Dispute about explaining this his Will, it should be referred to the Decision of the Lawyers and Divines of known Skill.

HE ordered, that all his Royal Patrimony, with the Rights, Privileges, and Revenues of his Kingdoms, States, and Cities should be carefully preserved, and not alienated, pledged, or divided, but all to be preserved to his Heir, that he might be able, with the greater Vigour, to preserve the Grandeur of his Empire and the Catholick Religion.

LIKEWISE, that the Kingdom of *Portugal*, lately fallen to him by lawful Succession, with all the Islands in the *Atlantick* Sea, and in the East belonging to it, should continue united to the Kingdom of *Castile*, so as that at no Time, nor upon any Account, it may be separated from it.

THEN he appointed his most beloved Son *Philip*, his universal Heir to the Kingdoms of *Castile*, *Arragon*, *Portugal* and *Navar*. Under the Kingdom of *Castile* are comprehended the Kingdoms of *Leon*, *Toledo*, *Galicia*, *Seville*, *Granada*, *Cordova*, *Murcia*, *Jaen*, *Algarve* and *Cadiz*; the Canary Islands, the *Indies*, the Islands and Continent in the Ocean, the North and South Seas: Those that are already discovered, and those that shall hereafter be discovered.

UNDER the Kingdom of *Arragon* are comprehended the Kingdoms of *Valentia*, *Catalonia*, *Naples*, *Sicily*, *Sardinia*, *Majorca* and *Minorca*.

UNDER the Kingdom of *Portugal* are comprehended *Algarve*, the Countries and Cities in *Africa*, the Islands and other Countries in the *East-Indies*.

HE likewise appointed *Philip* Heir to the Dutchy of *Milan*, and the Dominions belonging to *Burgundy*, repeating the Clause, that all these Kingdoms and Dominions are left to his eldest Son and Heir, nor are they, upon any account, to be separated, divided or pledged, excepting when it shall be done by a solemn Act of the Cortez of the Kingdom, according to the Form prescribed by King *John II.* in *Valladolid* in the Year 1442. and afterwards confirmed by King *Ferdinand* and *Isabella*, and lastly by the Emperor *Charles V.* his Father, likewise in *Valladolid* in 1523.

AND if *Philip* should happen to die without Children, he appointed *Isabella* his Daughter to succeed, and if she should likewise die without Issue, he appointed *Catbarina* and her Children in the same Order; upon Failure of all which, he appointed *Maria Augusta*, his Sister, and her Children; in the same Order: And lastly, upon Failure of these, he appointed him, who by the Laws should be called to the Succession, provided he be a true Catholick, not stained with Heresy, or suspected of it¹.

FROM the Union of these Kingdoms he excepted the Dominions of *Burgundy*, under which are comprehended the Principalities of *Luxemburg* and *Limburg*, *Namur*, *Artois*, *Hainault*, *Flanders*, *Brabant*, *Mecblin*, *Zealand*, *Holland*, *Friseland* and *Guelderland*, which he had appointed to be the Infanta his Daughter's Portion. Lastly, in order to prevent the Dangers of an Inter-reign under Tutors and Regents, he renewed the Law, whereby the succeeding Prince is to be reputed of Age at the Years of fourteen, and can take the Government upon himself.

¹ Thuan. lib. 120. Hist. rom. 3. p. 830.

TWO Years after, being in the Monastery of *S. Laurence*, he added a Codicil, in which, confirming the former Will, among other Things he recommended, that his Rights to the Kingdom of *Navar*, and to *Final*, which he had lately got Possession of in the *Genoese* Territories, should be nicely revised by Men of Probity and Skill, and if they were found not altogether sufficient, for the Quiet of his Soul, they should be amended. In the same Codicil, *Gregoria Maximiliana*, the Daughter of *Charles* Archduke of *Austria* was appointed to be *Philip's* Wife; but in case she should happen to die before the Consummation of the Marriage, he was to marry her Sister *Margaret*. The Infanta *Isabella* was likewise appointed to be the Wife of *Albert* of *Austria*, and to have *Flanders* for her Portion.

PRESIDENT *Thuanus* says^a, that besides this Codicil, it was said, that he likewise left some private Directions and Memorandums, drawn up with many Notes, which, in the same Codicil, he ordered to be burnt after his Death. Amongst other Things he therein ingenuously confessed, that he had to little Purpose spent many Millions, and had reaped no other Advantage but the Kingdom of *Portugal* only, which he judged might be as easily lost, as the Hopes of conquering the Kingdom of *France* had been; therefore he advised his Son, in the first Place, to have a watchful Eye over the Interests of the neighbouring Kingdoms, and to take his Measures according to their Revolutions: In order to govern *Spain* aright, to be very careful of two Things, of the Civil Administration, by gaining the Affection of the Nobility and the Ecclesiastical State, and of the Navigation of the *Indies*; to endeavour to keep in Friendship with the neighbouring Princes, and not to trust the distant. He enjoined him, above all Things, to cultivate a strict Friendship with the *Roman* Pontiffs, and to pay them Respect, and, upon all Occasions, to shew a Readiness to assist them; to gain the Love of the Cardinals residing in *Rome*, that by their Means he might acquire Interest in the Consistory and Conclave; to win likewise the Favour of the Bishops of *Germany*, and to take care that the Pensions allowed them should not go through the Hands of the Emperor, or his Ministers, as formerly, but that they be paid them by his own Ministers: Lastly, he advised him to recall *Antonio Perez* from *France*, whither he was banished, and to order him to retire to *Italy*, upon Condition however, that he should not set his Foot in *Spain* or *Flanders*.

THUS did *Philip* dispose of his Dominions and order his other Affairs, and being now dead, his Body was buried with little Pomp in the Church of *S. Laurence*, close by the Corpse of Queen *Anne* his last Wife, as he had ordered. And the same Day King *Philip*, whom henceforth we shall call III. wrote to the Pope, with great Grief and Respect, advising him of the Death of the King his Father, and begging to be comforted by him in his so great Affliction; and two Days after he and his Sister went to *Madrid*, where there was great Preparation making for celebrating the Obsequies with great Pomp and Magnificence. The Mausoleum was erected in the Convent of *S. Hierom* on the Feast of *S. Luke*; and the King, with his Sister, the Ambassadors of the Pope, the Emperor, and of the Senate of *Venice*, the Military Orders, the Presidents of the Councils of *Castile*, of *Arragon*, of the Inquisition, of *Italy*, of the *Indies*, and other Lords and Grandees, assisted at this mournful Solemnity.

THE sad News of his Death was brought to *Naples* in the Beginning of *October* this Year 1598. and King *Philip* III. did not fail to write to the Magistrates of that City, advising them, that it had pleased God to call his Father to himself, and therefore he expected, that, with their wonted Fidelity, they would do whatever was for the Good of his Service, and obey the Count of *Olivares*, whom he had confirmed his Viceroy and Supreme Minister, as he had been hitherto his Father's. Whereupon the Barons, and the greatest Part of the Nobility and Officers, on the 11th of the same Month of *October*, met in the Royal Palace, from whence, on Horseback, they accompanied the Viceroy, and with the usual Ceremonies and Solemnities, the new King was proclaimed over all the City, and especially in the five *Seggi* of the Nobles, and that of the People. The next Day the whole City appeared in Mourning, and the Viceroy gave Orders for sumptuous Obsequies. The Mausoleum was erected in the Cathedral Church, where the Funeral Ceremonies were to be celebrated with Royal Pomp, and becoming so great a Prince. The last Day of *January* 1599.

^a Thuan. lib. 52. Hist. tom. 3. pag. 831.

was appointed for this great Solemnity, on the Evening of which it began, and ended the next Morning, with so great Magnificence and Pomp, that the like had never been seen before in *Naples*; the Viceroy intrusted the Care and Contrivance of the Devices and Ornaments, as well of the Mausoleum, as of the Church, to *Ottavio Caputi* of *Cosenza*, who, besides having performed the Charge committed to him, afterwards published a Volume, wherein are minutely described these pompous Obsequies, and the Devices and Decorations thereof, contrived by the *Virtuosi* of *Naples*, and especially the Jesuits, to which Order Learning was then in a manner confined.

KING *Philip II.* as well as his Lieutenants, by whom he governed this Kingdom, left us many useful and wholesome Laws, which, during the Forty-four Years of his Reign, according to the various Occasions, he sent directly from *Spain*, and which may be seen in the Chronology prefixed to the first Tome of our Statutes.



C H A P. VIII.

The Polity of our Churches during the Reign of King Philip II. and to the End of the Sixteenth Century.



FROM the preceding Book of this History may be seen, how strenuously the *Roman* Pontiffs endeavoured to make good their Pretensions upon this Kingdom. The Council of *Trent* strengthened their Power still more; but that not being thought sufficient, in order to radicate it the more, they thought fit to publish that terrible Bull *In Cœna Domini*: They did their utmost to suppress the *Exequatur Regium*, and to make other Incroachments.

S E C T. I.

Of the Reformation of Gratian's Decree, and of the other Decretal Collections.

BUT as *Gregory XIII.* being born for great Undertakings, had thought fit to shew his Power in the Reformation of the *Kalendar*, so he would likewise have the Glory of completing the Reformation of *Gratian's Decree*. *Antonius Democarus*, and *Antonius Contius*, two famous *French* Lawyers, had before, without any Authority, begun to make a Catalogue of fundry Errors they found in *Gratian's Decree*, with a Design to reform it¹. But there being greater Diligence, and the Labour of more than two required, as soon as the Council of *Trent* was over, *Pius V.* pitched upon some Cardinals, and several Doctors, for undertaking that Work, and afterwards *Pius V.* added other two². But this Work was not completed till the Pontificate of *Gregory XIII.* who, while the *Roman* Reformers were all intent upon the Reformation, pushed them on to that Degree, that in the Year 1580. the Reformation was finished; whereupon he published his Bull³, whereby he approved of the Reformation, and ordered, that nothing should be added to it, altered in it, or taken from it.

¹ Baluz. Præf. ad Ant. Aug. §. 29.

² V. Ant. Aug. de Emend. Grat. l. i. dial. i. |

³ Bulla Greg. Præmissa Corp. Jur. Can.

BUT as the Reformation of the Kalendar was not thought sufficient, and therefore was rejected by some, so that of *Gratian's* Decree was not looked upon to be so exact, but some discovered other Errors, and found Fault with the Reformers for their Carelessness; among the rest *Antonius Augustinus*, Bishop of *Tarragona*, was one, who left us many of his Works, but the most learned of them all, was that upon the Reformation of *Gratian's* Decree, and *Stephanus Baluzius* was another.

IN the Pontificate of *Gregory*, the Decretals were likewise reformed, and restored according to the antient Collections, and the Pontifical Registers; so that more correct Editions were published, amongst which that of *Petrus Piteus*, and *Franciscus* his Brother, is the best. From these Registers were afterwards compiled those five Volumes which contain the whole Pontifical Constitutions, under the Title of *Bullarium Romanum*¹. And to this Pope is likewise owing that famous Collection of the *Tractatus Legales*, which take up many Volumes.

ABOUT the End of this Century *Petrus Matthæus*, a Lawyer of *Lyons*, without any Authority, observing the same Number of Books, and the same Order of Titles with the *Gregoriana*, made another Collection of the different Pontifical Constitutions, established after the *Sixth*, the *Clementine*, and the *Extravagant* now printed, and called it *Septimus Decretalium*, and dedicated it to Cardinal *Gaetano*, which, though it was not approved of, we find in the last Editions added to the Antient.

BUT *Gregory* seeing that this *seventh* Book wanted publick Authority, resolved to have a *seventh* Book of Decretals collected by his own Authority, and committed the Charge of that Work to the Cardinals *Fulvio Orsino*, *Francesco Alciato*, and *Antonio Caraffa*; but soon after, Death put a Stop to his Designs: So that *Gregory* being dead, *Sixtus V.* his Successor, charged the Cardinals *Pinello*, *Aldobrandino*, *Matteo Colonna*, and many others with that Work², who could not finish it during *Sixtus's* Life; but the same Cardinal *Aldobrandino* being afterwards elected Pope, by the Name of *Clement VIII.* insisted upon having the Work compleated; and there being a Question started, whether they ought to insert in it the Canons of the Councils of *Florence* and *Trent* concerning Doctrine, it was thought fit to insert them: So that this *seventh* Volume was finished the 25th of *July 1598.* containing the Pontifical Constitutions and Decrees of Councils for 300 Years back, divided into five Books, and disposed under many Titles. But because in this Collection there had been many Decrees of the Council of *Trent* inserted, and it being already in the Press, under the Title of *Septimus Liber Decretalium Clementis VIII.* a great Doubt arose, which at last stopt the Publication of it; because if this Volume had been published, some Doctors and Interpreters would have been apt to make Glosses and Comments upon it, notwithstanding the severe Censures fulminated by *Pius V.* against those that should dare to gloss, or otherwise interpret the Canons and Decrees of that Council: So that by suppressing the Publication of this Volume, the Doctors were prevented from falling under those Censures, and it remains in profound Obscurity³.

¹ V. Struv. Hist. Jur. Can. cap. 7. §. 32.² Idem, loc. cit.³ Idem, loc. cit.

S E C T. II.

Of Monks and Temporalities.

IT is truly surprizing to find, about the End of this, and the Beginning of the following Century, how much the Riches of the Monks had increased, and how great the Devotion of the People has been, and particularly of the *Neapolitans*, in squandering away their Goods and Estates to enrich them still more, and in erecting new Churches and Monasteries; no Will was made but they had Legacies left them, or other Dispositions were made in their Favour. To this was added the Piety of the *Spaniards*, who, besides enriching the old, got new Religious Orders to be introduced into the City and Kingdom. The *bare-footed Carmelites*, instituted by *S. Theresa*, who made that Reform in the Convent of *Avila* in *Castile*, were kindly entertained, not only by the *Spaniards*, but by the *Neapolitans*; and they were so much

much taken with them, that a Monk of this Order, named *Fr. Pedro*, a Native of *Spain*, by the Sermons he preached in the Church of the *Annunciation* of *Naples*, received of Alms from the *Neapolitans* and others, the Sum of 14,285 Ducats, with which he bought the Palace and Gardens of the Duke of *Nocera*, which we now see transformed into their stately Monastery, and a magnificent Church called the *Mother of God* ¹. They afterwards spread themselves over all the Kingdom, and in 1630. were admitted into *Bari* ², in which Province they made wonderful Progress.

SHORT time after, in the Beginning of the new Century, five bare-footed Carmelite Nuns came to us from *Genoa*, who being kindly entertained both by the *Spaniards* and the *Neapolitans*, gathered a vast Sum of Money in Alms, with which they bought the Palace of the Prince of *Tarsia*, and gave 16,000 Ducats for it, which they converted into a very large Monastery, and a Church named *S. Joseph* ³. These likewise spread themselves over all the Kingdom; and these Monks and Nuns being much caressed and esteemed by our *Spanish* Viceroys, increased in Riches, and likewise joyning their Industry in obtaining Legacies and Lands, which, though contrary to their Institution, by Explanations and Apostolical Dispensations, they were capacitated to acquire, they have extended their Acquisitions to that Pitch of Greatness which all the World now sees.

THE *Brothers of Charity*, instituted by *S. Juan de Dios* (*S. John of God*) a *Portuguese*, were likewise favourably received and caressed among us. They came to us from *Rome*, at the Request of the *Spaniards*, and arrived in *Naples* in the Year 1575. being at first appointed to have the Overseeing of the Hospital of *S. Maria della Vittoria*; but there arising some Differences between them and those of the Hospital, in 1585. they were forced to leave it, and the antient Monastery and Church of *S. Maria d'Agnone*, in the Ward *Capuana*, was given them for a Habitation; and in 1587. with the Help of the *Neapolitans*, they bought the Palace of the Family of *Caracciolo*, with some adjacent Houses, where they built their Monastery, with their Hospital and a Church, which they called *S. Maria della Pace* (of Peace) ⁴.

A NEW Order called *Of the Oratory of S. Filippo Neri*, made a wonderful Progress amongst us. This Order was founded in *Naples* in 1592. under the Pontificate of *Clement VIII.* while *Annibale di Capua* was Archbishop of *Naples*. The Fathers that came from *Rome* to found it, at first lived in the Hospital of the Incurables; but having bought the Palace of *Carlo Seripando*, overagainst the great Gate of the Archbishop's Palace, for 5500 Ducats, given them by several pious *Neapolitans*, they converted it into a Church, and went there to live; but it proving too narrow for the great Number of People that came to hear their Sermons, and the Alms daily increasing, they began, from the Foundation, to erect a new and magnificent Church, and to enlarge their Habitations ⁵. In process of Time, this Edifice became the most noble and sumptuous of all that ever had been built in *Naples*, and at present vies with the most stately and magnificent Palaces of Princes; and their Riches are grown to an amazing Greatness.

THE Order of the *Servants of the Virgin Mary*, met with a very kind Reception among us. They had been invited by the famous Poet *Giacomo Sannazaro* in the Year 1529. to serve in a little Church he had built in *Mergellina*, by the Name of *S. Maria del Porto* and *S. Nazario*, which he endowed with a yearly Income of 600 Ducats for maintaining eight Priests of this Order, who were to perform the Divine Offices. But *Giancamillo Mormile*, the Poet's Heir, afterwards enlarged the Church; and *Eugenio* ⁶ writes, that in his Time there were 30 Monks of this Order belonging to that Church.

BUT in 1585. one of these Monks, a *Neapolitan*, named *Fr. Agostino de Julis*, having rented a Piece of Ground belonging to *Ugo Fonseca*, with the Alms of the *Neapolitans*, built a new Church for this Order in *Naples*, and called it *Maria Mater Dei*; then *Giambattista Mirto*, likewise a Monk of this Order, taken with the Pleasantry of the Situation, enlarged not only the Church but the Convent, by building more commodious Habitations, which are still remaining ⁷.

¹ Eugen. Nap. Sacra, pag. 602.

² Beatil. Ist. di Bari, lib. ult. in fin.

³ Eugen. loc. cit. pag. 195.

⁴ Idem, Nap. Sac. pag. 142.

⁵ Idem, Nap. Sac. pag. 127.

⁶ Idem, Nap. Sac. pag. 663.

⁷ Idem, loc. cit. pag. 663.

AT this Time the *Camaldoni* made a great Progress among us, by the Bounty of *Giambattista Crispo*. He had a rich Farm near an antient Church called *Salvatore a Prospetto*, because it was situate upon a high Hill, from whence may be seen the *Tyrrhenian Sea*, with the Islands as far as *Gaeta*, and almost all *Terra di Lavoro*: He, in order to have these Monks near him, obtained an Apostolical Brief, that this Church should be given to the said Fathers, to whom he likewise gave the greatest Part of his Farm; and in 1585. at his own Charges laid the Foundation of the Hermitage. In Emulation of *Crispo*, *Carlo Caracciolo*, for carrying on the said Fabrick, gave them a great Sum of Money; and D. *Giovanni d'Avalos*, Brother to the Marquis of *Pescara*, in his Will left them a Legacy of 500 Ducats yearly, for building a new Church, to be called *S. Maria Scala Cæli*. The Marquis of *Pescara*, who was Heir to his Brother, made an Exchange, and in lieu of this Legacy, gave them 10,000 Ducats, with which they enlarged the Hermitage, and built the new Church ¹.

AT this Time the *Capuchins* likewise drew the Devotion of the *Neapolitans* to them; for in the Year 1530. *Vincenzo Caraffa*, the Archbishop, and the Elects of the City gave them the Church of *S. Ephraim*; they had been brought to *Naples* by *Fr. Lodovico di Fossombruno*, a *Marcheggian*, though some will have him to be a *Calabrian* ².

BUT in the Year 1570. the Zeal of the *Neapolitans* for this Order being increased, some *Capuchins*, with the Alms they got from them, particularly from *Gianfrancesco di Sangro*, Duke of *Torre Maggiore*, and Prince of *S. Severo*, from *Adriana Caraffa* his Wife, and from *Fabrizio Brancaccio*, a famous Advocate in these Times, built a very large Convent, upon a Piece of Ground given them, with other adjacent Territories, by the same Prince; and they likewise built a Conventual Church, and gave it the Name of the *Conception* ³.

THERE were new Churches and large Monasteries built for the antient Orders; the *Dominicans*, with the Charity of the *Neapolitans*, allured by a miraculous Image of the Virgin *Mary*, found in that Place, laid the Foundation of that stupendous Church and magnificent Monastery *Della Sanita* (of Health) ⁴. There was another stately Monastery built for this Order, with a large Church called *Jesus Maria* ⁵. That of *S. Severus*, and many others. The *Carmelites*, the *Augustines*, and the reformed Hermits of *S. Augustine*, likewise built Monasteries and Churches. Even the *Minimes* of *S. Francis*, in 1587. built a new and large Convent, with a magnificent Church, and called it *S. Maria della Stella*. Not to mention the *Jesuits*, whose Acquisitions and Foundations of new Colleges, and professed Houses, were very great and numerous. In short, there never was seen so frequent Erections of new Churches and Monasteries, nor so great Profuseness in giving and leaving to the Churches and Monks, as in the End of this Century, and the Beginning of the following.

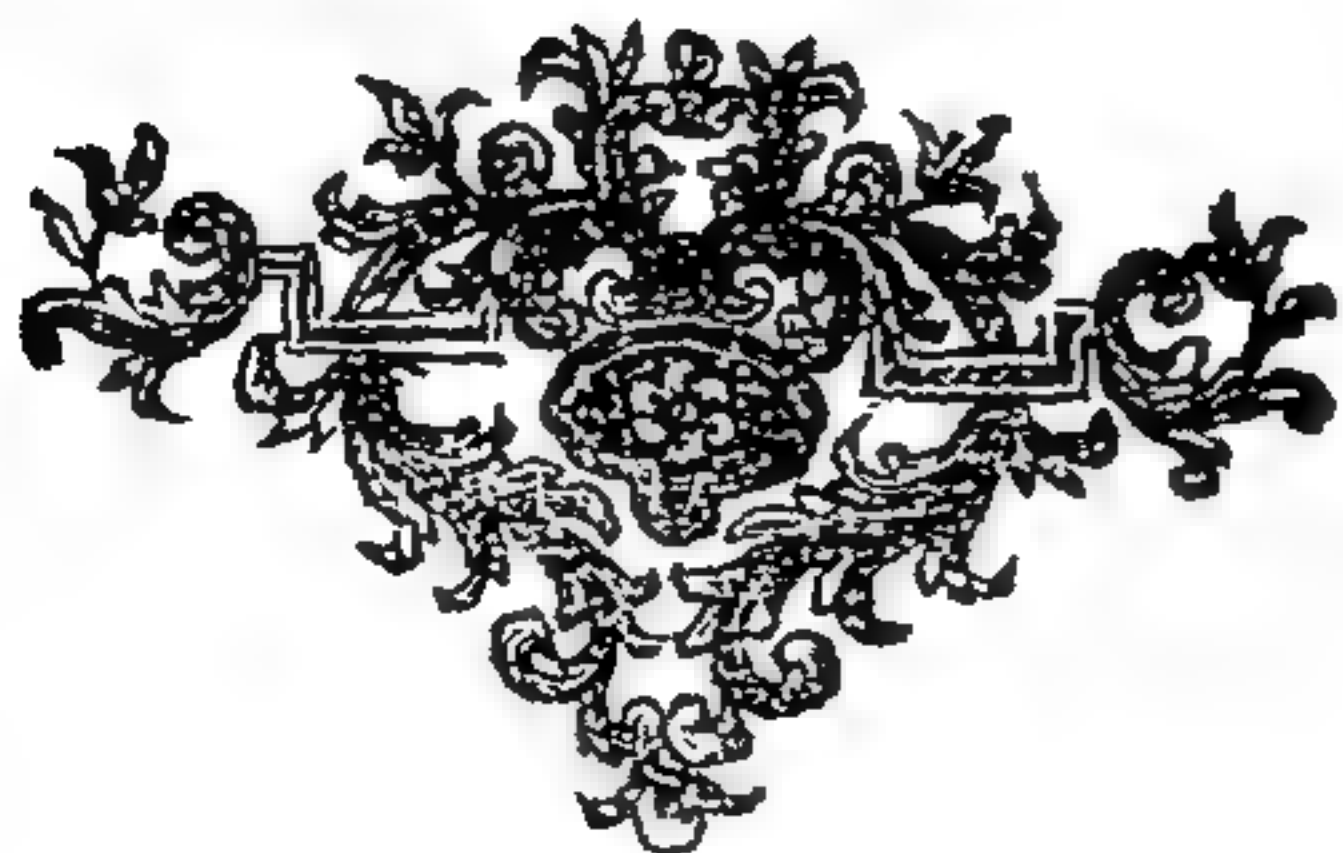
¹ Eng. pag. 644.

² Idem, fol. 601.

³ Idem, pag. 610.

⁴ Idem, fol. 595.

⁵ Idem, fol. 608.





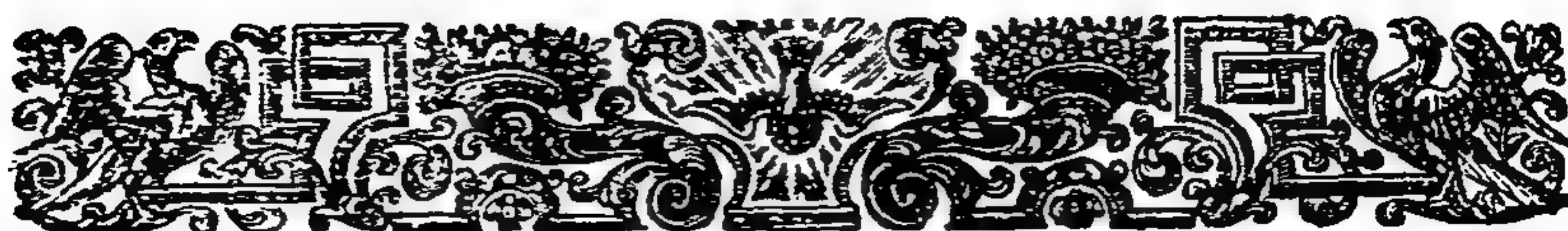
T H E
CIVIL HISTORY
Of the KINGDOM of
N A P L E S.

B O O K XXXV.



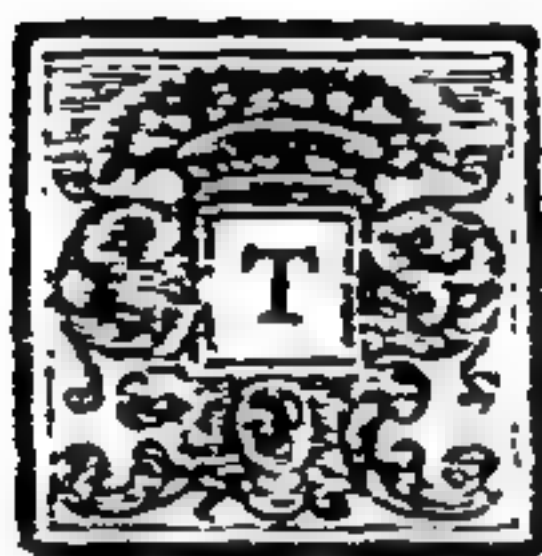
THE Reign of *Philip* III. in Comparison of those of his Father and Grandfather, was very short, and therefore, with respect to our Kingdom, void of great and signal Events. He succeeded to his Father at the Age of little more than Twenty-one Years, and, according to the Custom of his Predecessors, took the Investiture of the Kingdom from Pope *Clement* VIII. on the 9th of *September* 1599¹. He reigned Twenty-two Years and a half, and died in 1621. *Philip* his Father left him the Monarchy, though of immense Greatness, by the new Accession of the Kingdom of *Portugal*, yet very much drained of Men and Money. He was a Prince of singular Piety, but of no Application to Government; and being contented with the Royal Dignity, he left the Care of the State to his Counsellors, Favourites, and Ministers. During his Reign we had four Viceroys in *Naples*, the first of which was D. *Fernando Ruy de Castro*, Count of *Lemos*, of whom, and of the remarkable Things that happened during his Government, we shall now briefly discourse.

¹ Chiocc. MS. Giur. tom. 1. in fin.



C H A P. I.

Of D. Fernando Ruy de Castro, Count of Lemos; and of the Conspiracy hatched in Calabria, by the Means of Tommaso Campanella, a Dominican, and of other Calabrian Monks of the same Order.



THE Count of Olivares, for the Reasons related in the preceding Book, being removed, Philip III. appointed the Count of Lemos to be Viceroy in his Place, who having arrived in Naples the 16th of July 1599. with D. Catarina Zuniga his Wife, and D. Francesco de Castro, his second Son, began immediately (being of a noble and generous Spirit) to complete and beautify the publick Edifices, which his Predecessors had left unfinished. But he was soon diverted by a Conspiracy hatched in Calabria by Tommaso Campanella, which we are now going to relate.

THIS Campanella, on account of his wicked Life, and being suspected of Incredulity, after having suffered a long Imprisonment in Rome, had felt the Rigour of the Inquisition; and retracting his Errors, and seeming penitent, was set at Liberty, but he was ordered to retire to a small Convent in Stilo his native Town, and not to stir out of it. But being of a turbulent and restless Spirit, in revenge of the severe Usage he had met with in Rome, he began in that remote Corner to attempt Innovations. He persuaded the Monks of that Convent, that in the Year 1600. according to the Aspect of the Stars, of which he had great Knowledge, great Revolutions and Changes of State would happen, and especially in the Kingdom and Calabria; that therefore it was necessary to be prepared for them, and to persuade the People to rise up in Arms, because he had a Mind, during that Revolution, to change Calabria and the Kingdom into an excellent Republick, by shaking off the Yoke of the tyrannical Kings of Spain, and their Ministers, by crying out Liberty: And being a very pragmatical Fellow, he frequently in his Sermons said, that he was appointed by God for such an Undertaking, as was plain from the Prophecies of S. Bridget, the Abbots Giacobimo and Savonarola, and even from the Apocalypse, although it was obscure to others, yet he himself saw it very clear. That for that End he had chosen two Expedients, viz. the Tongue and Arms. With the Tongue to preach up Liberty against the Tyranny of Princes and Prelates, in order to encourage the People to shake off the Yoke, and that he would find many Monks that would be his Fellow-Labourers in that Work. As for Arms, it would be an easy Matter to draw in the Banditi and other Fugitives, and then to raise the Commonalty, break open the Prisons, burn all Processes; and thus, by setting every Body free, increase in Strength: Besides, he was sure to gain over many Noblemen and Prelates to this Undertaking by Land; and by Sea, he did not doubt but the Turk would be very ready to give him his Assistance.

HE began to instil these Notions into the People of Stilo, in the Year 1598. a little after the Death of Philip II. as he confessed in his Deposition; and that Province being then full of Fugitives, and the People oppressed with many Taxes, he not only drew in the Monks, but many of the Inhabitants of Stilo and the neighbouring Villages, who longed for nothing more than an Opportunity to make an Insurrection and Revolution.

HAVING

HAVING done this, he pitched upon *Fr. Dionizio Ponzio*, of his own Order, to go to *Catanzaro* and *Nicastro*, who, with great Vehemency preaching up the same Doctrine, enlarged upon the Facility of the Undertaking much more than *Campanella*: He said that *Campanella* was a Man sent by God, and therefore they ought to give Credit to what he said; that he was the most knowing and learned Man upon Earth, who having found out that great Revolutions and Changes were to happen in the Year 1600. therefore they ought not to let slip this fair Opportunity of making themselves a free People; that for this End many Preachers of different Orders, and among the rest the *Augustins*, *Franciscans*, and the *Dominicans* had resolved to demonstrate to the People, that the Kings of *Spain* were Tyrants, and had tyrannically usurped this Kingdom, and that therefore they were a cursed Generation; and that the People, in order to be able to pay so many Taxes and Contributions, were forced to lose both Soul and Body; that God had revealed to many Religious, that it was his Will to have the Kingdom relieved from such Slavery, and the Injustice of the King's Ministers, who sold human Blood for Money, and oppressed the Poor; so that they ought to concur in facilitating the Undertaking, and with their Friends, upon an appointed Day, at hearing *Liberty* proclaimed, to rise all up in Arms, it being concerted to put all the King's Officers to Death, break open the Prisons, set free the Prisoners, and in Token of Liberty to burn all Processes: And the Undertaking ought to seem the more easy to them, that many Cities of the Provinces were ready and prepared, and kept a Correspondence with some of the Nobility and Bishops, who were ready to deliver up their Castles to them, and were treating about being Masters of the Castle of *Cotrone* likewise.

AMONGST *Campanella's* most faithful and zealous Fellow-Labourers, besides *Ponzio*, he had likewise *Fr. Giovan-Battista* of *Pizzoli*, *Fr. Pietro* of *Stoli*, and *Fr. Dominico Petroli* of *Strignano*; and of the *Dominican* Convent of *Pizzoli*, more than 25 Monks of that Order had already made great Progress in assembling many Fugitives, and bringing over to their Party many other Religious and *Calabrians*; and the Defection had not only spread itself in that Province, but likewise in the Neighbouring.

ACCORDING to the Proofs which are to found in the Process of this Conspiracy (a Copy of which, in Manuscript, we have in our Possession) carried on by the Monks of different Orders, among the rest, of the *Augustins*, *Franciscans*, and *Dominicans*, there were more than 300 Preachers, who had the Charge of going about secretly to encourage and persuade the People to rise up in Arms. Among the Bishops that were privy to it, and secretly favoured the Undertaking, the Bishops of *Nicastro*, *Girace*, *Melito*, and *Oppido* are named. Some few *Neapolitan* Barons were likewise privy to it, but the Number of the Provincial Barons was very great, whose Names, out of Regard to their Families, which are still extant, we shall not mention here.

THESE Sermons (at least as *Campanella* and *Panzio* bragged) had gained over to them many Inhabitants of the Cities and Towns both of *Calabria* and the neighbouring Province. They reckoned up *Stilo*, with its Villages; both the Nobility and Commonalty of *Catanzaro*, *Squillace*, *Nicastro*, *Cerisfalco*, *Taverna*, *Tropeja*, *Reggio*, with its Villages; *S. Agata*, *Cosenza*, with its Villages; *Cassano*, *Castrovillari*, *Terranova*, and *Satriano*.

NOT only the Expedient of the *Tongue*, but that of *Arms* had made wonderful Progress. By Land, besides the Castles that had been promised, they had assembled 1800 Fugitives; and, on Account of the promised Indemnity, and imaginary Liberty, their Number was daily increasing: They promised to set at Liberty all the Monks from the Monasteries, to kill all the Priests and Monks that would not adhere to them, and to put all the Jesuits to the Sword. They designed to burn all the Books, and to make new Statutes; that *Stilo* should be the Capital of the Republick, and its Castle be called *Mons Pinguis*; and that *Fr. Tommaso Campanella* should be called the *Messias* to come, and he was already so named by some of the Conspirators. By Sea, *Campanella* kept Centries upon the Shore near *Guardavalle*, who, when any *Turkish* Vessels should pass, under pretence of redeeming some Slaves, were to go aboard and treat with the *Turks*, and to acquaint them with the designed Insurrection, that they might be ready to come and assist them in the Undertaking; besides, he sent *Maurizio di Rinaldo*, with eight of his Associates, aboard of the Gallies commanded by *Murath Rays*, who was then upon the Coast

of *Castelveterz*, in order to treat with the *Bassa Cicala* about the Assistance of his Fleet, offering him many Forts and Towns; and at last, in the Month of *June*, *Murat's* Gallies having appeared on the Coast of *S. Caterina* and *Guardavalle*, in order to conclude the Treaty, and settle the Measures they were to take, it was agreed, that the Fleet should come in the Month of *September*, and that upon its Appearance the Insurrection should be made, by entering the Cities, crying out *Liberty*, and killing the King's Officers, and all that should make any Opposition.

BUT as 'tis a very difficult Matter, when there is Time, and the Number of Conspirators great, to keep such under-hand Dealings long secret, the Conspiracy was discovered by *Fabio di Lauro* and *Giovan-Battista Blibia* of *Catanzaro*, Accomplices in it, who laid it open to *D. Luigi Xarava*, then Attorney-General of the Province of the *Further Calabria*, and by whose Means they gave a full and distinct Account of it to the Count of *Lemos* the Viceroy. The Count sent immediately *D. Carlo Spinelli*, with most ample Authority, to *Calabria*, who, under pretence of fortifying those Coasts against the Invasion of the *Turks*, resolved to imprison all the Conspirators; so that having gone to *Catanzaro*, and on the last Day of *August* this Year 1599. taken the Depositions of *Fabio di Lauro* and *Giovan-Battista Blibia*, he began privately to imprison some of the Conspirators; but the Flight of one, who, in making his Escape, had been drowned in the Sea, and his Body having been afterwards found on the Shore, discovered the Matter; whereupon the Conspirators betook themselves to their Heels, and *Spinelli* was forced to act above-board. Some of the Inconsiderate were taken without Opposition, amongst which *Maurizio di Rinaldo*, was one, who, both before and after the Torture, made a full Confession; others made their Escape; but *Tommaso Campanella*, who had run to the Sea-side in Disguise, with a Design to embark, was found in a Cottage by the Means of the Prince of *Rocella*. Although *Fra' Dionisio Ponzio* had endeavoured to make his Escape among the first, yet he was taken in *Monopoli*, disguised in a Secular Habit.

AND truly the Conspiracy was discovered in the very Nick of Time; for the *Bassa Cicala*, according to the Treaty, on the 14th of *September* the same Year, appeared off *Cape Stilo* with 30 Gallies, but not finding that Intelligence which the Conspirators had promised him, on the contrary, seeing the Coast well guarded with Soldiers ready to receive him, he retired to *S. John's Bay*, and after a few Days Stay, set sail for the *Levant*.

THE Prisoners were examined, and put to the Rack, who in their Depositions discovered others who had been privy to the Conspiracy, and they were sent to *Naples* in four Gallies; and upon their Arrival in the Harbour, the Viceroy, for a Terror to the rest, caused two of them to be torn in pieces alive by the same Gallies, and four to be hanged at the Yards; all the rest were sent to Prison, in order to be punished according as they should be found guilty. *Campanella*, *Ponzio*, and some other Priests and Monks, were conveyed to the Castle.

THERE immediately arose a Dispute about Jurisdiction; the Ecclesiasticks pretended to be their Judges, and on the other Hand the King's Ministers said, that it belonged to the Royal Tribunals to take Cognizance of the Crime of Treason, notwithstanding that many of the Conspirators were Ecclesiastical and Religious Persons. But a Temperament was fallen upon, that the Nuncio, by a Delegation from the Apostolical See, together with one of the King's Ministers, which was *D. Pietro di Vera*, should judge the Priests and Monks; and in regard of the many and execrable Heresies, with which they were charged, the Vicar-General of the Diocese, with the Assistance of *Benedetto Mandini*, Bishop of *Caserta*, should proceed.

THE Monks were severely tormented, but in the Midst of the Torment *Ponzio* did not drop so much as one Word. *Campanella* was likewise put to the Torture, of whom we read a long Deposition made in the Month of *February* this Year 1600. in which, like a Fanatick or Madman, whether out of Malice or Terror, sometimes confessing, sometimes denying, he confounded and perplexed the whole Matter; he uttered so many odd and silly Things, that he had the good Luck to be taken for a Fool, whereupon he was condemned to perpetual Imprisonment, out of which, at the long run, he found Means to escape; and having fled to *France*, in the Year 1639. he ended his Days in *Paris*.

¹ Toppi Biblioth. pag. 293.

THE Laicks being judged by the Royal Tribunals, where sentenced according to the Crimes of which they were convicted: Counsellor *Marcantonio di Ponte* was appointed Judge Delegate for trying them, and many of them suffered cruel Deaths. *Maurizio Rinaldo* being condemned to be hanged, when the Sentence was going to be put in Execution before the Gate of *Castelnuovo*, said, that in order to ease his Conscience, he ought to reveal some Things of great Importance; the Viceroy stopt the Execution, and caused him to be conducted to the Vicariate, where he made a long Deposition, in which he gave a particular Account how the Conspiracy was carried on, and discovered a greater Number of the Conspirators, which he confirmed on the Rack; and soon after being carried back to the Place of Execution, he died ignominiously on the Gallows.

THUS ended this Conspiracy; nevertheless, the Viceroy had no sooner returned from *Rome*, whither he had gone this Year of the Jubilee to pay Homage to Pope *Clement VIII.* in the King's Name, than he was alarmed anew by the *Turk*; for *Amurath Rays* with seven Sail appeared in the Month of *August* the same Year, upon the Coast of *Calabria*, and landed his Men on the Shore of *Scalea*, with a Design to pillage that City, and the neighbouring Places; but *D. Francesco Spinelli* attacked them so vigorously, that they were forced to retire, though he lost his Life in the Action.

THE Viceroy was afterwards Witness to the Comedy which an Imposture represented in *Naples*, under the Disguise of *D. Sebastian King of Portugal*, the Story of which we have briefly related in the preceding Book. And the Countess of *Lemos*, the Viceroy's Wife, having persuaded the King to make the Tour of *Italy*, in order to see the Kingdom of *Naples*, his Majesty acquainted the Viceroy with his Intention, who thinking the Royal Palace of *Naples* too small for such a Guest, and so numerous and splendid a Court, resolved to build another more majestick and magnificent; and having obtained the King's Consent, he ordered the famous Architect *Fontana* to draw the Design. Thus was the new Palace of our Viceroy begun, which being afterwards carried on by *D. Francesco de Castro* his Son, is now looked upon to be one of the most stately Edifices in *Europe*, sufficient to receive not only one, but many Princes and Royal Courts.

DURING his Government *Spain* still continued to drain the Kingdom by new Donatives; and a Parliament being called to meet in *S. Lorenzo*, of which *Alfonso di Gennaro* was Syndick, the King got a Donative of 1,200,000 Ducats, besides 25,000 given to the Viceroy.

BUT soon after the Count falling sick, the Disease was so obstinate, and still increasing, that at last, on the 19th of *October* this Year 1601. he died. His Body was carried in great State to the Church of the Cross, belonging to the *Friars Minors*, where pompous Obsequies were celebrated. He governed the Kingdom two Years and three Months, in which Time he published seventeen Pragmaticks, whereby many Abuses in the Tribunals are removed, and other wholesome Regulations are established, which may be seen in the so often mentioned Chronology prefixed to the first Tome of our Statutes.

BY Virtue of a Royal Writ sent him while he was ill, he left *D. Francesco de Castro* his Son, Lieutenant of the Kingdom, a Youth of 23 Years of Age, but ripe in Judgment and Wisdom, who governed till *April* 1603. during which Time he published ten Pragmaticks, and had the Kingdom to defend against the Incursions of *Bassa Cicala*, who in 1602. landed his Men, and pillaged *Reggio*¹. He yielded the Government to the Count of *Benavente*, appointed Viceroy by King *Philip*, of whom we are now briefly to discourse.

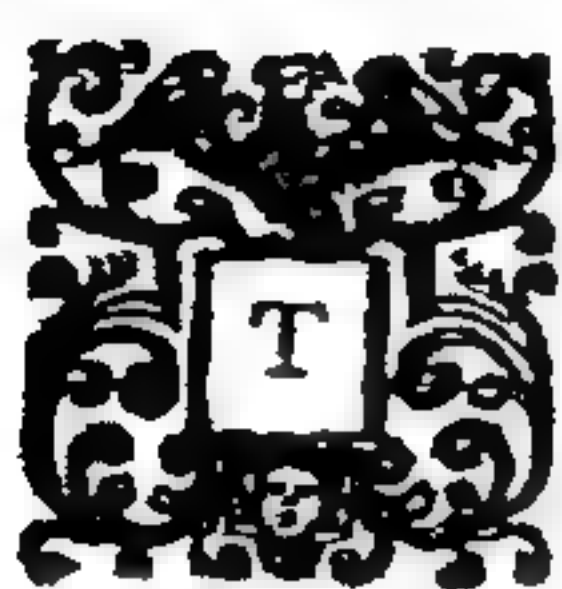
¹ Thuan. tom. 3. lib. 127. pag. 971.





C H A P. II.

Of the Government of D. Juan Alfonso Pimentel d'Errera, Count of Benavente; and of the Disputes he had with the Ecclesiasticks about the Bull of Pope Gregory XIV. concerning the Immunity of the Churches.



THE Count arrived in *Naples* the 6th of *April* this Year 1603. and assiduously applied himself to the right Administration of Justice; and seeing, that by a Remissness of the Government, many Abuses had crept into the Tribunals, especially with respect to Criminal Causes, he set about in good Earnest to remedy them, by ordering all the Processes that were lingering in the Tribunals of the Provinces, to be brought to *Naples*, where the Guilty were quickly dispatched, either to the Gibbet, or the Gallies, or were otherwise punished, according to the Crimes of which they were convicted. He was rigid and severe in punishing Delinquents, and he often caused them to be dragged out of the Churches; for as the Number of wicked Men was increased, so was that of the Churches, so that they easily got Shelter there, which raised new Disputes with *Rome* about their Immunity, of which we shall discourse by-and-by.

THE Count of *Benavente* was puzzled and perplexed, not only with reducing the Tribunals into good Order, but with the Oppression under which the Subjects of the Kingdom laboured, and the continual IncurSIONS of the *Turks*. The Kingdom having been so much drained of Money, by the frequent and great Donatives, could ill bear new Burdens and Taxes. The Demands of the Court for new Supplies were never at an End, so that at last, of Necessity, a new Duty must be laid upon Fruit. The Commonalty were highly offended at so scandalous a Duty, and though they bore the Yoke, yet they inwardly abhorred it, and never failed to shake it off whenever they found a fit Opportunity. It happened, that one of the Collectors of this Duty had caused to be painted in his Office, situate in the Market-Place, the eight Patron Saints of the City; this seeming indecent to the Vicar-General of the Diocese, and resolving to do himself Justice, he sent one of his Officers, with Assistance, in order to blot out these Images; these, in an imperious and indiscreet manner, entering the Office, defaced the Images, and made a great Noise. Many run thither, and in an instant the Market-Place was full of People; some, spurred on by the Malcontents, believing that the Tumult had been raised for having the Duty taken off, rushed into the Office, in order to level it with the Ground, that all Vestige of so abominable a Duty might be removed. The Tumult came to that Height, that if the Viceroy had not sent some of the Troops to quell it, it had certainly turned to an open Revolt. All was quiet at last, and the Viceroy was resolved to punish severely the principal Heads of the Riot, and especially the indiscreet Officer sent by the Vicar, as the Author of the whole Mischief: The Ecclesiasticks opposed him in that, by pleading Jurisdiction; but the Viceroy punished the Ringleaders severely, and sent the Vicar's Officer to the Gallies.

A NEW Duty upon Salt likewise occasioned Murmurings and Disturbance; but the greatest Grievance of all was, that a Stop was put to Commerce, and the
Currency

Currency of Coin, by the insatiable Greediness of the Money-Clippers and False-Coiners, which had like to have occasioned an Insurrection in the City; but the Viceroy immediately remedied that, by ordering the *Zannette* (a Coin of the same Value with the half of a *Carlino* *) whether of full Weight or not, to pass current, and the other Money to be received by Weight, that the Money-Clippers might be thereby prevented from clipping for the future.

* Nine of which make
4 Shillings *English*.

THE Incurfions of the *Turks* upon the Coast of *Puglia* were no less frequent than hurtful, by pillaging the Country, and carrying off many People into Slavery. They had made the City of *Durazzo* in *Albania* a Place of Retreat, which is only about a hundred Miles distant from the Cape of *Otranto*. In order to dislodge them, it was resolved by all Means to destroy *Durazzo*. The Command of that Expedition was given to the Marquis of *S. Croce*, who, with a Squadron of our Gallies, arriving upon the Coast of *Albania*, he landed his Men and Artillery, took the Castle by Storm, and pillaged and destroyed the City.

ON the other Hand the Banditi continued to infest *Calabria*, whither *D. Lelio Orsini* was sent against them, and of whom he destroyed a great Number, but did not quite extirpate them; for their Number being very great, many of them retired and sheltered themselves among the inaccessible Mountains.

BUT the Disputes which the Viceroy had to go through with the Ecclesiasticks, on account of the pretended Immunity, not only with respect to their Persons, but the Churches, were no less painful and troublesome. The great Piety of King *Philip III.* and his little Application to the Government of his Kingdoms, encouraged them to make new Incroachments, and especially to get *Gregory XIV's* Bull about the Immunity of the Churches to obtain in the Kingdom. They made the more bold with us at this Time, that they saw King *Philip* take *Pope Paul V's* Part in that famous Quarrel betwixt him and the Republick of *Venice*, upon which there has been many Debates, and much Writing; and notwithstanding that the Cause of that Republick ought to have been common to all Princes, they managed Matters so, that the King not only was at great Pains to obtain an advantageous Agreement for them, by sending *D. Francesco di Castro*, his Ambassador to *Venice* for that Effect; but they persuaded him to order the Count of *Benavente*, our Viceroy, and the Count of *Fuentes*, Governor of *Milan*, to assist and defend the Apostolical See upon all Occasions; whereupon the Viceroy for that End sent Twenty-two Companies of Foot under the Command of *Giantommaso Spina*, and other Twenty under the Marquis of *S. Agata*: Whence it came, that amongst the Crowd of those, who wrote in this Cause in the Pope's Favour against *P. Paolo* the Servite, *Fr. Fulgenzio*, and *Giovanni Marsilio*, Divines of that Republick, there were many *Spaniards*, and likewise *Neapolitans*, and among these Regent *Di Ponte* was one, undeservedly reputed with us the strongest Defender of the Royal Jurisdiction.

IN the Year 1591. *Pope Gregory* had published a Bull, in which, derogating from the Bulls of *Pius* and *Sixtus V.* he restricted the Number of Crimes excluded from the Immunity; and what was yet more intolerable, he would have it, that the Ecclesiastical Judges should determine the Nature of the Crimes, and which were to be excepted, so as the Criminals might be taken out of the Churches; and that the Secular Magistrate should not dare to take them out, but with the express Licence of the Bishop, after he had found that the Criminals were unworthy of Sanctuary, for having committed Crimes excluded by the Bull.

FORMERLY it belonged to the Emperors to declare Churches Sanctuaries, and likewise to distinguish the Crimes, as may be clearly seen in the Books of the *Theodosian* and *Justinian* Codes, and during five intire Centuries, the Church did not establish any Canon concerning that Matter¹; which Prerogative, as has been shewed in the preceding Books of this History, was for a long Time kept up by our Princes. Afterwards there were some Canons established about it, and the Popes then did not fail in their Decrees to confirm and assume that Right to themselves. But the first Canons, and their first Constitutions were moderate and tolerable, so that the Bulls of *Pius* and *Sixtus* made no great Alteration among us, nor were they so much amiss as to give Ground of Complaint, as happened upon the Publication of this of *Gregory*, which contained Things most prejudicial to the Prero-

¹ V. Petr. Sarpi de Jure Asylor. cap. 1.

gatives of the King and his Magistrates. The Count of *Lemos* therefore, while he was Viceroy, did not suffer it to obtain in the Kingdom, but on the 2d of *August* 1599. ordered the Regent *Martos* to draw up a Report to the King of the Prejudices it contained; and on the 27th of *February* 1600. the King answered the Viceroy, ordering him to suffer no Innovation in that Matter, but to continue, as formerly, to take out the Criminals that fled to the Churches, he having ordered Application to be made to the Pope, that *Gregory's* Constitution might be moderated. The Count therefore, without any Regard to the Bull, having caused the Marquis of *S. Lucido* to be taken out of a Church, and advised the King of it; on the 17th of *October* the same Year, his Majesty answered him, that he approved of what he had done, and that he was not to suffer the least Innovation to be introduced relating to that Matter ¹.

BUT in the Government of the Count of *Benavente*, the Ecclesiasticks, grown more bold, undertook, by all Means, to have the Bull put in Execution in the Kingdom, at a very unhappy Juncture, when the City, by the Remissness of the Government, was quite depraved; when Crimes were more frequent, and when Churches were grown so numerous, that there was not a Corner where they were not in Plenty. To this was added, that besides *Gregory's* Bull, the Canonists, and other Ecclesiastical Doctors had written upon this Subject of Immunity, and vented such odd and extravagant Opinions about it, that, according to them, there could seldom happen a Case that would allow Criminals, for any Crime whatsoever, to be taken out of the Churches; and ascribing to the Ecclesiastical Court only, the Power of declaring the excepted Crimes, they run out into such Excess, that, according to their Maxims, it was impossible to name one that was excepted. Besides, at their own Pleasure, they extended the Immunity of Places, not only to Churchyards, Monasteries, Chapels, Oratories, Hospitals, and to the Houses of Bishops, but also to the Porches, the Houses, the Cloysters, Gardens, empty Places, and even Bake-Houses, that were near the Churches. In fine, they are arrived at such an Excess, that they don't stick to say, if the Criminal, though a Laick, should commit any Crime, while in the Sanctuary, the Ecclesiastical Judge may bring him to his Trial, under pretence that he had abused the Sanctuary.

THE Frequency of Crimes, and the so great Number of Churches alone, was sufficient to keep the Bull from taking Effect; and the Viceroy had the Example and Wisdom of the *Roman* Senate to bear him out, for, according to *Tacitus* ², the Abuse of multiplying Sanctuaries in many Cities in *Greece*, still increasing, insomuch that these Cities swarmed with profligate Men, occasioned by the Immunity of these Places, to the great Detriment of the State; the Senate, to whom *Tiberius* had committed that Affair, thought fit to restrict the Number of Sanctuaries.

THE Count therefore, in order more vigorously to curb the Pretension of the Ecclesiasticks, on the 30th of *May* 1603. wrote about it to the King, and they still pursuing their Design, on the 19th of *July* 1606. he redoubled his Instances, begging his Majesty to apply a speedy Remedy to so great an Abuse, because his Ministers had continual Differences upon that Head with the Ecclesiasticks, who by all means would have *Gregory's* Bull put in Execution, and for that End were continually thundering out Monitories and Excommunications, which was the same as to disturb the Kingdom, and trample the Royal Jurisdiction under Foot ³. After these Representations had been made to the King, there happening a Quarrel in *Naples* betwixt two Noblemen, in order to prevent Mischief, by a Royal Mandate they were ordered not to stir out of their Houses; they, not minding that, took upon them to walk up and down the City, and having met, fought a Duel, wherein one of them was killed; the Killer, with his Second, who was a Knight of *Jerusalem*, and a Servant, immediately took Shelter in the Convent of *S. Caterina a Formello*, belonging to the *Dominicans*. But the Sanctuary did not avail them, for the Viceroy having caused the Convent to be surrounded by two Companies of *Spaniards*, and that of Captain *Alonso Modarra*, the Doors being broke open, they were all three taken out, and carried Prisoners to the Gaol of the Vicariate; and the Cause being tried, in the Month of *May* 1610. the Killer was beheaded, and out of Regard to the Habit of *S. Jobn*, the Knight was saved.

¹ Chiocc. MS. Giur. tom. 17. De Immun. Eccl.

² Tacit. lib. 3. Annal. cap. 31.

³ Chiocc. loc. cit.

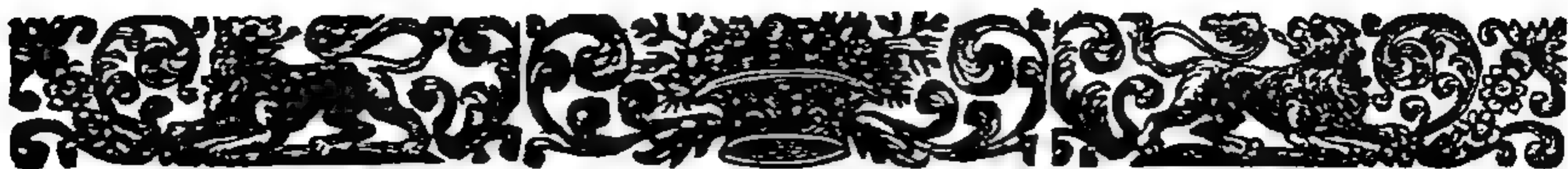
THE Vicar of the Archbishop of *Naples* did not fail immediately to declare the Regent and Attorney-General of the Vicariate excommunicated, and to affix Schedules against Captain *Modarra* and the Corporal of the said Regent's Guard, who had broke open the Doors of the Convent, and taken out the Refugees; but on the 6th of the same Month the Viceroy did not neglect to send a serious exhortatory Letter to the Vicar, advising him to declare the said Censures null, and to remove the Schedules; and the same Day he sent another by way of Embassy to the Nuncio, desiring that he would order the Vicar to remove the Schedules; and on the 10th of the same Month he sent another to the Vicar: So that by delivering up the Knight of *Jerusalem* to his Judge Competent, the Affair was compounded, and the Bull dropt. Upon this Occasion the Regent *Fulvio di Costanzo*, Marquis of *Corleto*, wrote a small Treatise, which he addressed to Pope *Paul V.* wherein he clearly demonstrated, that *Gregory's* Constitution ought to be repealed, or at least moderated.

BUT these Recourses to *Rome* proved always fruitless; so that the Ecclesiasticks, whenever they found a fit Opportunity, constantly insisted upon having the Bull put in Execution. In the Pontificate of *Clement X.* an Expedient was fallen upon, of sending two Ministers to *Rome* for obtaining some Reform in the Abuses of the Ecclesiastical Immunity, one for the State of *Milan*, which was the Visitor *Casati*, and another for the Kingdom of *Naples*, which was the Counsellor *Antonio di Gaeta*, who likewise wrote a learned Treatise upon this Subject, and addressed it to Pope *Clement X.* and the Marquis of *Astorga*, then Ambassador in *Rome*; but the Message turned to no account, as ever since all Application made to the Court of *Rome* for having that Bull reformed, has had no better Success: So that now there's no other Remedy left, but when the Ecclesiasticks will proceed to Excommunication on account of this Bull, to punish them severely, by chasing them out of the Kingdom, sequestrating their Incomes, and imprisoning their Relations, as has been practised in our Time in the Government of Count *Daun*, when, to the great Scandal of the whole City, Censures having been fulminated against the Judges and the Attorney-General of the Vicariate; for having caused a Sorceress to be dragged out of an Oven hard by a Church, who had poisoned a vast Number of People, and was still preparing Poison in the very Place of Sanctuary; the Archbishop's Vicar and his Officers were chased out of the City and Kingdom, and the Vergers that had affixed the Schedules, were imprisoned, and the Archbishop's Revenues were sequestrated, to the great Joy of all the City.

WHILE the Count of *Benavente*, with so much Care and Application, was governing the Kingdom, News came to *Naples*, that King *Philip*, by the Suggestions of his Favourites, by whom the Monarchy was ruled, had appointed the Count of *Lemos*, the Son of *D. Ferdinand*, to be his Successor; whereupon, with great Grief, and the Countess his Wife with more, he prepared to receive him, and yield the Government to him; and in the Month of *June* 1610. the Count of *Lemos* having landed in the Island of *Procida*, he went to meet him, and though he begged of *Lemos* to enter the City and lodge in the Palace, yet he would not leave that Island, that his Predecessor might, with the greater Ease, prepare for his Departure. At last on the 11th of *July* the Count of *Benavente* set out from *Naples*, after he had governed the Kingdom for the Space of little more than seven Years. He left shining Monuments of his Justice and Magnificence. His Generosity appeared upon all Occasions that offered during his Government, especially in the Feasts, which he celebrated in 1605. on the Birth of *Philip* Prince of *Spain*; and in 1607. on the Birth of the Infant *D. Ferdinand*, who, under the Name of the Cardinal Infant, made himself so famous all over the World, by the Victory over the *Switzers* near *Norlingen*. To his Magnificence we owe those large and Royal Streets, one of which, adorned with fine Trees and pleasant Fountains, leads to *Poggio Reale*; and the other, beautified with a stately Fountain, and Statues of most exquisite Sculpture, leads from the Royal Palace to *S. Lucia*. It was likewise he that caused to be built the Bridge, and that magnificent Gate of the City which lead to the *Chiaja*, and he ordered the Gate to be called after his own Surname *Porta Pimentella*; and during his Government was built that great Edifice, appointed for the Use and Habitation of the Officers who take care of the Corn laid up in the

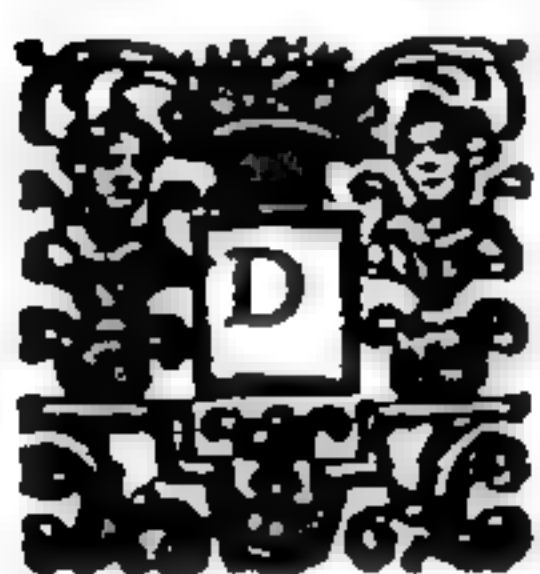
publick Granaries for the Provision of the City. In the Island of *Elva*, on the Coast of *Tuscany*, he caused to be built the Fort *Pimentello*, and in the Kingdom, the Bridges of *Cava*, *Bovino*, and *Benevento*.

HE left us more than 50 Pragmaticks, all wise and prudent. By these he regulated the *Fairs* of the Kingdom, and ordered them to be held at the Times appointed in their Patents, and no otherwise; he severely prohibited the wearing of short Arms, and he was a Terror to False-Coiners and Gamesters; and he made other wholesome Regulations concerning the Provision of Corn, all which may be seen in the so often mentioned Chronology.



C H A P. III.

Of the Government of D. Pedro Fernandez de Castro, Count of Lemos; and the Statutes he made relating to our University, in order to have Discipline and Learning to flourish among us.



ON *Pedro de Castro* was the Son of *D. Fernando*, who died in *Naples* while he was Viceroy, and Brother to *Francisco*, who likewise governed the Kingdom in Quality of *Lieutenant*, by Virtue of a Power given his Father by the King. Upon his Arrival in *Naples*, he found not only the Kingdom, but the Royal Patrimony exhausted, and the publick Provision of Corn many Millions in Debt, so that the City had not wherewithal to furnish the Granaries with Corn, nor was there Money in the military Chest for paying the Soldiers. But he having applied himself to favour the Corporations of the Kingdom, in order to make them the more ready in paying the Taxes due to the King: To cause the Accounts, as well of the Royal, as the City Revenues, to be revised: To prevent the Frauds which were committed by the Managers of them, by entering the Books into a Register; and taking special Care to see that the Money was frugally managed, the publick Treasure and Provisions increased; insomuch that during his Government the Kingdom enjoyed Plenty of all Things.

HE likewise studied to have Justice duly administred, and Law-Suits quickly dispatched; he was severe and terrible to Malefactors, and he awed the Judges into a strict Punishment of them, and a faithful Discharge of their Offices.

BUT above all, he was a great Encourager of Learning, and had the Good of our University much at Heart, of which he has left us lasting and shining Monuments. He erected a magnificent and stately Fabrick for a Mansion to the Muses, which cannot be paralleled by any University in *Europe*. The Professors of this University, not having sufficient Room for their Exercises, had been forced to remove from *S. Andrew a Nido*, where they formerly taught, to the Court-Yard before the *Dominican Church*, where, in some Vaults underground, divided into three Rooms, they instructed the Youth; in the first of the two towards the South, and opposite to the Church, the Canon Law and the *Greek Grammar* were taught, and the Civil Law in the Second; in the other Room towards the West, the Liberal Arts were taught. But the Narrowness of the Place, unfit for such Exercises, and the Building not answerable to the Magnificence of the City; the Quarrels and Disputes among the Scholars being heard in the neighbouring Church; the troublesome Noise of the Bells, which frequently disturbed the Professors, induced the Count of *Lemos*, out of his Love to Learning, in which he had made great Proficiency,

Proficiency, when a Youth, in the University of *Salamanca*, effectually to remedy all these Inconveniencies; and judging it below so famous an University, for which the Emperor *Frederick II.* and the Kings of the illustrious Family of *Anjou*, had so great an Esteem, to be in this Situation, he resolved to build a Structure suitable to the Sciences therein professed. Therefore, under the Direction of the famous Architect *Fontana*, he caused a large Edifice to be built without the *Constantinople* Gate, in the same Place where formerly *D. Pedro Giron*, Duke *D'Ossuna*, had caused the Royal Riding-House to be built: There was a large Theatre erected for the Publick Disputes, and Halls fit to contain a vast Number of Students; but what made the Work most surprizing, was the magnificent Porches, and the Prospects beautified with Statues of most excellent Sculpture. There was only wanting Knowledge in the Art of Inscriptions which were disposed upon the stately Fronts and Gates. In these Times Poesy was at a very low Ebb with us, and the Jesuits had ingrossed all manner of Learning to themselves; therefore the ablest Criticks, of which there were very few in *Naples* at this Time, took notice of many Errors in these Inscriptions; and there being in one of them in Letters of a Cubit in Length, *ULYSSE AUDITORE*, gave Occasion to *Pietro Lasena* to compose a learned Treatise *De antiquo Gimnasio Neapolitano*, wherein he lays open the Blunders of the Author of that Inscription.

ALTHO' this great Work was not finished, yet the Viceroy laid out 150,000 Ducats, which he collected over all the Kingdom. He had not the Pleasure of seeing it intirely compleated, because his Government was but short; however, though the Fabrick was not finished, he would have the University to be removed from the Place it was in, to this new Building; and to shew the Esteem he had for it, he must needs be present at the Solemnity, assisted by the Tribunals, and a numerous Cavalcade, the like of which had never been seen in *Naples*; and the Novelty was, that the Doctors of the College, and the Professors of the University were dressed after the *Spanish* Fashion, with a kind of Doctoral Badge, which the *Spaniards* call *Capiroto*, composed of various Colours, answerable to the different Sciences they professed. The Doctors of Divinity wore white and black; the Philosophers blue and yellow; the Lawyers and Canonists green and red; and all of them had Caps with Tassels of the same Colours. Thus, in the Year 1616, was the Royal University opened in this new Building, where the Viceroy heard the Oration pronounced upon this solemn Occasion.

THE Viceroy not only erected this noble Fabrick for the University, but he provided it with most excellent Laws and Statutes, which we read in the Body of our Pragmaticks¹, whereby he confirmed the Chaplain Major in the Government of it; he prescribed the Number of the other Officers, and what was incumbent upon the Provosts and Rectors, and the Method of chusing them; the Duty of the Beadles, of the Master of Ceremonies, of the Captain of the Guard, and of the Porters. And the Count being resolved to provide the University with a copious Library, in these Statutes he likewise prescribed the Method to be observed in preserving the Books, and the Duty of the Library-Keeper. He likewise founded a Chapel, and appointed a Chaplain, and prescribed the Feasts that were to be solemnized in the University.

HE disposed the Chairs, and the Matters therein to be read, and likewise fixed the Salaries of the Professors of each Faculty; he determined the Times of Vacation, and how long the Lectures were to last; he prescribed the Method to be observed by the Professors in reading, and how the Provosts were to perform their Visitations; and that none of the Sciences taught in the University were to be taught in private Houses. And what this Minister is much to be commended for, is, his having by severe Laws ordained, that none should be admitted to be Professors, but such as gave Proof of their Capacity by Disputation. The Emperor *Frederick II.* after he had reformed this University, in the Year 1239. made a Law², that none could assume the Title of Master, which we now call Professor, unless he had been carefully examined in Presence of his Officers, and the Masters of that Science which he pretended to teach. This careful Examination was done by Disputation, a Method not invented by *Frederick*, but very antient, and transmitted

¹ Prag. 1. De Regimine Studior.

² Constit. In terra, *where*, Statuimus, ut nullus in Medicina, &c. Legat in Regno, nec

Magistri nomen assumat, nisi diligenter examinatus in presentia nostrorum Officialium, & Magistrorum atris ejusdem.

to us by the *Greeks*, as we read in *Lucian*¹, that in *Athens*, under *M. Aurelius*, upon the Death of a Professor, whoever underwent the Trial of a Dispute, and got the better of it, by the Suffrage of the Magistrates was appointed in his Place. In *Constantinople* likewise, by a Law established by *Theodosius the Younger*, the Examination and Election of the Professors were made *Cætu amplissimo Judicante*². The same being inviolably observed in the Universities of *Spain*, as also in many others of *Europe*, the Count of *Lemos* was resolved by severe Laws to have it established among us. He ordained, that all the Chairs should be filled by Disputation, inviting by publick Edicts, all those who had a mind to dispute: He prescribed the Method that was to be observed in publishing these Edicts; the Exercises the Disputants were to go through, and what they were to observe during the Vacancy of the Chair: He fixed the Number of Magistrates and Professors that were to have Votes in the Elections; the Method to be observed in them; the Dues that were to be paid by the Elected, and the Oath they were to give before they could take Possession.

AFTER the Viceroy had made such provident Regulations concerning the Officers who govern the University, and about the Professors, and the Manner of chusing them, he proceeded to regulate what relates to the Students; he ordered them to be matriculated, and when they have done with Grammar, to be examined before they can proceed to another Science; he fixed the Time for finishing their Studies; he prescribed the Method to be observed in the Disputes and publick Conclusions; their Exercises in Rhetorick, the *Greek Language*, *Mathematicks*, and *Anatomy*: And in fine, the Repetitions they are to make every Year to the Professors.

THESE were the Academical Laws which the Count of *Lemos* established for our University; after whose Departure, *D. Pedro de Giron*, Duke *D'Offuna*, his Successor, seeing that they were not punctually observed, on the 30th of *November* the same Year 1616. published a new Edict, in which he inserted all the abovementioned Laws, and ordered them to be inviolably observed³.

LEARNING was so much encouraged by the Count of *Lemos*, that at this Time there flourished a great many learned Men in *Naples*, and the Institution of Academies, begun in the Time of *D. Pedro de Toledo*, was revived. Of all the rest, at this Time the Academy of the *Ozioli* (Idle) flourished most, which had its Rise under the favourable Auspices of Cardinal *Brancaccio*, and met in the Cloysters of the Convent of *S. Maria della Grazie*, near the Church of *S. Agnello*, of which *Giambattista Manso*, Marquis of *Villa*, was Head; besides the learned Men of these Times, there were a great many of the Nobility, who had a good Taste of Learning, that were Members of this Academy, among the rest *D. Luigi Caraffa*, Prince of *Stigliano*, *D. Luigi di Capua*, Prince of *Riccia*, and a great many more. But the Count of *Lemos* himself made the most shining Figure of them all: He frequently went and read his Compositions in this Academy with the rest, and once he recited there a Comedy of his own composing, which was heard with vast Applause.

AT the same Time, in the Cloysters of *S. Peter a Majella*, there flourished another Academy, of which *D. Francesco Caraffa*, Marquis of *Anzi*, was Head, and of which *D. Tiberio Caraffa*, Prince of *Bisigniano*, Monsignor *Pier-Luigi Caraffa*, *Giam-Matteo Ranieri*, *Ottavio Caputi*, *Scipione Milano*, and some others were Members.

BUT through the Fault of this Age, Learning was not taught with such Politeness and Purity as it was afterwards towards the End of the same Century. Our Jurisprudence kept on at the old Rate, and both in the Chair and at the Bar, our Professors followed the Footsteps of their Predecessors. Philosophy was still confined to the Cloysters, where it was taught after their Scholastick manner. Physick was professed by the *Galenists*. The Study of Languages, especially of *Latin*, and Learning, was ingrossed by the Jesuits. Poetry, being quite degenerated, and metamorphosed, was exercised by hair-brained Fellows; and History was managed by few with that Dignity and Exactness it required.

NEVERTHELESS there was not wanting some Men of great Parts, who leaving the beaten Path, went the right Way to work, and at length gave Light to

¹ *Lucian*. In *Eunucho*.

² *Cod. Theod.* l. 6. tit. 21. *L. Magistros*, *Cod.*

Theod. de *Medic.* & *Professor.* *Jac. Goth.* *ibid.*

³ *Prag.* de *Regim. Stud.*

Posterity to follow their Footsteps; but in these Times there being but few such, they could not put a Stop to so great a Torrent. The bright Men then were *Giam-Battista della Porta*, so famous for the Works he left us. *Pietro Lasena*, an Advocate, and a Man of profound Learning. *Fabio Colonna*, a famous-Philosopher and Mathematician. *Mario Schipani*, an able Physician, and an intimate Friend of the great Virtuoso and Traveller, *Pietro della Valle*. *Constantino Sofia*, to whom *Lasena* dedicated his Book *De Vergati*; and *Antonio Arcudio*, a Priest of the Greek Church, and Arch-Priest of *Soletto*, in the Province of *Otranto*. And though *Francesco de Petris* at this Time published his insipid History of *Naples*, yet there were some able Men, who searched into our Records, and gave evident Proofs that they out-did him: Amongst which, *Bartolomeo Chioccarello* ought not here to be forgot and robbed of his deserved Praise; he, by the Testimony of *Pietro Lasena*¹, who was his great Friend, yielded to none in the most laborious Search into our Antiquities, insomuch that he was called *Can bracco* (the *Setting Dog*). For the Space of more than forty Years, he spent his Time in searching all the Royal Archives of the City of *Naples*, of the Royal Mint, the Royal Chamber of Accompts, and of the Chancery; he pryed into all the Protocols and publick Deeds of the antient Notaries of *Naples*, the Writs and Archives of all the most famous Monasteries and Cities of the Kingdom: Whence, in 1626. by Order of the Duke *D'Alba*, then Viceroy, he compiled those 18 Volumes of Writs concerning the Royal Jurisdiction. A Collection no less glorious than painful, and worthy of immortal Memory, which serves as a Buckler and Defence to the Supporters of the Royal Jurisdiction, against the so many Incroachments of the Ecclesiasticks, whose chief Aim is to trample it under Foot.

DON *Ferdinando della Marra*, Duke of *Guardia*, and D. *Camillo Tutini*, a *Neapolitan* Priest, likewise famous for the Works he left us, followed *Chioccarello's* Example. If D. *Francesco Capecelatro*, his Cotemporary, had gone on in his Work, he certainly would have left us a complete History of *Naples*. And *Antonio Caracciolo*, a Regular *Theatin* Clerk, in the Books he left us, gives evident Proof how much he understood that Study. There appeared afterwards the famous *Camillo Pellegrino*, a *Capuan*, who exceeded all these, and was the most careful Writer, and the most learned and witty Critick in our Antiquities, of any that ever we had.

BUT to return to the Count of *Lemos*; After he had adorned *Naples* by raising the University, he did not fail to beautify it with other Buildings. To him the Jesuits owe the Founding of the new College of *S. Francis Xavier*. To him we owe the Mills without the Walls of the City near the Gate *Nolana*; and to him likewise the Kingdom is obliged for several new Bridges for the Conveniency of Travellers. But the News that the King had appointed the Duke *D'Offuna*, who was then Viceroy of *Sicily*, to be his Successor, prevented him from doing greater Services to the Kingdom. He immediately quitted the Government of the Kingdom, and left D. *Francesco* his Brother in his Room till the Duke's Arrival; and on the 8th of *July* this Year 1616. he set out for *Spain*, in order to take upon him the Charge of President of the Supreme Council of *Italy*. He left us more than 40 useful Pragmaticks, which according to the Order of Time are to be found in the so often mentioned Chronology.

¹ *Lasena de Antiq. Gym. Neap. cap. 1.*





C H A P. IV.

Of the Government of D. Pedro Giron, Duke D'Ossuna ; and of his Expeditions in the Adriatick against the Venetians, which proved very unfortunate to him.



THE Duke D'Ossuna, in the Beginning of his Government, shewed an unwearied Application in attending unto, and providing for the Necessities of the Kingdom, and was very rigorous in seeing Justice duly put in Execution, without Respect of Persons ; and at the same time, in order to gain universal Applause and Good Will, he was very magnificent and liberal : To win the Affection of the People, he took off two Duties ; and to prevent the Court of *Spain* from being jealous, he made them believe, that it would be of great Advantage to the King's Revenues, an Ease to the Subjects, and render them more able to bear the Taxes ; and to confirm what he had insinuated, he obtained a Donative from the Kingdom of 1,200,000 Ducats, which he sent to the King for the Necessities of the Crown.

BUT a new War breaking out in *Italy* by the Death of *Francis Gonzaga*, Duke of *Mantua*, the Success and Occasions of which are at large related by the Cavalier *Battista Nani* ¹, intangled the Duke D'Ossuna in more difficult and weighty Matters. For the Reasons given by this Author, King *Philip III.* was induced to enter into this War, and oppose the Duke of *Savoy*, whom, with a *Spanish* Haughtiness, he had ordered to restore all that he possessed in *Monferrat*. On the other Hand, the *Venetians* supplied the Duke with Men and Money ; whence proceeded the Disgusts between the Court of *Spain* and that Republick. To this was likewise added, that King *Philip* was obliged to assist the Archduke *Ferdinand*, his near Relation, whom, on account of the *Uscoks*, the Senate of *Venice* had offended. But however there was not open War declared between the King and the Republick, nor had their Ambassadors been recalled from their respective Courts.

HOWEVER, the Duke D'Ossuna striking in with the Humour of the *Spaniards*, who gave out that they were resolved to march their Troops against the *Venetians*, at the same Time that Cardinal *Borgia* was endeavouring to stir up the Pope against them, did not slip this Occasion, both of obeying the Commands of the Court of *Madrid*, and gratifying his own Inclinations, which were always averse to the *Venetians* ; and for the War in *Monferrat* against the Duke of *Savoy*, he sent to the Governor of *Milan* four Troops of Light Horse, and sixteen of Spearmen, under the Command of D. *Camillo Caracciolo*, Prince of *Avellino*, and 600 Cuirassiers, under the Command of D. *Marzio Caraffa*, Duke of *Maddaloni* ; and to assist the Archduke against the *Venetians*, he fitted out Ships for infesting the *Adriatick*, for which the Republick had a tender Regard. The Viceroy knew very well, that he could not touch the *Venetians* more to the Quick, than by disturbing their boasted Dominion of the *Adriatick* Sea, to interrupt their Commerce, although the Subjects of the Kingdom, who drove a great Trade with the City of *Venice*, were like to be Sufferers ; therefore he was wholly intent, not so much upon assembling Troops for the Relief of the *Milanese*, as upon fitting out Ships for plaguing the *Venetians* ; and having broke through the Security of Harbours, he seized a Ship belonging to one *Pellegrino*

¹ Nani Hist. Venet. lib. 1.

Rossi. *Nani* ¹ says, that the Republick having ordered their Ambassador *Gritti*, to complain of this to the Court of *Spain*, he obtained an Order, directed to the Viceroy, for restoring the Ship, but he very disdainfully refused to obey it, not without Suspicion of the Connivance of the said Court, which liked to cover their more secret Designs with the Disobedience of a capricious Minister. For which Cause the *Venetians*, earnestly bent upon the Defence of that Gulph, reinforced their Fleet in that Sea with two Galeasses and some Ships, and pitched upon thirty Captains of Gallies, as Occasion should offer, to be making ready to put to Sea by Degrees.

BUT on the other Hand, the Viceroy seeing that the *Uscoks* had lost many of their lurking Places, invited them, especially those that were most troublesome to the *Venetians*, to come and freely make use of the Harbours of the Kingdom, and he likewise promised them Rewards. Therefore, under the Favour of this Protection, they took the Ship *Doria*, with other small Vessels, that were going from *Corfu* to *Venice* with Merchandizes, and, under the Viceroy's Colours, publicly sold their Booty; and though the Collectors of the Customs of the principal Ports of the Kingdom complained, that by such Traffick the King's Revenues would be impaired, the Viceroy threatened to hang them if they should offer to make any more Complaints. *Nani*, who was both a good Subject, and a favourable Historian with respect to the Duke *D'Offuna's* Actions, writes, that being naturally conceited of himself, and apt to vent boasting Expressions, he not only undertook to disturb the Sea, but was constantly talking of surprizing the Ports of *Istria*, pillaging the Islands, and penetrating into the very Heart of the Capital City: That sometimes on Sea Cards, sometimes by Words, he was describing the Designs, and ordering flat-bottomed Vessels fit for Canals and Marshes, and contriving Machines; nor would he give Ear to any but to those who soothed him in the Facility of the Undertaking: But however, it was not that he believed it could be put in Execution, but he was willing it should be believed, to the End that the Republick being put to the more Charges, and diverted by such Preparations, might not be so able to annoy the Archduke, and assist the Duke of *Savoy*. Therefore in all haste he sent twelve well-armed Vessels into the *Adriatick*, under the Command of *Francesco Riviera*; and though, just as they were upon the Point of sailing, Orders came from the Court of *Spain*, for a Suspension of Arms, it seeming odd to them, that at the Time that a Treaty of Peace was set on Foot in *Madrid*, the Viceroy should be committing Hostilities; he immediately called the Collateral Council, and made them draw up a Report to the Court, representing, that some armed Vessels belonging to the Republick having taken a large Ship just as she was entering the Harbour of *Trieste*, it was fit, both for the King's Honour and Service, that *Riviera* should sail and be revenged of the *Venetians*: So that he ordered *Riviera* to depart, and that it might not be imputed to the King as an Act of Hostility done in his Name against the Republick, the Ships sailed under the Viceroy's Colours only.

THE Republick, therefore, ordered *Belegno*, who commanded their Fleet, to assemble that part of it that was nearest at Hand, in order to go to *Curzola* and cover the Islands, and particularly to frustrate the Viceroy's Design of appearing upon the Coast of *Istria*, for encouraging the Archduke *Ferdinand's* Troops, and diverting those of the Republick. *Belegno* followed his Orders, for the Viceroy's Ships were no sooner come to *Calamota*, than he set sail with his Fleet to meet them; whereupon *Riviera*, judging that he would be at a Disadvantage to fight in that Place, tacked about, and with a prosperous Gale arrived at *Brindisi*.

THESE Motions having given Jealousy to the *Turks*, they marched in all haste to the Sea-Coast in great Numbers to cover and garrison their maritime Places; whence the Viceroy took the Opportunity to ask Assistance from other Powers, giving out that he had no other Design than to infest the common Enemy, for which end he solicited the Pope, the *Maltese*, and the Duke of *Tuscany* to join their Gallies to his Fleet. But the Ministers of the Republick at these Courts made strong Instances to the contrary, saying, that the Viceroy had sent Slaves and Presents to the Prime Vizier, in order to induce and stir him up to make War upon the Republick; and they prevailed so far with those Princes, that they not only did not send him their Gallies, but endeavoured to divert him from the Undertaking, saying, that it would be a Means to encourage the *Turk*, and draw

¹ *Nani* *Istor. Venet.* lib. 3. A. 1617.

him into the *Adriatick* upon the Coasts of the Kingdom of *Naples*, and the State of the Church.

BUT for all that the Viceroy did not forbear to send *Pietro di Leyva* with nineteen Gallies to join *Riviera*, who with this new Reinforcement having failed to *S. Croce*, and finding the *Venetians* at *Lefina* of inferior Force, he endeavoured to draw them out to an Engagement; but they standing upon the Defensive, and the Night coming on, obliged the *Spanish* Fleet to retire to *Brindisi*, with a Booty of two Ships, one of them belonging to *Sali*, and the other to *Holland*, which having on Board some *Venetian* Soldiers, were surprized by the Viceroy's Fleet. The *Venetians* considering the Importance of the Affair, reinforced their Fleet; and on the other Hand the Duke *D'Offuna* increased his to 18 Ships, and 33 Gallies, which appeared off *Lefina*, with a Design to provoke the *Venetians* to a Battle: And in the mean time the *Spanish* Ministers, in order to alarm the Republick, had given out, that the Fleet of Gallions, that used to preserve the Navigation of the Ocean, having entered the Straights of *Gibraltar*, were bound for the *Adriatick*, and that a great Fleet was fitting out in *Sicily*; which Reports were partly credited by the bold Proceeding of the Viceroy, who, besides having augmented with some Gallies *Leyva's* Squadron, made the *Uscoks* scowre the whole Gulph, and in Sight of *Venice* itself, they made Prizes, and did great Damage; insomuch that the Senate was forced to appoint some Gallies for guarding *Cbioggia*, and to pick out a certain Number of Men in *Venice* to be ready at a Call with their Arms; which being a new Thing in that City, had put the People in a terrible Consternation, who, upon a false Report, that the two Fleets having come to an Engagement off *Lefina*, the *Venetians* had gained a signal Victory over the *Spaniards*, went in great Fury to insult *D. Alfonso de la Cueva*, Marquis of *Bedmar*, King *Philip's* Ambassador in *Venice*, who was thought to be the chief Instigator of the Viceroy's Attempts.

HOWEVER, though the *Spanish* Fleet had provoked the *Venetian*, yet they never came to an Engagement; so that *Leyva*, seeing that the *Venetians* stood upon the Defensive, steered for *Old Trau*, where he burnt the Country, and took many Barks; from thence he sailed towards *Zara*, where he fell in with some Vessels, which diverted him from a greater Victory; for, notwithstanding he had positive Orders to endeavour to surprize and possess himself of *Polo*, or some other Port of *Istria*, meeting with two Merchant Gallies, and covetous of Prey, he trifled away his Time in taking them, with some Vessels that were carrying Provisions to the Enemy's Fleet, which in the mean time came up with him unawares, and he being incumbered with the Prizes and the rich Booty, stood directly for *Monte Gargano*, and keeping close by the Shore, he at last arrived with his Fleet and Prizes at *Brindisi*, and soon after the Enemy's Gallies came out of the Gulph. The Viceroy gave *Leyva* a severe Reprimand for having lost the Opportunity of gaining a Victory, by taking Prizes; however, he bragged of the Booty, and ordered the Goods and Vessels to be brought to *Naples*, being very much rejoiced at the Discontent which the Loss occasioned in *Venice*.

IN the mean time the Ministers of the Republick in all Courts exclaimed against the Viceroy, who, in the midst of a Treaty of Peace, had committed these Hostilities, and insulted the Republick in their own Gulph, and who keeping a Correspondence with the *Turks*, was endeavouring to draw them into a War against the Republick, who besides were threatening to do themselves Justice upon it with Arms, for the Loss they had sustained in the said Prizes. But at the same time the Viceroy did not fail likewise to cry out against the *Venetians*, saying, that their bragging of a Dominion, which they imagined they had over that Sea, was intolerable; that by the Law of Nations Navigation was free, and much less could they pretend to deny it to the Fleets of the Catholick King, who owns no Superior in the World. At this Time, and upon these Emergencies, 'tis said, that the Marquis of *Bedmar*, the King's Ambassador in *Venice*, in order to touch the *Venetians* to the Quick, had caused *M. Velfero*, or, as some will have it, *Niccolo Pierescbio* (which is likewise suspected from what *Gassendus* says in his Life) to write that Book, intitled, *Squittinio della liberta Veneta*: A Book, which hit the *Venetians* so home, that they had much ado to find a Writer able to confute it; and at last, not finding any other, they made *Theodore Grass-Winked*, a *Hollander*, answer it, by a Treatise, intitled, *Majestas Reipublicæ Venetæ*; as *Scipione Errico*, and *Raffael della Torre*, a *Genoese*, did afterwards.

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THE Viceroy wrote likewise to Pope *Paul V.* representing to him how outrageous the *Venetians* were, and the Necessity he lay under to make those Expeditions in the *Adriatick*; and as to what they charged him with, of being in Friendship, and having a Correspondence with the *Turk*, he said, that the *Spaniards* had never had either Peace or Truce with him, as the *Venetians* had, and that the War he was carrying on against them, was not against Christians, because they were not such but only by Name; for in the late Disputes having shaken off the Obedience and Respect due to his Holiness, they could not pretend to be Christians; and so much the more, that they had banished out of their Dominions, an Order so Exemplary, and so full of Zeal for the Service of God, as that of the *Jesuits*; besides they supported the Hereticks of *France*, and employed them in the Duke of *Savoy's* Service, and in their own Armies and Fleets entertained the Hereticks of *Holland*, who profaned the Churches of the Archduke's Territories, and therefore he would fain know what Religion they were of, and whether they were not such Christians as the *Moors* and Hereticks?

BUT notwithstanding these hot Disputes between the Viceroy and the Republick, the Treaty of Peace was still carried on, which being removed from *Spain* to *France*, was at last concluded in *Paris*, and the Articles were drawn up and agreed to in *Madrid*, and accepted by the Republick; so that their Ambassador having complained to the Court of *Madrid* against the Viceroy, the King ordered him to restore the Vessels and Goods to their Minister residing in *Naples*.

TOLEDO the Governor of *Milan*, and the Marquis of *Bedmar*, the King's Ambassador in *Venice*, were no less displeased with the Peace than the Duke *D'Offuna*, and they did their utmost to obstruct the Execution of the Articles; but especially *Offuna*, who, under pretence that the *Venetians* were building a Fort at *S. Croce*, gave out that he was resolved to scowre the Gulph anew: And as to the Order for restoring the Ships and Goods, he seemed ready to obey it so far, as to deliver the Ships to *Gaspare Spinelli*, the Republick's Resident, but not the whole Goods, saying, that a great Part of them were confiscated to the King, as belonging to *Jews* and *Turks*, Enemies to the Crown of *Spain*; so that the Resident refusing to take what was offered him, the Duke sent *Francesco Riviera*, with 18 Men of War, to commit fresh Hostilities in the *Adriatick*. The Governor of *Milan* likewise started Difficulties in the Execution of what came to his Share; whereupon the Pope, the *French*, and the other Princes having interposed, the Marquis of *Bedmar* was forced to give his Parole to the Senate of *Venice*, that all should be restored, but for all that, there still arose new Difficulties, till at last the Peace being executed in *Piemont* and *Istria*, *Riviera* returned to the Harbour of *Brindisi* with his Fleet; and the *Venetians* crying out now more than ever at the Court of *Madrid* against *Offuna*, they got the Affair of restoring the Vessels and Goods to be referred to Cardinal *Borgia*, with an Order for him to compound the Matter with *Girolamo Soranza*, the Republick's Ambassador in *Rome*.

BUT in the Beginning of this Year 1618. the Reason was found out, why, notwithstanding the Peace, *Offuna*, *Toledo*, and *Bedmar* always kept armed Vessels in the Ports of the *Adriatick*, which never left off infesting that Sea, whereby the *Venetians* were provoked to make Reprizals, to the great Prejudice of the *Neapolitans*, who represented their Losses to the Court of *Spain*. All proceeded from the Issue that was expected of a Conspiracy carried on in *Venice* by the Marquis of *Bedmar*, to which *Offuna* and *Toledo* were privy and Partakers in it. The Marquis had endeavoured by all Arts to make a Faction in *Venice*, and had likewise found Means to intice many to leave the Service of the Republick, and to introduce others in their Room, in order to make use of them upon Occasion. Among these *Offuna* sent a certain *Jaques Piere*, a *Frenchman* of *Normandy*, and a Pirate by Profession, but a Man of a great Spirit. He, pretending to be disoblged by *Offuna*, feigned to be revenged of him, by entering into the Service of the Republick, into which he was gladly received, with an Associate, named *Langlad*, skilled in Fire-Works. *Offuna* pretending to be highly offended at this, ordered *Piere's* Wife to be put in Prison, and by sham Letters offering him a great Reward, invited him to return to his Service. On the other Hand, *Piere*, in order to make himself acceptable to the *Venetians*, produced the Letters, proposed many specious Things, pretended to discover the Viceroy's Designs, and suggested Means for blasting them. Thus having gained great Credit, he got *Langlad* to be employed in the Arsenal. Afterwards he

he had secret Meetings with the Marquis, and a private Correspondence was carried on with the Viceroy; and in the mean time they had gained over some *Burgundians* and *French* to their Party. The Concert was, that *Offuna* should send, under the Command of an *Englisbman*, named *Haillet*, some Brigantines and Barks, fit to enter the Ports and Canals, of which they had taken the Breadth and Depth; then larger were to follow, and anchor off *Friuli*, under the Protection of which, and in the Confusion of the People by the entering of *Haillet*, the Conspirators were to perform the Parts that had been assigned them, *Langlad* to set fire to the Arsenal, others to different Parts of the City, some to seize the Mint, massacre the Nobility, and all to enrich themselves with the Plunder of the City.

BUT while the Brigantines were making ready to join, some of them were taken by Pirates, and others were dispersed by a violent Storm; so that the Conspirators being disappointed, they were forced to delay the Execution of their Design to the next Autumn. *Piere* and *Langlad* being ordered to go aboard of the Fleet, could not refuse to go along with the Captain-General *Barbarigo*. The rest, who remained in *Venice*, impatient of Delay, were still considering of the Method of Execution; but having frequent Meetings among themselves, and, in order to increase their Number, trusting others of their own Countrymen with the Secret, *Gabriel Moncassin* and *Baldassar Juven*, Gentlemen, the last of *Normandy*, and the other of *Dauphine*, discovered the Conspiracy to the Council of Ten; whereupon some of the Conspirators being imprisoned, the Plot was proved, both by Papers that were found, and the Confessions of the Guilty, who were brought to condign Punishment; However some, upon the seizing of their Associates, made their Escape, and run to *Offuna* for Protection; but *Piere* and *Langlad*, by an Order sent to the Captain-General, were thrown into the Sea. The City of *Venice* was struck with Horror at the Discovery of such a Conspiracy, and the Risque they had run of seeing their Churches and Houses on fire; the Marquis of *Bedmar* therefore, who was reputed the Director and Manager of so wicked a Design, seeing himself in great Danger of being sacrificed by the Fury of the People to the Publick Resentment, retired privately to *Milan*. The Senate had already sent a Messenger express to King *Philip*, resolutely demanding to have him recalled; whereupon the Court of *Madrid* disapproving his Conduct (it being usual, that the Effects of such Intrigues please Princes better than the Means) the *Venetian* Ambassador was answered, that *Lodovico Bravo* had been already appointed to succeed the Marquis, who was to go to *Flanders* to assist the Archduke *Albert*.

UPON the Discovery of the Conspiracy, our Viceroy denied his having had any Hand in it, though the World looked upon him as guilty, seeing that the Fugitives fled to him for Protection, and that *Piere's* Widow being set at Liberty, was honourably convoyed to *Malta*; but not troubling himself about such Reports, he continued to keep his Ships ready armed, in his own Name, and at vast Expences, though he provided them with Artillery by disgarnishing the principal Forts of the Kingdom; of which grievous Complaints were sent to the Court, to which those daily given in against him by the *Venetian* Ambassador being added, it was thought he would have been removed from the Government; but with the Assistance of the Relations and Friends he had in *Madrid*, and by the frequent Representations to the King of his signal Services, he still vindicated his Proceedings; and in the mean time he did not fail to plague the *Venetians* in the *Adriatick*.

MORE Complaints were always giving in against the Duke, among the rest, that he oppressed the Kingdom, by making the People serve as Soldiers; that he led a most scandalous Life, and, to the great Grief of the Dutcheß his Wife, not content with the publick Whores, he took the Liberty to converse too freely with the Ladies of greatest Distinction, thereby giving a Handle to the Vulgar to speak dishonourably of the most conspicuous Families of the Kingdom, to the great Indignation of the Husbands and Relations, who in Time may be provoked to some desperate Attempt; therefore the Nobility earnestly solicited the King to remove him from the Government; and they resolved to send secretly to Court *F. Lorenzo de Brindisi*, a Capuchin, who had the Reputation of a most holy Life, and was in great Esteem with King *Philip* on account of his Piety. The Duke having had notice of the Message, endeavoured to prevent it; for which end, by Order of Cardinal *Montalto*, Protector of the *Franciscans*, he got the Capuchin to be stopt in *Genoa*; but some Time after having got Liberty to pursue his Voyage, and being

arrived

arrived at Court, he represented the Duke's Actions to the King; and to whose Relation, the Complaints of many of the Nobility, who had privately gone to *Madrid*, being added, although the Duke had left no Stone unturned in order to defend himself against what was laid to his Charge, his Favourers were not able to support him any longer, so that it was resolved by the Court to recall him.

IT was reported, and by some Events afterwards confirmed, and *Nani* takes it for granted¹, that the Duke finding that he was like to lose his Post, thought of changing his Ministry into Principality; for which End, by Means of *Giulio Genuino*, an Elect^{*} of the People, a Man of ready Wit, a * A Magistrate. Contriver of Novelties, and greedy of Commotions and Sedition, he had curried Favour with the Commonalty; besides he had foreign Troops in his Pay, and Ships of Force at his Command: He protected the People, without Distinction, against the Barons, and gave out that he would redress their Grievances, and take off the Taxes; nay, passing one Day, where, in order to adjust the Duty, some Provisions were weighing, he cut the Ropes of the Ballance with his Sword, giving to understand, that he would have the Fruits of the Earth to be free, as the Gifts of the Air and Heaven were gratuitous: And *Nani* adds, that hoping the Princes of *Italy* would back him in his Design, by most secret Methods he sounded the Duke of *Savoy* and the *Venetians*; the last by insinuating to them, that whatever he had done was by express Orders from the Court of *Madrid*; the first by inviting him to join in driving the *Spaniards* out of *Italy*; but the Republick, far from giving Way to such a Proposal, and always cautious, would not so much as hearken to it: The Duke communicated the Project to the Court of *France*, and the Duke *De Lesdeguieres*, Constable of *France*, sent a Person to *Naples*, to observe the State of Affairs.

THE Court of *Spain*, which, by reason of the great Distance from it of many of its Dominions, had a Maxim of being diffident of the Ministers that governed them, having a watchful Eye over the Proceedings of the Duke *D'Offuna*, easily found out his Intrigues, and resolved without Delay immediately to remove him; but afraid, that by sending him a Successor from *Spain*, he might take Advantage of the Delay to strengthen his Disobedience, they ordered Cardinal *Borgia*, with all Haste and Caution, to go from *Rome* to *Naples*, take upon him the Government, and turn out *Offuna*. But as the Cardinal was to set out in the Month of *May* this Year 1620. it could not be done with so much Secrecy but the Duke had notice of it; and having in vain endeavoured to delay his coming till *October*, when he saw that his Successor was come to *Gaeta*, he resolved to lay a Snare for him; he caused to be prepared for him in *Pozzuolo*, where he supposed he was to stay that Day, a Lodging fit for the Purpose; but the Cardinal being jealous, instead of lodging in *Pozzuolo*, went to the Island of *Procida*.

IN the mean time *Genuino*, exaggerating to the Commonalty the Benefits they had received from *Offuna*, and that if he should leave them, the *Spaniards* would treat them more harshly, had raised a Commotion in order to hinder the Cardinal from making his Entry into the City, and by that Means to prolong the Duke's Government; of which the Cardinal being advised, that he might not expose himself to the Insults of the Populace, he resolved to enter the City privately; and having concerted the Method with the Governor of *Castelnuovo*, who was to be ready to open the Gate of the Castle, he went aboard of a small Boat, and landed at *Pozzuolo*, from whence, hiddenly in the Night-time, he went in a Coach, and got into the Castle, and early the next Morning, the Arrival of the new Viceroy, and the Removal of *Offuna*, was proclaimed to the City by the firing of the Guns: Nevertheless, as much as the Shortness of Time would allow him, he did not fail, by fair Promises, to stir up the Commonalty, and the Troops by Presents; and he wrote to the King, complaining of the Cardinal for having entered the City by Stealth, when he had readily offered him the Gallies; but that he reckoned the putting up this Affront among the other important Services he had done to the Crown, because, as he could easily have hindred him from entering the City, so after he had entered, with his Sea-Forces, and 6000 *Spaniards*, who were all at his Beck, he could easily have driven out the Intruder, for such he ought to be reputed, because of the illegal and clandestine Possession, taken in an unusual Place, and without the wonted Ceremonies;

¹ *Nani*, *Istor. Venet.* lib. 4. Anno 1619.

that he likewise could have punished the Insolence of the Governor, who in the Midst of the Night opened the Gates of the Castle, and the Regents of the Collateral Council, and the Effects of the City, for having arrogated to themselves the Power of removing and posting Viceroy's at their Pleasure, but that he sacrificed every Thing to the Service of the Crown, and was coming to justify himself before his Majesty, in the Face of the Court. Therefore, on the 14th of *June* this Year 1620. he thought fit to set out for *Spain*, and left his Wife and Children in *Naples*, having first sent *Gemuino* to *Piombino* in the Disguise of a Sailer, in order to keep him from his deserved Punishment, where he afterwards took him on Board in his Passage, and carried him along with him to *Spain*; but to give Time to the King's Passion to be allwaged, he proceeded very slowly on his Voyage, and after two Months arrived at *Marseilles*, where he diverted himself with Feasts and Balls, and shewed a great Backwardness in pursuing his Voyage.

IN the mean time Cardinal *Borgia*, as soon as *Offuna* was gone, began to punish those that were guilty of the late Tumults, and committing their Trial to the Counsellor *Scipione Rovito*, Processes were entered against them, and many of the Guilty were put in Prison, and *Gemuino* was first declared contumacious, and then proclaimed a Rebel, all his Goods were confiscated, and his Moveables sold, although his Relations opposed the Sale, alledging he was of the Clergy. In order to undo what his Predecessor had imperiously done, he imposed again the same Taxes that had been taken off by the Duke, and he made other Regulations, which we read in the three Pragmaticks, that in the short Time of his Government he left us.

BUT at last, after so tedious a Voyage, the Duke arrived at *Madrid*, and, by the Means of the Duke *D'Uzeda*, and his other Friends and Relations, having made his Peace with the King, he so artfully cleared himself from what had been laid to his Charge, and on the contrary aggravated the Cardinal's Conduct, that he had the Assurance to desire, that the Cardinal might be removed, and himself sent back to continue the Exercise of his Charge. The Council of State, which, according to the lamentable Condition of that Court, was governed by the capricious Favourites, debated the Matter, and if the Ambassador of the City of *Naples* had not stoutly opposed the Duke's Pretension to return, a worse Decision had followed; even, although it was not resolved that the Duke should return, the Cardinal's Conduct was disapproved, and it was carried that he should be removed, notwithstanding the Complaints of the Dutches of *Gandia* his Mother, who cried out mightily against the bad Usage of her Son, after he had served his Majesty so well; and the Duke strenuously insisting upon his Returning, an Expedient was fallen upon, to suspend the Election of a Viceroy, and in Place of *Borgia*, to send Cardinal *Antonio Zapatta*, who was then in *Rome*, to be Lieutenant of *Naples*, and accordingly he went thither in the Month of *November* the same Year 1620.

BUT the Death of King *Philip III.* happening soon after, the Duke's Friends could protect him no longer; for King *Philip IV.* coming to the Crown, and the Count *D'Olivares*, who was no Well-wisher to the Duke, being made Prime Minister, the King ordered a new Juncto of Ministers to examine judicially the Crimes laid to the Duke's Charge, contained in the Reports drawn up by the Counsellor *Scipione Rovito*, and sent to the Court by Cardinal *Borgia's* Order. The Business was strictly examined, and the Duke being found Guilty, was ordered to be arrested, and with a strong Guard was sent to the Castle of *Almeda*, where, after a long Imprisonment, he pined away with Grief, and on the 24th of *September* 1624. ended his Days. He was so given to sensual Pleasures, and had such an immoderate Ambition to Command, that all his fine natural Endowments were eclipsed. He left us many prudent and commendable Regulations, which are to be seen in the Volumes of our Statutes, pointed out, according to the Order of Time, in the Chronology prefixed to the first Tome.



C H A P. V.

The unhappy Government of D. Antonio Zapatta: The Death of King Philip III. and the Laws he left us.

UPON Cardinal Zapatta's Arrival in Naples (to whom Borgia yielded the Government on the 12th of December this Year 1620. and departed that same Day) he was received with the Approbation of the People, who having been oppressed by the late Calamities, wished for nothing but Plenty; therefore, in order to answer their Desires, he kept a watchful Eye over the Sellers of Eatables, lest they should alter the Prices regulated by the Elects of the City, punishing severely such as did not sell according to the Assizes. He visited the Prisons of the Vicariate, and being of an easy Access, he very readily heard all Sorts of Persons; and thus providing for the Necessities of the Subjects in the Beginning of his Government, he gained the Applause and Blessings of every Body. The Death of Pope Paul V. happening in the Month of January this Year 1621. he left as Lieutenant in his Absence, D. Pedro di Gambia y Leyva, General of the Naval Squadron of Naples, and went to Rome to assist in the Conclave; and on the 9th of February, Alessandro Ludovisi being elected, who took the Name of Gregory XV. he returned to Naples, resumed the Government, and went on with the same common Applause, which increased still more, when they saw the Tribunals reformed, the constant Attendance of the Judges ordered, and the quick Dispatch of Law-Suits, he having for that End, caused a Bell to be hung in the Capuan Palace, which, at an appointed Hour, being rung for calling the Judges and others concerned, left no Room for any pretence of Delay.

BUT two unhappy Emergencies interrupted the Course of his commended Administration, and rendered his Government troublesome and unfortunate. To the preceding Years of Dearth, another much worse had followed, so that an extreme Scarcity of Provisions ensued: To all this was added, that for four Months together, there fell from the Heavens such incessant Showers of Rain, that the Roads being rendered impassable, Provisions could not be transported from the Provinces to the City; and the continual Storms at Sea stopt Navigation, and some Ships, loaded with Corn, were miserably shipwrecked off the Harbour: The Turks likewise cruising every where upon our Coast, took the Ships which had been sent from Puglia loaded with Corn for the Relief of the famished City; the Price therefore of the Necessaries of Life rose to an excessive Height, insomuch that Misery and Dearth were seen every where.

TO this Calamity was added another most grievous Mischief, and hard to be remedied, occasioned by the Money commonly called *Zannette*, which, by the excessive Covetousness of the Money-Clippers, was reduced to a wretched State, not worth more than the fourth Part of the antient Value, which made them to be refused in all Payments; so that the Price of Goods being altered, the Money debased and refused, reduced many to Despair. It was resolved to coin a new Species of Money, and cry down the *Zannette*; and it was given out that none should lose by the Coinage. But that being found impracticable, by reason of the vast Quantity of *Zannette* that was in the Kingdom, and the Scarcity of Silver to be coined in place of these, great Disorders and seditious Tumults arose.

THE Scum of the People, who by all means would have Meat and Drink, without Regard to the Severity of the Weather, or the Sterility of the Land, seeing themselves in want of Bread, began to mutiny, and shew no Respect to the Officers who had the Charge of Provisions : One Day in the Month of *October* this Year 1621. *Fulvio di Costanzo* narrowly escaped being murdered by them ; and now all Things were prepared for a general Insurrection. The Counsellor *Cesare Alderisio*, Clerk of the Market, in order to pacify the Mob, persuaded the Cardinal to go through the City, and, in such a Calamity, to comfort the People ; and at last, in *January* 1622. they both went out in a Coach, but that increased the Mischiefs, for the insolent Rascality, upon seeing the Viceroy, upbraided him with the Badness of the Bread they were forced to eat ; and his *German* Guard being ready to curb their Insolence, they threw a Shower of Stones at the Cardinal's Coach, insomuch that he was forced to take Shelter in the Archbishop's Palace, and to order the Gates both of it and the Church to be shut, till many of the Nobility ran to his Assistance, and conducted him back in Safety to his Palace.

THE Disorders occasioned by crying down the *Zannette*, and not being able to coin new Money in their Place, increased the Confusion among the People, who, having lost all Sense of their Duty, on the 24th of *April*, the Cardinal having gone to take the Air in his Coach, when he had got without the Gate *Capuana*, he saw a Multitude of People following him, one of which, coming up to the Coach, with a Loaf of Bread in his Hand, very arrogantly said ; *Your most illustrious Excellence may see what Bread you make us eat*, and adding other Words full of Threats, he threw the Loaf into the Coach. The Cardinal suspecting worse, ordered the Coachman to drive on faster ; and having gone by *S. Charles's* Street, without the Gate of *S. Januarius*, he entered at the Royal Gate, which we now call the Gate of the *Holy Ghost*, and with full Speed drove to the Palace, where having consulted about the Matter, it was resolved to wink at it.

BUT this Connivance, instead of calming, fomented the Tumults, and brought them to the last Extremities, as was seen shortly after ; for at this Time the Count of *Monterey*, who had been sent by the King Ambassador-Extraordinary to Pope *Gregory XV.* having come to *Naples*, while the Cardinal and the Count were passing in their Coach through the City, in the Street *Dell' Olmo*, they were surrounded with a Mob, who cried out ; *Viſtuals, Viſtuals, my Lord* ; whereupon the Cardinal turning to them with a chearful Countenance, and laughing, one of them looking him boldly in the Face, said, *'Tis a lamentable Affair, your Lordship has no Occasion to laugh*, and speaking some other Words full of Reproach, the rest were stirred up do the same, and to throw Stones at the Coach, so that they were forced to gallop with full Speed back to the Palace. Then it was found that all Connivance was dangerous, and therefore it was resolved to have recourse to severe Punishments ; whereupon four of the most renowned Ministers being appointed Judges Delegates, which were *D. Giovan-Battista Valenzuola* the Regent, and the Counsellor *Scipione Rovito*, *Pomponio Salvo*, and *Cesare Alderisio*, Actions were entered against them, and above 300 were put in Prison : The Guilty being convicted, on the 28th of *May* Sentence was pronounced against them, whereby ten of them were condemned to be broken upon the Wheel, after the manner of *Germany*, after being drawn through the publick Places of the City on a Cart, and having their Flesh torn off with Pincers ; their Houses were razed, and their Goods confiscated to the King ; their Bodies were quartered, and hung up without the Walls of the City, for Food to the Birds, and their Heads were put upon the most frequented Gates upon Iron Spikes. Sixteen others of the less Guilty were condemned to the Gallies ; and *S. James's* Magazine, in the Street of *Porto*, was likewise razed, and that Street which we now see, was opened : And thus ended the Tumults, which under the Government of Cardinal *Zapatta*, had been occasioned by the Famine and the *Zannette*.

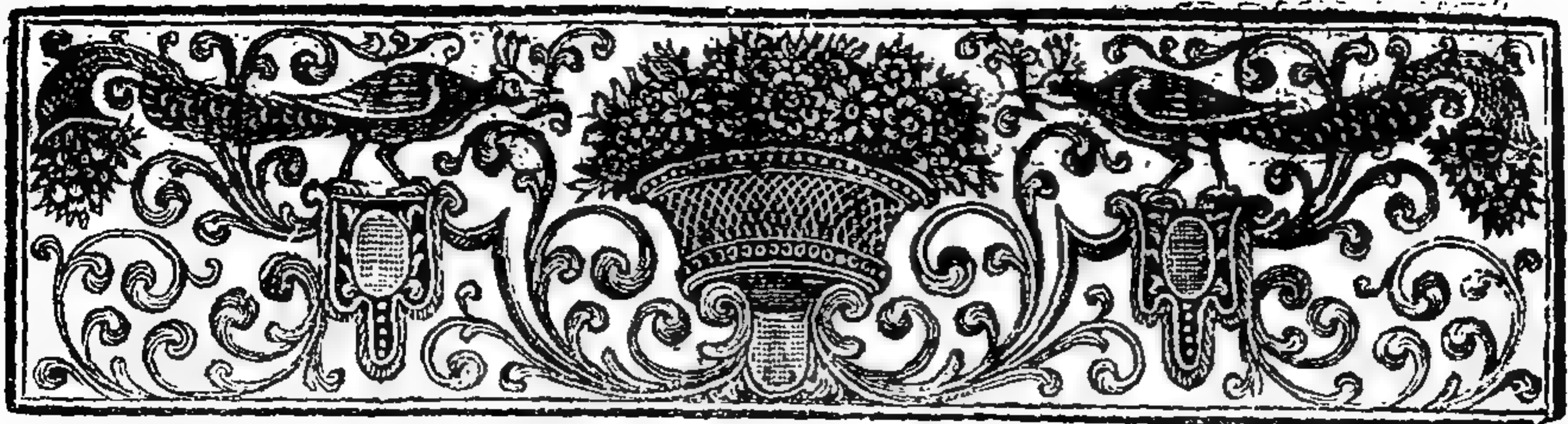
AT this Time, while the City was involved in these Commotions, *D. Francisco Antonio Alarcon*, to whom the King had committed the Duke *D'Ossuna's* Case, came to *Naples*. In the mean time *Genuino* had been seized, and put in close Prison in *Madrid*, from whence he was carried under a strong Guard to *Barcelona*, and afterwards transported to the Fort of *Portolongone*, where he was kept many Months in close Prison : *Alarcon* in his Passage having brought him along with him to *Naples*, and shut him up in *Castelnuovo*, two Days after he was sent to the Castle of *Baja*, from thence to that of *Capua*, and then to that of *Gasta*. At last being brought to his

his Trial, he was condemned to perpetual Prison in the Fort of *Oran*, and his Grandchildren and Accomplices were condemned to the Gallies. But after many Years *Genuino* at last obtained his Liberty; and 'tis said, the Reason was, his having sent to King *Philip IV.* who had desired it, a Model in Wood of the Fortress of *Pignone*, which he had made in the Prisons of *Africa*; and returning afterwards to *Naples*, though he took Priests Orders, it was he, who was the chief Fomenter of the popular Sedition which happened in the Kingdom in the Year 1647. of which hereafter.

IN the mean time the City of *Naples*, in order to have a speedy Remedy to so great Disorders, had secretly sent to the Court of *Spain*, *Taruggio Taruggi*, a Priest of the Congregation of the Oratory; and the miserable State of the Kingdom being taken into Consideration, and that for redressing the many Grievances occasioned by the want of Provisions and Money, it was found, that strong and speedy Remedies were necessary, and that the Cardinal's easy and indulgent Temper was not equal to the State to which Matters were reduced; therefore it was thought fit to remove the Cardinal, and to send the Duke *D'Alba* to be Viceroy of *Naples*, who immediately set out, and on the 14th of *December* this Year 1622. arrived at *Pozzuolo*, and a few Days after took the Government of the Kingdom upon him. The Cardinal left *Naples* with the Character of an unfortunate Minister, and that his too indulgent and mild Nature had encouraged the Disorders that fell out in his Government. However he left us prudent Regulations, which we read in the Volume of our Statutes, and are marked in the Chronology prefixed to the first Tome.

DURING his Government, on the 31st of *March* 1621. King *Philip III.* died, in the 43d Year of his Age, of which he reigned Twenty-two and a half. The Cardinal, after having caused King *Philip IV.* to be proclaimed with great Solemnity, ordered his Funeral Obsequies, with great Pomp, to be celebrated in the Cathedral Church of *Naples*. King *Philip* died of a Burning Fever. By *Margaret of Austria* he had three Sons, and as many Daughters; *D. Philip*, who succeeded him in his Kingdom; *D. Carlos*, who died afterwards; and *D. Fernando*, Cardinal Deacon, by the Title of *S. Maria in Portico*, commonly called the *Cardinal Infant*. *D. Anna*, who was married to *Lewis XIII.* King of *France*; *D. Maria*, who was married to *Ferdinand* King of *Hungary*, and afterwards Emperor; and another who died a Child. He reigned rather in Appearance than Reality; for being content with the Royal Dignity, he left the Government to his Favourites and Councils. It was thought, that when, by the Instigation of the Duke *D'Uzeda*, and *Fr Lodovico Aliaga*, his Majesty's Confessor, Cardinal *Lerma* was ordered to retire, the King was to have taken the Government upon himself, but Death soon after prevented him. He was a Prince more adorned with the Ornaments of Life, than skilled in the Art of Government; and as his Goodness, Piety, and Continency raised him above his Subjects, so his want of Application to Government rendered him unequal to the Work. Being indolent, he believed that there was nothing else incumbent upon him, but to assent to whatever his Favourite thought fit: It was said, that in the Agony of Death, he was not so much comforted by the Remembrance of his innocent Life, as he was disquieted in his Conscience for having neglected the Government of his Dominions. Notwithstanding all that, from the first Year of his Reign, to the last but one, he established many good Laws for us, which, according to the Order of Time, are set down in the Chronology prefixed to the first Tome of our Statutes.





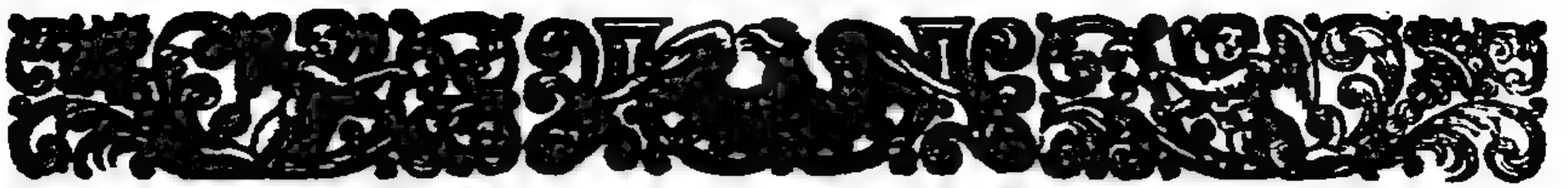
T H E
CIVIL HISTORY
Of the KINGDOM of
N A P L E S.

B O O K XXXVI.



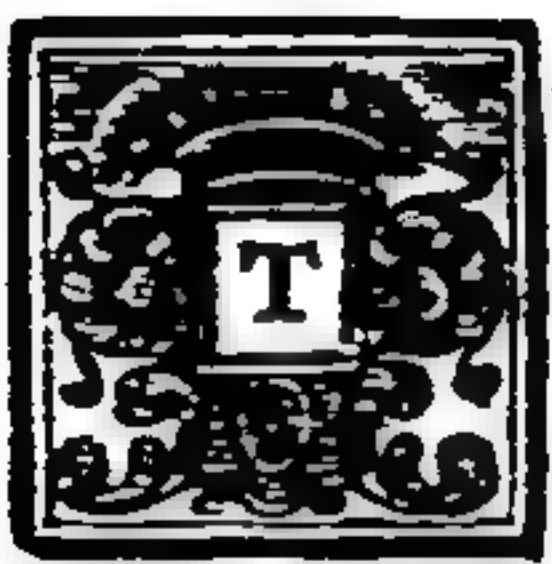
PHILIP IV. succeeded his Father at the Age of Sixteen, having been born in *Valladolid* on the 8th of *April* 1605. His Reign was very long, having lasted Forty-four Years and a half, till 1665. the Year of his Death. It was hoped, that by the Accession of a new King, the Use of Favourites would have been left off, and that the King would have held the Reins of Government in his own Hands : but all these Hopes proved vain ; for the Dispatches having been carried to the King, he delivered them to *D. Gaspar de Guzman*, Count *D'Olivares*, who, though he wished for nothing so much, seeming averse to it, with his pretended Modesty, moved the King to com-

mand him to give the Dispatches to whomsoever he (the Count) should think fit. He, out of seeming Disinterestedness, resigned them to *D. Baldassar de Zuniga*, an old and experienced Minister ; but however, it had been concerted between them, for *Zuniga* being his Uncle, they had agreed to support one another : So that soon after throwing off the Mask, all Power and Authority lodged in the Count, who being likewise adorned with the Title of Duke, in the following Relations he will be found with this double Title of *Count Duke*. During this long Reign, Matters still growing worse and worse, this Kingdom was the unhappy Theatre of great and unfortunate Adventures, whereby it was drained both of Men and Money, and miserably disordered and afflicted. This King having taken the Investiture of it from Pope *Gregory XV.* in that Space of Time governed it by the Means of nine Viceroys, who successively took the Administration of it, the first of which was *D. Antonio Alvarez de Toledo*, Duke *D'Alba*, of whose Government we shall now briefly give an Account.



C H A P. I.

*Of D. Antonio Alvarez de Toledo, Duke D'Alba, and of his
unfortunate and troublesome Government.*



THE Duke *D'Alba* came to retrieve the Kingdom from the preceding Calamities and Miseries; but to find out effectual Remedies for so many Mischiefs, proved a very hard and difficult Task. In order to shun the Confusion occasioned by the Currency of the *Zannette*, a greater had ensued by crying them down, when there was not Silver for coining new Money to supply the want of them, whereby not only the publick Banks, but their Creditors sustained a prodigious Loss; which Banks were found to have in *Zannette*, the Sum of 4,400,000 Ducats. Many other private Citizens had likewise great Sums in *Zannette*, which they were forced to sell by the Weight, whereby many Families were reduced to extreme Poverty and Beggary; whence proceeded a Scarcity of every Thing, and a Stop to Commerce. The Duke *D'Alba*, in the Beginning of his Government, gave his Mind to the redressing of these Grievances, and having formed a Juncto of Ministers, and other Persons of Experience, he left it to their Care to find out proper Expedients for restoring Plenty and Commerce in the Kingdom. The Matter being taken into Deliberation, it was resolved to lay on a new Tax, in some measure to make up so great a Loss, since it was impossible to repair it altogether. But a great Difficulty occurred, which was, how to find a Commodity upon which this Tax could be laid. The Kingdom was so loaded with Taxes and Duties, that almost all the Necessaries of Life were already burdened with them; at last, it being found, that the Wine retailed in Publick Houses only paid a Duty, and that what was brought into the City to be sold in Hogsheads or Butts, for the Use of the Citizens, paid nothing, it was resolved that the Duty of a Ducat should be laid upon each Hogshead: So this new Duty was imposed, which being farmed out for the Sum of about 90,000 Ducats yearly, that Revenue was assigned to the Creditors of the Banks for Payment of the Third Part of their Credit, of which they received another Third Part in ready new-coined Money; and the Revenue proceeding from the Tax upon Foreigners, was assigned to the Farmers for Payment of the Silver furnished by them for the new Coinage. To these Regulations was added the lowering of the Interest of Money, which had been raised to an intolerable Degree; so that there was a little Respite from Troubles, and Commerce began in some measure to be restored.

BUT in the following Years new Emergencies involved both the Kingdom and the Duke into great Trouble. In 1624. the Crop was so bad, that the City was reduced to the utmost Distress. To the Scourge of Dearth was added the Fear of a Plague, which was making a great Havock in the neighbouring *Sicily*; but what created the greatest Uneasiness to the Duke, was the War betwixt the Duke of *Savoy* and the Republick of *Genoa*, about the Marquisate of *Zuccarello*, in which War the Republick employed in its Service our Colonel *D. Roberto Dattilo*, Marquis of *S. Caterina*, the Son of Major *D. Alfonso*, who had made himself famous for his Courage in the Wars of *Flanders* and elsewhere, and gave him the Command of the mercenary Troops. Besides this, there was another War in the *Valtelline*, to both which, by the King's Order, the Duke was obliged to furnish both Men and Money. In order to support these Wars, Money was the chief Thing wanted;

but

but the late Misfortunes in a Government without Oeconomy, always profuse, and committed to Favourites, who, not as faithful Stewards, but as Hirelings, did not mind the Calamities of the People, had not only impoverished the Subjects, but the Sovereign; and the Exchequer was no less drained than the Purses of the People; but for all that, the *Count Duke* pressed the Viceroy to send Supplies both of Men and Money. In order to comply with these Demands, it behoved the Duke to use gentle Methods, and that were least burthensome to the Subjects; for which End, at two different Times in one Year, the Revenue that had been assigned to the King's Creditors upon the Taxes and Royal Incomes was made use of, and an Equivalent given them out of the new Duty of five *per Cent* received at the Custom-Houses; Twenty-five *per Cent*. was raised out of the Estates of Foreigners, and two *Carlini* out of each Family of the Kingdom.

IN order to raise Men, a Pardon was granted to all Delinquents, Out-Laws, and Banditi, who would list in the Service. The Troops being assembled, the Duke reviewed them on the Plain near the Bridge of *Maddalena*: Besides the *Spanish* Troops, and the *Italian* Regiments of the Colonels *Carlo di Sangro* and *Annibale Macedonio*, there were the Battalions of the Provinces of the *Hither Principato* and *Basilicata*, under the Command of Major *Marco di Ponte*; those of the *Contado di Molise* and *Capitonata*, under the Command of Major D. *Pietro de Solis Castelbianco*; that of the *Further Principato*, under the Command of D. *Antonio Caraffa*, a Knight of S. *John*; that of *Terra di Lavoro*, commanded by Major *Vespasiano Suardo*; and that of *Terra di Bari*, commanded by Major *Giantommaso Blanco*.

BESIDES these, there were other Six thousand Men raised by the Corporations of the Kingdom, proportionable to the Number of Families, and these were likewise sent under the Command of the Colonels D. *Antonio del Tufo* and D. *Roberto Dattilo*, the same who was afterwards employed in the Service of the *Genoese*, as we have already told; and D. *Ettore Ravoschiero*, Prince of *Satriano*, had some other Troops under his Command.

BESIDES these Expedients made by the Duke D'Alba, he procured a Donative from the City of *Naples* of 150,000 Ducats, for the Charges of these Wars, towards which many of the Nobility and Knights of *Naples* likewise contributed. And the Duke was obliged not only to support the Wars of *Italy*, but to send both Men and Money out of the Kingdom as far as *Flanders*.

NOR was the *Count Duke* satisfied with this; for as the Wars of *Italy* were still going on, and others daily hatching, he had sent an Order to the Governors of all the Dominions which the King possessed on this Side of the *Alps*, to have Twenty thousand Foot, and Five thousand Horse, even in Time of Peace, ready to be employed where-ever the King should have Occasion for them, and to provide a sufficient Fund for maintaining them. But the Viceroy having laid this Order before the Council of State, it was resolved, that it should be represented to the King, that this would be an intolerable Burden to the Kingdom, so much oppressed already; and that to add more, particularly in Time of Peace, would be an Oppression that would render the Kingdom incapable of serving him afterwards in Time of War, and upon the most urgent Occasions.

AT the same time our Coasts were infested by the *Turks*, who, taking Advantage of the Absence of our Fleet, appeared in our Seas, and some Gallies of *Biserta* took six Ships off *Monte Circello*, that were going to load Corn for the Provision of the City; then they attacked the Town of *Sperlonga* near *Gaeta*, the Castle of *Abate*, and the Tower of *Licosa*. Other fourteen *Turkish* Vessels infested the Coast about the Cape of *Otranto*; and if the Marquis of S. *Cruz* had not come hither and chased them off the Coast, they would have done much more Damage.

LASTLY, to complete our Misfortunes, in the Month of *March* 1626. so terrible an Earthquake was felt in the City of *Naples*, and many other Parts of the Kingdom, that the City was full of Horror and Amazement. In the Month of *April* following, another yet more terrible was felt in *Calabria*, which did great Damage to *Catanzaro*, *Girifalco*, and other Cities. But in the Year 1627. there was one still more violent felt in *Puglia*, where it overthrew many Cities, and made so great a Slaughter of the Inhabitants, that there not being Room for burying them, to prevent the Air from being infected, their Bodies were burnt.

SO troublesome and full of anxious Cares was the Government of the Duke D'Alba; but for all that he was never in the least discouraged, nor did he fail, by

his Courage and Constancy, to expose himself to all Dangers. In the Midst of so much Trouble, his Magnanimity and Generosity appeared upon all the Occasions that offered during his Government, as well in the publick Rejoycings on account of the Queen's being brought to Bed of a Daughter, and in the Solemnity performed in the Royal Palace, of investing the Princes of *Roccella*, *Avellino*, and *Bisignano*, with the Order of the Golden Fleece, as upon the coming to *Naples* of Prince *Ladislaus*, the Son of *Sigismund III.* King of *Poland*, and of other Lords and the King's Ambassadors, who had all been at *Rome* to partake of the Jubilee of the Year 1625. But above all, his Magnificence shined most in beautifying the City with new Edifices, and in repairing and enlarging the Old. He raised the Tower of the Light-House on the Mole, to that Height it is at present: He built a Bulwark at the Point of the Mole with four Towers, for the Defence of the Harbour; and he opened that magnificent Gate, which from his Name is still called *Port' Alba*, for the Conveniency of those that had Occasion to go to the Courts of Justice. He built the Bridge upon the River *Sele* in the Territory of the City of *Campagna*, another in the City of *Otranto*, and a Third upon the River *Garigliano*, for the Conveniency of Travellers. By reason of the Fear, occasioned by the Plague then raging in *Sicily*, he ordered the Lazaretto to be removed from the Place where it then was near *Posilippo*, to the Place where it now stands hard by *Nisita*. He likewise caused the Water of *S. Agata* and *Airola* to be brought into *Naples*, for the Use of the Citizens and the Fountains of the City, especially the Fountain near the Royal Palace, which he beautified. Besides, for a greater Ornament to the City, he opened a new Fountain in the Street *S. Lucia*, and enlarged the Street of *Mergellina*, that those who were Sea-sick might go conveniently by Land. He beautified the Royal Palace with Pictures drawn by the famous Painter *Belisario*. But above all, the Kingdom is most indebted to him for his having ordered the Regent *Carlo Tappia* to finish the State of the Revenue, and the Charges of all the Corporations of the Kingdom, and limit the Sum they were to spend yearly in the Publick Service, which, in a great measure, prevented the Managers from imbezzling the Publick Money. Much is likewise owing to him, for having in 1626. ordered *Bartolomeo Cbioccarello* to make that Collection of all the Writs concerning the Royal Jurisdiction, which he put into 18 Volumes, and which afterwards, in 1631. by Order of King *Philip IV.* he delivered to the Visitor *Alarcon*, to be carried to *Spain*, where they are preserved by the Supreme Council of *Italy*.

BUT while the Duke *D'Alba*, with universal Applause, was governing the Kingdom, having scarce finished the sixth Year of his Viceroyalty, Advice came to him that the Duke *D'Alcala* had been appointed by the Court to be his Successor; at which he was very much grieved, and though he could not shun going, yet he found Means to delay it; insomuch that *Alcala* having left the Court, and being arrived at *Barcelona*, where he waited for the Gallies to imbark, but these never arriving, he was forced, after having, for his Subsistence during so long a Stay, pledged his Plate which he was carrying with him for his own Use, to take shipping in a Galley of *Malta*, which unexpectedly brought him within Sight of *Naples*.

ON the 26th of July 1629. *Alcala* landed at *Posilipo*, and was lodged in the Palace of *Trajetto* by the Prince of *Cariati*, where, together with his Dutcheffs, the Marquis of *Tariffa*, his eldest Son, and all his Family, he was magnificently entertained. The Duke *D'Alba* was then lying Sick a-bed of a violent Nephritick Cholick, and the new Viceroy went to visit him; but notwithstanding his Illness, he did not neglect to apply himself to Business; and afterwards being recovered, and having returned *Alcala's* Visit, on the 8th of August he went to *S. Lorenzo* to put an End to the Parliament that had been already begun, which, by the Indisposition of *D. Giovan-Vincenzo Milano* the Syndick, had been adjourned. In these last Days of his Government he obtained a Donative of 1,200,000 Ducats from the Barons and Cities of the Kingdom, remitting all the old Debts they were owing to the Exchequer; and besides he obtained a Free Gift for himself of 75,000 Ducats. He still continued to govern, and to bestow many Favours, and dispose of several Military and Civil Posts; and in the mean while *Alcala* was passing away his Time in Devotions, and doing Acts of Charity at *Posilipo*. At last, on the 16th of August, the Duke *D'Alba* set out, leaving behind him the Character of a Just, Good, and Prudent Viceroy, as may be seen by the wholesome Laws he left us, which are to be found in the Chronology prefixed to the first Tome of our Statutes.



C H A P. II.

Of the Government of D. Ferdinando Afan de Rivera, Duke D'Alcala.

WHEN this new Duke *D'Alcala* came to the Government, the Affairs of the Kingdom were reduced to such a wretched State, that he could ill follow the Footsteps of the other Duke *D'Alcala*, his Predecessor. The most skilful and prudent Minister would have been to seek in the midst of so many Disorders and Calamities. Although there was no War in the Kingdom, yet that of *Lombardy* occasioned more Mischief to it, than if a War had been carrying on in the very Heart of it. The *Turks* continued to infest our Seas, nor was there any Body to oppose them, because our Forces being employed elsewhere, little or no Resistance could be made. For the same Reason the *Banditi* never left off plundering the Country, and sometimes even wall'd Towns. The Earthquakes, the new Fears of a Pestilence, and other Misfortunes, put all in Consternation and Confusion.

THOSE, who ought to have reliev'd us, did us the most Mischief. The King, being guided by his Favourite, did not mind us; and the *Count Duke*, who governed the Monarchy, had laid his greatest Stress upon the Kingdom of *Naples*, for supporting the Wars of *Lombardy*. Notwithstanding that by the continual Oppressions it was so much exhausted and wasted, yet he never left off demanding Supplies of Men and Money, whereby the Viceroy and the Subjects were reduced to great Hardships; at last, in some measure, to supply the Necessities, an Expedient was fallen upon of suspending the Payment of the Sums assigned to the King's Creditors upon the Revenues of the Kingdom, and of taking 40000 Ducats out of the Revenues of the Custom-house; but that not being sufficient, the Viceroy was obliged to ask a voluntary general Contribution, which he regulated in such a Manner, that no Person was to give above a Thousand Ducats, and none less than Ten; by which Means the Nobility, Barons, and even the Advocates, down to the *Mastrodatti* and Clerks were obliged to empty their Purfes into the Viceroy's Hands, who thereby raised a vast Sum, which enabled him to support the War, both with Men and Money.

FOR which End the Viceroy appointed three Colonels to raise three Regiments, which were *D. Giovan D'Avalos*, Prince of *Monte Sarchio*, who afterwards, on Account of the Death of two of his Children, demitted in Favour of *D. Luzio Caracciolo di Torrecuso*, who was his Major, *Carlo dello Gatta*, and *Mario Casarelli*. The Prince of *Satriano* raised a Regiment of Twenty two Companies at his own Charges, all which went to serve in the *Milanese*, besides Six Hundred *Spaniards*, many Companies of the *Militia*, and the Regiment of *Mario Galeota*, which had embarked first of all, and had got as far as *Gaeta*, where it was stopped many Months, by contrary Winds.

BUT to what Purpose? These Succours, which, considering the Poverty of the Kingdom, from whence they were sent, might be termed powerful, in the Twinkling of an Eye were destroyed in that ill-managed and always unfortunate War. The Viceroy, therefore, was anew pressed to send others; but how could he raise Money, now that he wanted Funds, and all the Sources being drain'd? Then it was resolved to sell the Cities and Lands belonging to the Crown, and to encroach

encroach upon the *Regalia*. The City of *Taverna* was sold to the Prince of *Satriano*, that of *Amantea* to the Prince of *Belmonte*, the Village of *Fratta* to *Medico Bruno*, those of *Miano* and *Mianello* to the Countess of *Gambatesa*, *Marano* to D. *Antonio Manriquez*, Marquis of *Cerella*, and some more Places to other Persons: This occasioned prodigious Disorders, for those Citizens, accustomed to be the King's immediate Vassals, abhorring the Servitude, which they might expect under the *Barons*, were so incens'd, that the Inhabitants of *Amantea* and *Taverna* shut their Gates upon the Buyers, refusing to give them Possession, and stood their Ground so well, that having entered an Action at Law, by paying down the Price, they were continued in the King's Demains.

THE Coming of Queen *Mary*, the King's Sister, who was going to her Husband *Ferdinand* of *Austria*, King of *Hungary*, compleated the Impoverishing of the Exchequer and the Corporations of the Kingdom. She, afraid of the Plague that was raging in *Lombardy*, accompanied by the Cardinal *de Guzman*, Archbishop of *Seville*, and the Duke *D'Alba*, with a splendid and numerous Court, came by the Way of *Naples*: It was thought, that the Duke *D'Alba*, in order to eclipse the Authority of the Viceroy, made her take that Road; and for that End perswaded the Queen to delay her Journey; for having landed at *Naples* in August 1630, she remained there four Months, and all the Time was most spendidly entertained with Feasts and Tournaments, as became so great a Princess. Pope *Urban VIII.* sent Monsignor *Serra* to present the Queen with the Golden Rose, and he continued with her as his Holiness's Nuncio: the Count of *Monterey*, the King's Ambassador at the Court of *Rome*, came to kiss her Hands, as did many other Lords and Princesses. There was no Mention made of departing, and in the mean time, this Delay fell heavy upon the Royal Patrimony: many Horses and other Beasts of Burden were ordered to be brought, and the Corporations of the Kingdom were forced to maintain them and their Guides. The Exchequer was already empty, so that to supply the Charges, the Viceroy was obliged to make Use of the King's Revenues that had been assigned to particular Persons, and that not being sufficient, he borrowed vast Sums of the Banks. The Count of *Francburg*, the German Ambassador, press'd the Queen to pursue her Journey, and perceiving, that she rather delayed it for that, at last he begg'd of her, that, since she had no mind to go, she would allow him to take his Leave of her. The Viceroy himself took upon him to say to her, that he wished she would be pleas'd to let him know her Resolution; because if she had a mind to delay her going, he would dismiss the Horses, and put a Stop to the other Preparations, which D. *Francisco del Campo* the Purveyor General had Orders to make: though the Viceroy did this purely out of Zeal for the King's Service, yet the Duke *D'Alba* made a Handle of it for getting him to be removed from the Government, of which hereafter.

BUT what also occasioned the Delay was, that the Queen intending to go to *Trieste* with the same Spanish Fleet, joined by the ordinary Squadrons of the Italian Princes, that had brought her to *Naples*, the *Venetians* opposed it, as an Incroachment upon their pretended Dominion of the *Adriatick* Sea; and they offered either the whole, or a Part of their Fleet, for conveying her to *Trieste*. The Spanish Ministers rejected the Offer, threatening to go in spite of them; but the *Venetians* having boldly declared, that if the *Spaniards* were resolved to prefer the Force of Arms to their friendly Offer, the Queen must fight her way to her Wedding through Fire and Smoak; the *Spaniards* thought fit to delay the Voyage, till they should receive new Orders from the Court, which shamefully submitting, accepted of the Republick's Offer. So that at last, on the 18th of *December* this Year 1630. the Queen set out, and, by the way of *Puglia* and *Abruzzo*, entered the State of the Church, and went to *Ancona*: from whence *Antonio Pisani*, the Venetian Admiral, with thirteen light Gallies convoy'd her to *Trieste*.

IN the mean Time the Duke's Government was made very uneasy to him by the frequent Descents made by the *Turks*, who plundered the maritime Places; and the Gallies of *Biserta* put the Coast of *Salerno* into such Confusion, carrying off many into Slavery, and setting Fire to the Town of *Agropoli*, that the Viceroy was forc'd to send eight Gallies to chase them off the Coast: Some Domesticks belonging to the Duke *D'Atella*, in going to his Estate in *Calabria*, were made

^a Nani, Istor. Ven. lib. 8.

Slaves by the *Turks*, but they had the good Fortune to be set at Liberty by the *Florentine Gallies*.

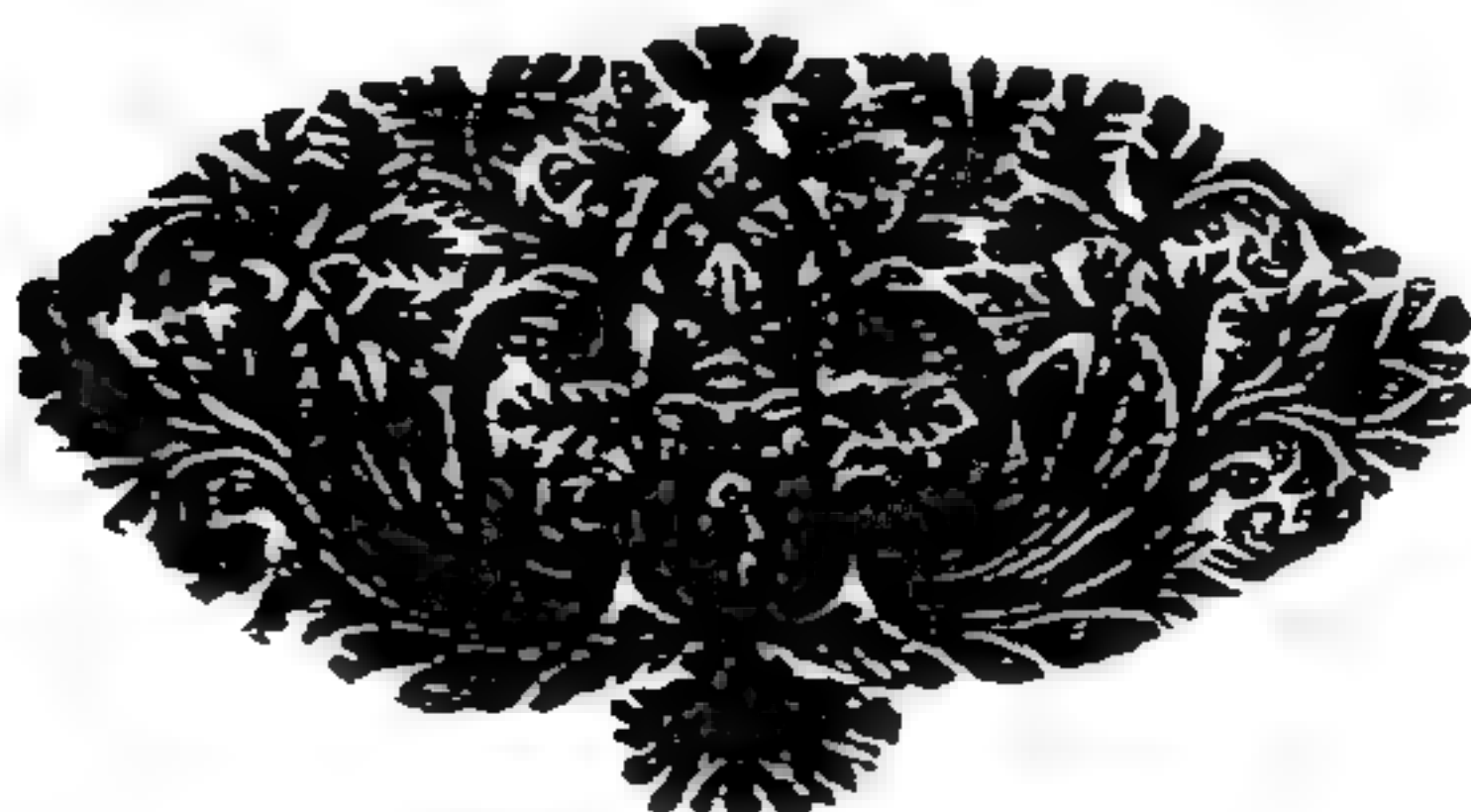
THE Banditi were likewise committing terrible Devastation in many Parts of the Kingdom, insomuch that the Viceroy was obliged to send *D. Fernando de Ribera*, his natural Son, with the Title of Vicar-General of all the Kingdom, with full Authority to extirpate them, and visit the Fortresses. The Earthquake that was felt on the 2d of *April* this Year 1630. occasioned great Fear and Consternation; but the Plague, which was making terrible Havock in *Lombardy*, and which broke out many times in the Borders of the Kingdom, struck much greater Terror. To these was added a Report, that some profligate Wretches were travelling up and down *Italy*, who contriving new Sorts of Death, with an Artificial Pestilence, did what in them lay, to extinguish Mankind, by poisoning the Water in the Churches and Streets, and in that manner went about spreading the Contagion. Although the Imaginations of the People, disordered by Fear, fancied many Things; however the Crime was discovered and punished, there being still remaining in *Milan* Inscriptions and Monuments of the Houses that were razed, where those Monsters met¹; wherefore it was ordered, that strict Guard should be kept over all the Kingdom, and that no Person should be suffered to enter it without sufficient Bills of Health.

THE Kingdom being in this Consternation, every Thing went to wreck. The little Justice that was administred in the Tribunals, and the filthy Avarice of some Judges, obliged the Viceroy and the Visitor *Alarcon* to suspend them. The Advocates cabal, and refuse to undergo the Examination appointed by the King, and leave off going to the Tribunals; and the Judges decide Causes without any Pleading; whereupon the Viceroy was forced to use Severities against the Advocates, to oblige them to resume their Calling. The Royal Jurisdiction being trampled upon, gives free Scope to the Ecclesiasticks to be more insolent; and the present Duke *D'Alcala*, so unlike the other, his Predecessor, suffers it, and does not chastise them, but, by mild Treatment, renders them more insolent, as may be clearly seen by what happened to the Auditor *Figueroa*. The Viceroy had sent a certain *Spaniard* with an Order to seize the Goods of some Inhabitants of *Nicotera*, which was put in Execution; but it being pretended, that among the Goods seized, there were some belonging to the Bishop, he, by his own Authority, ordered the *Spaniard* to be imprisoned. The President of the Province, in order to repair the Outrage committed, sent the Auditor *Figueroa* to *Nicotera*, to take him out of Prison; but in the mean time the Bishop had caused him to be removed to another Place under safe Custody: So that the Auditor being come to *Nicotera*, and having caused the Doors of the Prison to be broke open, he was disappointed, there being no Person there; and the Bishop, not content with having thus baffled him, because he had dared to break open the Prison, excommunicated him. *Figueroa*, not minding such Censures, which he looked upon to be fulminated without Reason, and therefore not to be feared, did not so much as think of getting himself to be absolved; but the Year being expired, he was cited to tell what his Opinion was of the Catholick Faith: He as little minded that Citation; but another Year being elapsed, he found, that the Inquisition of *Rome* had entred a Process against him, and by a solemn Sentence declared him a Heretick: Perhaps he would have taken as little notice of this; but the Inquisitors of *Rome* sent positive Orders to *M. Petronia*, Bishop of *Molfetta*, who was residing in *Naples*, with the Character of Minister of the Holy Office, by all means to put him in Prison. The Bishop, as Inquisitor, without acquainting the Viceroy, or asking of him the *Exequatur Regium* to the Orders sent him from *Rome*, having convened all the Serjeants and Beadles belonging to the Archbishop and the Nuncio, with whom he had concerted the Imprisonment; and knowing that *Figueroa* used to pass away his Time in the Convent of *S. Lewis*, belonging to the *Minimes*, without Regard to the Reverence due to the Place, much less to the Neighbourhood of the Royal Palace, ordered them to go immediately and arrest him. So flagrant an Outrage, committed in the Face of the Viceroy, provoked him to send a Company of *Spaniards* to curb so great Arrogance, who having set *Figueroa* at Liberty, brought him to the Royal Palace. At any other Time so scandalous an Insult would have been otherwise resentred, and the Authors severely

¹ Nani, Ist. Venet. lib. 8. Anno 1631.

punished ; but the King's Ministers being met, nothing else was determined, but only to disarm all the Serjeants belonging to the Archbishop, the Nuncio, and the Inquisitor, therefore in one Night the Arms were taken from all the Ecclesiastical Courts, but the Bishop Inquisitor was not in the least punished. Notwithstanding this Moderation, the Court of *Rome* was not pleased, which taking Advantage of the Time, made a terrible Noise about this Sentence, and dispatched Monitories and Censures against those who had put it in Execution, and all that had advised and ordered it ; which Censures disturbed the Feasts that were then celebrating in *Naples* on account of the Birth of Prince *Baltazar Carlos*, the eldest Son of King *Philip IV.* who afterwards removed the Fears by a Royal Writ, which he sent to the Viceroy, wherein, approving of what had been done, he commanded, that the Orders of the Holy Office of *Rome*, should by no means be executed in the Kingdom without the Knowledge and Permission of the Viceroy.

WHILE, by the Departure of Queen *Mary*, the Duke *D'Alcala* had resumed the Government of the Kingdom with more Freedom, Advice was brought him, that the Duke *D'Alba*, by the many Complaints he had made to the Court against him concerning his Behaviour to the Queen, had got him to be recalled. But it was not so much these Complaints that removed him, as that the Count *Duke*, who governed the Monarchy, having a mind to gratify the Count of *Monterey*, the King's Ambassador in *Rome*, doubly related to him, *Monterey* being married to his Sister, and the Count *Duke* to a Sister of *Monterey's*, greedily received the Accusations against *Alcala*, that he might have a specious Pretence. And that the Duke *D'Alcala* might be the less exasperated, to the King's great Expence, he ordered, that the Duke should come to Court to clear himself from what was laid to his Charge, not meaning thereby to deprive him of the Government, and therefore the yearly Salary of 24,000 Ducats was to go on ; and that in his Absence the Count of *Monterey* should govern the Kingdom, and be allowed a Salary of 12,000 Ducats only : But the Duke never returned, except when he went to the Government of *Sicily* ; and the Count remained six Years. Thus, the private Interest of the Favourite being preferred to the Service of his Prince, we lost the Duke *D'Alcala*, who setting out from *Naples* on the 13th of *May* this Year 1631. made way for *Monterey*, who had come to *Naples* on the 17th of *April*, and lodged at the *Chiaja* in the Marquis *Della Valle's* Palace, till the Departure of his Predecessor. The Duke was extremely beloved by the *Neapolitans*, who were grieved to the very Heart that he should have been so calumniated at Court. He left us twelve excellent Pragmaticks : He was a Terror to the Banditi, and those that harboured them : He forbid the *Seggi* of *Naples*, and all the Corporations of the Kingdom, to assign Salaries, or make Donations, even for pious Uses, without having first obtained the Assent and Permission of the Viceroy : He reformed the University, and ordered, that the requisite Age for receiving the Degree of Doctor should not be dispensed with : He made many Regulations concerning the Office of Commissary-General of *Compagna* ; and made other prudent Provisions, which are set down in the so often mentioned Chronology.





C H A P. III.

Of D. Emanuel de Guzman, Count of Monterey; and of the innumerable Succours of Men and Money which were sent out of the Kingdom during the Time of his Government.



THE Count of *Monterey* began his Administration with unlucky Omens, which portended a calamitous Government: in the Village of *Vomero* a Woman brought forth a strange Monster: In the Beginning of this Year a frightful Comet appeared; but the Earthquakes, the terrible Irruptions, the horrid Clouds, the surprizing Torrents of Fire, and the dreadful Showers of Ashes, which in the Night of the 15th of *December*, Mount *Vesuvius* began to throw out, not only filled the City and Kingdom with Fear and Horror, but presaged other Mischiefs, and new Calamities. The Mountain vomited Flames, with so great Violence, that *Naples* was like to be either swallowed up by the Earthquakes, or buried in the Ashes. The Shocks threw down the Houses, stopt the Course of the Rivers, beat back the Sea, and opened the Mountains. At last, by opposite and horrible Effects, the Water, Flames, and Ashes were exhaled, whereby not only some neighbouring Places were ruined, but the Air was so rarefied, that every Body was like to be suffocated. But Heaven being pacified by the publick Penances, such a fresh Gale of Wind blew from the opposite Point, as drove them over the *Adriatick*, as far as *Cattara*, and other Places of *Albania* and *Dalmatia*; and at last the sulphureous Matter in the Bowels of the Earth being consumed, the Fire went out.

BUT the greater Calamities, occasioned by the Wars of *Italy*, were not as yet at an End. The Count Duke, more famous than fortunate, by the unhappy Success of the *Spanish* Arms in *Lombardy*, saw, that the Ministers of that Monarchy had lost that Authority in *Italy*, which they formerly used to have there to that Height, that they often, with an imperious Tone, commanded the Duke of *Savoy* himself to disarm. At this Time the *French* had screwed themselves so far into the Affairs of it, that they made the Dukes of *Savoy* and *Mantua* their Dependants, the first by making *Pinarola* a Bridle upon him, and the last by keeping Possession of *Casale* and the *Monferrat*; and the other Princes, some out of Inclination, and some for Profit, had kept themselves in suspense between the Crown of *Spain* and the *French*. It was also thought, that Pope *Urban VIII.* having been formerly Nuncio in *France*, and being that King's Godfather, was inclined to favour him, and to thwart the *Austrian* Interest; and Cardinal *Antonio Barberino*, his Nephew, having accepted the Protection of that Kingdom, with a great Pension, was no small Indication of it: And it was said, that when the *Germans* entered the *Mantouan*, the Pope asked Assistance of the Cardinals for driving them out of it; and that when Religion was reduced to the utmost Distress in *Germany* by the Hereticks, and trampled under Foot by the Arms of the King of *Sweden*, he did not concern himself about it, altho' Cardinal *Borgia*, in the Name of the Catholick King, in a publick Consistory, made pressing Instances for it. Besides, the Rebuffs which the *Spanish* Ministers received in *Rome*, obliged Cardinal *Sandoval* to leave that City in Disgust, and retire to *Naples*.

THE *Spanish* Ministers therefore, were exasperated to the highest Degree, and the Count Duke frequently exaggerating the Matter, said, that they should never
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enjoy Peace till *Italy* was reduced to its former State. For which End, it was resolved, that the Cardinal Infant, the King's Brother, should go to *Milan*, and from thence to his Government of *Flanders*, and that new Preparations for War should be made, and particularly that the Kingdom of *Naples* should raise Men and Money, and fit out Ships.

IN order to baffle the bad Intentions of the Pope, who, it was said, had sent a good Number of Troops to the Frontiers of the Kingdom, the Viceroy was obliged to send thither 1500 Horse, under the Command of *Annabale Macedonio*, Marquis of *Tortora*; and for providing the Kingdom with new Troops, to order all the Barons, and the King's Patrimonial Cities, to furnish a sufficient Number of Soldiers.

BY these Heart-burnings betwixt the Courts of *Rome* and *Spain*, the Royal Jurisdiction, which, with us, had been greatly depressed, gathered new Strength; for the Court of *Spain*, to revenge one ill Turn by another, sent the Bishop of *Cordova* and D. *John Chumacero*, with the Character of Commissaries, to demand the Reform of many Abuses which the Datary of *Rome* had introduced into *Spain*, and which created many Grievances in that Kingdom¹, of which they had made a long List; and by a learned Memorial², in Answer to another given in by *M. Miraldi*, Secretary of the Briefs, by the Pope's Order, they proved them to be abusive and unsufferable; and it was thought, that they had private Instructions to demand a Council, and to put the Pope to a Non-plus by Threats and troublesome Demands, of which *Urban* being apprized, resolved, by spinning out the Time, to baulk the Designs; for which End, denying them Audience under the Character of Commissaries, saying, that that seemed to imply a certain Jurisdiction and Authority; what with that and other Difficulties and Delays, he put off the Business, and also cooled the Bishop, by giving him Hopes of Preferment; of which the King getting Notice, recalled him, and having given *Chumacero* the Character of Ambassador, while the Heat of Passion was abated, and the *Spaniards*, by Misfortunes, were grown more tame, the Affair dropt of itself.

IN the mean time, these Differences having encouraged the Viceroy and the King's Ministers, whenever Occasion offered they did not fail to proceed with Vigour; for some Priests having, in a cruel and barbarous Manner, killed the Governor of *Sala*, Brother to the Counsellor D. *Francesco Salgado*; although *Francesco Maria Brancaccio*, Bishop of *Capaccio*, in whose Diocese the Murder was committed, had taken Cognizance of the Crime, and condemned some of the Murderers to the Gallies, yet that being judged to be too slight a Punishment for so scandalous and heinous a Crime, by the Quality and Character of the Deceased, the Viceroy sent a Company of *Spaniards* to *Sala*, where they lived at Discretion, and used both the Ecclesiasticks and Laicks very roughly; wherefore the Bishop resenting this Treatment, by Monitories, D. *Carlo Brancaccio*, his Brother, was clapt up in Prison, and the Bishop himself was fain to fly the Kingdom, and take Shelter in *Rome*. The Bishop found his Account in this; for while he was at the Pope's Court, uneasy with Expences and Debt, having ingratiated himself into the Affections of Cardinal *Antonio*, the Pope's Nephew, for an Example to others (to be firm and constant in the Defence of the Ecclesiastical Jurisdiction, in hopes of being well rewarded) in a Consistory held on the 28th of *November* 1633. without expecting it, he was raised to the Dignity of Cardinal; and out of Contempt, the Pope conferred the Archbishoprick of *Bari* upon him, and sent him into the Kingdom to take Possession of it. But the Viceroy, terribly enraged at this, upon his Arrival, instead of giving him Possession, ordered a Galley to be made ready for him, and sent him back to *Rome*, with Orders never to return any more to the Kingdom; whereupon the Pope made a mighty Noise, and was highly displeased: And to this Affront others were added soon after; for some belonging to the Court caused a Canon of the Church of *Pozzuolo* to be murdered; and there being a Criminal in the Prison of the Vicariate, who, because he had been taken out of the Church of *S. John a Mare*, pretended that he ought to be returned to the Church; while the Point of Returning was debating, he committed a new Crime in the very Prison; whereupon the Viceroy, on the Night of the 19th of *April* 1633. caused

¹ Nani, Istor. Venet. lib. 9.

² Memorial given in by D. *Fray Domingo Pimentel*, Bishop of *Cordova*, and D. *Juan Chumacero y Carillo*, &c. to his Holiness P. *Urban VIII.* in the Year 1633.

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him to be hanged upon a Gallows which he ordered to be set up before the Palace of the Vicariate, slighting the Sollicitations of the Archbishop, and the Censures which he caused to be thundered out against those who had put the Criminal in Prison.

BUT this vigorous Way of Proceeding was of short Duration among us; for by the bad Success of the King's Arms, the *Spaniards* growing still more tractable, they were forced to employ all their Art for gaining the Friendship of the Pope and the other Princes of *Italy*; and seeing the *French* Ministers never left off instilling Jealousy in the Minds of these Princes, and exhorting them to join together, and, under the Protection of their Crown, to drive the *Spaniards* out of *Italy*: On the other Hand the *Spaniards* proposed great Advantages to them all. To the Great Duke of *Tuscany*, a large Pension; to the Duke of *Modena*, *Correggio*; to the Duke of *Parma*, the Office of General of the Sea, and a Viceroyalty; and, above all, in order to give Reputation to their Arms, they were very earnest in augmenting their Armies with fresh Recruits both of Men, Money, and other military Provisions which they expected from *Naples*.

THE Count of *Monterey* therefore, having constant Demands upon him of new Succours, ordered a hundred and fifteen Companies of Foot, consisting of 230 Men each, of the new Militia, called *Del Battaglione*, to be incorporated; and easing the Men at Arms of maintaining two Horses, he reduced sixteen Troops of them to Cuirassiers, and augmented their Number to 60 Men each Troop, besides the Officers. Moreover, in *November* 1631. the Prince of *Belmonte* marched to the *Milanese* with a Regiment of *Italians* of fourteen Companies, raised at his own Charges; and in the Month of *January* 1632. another Regiment of 1600 *Italians*, commanded by the Marquis of *Torrecurso*, took the same Route. In *July* 1633. there were likewise sent to *Milan* 4500 Foot, under the Command of the Colonels *Luzio Boccapianca* and *D. Gaspare Toraldo*, besides 1000 Horse, commanded by the Quarter-Master General *D. Alvaro di Quinones*, with which the Duke of *Feria*, the Governor of *Milan*, marched into *Alsace* to relieve *Brisac*.

THIS Kingdom was reserved not only for furnishing Supplies of Men and Money for the Wars of *Italy*, but likewise for those of *Flanders*, *Catalonia*, and *Germany*. In the Year 1632. 4700 Foot were embarked and sent to *Catalonia*, under the Command of the Marquises of *Campolattaro* and *S. Lucido*, besides eight Troops of dismounted Horse, with Money for mounting them in that Principality. In the Month of *January* 1633. 700 Recruits were sent to *Catalonia*, under the Command of Major *Ettore della Calce*, for filling up the *Neapolitan* Regiments which were in that Country.

IN the mean time the Cardinal Infant arrived at *Milan*, with the Title of Generalissimo of all the Armies of the Crown, *D. Girolamo Caraffa*, Prince of *Montenegro*, being appointed his Adviser, who soon after died, and was succeeded by *Fr. Lelio Brancaccio*, who immediately went to *Milan*, whither the Viceroy quickly dispatched *D. Gaspare d'Azevedo*, Captain of his Guards, to pay his Respects to the Infant; and in the Month of *May* 1634. he sent him such Succours, that the like had never gone out of the Kingdom; for he sent 6000 Foot, of which 1000 were *Spaniards* of the Regiment of *Naples*, commanded by *D. Pedro Giron*; the rest were *Neapolitans*, commanded by the Prince of *S. Severo* and *D. Pedro de Cardenas*, Colonels. The Marquis of *Tarazena*, Count *D'Ajala*, commanded a thousand Horse, and was General of this powerful Reinforcement, which made the Cardinal resolve to march into *Germany*, where, having joined the Troops of the Crown with those of the King of *Hungary* and Duke *Charles* of *Lorraine*, he fought that famous Battle of *Norlingen*, wherein the *Swedish* Army was routed, 8000 of them were killed, and 4000 taken Prisoners, besides 80 Pieces of Cannon, and 200 Colours. The Anniversary of which Victory is solemnized every Year on the 8th of *September*, as a Memorial, that thereby the rest of *Germany* was preserved from Heresy, and the Invasions of the *Swedes*, and shortly after it occasioned the taking of *Ratisbone*.

BUT the Succours did not end here, the Kingdom was obliged to furnish greater for the Defence of the *Milanese*, threatened by the *French*. First, it behoved the Viceroy to provide the Marquis of *S. Croce*, Lieutenant-General of the Sea, with ten great Ships, with 2200 *Neapolitans*, and great Store of Provisions, sent under the Command of the Admiral *D. Francesco Imperiale*, and eighteen Gallies,

with 2000 *Spaniards*, and 1300 *Neapolitans*, commanded by the Colonels D. *Gaspere Azevedo* and D. *Carlo della Gatta*; and in the Year 1635. before the King of *France* attacked the *Milanese*, the Viceroy was obliged to send to *Lombardy* 2800 Foot, divided into two Regiments, commanded by the Colonels *Filippo Spinola* and *Carlo della Gatta*, and 1000 Horse, under D. *Alvaro di Quinones* the Quarter-Master General, with the necessary Money for hiring 4000 *Swissers*, in the Cantons that were in Alliance with the House of *Austria*. In the mean time the Fleet was ready to sail, and it was composed of 35 Gallies, and ten large Ships, in which were embarked 7500 *Spanish* and *Neapolitan* Soldiers. There were 2900 *Spaniards*, of which 2300 were of the Regiment of *Naples*, commanded by *Azevedo*, and 600 belonged to the Island of *Sicily*, under the Command of D. *Michele Perez d'Egea*. The rest were *Neapolitans*, divided into the three Regiments of the Colonels D. *Giovan Battista Orsini*, *Luzio Boccapianola*, and D. *Ferrante delli Monti*; and Fr. *Lelio Brancaccio* commanded the whole, with the Title of Colonel General. On the 10th of *May* this Year 1635. the Fleet set sail from the Port of *Naples* towards the West, and made but an unfortunate Expedition, being tossed by contrary Winds and Storms; insomuch, that the Marquis of *S. Croce*, having landed a good Part of the Troops in *Savona* for reinforcing the Army in *Lombardy*, where the *French* were besieging *Valenza*, he made no other Conquest but that of the Island of *S. Margaret*.

THE new Year 1636. produced fresh Alarms, which obliged the Viceroy to provide for the Defence of our own Kingdom. By the continual Fears that the *French* intended to make a Descent, an *Augustine* Monk, named Fr. *Epifanio Fioravante* of *Cesena*, being suspected of keeping a secret Correspondence with them, was arrested, who being put in Fetters, discovered, that the *French* intended to make a Descent in different Parts of the Kingdom, and that they even designed to attack the City of *Naples*; and besides, that the famous Bandito *Pietro Mancino*, in concert with them, was to make himself Master of *Monte Gargano*, in order to deliver it up to the Duke of *Mantua*, and to put all *Puglia* into Confusion. This being known, the Viceroy was obliged, at vast Charges, to fortify *Barletta*, *Taranto*, *Gaeta*, and the Port of *Baja*, where he caused two great Towers to be built; to repair the Fort of *Nisita*, and the Walls of *Capua*; to finish the Fortifications of the Island of *Elva*, commonly called *Portolongone*, formerly begun by the Count of *Benavente*; to provide all the maritime Places with Troops; and to fit out thirty Ships, and ten Tartans. And for the better guarding the City of *Naples*, he ordered 10,000 of the Citizens to take Arms, and gave the Command of them to D. *Giovani d'Avalos*, Prince of *Montesarchio*. But Time discovered, that the *French* gave these Alarms, for no other End, but, by obliging the Kingdom to be upon its own Defence, to put a Stop to the continual Succours that were sent from it to the *Milanese*: So that the Viceroy having found out the Design, hastened new Succours, and embarked for *Lombardy*, aboard of some Ships and Gallies, the Regiments of the Colonels D. *Michele Pignatelli*, *Tiberio Brancaccio*, *Achille Minutolo*, *Giambattista Orsini*, *Pompeo di Genaro*, *Girolamo Tuttavilla*, and *Romano Garzoni*, besides 1000 Horse which *Giantommaso Blanco* marched thither over Land. This strong Reinforcement encouraged the Marquis of *Leganez* to come to an Engagement with the Enemy near *Tornavento*, in which *Girardo Gambacorta*, of the Family of the Dukes of *Limatola*, General of the *Neapolitan* Cavalry, died gloriously, and *Luzio Boccapianola* had the same Fate near *Vercelli*.

SUCH frequent and powerful Succours had never been sent out of the Kingdom in any former Government, as were now in this of the Count of *Monterey*, not only to the *Milanese*, but to *Catalonia*, *Provence*, and elsewhere; and those who made it their Business to keep an Account of them, have computed the Number to be 5500 Horse, and 48,000 Foot; and that the Money amounted to the Sum of three Millions and a half of Crowns, besides what was spent in fortifying the Cities and other Places of the Kingdom, in levying so many Men, in the Naval Expeditions, in maintaining the Island of *S. Margaret*, in building six Men of War and some Gallies, for augmenting the Squadron to the Number of sixteen, and in providing 208 Pieces of Cannon, 70,000 Fire-Locks, Musquets, and Pikes for the Infantry, and Pistols and Cuirasses for the Cavalry.

SUCH great and insupportable Charges were squeezed out of the Estates of the Subjects, and the Revenues of the Cities and Corporations of the Kingdom, which were

were continually forced to supply with new Sums the Occasions of so many unfortunate and ill-managed Wars, and the so great and constant Necessities of the Court of *Spain*; whence, in a great measure, proceeded the Debt of fifteen Millions, with which the Revenue of the City of *Naples* was burdened, the Interest of which was paid to the Creditors out of the Income arising from Customs belonging to the City. And that not being sufficient, the Revenues of Foreigners were frequently taken from them, and even those which had been assigned to the Natives upon the Royal Revenues. For this Purpose many other Duties were laid on, to that upon Meal, first five *Grana* * were added, and then other seven upon each Bushel: To that upon Flesh, one *Grano per Pound*, and a *Carlino* upon each *Stajo* † of Oyl. This was not done without Opposition, considering not only the vast Sums drawn out of the Kingdom in a few Years, but that a great Part of the Money was pocketed up by others, and went not into the King's Coffers, and that the Necessities still increasing, the People were terribly oppressed; wherefore it was resolved to send D. *Tommaso Caraffa*, Bishop of *Volturara*, to the King, to beg of him to take Compassion of them, and to relieve them in their so great Misery and Distress; but these Messages, by the pressing Necessities, which were daily increasing, proved fruitless. There was an absolute Necessity for paying the 600,000 Ducats demanded by the Cardinal Infant; for maintaining the Troops that guarded the Kingdom; for raising Recruits for the Army, which the Court of *Spain* had sent into different Parts; for keeping up the Fleet, and maintaining the Islands of *S. Margaret* and *S. Honoratus* upon the Coast of *France*, till in the Month of *May* 1637. they were retaken by Famine.

* The plural of *Grano*, a certain Coin in *Naples*.

† A Measure that answereth our Bushel.

HOWEVER, in the midst of so many Calamities, the Count of *Monterey* did not forbear to divert himself with Comedies and Hunting, to which he was much inclined; nor did he fail, in imitation of his Predecessors, to leave us noble Monuments of his Magnificence. He enlarged, and made more commodious, the Street of *Puglia*: He brought greater Plenty of Water to the Fountains of the City, and raised another upon the Wall of the Ditch of *Castelnuovo*; and he built that stately Bridge which joins the Ward of *Pizzosfalcone* with that of *S. Carlo delle Mortelle*. The Countess, his Wife, likewise left us a lasting Monument of her Piety, by founding the Monastery of *Mary Magdalen*, for a safe retiring Place to *Spanish* Women, who forsaking their Sensual Pleasures, have a mind to lead a chaste Life.

BUT though the Count of *Monterey* had so well deserved of the King, by the many Succours he had sent, yet the Count Duke, for the Advantage of his own Family, had like to have recalled him before the sixth Year of his Government was expired. The Reason was, that the Count Duke was very desirous of having D. *Anna Caraffa*, Princess of *Stigliano*, married to the Duke of *Medina de las Torres*. This Lady, by the Death of D. *Antonio Caraffa*, Duke of *Mondragone*, her Father, and of D. *Luigi Caraffa*, Prince of *Stigliano*, her Grandfather, had been left sole Heiress of most opulent Estates. *Isabella Gonzaga*, her Grandmother, Daughter and Heiress of *Vespasiano Gonzaga*, Duke of *Sabionetta*, had likewise left her that Estate and Title; the Count Duke therefore, seeing that he could not perpetuate his Family in the Descendants of his Daughter, who had been married to D. *Ramiro Guzman*, Duke of *Medina de las Torres*, and had died without Children, was very ambitious to have a second Wife for his Son-in-Law, whom he had raised from a Gentleman to be a Duke, nothing inferior to his first. He made the King believe, that by means of this Marriage *Sabionetta* might be recovered, of which the Princes of *Italy* were now jealous; and therefore, though the Lady's Grandmother was obstinately bent against the Marriage, yet, by means of the Cardinal her Uncle, he carried it on with her Mother, who, upon the Promise of making the Duke Viceroy, readily consented: The young Lady, ambitious of being Vicequeen, likewise agreed to it; whereupon the Duke left *Spain* with the Character of Viceroy and perpetual Governor of *Castelnuovo*, and with a Squadron of *Spanish* Gallies arrived at *Naples*, where the Marriage was solemnized in the Princess's Palace near the Gate of *Chiaja*.

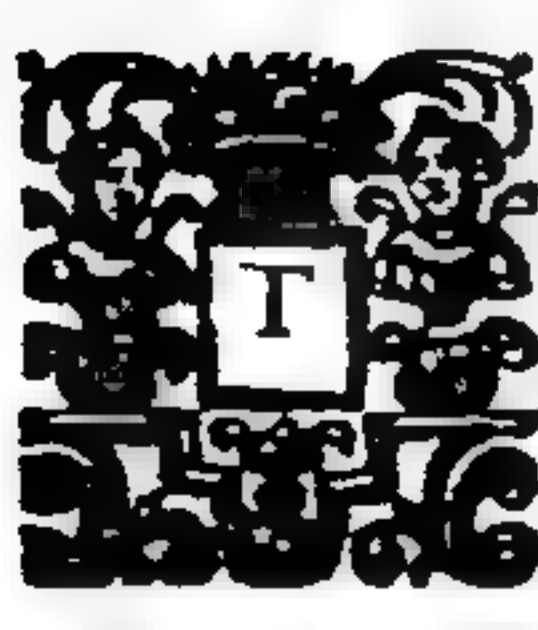
¹ Nani, *Istor. Venet.* lib. 9. Anno 1633.

IN the mean time the Count of *Monterey* was making ready to depart, but the *Count Duke*, having Advice that the Marriage had been consummated, wrote to *Monterey*, that it was not fit he should leave *Naples* at so troublesome a Juncture of the Wars of *Italy*, the sixth Year of his Government not being as yet out; so that the new-married Couple were baulk'd, and *Medina* was obliged to live in the Kingdom as a private Man, to the great Displeasure both of himself and Spouse, and much more of the Dutchess of *Sabionetta*, who, having always been averse to the Marriage, did not fail publickly to censure the *Count Duke's* Actions, and to blame the Simplicity of the Dutchess of *Mondragone*, the Cardinal, and of all her Grandchild's other Relations, who had suffered themselves to be bubbled by *Olivares*. But the Year being expired, and the *Count Duke* finding he could delay it no longer, sent an Order for giving *Medina* Possession of the Government. Thus did *Monterey* lay down his Office, after he had enjoyed it for the Space of six Years; and on the 12th of *November* this Year 1637. he retired to *Pozzuolo*, from whence afterwards he pursued his Voyage to *Spain*. He left us 44 most excellent Laws, whereby he adjusted the Tribunals, the Farming and Seal of the Revenues and Fiscal Estates, and the Interest and Value of Money: He prohibited Duels, and the Exportation of any Sort of Arms whatsoever, under severe Penalties: He made sundry Regulations for preventing the Frauds committed in the Custom-House and the great Magazine of *Naples*: He prohibited the Excess in Cloaths, Servants, and Coaches: He fixed a Reward of 3000 Ducats to be paid to whoever should kill the famous Bandito *Manicini*, besides the Power of pardoning four Persons: He took off the Duty upon *Paper* and *Tobacco*, though it was afterwards laid on again; and he left us many Rules for the Government and Discipline of the Soldiers of the *Battaglione*, and about conferring the Degree of Doctor both of Law and Physick, which may be seen in the so often mentioned Chronology.



C H A P. IV.

Of the Government of D. Ramiro Guzman, Duke of Medina de las Torres.

HE Government of the Duke of *Medina* (the same Occasions subsisting, or rather increasing) could not be less burdensome to the Subjects than the preceding. The unsuccessful Wars, which wasted the Dominions of the Monarchy of *Spain*, and were still carrying on, had already exhausted the Royal Treasury. Recourse was always had to our unfortunate Kingdom for Supplies of Men and Money, and without having the least Regard to the extreme Misery to which it had been reduced by the immense Sums drawn out of it in the Government of the Count of *Monterey*, new Supplies were demanded; therefore new Taxes and Duties were laid on, and the old augmented, particularly upon Silks, Salt, Oyl, Corn, Flesh, and Salt Provisions; as also upon Lime, playing Cards, Gold and Silver Thread, and upon all Contracts for Money lent both in the City and Kingdom. After the Custom of *Spain*, a Duty was laid upon stamped Paper, which behoved to be made use of in all Contracts and judicial Deeds, under the Pain of Nullity; although afterwards, as a Thing too odious, it was thought fit to suppress it. And Matters were carried to that Extremity, that it was proposed to lay a Duty of a *Grano* a Day upon every Inhabitant of the City of *Naples*, for the Space of four Years; and it was reckoned, that, exempting the Ecclesiasticks and Whores, it would have produced five Millions

ions of Crowns: But afterwards, the Danger of putting such an Exaction in Execution being considered, and how intolerable this daily Burden would have been to the People, it was dropt.

HOWEVER a Tax of 200,000 Ducats was laid upon the Merchants for paying the Troops; the Villages all about *Naples* and *Nola*, and many other Places belonging to the King's Demains, that had not wherewithal to buy themselves off, were sold, lost the Privileges they enjoyed under the Royal Demains, and came under the Servitude of the Barons.

AND that nothing might be wanting, the Viceroy called a Parliament, of which *D. Ippolito di Costanzo*, a Nobleman of *Portanova*, was Syndick, and a Donative of a Million of Ducats was extorted from the Baronage and the Kingdom, in lieu of a Duty of five *Grana* on each Bushel of Corn, which was pretended to be laid upon all the Kingdom. Among so many Burdens and Duties, only that usually exacted in *Naples* from Whores, was taken off, which proved of great Advantage to the publick Tranquillity, because of the continual Scandal it occasioned.

BUT that the People, so much oppressed, might not be driven to the utmost Despair, it was resolved to send an Ambassador to *Spain*, to implore that the King, out of his Clemency, would be pleased to give some Relief to them in their so great Distress; and the Viceroy, likewise moved with Compassion, concurred in it, and *Ettore Capecelatro* was pitched upon by the City for that Embassy. The Kingdom was likewise reduced to a very pitiful Condition: Besides the many Taxes which impoverished the Inhabitants, it was seen that they daily dwindled away and were destroyed by Miseries and Misfortunes. The Fire of *Vesuvius* had made a terrible Havock among them; but above all, the Wars, which by Fatigue and the Sword cut off the Troops, had dispeopled the Kingdom: There had been an infinite Number sent abroad for recruiting the Armies, not only to *Lombardy*, *Germany*, the Low Countries, but to the Principality of *Catalonia*; and all these Expeditions having been attended with ill Success, few of them returned to their Families.

BUT the Earthquakes, which this Year 1638. laid *Puglia* waste, occasioned prodigious and irreparable Damage in *Calabria*. They were so terrible in these Provinces, that they overthrew the City of *Nicastro*, and the famous Church of *S. Euphemia*. Many other Places were likewise destroyed, such as *Nocera*, *Pietramala*, *Castiglione*, *Maida*, *Castelfranco*, and others of less Note. The City of *Cosenza* itself, with many of its Villages suffered extremely; *Catanzaro*, *Briatico*, and other Places underwent the same Misfortunes: In fine, there was not a Place in *Calabria* that did not suffer some Damage; and upon computing the Number of the Dead, it was found that above Ten thousand Persons had perished under the Ruins of the Houses; and the Counsellor *Capecelatro*, who was sent by the Viceroy to comfort these People (whom it behoved of Necessity not only to excuse from the Exchequer Payments, but to relieve them with large Alms, partly out of the Royal Revenues, and partly out of the *Monte della Pieta* *, * Charitable Banks. amounting to the Sum of 8000 Ducats) could, as an Eye-witness, declare the Miseries of those Provinces to the King. To these Calamities was added the Consternation into which a notable Impostor, named *Pietro Paolo Saffonio*, a *Calabrian* Physician, put these Provinces, who went up and down, giving out, that more dreadful Earthquakes were to happen; that not only the Kingdom, but the whole World would be shaken, the great Day of Judgment being near at hand; that the Sea was to break out of its Banks, swallow up the Fields, and drown the Cities; that the Heavens were to rain down Hail-stones of five Pound Weight each, and that the Mountains were to vomit out Flames for reducing the Universe to Ashes. These dismal Predictions, being partly verified by the late Earthquakes and Burnings of *Vesuvius*, put the Country People into such a Consternation, that believing *Calabria* was first of all to undergo these Desolations, which were to be the Fore-runners of the Destruction of the World, every Body deserted their native Country, and sought Shelter elsewhere; wherefore the Viceroy, in order to undeceive the Unwary, ordered *Saffonio* to be seized, and brought in Fetters to *Naples*, which was accordingly done, and then he was condemned to the Gallies.

THIS Province was not only afflicted by Earthquakes, but likewise infested by the *Turks* of *Barbary*, who having formed a Design of plundering *Loretto*, scowred our Seas with 16 Gallies, and pillaged the Sea-faring Men and the Coasts; inso-

much, that had not the *Venetians* blasted their Designs, they had done a great deal more Mischief¹.

IN the mean time the *French*, always taking Advantage of the Disorders and Declination of the *Spanish* Monarchy, besides having counter-ballanced the Power of the *Spaniards* in *Italy*, by the Encouragement given them by some Malcontents, had resolved to invade the Kingdom of *Naples*. By the Means of the Marquis of *Gevre*, the King of *France's* Ambassador in *Rome*, and of *Giulio Mazarini*, then a simple Prelate, afterwards Cardinal and Prime Minister of that Crown, they, with a Man of Quality of the Kingdom, had hatched a Conspiracy for surprizing the City of *Naples*, and the manner was already concerting in *Rome*; but one of the Conspirators having discovered the Design to the Viceroy, the Man of Quality was arrested in *Rome*, and being brought Prisoner to *Castelnuovo*, he was in all haste brought to his Trial, for which the Viceroy appointed a Junctō, which was composed of the Regent D. *Matthias Casanatte*, the Counsellor D. *Flaminio di Costanzo*, D. *Giovan-Francesco Sanfelice*, *Annibale Moles*, D. *Ferrante Mugnoz*, D. *Ferrante Arias di Mesa*, and D. *Diego Varelo*. *Partenio Petagno*, President of the Royal Chamber, was Attorney-General; and the Princes of *Rocca* and *Colle* were his Peers. *Pietro Caravita* and *Agostino Mollo*, famous Lawyers of these Times, were Advocates for the Prisoner; and the Viceroy sitting upon the Bench in the Assembly of the aforesaid Ministers, assisted by the Serjeant at Arms, with all the usual Solemnities, pronouncing the Sentence, he was condemned to be beheaded on a Scaffold. So, being first degraded, and stript of the Habit of the Knights of *S. John of Jerusalem*, he died an ignominious Death upon the Market-Place.

BUT though this Conspiracy had been discovered, yet the *French*, laying Stress upon the Disaffection of the *Neapolitans* to the *Spanish* Government, did not fail to make an Attempt; so that in the Year 1640. a Fleet, under the Command of the Archbishop of *Bordeaux*, having sailed from *Toulon*, and stopt some Days in the Ports of *Corfica*, and from thence, steering towards the Coast of the State of the Church, advanced to the Road of *Gaeta*, where it anchored, in hopes of being able to master that Fort; but being gallantly repulsed by the Cannon of the Castle, it continued its Course, and arrived in the Gulph of *Naples*.

THE Viceroy having considered the Danger, immediately sent D. *Francesco Toraldo*, and *Cesare di Gaeta*, Major of the Battalion of the Province of *Terra di Lavoro*, to the Borders of the Pope's Dominions, in order to guard those Frontiers; and he committed the Defence of the City of *Pozzuolo*, and the Territories of *Baja* and *Cuma*, to Colonel D. *Giovan-Battista Brancaccio*. He sent to *Salerno* Fr. *Giovan-Battista Brancaccio*, a Knight of *Jerusalem*, to assist the Prince of *Stratiano*, Governor of that Province, in the Defence of that Country: *Vincenzo Tuttavilla*, General of the Horse, was dispatched to *Gaeta*; and Major D. *Dione de Caraffa* had the Charge of guarding the Island of *Capria*. Then he assembled the Magistrates of the City, with the Deputies of the Wards, for getting ready the Artillery, in order to be planted on the Bulwarks: He convened the Barons, that they might be ready for the Defence of the Kingdom; and *Giovan-Battista Nauclerio*, the Elect of the People, offered 30,000 Men, all armed, for the Defence of the City. But Money was wanting, and it was found to be a very difficult Matter how to raise it.

WHILE the City was in great Perplexity about raising Money, in the Middle of *September* this Year, the *French* Fleet, composed of 34 Men of War, appeared in Sight of *Naples*, which put it in greater Confusion. The Cannon were immediately taken out of the Steeple of *S. Lorenzo*, and planted upon the Towers of *Carmine*, *S. Lucia*, and *Crocelle*, and upon the Mole: Some others were planted upon that part of the Hill of *Posilipo* which faces the small Harbour of *Nisita*, under the Direction of D. *Antonio del Tufo*, Marquis of *S. Giovanni*, and of the Colonel D. *Tiberio Brancaccio*; and other four Cannon were placed upon the Island of *Nisita*, under the Charge of D. *Antonio di Liguoro*, Governor of the said Island: *Scipione d'Afflitto*, an old and gallant Soldier, guarded all that Coast called *De'Bagnuoli*. Eight thousand Burghers of *Naples* appeared in Arms, and were divided into 40 Companies, under the Command of D. *Tiberio Caraffa*, Prince of *Bisignano*, as their General. But what preserved *Naples* from greater Mischief, was the seasonable Arrival of D. *Melchior di Borgia*, with fourteen *Neapolitan* Gallies; to which

¹ Nani, Istor. Venet. lib. 11. Anno 1636.

other four, that were bringing D. *Francesco Melo* from *Sicily* on his Way to *Milan*, being joined, *Borgia* guarded the Sea, and prevented the Incursions of the Enemy, who had made many Attempts to land on the Shore of the *Chiaja*; but being repulsed by the Soldiers posted there, and the constant Fire from the Batteries on the Hills and Towers, and at the same time *Borgia* hovering about them with his Gallies, at last they retired towards the West, and returned to *Ponza*, *Borgia* following them as far as the Promontory of *Minerva*. Thus were the *French* baffled in their Designs, grounded upon the Hopes given them by the Malcontents, who had made them believe, that upon the bare Appearance of their Fleet, the People, dissatisfied with the *Spanish* Government, would rise in Arms, and introduce them into the Kingdom. But they had better Success in bringing about the Revolutions of *Catalonia* and *Portugal*, the unhappy Issue of which, with respect to us, we are now going to relate; for there being a cruel War kindled in the Principality of *Catalonia*, Supplies of Men and Money were obliged to be sent from our Kingdom to that long and expensive Expedition.



C H A P. V.

The Principality of Catalonia withdraws itself from the King's Allegiance, and puts itself under the Protection and Dominion of France. The Kingdom of Portugal likewise shakes off the Yoke, and proclaims the Duke of Braganza, King John IV.



AS the Monarchy of *Spain* was hastening to its Ruin, so the *French* were full of great Designs; whilst the Hopes of an universal Peace, which the Pope had undertaken to manage, were daily vanishing; therefore, wearied of the Expences, and the ill Figure he made in keeping his Legate idle in *Cologne*, he recalled him. The Revolts of *Catalonia* and *Portugal*, which filled the *French* with greater Hopes and deep Designs, rendered those Treaties of Peace more difficult afterwards.

THE Count Duke, who with absolute Sway governed in *Spain*, not only the King, but his Dominions, managed Affairs with a most haughty Temper, severe Maxims, and violent Counsels. He had proposed to himself to raise the Power and Glory of the King equal to the Title he had made him assume of *Great*; but Fortune, by unhappy Events, so ill backed his Design, that the Splendor of the Crown was in a great measure eclipsed, insomuch that the Count Duke's Enemies, with a *Spanish* Witticism, used to ridicule him, saying, that the King was *Great*, like a *Ditch*, which, by taking away the Earth from its Edges, grew the greater. Therefore Foreigners stood no more in Awe of the Power of *Spain*; and the Subjects, who, under the Shadow of Reputation and Prosperity, had been accustomed to reverence the secret Springs of Government, began now by Degrees to despise and hate both the King and the Favourite.

IT was plainly seen, that *Olivares* had a Design not only to extend the Monarchy beyond its former Bounds, but in the Dominions thereof to make the King Absolute, though in some of the Provinces his Power was limited by the Laws, Privileges, and Agreement. What pushed him on to this, was the want of Men and Money for supporting so many foreign Wars, because in being obliged to depend upon the Consent of the People, the Supplies did not answer the urgent Occasions.

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Therefore he resolved to abolish, or at least retrench the Liberty claimed by some, and especially the *Catalans*, who, being possessed of great Privileges, and exempted from many Taxes, preserved their Liberty with no less Zeal than they did their Religion. Some Years ago, the King having assembled the *Cortes* in *Barcelona*, they often refused to comply with *Olivares's* Demands, at which he being highly offended, ever after had it in his Head to depress and humble them. The Kings were wont to have a great Regard for the *Catalans*, on account of their natural Courage, and the important Situation of the Province, it being impenetrable by Sea for want of Harbours, and inaccessible by Land by reason of the Mountains; and these stretching a great way into the Country, and being divided into many Ridges, form as many Retrenchments and Bulwarks, in which are contained strong Forts, populous Cities, Towns, and a great Number of Villages: Besides, its Proximity to *France*, the Passes of the *Pyrenean* Hills, the Largeness of its Circuit, Populousness, and the warlike Disposition of the People, rendered this Province both considerable and formidable.

THE Count Duke was watching an Opportunity to curb this Province at any rate; but when he fancied it was in his Power to do it, he did not consider that the Grandeur and Safety of all *Spain* were at Stake. The *French* still enlarging their Bounds on that Side, were in hopes to create great Disturbance, and particularly, by the Misfortunes that attend War, to irritate the People, which accordingly happened; for the *Spaniards* having lost *Salses*, in order to recover it, were forced to make *Catalonia* the Place of Arms, and to quarter the Army there: So that, if during the Siege, the Province was miserably oppressed by the marching of the Troops, their Dissoluteness afterwards seemed the more grievous, that these People had not been accustomed to it; for nothing was heard but Extortions, Wrongs, the Prophanation of Churches, the ravishing of Women, and Robberies: To which Disorders the Generals giving no Redress, made People believe, that *Olivares* winked at them in order to create an Opportunity, under the Pretence of Self-Defence, to put the Yoke upon that Province; and 'tis certain, that the Count of *S. Coloma* the Viceroy, being pressed, by his frequent Letters, to raise Men and Money in the Province, made use of a certain Sum of Money in *Barcelona*, which was at the Disposal of the City, without minding its Privileges, or waiting for the Consent of the States; and one of the Jurats, a Magistrate of great Credit, having a mind to oppose so much Freedom, and likewise to make pressing Instances for having the Licentiousness of the Soldiers restrained, the Viceroy imprisoned him. This was enough to provoke a People, who bore with Obedience, but did not as yet know what Slavery was; whereupon they all rose up in Arms, broke open the Prisons, and run up and down the Streets in so tumultuous a manner, that the Viceroy was in such Terror, that he thought of saving himself by Flight. Therefore he run to the Arsenal, where not finding himself secure, because the People having set fire to the Palace, were in search of him every where, he ordered a Galley to be haled ashore; but as he was going to embark, the Mob overtook him, and put him to Death. Then the People, partly struck with Terror for what they had done, partly between the Apprehensions of Slavery, and the Prospect of Liberty, betwixt Hope and Despair, judged, that there was no Room left for Repentance, nor the Royal Clemency.

THEREFORE having shaken off the Yoke, they run out into sad Extremities, and the Confusion not being able to subsist of itself, an independant Government was framed under the Direction of the *Council of a Hundred*, and the other antient Magistrates of the City. After this Example almost all the Principality was turned topsy-turvy, and in the Cities and Villages, there was a general Revolt, and the *Spanish* Inhabitants were murdered or chased away.

THIS unforeseen Accident perplexed the Count Duke, he durst neither discover it to the King, nor conceal it; but he endeavoured to make him believe, that it was nothing else but a popular Tumult, which would vanish of itself, or being quickly quelled by Force, would render his Authority more conspicuous; for by the Force of Arms the Rebellion would not only be suppressed, but likewise the Pride of the *Catalans*, and those Privileges, which made them so obstinate, might be abolished. But reflecting more sedately within himself upon the Importance of the Province, the Nature of its Situation, and the great Damage that would attend the introducing the *French* into it, he was at a Stand, whether he should
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make use of Art or Force. Nor was it certain, but that the other Kingdoms, particularly *Arragon*, might follow such an Example. First he tried, by the Persuasions of the old Dutchess of *Cordona*, who was in great Esteem and Credit with the People of *Barcelona*, and by the means of the Pope's Minister, who resided there, to quiet the Minds of the Inhabitants, and still the Commotion; but that proving in vain, he resolved to employ such Force, and so quickly, that the People should neither be able to resist, nor the *French* to come to their Relief.

THEREFORE he ordered the Army to be assembled, commanded the Feudatories, and invited the most suspected of the Nobility, particularly the *Portuguese*, that they might serve both as Soldiers and Hostages. However, the Provisions could not be got so soon ready, but the *Catalans* had Time, deliberately both to provide themselves, and send Deputies to *France* to seek Assistance. It cannot be expressed how greedily they were received by the Cardinal *De Richelieu*, then Prime Minister of *France*, who had artfully practised upon them before. He shewed them a great deal of Respect, and loaded them with Promises; but at the same time, taking Advantage of the Opportunity that offered, he did not only his utmost to foment the War in the Heart of *Spain*, but to reduce *Catalonia* to the Necessity of surrendering to the *French*. He sent Monsieur *De St. Pol*, with some Officers, Troops, and Cannon by Sea, in order to encourage the *Catalans*, and exasperate them against the *Castilians*; and he dispatched Monsieur *De Plessis Bessazon*, an eloquent and cunning Minister, to observe the State of Affairs, and the Disposition of the People.

ON the other Hand, the Count Duke having drawn together an Army of 30,000 Men, gave the Command of it to the Marquis *De los Velez*, a Native of *Catalonia*, and appointed to be Viceroy of that Province, towards which he was far from being disposed to shew any Favour, but rather Hatred and Abhorrence, because the People had razed his House in *Barcelona*, and confiscated his Estate. In the Month of *December* this Year, the new Viceroy marched to *Tortosa*, a City that had been a Complice in the Revolt; but either through the Inclination of the Inhabitants, or over-awed by the Army, was the first that submitted; he then advanced to *Balaguer*, many untenable Places surrendering as he marched. Though the Passes are so narrow here, that they may be defended by a small Number of Men, yet the *Catalans* had not the Courage to stand their Ground; so that the Marquis, breathing nothing but Terror and Severity, advanced to *Combril*, which the Rebels had made their Place of Arms. Though the Place was but weak, it held out five Days, and then offering to capitulate, no Terms were granted, but to surrender at Discretion; the Town was given up to be pillaged, the Officers were hanged, and the Soldiers put to the Sword. This Severity created Despair every-where, particularly in *Barcelona*, where the Citizens encouraged one another to suffer the greatest Hardships, rather than to fall into the Hands, and under the Government of so cruel a Conqueror and exasperated Viceroy. Their Liberty and Safety being at Stake, they prepared for a Defence, *Monjou* was fortified; and the Danger being common, it was unanimously resolved to act with Vigour and Resolution.

NEVERTHELESS they were afraid of not being able to resist so powerful an Army without a strong Support. On the other Hand the *French* Ministers fomented their Fear, sometimes laying before them their imminent Ruin, and sometimes the Relief at hand; but setting forth, that it could not be expected the Crown of *France* would neglect its own Advantage in procuring that of another, they insinuated how much it would turn to their Account to oblige so great a King, both out of Honour and Interest, to protect that Principality. The Artifice took; for the Fear of Danger, and the Hopes of Assistance, induced the *Catalans* to give themselves up to the Protection and Dominion of *France*, upon these Conditions, that they should enjoy their Privileges, especially those of the Consent of the People to the laying on of Taxes, and of bestowing Church Benefices and Civil Posts upon the Natives, excepting that of Viceroy, which might be exercised by a Foreigner. To which they all consented; the greatest Part, for Novelties Sake; the Simple, out of a Notion of bettering their Fortunes; and the more Discerning, because they saw, that whatever happened, whether Liberty or Slavery, they could not continue long under the *French* Government. This fell out in the last Days of this Year, at the very Time that *Portugal*, having likewise shaken off the Yoke, revived the antient Title of the Kingdom by a new King.

S E C T. I.

The Kingdom of Portugal shakes off the Yoke, and withdraws itself from the Crown of Spain.

THE antient Hatred which the *Castilians* and *Portuguese* bore one another, and that, like Heritage, had been transmitted from Father to Son, by the haughty Carriage and cruel Advice of the Count Duke, was at this Time much greater than when the *Portuguese* were forced to submit to the Dominion of *Castile*; so that they had been impatiently waiting for an Opportunity to change their present State. But the Power and good Fortune of the *Castilians* had hitherto, either prevented foreign, or dissipated domestick Designs; nevertheless their Uneasiness still increased, and they had the Dukes of *Braganza* in their Eye, who, being descended of *Edward*, King *Henry's* Brother, in the Opinion of many had the best Title, though they had been forced to submit to the Power of King *Philip*. The present Duke *John*, observing that the *Castilians* had their Eye upon him, shewed as if he had an Aversion to all manner of Business; and a few Years before, a Tumult having happened in some City, hearing his Name huzza'd, he contained himself with such Modesty, that he was looked upon to be equally averse from Ambition and Deceit. However, the Count Duke, considering both the Right of the Family, and the Affections of the People, besides the Riches and Estates, which exceeded the Rank of a Vassal, in order to make sure of him, invited him to Court, and with a pretended Confidence, bestowed Places and Titles upon him, which was believed to be designed rather to expose him to Dangers, than to do him Honour; particularly that in officiating his Office of Constable, he might have Occasion to go aboard the Fleet, or into some Fortrefs, where there might be private Orders for making him Prisoner. The Duke, by sundry Excuses, shunning to go to *Madrid*, carried himself so warily, that though he could not avoid being suspected, at least he eschewed the Dangers. The Count Duke made use of the Revolt of *Catalonia*, and of a Report, that the King was to go in Person to subdue it, for inviting the *Portuguese* Nobility, and among the rest, very pressing, the Duke of *Braganza*, with all their Followers, to attend the King on so remarkable an Occasion: But the *Portuguese* laid hold of the very same Opportunity to revive their former Resolutions; insomuch that many, who in private Conversations were wont to lament, that a famous Kingdom, and extended to the four Parts of the World, should be reduced to a Province, and be an Addition to the Dominions of their inveterate Enemies, now considered how much the Nobility was oppressed, and the People trampled upon; and, by the Jealousy of the Count Duke, the Country wasted, the *Grandeos* persecuted, the Privileges infringed, and that Shadow of Liberty, and seeming Decorum that were left to *Portugal*, quite vanished. Then, from complaining of the Times, proceeding to reproach themselves, as if the *Portuguese* wanted that Courage and Resolution, for which the *Catalans* were so much cried up; they imagined, that being governed by a Woman and an odious Minister, with few Garisons, and less Provisions, at a Time when all *Spain* was in Commotion, the Army divided, the King unable to resist in so many Parts, and *France* ready to give Assistance, they could with all Ease execute the most difficult Undertaking.

MARGARET of *Savoy* was at this Time Vicequeen, and the Affairs of the Government were managed by some *Castilians*, particularly Secretary *Vasconcellos*, who being a Creature of *Olivares*, and raised by his Favour, followed his Maxims, of humbling the *Grandeos*, and exercising absolute Authority. In this State of Affairs, as for an Insurrection, there seemed to be more Danger in the Discovery, than in the Execution of the Design; therefore some Noblemen having met in the Garden of *Autan Almada*, and considered the present Conjuncture, they all resolved to engage in it, taking one another by the Hands, swearing Secrecy, and never to desert the Cause. They were something puzzled about what Form of Government they should pitch upon. Some, after the Example of the *Catalans*, were for establishing a Republick; but the Majority considered the Confusion that would result from the Change of Government in a Country accustomed to absolute Monarchy.

Monarchy. Therefore they had recourse to *Braganza*, in whom, for supporting the Cause, and drawing in the People, the most essential Requisites, both of Right to the Kingdom, and eminent Rank, were to be found; therefore they sent, separately, *Pedro Mendoza*, and *Juan Pinto Ribero*, to offer him the Crown; but finding that the Duke started many Difficulties and Dangers, these Messengers endeavoured to remove all his Doubts, and *Pinto* particularly, to his Reasons and Intreaties, adding Threats and Protestations, declared to him, that even, will he nill he, he should be proclaimed King; and besides that, his Obstinacy would draw certain Destruction and Ruin both on himself and others. The Duke, upon so great and unexpected a Prospect of the Crown, was staggered; but his Wife, Sister to the Duke of *Medina Sidonia*, being a Lady of a noble Spirit, spurred him on, by upbraiding him with preferring a frail Life to a Crown. Nor did the *French*, who were privy to the Design, fail to encourage him by secret Messages, and the Promise of powerful Assistance, making him believe, that the Crown would sit the more firm upon his Head, that the rest were tottering upon King *Philip's*; therefore he was induced to consent, and the Time and Manner of proclaiming him were concerted.

ALTHOUGH this Affair was carried on with great Secrecy, yet there being many concerned in it, the Vicequeen had some Inkling of it, and frequently advised the Count Duke of the private Conversations and Designs of the Conspirators; but he, apt to believe himself rather than others, was too late in giving Credit to the Advice. Therefore on the first Day of *December* this Year 1640. many of the Nobility having gone to the Palace, in the Morning as the Clock struck Nine, which was the Signal agreed upon, at the firing off a Pistol, drew their Swords, and attacked the Vicequeen's Guard, who, sauntering about without Arms, expecting no such Thing, easily yielded. Having got Possession of the Palace, the Noblemen cried out *Liberty*, and at the same Time huzza'd *John IV.* King; and others, some in the Streets, and some from the Windows, and amongst these *Michael Almeida*, a reverend old Gentleman, encouraging the People, and stirring them up to take Arms, in a few Minutes the Multitude was so great, that, as if they had been all moved by the same Spirit, there was not one that dissented or waver'd. A Detachment of *Castilians*, that was marching to mount Guard on the Palace, was attacked by the Populace, and forced to fly. *Antonio Tello*, with some others, having forced their Way into the Apartment of *Vasconcellos*, who, upon hearing the Noise, had shut himself up in a Press, found him out, and having put him to Death, threw him out at the Window, that he might be a Gazing-stock to the People, and also to shew how little Blood the Revolution of a Kingdom cost. The Vicequeen, being in the Hands of the Conspirators, was treated with great Respect; but they obliged her to give Orders to the Governor of the Castle not to fire the Cannon, otherwise the *Castilians* that were in the City would be all put to the Sword. The Governor not only obeyed the Order, but immediately, either out of Fear or Necessity, surrendered, alledging that he was so ill provided, that he could not have defended himself if he had been attacked by the People. It was very surprizing to see a City, such as *Lisbon*, great, populous, and in Commotion, in so short a Time, not only Mistress of herself, but in such Order, and so quiet, that though nobody commanded, all Ranks of People, at the Name of the new King, readily obeyed.

JOHN, hearing that *Lisbon* had submitted, caused himself to be proclaimed King in his own Territories, and, on the sixth Day of the same Month of *December*, with unspeakable Pomp, made his Entry into that City, and having received the Oath of Allegiance from the People, he swore that he would maintain their Privileges. The News of this Event being spread over the Kingdom, there was not a Place that did not follow the Example of the Capital, with so much Unanimity, that the Government did not seem to be changed, but only the Name of the King, to the inexpressible Joy of the People. The Vicequeent was conducted to the Borders, and some of the *Castilian* Ministers were kept Prisoners, as Hostages for the *Portuguese* that were in *Madrid*. The *Castilians* in the different Garisons, and those in *S. Gian*, a Fort by Situation impregnable, struck with Terror, marched out without Resistance. In the Space of eight Days, the whole Kingdom was reduced to a peaceable Obedience. Advice of this Revolution having been quickly dispatched by *Caravelle* to the *East-Indies*, the Coast of *Africa*, and the Islands belonging to the *Portuguese*, as if it had been expected, with unanimous Consent,

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the *Castilian* Yoke was shaken off, and King *John IV.* acknowledged and proclaimed.

THE Count Duke finding, that instead of aggrandizing the Monarchy, it behoved him to look to its Safety, was at a Stand whether he had best turn his Thoughts, and make the greatest Push upon *Portugal* or *Catalonia*. At last he resolved to reduce *Catalonia*, hoping to accomplish the Undertaking in a short time; for he was afraid, that if he made longer Delay, the strong Holds of the Country, the Ferity of the People, and the *French* Assistance, would render it more difficult. On the other Hand, the Borders of *Portugal* being open, far from Assistance, the People less Warlike, and by being Master of *Lisbon*, the whole Kingdom might be subdued, he imagined, that the *Portuguese* being left in Security and Carelessness, would not think of fortifying themselves before-hand, and that the Nobility, naturally very haughty, at the Long-run would not bear the Command of one, who had sundry Rivals, and many Equals. The War then being carried on in *Catalonia*, the *Portuguese* had Time to settle their Government, so that *Olivares* was grievously out, and *Portugal* continues to this Day withdrawn from, and not in the least dependent upon the Crown of *Spain*.

THINGS being disposed for the Prosecution of the War in *Catalonia*, even in Winter, the Marquis *De los Velez* laid Siege to *Tarragona*, the second City in the Principality. The *Catalans*, animated by the *French*, despised both the King's Indignation and Arms, insomuch that they maintained a long War, which cost our Kingdom a great deal of Blood and Treasure, as well as the other Dominions of the Monarchy. For which *Medina*, our Viceroy, obtained a new Donative, fresh Troops were raised, and new Ships fitted out, whereby the Subjects and Corporations of the Kingdom were oppressed with new Taxes and Impositions.

BUT our Miseries not ending here, a new War, which likewise broke out at this Time in *Italy*, betwixt the Pope and the Duke of *Parma*, about the Duchy of *Castro*, put the Viceroy and Kingdom to new Trouble and Charges; and they would have been greater, if the *Spaniards* had not been cooled; and being taken up with their own Misfortunes at home, by the Revolt of *Catalonia* and the Loss of *Portugal*, they had no mind to meddle with other Peoples Concerns, except by Mediation and good Offices: The Viceroy, therefore, being required by the Pope to send the 900 Horse, stipulated in the Investiture of the Kingdom to be furnished, whenever the State of the Church should be attacked, refused to send them, because the Quarrel did not concern the Church, but the Pope's own Family¹. Nevertheless, the Viceroy was obliged, at the Kingdom's Expences, to fortify the Garisons of *Tuscany*, and the Borders of the Kingdom on the Side of *Abruzzo*, whither he sent the Colonel-General *Carlo della Gatta*, and recommended the Defence of that Province to *Acchille Minutolo*, Duke of *Belfano*, Governor thereof. Many Companies of *Germans*, brought by the Way of *Trieste*, were likewise sent thither, and afterwards were brought to *Naples* by Colonel D. *Michèle Pignatelli*, and quartered in the Hospital of S. *Januarius*, without the Walls of the City.

BUT though the Kingdom wanted a breathing Time for repairing its own Misfortunes, yet the Demands of new Supplies for the *Milanese* were still continued: It behoved the Viceroy to send thither 3000 Foot; and that the Corporations of the Kingdom might be put upon an equal Footing in the Payment of the Donatives made to the King, he ordered a new *Catasto* (a Book so called, wherein the Means of the Subjects are set down) to be made in each of them, and deputed an Officer of the Chamber of Accompts to see that the Payments were proportioned to every Man's Ability.

THIS Year 1644 the Banditi infested the Provinces, and interrupted Commerce more than ever; and the Regular Troops not being sufficient for suppressing them, the Viceroy was forced to send D. *Giuseppe Caracciolo*, Prince of *Torrello*, with the Title of Lieutenant-General of *Campagna*, to curb their Insolence,

¹ Nani, Ist. Venet. lib. 12. Anno 1643.



C H A P. VI.

The Fall of the Count Duke, and consequently that of the Duke of Medina, who yields the Government to the Admiral of Castile his Successor.



UT while *Medina*, in order to prolong his Government, which had already lasted six Years and some Months, was managing a new Donative for the Court, Advice was brought him, that the King had appointed the Admiral of *Castile*, who was then Viceroy of *Sicily*, to be his Successor. The Count Duke having incurred the King's Displeasure, by Consequence the Duke underwent the same Disgrace and Change of Fortune. The grievous Loss of *Catalonia* and *Portugal*, in a great measure imputed to the violent Counsels of *Olivares*, had cooled the King's Affection for him; either it was, that the continual Misfortunes made him hate the unhappy Director of Affairs, or he had found out, that the Favourite had imposed upon him, and represented Things to be quite otherwise than they really were. Many seeing such Ruin and Destruction, laying aside Flattery and Fear, found themselves obliged to speak their Minds freely; but none would venture to be the first, till at last the Queen, supported by the Emperor, who, with his own Hand, wrote Letters to the King, and by the Marquis of *Gran*, the Imperial Ambassador, resolved to unravel the Matter, and lay open the Intrigues. Then every Body spoke their Minds, and even the meanest of the People, either by Memorials, or publickly by Word of Mouth, solicited the King to dismiss the Prime Minister, and take the Government upon himself. He, amazed at his Ignorance of the Causes of the Misfortunes, and overwhelmed with the Knowledge of what had been discovered to him all at once, was at a Stand at first, being sensible of the Weight of the Government, and afraid that the ordinary Court-Tricks had been made use of against the Favourite; but at last, not able to resist the unanimous Desire of the People, one Day, all of a sudden he ordered him to retire to *Loechos*. *Olivares* readily obeyed the Order, and, afraid of the People, left the Court in Disguise. This Resolution was attended with the Joy and general Applause of every Body. The Grandees, formerly discarded and oppressed, flocked to serve the King, and grace the Court; and the People, animated by the Report, that the King was to take the Reins of the Government, hitherto neglected, into his own Hands, strove who should be foremost in offering him both Men and Money. But, either wearied of the Weight of the Government, or ignorant of Affairs, and with Ministers yet more ignorant, he would insensibly have restored the Count Duke to Favour, if the whole Court had not opposed it with a general Murmur, yea if *Olivares* himself had not forestalled his own Hopes; for having a Mind, by publishing some Papers, to vindicate himself, he offended many to that Degree, that the King thought fit to remove him much farther off, and confine him to the City of *Toro*, where, not accustomed to Rest, and being a Man of a great Spirit, he was tired of an idle Life, and soon died of Grief.

THUS fell *Olivares*, and though the King gave out that he would take the Government upon himself, yet, either because he could not, or that he would not govern by himself alone, he resolved to give up the Burden; and having expressed his Mind before some Grandees, who were aspiring after the Count Duke's Place, *Lewis*

de Haro, *Olivares's* Nephew, and at the same time his Enemy, insinuated himself by Degrees, and with great Modesty, as if it had been in Obedience to the King, in a short time took upon him the Administration of the Government.

DON *Lewis de Haro*, looking upon the Admiral of *Castile*, who was then Viceroy of *Sicily*, to be one of the most powerful Pretenders to the Prime Ministry, in order to keep him at a Distance, and at the same time to please him, advanced him to the Viceroyalty of *Naples*, giving him for Successor in that Island, the Marquis *De los Velez*, who, from the Wars of *Catalonia*, had been sent Ambassador to *Rome*: For which End both their Commissions were dispatched; but, whether through Mistake, or the Cunning of the Clerks of the universal Dispatches, who had a good Allowance from the Duke of *Medina*, instead of sending each of them his own Commission, they came both inclosed in *Medina's* Letters, who, like *Monterey*, in order to prolong his Government, refused to deliver them their Letters; and though the Marquis *De los Velez* had come from *Rome* to *Naples*, on his Way to *Sicily*, *Medina* put him off from Day to Day, so that he could not depart for want of his Commission, which appointed him to be Viceroy: On the other Hand, the Admiral could as little leave the Government of the Island before the Arrival of his Successor; and though he had sent his Secretary to *Naples* to demand his Letters, he met with nothing but Delays, *Medina* being loth to quit the Government. But at last, finding that his Authority was daily dwindling away, and that he had not the same Respect paid him as formerly, he was forced to submit; but having a mind to get the Donative of a Million, which he had been soliciting for the King, granted by the Parliament, the Deputies, whether they were unwilling to lay on that new Burden upon their Country, or that they rather inclined to reserve it for the Beginning of the new Viceroy's Government, shunned coming into it. *Medina*, therefore, finding that he could no longer with Honour continue his Government, resolved to deliver the Commissions; so that the Marquis *De los Velez* having gone for *Sicily*, upon his Arrival there, the Admiral set out for *Naples*, where he arrived on the 6th of *May* this Year 1644. and *Medina* immediately quitting the Government, went to live in his Country-House at *Portici*, where he staid till the Gallies were fitted out for carrying him to *Spain*.

HE left us many stately Monuments, which still adorn the City. To him we owe that Fountain of admirable Architecture, with the God *Neptune* pouring most limpid Water out of his Trident, which being by him removed to the *Glacis* of *Castelnuovo*, enlarged, and plentifully supplied with Water, from him to this Day keeps the Name of *Fontana Medina*. To him likewise is owing that magnificent Gate of the City under the Declivity of *S. Martin's* Hill, which formerly was called *Del Pertugio*, because of a little Gap, which the Count *D'Olivares* caused to be made in the Wall for the Conveniency of the Inhabitants of that Neighbourhood, and which likewise from him retains the Name of *Porta Medina*. The Duke *D'Alba* and the Duke *De Medina de las Torres* had the good Fortune, that these Gates still retain their Names, because, being built in obscure Places, their antient Names have not eclipsed the new. It did not fare so with the *Via Gusmana*, the *Porta Pimentella*, the magnificent Street, beautified with pleasant Trees, which in our Time was made by the Duke *De Medina Celi*, and with other Buildings, because being built in *S. Lucia*, the *Chiaja*, and in other remarkable and frequented Places, they soon lost the Names their Founders had given them.

HE likewise repaired the Castle of *S. Eramo*. He beautified the Bridge upon the River *Sele*, without the Gate of *Salerno*, and he opened that large Street, which leads to the Monastery of *S. Antonio di Posilipo*. But of all the other Edifices, the Palace of *Medina*, which he built upon the Side of *Posilipo*, is the most stately, in building of which 400 Men were employed: A Work truly magnificent, and is one of the three most sumptuous Edifices at present in *Naples*, and vies with those of the University and the Royal Palace; but he had not the Pleasure to see it finished, (as the Count of *Lemos* had seen the Fabrick of the University) because of his leaving the Kingdom, and now a great Part of it is ruinous, uninhabited, and falling.

BUT we are much more indebted to him for having left us about fifty most excellent Laws, and erected two new Tribunals in the Provinces of the *Further Abruzzo* and *Basilicata*. He pitched upon *D. Carlo Sanseverino*, Count of *Chiaromonte*, to preside in *Basilicata*, and appointed *Stigliano* to be the Place of his Residence, but he did not remain long there; so that the Seats of the Presidents of that Province

Province being removed, sometimes to one Place, sometimes to another, at last it was fixed in the City of *Matera*, where it still remains. The City of *Aquila* was appointed to be the Seat of the other President, and the first was *D. Ferrante Mugnoz*, a Counsellor of *S. Chiana*. Thus the Province of *Abruzzo* being divided into two, as King *Alphonfus* had done with respect to the Treasurers, and the Administration of the Royal Revenues; and a new Tribunal being erected in *Basilicata*, the Number of the Provinces, with respect to the Administration of Justice, came to be equal and answerable to the Number of Treasurers, which formerly was greater than that of Presidents or Justices. He likewise reformed the Tribunal of *Otranto*, and built its Prisons in the Form we now see them.

THE Statutes which he left us, contain many prudent Provisions. He renewed the Edicts against Luxury in Apparel, Servants, and Coaches: He prohibited, under severe Penalties, the Exportation of Arms, especially Fire-Arms: He was a terrible Persecutor of the Banditi: He chased all the Vagabonds out of the Kingdom: He prohibited the Students from going to any other Schools but those of the University; and made other wholesome Regulations, which are set down in the Chronology prefixed to the first Tome of our Statutes.

UPON *Medina's* Arrival at Court, he was refused Audience of the King, who, at the Instigation of his Enemies (who, by the Fall of the Count Duke, his Father-in-Law, being become more bold, had accused him of imbezling much of the Donatives made to the King) made him give an Account of many Millions, which, during his Government, he had received from the Kingdom; but the Duke alledged, that the Viceroys of *Naples* were not obliged to give an Account, and that if his Majesty would exact that of him, he was very ready to give it, provided it was not done in a judicial Manner, but privately, that the succeeding Viceroys might not be prejudiced: The Affair was taken into Deliberation, and according to the wonted *Spanish* Slowness, it never having been brought to a Head, was for ever dropt. The Princess of *Stigliano*, his Wife, grieved for the Loss of the Government, was left big with Child at *Portici*, where she miscarried, and afterwards was seized with a Disease like that of King *Philip II.* and died of the same lousy Distemper: A miserable Instance of human Grandeur! Her Body was put in the Church of the *Bare-footed Augustins* of the Village of *Portici*; and her Relations, not being able to prevail with the Viceroy to allow it to be transported with Royal Pomp, which they pretended was her Due, as Dutches of *Sabionetta*, after some Time, it was privately conveyed to the Chapel of her Family, in the Royal Church of *S. Dominico Maggiore* of *Naples*.



C H A P. VII.

Of the short Government of D. Juan Alfonso Enriquez, Admiral of Castile.



THE Admiral having arrived in *Naples*, and, on the 7th of *May* this Year 1644. taken Possession of his Office, soon perceived the lamentable State to which the Kingdom was reduced: He saw the extreme Misery of the Subjects, oppressed with so many Taxes and Duties; all the Sources drained, and the Exchequer quite empty. But his greatest Trouble was, that he not only could not see how these Evils could be remedied, but the craving Necessities still growing greater, and the Ministers of the Court of *Spain*, accustomed to receive immense Sums from his Predecessors,

Predecessors, never weary of seeking new Donatives of Millions, very much perplexed and disturbed him.

NEVERTHELESS this hard Beginning did not quite discourage him, but by his Prudence and Vigilance, the best Way he could, supplied the new Wants that occurred. Although by the Peace made ever since the Month of *March* this Year, between the Pope and the Duke of *Parma*, by the mutual Restitution of the Places taken from one another, that Fire had been extinguished, which, on account of the Possession and Demolition of *Castro*, belonging to the Duke, had been kindled in *Italy*; yet the *Barberini* had not laid down their Arms, nor dismissed the 4000 Foot and 1200 Horse, which they kept in Pay under the Command of the Duke of *Bouillon*; and the Pope being taken very ill in the Month of *July*, before he expired, our Viceroy caused pressing Instances to be made in *Rome*, that the Pope's Nephews should lay down their Arms, and he likewise made an Offer to the College of Cardinals, of his Person, and the Forces of the Kingdom, for the Freedom of the future Conclave; and the Pope having died on the 29th of the same Month of *July*, in all haste he dispatched some Troops to the Borders of the Kingdom; but the Consistory having ordered the Governor of *Rome* to disarm, and, on the 15th of *September*, *Giovam. Battista*, Cardinal *Pamfilio*, being elected Pope, who took the Name of *Innocent X.* the Troops returned to their former Quarters¹.

THESE Fears were no sooner over, than much greater followed; for soon after these very Troops were employed against the *Turks*, who, with a Fleet of 46 Gallies, commanded by *Becbir*, the Captain-Bassa, had appeared in Sight of *Otranto*. The *Spaniards* gave out, that this Fleet had been fitted out and sent at the Instigation of the *French*, in order to divert the Troops of the Kingdom: Others said, that it was the Beginning of a deeper Design of the *Turks*, and only for discovering in what Posture of Defence the Sea-Coasts of *Italy* were; however, tho' they were driven by a Storm upon the Shore of *Verona*, without doing any other Damage to *Otranto*, than striking Terror by the Remembrance of the past Invasions; yet they returned afterwards into the Gulph of *Taranto*, where they pillaged *Rocca Imperiale*, and carried off near 200 Persons into Slavery². And the Year following, having landed on the Coast of *Calabria*, they pillaged some Towns.

THE rich Booty, which the *Maltese* afterwards took from the Eunuch *Zambula Aga*, in his Voyage to *Mecca* (which was the Ground of the War of *Candy*) made the *Turk* threaten to invade *Malta*; whereupon the Great Master of that Order calling upon the neighbouring Princes for Help, made pressing Instances to the Viceroys of *Naples* and *Sicily* for immediate Assistance: So that the Admiral was forced to send him four Ships, two of them loaded with Ammunition and Provisions, and two with *Spanish* and *Italian* Soldiers; but the *Turks* having attacked the Kingdom of *Candy*, the Fear of the Invasion of *Malta* vanished, and the Great Master sent back the Troops, but not the Ammunition and Provisions.

THESE Succours could have been easily borne, but much greater were demanded for other Wars, and particularly for that of *Catalonia*, which lay very heavy upon *Spain*; therefore it behoved the Viceroy to send thither from *Naples*, 800 Horse, and 4000 Foot, in 26 Ships, under the Command of General D. *Melchior Borgia*: A Succour, as it was great, so it compleated the Impoverishing of the Kingdom. Yet for all that, the Ministers of the Court of *Spain* never gave over pressing the Admiral with new Demands of Donatives of Millions, for supplying the great Necessities of the Crown, which the bad Conduct of the *Spaniards* had occasioned; but the Indigence of the Subjects, so overcharged, was no less, and when the Viceroy believed he could ease them of their Burden, to satisfy the continual Cravings of the Court, he was forced to demand a new Donative of a Million, and there being no other Means left for raising it, but by taxing the Rents of the Houses of the City of *Naples*, it was resolved to take a List of all the Citizens that rented Houses, and to tax them; but when it came to be put in Execution, it occasioned a general Insurrection, and in the Suburbs of S. *Antonio* and *Loretto*, many of the Commonalty began to mutiny; so that the Viceroy foreseeing great Disorders, put a Stop to the Collection. Of which the Ministers of *Spain* being apprized, imputing this Stop to the Admiral's Weakness, they checked him severely, and with their wonted Haughtiness, ordered him to go on in the Collection; but this

¹ Nani, Istor. Venet. par. 2. lib. 2. Anno 1644.

² Idem, loc. cit.

prudent Minister, who knew better the bad Inclinations of the City and Kingdom, continued firm in his Resolution of suspending the Collection, and wrote to the King, begging of him, that he would be pleased to remove him from the Government, that he might not be put upon carrying Things to sad Extremities.

THE *Spanish* Ministers laughing at the Admiral's Timidity, gave no Ear to his Request, but blamed his Conduct, and talked of him at Court as a Man of no Courage, and incapable of governing a Convent of Friars, much less so considerable a Kingdom as that of *Naples*. But the Admiral continued stedfast in his Resolution, declaring that he would serve, not betray his King; he renewed his Request of being removed from the Government; whereupon the Ministers at last induced the King to recall him, and order him, in his Majesty's Name, to go to *Rome* and do Homage to the new Pope; and thinking, that D. *Rodrigo Ponce de Leon*, Duke *D'Arcos*, a bold and resolute Man, would make up the want of Courage which they imputed to the Admiral, they appointed him to be his Successor: Wherefore the Duke used afterwards to complain, that all the dirty Work was reserved for him, and that he was come to atone for the Faults of the Viceroy's his Predecessors.

THE Admiral having notice of the Resolution of the Court, upon the Arrival of the Duke *D'Arcos* in the Kingdom, in the Month of *April* this Year 1646. left *Naples*, and on the 25th of the same Month made his Entry into *Rome*, and on the 28th did Homage to the Pope; from thence, after having made the Tour of *Italy*, he returned to Court to exercise his Office of Steward of the Household, and soon after, being taken ill with a Stranguary, on the 6th of *February* 1647. he died.

DURING the short Time of his Government, which was not quite two Years, he left us about twenty very good Statutes; he studied to extirpate the Banditi and Vagabonds: He took care to keep the Custom-House from being cheated, by forbidding Convents and other Religious Places to retail Wine: He prohibited the Making and Exportation of Arms, and made other prudent Regulations, which are set down in the so often-mentioned Chronology. But what gained him the greatest Applause in the Beginning of his Government, was his having removed many Abuses that had been introduced in that of his Predecessor *Medina*, amongst which, one was the scandalous Number of Judges in the Tribunal of the Vicariate, who were made rather to comply with the importunate Recommendations of D. *Anna*, *Medina's* Wife's Relations, who were then very powerful at Court, than for their Merit. The Admiral having left a competent Number for that Tribunal, sent the rest to sit in the Royal Provincial Courts. It was he that put an End to the Disputes with the Ecclesiasticks about the Book of Ceremonies, by ordering the Royal Functions to be performed no more in the Cathedral, but in the Royal Churches, or such as were under the King's immediate Protection. Upon the Death of *Isabel of Bourbon*, Queen of *Spain*, which happened in the Year 1644. the Admiral ordered the Funeral Solemnities to be performed in the Cathedral, according to antient Custom; and having caused a most magnificent Mausoleum to be erected there, when they were upon the Point of beginning the Function, Cardinal *Filamarino*, the Archbishop, rose up, and pretended, that a Cushion ought to be given to all the Bishops that were present; but the King's Ministers looking upon that to be a Novelty, by no means would consent: And on the other Hand, the Cardinal being obstinate, the Viceroy ordered the Mausoleum to be taken down, and carried to the Royal Church of *S. Clara*, which was accordingly done; where it being erected and adorned with Inscriptions and Elegies, for the most part composed by the Jesuits, particularly by *P. Giulio Recupito*, on the 21st of *March* 1645. the Obsequies of the deceased Queen were celebrated, and the Funeral Sermon was preached in *Spanish* by *P. Antonio Herrera*, a Jesuit: So that from that Time forward the like Functions have always been celebrated in that Church.

THE Duke *D'Arcos* having accepted of the Government of the Kingdom, contrary to the Expectation of the *Spanish* Ministers, found the Affairs of it in a very lamentable State; and it was his Misfortune, that so many Causes laid up in Store by his Predecessors, were in his Time to produce those calamitous and dismal Effects, which shall be related in the following Book of this History.



THE
CIVIL HISTORY
Of the KINGDOM of
NAPLES.

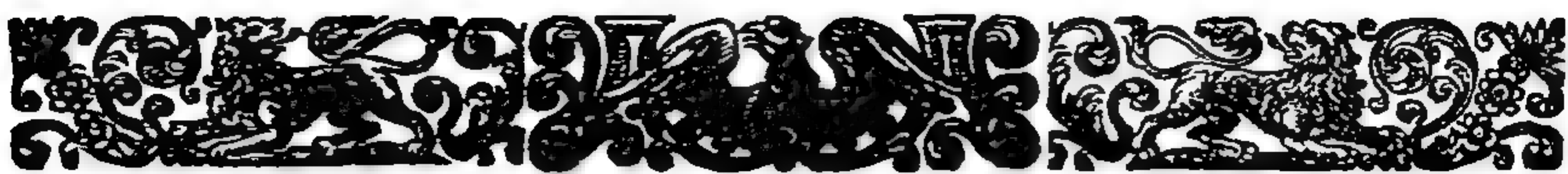
BOOK XXXVII.



THE Misfortunes of our Kingdom, which had been reserved to the Government of D. *Rodrigo Ponce de Leon*, Duke *D'Arcos*, shall be the Subject of this Book, and which, with the Loss of the Kingdom of *Portugal* and *Flanders*, and the Commotions of *Sicily*, plainly demonstrate to Princes, that the Government of the World, committed to them by God, as to lawful Governors, is treacherously, and, contrary to his Divine Will, intrusted with Mercenaries, whose ambitious Authority brings not only Slaughter and Calamities upon the People, but Ruin and Destruction upon the State. Our Kings *Philip III.* and *IV.* were truly religious Princes, but so incapable of supporting the vast Burden of so great a Monarchy, that having given themselves intirely up to their Ministers and Favourites, they were content with the bare Shadow and Name of Kings, suffering them to expose both Power, Authority, and every Thing else to a publick and most ravenous Sale: out of which Lethargy, neither the Intreaties of their Relations, nor the Groans of the oppressed People, nor the so many Misfortunes, were able to rouse them. This Slothfulness was likewise improved by the most refined Art of the Court and Favourites; for, in order to rivet it, and that no Remorse of Conscience might be able to shake it, they had gained over to their Interest even the Royal Confessors, who pryed into the most secret Recesses of their Souls and Consciences.

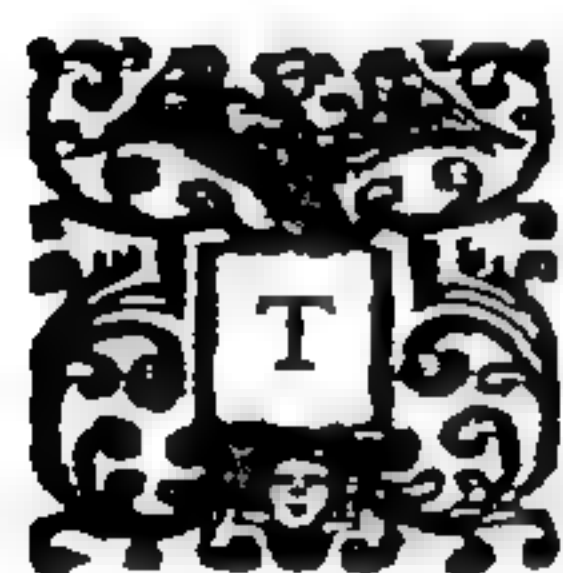
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OUR Forefathers had hitherto feen thefe Diforders in many Dominions of that vaſt Monarchy at a Diſtance, but now they were both the Spectacle and Spectators. We have already ſhewn in the preceding Books, that Things having been brought to the utmoſt Extremity, foreboded nothing but Ruin and greater Diforders, and the more inevitable, that inſtead of endeavouring to prevent them, they were the more pushed on. The Wars that were raging in *Germany*, *Catalonia*, the Low Countries, and in the State of *Milan*, which kept *Spain* always in want of Supplies both of Men and Money, were not enough; but at this Time a new War broke out, which, for preſerving to the King the Garifons of *Tuscany*, attacked by the *French*, was in a manner to be ſupported by our Kingdom alone, which gave the laſt Push to the Revolts, which we ſhall briefly relate.



C H A P. I.

Of the Government of D. Rodrigo Ponce de Leon, Duke D'Arcos, and of the Expeditions which he was obliged to make for the Preservation of the Garifons of Tuscany from the Invasions of the French.



THE Duke *D'Arcos* having made his Entry into *Naples* on the 11th of *February* this Year 1646. and ſeen the deplorable State of the Kingdom, the People oppreſſed with ſo many Taxes; and on the other Hand, between the Neceſſity he was under of ſupplying the Wants of the Crown, and the Difficulty of finding Means for doing it, he thought it better to exact the Arrears of the Donatives that had been made to the King, under the Government of the Duke of *Medina*, than to load the Subjects with new Impoſts. For this End he appointed two Juncto's of Miniſters, the one to prevent Colluſion, by ſeverely puniſhing thoſe that ſhould be found guilty of it, and the other to find out Expedients for the ſaid Exaction, whence he was in hopes to draw immense Sums, without incurring the Hatred of the People, by impoſing new Burdens in the Beginning of his Government.

BUT the new War, which he was obliged to maintain for defending the Garifons of *Tuscany* againſt the *French*, forced him to follow the Cuſtom of his Predeceſſors, and, for ſupplying the new Charges, to lay on new Taxes.

CARDINAL *Mazarin*, who, in the Minority of *Lewis XIV.* governed *France*, being highly offended with Pope *Innocent*, who, notwithstanding the Mediation of the Republick of *Venice*, was proſecuting the *Barbarini* judicially; covering his private Revenge for the Pope's having reſuſed to make his Brother a Cardinal at the Nomination of the King of *Poland*, he gave the Queen Regent and the Royal Council to underſtand, that the Pope had already diſcovered himſelf to be no Friend to the Intereſt of *France*, and too partial to the Crown of *Spain*, as was evidently ſeen by the Promotion of Cardinals, who were all Subjects of, or Dependants upon that Crown; wherefore they ought not only to ſuſpend all Intercourſe with him, but likewise to uſe all Means for making him retract that Partiality. For which End it was reſolved to take the Barons under the Protection of *France*, and to terrify the Pope by fitting out a great Fleet for the Coaſt of *Italy*, which would touch *Innocent* to the Quick. In the mean time *Mazarin* deſired the Duke of *Enguien* to take the Command of the Fleet that was to be ſent to *Italy*, for attacking the

the *Spanish* Garisons of *Tuscany*, but the Prince of *Condé*, the Duke's Father, would not consent to it, therefore the Cardinal invited Prince *Thomas* of *Savoy* to come to *Paris*, to whom he imparted, that the chief Design of the Expedition was against the Kingdoms of *Naples* and *Sicily*; but to lessen the Envy of so great a Conquest, he was resolved to offer a great Part of it to the Princes of *Italy*, and especially to himself, who, for his Skill in the Art of War, and his many other Endowments, deserved to have his Temples girt with a Royal Crown. The Prince believing, or seeming to believe what the Cardinal had said, readily accepted of the Command, and it was resolved to attack *Monte Argentaro*, and the other Places which the *Spaniards* possessed in *Tuscany*; and on the 10th of *May* this Year, the Fleet, composed of 10 Gallies, 35 Men of War, and 70 Transports, under the Command of the Duke of *Bresse*, as Admiral, in which were imbarked 6000 choice Foot, and 600 Horse, sailed from the Ports of *Provence*. Prince *Thomas*, as Generalissimo, with his Followers, and some Troops, went aboard of the Fleet at *Vado*. The Fleet having coasted along the Shore of *Italy*, arrived at *Telamone*, which surrendered without striking a Stroke, as also the Forts of *Saline* and *S. Stefano*, the Governor of the last having a Mind to defend the Place without Troops, was killed in the first Attack; then it was resolved to besiege *Orbitello*, a strong Place both by Art and Situation. The Care and Defence of these Places concerned the Viceroy of *Naples*, therefore the Duke *D'Arcos* having smelt out the Design of the *French*, had sent thither *Carlo della Gatta*, a famous Captain, to command there: Then having made ready a Reinforcement of 700 Foot, good store of Ammunition and Provisions, and 3000 Pistoles in ready Money, he put them aboard of five well-armed Gallies and two Men of War, and sent them towards *Tuscany*, under the Command of the Marquis of *Viso* and *D. Niccolo d'Oria*, Son to the Duke of *Tursi*, who had the good Fortune to land the Men and Provisions at *Porto Ercole*, and to return safely to *Naples*. But the Viceroy, having a Mind to try his Fortune again, sent a great many Officers, and 400 Soldiers, aboard of 40 Feluccas and one Brigantine; the *French*, taking warning from the former Success, came upon them with the Gallies, and, under the Fort of *Palo*, took 27 of the Feluccas; then Prince *Thomas* pushing on the Siege, and these slow and weak Reliefs not being sufficient for the Defence of the Place, the Duke *D'Arcos* was forced to assemble new Troops, and to send a stronger Reinforcement, in order to raise the Siege.

MEAN while appeared the *Spanish* Fleet, under the Command of General *Pimiento*, consisting of 31 Gallies, and 25 huge Galeons, besides some Fire-Ships, but so ill mann'd, that the *French*, being reinforced with ten Gallies, did not fear, though inferior in Number and Quality of Ships, to come to an Engagement; therefore the *Spaniards* shunned boarding, contenting themselves with cannonading, whereby they disabled two of the Enemies Gallies, and shattered the rest; but the fortunate Shot that gained them the Victory, was a Cannon Bullet that carried off the Head of the Duke of *Bresse*, the High Admiral of *France*; for the Fleet having lost their Admiral, and there being no Retiring-Place at hand, they immediately set sail, and bore away for *Provence*.

THEN the Duke *D'Arcos*, being resolved to raise the Siege, caused the Infantry to be imbarked, under the Command of the Marquis of *Torrecoiso*, and sent the Cavalry over Land, under the Command of Colonel *Luigi Poderico*, who, without asking Liberty, marched thro' the Ecclesiastical State, *Castro*, and *Tuscany* (of which these Princes seemingly complained, but every Body was inwardly well pleased with it, and privately marked out the Rout for the *Spaniards*, being jealous of the too great Power the *French* were getting in *Italy*) and joined *Torrecoiso*; who had no sooner disembarked, and he burnt almost all the Transports which the *French* had left at *Telamone*, than he marched directly towards *Orbitello*, and forced Prince *Thomas* to raise the Siege. The Prince having lost a great many Men during the Siege, and the most part of the rest being rendered unfit for Service, through Sickness, occasioned by the unwholesome Air of the Marshes, retired to *Telamone*; and the *French* Fleet, by the express Orders of Cardinal *Mazarin*, having returned, he imbarked, and with his own Men landed in *Piemont*, and sent the rest to *Provence*. *Carlo della Gatta*, having marched out to the deserted Trenches, found a rich Booty and 20 Pieces of Cannon; and *Pimiento's* Fleet, content with the Victory they had ob-

tained, contrary to the Opinion of the *Spanish* Ministers, immediately set sail for the Ports of *Spain*.

THE raising of the Siege of *Orbitello* rejoiced the Princes of *Italy* the more, that having smelt out the vast Designs of Cardinal *Mazarin*, they had looked upon the Undertaking with a jealous Eye, but of all the rest the Pope was the most overjoyed, who, though cautiously, supported the *Spanish* Interest. On the other Hand, it nettled *Mazarin* to the Quick, who, being upbraided for having deserted the *Catalans*, and weakened the King's Forces in *Flanders*, was wholly intent upon feeding his private Resentment in *Italy*. But having understood, that the Enemy's Fleet had returned to *Spain*, he called the Council of the Regency in *Fountainbleau*, where it was resolved to attack *Piombino* and *Portolongone*, thinking thereby to kill two Birds with one Stone; for *Piombino* being garrisoned with *Spaniards*, at the same time both the City and its small Principality belonged to *Lodovico*, the Pope's Nephew.

THEN it was seen what Force is able to do, especially when pushed on by Passion; for in an instant the Fleet was refitted, and the Troops being assembled, the Cardinal, suspicious of Prince *Thomas's* Conduct, gave the Command of them to the Marshals *De Meillaray* and *Plessis Prassin*, who making the same Dispatch, immediately put to Sea. The Design was scarcely known in *Italy* when the Fleet appeared, and having immediately taken *Piombino* by Storm, where there were only eighty Soldiers in Garison, they landed upon the Island of *Elva*, and having invested *Portolongone*, not ill defended, but badly provided, on the 29th of *October* this Year 1646. it was forced to surrender. This Conquest rejoiced the Cardinal, who put a greater Value upon *Portolongone* than *Orbitello*, because it being one of the strongest Fortresses of the *Mediterranean*, it not only cut off the Communication of *Spain* with the Dominions of *Italy*, but was a safe Harbour for the *French* Fleet, and a Retiring-Place for the Privateers that infested the Enemy's Navigation. This fresh Attack so terrified the Pope, that he sent for Cardinal *Grimaldi*, who was heartily in the *French* Interest, and granted him a Pardon for the *Barberini*, restored them to their Office and Estates, and revoked the Bulls and Censures, upon Condition, that they should repair to *Avignon*, and from thence, by Letters, pay their bounden Duty to his Holiness. But the Hopes he had thereby conceived of preserving the Principality of *Piombino* to his Nephew, were baffled by *Mazarin*, who knowing that Fear would do much with the Pope, let the Expedition go on, excusing himself, that the Marshals being already departed, it was not possible to recall their Commissions.

THE Loss of *Portolongone* very much grieved the Duke *D'Arcos*, because he saw the *French* nestled in a Place, from whence they could easily attack the Kingdom; therefore he thought fit to fortify the Places most exposed, and to make great Preparations, in order to be able to recover the Loss. For which End he made new Fortifications about *Gaeta*, and made the most wealthy Citizens defray the Charges of them; and he gave out Commissions for raising Twelve thousand Men. Of these 5000 were to be *Germans*, whom, upon the Promise of great Pay, he brought from *Germany*. He summoned the Militia of the Kingdom to come to *Naples*; but they declared, that being appointed to guard their own Country, they did not intend to leave it. But while the Viceroy was preparing to imbark Troops for the Expedition of *Portolongone* and *Piombino*, the *French* Officers, who commanded in these Places, were making ready an Expedition for invading the Ports of the Kingdom, particularly that of *Naples*, and to burn the Ships that were in them. With this Design the Chevalier *Pol*, having sailed from the Harbour of *Piombino*, with a Squadron of five Men of War and two small Fire-Ships, on the first Day of *April*, this new and most fatal Year 1647. arrived in the Gulph of *Naples*. He took some Barks in Sight of the City, which put it into a great Consternation; but there being at this Time thirteen Men of War and twelve Gallies in the Harbour, part of these were in all haste fitted out, and in which many of the *Neapolitan* Nobility having imbarked, they put to Sea, and drove the *French* off the Coast; but so fatal were our Misfortunes, that what the *French* did not do, was done either by Chance or Malice; for about eleven a Clock at Night on the 12th of *May*, the Admiral of the *Spanish* Ships having taken Fire, was intirely burnt, with 400 Soldiers, and all the Ammunition, and what is more, 300,000 Ducats, that were on Board in ready Money,

Money, were lost. This Fire in the Night-time, and in Sight of the City, by the great Noise and Clamour, struck the Inhabitants with Terror and Amazement, and it was looked upon to be an unlucky Omen of the more lamentable Combustion that happened in the Kingdom soon after, of which we are now going to give a short Relation.



C H A P. II.

Of the Insurrections that happened in the Kingdoms of Naples and Sicily, which had different Success; those of Sicily were quieted, but those of Naples turned to an open Rebellion.



THE unhappy Events of these Revolutions have been described by many Authors; some will have them to be monstrous, and beyond the Course of Nature; others, by insisting too much upon Trifles, perplex the Readers, and give but a confused Notion of the Causes, Designs, Prosecution and End: We therefore, by following the most grave and prudent Writers, shall reduce them to their just and natural State.

OF the two Kingdoms of *Italy* subject to the Crown of *Spain*, that of *Sicily* bore the *Spanish* Government most patiently, either because the Land having been bathed with *French* Blood, the Fear of Revenge had created in that People an Aversion to the *French* Name, or because they were not so much burdened and oppressed, as the Opulency of these our Provinces invited the *Spaniards* to put in Practice upon the *Neapolitans*. Besides the *French* Nation was not so much hated by some of our Barons; for the Dominion of this Kingdom having been often alternately between the Houses of *Arragon* and *Anjou*, there were still left some Remains of the old Factions, and consequently wavering Inclinations; whence it came, that the *French* always kept up a Correspondence with some Barons; and the *Spanish* Ministers, sometimes winking at them, sometimes punishing them, took care to govern in such a manner, that the Minds of the People being divided, the Nobility impoverished, and Strangers put in Possession of Estates and Dignities, the People might not know their own Strength, nor how to make use of it.

IN these Times, the long Chain of Calamities had much diminished the Credit of the *Spanish* Government in the Minds of the Subjects of that Monarchy; and the Name of the King, formerly, in Prosperity and Power, in a manner adored, had fallen under a general Contempt, and, on account of the Grievances occasioned by the Wars, little less than abhorred. Besides it was considered, that the Prince D. *Baltazar*, King *Philip IV*'s Son, by the deceased Queen *Isabel* of *Bourbon*, the Daughter of *Henry IV.* and Sister to *Lewis XIII.* Kings of *France*, having died in his Infancy, the Monarchy was like to be left destitute of Heirs, whereby the Subjects lost that Comfort, together with the Respect, with which the expected Succession of the Son to the Father, uses, either to allure the Malcontents, or bridle the Factious; and therefore those of turbulent Spirits run out in frequent Discourses upon that Subject, and the more calmly disposed, with inward Reflections, lamented the unkind Fortune, which would blindly transfer those noble Kingdoms to an uncertain Dominion, by how much the more unknown, so much the more hard.

THE People of both Kingdoms were complaining of the Taxes, not only made heavy by the Necessities of the Governments, but by the Avarice of the Viceroys and Ministers,

Ministers, by whom they had been reduced to such a State of Misery and Dearth, that the Fertility of our Soil, nor that of *Sicily* itself, which is reputed a Kingdom fruitful of Corn, and the Granary of *Italy*, were not sufficient to prevent these Misfortunes, so that Penury was felt every where. Certainly, it was never more clearly proved to be true, than by these Events, that for establishing Empires God raises up Heroes, but for overthrowing them, he makes use of the most vile and wicked Wretches.

IN *Sicily* the Commonalty began to complain for want Corn; but their Complaints not being minded, on the contrary, instead of remedying it, by reason of new Duties, the Bread being lessened, they became furious, and then taking themselves to their Arms, the City of *Palermo* was all in an Uproar and Confusion. The Marquis *De los Velez*, who governed that Kingdom, at this Time, had not Forces for suppressing them, nor Advice for quieting them; so that giving Time for this Scum of the People to take Heart, they burnt the Custom-House Books, drove away the Collectors, took the Arms out of the Magazines, and even the Cannon from the Ramparts; and the Cry was, *Down with the Taxes, and let the People have an equal Share in the Government with the Nobility*. The Viceroy granted every Thing, and promised much more; but the Mob, at first content, afterwards being stirred up, run out into greater Excess, and more impertinent Demands; either because the Facility of obtaining, put them upon pretending to more, or that there were not wanting Incendiaries, who gave out, that the gentle Treatment they met with was all Sham, and that the Compassion of a Nation, naturally severe, and by Constitution a rigid Punisher of Crimes against the State, was dangerous. Therefore, if one Day, being carested, they laid down their Arms, the next, all in a Fury, they took them up again with greater Noise, and the Mutiny spread itself over all the Kingdom.

HOWEVER a Head was wanting, by a steady Conduct, to manage the Strength of the Populace, who, though they began with making a great Bustle, soon flagged, contenting themselves with a light Taste of Liberty by some Insolencies. Besides, the Nobility, little beloved by the Commonalty, could not lay Stress upon so great Inconstancy, and though some were resolved to take the Benefit of the Opportunity, it was then too late. Among the very same Commonalty, the more Substantial, being exposed to the Outrages of the Meaner, who out of Caprice plundered and burnt their Houses, were longing for their former Tranquillity. The very Dregs of the People were joined by Criminals and Prisoners for Debt, whom they released by breaking open the Prisons. It was said, that some drew Lots in a Tavern for the Command of the Rebellion, and that it fell to *Giuseppe d' Alessi*, one of the most abject of them all. He ordered and put many Things of great Consequence in Execution. He turned the Viceroy out of the Palace, and forced him to go on Board a Galley in the Harbour; then a solemn Covenant was drawn up, whereby such Privileges and Immunities were granted to the People, as even in a free Republick would have been too great; but at last, while *Alessi* was surrounded with his Guards, and carrying it high, having rendered himself odious to his own Accomplices, he was killed by the Mob. Nevertheless, from his Blood the Sedition started up anew; for some believing, that the *Spaniards* had plotted his Death, others aspiring at the Post, Things were in a very uncertain State, and were much more perplexed afterwards, when the Viceroy, through Grief of Mind, fell ill and died.

THE Marquis *De los Velez*, left the Government to the Marquis *De Monte Allegro*, who bore with every Thing, in order to keep up to *Spain*, at least the Shadow of Command, and to gain Time till the Arrival of Cardinal *Trivulzio*, whom the King had appointed to be his Successor. The Cardinal being come to *Palermo*, quieted the Tumults, and kept the *Sicilians* in Awe; so that D. *John of Austria* having afterwards gone to *Messina* with the Fleet, the Kingdom was restored to Peace and Tranquillity.

BUT the Flames of *Vesuvius* were nothing in Comparison to the Combustion into which the Kingdom of *Naples* was involved. As has been seen in the preceding Books, the *Spaniards* had laid their chief Stress upon this Kingdom, because being Fertile and Rich, it furnished them with Men and Money for defending them where-ever they were attacked. The Fecundity and Opulency, would have supplied the Wants, if the Avarice of the Ministers, always craving, had not exhausted every

every Thing, and pillaged the very Riches of Nature ; but that Viceroy being best esteemed in *Spain*, who could raise the most Money, there was no Stone left unturned, in order to obtain the Consent of the Nobility and People, which was necessary for laying on the Taxes. The Customs were sold to him that offered most, the Burden was endless, and the Extortions grievous, for the Buyers being Strangers, and for the most part *Genoese*, who minding nothing but Gain, without any regard to the Calamity of the miserable People, there was no manner of Hardships but what they cruelly made use of. The Taxes were no sooner laid on, than more were wanted ; for the *French* having made an Attempt upon *Orbittello*, and possessed themselves of *Portolongone*, vast Sums were wanted, both for the Defence of the Kingdom, and supporting the foreign Wars.

THE Viceroy finding himself straitened for Money to raise new Troops, and maintain a Fleet at Sea, resolved to call a Parliament ; and having laid before them the Necessities of the Crown, and especially that the troublesome Neighbourhood of the *French*, who had got Footing in *Tuscany*, required the keeping up of an Army, he extorted a Donative of a Million of Ducats from them ; but in order to make it ready Money, he was forced to have recourse to the abhorred Remedy of the Duties ; and having so soon forgot what happened under the Government of the Count of *Benavente*, by imprudent Advice, it was proposed to lay a Duty upon Fruit, formerly imposed, but afterwards taken off, as grievous in the manner of collecting it, and odious to the Commonalty ; and it lay the heavier upon them, that the Country abounding with Fruit, and under a warm Climate, it was the most of their Food, especially in the Summer-time ; and every other Thing being burdened to that Degree, that no more could be laid on, the *Seggi* consented to it, and the Viceroy laid hold of the Expedient. But on the third of *January* this Year 1647. the Edict for collecting it was no sooner published, than the People began to murmur, and rise in Mobs, and always as the Viceroy came abroad, they surrounded his Coach, and bawled out to have it taken off : They were heard to mutter Threats ; many Libels were posted up, wherein they curied the Duty ; and one Night the Office, placed in the Middle of the Market-Place, where it was collected, was burnt.

LEST, from these Insolencies, they should proceed to greater Disorders, the Duke *D'Arcos* left it to the *Seggi* to deliberate about taking off the Duty, and finding Expedients for satisfying those who had advanced the Money upon it, by imposing other Duties less grievous ; but no Means could be found, because of the much greater Difficulties that occurred, if new Duties should be laid on : So that all their Meetings were in vain, and the People began to talk more insolently ; nor was there wanting Malcontents, who fomented the Sedition, of which the greatest Instigator was the Priest *Giulio Genuino*, who had gained over many of his own Rank, of no less turbulent and seditious Spirits than himself. Among the Drags of the People there likewise started up a certain *Tommaso Aniello*, commonly called *Masaniello*, of *Amalfi*, a very mean Fellow, and Servant to a Fisherman, of a low Stature, but lively and bold, who being terribly vexed on account of the ill Treatment of his Wife by the Tax-gatherers, who had found her with a Stocking full of Meal that had not paid the Duty, threatened to be revenged of them, and was watching an Opportunity to raise a Mob in the Market-Place on the Festival-Day of the Carmelites, usually celebrated in the Middle of *July*. For which End, under pretence of attacking a wooden Castle on the Day of the Feast, he had provided some Boys with Sticks, bought with Money given him by *Fr. Savino*, a Carmelite Monk, who, either through his own Disloyalty, or the Suggestion of the Malcontents, was the chief Man that prompted and pushed on *Masaniello* to make himself Head of the designed Tumult.

BUT there was no occasion to wait till the Middle of *July*, for on the 7th of that Month, a small and unforeseen Accident opened the Way. Some Peasants of the City of *Pozzuolo* having that Morning brought some Baskets of Figs to the Market, were pressed by the Tax-gatherers to pay the Duty ; and a Dispute arising between them and the Shopkeepers that were to buy the Figs, about who should pay the Duty, *Andrea Naclerio*, Elect of the People, coming in all haste to be Judge of the Controversy, decided, that those who brought the Figs from the Country ought to pay the Duty ; one of the Peasants, who had no Money, with a great Oath threw a Basket of the Figs upon the Ground, trampling upon them in great

Rage. Many run to gather them up, some in Jest, some in Wrath, but all of them pitying the poor Countryman, and hating the Occasion. Upon hearing the Noise, *Masaniello* and his Boys, armed with Sticks, came, and encouraging the Mob, they all began to pillage the Office where the Duty was paid, and to drive away the Officers with Stones. The Minds of the People being thus exasperated, and their Number increasing, they plundered all the other Offices; and, guided by blind Fury, they run at random to the Viceroy's Palace, with Protestations of Obedience to the King, but with Exclamations against the bad Government.

THE Guards, despising this childish Commotion, did not oppose it, and the Viceroy, intimidated, fomented it, by lavishly granting all Favours. The Licentiousness thereby increasing, and the most Resolute beginning to pillage the Palace, he endeavoured to make his Escape into *Castelnuovo*; but the Bridge being drawn up, not knowing whither to fly for Fear, he shut himself up in his Coach, and drove towards *Castello dell' Uovo*; but being discovered by the Mob, he had certainly been murdered if he had not taken Shelter in the Convent of *S. Lewis*, nor would he have got there, if, in passing through the short Street, he had not diverted the Mob by throwing Pieces of Gold amongst them. From thence he dispersed Edicts, whereby he took off the new Duty upon Fruit; but notwithstanding that, the Mutiny, like an overflowing Torrent, increased; and the most Turbulent suggesting sundry Things to the simple Populace, they cried out, that all the other Duties ought to be taken off, and the Writ of Exemption granted by *Charles V.* delivered to the People. Those who sought it, neither knew where it was, nor what it contained, because the long Dominion of the *Spaniards*, and the Forbearance of the Subjects, had rendered the Government absolute, infomuch that that Writ had been quite forgot.

UPON so great a Commotion, Cardinal *Filomarini*, the Archbishop, running to quiet the Tumult, interposed with the Viceroy, who, finding himself in so difficult a Situation, that Severity and Indulgence were equally dangerous, and to grant all, or refuse all was the same Thing; at last he thought his best Course was to deliver a Writing, whereby he promised to grant them whatever they could pretend to, hoping, that the Hurly-burly being over, and the rascally People dispersed, every Thing would soon be set to rights again. But it happened quite otherwise, for the greatest Part, confounded with chimerical Notions of Liberty, without knowing what they would have been at, still craved more, so that the Disease was the worse for Remedies, and the Pain increased by Lenitives.

BESIDES, the cruel Hatred which the Commonalty for a long time had borne against the Nobility, broke out, infomuch that the Mob running up and down the Streets, killed some Noblemen, burnt the Houses of others, banished a great many, and having a mind to extirpate them all, the City was upon the Point of being all in Flames and Blood. And yet the foolish People fancied that they were still faithful to the King, and were only reforming the bad Government, and revenging the Injuries done them by the haughty Nobility, and wicked Ministers.

MASANIELLO, tattered and half naked, having a Scaffold for a Theatre, and a Sword for his Scepter, with 150,000 Men at his Back, armed in various manners, but all terrible, commanded every Thing with absolute Sway. He, as Head of the Seditious, and Soul of the Insurrection, proposed the Pretensions, imposed Silence, disposed the Motions, and, as if he had the Destiny of them all in his Power, killed with a Nod, and set fire with a Look; for to what Place soever he beckoned, Heads were struck off, and Houses fired. The Viceroy therefore, by the Mediation of the Cardinal Archbishop, was induced to deliver to the People the original Writ of Exemption that had been required, and to agree to a solemn Treaty, whereby those Duties that had been imposed since the granting of the said Writ by *Charles V.* were taken off; and for the Time to come, it was declared, that no new ones should be imposed: The Commons and Nobility were set on the same Level, with respect to Votes: An Act of Oblivion was promised, and the People were allowed to continue in Arms for three Months, in which time the King's Ratification was expected. All these Articles were ratified by a solemn Oath, in the Church belonging to the Carmelites, whereupon some short Breathing-time was given. *Masaniello* being excessively honoured by the Viceroy, as his Wife was by the Vicequeen, puffed up with Vanity, began to be disturbed in his Mind, and at last through want of Rest and too much Wine, grown

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delirious,

delirious, being unsupportable to his own Followers, and cruel to every Body, in the Morning of the 16th of *July* he was killed in the Convent of the Carmelites by some People hired for that Purpose, and some of his Confidants had the same Fate; and when it was seen, that the Populace were not in the least concerned about his Death; on the contrary, they seemed to be overjoyed at the Sight of his Head upon a Pole, it was thought, that nothing but Peace and Tranquillity would have immediately followed.

BUT by fatal Imprudence, some of the Commonalty being slighted by the Nobility, and the Day following, by ill Advice, the Weight of Bread being lessened, the Mutiny was revived with so great Fury, that having dug *Masaniello's* Body out of the Ground, and joined the Head to it, it was exposed with lighted Torches in the Church of the Carmelites; nor was the Concourse of the People, and their Curiosity of seeing it, like to have ended, if he had not been buried with most Solemn and Royal Funeral Ceremonies, as a Captain-General; and the great Steeple of the said Church was immediately possessed by the People; and other Posts, fit for commanding the Harbour, and resisting the Batteries of the Castles, were taken.

THE Duke *D'Arcos* having retired to *Castelnuovo*, found it disgarnished of every Thing, as all the rest were; for in order to supply the Garisons of *Tuscany*, the Viceroys had weakened the Bridle of the City and the Forts of the Kingdom. Though Money was wanted, none durst collect the Revenues, and every Body refused to pay the Taxes. The Troops had before been sent to *Milan*, and some few Foot, that had been called from the Provinces, had been beaten and dispersed on their March by the People. Then the Noise of what had happened in the City being spread over the Kingdom, as the Causes were general, so the Events were the same over all; for the Yoke of Duties being thrown off in every Place, and the People raising Mutinies against the Insolence of the Barons, the Provinces were full of Tumults and Slaughter.

THEREFORE on the 7th of *September* the Viceroy was forced to swear to another Agreement more shameful than the former; but the People still afraid, and the Duke no ways dissembling, the Calm was but of short Duration. Therefore, from Tumults proceeding to Rebellion, the People demanded the Castles, and the Viceroy refusing to give them, they were attacked. 'Tis certain, that if that enraged Multitude had at that Time had a Body of well-disciplined Troops, and an experienced and faithful Head, they would have taken the Castles, and driven the *Spaniards* out of the Kingdom. But the People abhorring the Name of foreign Assistance, and with the Prospect of imaginary Liberty, running Headlong into a more miserable Slavery, *Francesco Toraldo*, Prince of *Massa* (*Carlo della Gatta* having excused himself from it) was pitched upon to be Captain-General, who, in concert with the Viceroy, accepted of it. The Prince, under Colour of better securing the Attacks, spinning out the Time, and by voluntary Mistakes, and frivolous Delays, wasting every Thing, at the long run he could not conceal the Deceit from so many Eyes; wherefore being accused of keeping Intelligence with the *Spaniards*, he was cruelly put to Death upon a Gallows by the incensed Mob.





C H A P. III.

The Arrival of D. John of Austria, the King's natural Son, which the more exasperated the Seditious, who from Tumults proceeded to open Rebellion. The Duke D'Arcos yields the Government of the Kingdom to him, thinking thereby to put an End to the Revolt. The Duke departs, but the Disorders increase.



IN the mean time Advice of the Revolt coming to the Court of *Spain*, the Departure of the Fleet was hastened, in which *D. John of Austria*, the King's natural Son, embarked, with the Title of Generalissimo of the Sea, and full Power over the Affairs of the Kingdom; he was a Youth of 18 Years of Age, well made, of a courteous Behaviour, and a ripe Judgment. The Fleet arrived, and on the first Day of *October* anchored in the Road of *S. Lucia*. It was composed of 22 Gallies and 40 Ships, considerable for Number and Bigness, but very ill provided of Ammunition, and had only 4000 Soldiers on Board, and yet it was look'd upon by the *Spaniards* as the Bulwark of the Monarchy; for it was designed as a Bridle upon the two wavering Kingdoms, to relieve *Italy*, and recover *Portolongone* and *Piombino* from the Hands of the *French*. This Fleet was no sooner arrived, than the Viceroy, contrary to the Opinion of the Collateral Council, persuaded *D. John* to make use of Force.

THIS young Prince having left *Spain* with the Impression given him by his Flatterers, of vanquishing by his Presence alone, to his sad Experience saw, that so despicable a Populace durst still keep in Arms, and would capitulate upon even Terms. The Viceroy, on account of the Risques he had run, and the Affronts he had suffered, greedy of Revenge, imagined every Thing would go swimmingly on. Therefore *D. John* gave the People to understand, that they must deliver up their Arms; and that being denied, as was expected, 3000 Foot were landed, and having possessed themselves of the highest and most convenient Posts, the Castles and the Fleet began incessantly to cannonade the City on all Quarters. Though this, at first, struck Terror into the People, yet they were so far from being disheartened, that, on the contrary, being more provoked, they carried Matters to sad Extremities. The Churches, Houses and Palaces were ruined at random: The Innocent and the Guilty were equally Sufferers; but in so vast a City the Shot did not reach every where, nor, besides the Noise and Indamaging some Houses, did they any considerable Hurt. On the other Hand, the Firebrands of Sedition inflamed the Minds of the People against the *Spaniards*, branding them with the Character of Breakers of the Publick Faith, and telling them, that King *Philip* had sent his Son, that with the greater Fury he might wreak his Anger upon them, and that he chose rather to lose *Naples*, by an odious Example of Cruelty and Revenge, than to preserve it by a moderate and indulgent Government. They had no great Difficulty in confirming the Revolted in their Obstinacy through Despair of Pardon: but the Injury being common, they made it their Business to draw in the more peaceable, and encourage them all to hold out to the last.

T H E R E.

THEREFORE, the Defence being shared out, the Posts fortified, and the Arms and Cannon taken out of the Arsenals, every Body seemed obstinately bent upon defending themselves and their Country. The *Spaniards* soon found, that so great a City, full of an incensed People in Arms, was not to be reduced by Fear. Besides; their Powder and other Ammunition and Provisions quickly fell short, so that they were forced to slacken their Firing, and anchor the Fleet at a greater Distance, which discovered their Weakness, and made the People more bold. The Mob gave themselves over to all manner of Licentiousness. There was found pasted upon the Gallows where the Prince of *Massa* had been hanged, a Decree of perpetual Hatred against the Nobility; and in the private Meetings, nothing was heard but desperate Designs, and bitter Invectives against them.

THEY came at last to pull down the King's Colours, and trample upon his Pictures, hitherto, in a manner, adored; and the City of *Naples* assumed the Title of a *Republick*. It can't be expressed how much the giddy-headed Mob exulted upon this new Title, though few believed it would continue long to be the Form of their Government. There is not a People more covetous of Liberty than the *Neapolitans*, nor any less capable of it; changeable in their Customs; inconstant in their Inclinations; wavering in their Thoughts; who hate the present, and, with irregular Passions, are either too much afraid of, or hope for too much from the Future. By the Death of *Toraldo*, a certain *Gennaro Anneſe* was made Captain-General, he was a Soldier by Profession, but of mean Birth, cunning however, and as good at devising Tricks and Artifice, as bold in executing Mischief.

IN this State of Affairs, the Friends of the Crown of *France* did not fail to go about spreading abroad among the People, that in order to maintain that Government, they must have recourse to the Protection of so powerful a King as that of *France*; and shewing Letters from the Marquis *De Fontaine*, the *French* Ambassador at *Rome*, wherein he promised them all Favour, they were resolved, as the best Way, to apply to *Henry of Lorrain*, Duke of *Guise*, who was then at *Rome* on his own private Affairs, and to invite him to the Government of the new Republick, by declaring him Head of it. The Duke of *Guise* was a young Prince, of a lovely Aspect; Generous, Gallant, and Affable; besides of high Birth, and who being descended of our antient Kings, boasted of a Right to the Kingdom, and still kept up the Titles and Arms. It was thought, that though he was not very well pleased with the present Government of *France*, yet he might get Assistance from thence, but could not depend upon the good Will of the Ministers, nor the Interest of that Crown.

THE Duke, charmed with the Prospect of so noble an Office, consented, and, with a few Feluccas sent by the People for that Effect, having boldly overcome the Ambushes of the *Spanish* Fleet, on the 15th of *November* he arrived in *Naples*, where he was received with Acclamations and Rejoycings suitable to his Quality, and the Necessity of the City. The next Morning, accompanied by the principal Heads of the People, he went to take the Oath in the Cathedral Church, where he would have his Truncheon blessed: But having observed the licentious Behaviour of the indiscreet and insolent Scum of the People, who kill'd, robb'd, and burnt, only for satisfying their Avarice and Revenge, and that the regular Troops were not proportionable to the Necessity, he resolved to curb and put a Stop to the Insolencies of the Mob; therefore, under severe Penalties, he forbade Theft, Rapine, and Burning: He raised a Regiment at his own Charges, endeavouring likewise to gain over some of the Nobility to his Interest: He ordered, that the *Spaniards* should be treated according to the Law of Arms, and to supply the Want of Money, he caused the Mint to be opened, where there was a great deal of Silver and Copper coined, with the Impression of the new Republick, of which he made himself to be elected Duke, whereupon *Gennaro Anneſe*, being in a manner deprived of all Command, made a sad Complaint. He likewise endeavoured to disappoint the Attempts of the Barons in the Country, who being reduced to Despair, by the Hatred of the People, had joined the *Spaniards*, and, under the Command of *Vincenzo Tuttavilla* and *Luigi Poderico*, had assembled some Troops in *Aversa*.

AT this Time the *French* Fleet, consisting of 29 ill-provided Men of War, and five Fire-Ships, appeared in Sight of the City, not to assist the Duke of *Guise* in his Undertakings, but only to endeavour to draw some Advantage to the Crown of *France* from the Commotions and Tumults, the commanding Officer having no Orders to assist the Duke; for when the News of these Commotions came to *France*,

and afterwards, that the Duke of *Guise* had gone to *Naples*, Cardinal *Mazarin* disapproved of his Conduct, because of his fickle Temper, not believing him capable of managing so ticklish a Business; therefore the *French* Fleet, after having viewed the Harbours, and at a Distance exchanged some broad Sides with that of *Spain*, being but weak, immediately retired. Nor was the Duke desirous of having their Assistance, because, as the Court of *France* did not approve of his having accepted of the Office he was in, so he was resolved to act by himself, and reap the Fruits of his own Labours, which proved a great Obstacle to his Design, the *French* Faction itself being divided, for some Heads of the People, by the Persuasion of some *French* Soldiers, laid a Plot for electing the Duke of *Orleans* King. Many others inclined to give themselves up to the Pope, as best able to protect them both by Religion and Arms; but though the Prospect of certain Advantage prevailed much with *Innocent*, yet after mature Deliberation, he considered, that this Kingdom has always been a Prey to the most powerful, and that he being so old, could not expect to see the Design brought to Perfection, and the Church being obliged to make use of foreign Troops, all Acquisitions would at last fall into the Hands of the Assistants. Therefore he chose rather to be a Mediator, for which End he gave full Power to *Emilio Altieri*, his Nuncio in *Naples*.

ON the other Hand Don *John of Austria*, the Duke *D'Arcos*, and all the Nobility, quite tired with so grievous and long Disorders, yea *Annese* himself, who could ill bear the Command of the Duke of *Guise*, were desirous of Peace; therefore an Edict was published, wherein was contained an ample Power, which the King had given the Duke *D'Arcos*, who offered to satisfy every Body, and for their Security the Pope was to interpose his Authority, for which End he had sent full Power to the Nuncio *Altieri*. But neither the Edict, nor the Letters, which the Nuncio caused to be delivered to *Annese*, had any Effect, he declaring that the Power was good, but not the Person to whom it was given, who by not having performed his Promises, had sown the Seeds of Dissention; and concluding, that to confide in the Duke *D'Arcos* would be to fall into the same Errors. D. *John* seeing, that all the Provinces of the Kingdom, as well as the Metropolis, being involved into Tumults and Sedition, were going to Ruin, had a Mind to try, if by removing the Duke *D'Arcos*, who was so odious to the People, the Treaty could be resumed; for which Purpose he renewed the Conference, and it was proposed to remove the Duke from the Government of the Kingdom, and put it into the Hands of D. *John*, who not being so much hated by the Rebels, as the Viceroy was, it was thought to be an effectual Means for putting an End to the Rebellion; so much the more, that the People had before solicited D. *John* to have him removed. The Duke *D'Arcos* seemed very ready to renounce the Government, provided that thereby the Peace of the Kingdom should follow; yea, he himself called the Collateral Council of State, in order to confirm and make Authentical his Renunciation. Some were of Opinion, that it was not in his Power to renounce, the Power of creating and removing the Supreme Governors of the Kingdom being lodged in the King's Person only; others (who were the Majority) were positive, that the Removal of the Duke, and D. *John's* succeeding him in the Government, were absolutely necessary for the King's Service, and the Good of the Kingdom. This being approved of by D. *John*, the Duke sent his Wife and Children to *Gaeta*, and on the 26th of *January* this Year 1648. left *Naples*, after having governed some few Days more than two Years.

THUS ended the unhappy Government of the Duke *D'Arcos*, who, in so lamentable a Revolution of Affairs, could leave us no other Memory of himself, but some Statutes, which, to the Number of fourteen, are still in Force with us, whereby, in order to supply the extreme Necessities, the best way he could, he endeavoured to prevent the Frauds that were committed in the Collection of the Taxes and Customs, and he renewed the Penalties against such as exported Salt-Petre and Gunpowder, and made other Provisions, which are set down in the so often-mentioned Chronology.

S E C T. I.

D. John of Austria takes the Government of the Kingdom.

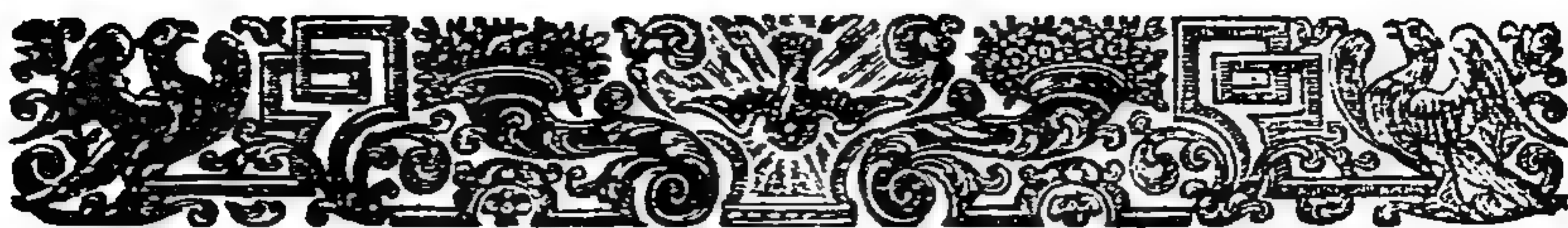
DON *John of Austria* having taken the Government of the Kingdom upon him, applied himself to find out the most proper Means for extinguishing so great a Combustion, which was now raging, more than ever, not only in the Metropolis, but in all the Provinces; and for that End he published an Edict, whereby he exhorted the People to return to their Duty, and besides the Concession of many Favours, he promised them a general Indemnity; but this Edict being published at a Time when the Disorders were more increased, produced contrary Effects; for some Copies of the Edict having been affixed in the Quarters which were kept by the People, they were immediately torn, and a great Reward was offered to whoever should discover the Persons that had been so bold as to affix them in those Places. Yea, the more to shew their Obstinacy, Judges and other Officers were elected for filling up the Tribunals of *S. Chiara*, the Royal Chamber, the High-Court of the Vicariate, and that of the Admiralty, in order to administer Justice to every Body. In the mean time there were very bloody Skirmishes between the *Spanish* Soldiers and those of the People, which filled the City with Terror and Confusion.

IN this deplorable State of Affairs, the Duke of *Guise*, having a Mind to take all the Command to himself, struck great Terror into the Populace, and occasioned much Discord amongst their Heads, which proved the Cause of the Kingdom's being afterwards confirmed under the Dominion of the Catholick King; for *Gennaro Anneſe*, who had Possession of the great Tower *Del Carmine*, could not bear, that the Duke should be superior to him in Command, and the Duke would not suffer so mean a Fellow as he to be his Rival in Authority; and therefore continuing in Jealousy and Diffidence, they laid Snares for one another's Life; so that Affairs being unsettled both in the City and Country, the War was carried on with various Success. To this was added the Confusion among those of the *French* Faction, some of which, fomented by the Marquis of *Fontaine*, the *French* Ambassador at *Rome*, pretended to form a Faction distinct from that of the Duke of *Guise*. But these were few, and not very powerful; for the People having nipped in the Bud the Designs which *France* was carrying on with some Barons, these, in order to save themselves from the Fury of the Commonalty, had been forced to join with the *Spaniards*, and, contrary to their Inclinations, to conspire to the Establishment of that abhorred Government.

DON *John*, apprized of these Divisions, and the War going but heavily on, resolved to make Advantage of them, and by the Means of Cardinal *Filomarini*, the Archbishop, again to propose a Treaty of Peace: The Cardinal, knowing that it was to no Purpose to treat with the Duke of *Guise*, applied himself to the contrary Faction, in which he found a better Disposition, insomuch that he prevailed upon *Anneſe* to employ himself in good Earnest to forward the Peace, which he, as well as the rest, so eagerly desired, in order to be free from the Danger of his Life, for which the Duke of *Guise* had laid Snares.

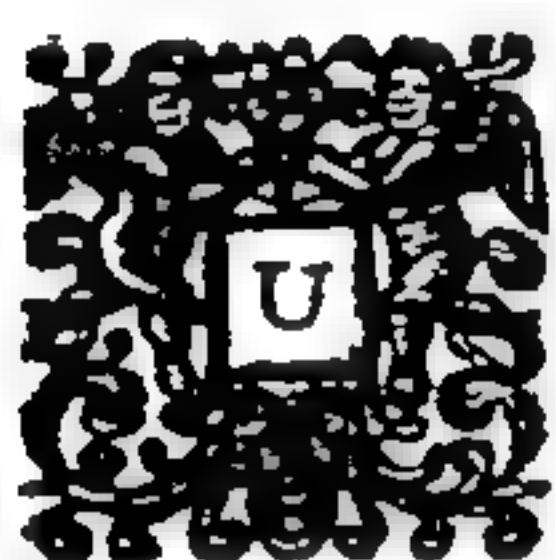
IN the mean time the Court of *Spain* having received Advice, that the Collateral Council had confirmed the Duke *D'Arcos's* Renunciation of the Government of the Kingdom, and given the Administration to D. *John*, the Fact was disapproved; and it was very ill taken, that Subjects should arrogate to themselves the Power of removing one Viceroy, and appointing another. And out of Jealousy of State it was likewise highly resented, that, in such dangerous Conjunctions, D. *John* should have been pitched upon, insomuch that the Count *D'Oniate*, who was then the King's Ambassador in *Rome*, was immediately ordered to go to *Naples*, and take the Government of the Kingdom upon him, with the Title of Viceroy, who having received the Royal Dispatches, in all haste left *Rome*, and came to *Gaeta*, and from thence to *Baja*, from whence he sent his Secretary with Letters to D. *John*, acquainting him of his
Arrival

Arrival and Commission, who, on the first Day of *March* this Year, yielded the Government to the Count; and during the short Time of his Government left us three Statutes, which are to be found in the abovementioned Chronology: They contain nothing but the Favours, Privileges, and the Indemnity granted to the People, as the King's Plenipotentiary.



C H A P. IV.

Of D. Inigo Valez y Tassis, Count D'Oniate, in whose Government an End was put to the Sedition, and the Kingdom brought again under the Dominion of King Philip.



PON the Count *D'Oniate's* Arrival in *Naples*, after having viewed the Posts of the City, and all the Trenches that fronted the Populace, he not only prepared for a Defence, but by all Means possible endeavoured to be Master of the Quarters possessed by the Duke of *Guise*; and to encourage the Troops, he distributed among them 180,000 Ducats, which he had brought with him from *Rome*. At the same time approving of *D. John's* Conduct, he did not neglect to carry on the Treaty of Indemnity, and the Agreement formerly begun with *Annese*; by which Means the Duke of *Guise's* Faction daily dwindled away. The Citizens were now weary of so great Confusion and Misery, and every Body longed for Peace and Quiet; for all Commerce being interrupted, and Civil Society disturbed, nothing was secure from the unbridled Rapacity of profligate Wretches, and the Boldness of the Rascality, who being used to gain their Bread by Labour, were now pleased with living idly by Rapine, and under the Cloke of Liberty, all manner of Licentiousness being practised, the greatest Part began to nauseate their own very Passions.

THEREFORE the Feast of *Easter* drawing near, when Men, by reconciling themselves with God, receive in their Hearts pious Desires of Justice and Peace, many Religious were secretly employed to instil and cultivate these Sentiments into the Minds of the Commonalty. The Viceroy likewise procured from some of the Heads of the Rebels, a Copy of the Terms they required, but being so extravagant, that they raised the Privileges of the People above the Authority of the King, he endeavoured to moderate them, by pardoning the Guilty, and taking off the Taxes; and, for their greater Security, he promised, that within three Days, by a publick Instrument, he would confirm and fulfil what he had offered, to their liking. In this Juncture of Affairs, before the Time was expired, the Duke of *Guise* having gone to the Point of *Posilipo*, in order to reduce the small Island of *Nisita* to his Obedience; *D. John* and the Count, laying hold of the Opportunity, all of a sudden, with armed Force, sallied out of the Castles, and entering the City, some Quarters, where they had a private Correspondence, gladly received them, crying out with joyful Voices, *God save the King*, and the neighbouring Quarters answering with the like Acclamations, and imploring Peace and Clemency, in an instant the Sedition vanished away, and the City was possessed. This Multitude of People was reduced to Obedience by 3000 Men only, and all went on smoothly without Noise or Blood. *Annese* being pardoned, delivered the Keys of the great Tower to *Carlo della Gatta*, who immediately took Possession of it with two Companies of *Spaniards*. Prayers of Thanksgiving were offered to God in the Cathedral. Thus in a Moment

was

was extinguished that Combustion, which threatened the Destruction of the Kingdom; and what was still more surprizing, was the sudden Change of the Minds of the People, which, from Slaughter, Rancour, and Hatred, turned immediately to Compassion and tender Embraces, without Distinction of Friend or Foe; excepting some few; who being led by an ill Conscience, made their Escape, all the rest returning to their Employments, and cursing the past Confusions, gladly embraced the present Quiet. The Reduction of *Naples* happened on the 6th of *April* this Year 1648. being *Holy Monday*.

THE Duke of *Guise*, who, as we have said, was that Day at *Posilipo*; upon the News of the Revolution, was struck to the very Heart; whereupon seeking to save himself by Flight, he went towards *Abruzzo*, in order to join the *French*, but being pursued by the Troops, he was made Prisoner, and carried to *Gaeta*. It was long debated in *Naples* how to dispose of him; at last it was resolved to send him under a strong Guard to *Spain*, as was done, where he remained a long time Prisoner, till the Prince of *Condé* having declared for the *Spanish* Faction, and hoping to strengthen himself by the Addition of *Guise*, begged his Pardon of the King, who courteously granted it him; but the Duke thinking himself more obliged to be faithful to his own Prince, than to perform the Promises made to his Enemies, upon his Return to *France* would give Ear to nothing else.

THE Example of *Naples* had a great Influence upon the other Parts of the Kingdom; and though in some wavering Provinces, there were still some Commotions, and particularly in *Abruzzo*, whither some *French* had come from *Rome* to assist the Rebels, yet by the Help of the Barons, and the Authority of the Viceroy, they were easily dissipated: So that the Minds of the Commonalty, which, after so furious a Storm, had continued fluctuating, being intirely at Ease; on the 22d of *September* this Year D. *John* left *Naples*, and with the Fleet sailed for *Messina*, to confirm the *Sicilians* in the former Obedience and Submission to the King.

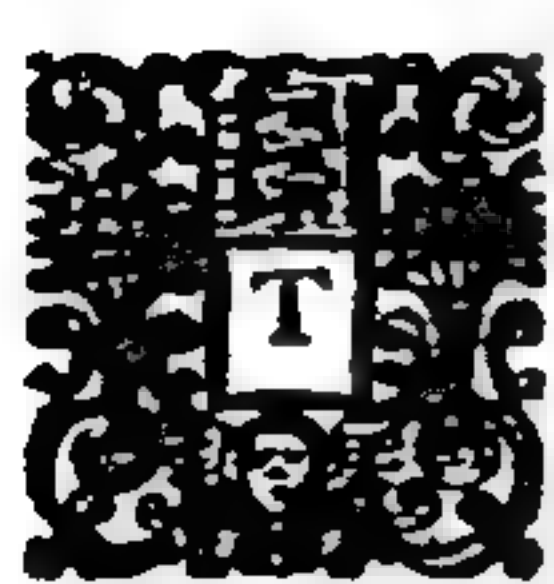
THE Rebellion being over, the Head removed; and D. *John*, who, by Nature, was rather inclined to be rigorous than clement, being gone, many were afraid of the Count *D'Oniate*. Nevertheless he made every Body easy by a general Pardon, immediately applied himself to set the Kingdom to rights again; and seeing, that the taking off all the Duties and Taxes occasioned great Confusion, not only in the Exchequer, but amongst the Citizens themselves, it was demanded of the *Seggi*; and particularly that of the People, to lay on a Tax of Forty-two *Carlini* upon each Family of the Corporations of the Kingdom, and the Half of the Duties that had been taken off, excepting that upon Fruit, Herbs, and Roots, which was never to be imposed again. And in order to provide not only for the Deficiency of the Royal Revenues, but likewise for the Interest of those who had bought them, it was ordained, that of the Product of all the said Duties, 300,000 Ducats should be paid in yearly to the Military Chest, and the Remainder applied to the Use of the Buyers, who were to manage and divide it amongst themselves. And as for the Royal Revenues, part of them was also assigned to the Buyers, and the Remainder put in the Military Chest. In this manner, and by the Imposition of *Jus prohibendi* upon Tobacco, both the King and Subjects were taken Care for, and Commerce began to be considerably restored every where.

AS it frequently happens, that though a Storm be over, yet the Surges of the Sea are not immediately laid, the Count took care to use the utmost Severity; for having established a Juncto of Counsellors for keeping a strict Eye upon all suspected Persons, he punished to the utmost Rigour such as had been guilty of the late Tumults, and shewing himself more ready to punish, than pardon upon Repentance, he spared none of the Ringleaders, for sometimes charging them with Crimes, sometimes inventing Pretences, some publickly, and others privately were put to Death, and many were forced to fly the Kingdom: This got him the Character of Severe and Cruel, and was one of the Reasons of his not being able to prolong his Government so much as he thought his Merit required.



C H A P. V.

The Count D'Oniate recovers the Garisons of Tuscany from the French, and puts a Stop to the Incursions of the Banditi. His Departure, Monuments, and the Laws he left us.



THE Count D'Oniate's Resolution to attempt the Recovery of the Garisons of *Tuscany* at this Time, when the Kingdom was so much exhausted and brought low, by the late Troubles, was not only surprizing, but gained him vast Applause. But on the other Hand this most prudent Minister considered, that the Kingdom would never be in Peace and Quiet, if the *French* were not driven out of those neighbouring Places; as well because of the Interruption they gave to the Communication and Traffick with the other States of the Monarchy in the *Mediterranean*, as because they were a Retreat to the Rebels of the Kingdom. The Count, therefore, resolved to exert himself to the utmost of his Power in this Expedition, being likewise encouraged by the News of the Prince of *Condé's* having at this Time raised some Commotion in *France*. He set about assembling the Troops, and fitting out a Fleet answerable to the Design; and, to give the greater Life to the Expedition, he went upon it himself, so that by his Example almost all the Nobility strove who should be foremost in serving the King at this Juncture. Before he departed, he left D. *Beltran de Guevara*, his Brother, his *Lieutenant*, who, for the Space of four Months that the Count was absent, governed the Kingdom with much Prudence, and above all he made it his Business to relieve the Corporations of the Kingdom, by ordaining, that the yearly Interest of whatever Sums they owed should be reduced to five *per Cent*. He repaired the Hall of the High-Court of the Vicariate, and made sundry good Regulations, which we read in the two Statutes he left us. On the 3d Day of *May* 1650. the Fleet sailed towards *Gaeta*, where it was joined by D. *John of Austria*, with other Ships and Troops, which he had brought with him from *Sicily*. The Fleet being reviewed here, it was found to consist of 33 large Ships, and 13 Gallies, besides seven of the Duke of *Turfi's* Squadron that had gone to *Finale*, to take on Board the Troops which the Governor of *Milan* sent to this Expedition.

ON the 26th of the same Month, the Fleet being got in Sight of *Elva*, it was resolved to recover *Piombino* before they should attack *Portolongone*; the Charge of which being given to the Count of *Conversano*, who, with the Title of General of the Horse, with 300 Foot, 80 Horse, and six *Tartanes*, all at his own Charges, had joined in this Expedition; he, with 1500 Foot, 400 Horse, and seven Cannon, besides the Troops of *Niccolo Lodovisio*, to whom the Principality belonged, went to invest the Place, and after many Hours of a furious Attack, the *French* were forced to abandon the City, and retire into the Citadel. Upon Advice of this, the Viceroy in all haste went with fresh Men to give Life to the Undertaking; so that the *French*, seeing the Besiegers drawn up in order to make an Attack, having no hopes of Relief, immediately surrendered upon honourable Conditions. After the Viceroy had put a Garison in *Piombino*, and restored Prince *Lodovisio* to the Possession of that State, he returned to the Fleet.

BUT though his Army had landed on the Island of *Elva* without Opposition, yet, as they were marching up the Hill where *Portolongone* is situate, they found the

French

French had laid an Ambush for attacking them on their March, which was no sooner perceived, than D. *Dionysio Guzman*, Colonel General of the Kingdom, mounted his Horse, and with a Detachment of Musquetiers obliged them to retire under the Cannon of the Town. The Army having got up without Opposition, and being drawn up in the Plain, the Attack was begun. The Outworks being taken, and our Men having made a Lodgment in the Ditch, the *French* began to capitulate; upon the same Conditions granted to the Garison of *Piommino*; and to be allowed to march out with two Pieces of Cannon, provided that within 15 Days they were not relieved, which was agreed to. Therefore, no Relief having come, on the 15th of *August*, *Novillac*, the Governor, marched out with 700 Men, which were all that remained of 1500 that had been left in Garison, and being arrived at the Sea-side, they embarked in some Ships that had been hired for transporting them. Our Men having entered the Place, returned Thanks to God for the good Success of the Undertaking, which, though it cost a great deal of Blood, and vast Expences, yet might have been prolonged much more, and if the *French* had held out to the last, the Issue would have been uncertain.

DON *John of Austria* returned to *Sicily*, and the Viceroy, after having given the necessary Orders for repairing the Place, and putting it in a State of Defence, returned to *Naples*, where he resumed the Government, and with the utmost Rigour, and cruel Deaths, he rid himself of the Disaffected, and extirpated the Banditi, who were now more than ever infesting the two Provinces of *Abruzzo*.

BUT while the Count, with indefatigable Application, was wholly intent upon settling the Government, beautifying the City, and repairing the Losses it had suffered by the late Troubles, on the 10th of *November* this Year 1653. the Count of *Castrillo*, who, by the Court, had been appointed his Successor, unexpectedly arrived, which very much disturbed him; but he concealed his inward Discontent so well, that he never dropt a Word of Resentment, till after he had quitted the Government, and retired to the Convent of *S. Martin*, belonging to the *Carthusians*. Some imputed this Removal to his Rigour; others to the ill Offices done him by D. *John of Austria*, who, it was said, bore him a secret Grudge: It was likewise rumoured, that it was owing to the Suggestion and Instances of the Pope, who took it ill, that the Count had repulsed the Pretensions of Cardinal *Filomarino*, the Archbishop, and of the other Ecclesiasticks, who, delighting to fish in troubled Waters, had been insolent, and by Monitories and Interdictions had trampled upon the King's Prerogatives.

WHENEVER he had any breathing Time, he did not fail to beautify the City, re-establish the Tribunals, and resettle the University. He repaired the Fabrick of the Custom-House, almost quite ruined during the Troubles; he enlarged and gave a new Form to the Court-Yard, and rebuilt the Fountain in the Middle of it. In fine, he repaired all the Publick Buildings that had suffered any Damage during the late Commotions.

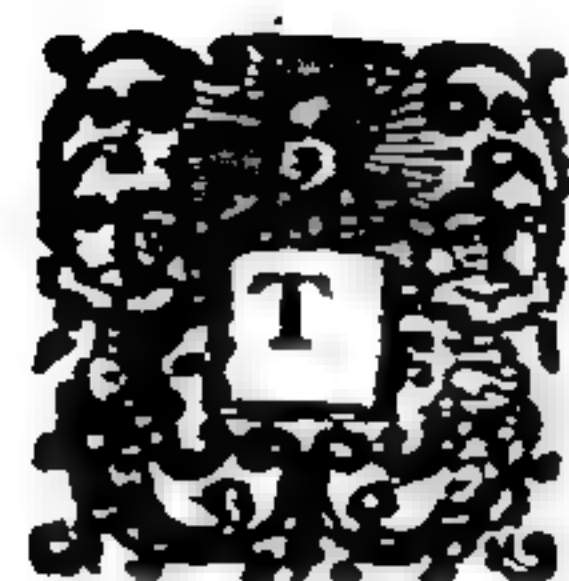
HE restored the Tribunals to their former Authority and Decorum; and he established very near fifty good and prudent Statutes, whereby he regulated the Tribunals, and the Fees of the Clerks and other inferior Officers thereof: He ordered all the Records that had been preserved from the Flames at the Burning of the Archives of the Chancery, during the late Troubles, and that were in the Hands of private Persons, to be delivered to the Secretary of the Kingdom: He imposed a severe Penalty upon Notaries, who neglected to register Contracts in their Protocols: He made many Regulations for preventing Smuggling; and he left other salutary Provisions, which are to be found in the often mentioned Chronology.





C H A P. VI.

The Government of D. Garcia d'Avellana y Haro, Count of Castrillo, in which the Duke of Guise, with a new Fleet makes a fresh Attempt upon Naples, and enters the Gulph, but with bad Success.



THE Court of Spain; in order to mitigate the Rigour of the Count D'Oniate, thought fit to send the Count of *Castrillo* to be his Successor in the Government of the Kingdom, who was of a more mild and indulgent Temper, and who having first applied himself to the Study of the Law in the University of *Salamanca*, and for many Years been employed in the Offices of the long Robe, had afterwards been advanced to those of the Sword. He arrived at *Naples* on the 10th of *November* this Year 1653. and to give a Proof in the Beginning of his Government how much he had the restoring of Plenty at Heart, he caused two Ounces to be added to the Weight of Bread. But very grievous and anxious Cares disturbed his Mind in these very Beginnings; for those who had fled from the Count D'Oniate's Rigour, having taken Shelter in *France*, did not fail to magnify at that Court their Correspondence in the Kingdom, the Discontent of the People in seeing themselves again fallen under the *Spanish* Yoke, and what an easy Matter it would be to conquer it. To these Motives were added the Insinuations of the Duke of *Guise*, who, as we have said, having obtained his Liberty, instead of performing his Promises of favouring the Malcontents of *France*, that he might not betray his natural Prince, had gone to that Court, and got himself restored to Favour; and still dazzled with the Splendor of the Crown of *Naples*, which he hoped to be able to obtain, he could not be at rest: So that being supported by the Sollicitations of those wretched Refugees, he was the more pushed on, magnifying the vast Number of Harbours that were in the Kingdom of *Naples*, capable of receiving the greatest Fleet; the Number of Friends he had in all the Provinces; the Affection which the lower Sort of People had for his Person; whence he flattered himself with the Hopes of a new Insurrection, if he once had the good Fortune to appear there, not disarmed, as formerly, but with Force able to support the Resolutions of the Malcontents, kept under through the Fear of Punishment; insomuch that he prevailed upon the Court of *France* to assist him, and Orders were dispatched for fitting out the Fleet, and the Command of it was given to himself.

UPON Advice of this intended new Expedition from *France*, the Count of *Castrillo* was forced to put the Kingdom in a Posture of Defence, and besides having ordered a new Draught to be made out of the Militia of the *Bataglione*, both of Horse and Foot, and out of the Company of the Men at Arms of the Kingdom, he caused new Troops to be raised, and having sent for all the reformed Officers, he formed them into two Companies, one of 300 *Italians*, and made his Son D. *Gaspar de Haro*, Captain of it, the other of *Spaniards*, and gave the Command of it to the Marquis of *Cortes*, his Son-in-Law. The Cities of *Sessa* and *Teano* were appointed to be the Places of Arms, where all the Militia of *Bataglione*, and the Men at Arms were ordered to rendezvous; and D. *Carlo della Gatta*, the Colonel-General, having reviewed them, Two thousand of them were sent to reinforce the Garisons of *Tuscany*,

Tuscany, and all the Provinces of the Kingdom, most exposed to the Insults of the Enemy, were provided with Troops.

THIS provident Care being taken, the Month of *October* ended, and no *French* Fleet appearing, it was thought the Report of this Expedition had been industriously spread, in order to prevent the sending of Succours out of the Kingdom to *Catalonia* and *Flanders*, where the War was raging between the two Crowns more than ever. But it proved otherwise, for the Duke of *Guise* being obliged to spend more time than he expected in fitting out the Fleet, it could not be got ready to sail from *Toulon* till the Beginning of *October*. This Fleet consisted of seven large Men of War, fifteen Transports, six Gallies, and as many Tartanes, on board of which were embarked 7000 Soldiers, and 150 Horse, besides a great Number of Arms and other Accoutrements, designed for arming those, whom the Duke expected would join him, for which Purpose he had 200 Gentlemen on board with him to be their Officers. The Fleet being tossed by Storms, did not appear in our Seas till the 12th of *November*.

THE Viceroy, upon Advice sent him by the Governor of *Gaeta*, immediately fitted out sixteen Gallies that were in the Harbour: He distributed the Troops along the Coast, and in the Cities and Towns of the Gulph of *Naples*: He reinforced the Garisons of the City of *Pozzuolo*, and the Castle of *Baja*; and *D. Diego Quirola*, General of the Artillery, was sent with a Detachment of Foot and Horse, with some Cannon, to guard the Shore of *Bagnuoli*.

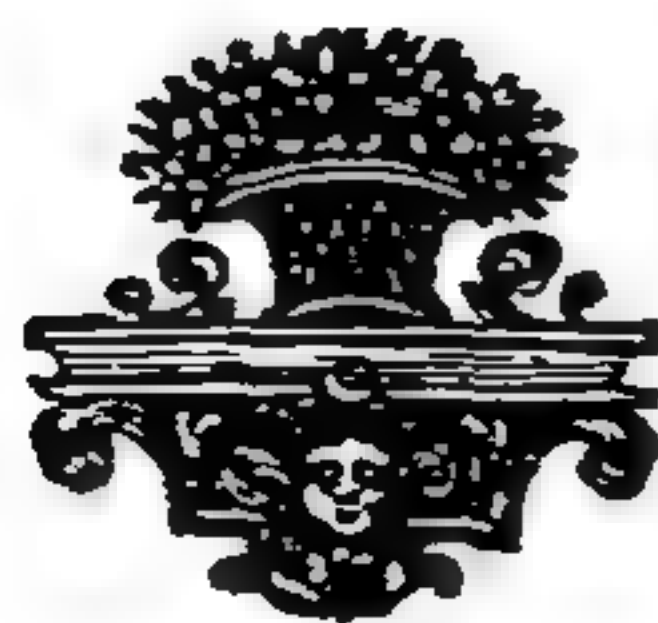
THE Enemy's Fleet, after having sailed along the Coast of *Sorrento* and *Vico Equense*, came to an anchor off *Castell' a Mare*. That City, after a short Resistance, surrendered upon Terms, into which the Duke of *Guise*, with fifty Knights of *Jerusalem*, entered, and went to the Cathedral, where, with solemn Ceremony, having returned Thanks to God, he set about fortifying the Place with new Trenches, well lined with Soldiers. To all those that were unwilling to stay in the City, he gave ample Passports, in which he intitled himself *Viceroy, and Captain-General of the King of France in the Kingdom of Naples*. The Loss of *Castell' a Mare* very much vexed the *Neapolitans*; and though both the Nobility and Commonalty offered to sacrifice their Lives and Fortunes to the King's Service, there were not wanting Malcontents, who did what they could to frighten the People out of their Duty; insomuch that the Viceroy was obliged to imprison some who had been Ring-leaders in the late Troubles, amongst which there were two Priests and a Monk, who were practising upon the People in Favour of the *French*.

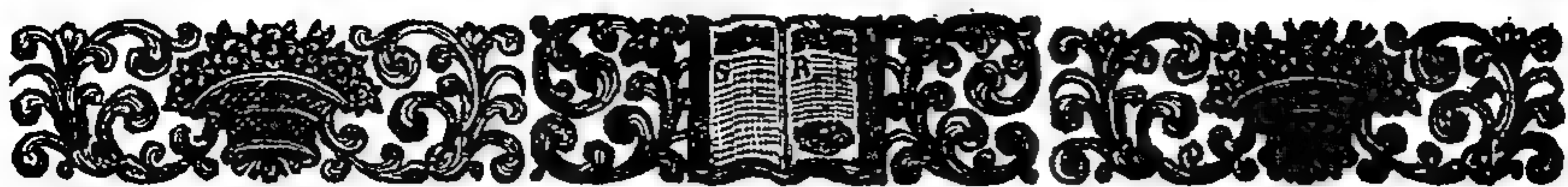
IN order to prevent the Duke of *Guise* from enlarging his Conquest, the Viceroy granted an Indemnity to the Banditi, and took Possession of the Hill behind *Castell' a Mare*. Then he sent Orders to *Carlo della Gatta*, to the Prince of *Avelino*, and the other Officers that were in *Sessa*, first to provide the Places of *Terra di Lavoro*, and then to march with the Gross of the Army to the Neighbourhood of *Castell' a Mare*; and he sent six Gallies to *Finale* to take on board the Troops that were coming from the *Milanese*. In the mean time Relief hastening from all Quarters, although the Duke of *Guise* sallied out, with a Design to take Possession of the neighbouring Places, he found a stout Resistance every where, and in several Skirmishes having lost a good Number of Men, he was obliged to retire. But upon the Arrival of General *Della Gatta*, with an Army of 12,000 Men, consisting of Noblemen, Barons, and reformed Officers and Soldiers, and being afterwards reinforced by some Regiments, the ill-grounded Hopes vanished in an Instant; so that the *French* Generals resolved to abandon *Castell' a Mare*, and endeavour, the best Way they could, to embark their Troops, and return to *Toulon*. They considered, that to extend their Conquest by Land was an Undertaking, not only difficult, but desperate, all the Country round about being full of the Enemy's Troops; to remain in that unsafe Harbour all Winter, was exposing the Fleet to certain Shipwreck. The only Shift left them, was to put to Sea, where there being no *Spanish* Fleet, they had nothing to fear; nor was the boisterous Winter Season, already begun, proper for attacking any other Sea-Port. The Inclination of the People for the Duke of *Guise's* Person, which had been the chief Foundation of the Expedition, was now quite vanished, and the Duke too late perceiving the Inconstancy of the Nation, and not a little surprized at so great a Change, he was much more so, when he understood, that there had been a Writ affixed in *Castell' a Mare*,

wherein was promised a Reward of 30,000 Ducats to whoever should cut off his Head.

THEREFORE a Council of War being held, it was resolved by all the *French* Officers to abandon the Place, and to return with the Fleet to *Toulon*, and not to suffer it to perish in that Harbour; whereupon the necessary Orders were given for departing. Upon the News of this the Soldiers began to pillage the Houses of the Inhabitants, nor did they spare the Churches, which were robbed of all their Furniture and sacred Vessels; and after having made a rich Booty, on the Evening of the 26th of *November*, they embarked; but being detained 15 Days by contrary and boisterous Winds, on the 10th of *December*, the Sea being something calmer, they set sail for *Toulon*; at the same time that a Squadron of 23 *English* Men of War appeared in our Gulph, which, at the Instance of King *Philip*, had been sent to oppose the *French*; so that there being no Occasion for their Assistance, after having anchored two Days off our Harbour, they set sail and steered towards the West.

THUS ended the Fear, which the Duke of *Guise's* Expedition had occasioned in the Kingdom; but the Viceroy's Cares, and the Necessity of making Provision for a new War, did not end here. The *French* never left off, by new Intrigues, disturbing the Peace of *Italy*: At this Time they had persuaded *Francis* Duke of *Modena*, a Prince of a warlike Genius, to raise Troops, in order to renew the War in the *Milanese*; whereupon the Marquis of *Caracena*, Governor of *Milan*, in order to bring that Prince to Reason, had entered his Dominions with Force of Arms. On the 7th of *January* this Year 1655. Pope *Innocent X.* had died, nevertheless the College of Cardinals being in the Conclave for the Election of a Successor, had not neglected to send *Emilio Altieri*, to interpose between the Parties; and afterwards, on the 7th of *April*, *Fabio Ghigi* being elected Pope, who took the Name of *Alexander VII.* he very earnestly employed his good Offices for preserving the Peace of *Italy*. But neither the Interpositions of the Pope, nor of the *Venetians*, availing any Thing, the Duke of *Modena*, being declared the King of *France's* General, marched and sat down before *Pavia*. Therefore, upon Advice of these Motions, Succours being demanded of the Viceroy, in the Month of *May* he sent seven Gallies with 1500 Foot to *Finale*; and soon after he fitted out a Squadron of Men of War and Gallies, in which he embarked and sent thither 4000 Men, under the Command of the Marquis of *Bajona*. And, these not being sufficient, in the Month of *August* he was obliged to send five Gallies, and 40 Tartanes, with other 2000 Foot, and 1500 Horse, under the Command of the Marquis of *Cortes*, his own Son-in-Law. The Viceroy had the Pleasure afterwards to see that all these Charges and Pains had been well bestowed; for the Governor of *Milan's* Army being so strongly reinforced, and *Pavia* gallantly defended against the *French* by Count *Galeazzo Trotti*, the Duke of *Modena* was forced to raise the Siege.





C H A P. VII.

A cruel Pestilence miserably afflicts the City and Kingdom: It ceases, and a new Viceroy is sent.



AFTER so many and so lamentable Events, after so many Miseries and Misfortunes, that no Mischief might be wanting, this Year 1656. the Kingdom was miserably afflicted with a cruel and deadly Pestilence. The so many Disorders and Revolts, the so many Afflictions, occasioned by cruel Wars, or by the Fear of them, which is worse, the Incurfions of the Banditi, the Invasions of the *Turks*, Dearth and Earthquakes were not sufficient; but for its utter Ruin, the Kingdom must undergo this pestiferous Scourge, so unmerciful, that we don't read of its having, in so short a Time, made such Havock and Destruction in any Country: That which raged in the Time of *Lautrech's* War, lasted almost two Years, and it was computed, that it did not carry off above 60,000 Persons; this, in less than six Months, dispeopled the Provinces of the Kingdom, and reduced the Metropolis to a Burying-place, by destroying about 400,000 of its Citizens. The Island of *Sardinia* had, for a long Time, been visited with a Pestilence, and therefore, not only the Count of *Castrillo*, but the other Viceroy's his Predecessors, had published severe Proclamations, forbidding all Commerce with it, but a Vessel full of Soldiers coming from that Island into our Harbour, whether thro' the Neglect of those that guarded the Harbour, or that in Place of Bills of Health of *Sardinia*, those of *Genoa* had been produced, or, that the Soldiers might not be detained on board, it had been done by the Viceroy's special Order, Prattick was given. It was not long before one of the said Soldiers fell sick, and being carried to the Hospital of the *Annunciation*, he died within three Days, his Body appearing full of small livid Spots; shortly after one of the Servants of the Hospitals, being seized with a Vertigo, died within 24 Hours, and soon after his Mother likewise died. The neighbouring Houses being infected, in a short time the Contagion spread itself in the lower Quarters of the City, particularly in *Lavinaro*, *Mercato*, *Porta della Calce*, and *Armeri*.

IN these Beginnings the Physicians ascribed such pernicious Effects to other Causes, some to malignant Fevers, some to Apoplexies, and some to other Distempers; they were not all of the same Opinion, one by a more nice Observation, looked upon the Disease to be pestilential; but it coming to the Viceroy's Ears, that this Physician gave out that it was contagious, he was clapt up in a Dungeon, where having fallen sick, as a great Favour he was allowed to go and die in his own House, of which the other Physicians being apprized, they went on to conceal the Nature of the Distemper. But it still increasing, and spreading itself in the Neighbourhood of the aforesaid Places, Cardinal *Filomario*, the Archbishop, thought it was his Duty to acquaint the Viceroy, that in an Affair of such Importance, more Circumspection was requisite. The Count of *Castrillo* was highly offended, that it should be rumour'd Abroad, that there was a Pestilence in *Naples*, for being obliged to send a Reinforcement of Soldiers for the War of the *Milanese*, still carried on by the *French*; these Rumours would put a Stop to it; so that he did what he could to smother the Report: Nevertheless, not being able to resist the continual Warnings sent him, and the Disease still increasing, he was forced to convene the most famous Physicians in these Times, that they might give him their

Opinions of it. They, either out of Ignorance, or Fear, or to soothe the Viceroy, durst not declare the Distemper to be pestilential; but only advising, that Fires should be kindled in all the Quarters of the City, and that it should be prohibited to sell Salt-Fish, they slit their Necks out of the Collar. But it required other Things than Trifles to put a Stop to so impetuous a Torrent: The Distemper raged more violently, nor did the Advice of Physicians, nor the Virtue of Medicines seem to have any Effect: Hundreds died of it daily, and nothing else was seen in the Streets, but the Sacrament carrying to the Sick, and the Dead to the Grave. The Citizens struck with Terror, some by humble Supplications, some in confused Processions of Men and Women, and Virgins with their Hair dishevelled, others with the most worshipped Images carrying before them, and others in different manners were begging for Pity and Compassion of God and the Saints, and a Relief from so great Misery and Desolation. But they did not consider, that by thronging together in such Crowds, the Distemper had the greater Force, and that Thousands of them were seized with it at once.

THE Disease afterwards spreading its deadly Poison more furiously, it was noised Abroad, that *Orsola Benincasa*, a Nun, who had acquired the Reputation of a most holy Life, not having as yet found a commodious Habitation for her Sister Nuns, before she died had prophesied, that when the Calamity was at its greatest Height, if a Hermitage were built for them on the Declivity of *S. Martin's Hill*, the Pestilence would cease. The Draught was drawn, and the Viceroy was the first who, with his own Hands, carried thither twelve Baskets full of Earth: The Example of the Head moving others, the Magistrates of the City, and all the Citizens run thither in Crowds, and not only furnished Money, but wrought with their own Hands. It was surprizing to see Men and Women, Young and Old, the Nobility, Citizens, and Plebeians, strip themselves of their best Effects, and offer them in Charity for building that Edifice, which was to be the Deliverer of their City. There were placed in the publick Streets, not Coffers, but empty Hogheads, which, in an Instant were filled with Money of Copper, Silver, and even of Gold: The very Ladies, laying aside their natural Vanity, took the Rings off their Fingers, the Pendants from their Ears, the Bracelets and Necklaces from their Arms and Necks, and, as if they had been intoxicated, offered them to the rising Fabrick; and what was yet more amazing, Persons of Quality strove who should be foremost in performing the meanest Offices, some carrying a Basket full of Nails, some Lime and Stones, others, in assisting the Carpenters, loading themselves with Beams, were in Danger of sinking under the Weight of the Burden. But Effects are always proportionable to their Causes; while they were hard at Work, the Disease increased, and spread itself much more: The Concourse of so many People from all Quarters, sweating and striving who should work most, occasioned that the Malady, which at first was confined to a few Streets, spread itself over all the City. Thus, while the Building was near finished, the City was in a manner desolate.

TO this dismal Calamity new Confusions and Disorders were added. There were not wanting some Malcontents, the wretched Remains of the late Troubles, who, in order to raise new Seditions, went about insinuating to the People, that this Scourge did not proceed from the just Judgment of God, as a Punishment for their Sins, but from the revengeful *Spaniards*, in order to exterminate the Populace, and be revenged of them for the late Revolts: That it was plain from the Viceroy's Conduct, who had immediately given Prattick to the Soldiers to come from the infected Island of *Sardinia*; from his having afterwards endeavoured to conceal the Distemper, that proper Remedies might not be applied in the Beginning: They confirmed it by bidding them take notice, that neither the Forts, where the *Spaniards* were in Garison, nor the upper Quarters of the City, where they lived, were infected, but only the Wards of *Lavinaro*, *Conciaria*, *Mercato*, and the other lowest Palces, for the most part inhabited by the meanest Sort of People; and after having gained over many to their Opinion, they had the Impudence to give out, that there were People that went through the City sowing poisoned Dust, and that they ought to be traced and put to Death. So having joined in several Bands, they went about in quest of those imaginary Poisoners, and having met two Soldiers belonging to the great Tower of *Carminè* (in order to begin a Quarrel that might end in a Tumult) they fell upon them, pretending that they had found some of the poisoned Dust upon them. A great Crowd of People having gathered upon the Noise, by

good

good Luck a Man of Integrity passing by, who, with soft Words, and moderate Advice, persuaded them to deliver up such wicked Wretches to the Civil Magistrates, to the End that, besides their being punished, the Antidote to the Poison might be got out of them, and by that means the Lives of many might be saved; but it was no sooner known, that one of the Soldiers was a *Frenchman*, and the other a *Portuguese*; and it being likewise rumoured, that 50 Persons in Disguise were going about spreading the poisoned Dust, than there arose a much greater Disturbance: for all those, who wore Clothes, Shoes, Hats, or any other Thing of a different Fashion from what the Citizens used to wear, were in Danger of their Lives. Therefore, in order to pacify the Mob, the Viceroy was obliged to cause *Vittorio Angelucca* to be broken on the Wheel, who, besides his being guilty of other Crimes, was still looked upon by the Vulgar to be a Disperfer of the Dust. But at the same Time the Contrivers of that fabulous Story were exemplarily punished: Many of them being clapt up into Dungeons, five of them were ignominiously hanged in the Market-Place, which put an End to the Rumour.

MEAN while the Magistrates of the City, seeing that the Malady not only dispeopled the Metropolis, but that it likewise spread itself in the Provinces, made pressing Instances to the Viceroy for applying the strongest and most effectual Remedies; and after the Collateral Council had had frequent Meetings, the Viceroy resolved to order the *Seggi* to appoint a particular Deputation, to which he gave all the necessary Authority, and likewise appointed D. *Emanuel d'Aguilar*, Regent of the Vicariate, to be their Head. The Deputation recommended to the most noted Physicians of these Times, not only to inspect the Sick, but the Bodies of the Dead by making a nice Dissection; so that being met, and the famous M. *Aurelio Severino*, so renowned in the World for his Works of Philosophy and Physick, and who died afterwards of the same Pestilence, presiding, it was concluded, that the Distemper was contagious, and that all Care imaginable was to be taken of the Sick, whose Infection was inevitable Death.

THEREFORE the Viceroy and the Deputation spared no Pains in applying the best Remedies they could for putting a Stop to the Distemper: It was ordered, that Guards should be kept in all the Cities and Towns of the Kingdom, and no Person to be admitted into them without the necessary Bills of Health: That in each Ward of the City of *Naples*, a Deputy should be chosen, to whom an Account of all the Sick of the Ward was to be given: That the Infected should be carried to the *Lazaretto* of S. *Januarius* without the Walls: That those, who had Conveniency of being taken Care of in their Houses, should be shut up in them: That no Physician, Surgeon, or Barber should leave the City, but attend the Sick, according to the Distribution that should be made by the Deputation: That Dogs and other unclean Animals should be killed; and other salutary Precautions were taken for putting a Stop to so great a Torrent. But all these Remedies proved fruitless; the Distemper raging still more violently, all the Hospitals were filled in an Instant, and new ones built, but these as little sufficient, the People perished in the Doors and upon the Stairs of the Houses, and in the open Streets. Coffins and Burying-places were likewise wanting, for not only all the Quarters of the City being infected, but all the Houses, it made a horrible and lamentable Slaughter; insomuch that it was said, that 8 or 10,000 died a Day, not only the Physicians, Surgeons, and all those who were appointed to take care of the Body, died, but likewise the Priests and other Religious, appointed to take Care of the Soul. There were none to bury the Dead, so that their Carcasses lay on the Streets, in the Doors, and on the Stairs: Confessions were made publicly, and the Sacrament was carried to the Sick without any Attendance, and it was given them from the Point of a Stick: Some, being seized with a Vertigo, fell down dead in the Streets. The Dead for the most part lay unburied in the Houses, or upon the Stairs of the Churches; but the Number of those was much greater, who lay unburied in the publick Streets; and those, who by great Favour, and vast Expences, were buried within the Churches, had not so much as a Priest to accompany them to the Grave: And instead of a Coffin the Corpse was carried upon a Table, or at most upon a Bier.

IN so great a Confusion there was no Room left for taking any more Precautions, except that, in order to prevent the Air from being more infected by the Stench of the dead Carcasses, it was resolved that the Dead should be buried; the Care of which was incumbent upon the Deputies and the Magistrates of the City,

who caused about 150 Carts to be brought from the neighbouring Villages; and the Viceroy employed in that Work about a hundred *Turkish* Slaves belonging to the Gallies. It was a very dreadful and horrible Thing, to see the dead Bodies seized with an iron Hook, dragged through the Streets, and thrown upon the Carts, and frequently some not quite dead, but thought to be so, were served after the same manner. The Caves of *Monte di Lautrech* were filled, where afterwards a Church was built, and called *S. Maria del Pianto*: The Church-yard of *S. Januarius* without the Walls: Many Caves of Hills, out of which Stones for building had been hewn: The Plain of Pines without the Gate of *S. Januarius*: That other Plain before the Church of *S. Dominico Soriano* without the Royal Gate; and these not being sufficient, the Slaughter still increasing, particularly in the Month of *July*, in which there were some Days, that the Number of the Dead amounted to 15,000, there was a Necessity of burning the dead Carcasses, and some were thrown into the Sea.

NOT only the Metropolis, but the Provinces of the Kingdom underwent the same cruel Slaughter. Excepting the Provinces of *Otranto* and the *Further Calabria*, all the rest were left desolate. Of the Cities and Towns, 'tis said, that only *Gaeta*, *Sorrento*, *Paolo*, *Belvedere*, and some other Places were kept free of the Infection.

BUT after the Kingdom had been reduced to this unhappy State, about the Middle of *August*, a violent and plentiful Rain in some measure abated the Distemper, and the deadly Poison began to cease; none were any more seized with it, and those, who had been infected, were cured; insomuch that about the End of *September*, there were no more than 500 Sick in the City of *Naples*. Therefore the Deputation began again to use Precautions, and Orders were given for purifying the Goods of the Houses where the Contagion had been, and other Methods were taken to prevent the Sickness from breaking out again. Other two Months elapsed, and no unhappy Accident was heard of; whereupon some Physicians, who had escaped the common Slaughter, having met, on the 8th of *December* they made a solemn Declaration, that the City was intirely free from Infection.

THE Sickness was likewise still abating in the Provinces, but because it was like to be some Months before they could get quite clear of it, it was thought fit to keep up the Pallisados and Guards at the Gates of the City, in order to keep out those who came from suspected Places. For which End the Viceroy subscribed a rigorous Edict, whereby he ordered, under the severest Punishment, that no Stranger should be admitted into the City without his express Licence, after having been visited, and the Opinion of the Deputation obtained. At the Desire of the Viceroy, the Archbishopial Court of *Naples* subjected to the Ecclesiastical Censures, all those who had concealed infected Goods, if they did not discover them within a certain Time, and get them purified. But the Archbishop, taking Advantage of these Confusions, did not neglect to screw himself into other Peoples Matters, and pretend to a Share in these Precautions; for he took upon him to put forth another Edict like to that of the Viceroy, as if the first had not been binding upon the Ecclesiasticks, whereby he commanded that no Ecclesiastick should dare to enter *Naples* without his written Licence. The Viceroy, in order to suppress so pernicious an Incroachment, immediately published a rigorous Order, whereby he ordained, that no other Licences should be regarded, but those of the King's Ministers, to whom it solely belonged to preserve the Kingdom. Whereupon the Nuncio having interposed, an End was soon put to the Dispute, by ordering, that all the Ecclesiasticks that came into the City should observe the Viceroy's Edict, and be subject to the Inspection of the Deputation, and then, if they thought fit, they might go and present themselves before their own Tribunals. This Method was observed till the Month of *November* of the following Year 1658. when the Cities of *Rome* and *Genoa* being declared free from the Contagion, Commerce was every where opened, and the Baricados and Guards were taken off from the Gates.

THE Viceroy went on to set the disordered Affairs of the City and Kingdom to rights: To furnish the City with Provisions, and check the Avarice of the remaining Tradesmen and Husbandmen, who, being but few, and enriched with the Effects of the Dead, were either unwilling to return to their Employments, or imposed upon the People in the Price of their Work: Settling again the Prices and Wages, as they were before the Contagion. Then he applied himself to relieve the Corporations of the Kingdom, ordering, that such as had suffered by the Pestilence should not be

molested

molested for the fiscal Payments which they owed for all the Month of *April* 1657. and from the first Day of *May* the same Year, they had paid a fourth Part less than they were taxed in the antient Valuation of the Kingdom. Then publick and solemn Thanks were returned to God and the Saints: The Images of the Tutular Saints of the City were painted upon the Gates of it by the famous Pencil of the Cavalier *Calabrese*, and Statues were erected to *B. Gaetano Tiene*; and that Pyramid, with the Statue of that Saint, and the Inscription which we now see in the Market-Place of *S. Lorenzo*, was erected at this Time.

THOUGH the Kingdom, by Degrees, was recovering its former State, yet the Viceroy was again involved into new Troubles by the Banditi, particularly in *Principato*, where, being protected by some Barons, they began to multiply; therefore he resolved both to punish the Protectors, and dislodge the Protected from these Places; and that his calamitous and unhappy Government might receive some Comfort, Heaven had reserved for the last Months of it, that the Queen, on the 28th of *November* 1657. should be brought to Bed of a Son, who got the Name of *Prospero Philippo*, and was Heir to the Monarchy. The News of it came to *Naples* in *January* 1658. whereupon the Viceroy, in order to cheer up the People, and make them forget their late Calamities, caused most sumptuous and magnificent Feasts to be celebrated. And afterwards, on the 18th of *July* the same Year, *Leopold* being elected Emperor, the Feasts and Tournaments were repeated. But the Feasts were scarce over, when he had Advice, that the Count *De Peniaranda*, having dispatched his Affairs at the Dyet of *Frankfort*, where, as the King's Ambassador-Extraordinary, he had been present at *Leopold's* Coronation, had been appointed his Successor. *Peniaranda*, therefore, arriving in *Naples* on the 29th of *December*, on the 11th of *January* 1659. the Count was obliged to quit the Government to him. He left us many prudent and useful Laws, amongst which was the publishing of the Favour granted by the King to the Baronage and Kingdom, by extending the Succession of Feodal Estates to all in the fourth Degree, with Power to appoint the Heir, with all the Privileges belonging to the Right of Seniority, and to substitute Trustees; and he made other Regulations, which are set down in the often-mentioned Chronology; and though his unhappy Government did not allow him to leave us any Monument of his Magnificence, yet it was he, who by throwing down a great many Houses, made the Royal Palace stand by itself, as if it were an Island, and he caused all the Pictures of the Captain-Generals of the Kingdom to be hung up in the Hall of the Palace.

IT seems, that with the coming of the Count *De Peniaranda*, our Kingdom began to recover itself from the past Misfortunes, and being no more afflicted with such Calamities, to put on its former Countenance; therefore its Adversities having ended here, we shall likewise conclude this Book, putting such distinct Bounds betwixt this and the following, that the succeeding Events may not be defiled by the preceding Disasters, and lamentable Adventures.





T H E

CIVIL HISTORY

Of the KINGDOM of

N A P L E S.

B O O K XXXVIII.



APPY were the Beginnings of the Government of the Count *De Peniaranda*, not only by the Tranquillity reitored in our Kingdom, but by the Felicity of the Peace, which being for a long Time carried on betwixt the two Crowns, came now to be concluded by the Treaty of the *Pyrenees* by the two Favourites, Cardinal *Mazarin* for *France*, and *D. Lewis de Haro* for *Spain*. The Conclusion was facilitated by King *Philip IV.* having a second Son born to him, by whose Birth the Succession of the Monarchy seemed to be at a greater Distance in the Person of the Infanta *D. Maria Teresa*, of *Austria*, King *Philip's* Daughter of his first Marriage. These two Favourites were very ambitious to have it believed, that they were the Authors of the Peace so much longed for by the People, as they had been before reputed the Instruments of the so many Calamities of the War; and therefore they rejected all Mediation whatsoever, particularly that of Pope *Alexander VII.* who had made himself unacceptable to both the Crowns. Therefore the principal Conditions being concerted, which consisted in the Marriage of the Infanta to *Lewis XIV.* and in *France's* retaining a Part of the Conquests, and quitting the rest, these two Prime Ministers agreed to meet at the *Pyrenees* for stipulating and signing the Treaty. For which End *Mazarin* set out from *Paris*, and by the Way received from *Madrid* the Approbation of what had been concerted; but being come to the Borders, he found, that the *Spaniards*, even in the low Condition they were reduced to, would by all means maintain their Precedency; for though

D. *Lewis de Haro* ought to have yielded to the Dignity of Cardinal, yet he pretended, as being upon the Level with *Mazarin* as Prime Minister, to dispute the Precedency with him, and he managed Matters so dextrously, that he got the better of him; for an Expedient was found out, to build in the Island of *Pheasants*, which is made by the small River of *Bidassoa* that divides the two Kingdoms, a wooden House, into which each of the Ministers entering by a Bridge from his own Side of the River, they both met in a common Hall. In this Hall they had many Conferences, and after having had long Debates about including *Portugal* in this Peace, and restoring the Prince of *Condé* to his Estates and Employments in the Kingdom of *France*; at last *Portugal* was excluded, and the Prince restored to his own: On the 7th of *November* this Year 1659. the Peace was signed by the two Ministers, and solemnized with mutual Embraces, and the Acclamations of those that were present, the News of which was received with unspeakable Joy in all the Dominions of the two Crowns.

THE Articles of this Peace were many, and the first contained in few Words the usual Conditions of reciprocal Restitution of Goods, Honours, Dignities, and Offices to all the Subjects of both Parties, as well Ecclesiasticks as Seculars, who had espoused the opposite Interest, including expressly the *Neapolitans*, *Catalans*, and the Prince of *Monaco*; and others were likewise agreed to about restoring Commerce between the two Nations. The most material Article was the Marriage agreed upon between D. *Maria Teresa* and King *Lewis*, with 500,000 Ducats of Portion, whereby the Infanta, in Consideration of the Peace, and that these two Crowns, upon whatsoever Event, might not be united under one Head, in the most solemn Form, renounced her Right of Succession in the Monarchy of *Spain*. It was agreed, that of the Conquests, all the Province of *Artois*, except *S. Omers* and *Aire*, with their Dependencies, should remain in the Possession of *France*. In *Flanders* that Crown was to keep Possession of *Graveling*, *Bourbourg*, *S. Venant*, and the Forts annexed to them, and all that belonged to these Places, as also in *Hainault*, of *Landrecy* and *Quenoy*, in *Luxemburg*, of *Tbionville*, *Dampvillers*, *Tvoix*, and other Places of less Moment. *France* was also left in Possession of *Perpignan*, with the County of *Roussilon*, and of *Conflans*: And Commissaries were appointed by both Parties for regulating the Borders on this Side of the *Pyrenean Mountains*.

FRANCE gave *La Bassée* and *Winoxberg* in exchange for *Marinbourg* and *Philipville*; and besides, *Spain* gave up *Ypres*, *Oudenard*, *Dixmud*, *Furnes*, and the Towns upon the *Lys*, and some Castles in the County of *Burgundy*: *Valenza* and *Mortara* in *Italy*; *Roses* and *Cadague* in *Spain*, though situate on the other Side of the *Pyrenees*. *Spain* likewise yielded up *Linclamp*, as also *Cbatelet* and *Rocroix*, possessed by the Prince of *Condé*; and renounced its Pretensions upon *Alsace* and its Dependencies, formerly yielded to the *French* by the Emperor by the Treaty of *Osnaburg*.

AS for the Duke of *Lorrain*, if he had a mind to be included in the Peace, he was to be restored to the Possession of his Dominions, upon demolishing *Nancy*, and leaving *France* in the Possession of *Mojenwick*, the Dutchy of *Bar*, *Clermont*, *Stenay*, *Dun*, and *Jametz*, with a free Passage for the Troops to march into *Alsace*.

SPAIN restored *Vercelli* to the Duke of *Savoy*, to the Prince of *Monaco* his Possessions, and the Treaty of *Cbierasco* was confirmed. The Duke of *Modena* was comprehended, and the *Spaniards* evacuated *Corregio*; and there being several Pretensions on account of Portions, Assignments, and Interest betwixt the said Dukes and *Spain*, these were referred to an amicable Composition, as also the Differences that might happen with the *Grisons* about the *Valteline*.

THE two Kings took upon them to persuade the Pope to account with the House of *Este* for the Vallies of *Comacchio*, and to appoint a proper Time for the Duke of *Parma's* recovering of *Castro*.

IN fine, all the most solemn and binding Clauses, that could be contrived, were inserted, for confirming a perpetual Peace, and preventing Quarrels for the future. This being settled, the Ministers departed, and the Court of *France*, which was at *Toulouse*, continued in *Languedoc* and *Provence* all the Winter, not only till the Ratification came from *Spain*, but till the Bride, with her Father, came to the Borders.

IN order to comfort the People, this Peace was solemnly published every where; and in the Beginning of the new Year 1660. Advice of it came to *Naples*, King

Philip, by his Letters dated the 10th of *February*, having ordered it to be proclaimed there, which, with great Solemnity, was accordingly done before the Royal Palace on the 6th of *April*. The King likewise, by a particular Order, commanded a Pardon to be published for all those who had espoused the *French* Interest, which was afterwards put in Execution by the Viceroy on the 11th of *January* the following Year 1661. and the Prince of *Monaco*, and the Duke of *Collepietra* were restored to the Possession of their Estates. Solemn and magnificent Feasts were likewise celebrated, both on account of the Peace, and of the Marriage of the Infanta to King *Lewis*, which was solemnized on the 29th of *June* this Year 1661. which Feasts were afterwards repeated for the Peace concluded between the Princes of the North. The Kingdom of *Portugal* alone was excluded in these Treaties of Peace, so that the *Spaniards* bent their Thoughts upon reuniting it to the Crown, and prepared a formidable Army for subduing the *Portuguese*.



C H A P. I.

The Count of Peniaranda sends Succours from the Kingdom to the Expedition of Portugal : Suppresses the Insolencies of the Banditi ; and makes Feasts for the Birth of Prince Carlos, and the Marriage of the Emperor Leopold with Margaret of Austria, the King's Daughter : Then, a Successor being appointed, he leaves the Kingdom.



THE War of *Portugal* being carried on by the *Spaniards* but with bad Success, obliged the Count of *Peniaranda* to send new Succours from the Kingdom ; therefore in the Month of *May* this Year 1660. he ordered to be embarked in 12 Vessels 1000 *Germans*, under the Command of the Prince of *Montesarchio*, and 800 *Neapolitans*, commanded by Colonel *D. Emanuel Caraffa*. There sailed likewise from our Harbour seven Gallies of *Naples* and *Sicily* to *Finale*, to take on board the Troops that were sent from the *Milanese*, in order to carry them to *Spain* ; and the Year following 1661. other 400 Soldiers were sent in three *Sicilian* Gallies, and the like Number of the Squadron of *Naples*. In 1662. 800 Foot, commanded by Colonel *D. Camillo di Dura*, were sent in eight Gallies of the aforesaid two Squadrons ; and in 1663. 1800 *Neapolitans*, commanded by Colonel *Paolo Galtiero*, were sent thither in four Vessels of the Squadron of the Prince of *Montesarchio*.

THE arrogant and insolent Banditi likewise made the Count's Government something uneasy ; for at this Time by their pillaging and robbing, the Country was deserted, the Cities and Villages were in continual Fear, and their Communication and Traffick were interrupted : Their Boldness arrived at that Height, as to rob the King's Messengers of their Dispatches, and to seize Persons of the greatest Quality, not sparing even the King's Ministers ; and whoever fell into their Hands, after being abused and tossed to-and-fro, were forced to buy their Liberty with vast Sums of Money : In fine, their Insolence was such, that they made Inroads to the very Gates of *Naples*.

IN order to put a Stop to so great Disorders, the Viceroy having sent Governors of Resolution and Courage to the two *Abbruzzi*, the two *Principati*, and to the

the other Provinces, many of those Rascality were taken, others killed in the Field, some were hanged, some condemned to the Gallies for Life, and a great many obtained their Pardon, upon Condition of going to serve the King in the Wars of *Portugal*. But all this Rigour was not sufficient to extirpate them, by reason of the Protection which some powerful Barons gave them, so that the Viceroy was obliged to put forth rigorous Edicts against their Harbourers and Protectors.

THE so many Duels that happened at this Time amongst the Nobility, and the stealing of the Furniture and sacred Vessels out of some Churches, did not a little disturb the Viceroy; therefore, by rigorous Edicts, he renewed the Laws made by *D. Pedro de Toledo* and the Count of *Monterey* against Duellists, and declared, that those, who refused to fight Duels should not be branded with Cowardice: Those that were guilty of Sacrilege were put to cruel Deaths.

BUT these troublesome Cares were much alleviated, by *Maria-Anna* of *Austria*, King *Philip's* second Wife's having, on the 6th of *November* this Year 1661. brought forth Prince *Carlos*; and this Birth was so much the more desirable, that Prince *Prospero* was now dead, and the King uneasy lest he himself should die without leaving Male-Issue. The News of this Birth arrived at *Naples* on the 6th Day of *December* following, whereupon magnificent Feasts were celebrated, and great Illuminations were made, answerable to so happy an Event, and were continued in the Beginning of the new Year 1662. On the 25th of *April* the Year following 1663. the Marriage of the Infanta *Margarita*, the King's Daughter, with the Emperor *Leopold*, being celebrated, the Viceroy ordered new Feasts and Illuminations.

WHILE the Count of *Peniaranda* was thinking to pass the Remainder of his Government in Quiet, Advice was brought him, that his Successor had been appointed. This was the Cardinal of *Arragon*, who was then the King's Ambassador in *Rome*, and *D. Pedro* of *Arragon*, his Brother, being sent thither in his Room, he was appointed for the Government of *Naples*, and *Peniaranda* was ordered to go to *Madrid* to be President of the Council of *Italy*. The coming of the Cardinal was published in *Naples* on the 10th of *August* this Year 1664. and five Gallies were dispatched to *Nettuno*, to bring him from thence, and on the 27th of the same Month he arrived at *Mergellina*. The Count set out on the 9th of *September*, leaving a noble Character behind him, not only on account of his Piety and Affability, but especially his Integrity, Clearness from Peculation, and the great Aversion he had to all filthy Avarice, insomuch that 'tis said, which seldom or never happens, that when he left the Government of *Naples*, he was in Debt.

HE left us 14 wise and prudent Statutes, whereby he took care of the publick Provision: He was most severe against Duellists, and the Wearers of prohibited Arms, especially Swords with cut Scabbards: He prohibited all the Ministers of State to take upon them to be Guardians, Tutors, or Proxies of the Barons and Feudatories of the Kingdom; and he made other Regulations, which are set down in the often-mentioned Chronology.





C H A P. II.

The Government of D. Paschal, Cardinal of Arragon.

THE too great Indulgence and Affability of the Count of *Peniaranda* had occasioned a Remisness of Discipline, and not a little prejudiced the Decorum of the Courts of Justice: Crimes were frequent, and especially that of Murder, occasioned by the carrying of short Fire-Arms, and the Custom, in these Times introduced, of some Laicks wearing Clerical Habits, short and wide, called *Half Cassocks*, which afforded them means of concealing these Arms, and carrying them with Impunity through the City. Therefore the Cardinal, in the Beginning of his Government, published rigorous Edicts against such, and condignly punished the Offenders: A Proclamation was issued, ordering all Vagabonds to depart the City within three Days. Upon his Arrival he caused an Adulteress with her Gallant to be hanged, for having killed the innocent Husband: Many Thieves and Murderers were hanged, and many more condemned to the Gallies.

BUT these rigorous Proceedings and Severities of the Cardinal were not sufficient to bridle so depraved a City. Some withdrew themselves from the deserved Punishment by flight, others by the Privileges of the Ecclesiastical Court, and many by the Immunity of the Churches, which being still enlarging by the Clergy, is still the Occasion of continual Wranglings betwixt the Temporal and Spiritual Courts; wherefore there was a Necessity of sending the Counsellor *Antonio di Gaeta* to *Rome*, for obtaining some Redress in the Abuses of this pretended Immunity; but the Message proving fruitless, the old Disorders continued.

NOTWITHSTANDING these Severities, the Banditi were no less insolent than ever, who being protected by the powerful Barons, infested the publick Roads, robbing and carrying off many Prisoners, who were obliged to pay vast Sums for their Liberty, and sometimes, after having abused them, they barbarously murdered them. The Duellists likewise gave some Disturbance, notwithstanding the severe Prohibitions, and the rigorous Punishments inflicted upon them. But a new Fraud, invented by the Merchants in the Time of this Government, was of great Prejudice to Traffick and the publick Faith. These, by fraudulent Bankruptcies, after having received great Sums from such as gave them Credit, robbed with Impunity; and such Bankruptcies were so frequent, that almost all Dealers practised them. In order to root out so pernicious an Abuse, the Cardinal published an Edict, whereby the Merchants, who were found guilty of fraudulent Bankruptcies were to suffer Death, and they were deemed as acknowledging the Crime, if within four Days they did not appear; and the Concealers of their Effects, and such as pretended to be their Creditors, though they were not, were liable to the same Punishment: He likewise prohibited the Judges to give them Certificates, not only though the greatest Part, but even all their Creditors should consent.

WHILE the Cardinal was wholly intent upon setting these Disorders to rights, and restoring the Looseness of Manners, in *October* 1665. the sad News of King *Philip IV's* Death came to *Naples*, and that he had left the Guardianship of Prince *Carlos*, then but four Years of Age, and the Regency of the Monarchy to the Queen-Mother; but she being a Woman little skilled in the Affairs of Government, the King in his Will appointed a *Junta*, which was to be composed, among

the rest, of the Archbishop of *Toledo*, the Inquisitor-General, the President of *Castile*, and the Chancellor of *Arragon*, ordering, that in case any of these four should happen to die, his Place to be filled up by the Successor in his Office. It happened, that the same very Day King *Philip* died, Cardinal *Sandoval* likewise breathed his last; it being the Queen Regent's Business to appoint his Successor, she named the Cardinal of *Arragon*, our Viceroy, to the Archbishoprick of *Toledo*; wherefore, in *December* the same Year, Advice of his Promotion to that See coming to *Naples*, after having first caused King *Charles II.* to be proclaimed in *Naples*, and pompous Obsequies to be celebrated to King *Philip*, he made ready to set out for the Court of *Spain*, whither he had been called, not only to govern his Church, but to a Share of the Government of the Monarchy in the *Junta*, in the Room of Cardinal *Sandoval*, Archbishop of *Toledo*, his Predecessor. On the other Hand, D. *Pedro Antonio* of *Arragon*, his Brother, who was then his Catholick Majesty's Ambassador in *Rome*, was appointed Viceroy of *Naples*.

DON *Pedro* delayed his coming to *Naples* on account of the hard Winter, which likewise stopt his Brother from setting out for *Spain*, till the Month of *April* this Year 1666. And in the mean time Pope *Alexander VII.* having dispatched the Bulls, and the Cardinal having a mind to be consecrated Archbishop in *Naples*, the Consecration was committed to the Archbishop of *Otranto*, who, with the Bishops of *Pozzuolo*, *Monopoli*, and *Aversa*, with the usual Ceremonies, consecrated him on the 28th of *February* in the little Church of *S. Vitale*, commonly called *S. Maria delle Grazie*, in the Diocese of *Pozzuolo*, and subject to that Bishop, situate without the Grotto which leads to *Pozzuolo*. There flocked thither, both on account of the Personage and the Rarity of the Function, seldom seen in *Naples*, an infinite Crowd of People, and a great Number of the Nobility and Magistrates; so that D. *Benedetto Sanchez de Herrera*, Bishop of *Pozzuolo*, in order to transmit the Memory of this Solemnity to Posterity, caused an Inscription to be ingraved upon a Marble Stone, which is fixed in this Church.

AT last, on the 3d of *April*, D. *Pedro Antonio* of *Arragon* arrived in *Naples*, and was received with great Pomp by the Cardinal his Brother, who on the 8th of the same Month resigned the Government into the Hands of the Collateral Council, and on the 11th embarked for *Spain*, accompanied by the Magistrates of the City, who begged of him, that seeing he was to have a Share in the Government of the Monarchy, he would be pleased to take the City of *Naples* under his Protection, and he very courteously assured them, that he would. The Cardinal departed after having governed the Kingdom nineteen Months: During so short a Time he could leave us no other Memorial of himself, but only five Statutes, whereby, besides having severely punished Merchants guilty of fraudulent Bankruptcies, he enjoined, that in order to keep the City clean, and to prevent the Damage they did, all the Swine, belonging to whatsoever Person, that went about the Streets of the City, should be driven out of it, as a very great Nuisance; and he made other Regulations to be seen in the abovementioned Chronology.





C H A P. III.

The Death of King Philip IV. his Will, and the Laws he left us.

NOTWITHSTANDING the Peace made with *France*, K. *Philip IV.* was still in Perplexity, and oppressed with melancholy Thoughts, and troublesome Apprehensions. He could not then conceal the Discontent, which a Peace so disadvantageous to *Spain* gave him, and what struck him to the very Heart was, that by the Marriage, he had been obliged to deliver into the Hands of his inveterate Enemies the dearest Pledge of his House, presaging (what has happened since in our Times) the Dangers and future Mischiefs; insomuch, that pensive, and little less than weeping, he was wont to exclaim, that *France* would insult over the Calamity of *Spain*. The unfortunate Expeditions of *Portugal* kept him afterwards in continual Trouble; for the *Portuguese*, in the Height of their Danger, having given the utmost Proof of their Valour, had often beat the *Castilians*, and having given the Sister of King *Alphonfus*, who had succeeded to his Father King *John*, in Marriage to the King of *England*, with a vast Portion, and the City of *Tangier*, they were preparing to make a more vigorous and obstinate Defence. Overcharged with so troublesome and anxious Thoughts, in the Beginning of *September 1665.* he fell ill, and on the 17th of the same Month died of a Burning-Fever, leaving, by his Queen, *Maria-Anna of Austria*, Prince *Carlos*, an Infant of four Years of Age. In his last Moments he called for the Prince, and with a broken Voice wished him Prosperity, and a more happy Reign than his had been.

PHILIP having been born on the 8th of *April 1605.* by the Death of his Father, which happened on the last Day of *March 1621.* became Heir of the most powerful Monarchy of *Europe*, but being of an Age subject to Temptations, he gave himself over to sensual Pleasures, and suffered both the Authority and Government to be snatched from him by the Art of his Favourite. Therefore he saw, by the violent Government of his Ministers, the Provinces and Kingdoms in Rebellion, besides the severe Blows received from the Arms of the Enemies; and when moved by Misfortunes, and the Groans of his Subjects, he removed the hated Author of the Mischiefs, he had not that Vigour of Mind, and that Experience, which the Weight of Affairs required; so that he fell again under the Guardianship of another more cautious, but no less absolute Minister; and Death had no sooner freed him of this last, than he died under the Weight of the Afflictions, wherewith, in a manner, he had been always oppressed. In the Midst of his Misfortunes he preserved a wonderful Constancy of Mind, he loved Justice, and was singular for his Piety.

HIS Will being read, it was found that he had appointed D. *Carlos* Heir, and in case of his Death without Issue, *Margaret*, his second Daughter, betrothed to the Emperor *Leopold*, and her Children were to succeed; and if she should happen to die without Issue, the Succession was to devolve to the Emperor. In the last Place the Duke of *Savoy* was named in the Succession, always excluding his eldest Daughter, the Queen of *France*, unless, being a Widow, and without Children, she should return to her paternal Kingdoms, and, with the Consent of the States, she should marry some Prince of the House.

THE Prince being left Successor, and the Queen considered as a Stranger, young, and not skilled in Government, leaving to her the Guardianship and the Education of the Prince, with the Regency, he appointed a separate Council, by
the

the *Spaniards* called *Junta*, consisting of the Archbishop of *Toledo*, the Inquisitor-General, the President of *Castile*, the Chancellor of *Arragon*, the Count of *Peniaranda*, and the Marquis of *Aytona*. The first four were named, without regard to the Quality of the Persons, but of their Offices; and therefore, as we have said, the same Day that the King died, Cardinal *Sandoval* having likewise died, the Queen appointed the Cardinal of *Arragon* in his Room; and seeing he was Inquisitor-General, that Place was filled up by Father *Everardo Nitardo*, a Jesuit, born in *Germany*, who, like an Arbiter, had not only the Direction of the Queen's Will, but of her Conscience, as her Confessor, who, after having for many Years been one of this *Junta*, was raised to the Dignity of Cardinal.

ON the 13th of *October*, by Letters from the Marquis *De Fuentes*, his Majesty's Ambassador in *France*, Advice came to *Naples* of the King's Death, but the Viceroy thought fit to conceal it, till he should receive his Dispatches from *Spain*. First, with publick Solemnity and a Cavalcade, he caused the new King to be proclaimed, and having on purpose caused some new Money to be coined, from his Name called *Carlini*, as he rode through the Streets, he scattered it amongst the People.

AFTER the Proclamation, the doleful Sound of the Bells began, and the City was full of Grief and Tears, lamenting the Death of the late King. The Viceroy's Court, the Nobility, the Magistrates, the Officers, the Lawyers, in a Word, excepting the meaner Sort of People, there was none but put on Mourning. The Viceroy received Visits of Condolance from the Nobility and Gentry, from the Magistrates, the military Officers, the Ministers of foreign Princes, the Superiors of Religious Orders, and even Cardinal *Acquaviva*, who being then in *Naples*, paid him the same Compliment, and all the Time he staid wore Purple. Only our Cardinal Archbishop would not join in the common Grief, and, as if the Plague had been in the Palace, under pretence of Indisposition, shunned going thither. He was so great a Stickler for certain Ceremonials, that whatever might be the Result of so much ill Manners and want of Respect, he would not depart one Hair's breadth from them: He said that he was not obliged, nor did it become him, as a Pastor, to put himself and his Court into Mourning.

THE Viceroy, therefore, in order to shun new Disputes about Ceremonials, after having for nine Days celebrated the Obsequies in the Chapel of the Royal Palace, and in many other Churches, resolved to have the Funeral Solemnities performed, not in the Cathedral, but in the Royal Church of *S. Clara*, where a magnificent Mausoleum was erected; and the Contrivance of the Work was committed to *D. Marcello Marciano*, who besides took upon him to compose the Epitaphs and Inscriptions, and the famous *Luca Giordano*, was intrusted to take care of the Painting. All Things being put in order, on the 18th of *February* 1666. the Obsequies were celebrated with great Pomp and Magnificence; and, that the Memory of them might be preserved among us, the Counsellor *Marciano* published a particular Treatise, intitled, *Pompe funebri dell' Universo*, wherein he describes them minutely.

KING *Philip*, in his long Reign, beginning the 6th of *April* 1621. and ending the 4th of *August* 1664. established more than 50 Statutes for our Kingdom, which he directed to his Viceroys; by these he gave us many wholesome Regulations, which, without making a long and tedious Catalogue of them here, may be seen in the Volumes of our Statutes, and, according to the Order of Time in which they were made, are set down in the so often-mentioned Chronology.





C H A P. IV.

The State of our Jurisprudence in the Reigns of Philip III. and IV. and of the Lawyers and other Learned Men that flourished among us in these Times.



DURING these Reigns there was no Alteration in the Jurisprudence with us, but it continued, as formerly, to be managed by the Lawyers at the Bar, and the Professors in the Schools, without the least Tincture of Learning. But there was a great Number of Professors, and many more Writers, who have left us so many Treatises, Pleadings, Decisions, and other Works upon the Law, that they would make up half a Library. The Number of Authors was such, that their Works are innumerable, therefore we shall content ourselves with mentioning some of the most famous of them, which will serve for a Specimen of their Knowledge in the Law.

IT is really well worth our Observation, that notwithstanding the Kingdom was involved into so many Misfortunes and Calamities, yet the Number of our Professors, not only did not diminish, but increased and multiplied the more. But it will not seem strange to whoever considers, that when Revolutions happen, Disorders arise, and when Vice, Mischief, and Fraud abound, 'tis then that Professors and Lawyers increase, because they are most wanted. Where-ever there are many Diseases, there is need of many Physicians, so, in licentious Times, recourse must be had to the Laws, and the Professors of them, for preventing greater Disorders.

OF all the rest *Scipione Rovito* deserves the first Place. He was born in *Tortorella*, a small Village in the Province of *Basilicata*, and coming to *Naples* in a very low Condition, he acted as a Solicitor in the Courts of Justice; but being a Man of unwearied Application in the Study of the Law, punctual, and of great Integrity, he began by Degrees to appear at the Bar; and afterwards he published his first Commentaries upon our Statutes, wherein he was not ashamed to set down the Name of the Place of his Nativity, though afterwards, in the second Edition, he calls himself a *Neapolitan*. These Commentaries having gained him some Reputation, he commenced Advocate, and was employed by the chief Nobility of the Kingdom, as may be seen in his Consultations, and consequently he acquired both Fame and Riches. There flourished likewise in his Time three other famous Advocates, *Gio. Battista Migliore*, *Ferrante Brancia*, and *Camillo Villano*, who, together with *Scipione Rovito*, in the Year 1612. were made Counsellors by the Count of *Lemos*, then Viceroy, solely on account of their Learning and Merit, without their knowing any Thing of the Matter till it was done. While *Rovito* was Counsellor, he acquired the Name, not only of a Learned, but of a wise and prudent Man, insomuch that, as may be seen in the preceding Books, there was no Affair of any Moment but what was committed to him. He was afterwards made President of the Chamber of Accompts, and in 1530. was raised to the chief Dignity of Regent, which Office he exercised, perhaps, with too much Severity; and *Pietro Lasena*, who was his intimate Friend, declared to the famous *Camillo Pellegrino*, from whom *Francesco d'Andrea* had it, that as to his Morals he affected to be a Follower of the Doctrine of the Stoicks; yet he did not practise the same Rigour at Home, as he did Abroad, for though he had many Children, he brought them up so indulgently, that he had no great Reason to rejoice

at his having had them. Besides his Commentaries upon the Statutes, and his Consultations, we have likewise his *Decisions*, which were printed in *Naples* in the Year 1633. At last being full of Years, and afflicted with many Infirmities, in the Month of *June* 1638. he died, and was buried in the professed House of the Jesuits in *Naples*.

TO him was nothing inferior in Application *Carlo Tappia*, who, by his most elaborate Works, which he left us, especially that of the *Philippine Code*, deserves to be reckoned among the chief Lawyers that flourished in these Time. He was the Son of *Egidio Tappia*, President of the Chamber of Accompts, who, after having gone the Circuit through the several Provinces of the Kingdom, as Auditor, and been made Judge of the Vicariate, in the Year 1597. was created a Counsellor. In 1612. he went to *Madrid* Regent of the Supreme Council of *Italy*, and at last, in 1625. he returned to *Naples* Regent of the Chancery, where he exercised that Office for many Years, and on the 17th of *January* 1644. died Dean of the Collateral Council, and was buried in the Chapel of his Family, in the Church of *S. James* belonging to the *Spaniards*. Besides his *Codes* and *Decisions*, he left us many other Works, of which *Toppi*¹ made a Catalogue.

MARCANTONIO DE PONTE, who for his Learning was raised to be President of the Council: *Pietrantonio Ursino*, an able Lawyer, as his Treatise *De Successione Feudorum* demonstrates, and who was likewise President; and *Andrea Marchese*, were all famous.

IN these Times flourished likewise *Gianfrancesco Sanfelice*, of the *Seggio* of *Montagna*, who, after having given a Proof of his Talents in the Provincial Courts, and the High-Court of the Vicariate, in the Year 1619. was made a Counsellor. Afterwards in 1640. he was raised to the supreme Dignity of a Regent, but he made himself much more famous by the Works which he published, such as the *Decisions*, comprehended in two Volumes, and the *Practica Judiciaria*, which he published afterwards in 1647.

ETTORE CAPECELATRO, of the *Seggio* of *Capuana*, was no less famous, for having applied himself to the Office of Advocate, he made wonderful Progress. By the two Volumes of his *Consultations*, which he left us, we see that he had been employed to defend Causes of very great Importance; and though he had no good Utterance in his Pleadings, his Learning and Pains supplied his Want of Eloquence.

AT the same time flourished *Fabio Capece Galeota*, of the *Seggio* of *Capuana*, who, by his Learning and Eloquence at the Bar, gained great Reputation.

WE must not pass over in Silence the renowned *Marciani*. *Marcello Marciano* made a shining Figure in our Courts, not only while he was an Advocate, but afterwards as a Counsellor. His Pleadings at the Bar gained him both Honour and great Riches. He was both very Learned, and a great Orator; and afterwards, on the 3d of *November* 1623. being raised to the Dignity of Counsellor, he exercised that Office with Integrity, and gave unspeakable Satisfaction. He left us two Volumes of his excellent *Consultations*, but much more is owing to him for his having left us *Gianfrancesco* his Son.

GIANFRANCESCO MARCIANO proved as learned as his Father, and in the Courts had the Character of a famous Advocate; and though he was no great Orator at the Bar, yet he wrote both learnedly and elegantly. On the 10th of *May* 1645. he was made a Counsellor, and after having exercised that Office for the Space of ten Years, in 1655. he was raised to the Dignity of Regent.

GIANFRANCESCO left us another *Marcello*, who treading in the Footsteps of his Father and Grandfather, in his younger Days followed the Employment of Advocate, for which Profession he had all the requisite Qualifications. He was a Man of a vast Capacity, great Learning, Boldness, and when a Youth, of ripe Judgment.

THERE were other able Lawyers, no less famous for Learning, than for the Posts they possessed. *Francesco Merlino*, tho' it does not appear that he ever followed the Business of an Advocate, but was employed in Offices, yet he proved a learned Man, and rendered himself famous, no less by the Employments he was raised to, than the Works he left us. By the Favour of Regent *Tappia* his Uncle, he was first

¹ *Toppi de Orig. Trib. tom. 2. par. 2. lib. 4. cap. 1. num. 149.*

made Auditor in *Salerno*, then a Judge of the Vicariate, afterwards Commissary of *Campagna*, and at last a Counsellor

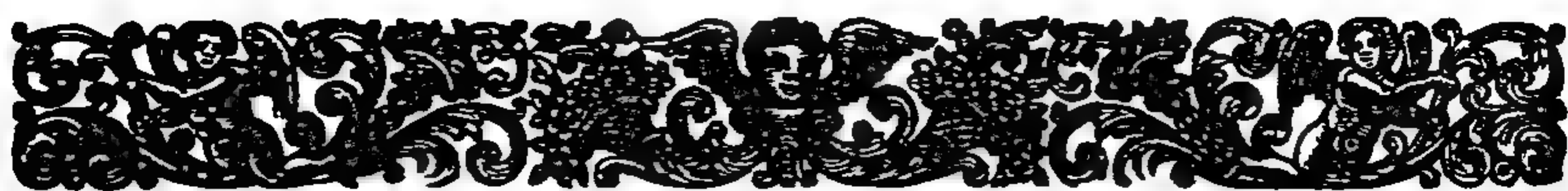
HE having been a Creature of the Count of *Monterey*, was not acceptable to the Duke of *Medina*, so that, being upon his Guard, in all his Employments he shewed himself a Man of great Ability, Integrity, and Learning; and by the modern Writers of the Kingdom his two Volumes of *Controversies* are highly esteemed. He was afterwards elected Regent of the Supreme Council of *Italy*, and being returned from *Spain*, in the Year 1648. he was made President of *S. C.* which Office he exercised with great Decorum and Gravity. On the 6th Day of *September* 1650. he died, and was buried in his own Chapel, in the Church of the professed House of the *Jesuits*.

REGENT *Merlino* having been made President of *S. C.* *Giancamillo Cacace*, who was then President of the Chamber of Accompts, was made Regent of the *Italian Council* in *Spain*. He had been a famous Advocate in his Time, very Learned and Eloquent, and was wont to brag, that, while he was Advocate, there was not a Nobleman in the Kingdom but had consulted him. He was born in *Castell' a Mare* of mean Parentage, but having come to *Naples*, and acquired a moderate Fortune, by his Fees as Advocate, and extreme Parsimony, he became exceeding Rich. He was of a sullen Temper, and always abhorred Marriage; so that when he died, having no Heirs, he bestowed his Estate upon founding a Monastery of poor Women, called *De' Miracoli*, which in our Grandfathers Time was likewise called the Monastery of *Cacace*.

AT the same Time flourished likewise the Counsellor *Filippo Pascale*, a famous Advocate, and renowned for his Treatise, *De viribus Patriæ potestatis*. But *Scipione Teodoro*, likewise a famous Advocate, far exceeded him in Learning. *Tommaso Carlevalio* distinguished himself by the Works he published, especially his Treatise *De Judiciis*; and there were many more, who, by their printed Works, have transmitted their Names to Posterity. But the celebrated *Orazio Montono*, by his profound Knowledge, Elegancy, and great Skill, both in the Civil and Feodal Laws, eclipsed all these.

IN the Rear of all comes *Donat' Antonio de Marinis*. He was born in *Giungano*, a small Village in the *Hither Principato*, who coming to *Naples*, lived with great Frugality, and applied himself diligently to the Study of the Law, in which he made a notable Progress; and not having the Gift of Elocution, he gave himself to write upon some Causes, whence he afterwards compiled the first Tome of his *Solutions*. By his Integrity and open Temper, far from the least Affectation, he made himself acceptable to all the most noted Advocates of his Time, insomuch that he was called to consult in all Causes, which raising his Reputation, he likewise began to defend some Causes, and he published the second Tome of his *Solutions*. In his Time there were many renowned Advocates, such as *Raimo di Ponte*, *Francesco Rocco*, *Francesco Maria Prato*, *Antonio Fiorillo*, and others.





C H A P. V.

The Polity of our Churches in these Times, till the Reign of King Charles II.

IN the Reigns of *Philip* III. and IV. as may be observed in the preceding Books, Ecclesiastical Affairs were managed with us, according to the different Changes of the Courts. The *Roman* Pontiffs, intermeddling too much with the Concerns of Princes, sometimes out of Fear, sometimes out of Jealousy, forced these to make use of all Means, in order to gain them over to their Interests. They had likewise taken upon them to manage Peace betwixt Princes at War together, looking upon it to be their Office, as the common Fathers and Pastors, to bring them to an Agreement; therefore they sent Nuncios and Legates to manage the Peace, and they arrogated to themselves great Authority in the Agreements. But Cardinal *Mazarin* threw off the Mask, and in despite of Pope *Alexander* VII. he would not accept of his Mediation in the Peace of the *Pyrenees*, wherein he suffered none but himself and D. *Lewis de Haro* to have a Hand, which struck that Pope to the very Heart; from this Example it was afterwards seen, that in the other Treaties of Peace between the Princes of *Europe*, the Mediations and Interpositions of the Nuncios of the Court of *Rome* were little regarded.

ACCORDING to the good or bad Understanding between the Courts of *Spain* and *Rome*, our Viceroy managed the Disputes about Jurisdiction. Whenever there was any Misunderstanding, they suffered no Wrong to be done, and opposed the Incroachments more vigorously. The Court of *Rome* having disoblged the *Spanish* Ministers, the Bishop of *Cordova* and D. *John Chumazzero* were sent from *Madrid* to Pope *Urban* VIII. with secret Instructions to threaten him with the calling of a new Council, in order to redress the many Injuries done the Kingdom of *Spain* by the Court of *Rome*, by imposing an excessive Number of Pensions in favour of Foreigners, even upon Benefices with Cure of Souls; by appointing Coadjutors with Power of succeeding; by the Resignations of Benefices with Cure of Souls; by the Dispensations and other Provisions sent from *Rome*, and by the great Charges extorted for dispatching them; by the Reservations of Benefices; by the cruel Spoils committed at the Death of Prelates; by the Vacancies of Bishopricks; and by other intolerable Grievances exercised in these Kingdoms by the Nunciature of *Spain*: Our Kingdom suffered no less Injuries from the Nunciature of *Naples*.

NOT regarding the Agreements made with the Chapters and Clergy of all the Cathedral Churches, and interpreting them after their own manner, the Court of *Rome* exacted the Taxes with great Rigour and Injustice; for many of those Benefices which were comprehended within the Tax, being bestowed by the Datary upon Cardinals and other Prelates belonging to that Court, exempted from all Taxes, the remaining Benefices came to bear the whole Burden. The Apostolical Chamber likewise continued to commit cruel Spoils upon the Death of Bishops, Abbots, and other beneficed Persons, not included in the Agreement, with so much Barbarity, that in the Time of their Sicknes, and when they stood most in need of Comfort and Assistance, they saw with their own Eyes their Apartments stript and robb'd of all that was in them by the Commissaries. In the Spoils of Bishopricks, Abbeys, and other Benefices, not comprehended in the Agreement, the Nuncios took upon them to proceed against Laicks, charged with having in
their

their Possession Goods belonging to the vacant Churches and Benefices, and to the Apostolick Chamber, as having a Right to those Spoils, by their own Authority sequestrating them by the Means of their Commissaries, and to excommunicate the Possessors, and all those that had opposed them in it.

GRIEVOUS Extortions were committed in their Tribunal, by exacting from the Parties, under pretence of Dues and Fees, much greater Sums than was practised in the Royal Tribunals of the City and Kingdom, and the Reason was, because the Court of *Rome* would have many Officers in that Tribunal, but would not allow them any Salary or Wages, as was practised in the other Tribunals, but made them depend solely upon the Emoluments and Fees for their Maintenance; whence it came, that the poor Parties were terribly fleeced by the Rapacity and Avarice of the Officers of the Court. The Royal Jurisdiction suffered no less Confusion and Prejudice, by the vast Number of Laicks, which they pretended to withdraw from it, by giving them Commissions to serve in this Tribunal, some as Notaries, others as Tip Staffs, whence many Frauds were committed, and a vast Number were exempted from the Royal Jurisdiction, not that they stood in need of them, but for the better Sale of their Commissions, which they sold at extravagant Rates, persuading the Buyers, that by Virtue thereof they were exempted from Laick Jurisdiction, and free from paying any Thing, either to the King or Corporations. The Nuncios likewise pretended, that all their Families, as well their Serjeants and Beadles, as their Domesticks and Palaces, were exempted from Royal Jurisdiction; whence proceeded great Disorders, and our Viceroy had these pretended Immunities to dispute, not only with the Nuncios, but with the Archbishops, who pretended to protect Villains, guilty of the greatest Crimes, only because they belonged to their Families and Palaces.

DURING the Misunderstandings betwixt the two Courts, and as long as the Commission of the Bishop of *Cordova* and *Cbiumazzero* lasted, our Viceroy maintained the Royal Jurisdiction with great Boldness and Vigour; but Pope *Urban*, as we have said, referring the Matter to a Treaty, which under various Pretences, he put off from time to time, took Advantage of the Juncture of Affairs; for the *Spaniards*, being still more and more unfortunate, were reduced to such a Condition, that they durst no longer disoblige the Court of *Rome*; therefore, the Commission proving fruitless, the Grievances in *Spain* and in our Kingdom, were not only not redressed, but aggravated by the Tribunal of the Nunciature; and the Ecclesiasticks, more bold than ever, did not fail to attempt new Incroachments upon the Royal Jurisdiction.

BY reason of the great Number of Churches, and of the frequent Crimes that were committed both in the City and Kingdom, it was thought necessary to find out a Remedy against the intolerable Abuses of the pretended Immunity of the Churches, so much aggravated by the Ecclesiasticks, and which they seemed now to defend more zealously than ever, at the very Time that they knew, the chief Cause of so many Crimes to be the Immunity of the Churches, so much extended, that it made those that were mischievously, inclined the more bold to commit them. It was resolved to send the Counsellor *Antonio di Gatta* to obtain of the Pope some Reform to Pope *Gregory's* Bull; but, as we have seen, that Message proved in vain, and without Effect, the Court of *Rome* taking Advantage of our Misfortunes, and the low Ebb to which the Court of *Spain* was then reduced.

S E C T. I.

Of Monks and Temporalities.

THERE needs not a more flagrant Instance, to make it plainly appear, that by how much the greater the Misfortunes and Calamities of the People are, so much the more do the Riches of the Churches and Monks increase, than what happened in our Kingdom in the Time of its greatest Misery and Destruction; for at such Times, more than at others, miserable Mortals, having recourse to God and the Saints, or returning Thanks for the Evils they have escaped, or begging that greater may not befall them, are more moved than ever to share their Riches

with the Churches and Priests. Surely our Forefathers never saw more calamitous Times than those which passed from the Reign of *Philip III.* to the Death of *Philip IV.* There were either cruel Wars, or, what is worse, great fear of them: Eruptions of *Vesuvius*, Earthquakes, Incurfions of the Banditi, Invasions of the *Turks*, Seditions, Tumults, Dearth, Oppressions, intolerable Taxes, most cruel Pestilences, and so many other Mischiefs, that the very mentioning them strikes Terror. And even in the Midst of so many Misfortunes, the Churches and Monasteries of the Religious Orders already established, were multiplied, new Orders were introduced, new and more rich Acquisitions were made; and in fine, they purchased so much Land, that they were near ingrossing to themselves the poor Remainder that was left in the Possession of Laicks.

IN this XVIIth Century, new Religious Orders were introduced. In the Year 1607. *D. Carlo Caraffa*, a *Neapolitan* Gentleman and Priest, in the Church of *S. Maria dè Monti*, situate in the Suburbs of *Naples*, called *S. Antonio*, instituted the Congregation of the *Pii Oratorii*. But Cardinal *Dezio Caraffa*, the Archbishop, with the Consent of Pope *Paul V.* in 1618. gave them the Church of *S. George*, an antient Parish Church of *Naples*, and afterwards made Collegiate, and had once seven Prebendaries, and as many Priests, amongst which were included the Dean and Archdean. But at this Time it being like to tumble down, and there being no Fund for repairing it, it was thought fit to give it to the said Fathers. This Congregation was confirmed by Pope *Gregory XV.* by a Brief dated the 2d of *April* 1621. and in 1622. he gave them Power to administer all the Sacraments; and in 1635. it was confirmed by *Urban VIII.* In process of Time they made no small Progress, having in *Naples* and elsewhere founded other Churches of their Order, and made considerable Acquisitions, both of Riches and Farms.

IN the Year 1609. the *Barnabites*, or *Clerks Regular of S. Paul*, came to *Naples*. They came from *Milan*, where, in 1520. they had been instituted by *Giacomo-Antonio Moriglia* and *Bartolomeo Ferraria*, both *Milanese*, and *Francesco-Maria Zaccaria*, a *Cremonese*, who had been moved by the Sermons of *Serafino Firmano*, a Canon Regular. They were called *Canons Regular of S. Paul*, because among their other Institutions they were to preach upon the Epistles of *S. Paul*; and in 1528. and 1533. their Rules were confirmed by several Apostolical Briefs. *S. Carlo Borromeo*, Archbishop of *Milan*, likewise favoured them, and gave them the Church of *S. Barnabas* in that City, whence they also got the Name of *Barnabites*. Having afterwards spread themselves all *Italy* over, at last in 1609. they came to *Naples*, where they were settled in the Church of *S. Maria di Portanova*, called *In Cosmodin*, likewise an antient, and one of the four principal Parish-Churches of this City.

IN the Year 1610. the Nuns of the *Visitation of the Virgin Mary*, for visiting the Poor and Sick, were instituted by *S. Francis Sales*, Bishop of *Geneva*. Being afterwards confined to a Cloister, they were obliged to receive those sick Maids who had not been admitted into other Convents. These came to us much later, and have built a very large and convenient Monastery, adjoining to the Church of *S. Maria della Pazienza Cesarea*.

OTHER Reformed of the antient Orders were likewise introduced. The Reformed of *S. Barnard* founded a magnificent Church without the Gate of *S. Januarius*, by the Name of *S. Charles*. The Reformed of *S. Francis*, assisted by several *Neapolitan* and *Spanish* Noblemen, founded a very large Monastery in a most pleasant Situation, with a Church finely built, under the Name of *S. Maria degli Angeli*. The reformed *Bare-footed Carmelites* built another in the Suburbs of *Chiaja*, towards the Erection of which the Count of *Peniaranda* gave 3000 Crowns, and on the 11th of *March* 1664. with the Ministers of State, assisted at the Opening of it. As the Count of *Lemos* had bestowed profusely upon the *Jesuits*, so did this Viceroy upon the *Theresians*. Out of his Piety, he not only contributed towards the Building of the Convent of these Fathers, but likewise towards enlarging the Monastery of *S. Joseph*, belonging to the bare-footed *Theresian Nuns*.

THE *Jesuits* likewise made prodigious Acquisitions in these Times. They had not only the Direction of the Consciences of the Nobility, but of their Families, as also of the Commonalty. By the Means of their Colleges and professed Houses, where they taught all Ranks of People, they drew the Devotion and good Will to themselves of every Body; they screwed themselves into their Affairs, managing them

them (by the good Opinion they had acquired of Men of Worth and Prudence) as they thought fit. Even Law-Suits of the greatest Moment, by way of amicable Agreement, were referred to their Decision; and Regent *Marinis*, in his *Solutions*, relates many Awards given by the Jesuits in most weighty Causes, and of vast Importance. Never did any Viceroy give his Mind so much to building and repairing of Churches, as the Count of *Peniaranda*: There was scarce any sacred Place that did not receive from him large Alms. He assisted the Carmelites in repairing and parting their Monastery from the great Tower *Del Carmine*, that they might not be disturbed by the *Spanish* Soldiers that were in Garison there. He contributed largely towards finishing the Fabrick of the Hermitage of *Sister Orsola*, and of the Church of *S. Maria del Pianto*, where those who died of the Plague were buried. He contributed towards the Repairing of the Church of *S. Nicholas al Molo*. During his Government, the famous Disputes between the *Dominicans* and *Franciscans* about the Immaculate Conception having arisen (for quieting of which, several Popes were obliged to put forth many Constitutions and Bulls) and the *Spaniards*, who sided with the *Franciscans*, having raised the Devotion for our Lady much higher under this Title, than any other, he greedily laid hold of the Opportunity, and with great Pomp and Solemnity caused magnificent Feasts to be celebrated in all the Churches under this Title; whereupon the Devotion of the People increased to that Degree, that there was not a Church of that Denomination, but what received profuse Alms from the Devout.

THE Example of the Viceroy moved the Nobility and Commonalty to do the same. Therefore many other Churches were either founded anew, or the decayed were rebuilt. To this was likewise added, that the cruel Pestilence had left both the City and Kingdom in a manner void of Inhabitants, many, not having any Relations, to whom they could leave their Effects, left them to the Churches and Monks; so that their Riches were still increased. Others, being at Variance with their Relations, out of Hatred, and in despite of them, left their Estates to the Churches. To this likewise contributed not a little, the Doctrine instilled and well rooted in the Minds of the People in these Times by the Monks, that those who had robbed while alive, by leaving their Estates to the Churches, ballanced all Accounts with God; whence it is, that some reflecting Travellers, who, being amazed at the infinite Number of our Churches and Convents, and at their vast Riches, instead of concluding that it proceeded from Piety, are the more confirmed in the bad Opinion they have conceived of the *Neapolitans*, *That they are a People accustomed to rob from the very Cradle*; and that therefore they are so lavish in leaving to the Churches at their Death, because they had robbed them in their Life-times.

FOR these Reasons the Churches and Monasteries multiplied with us, infomuch, that from this Time forward, 'tis not possible to get an exact Account of them. *Pietro di Stefano* believed, that he had made a just Computation of the Number of the Churches in the City of *Naples* alone, when, in the Year 1560. he published his Volume *Of the Description of the sacred Places of the City of Naples*. But sixty Years had not passed, when *Cesare d' Eugenio*, by reason of the so many Churches newly built, was induced to make another, which he published in *Naples* in the Year 1624. under the Title of *Napoli Sacra*. But in less than thirty Years after that, *Carlo de Lellis* was forced to publish in the Year 1654. a third Volume under the Title, *Additions, or a Supplement to the Napoli Sacra*. Nor has that been sufficient, because they are now much more increased, so as to furnish Matter enough for a fourth Volume.

IN these Times the extravagant Doctrine of our Doctors likewise contributed to the Acquisitions of the Churches; they falsely applying the antient Rules to the present Times, wresting the Sense of the Laws, not well understood by them, and not minding the Circumstances of Times, nor the Alteration of the State of Things, pushed on by imprudent and mistaken Piety, to the utmost of their Power wrote in Favour of these Acquisitions, and were wholly bent upon increasing the Means and Causes of them, to the great Detriment of Civil Society, and of the Property which every Person has in his own Goods. They taught, as a Matter beyond all Dispute, that the Landlords of Houses, situate near Churches, could be forced, nil they will they, to sell them, if they were wanted for enlarging the Churches: And besides, that the Displeasure or good Will of the compelled Seller was not to be regarded in the Price, but the Value to be referred to skilled Appraisers. And this Favour

was not only granted to Churches, but they extended it to Court-Yards, Porches, Vestries, Church-Yards, Cloysters, Stairs, Dormitories, even to the Kitchens and Gardens of the Monasteries. It was likewise extended, though there were a publick Street betwixt the House and the Church; and, what will seem more strange, even so far as to make a large Piazza, and a great open Space before the Building. In the famous Action, which Cardinal *Filomarino*, our Archbishop, entered against the Monks of the Monastery of *D. Regina*, for which *Giulio Capone*, who was Advocate for the Prelate, alledged two Instances: The Archbishop pretended, that the Monks ought to be compelled to sell him some Houses which they possessed before his Palace, though there was a publick Street betwixt them, intending to pull them down, in order to make a large open Place there, because there was not Room enough for a Coach and six to enter his Palace. The Cardinal *De Luca*, who was then Advocate in *Rome*, defended the Monks, and was amazed at the Pretensions, and by his Allegations, related by the said *Capone*¹, confuted all that had been alledged for the Archbishop. But to what Purpose? It was decided in Favour of the Archbishop, the Houses were pulled down and levelled with the Ground, and a large Piazza made, so that now a Coach and six can easily enter and go out of the Palace.

WHENCE it came, that the Convents, though at first but very small, take up the whole Neighbourhood from one Side to the other, till they reach the Street, so that there is scarce a Street in *Naples* where there is not some Convent or other; and if a Stop be not put to so great and destructive an Abuse, the Monks, in Time, may come to buy the whole City. Nor did the Acquisitions of the Churches and Monks end here, but proportionably to the Time, they grew much greater under the Reign of *Charles II.* which, in the following Books, we shall now relate.

¹ *Capone Controv. for. contr. 1.*





T H E

CIVIL HISTORY

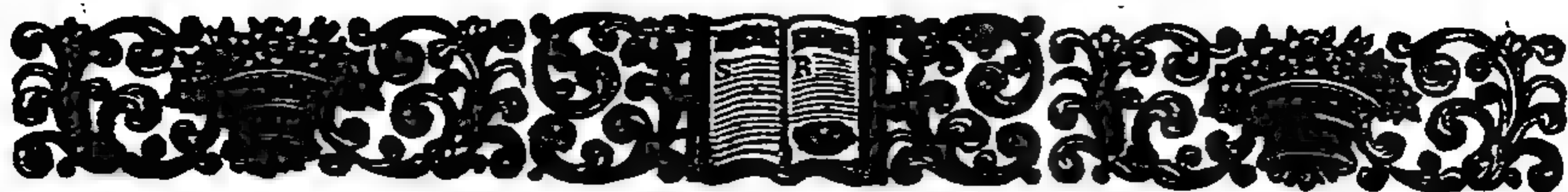
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N A P L E S.

B O O K XXXIX.

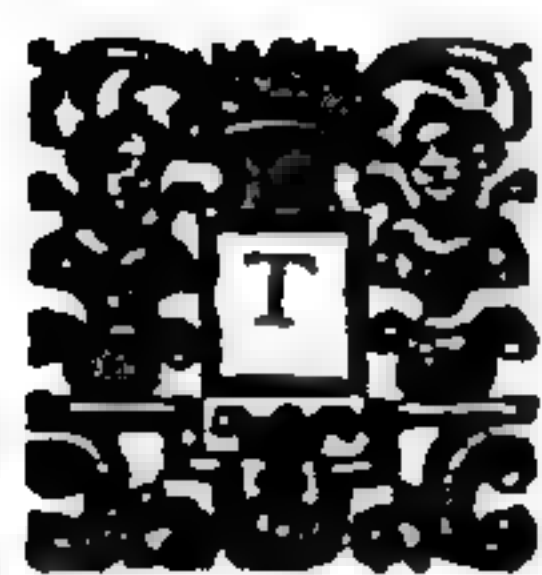


THE Death of King *Philip* IV. who, under the Regency of a Woman, being left the Successor at so tender an Age, made some believe, that great Alterations would happen in the Kingdoms of *Spain*, disordered by the War of *Portugal*, and not secure of the Peace with *France*; and there not having been seen (since these Kingdoms had been under the Dominion of the Family of *Austria*) the Minority of a King so young, nor the Regency of a Woman, a Stranger, and unskilled in Government, it was not known how the haughty Temper of the *Spanish* Nation would bear it; so much the more, that D. *John* of *Austria*, though a great Lover of the King, not having been so much as mentioned in the Will, took it very ill to lead a private and neglected Life. To this was added, that the *Council of State*, accustomed to great Authority, complained of being controuled by the *Junta*, who assumed to themselves the principal Direction of Affairs. Nevertheless, whether it was, that the Ambition of the *Grande*s, wanting Power, vented itself upon idle Quarrels, or that the Fear of *France*, and the Shame of not being able to subdue the *Portuguese*, kept them to their Duty, the Change of Government occasioned neither Tumults nor Commotions in the Kingdoms, much less in this of *Naples*, of which the King having this Year 1666. got the Investiture from Pope *Alexander* VII. the Original Bull whereof is preserved in the great Archives of the Royal Chamber, the Government of it, as we have said, was bestowed upon D. *Pedro Antonio* of *Arragon*, of whom, and the Events that happened in his Time, we shall now discourse.



C H A P. I.

D. Pedro Antonio of Arragon confutes the Pope's Pretension to the Government of the Kingdom. The King of France begins a new War on account of the Succession of the Dutchy of Brabant, and other States of Flanders, to which an End is put by the Peace of Aix la Chapelle.



HO' the Regency, in the Person of the Queen-Mother, and the *Junta* of those Ministers, named by the deceased King in his Will for the Government of the Kingdoms, of which the Monarchy of *Spain* consisted, had been established, and not only the *Council of State*, but the *Grandeess* had acquiesced to the Disposition made by King *Philip*; nevertheless Pope *Alexander VII.* did not fail to set up the old Pretension, which his Predecessors, in former troublesome Times, had in some measure made good in this Kingdom, of taking the Government of it into their own Hands during the Minority of the King, as the direct and sovereign Lords thereof. From the preceding Books of this History, it may be clearly seen, upon what slender Foundations this Pretension is built; however, the Court of *Rome*, improving the Instances that happened in the Pontificate of *Innocent III.* by the Minority of the Emperor *Frederick II.* the Legation of the Cardinal *Di Parma* in the Pontificate of *Martin IV.* and *Honorius IV.* during the Imprisonment of *Charles of Anjou*, Prince of *Salerno*, and some other misapplied Examples, had the Assurance at this Time to pretend to the same anew. It was then believed by those who were best acquainted with the Intrigues of that Court, that this was attempted, not that they expected to obtain it, but in order still to keep up their Pretensions, that upon a more favourable Opportunity, according as the Circumstances and Junctures of Time would bear, they might be able, some time or other, to reap more Advantage by it. Therefore, soon after the Arrival of *D. Pedro* in *Naples*, the Nuncio did not fail to wait upon him, and lay before him the Rights of the Apostolical See to the Government of the Kingdom, and consequently that it belonged to the Pope to provide it with a Governor during the King's Minority. The Viceroy answered, that his Holiness needed not trouble himself about the Government, since King *Philip*, by his Will, had taken sufficient Care for that, by establishing the Regency in the Person of the Queen, and appointing a *Junta* for the Government of all his Dominions; and the Nuncio having left a Memorial of all these pretended Rights, the Viceroy ordered the famous *Marcello Marciano*, who was then Attorney-General, to answer it.

THE Nuncio in *Spain* acted the same Part at that Court, to whom the same Answers were given; and he having likewise dispersed some Writings, wherein the Pretensions of *Rome* were represented, they were confuted, and the Foundations, upon which they were built, proved to be sandy and weak. But of all that was wrote upon this Subject, either in *Spain* or *Naples*, the Treatise published in *Latin* by the Fiscal *Marciano*, under the Title *De Baliatu Regni Neapolitani*¹, was the most learned and pithy. The Court of *Rome* finding so vigorous Opposition made, not

¹ Toppi in Biblioth. pag. 356. & Nicod.

only by the Court of *Madrid*, but by the Viceroy of *Naples*, dropt the Pretension for this Time.

BUT the Success was not the same with respect to the Pretension set up at this very Time by the King of *France* to the Dutchy of *Brabant*, and other States of *Flanders*; in which Dispute, though we got the better of the *French* in writing in Defence of our Cause, yet we came off Losers in the Issue of the War which the King of *France* made upon that Score in *Flanders*. By the Death of King *Philip*, the King of *France*, then a Youth, and impatient of Rest, was given to understand, that the Dutchy of *Brabant*, with some other States of *Flanders*, were devolved to the Queen his Wife, as the Daughter of King *Philip* by his first Wife, notwithstanding that he had left by his second King *Charles*, a Male; because the Custom of these Countries was, that in Successions and Heritage, the Females of the first Marriage were preferred to the Males of the second. The covetous King, under this Pretence, gladly laid hold of this Opportunity, in order to enlarge the Confines of his Kingdoms, by incroaching upon those of his Neighbours; but Queen *Anna-Maria*, his Mother, being then alive, no other Step was taken, but only making the Pretension publick, and exaggerating it in some Writings, as just and very well grounded. But soon after the Queen-Mother dying, the young King, freed from the Authority of a Mother, immediately caused his Pretensions to be printed, and marched his Troops for supporting them. On the 9th of *May* this Year 1667. he wrote a flattering Letter to the Queen Regent of *Spain*, wherein complaining, that the Proposal of an amicable Agreement, which he had offered for compounding the Affair, being rejected, he found he would be obliged to take the Field about the End of the Month in order to endeavour to put himself in Possession of what so justly belonged to the Queen his Wife, in the Low-Countries, or of some other Equivalent; however, he had commanded the Archbishop of *Ambrun*, his Ambassador, to present a Memorial, drawn up by his Order, wherein were contained the Reasons upon which his Right was grounded; to the End that being examined, the Proposal which he had caused to be made, and which he now makes, of adjusting the Difference by an amicable Agreement, may be accepted.

BY this Letter it was found, that he was seeking nothing but a Pretence for invading *Flanders*, before any Opposition could be made, seeing at the same time that he proposed the Agreement, he declares, that towards the End of the Month he was resolved to take the Field, and that before the Memorial he had sent could be read, far less examined, he was resolved to go, and by Force take Possession of the Provinces in Question, or of their Equivalent, in other States of the Catholick King. His most Christian Majesty was as good as his Word, for about the End of the Month he put himself at the Head of his Army, and arrived upon the Frontiers of *Flanders*, and having divided it into several Bodies, at the same time that he caused a Book of the pretended Rights of the Queen his Wife to be published in different Languages, he attacked the Cities of that Province.

ON the other Hand the *Spaniards*, alledging, that King *Lewis* was rather seeking a specious, than a just Cause of making War, vigorously refuted the pretended Rights, maintaining by much stronger Writings, that particular Usages or Statutes could not avail in the sovereign Succession of States; and that it was repugnant to Custom and the Nature of Things, that a Female of the same Degree should pretend to be preferred to a Crown before a Male. But they were not so well provided of Arms, as of Reasons, for defending themselves by Force. The Queen-Regent, alarmed at the unexpected Declaration of War, with Tears in her Eyes recommended herself to her Ministers; and one Day having caused the young King to be brought into the Council, she made him say with a childish Voice in his own Language: *I am Innocent, assist me* ¹.

THEREFORE the *Spaniards*, being resolved to make a vigorous Defence, at the same time that they were making ready for it, did not neglect to undeceive the People of the boasted Rights of the *French*, making them appear to be chimerical and unjust; magnifying the Injuries done by *France* to an infant King, so nearly allied to the Invader.

IN the Beginning of this Year, one of his Catholick Majesty's Ministers had caused a small Treatise to be printed in *Flanders*, wherein was demonstrated the

¹ Nani, Istor. Venet. tom. 2. lib. 10. Anno 1667.

Vainness of the Pretension, in order to stifle the Uproars of the Vulgar, amongst whom the *French* were crying up the pretended Succession to the Dutchy of *Brabant* and other Provinces; and at the same time they assured those People, that they were to be preserved under the antient Dominion of their lawful Princes. But however convincing and strong (though short and plain) the Arguments contained in that small Treatise were, the *French* did not give over their Undertaking; on the contrary, besides Arms, they went about to defend their Cause by large Volumes; so that, though the said Treatise was thought sufficient for the People of *Flanders*, who knew their own Laws to a Nicety, yet it might be judged lame by other Nations; therefore it was thought fit to employ more Pens, and demonstrate King *Charles's* Rights with greater Vigour.

NAPLES may very well boast, that the best Writings which were published upon this Subject, in Defence of the King of *Spain's* Rights, were those penned by our incomparable Lawyer *Francesco d'Andrea*, then a famous Advocate. The Viceroy, *D. Pedro of Arragon*, had not a fitter Person than he for defending this Cause, and refuting the Pretensions of the *French*; therefore, being ordered by the Viceroy, he set about the Undertaking, and on the 28th of *February* the same Year, having finished a learned Treatise, written in *Latin*, with this Title, *Dissertatio de Successione Ducatus Brabantiae*, he presented it to the Viceroy, who received it with great Esteem, ordering him to subscribe it, which he did in his Presence, that, being to send it to *Spain* under his Name, already famous over all *Europe*, it might have the greater Weight and Authority. It was not thought fit in these Beginnings to cause it to be printed, that the *French*, who had not as yet published their Writings in Print, might not have Occasion to say, that we were the first that gave the Provocation. But the Issue proved afterwards, that they had only forborne printing, in order to attack us unawares; for, as we have said, about the End of *May* there was Advice, that the King of *France*, at the Head of his Army, was arrived upon the Frontiers of *Flanders*, and that at the same time he had caused to be published in several Languages a Book, setting forth the Rights of the Queen his Wife, to the greatest Part of those Provinces, which Book soon after appeared in *Naples* in the *Spanish* Tongue, with this Title: *Traitado de los Derechos de la Reyna Christianissima sobre varios Estados de la Monarquia de Espana.* A Treatise of the Rights of the most Christian Queen to sundry States of the Monarchy of *Spain*.

AS soon as this Book came to the Viceroy's Hands, he sent it to *Francesco d'Andrea*, ordering him to answer it; and then it was, that a larger Field being opened to him, for displaying his great Learning, and his Skill in History, both Foreign and Domestick, he published in the *Italian* Language, that so famous Treatise, intitled: *An Answer to the Treatise of the Rights, &c.* printed in *Naples* the same Year 1667. wherein with strong Arguments he demonstrates, that the so much magnified Custom of *Brabant*, and the other Provinces, could not take Place in the Succession of Dominion and Sovereignty; and that it is never regulated by such Custom, but is always conveyed by Law and a contrary Practice. And since the *French*, in order to remove the Objection of the most ample Renunciation made by their Queen, when she was married to King *Lewis*, had endeavoured by several Arguments to prove it void and null; he with pithy Answers overthrew their Sophisms, and with strong Reasons maintained the Validity and Firmness of it, which he had not done in the first Treatise, thinking, that it would have, in some measure, prejudiced the Cause, if, where it was so clear, that the Queen could not pretend to the least Right, he had done his utmost to demonstrate the Validity of the Renunciation. Upon this Occasion, this renowned Lawyer likewise answered another Book published in *France*, of other Pretensions to all the Seventeen Provinces, and to almost all the Kingdoms and Principalities of *Europe*, written by a certain *Aubery*, an Advocate of the Parliament of *Paris*, which was printed at the very Time of the Invasion of *Flanders*, under this Title, *Of the King's just Pretensions to the Empire.* And with profound Learning, and an exact Knowledge of History, he made it appear, that the Dutchy of *Brabant*, with the neighbouring Provinces, had not the least Dependence upon the Crown of *France*; and that that King could not pretend to justify the Conquest of them, as the Representative of *Charles the Great*, whose Rights he maintained to be lodged in the most August Family of *Austria*.

OTHER learned Treatises were likewise published in answer to the Book which the *French* had put out, and among the rest there was one very smart, written in *French* by a publick Minister, with this Title, *Bouclier d'Etat & de Justice, &c.* which was translated into *Spanish*, and immediately printed. But of all that appeared, in the Opinion of every Body, that of our *Francesco d'Andrea* was looked upon to be the most learned, pithy, and elegant.

BUT while our Lawyers were so vigorously defending the Rights of their Prince, and in supporting the best Cause, had got the better of the *French* Lawyers; on the other Hand, the Enemy's Troops being more numerous, had worsted ours in *Flanders*; they had surprized *Doway*, *Tournay*, *Oudenard*, *Alost*, *Charleroy*, *Lille*, *Furnes*, *Dixmude*, *Courtray*, and other Places of less Note: Nor did the Winter, which overtook them, put a Stop to their Career, but even in that Season, by secret Correspondence, they made themselves Masters of the County of *Burgundy* in an instant.

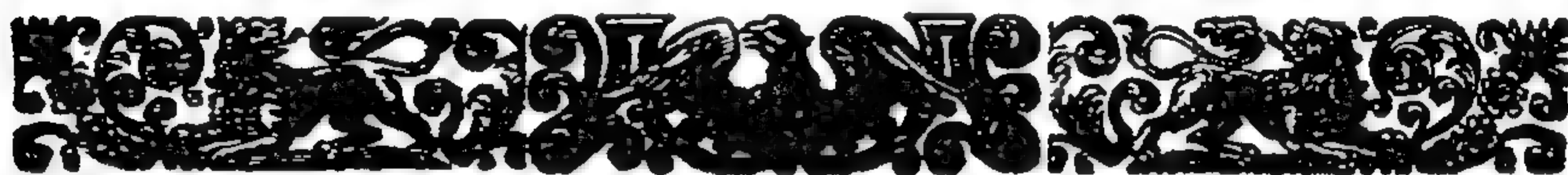
THIS sudden Motion of the *French* obliged the *Spaniards* at last to clap up a Peace with the *Portuguese*, in order with greater Vigour to oppose the *French* with Arms, as they had done with the Pen. Though the Death of King *Philip* had not made the *Spaniards* forget the Revolt of *Portugal*, yet it had extinguished the Aversion they had had to an Agreement; so that they were now easily induced to make Peace, and it was concluded with no other Conditions and Stipulations, but with that Pretorian Edict, *Uti possidetis, ita possideatis*: The two Kingdoms of *Castile* and *Portugal* were left in the same State they were before their Union, except as to *Ceuta*, which being in the Hands of the *Castilians*, they were allowed to keep it.

THE Peace being settled with *Portugal*, at the same time that it was proclaimed, with the usual Ceremonies, in *Naples*, War was declared against *France*, and Proclamations were published, ordering all the *French* that were in the Kingdom to depart in a few Days; and the Viceroy sequestrated the Estates which the Duke of *Parma* and the Prince of *Monaco* possessed in it, as Adherents to the Crown of *France*, which threatening likewise to attack *Italy* both by Sea and Land, obliged our Viceroy to reinforce the Garisons of *Tuscany* with 1800 *Spanish* and *Italian* Foot, and to get a Regiment of *Germans* to come from *Germany*. It also hindered him from sending to the *Levant* in the Beginning of the Campaign of this Year 1668. the *Neapolitan* Squadron of Gallies to the Relief of *Candy*: Of which the Pope made heavy Complaints; and considering, that by this War, made by the *French*, the *Venetians*, who were gallantly defending that Island, closely invested by the *Turks*, were deprived of Succours, he did his utmost Endeavour, in Conjunction with the other Princes of *Europe*, to bring these Rival Nations to an Agreement.

POPE *Alexander VII.* having died on the 21st of *May* 1667. on the 17th of *June* was succeeded by Cardinal *Giulio Rospigliosi* of *Pistoja*, by the Name of *Clement IX.* who seeing, that the *Turks* had invested *Candy*, was wholly intent upon assisting the *Venetians* both with Men and Money; for which End he abolished the Orders of the *Jesuits*, of the Hermits of *S. Hierom* of *Fiesole*, and of the Canons of *S. George* in *Alga*. He did not neglect, with pressing Instances, to stir up the other Princes of *Europe* to send powerful Succours to *Candy*; and he sent Letters to *Solyman* King of *Persia*, to persuade him to make War against the *Turk*. Seeing that a Stop was put to those Succours, by reason of the War which the *French* were carrying on in *Flanders*, in Conjunction with the other Princes, he did his utmost to bring about a Peace. The neighbouring Princes were not well pleased with the Success of the *French* in *Flanders*, and the News of their having made themselves Masters of the County of *Burgundy* vexed them not a little. The *Switzers* threatened to retake it by Force of Arms, as a State which was under their Protection. But the States of the united Provinces of *Holland* were the most jealous, who, abhorring to see the *French* approaching so near their Borders, had no sooner concluded a Peace with *England* in *Breda*, than they persuaded that King to join his Arms and Counsels with theirs; and then, by the Strength of Gold, having drawn-in *Switzerland*, they managed Matters so effectually by Conferences, and much more by threatening to have recourse to Arms, that they persuaded, or rather forced the King of *France* to consent to a Peace. Therefore on the 2d of *May* this Year 1668. it was concluded in *Aix la Chapelle*, and the *French* were thereby left in the Possession of their Conquests in the Low Countries, but they restored the County of *Burgundy* to the *Spaniards*. These confessed that they were chiefly beholden to the

Dutch, not only for what they did not lose, but for what they had recovered; for, under the Appearance of Mediation, they had truly defended their Interest, and preserved what remained to them in the Province of *Flanders*. On the other Hand the King of *France* was highly incensed against the *Dutch*, but smothering it at present, he pretended, that out of Honour and Favour to the Pope, he laid down his Arms. Whatever *Clement* took to be the real Motives, he shewed himself grateful and most affectionate to the King, endeavouring to cultivate his Friendship, which he looked upon to be very fitting for himself, and beneficial to his Relations; and he made it useful to the *Venetians*, for whom he obtained 100,000 Crowns for the Relief of *Candy*, with Permission to levy both Officers and Soldiers in *France*.

THE Peace of *Aix la Chapelle* being proclaimed in *Naples* on the 4th of *August*, the Viceroy, having dismissed the *Germans*, according to the Promise made by the Queen Regent to the *Venetians*, and the Orders he had received from her, dispatched the Squadrons of *Naples* and *Sicily* for *Candy*. But not only these, but all the other Succours sent by the King of *France*, the Pope, and the *Maltese* having been to no Purpose, they returned, and soon after it was found, that in the Beginning of this Year 1669. the *Venetians* had been forced to surrender upon Capitulation, after a War of 24 Years, 28 Months, and 27 Days of a most obstinate Siege. This Loss sensibly affected all *Italy*, but it was more afflicting to us, because of the small Distance between the Cape of *Otranto* and the *Turkish* Territories; so that the Viceroy considering the Danger, not only provided the Fortresses of the Kingdom and the Garisons of *Tuscany* with Ammunition, but sent several Troops of Horse for guarding the Coast of the *Adriatick*. This News so much affected Pope *Clement*, that on the 9th of *December* he died of Grief. And on the 29th of *April* this Year 1670. *Emilio Lorenzo Altieri* was elected in his Place, who would likewise be called *Clement*, and he was the Xth of that Name.



C H A P. II.

The Viceroy of Sardinia being murdered, D. Pedro Antonio of Arragon sends Relief to that Island: Pursues the Banditi of the Kingdom: Brings the Computation of Families to Perfection: Goes to Rome, in the Name of the King, to do Homage to the new Pope: Upon his Return his Successor is appointed: The Monuments and Laws which he left us.



THAT the Kingdom of *Sardinia* might not be free from the common Calamities which those of *Naples* and *Sicily* had undergone, at this very Time it was full of Disorders and Tumults, occasioned by the Murder of D. *Emanuel de los Covos*, Marquis of *Cameraissa*, the Viceroy. The Court of *Madrid*, according to its wonted Custom, requiring Money of the Marquis, he pressed the Subjects to make a Donative to the King; but having met with vast Difficulties, he was forced to dissolve the Parliament, which for that End had been assembled in *Cagliari*, the Capital of that Kingdom, without being able to obtain it. The greatest Opposer was D. *Agostino di Castelvì*, Marquis of *Laconi*, who being murdered on the 20th of *June*

June 1668. it was rumoured abroad, that this Murder had been committed by Order of D. *Ifabella de Portocarrero*, Marchioness of *Cameraſſa*, with the Knowledge and Conſent of the Viceroy her Husband, in Revenge of the Oppoſition made by D. *Agostino* in the Parliament. Upon this Rumour, D. *Giacomo Artal di Caſtelvi*, Marquis of *Cea*, D. *Silveſtro Aymerich*, D. *Antonio Brondo*, D. *Francesco Cao*, D. *Francesco Portogues*, and D. *Savino Grizoni*, met in the Palace of D. *Francesca Carillas*, Marchioness of *Laconi*, the Deceased's Wife, where they agreed to put the Viceroy to Death; and in order to put this wicked Deſign in Execution, on the 21ſt of *July* the ſame Year, while the Viceroy, with his Wife and Children, was returning in his Coach from the Church of our Lady *Del Carmine* to his own Palace, ſeveral Muſquet-Shot were fired at him from the Windows of *Antonio Brondo's* Houſe, ſituate in *Cagliari* in the Street *De los Cavelleros*, whereby he was cruelly murdered. The Marchioness of *Cameraſſa*, terrified at ſo dreadful a Sight, for fear of more Miſchief, reſolved immediately to leave *Cagliari*, and the Night following having taken Shipping, with her Children and Family, ſet ſail immediately for *Spain*, leaving the Marchioness of *Laconi* at full Liberty to enter an Action againſt her in the Royal Tribunal of *Cagliari*, and to charge her with the Murder of the Marquis her Husband. The Viceroy's Murderers having taken Sanctuary in the Convent of S. *Francis*, continued there, with a Guard of armed Men, for the Space of a Month, and then embarked for Cape *Saffari*, where they aſſembled Men for their Defence.

OUR Viceroy, upon Advice of ſo outrageous a Crime, immediately cauſed ten Gallies to be fitted out, in which 2000 *Spaniſh*, *Italian*, and *German* Foot were embarked; and though they had ſet ſail for *Sardinia*, yet after ſerious Conſideration it was thought fit to recall them, it not being judged proper to render theſe People, (naturally fierce) jealous, by introducing new Troops into that Iſland. The Court of *Madrid*, in order to obviate greater Miſchief, immediately ſent to be Viceroy of that Kingdom, D. *Francesco Tuttavila*, Duke of S. *Germano*, a noble *Neapolitan* of the *Seggio* of *Porto*, Brother to D. *Vincenzo Tuttavilla*, Duke of *Calabritto*, Colonel General of this Kingdom, who, on the 10th of *March* this Year 1669. ſailed for *Sardinia* to aſſiſt his Brother with the Admiral Galley of the Squadron of *Naples*, and carried with him the Counſellor D. *Giovanni d'Errera*, who had been appointed Judge Delegate in the Trial of *Cameraſſa's* Murderers. In the Month of *May* following, other three Gallies were ſent with 500 *Spaniſh* and *Italian* Foot, and ſome ready Money; and a thouſand Soldiers were ſent thither from *Finale* in the Duke of *Turſi's* Squadron of Gallies, and 300 from the Iſland of *Sicily*; and laſtly, in the Month of *March* 1670. our Viceroy was obliged to ſend other 500.

BUT Matters were quickly ſet to rights again in that Iſland, for *Errera* made it plainly appear, that thoſe People had no Hand in the Murder of the Viceroy, and that the Murder had been committed by thoſe Noblemen only, in order to cover the Murder of the Marquis of *Laconi*, who had been killed by Villains employed by D. *Silveſtro Aymerich*, at the Deſire of the Marchioness D. *Francesca*, his Wife, in order to marry him (*Aymerich*) which had already happened. Therefore all thoſe who had had a Hand in the Death of the Viceroy, were, by a publick Ediſt, declared guilty of High-Treſon, and Rebels: A great Reward was offered to whoever ſhould catch them dead or alive: Their Goods and Eſtates were conſiſcated, and their Houſes were ordered to be demolished, levelled with the Ground, and ſtrewed with Salt. It was likewiſe declared, that thoſe People had carried themſelves faithfully towards their Prince, and that they had had no Hand in the Murder of the Viceroy. The Duke of S. *Germano* received hearty Thanks from all the States of that Kingdom, which continued peaceable under its antient Lord and Maſter.

BUT in the mean time the Banditi, now more insolent than ever, committed frequent Depredations in our Kingdom. They robbed the Travellers, and made them Priſoners, and plundered the Meſſengers of their Diſpatches: In ſine, the publick Roads were no more ſafe, inſomuch that a Stop was put to all Traffick and Commerce. Many Troops of them were encamped in the *Abruzzi*, and having fortified themſelves in ſundry Towns, they became ſo bold, as to diſpatch Orders to all the Neighbourhood for bringing in the Taxes to them, and not to the King's Collectors. By the Death of Cardinal *Filomarino*, Cardinal D. *Innico Caracciolo* being made Archbiſhop of *Naples*, and obliged to go to *Rome* to aſſiſt in the Con-
clave

clave at the Election of a new Pope, to wit *Clement X.* was seized by these Banditi, and, to recover his Liberty, forced to pay them a Hundred and eighty Pistoles. *Monfignor Toppa*, Archbishop of *Benevento*, was likewise robbed by them near *Naples*, in the Village of *Pomigliano d'Arco*, and made his Escape by a Miracle. But the most troublesome of them all was the famous Abbot *Cesare Riccardo*, who after having murdered *D. Alessandro Mastrillo*, Duke of *S. Paolo*, with his Gang went about plundering the Neighbourhood of *Nola*, and even to the Gates of *Naples*: He robbed the Posts, frequently burning the Letters, not sparing those of the Viceroy: He came in and went out of *Naples* in Disguise; and he carried his Insolence so far, as to hinder Snow from being brought to *Naples*, threatening besides, that if the Magistrates did not procure him his Pardon from the Viceroy, he would likewise put a Stop to the carrying in of Corn.

THE Viceroy employed several Means for extirpating them, but none proved so effectual as to suppress them altogether. For which End he made the Counsellor *D. Diego di Sorria*, Vicar-General of *Campagna*: He sent some Companies of *Spaniards* to *Abruzzo*, to dislodge them out of those Parts: At last he erected a Juncto of Ministers for severely punishing them and their Abettors; but all was to no Purpose, for the regular Troops were of no use in those cragged and inaccessible Places: Some being taken, were hanged, but their Number still increased the more. The Juncto caused some Barons, their Protectors, to be arrested, but after a short Imprisonment, they compounded with the Viceroy for large Sums of Money; so that the Disorders were as great as ever.

THE Viceroy was blamed for this only, that in his Time the Laws had not been put in Execution, and that enormous Crimes had been committed, such as Incest, Peculation, Theft, Perjury, Murder, Duels, and other such shameful Offences, without being so severely punished, as the Guilty deserved; but frequently being Personally present in the Court of the Vicariate, whither sometimes he carried the Vicequeen his Wife with him, he either was too indulgent, or changed corporal Punishments into pecuniary Mulcts; by which Means having made vast Advantage (according to the Computation that was made by the Vulgar, he had made more than 320,000 Ducats by such Compositions) he got the Character of a sordid Minister; and many took Occasion to say, by way of Pun, that he punished the Purfes, but not the Persons.

NEVERTHELESS, the Kingdom was not a little indebted to him, for the general Computation of the Families, which having been begun by the Count of *Peniaranda*, and afterwards continued by the Cardinal of *Arragon*, was at last brought to Perfection by him; for he not only caused it to be published, but, from the first Day of *January 1669.* he began to bring it into Practice. The Corporations of the Kingdom were exceedingly eased by it; for they were obliged to pay Tax for no more Families than there really were; and all the Arrears were remitted them, which they owed to the King and those to whom the Revenues had been assigned, being content not only to remit the said Arrears, but likewise to bear the Loss of Twenty-two Ducats and One tenth upon every hundred Ducats of Revenue, which was necessary to be defalked, by reason that this Computation was about 100,000 Families less than the former. By this Means the Corporations of the Kingdom began to recover themselves, and consequently to be more ready to pay the Taxes, to the no small Advantage of the King and the Assignees. To this was added the Increase of the Revenue arising from Tobacco, which, from 45,000 Ducats a Year, at this Time amounted to 80,000, and that of Manna, which having been sold to particular Persons, the Viceroy redeemed it, and annexed it to the Royal Patrimony. In short, all the Revenues, Taxes and Customs were considerably augmented, to the great Advantage of all the Assignees, it being computed by *Giovanni d'Alesio*, Accomptant of the Royal Chamber of Accompts, that the Increase amounted to little less than nine Millions of Ducats: To which the Viceroy's Vigilance, and the Rigour which he exercised against those who committed Frauds in the Payment, contributed not a little.

S E C T. I.

D. Frederico de Toledo, Marquis of Villafranca, is left Lieutenant of the Kingdom, when the Viceroy went to Rome to pay Obedience to the new Pope.

THE Queen Regent, according to the Custom introduced by the Court of Spain, had ordered the Viceroy to go to Rome, in the King's and her own Name to pay Obedience to the new Pope, *Clement IX.* but he dying suddenly, before it could be performed, he had Orders to do it to *Clement X.* his Successor. At the same time the Queen had appointed the Marquis of *Villafranca*, who was then Captain-General of the Gallies, to govern the Kingdom in the Viceroy's Absence. It was disputed in the Collateral Council, whether the Marquis should be treated as Viceroy, or only as Lieutenant, seeing the Viceroy had Orders from Court, as soon as his Embassy was over, to return to his Government; but it was said for the Marquis, that he having a Royal Commission, ought to be reputed as true and independent Viceroy, therefore it was decided in his Favour. On the 3d of *January* this Year 1671. *D. Pedro Antonio* of Arragon having left *Naples*, the Marquis, in Presence of the Magistrates of the City, took Possession of the Office, and, seeing *D. Pedro's* Wife was in Possession of the Royal Palace, he chose that of the Prince of *Stigliano*, near the Gate of *Chiaja*, for his Habitation.

THE Marquis, following the Footsteps of his Great Grandfather, who had been Viceroy for the Space of 22 Years, governed the Kingdom with great Rigour and indefatigable Application; but his Government lasted only to the 25th of *February*, for *D. Pedro* being arrived in *Rome*, made what haste he could in performing his Commission, and on the 22d of *January* having made his publick Entry, the Day following, accompanied by the Marquis of *Astorga*, who was then his Catholick Majesty's Ambassador in *Rome*, he performed the Ceremony of kissing the Pope's Foot; and, after having spent some few Days more in that City in Entertainments and Visits, he returned to *Naples* to resume his Government, not well pleased with *Villafranca's* rigorous Behaviour, which ill suited with his courteous and indulgent Temper. The Marquis of *Villafranca* remained in *Naples* till the Month of *July*, and then set out for the Court of *Spain*, and upon his Arrival having represented *D. Pedro's* Avarice and Thirst after Money to be such, that when he went to *Rome*, he left not one Farthing in the military Chest, it was thought, the Ministers were thereby induced to remove him from the Government. Many Months had not passed, when he heard that he was to be succeeded by the Marquis of *Astorga*, who being Ambassador in *Rome*, in the Beginning of the Year 1672. set out for the Kingdom, and on the 11th of *February* arrived at *Naples*, where he was received with great Marks of Respect by *D. Pedro*, who, after having paid the wonted Visits, on the 14th of the same Month yielded up the Government, and, with the Dutches his Wife, went immediately to *Pozzuolo*, from whence, on the 25th of the same Month, he set out with four Gallies for *Spain*.

DON *Pedro* of Arragon ought to be reckoned amongst the Viceroys who have left us the most remarkable Monuments. Out of his great Inclination for Building, he adorned *Naples* with many Edifices. He put the Hospital of *S. Januarius*, without the Walls of the City, into that stately Form which we now see, by enlarging it with many Galleries and Apartments, and giving it a settled Government. He laid out a vast Sum of Money in building the Harbour for the Gallies, and he enlarged the Arsenal. He made that magnificent Street, adorned with Fountains, that leads up from the Arsenal to the Royal Palace, at the Top of which Street he caused the Statue of the God *Terminus* to be erected, which supports the Skin and Wings of a great Eagle. He beautified the Royal Palace, and added to the Foot of that stately Stair, built by the Count *D'Oniate*, the two Statues of the Rivers *Ebro* and *Tagus*, and over the Gate, which leads to the old Palace, that of the River *Arga*. He joined the Royal Armoury of *Castelnuovo* to the great Hall. He repaired the Spanish Barracks, and built from the Foundation, that vast Edifice for the Garison, capable to lodge

6000 Soldiers. He likewise repaired the publick Fountains of *Poggioreale* and *S. Catarina a Formello*, and many others, and he raised from the Foundation that of *Monte Oliveto*. He restored the Use of the Baths of the Mineral Waters, without the Grotto of *Coccejus*, and of those of *Pozzuolo* and *Baja*; and to preserve their Memory, he caused their Virtues and Efficacy, in curing Diseases, to be engraven upon Marble; whence *Sebastiano Bartoli*, a famous Physician of these Times, took Occasion to search more narrowly into the Quality of these Waters, and to write a particular Treatise upon them. In fine, he put our Tribunals into better Order, enlarging the Council Hall, those of the Vicariate and Royal Chamber of Accompts, in which last, by the Advice of *Niccoli Toppi*, the Master of the Rolls, he resettled the Archives, and whose Care this Writer¹ much commends, saying, that he was thrice to see them, and caused three new Rooms to be made, and a general Index to be begun of all the Writings, which were above Three thousand in Number, and he appointed a Salary for five Clerks, who were punctually paid every Month, that the Work might be finished. He also augmented the Salary of the Judges of the Vicariate, and he made sundry other Regulations about the equal Distribution of Causes, in order to shorten Law-Suits, and the Litigiousness of Parties.

BUT though this Viceroy left us such notable Memorials of himself, yet, on the other Hand, he robbed us of many famous Monuments. He took from us the Bones of the magnanimous King *Alphonfus I.* which, as we have related in the XXVIth Book of this History, had been deposited in the Vestry of *S. Dominico Maggiore* of *Naples*, whither King *Alphonfus II.* caused them to be transported from *Castel dell'Uovo*, when his Father was buried there. In the Year 1506. that Vestry happening to take Fire, a great Part of them was consumed, but the Scull and some few Bones escaped the Flames: By Order of *Ferdinand the Catholick*, the Scull was delivered to the Bishop of *Cesalu*, who carried it to *Spain*; the Bones only were left here, which coming to the Knowledge of *D. Pedro*, he undertook to carry them to *Spain* likewise, and put them in the same Place with the Scull. The Monks of that Convent opposed him, but the Queen Regent, at the Instance of the Viceroy, having sent a particular Order for transporting them to *Spain*, the Dispute ended, and the Monks, by a publick Instrument, delivered them to the Viceroy. In order to set off his Gallery in *Madrid*, he robbed us of many famous Pictures and Statues; among the rest those of the four Rivers, which adorned the Fountain on the Point of the Mole; that of *Venus*, which lay in the Fountain upon the Edge of the Ditch of *Castelnuovo*, and some small Statues and Steps of Marble, all of one Piece, which were placed upon the Fountain *Medina*, and cut by the famous *Giovanni di Nola*, all which were sent to *Spain*.

DURING his Government many provident and prudent Laws, to the Number of near 30, were established, whereby he put the Tribunals in good Order, reformed many Abuses in the Custom-Houses, and made other Regulations, which were set down in the Chronology prefixed to the first Tome of our Statutes.

¹ Toppi, Bibl. in fine, fol. 356.





C H A P. III.

The Government of D. Antonio Alvares, Marquis of Astorga, which proved very troublesome and unfortunate, by the Disorders into which the Kingdom was involved, and much more so, by the Revolutions that happened in Messina.



UPON the Marquis of *Astorga's* Arrival in *Naples*, he found the City not only afflicted with a great Scarcity of Corn, but quite ruined by continual Crimes, and especially Robbery, which was committed in all Corners. Therefore he used all Means possible for bringing into *Naples*, not only from the Provinces, but from remote Countries, great Store of Provisions, insomuch that he supplied the Necessities of the People, and restored Plenty in the Kingdom. But though he exercised the utmost Severity, it was not possible (so wicked were Men grown, by the Looseness of Discipline in the preceding Government) to extirpate Robbery, and much less to put a Stop to the continual Depredations of the Banditi in the Country. They made Incursions to the very Gates of *Naples*: They robbed the Posts, pillaged the Villages, and committed innumerable Murders, Robberies and Rapes in the Country, and with great Boldness incamping in the Fields, they were constantly getting Followers, and increasing their Number. The Viceroy making use of the wonted Remedies, gave new Strength to the Governors of the Provinces, charging them strictly to give a helping Hand, and to make it their chief Care to root them out. A great Slaughter was made of them; and it was of no small Advantage, that the most profligate of their Heads, the famous Abbot *Cesare*, was killed. But for all that, like so many *Hydras*, others started up in their Places, and especially in *Abruzzo*, whither the Viceroy was forced to send five Companies of *Spaniards*, not only to curb their Insolence, but, suspecting that they might have been encouraged from *Rome* by the *French* Ambassador, likewise to guard against all Novelties, which, under such Protection, these Villains might attempt. But by the Revolt that happened soon after in *Messina*, the Kingdom got rid of a great many of them, whom the Viceroy pardoned, upon Condition that they should go to serve the King in *Sicily*, where they gave Proof of their Courage, whereby, in a great measure, they made Amends for their former Crimes. The rest that remained in the Kingdom, still multiplying, continued obstinate; for Heaven had reserved the total Extirpation of so mischievous a Breed to a more expert and illustrious Hand.

THESE were not the only Disorders, which rendered the Marquis's Government troublesome; for to the Straits to which the Kingdom was reduced, by Famine, Robbery, and these Rascality, another more vexatious Misfortune was added, which was the wretched State of the Coin, at this Time reduced to less than the fourth Part of its first Value. The Origin of this Evil was old, and the same, which occasioned the crying down of the *Zannette*; in the Government of Cardinal *Zappatta*; by whom, though new Money was ordered to be coined, and severe Punishments inflicted upon those who had the Boldness to clip or counterfeit it, yet the Greediness of Gain overcame the severest Punishment whatsoever. The Number of Clippers and false Coiners was such, that even in the Houses of Persons of Quality Clippings and Instruments for Coining were found; and it was said, that Women of no mean Condition, had likewise a Hand in that Practice. A whole

Gang

Gang of them was discovered in *Naples*, and in the Province of *Terra d'Otranto* a vast Number were impeached. The Viceroy did his utmost to root them out, many being discovered, were hanged, some suffered long Imprisonment, and others were pardoned, which gave a Handle to Detractors to affirm, that their Lives had been saved, but not their Purfes. Others again withdrew themselves from the deserved Punishment, some having recourse to the Privilege of the Clergy, some to the Immunity of the Churches, and others to flight. In order to put a Stop to so great a Mischief, the Viceroy began to think of coining new Money, which should not be liable to be counterfeited or clipped. The Matter was taken into Deliberation, and much Reasoning was spent about it, but all to no Purpose, for the Glory of so bold an Undertaking was likewise reserved to a more fortunate Hero.

THE *Turks* must likewise have their Share in disturbing the Marquis's Government; for scouring the Seas of the Kingdom, they landed in the Province of *Bari*, where, in the Month of *June* this Year 1672. they made Slaves of 150 poor Country People, who were reaping their Corn. And in the Month of *August* seven Gallies of *Biserta* appeared in the Gulph of *Salerno*, taking and destroying our Ships. The Year following they did great Damage on the Coast of *Puglia*, especially in the Village of *S. Nicandro*, from whence they carried off many People into Slavery; so that in order to repel their Insults, the Viceroy was forced to send thither three Troops of Horse, and to order the Squadron of our Gallies to cruize in the Seas of the Kingdom.

S E C T. I.

Great Subsidies are raised in the Kingdom on account of the Revolt of Messina.

BUT at this Time much greater and more grievous Cares came upon the Viceroy, and heavy Taxes and Fears upon the Kingdom. This Year the Kings of *France* and *England*, in Conjunction with the Elector of *Cologne* and the Bishop of *Munster*, had declared War against the States-General of the United Provinces, and though they had got the better of the Fleets of *England* and *France*, yet the Armies of the Confederates made themselves Masters of the Provinces of *Utrecht*, *Gelderland*, and *Overysfel*, with a Part of *Frizeland*. Whereupon the Count of *Monterey*, Governor of the *Spanish Flanders*, took Occasion to put *Spanish* Garisons into the *Dutch* Towns; and the Emperor *Leopold*, with the Elector of *Brandenburg*, to send an Army into the States of *Cologne* and *Munster*, in order to oblige those Princes to observe the Peace of *Cleves*. But though the *French*, by having taken Possession of *Mark* and the Dutchy of *Cleves*, belonging to the Elector of *Brandenburg*, and sent the Marshal *De Turenne* into *Franconia*, had forced that Elector to lay down his Arms, they could by no means hinder many Princes of *Germany* to join with the Emperor and the *Dutch* for the Defence of their own Dominions.

THE *Spaniards*, not able to bear the Conquests of the *French* upon the States of *Holland*, much less upon the Empire, resolved likewise to enter into this Alliance, and having declared War against *France*, they gave the King of *England* to understand, that if he did not break his Alliance with the King of *France*, they would do the same by him; and having interposed as Mediators, they managed Matters so, that a Peace was concluded between the *English* and the *Dutch*. Thus the *French*, being obliged to make Head against the Imperial Army, which had advanced to the Borders of *Flanders*, abandoned all the Towns belonging to the *Dutch*, except *Mastricht* and the *Grave*, which last was forced by the Prince of *Orange* to surrender upon honourable Terms. Thus came the whole War to fall upon the *Spanish Flanders*, and the Countries situate on both Sides of the *Rhine*, which lasted many Years.

IN the Month of *December* this Year 1673. War having been declared against *France* in *Naples*, and a Proclamation published, ordering all the *French* to depart the Kingdom within a few Days, our Viceroy began to have troublesome Work upon his Hands; for this War being declared, lest the *French* should make a new Attempt upon the Principality of *Catalonia*, he was ordered to send Succours for the Defence of that State; so that he was obliged to send thither four Ships with

1200 *Neapolitan* Foot, under the Command of Colonel D. *Giovan-Battista Pignatelli*: And the Army of *Catalonia* still wanting to be reinforced, in the Month of *March* 1674. other 1500 were sent, under the Command of Major-General D. *Antonio Guindazzo*; and in the Month of *June*, other 500 were sent on board of five Gallies. But the Insurrections that happened in the City of *Messina*, which occasioned one of the most obstinate Wars that ever was heard of, put a Stop to the sending of any more Succours to *Catalonia*, and forced the Viceroy to send from our Kingdom much greater and more frequent to *Sicily*; so that we were obliged to be at the Charges of this cruel and obstinate War.

THE *Messinese* boasting of their most antient Privileges, Exemption, and other Prerogatives, in the Reign of King *Philip IV.* were made much more insolent, because that having been steady and constant in their Loyalty during the preceding Tumults of *Palermo* and *Naples*, King *Philip* not only confirmed their antient, but gave them new Favours and Pre-eminencies. By these Concessions that People enjoyed a Liberty, in a manner absolute; and it was allowed them by the *Spaniards*, because they considered, that that Freedom which they frequently took in defending their Privileges, did not proceed from a Contempt of the King's Sovereignty and Service, but from a certain Vanity, which they had of being singular amongst the other Subjects of the Crown of *Spain*. They elected out of their own Body the publick Magistracy, which they call Senate, with full Authority to command, and a Power to administer the publick Revenues of the City, and to distribute the inferior Offices: They had absolute Authority over the Citizens, and were always ready to resist, even their own Viceroys, whenever they thought, that any Thing was attempted, contrary to their so much boasted Privileges.

IN the Government of the Count of *Ayala* they complained, first, That that Viceroy had never resided in *Messina*: That he had imprisoned some People unjustly; and in fine, there was no Act of his, but what they interpreted as a Breach of their Privileges; and if they had kept within the Bounds of complaining, it would have been tolerable; but they proceeded to notorious Crimes, in declaring the Statutes made by that Viceroy null, as prejudicial to their Privileges, and in lifting Soldiers in Defence of them. They continued to treat D. *Francesco Gaetano*, Duke of *Sermoneta*, *Ayala's* Successor, after the same manner; for he having gone to *Messina*, they forced him to publish an Edict, prohibiting the Exportation of Silk from any Port of that Island, excepting from that of their own City. But the other Cities of the Kingdom having complained of that, the Execution of the Edict was superseded by the Court of *Spain*; so that they resolved to send two Ambassadors to *Madrid* for obtaining a Revocation of the *Supersedeas*. These pretended to be treated in their Audience as all the other Ambassadors of Princes were: That a certain Day should be appointed for it: That the Introducer of Ambassadors should accompany them; and that on the Day of Audience the King's Coaches should be sent to carry them to the Court. They alledged many Instances of their being treated so in the Time of King *Philip IV.* but the Queen Regent by no means would grant them that Ceremony; for it not only did not appear that it had been granted them with the Knowledge of the King her Husband, but on the contrary, that he had expressly ordained, that all the Ambassadors of the Kingdoms and Cities subject to the Crown of *Spain*, should enjoy the bare Title, but not the Privileges of Ambassadors. Therefore, that they might not prejudice themselves, having, with a new Memorial, given in a Protestation, they returned to *Messina*, without executing their Commission.

THE *Messinese*, provoked at this Rebuff, began to commit many Insolencies; and in the mean time the Duke of *Sermoneta* being succeeded in the Government of that Island by the Duke of *Alburquerque*, who shortly after being succeeded by the Prince of *Ligni*, the Disorders and Confusions increased, and at last ended in Factions, whence arose the Names of *Merli* *, which the Royalists took, and of *Malvizzi* †, which those of the opposite Party assumed, whereby the *Messinese* were reduced to a State, no less lamentable, than that to which formerly almost all *Italy* was reduced by the Factions of the *Bianchi* and the *Neri*, and of the *Guelfs* and *Ghibellins*.

BUT in the Government of the Marquis of *Bayona*, the Prince of *Ligni's* Successor, D. *Diego di Soria*, Marquis of *Crispano*, being Governor of *Messina*, the Factions, which kept it in the utmost Confusion, turned to open Rebellion; for in

* *Blackbirds.*† *Thrushes.*

the Month of *June* this Year 1674. while the *Messinese*, with great Pomp and Solemnity, were celebrating the Festival of our Lady, under the Title of *Lettera*, on account of a Letter, which they believe she wrote to the Senate of *Messina*, wherein she assured them of the Protection of her Son *Jesus*; some mysterious Pictures were seen in a Taylor's Shop, which alluding to the present Transactions, represented the Faction of the *Merli* in a ridiculous Manner, not sparing even the Governor *Soria*. The *Merli* being apprized of this, threatening to blow up both the Taylor and his Shop, they were for taking to their Arms immediately, if the Governor had not run quickly to stop them. But the Taylor being afterwards imprisoned, the *Malvizzi* were so exasperated, that a great Number of them gathered together in Arms, in order, with open Force, to set him at Liberty, and then to put to the Sword all the *Merli*, and all those that favoured the King's Party. At the Sound of a Bell, the City, in an instant, was all in an Uproar, the *Malvizzi* possessed themselves of the most eminent Posts, slaughtered the *Merli*; and their Number increasing to Twenty thousand, they forced the *Spanish* Soldiers, who had hastened to quell the Tumult, to retire to the Royal Palace, in which they found it convenient to shut themselves up, and defend it the best Way they could; and to disturb the Siege of the Palace, the Governor ordered the Commanders of the Forts to fire Cannon against the City.

ON the other Hand, the Senators having openly declared for the *Malvizzi*, and preparing for the Siege of the Palace, fortified the Posts, and laid close Siege to the Governor. The Marquis of *Bayona*, the Viceroy, hastened to his Relief, but he was shut out of the City, and, by Cannon Shot, forced to retire to the Bay of *Catana*, and from thence to *Melazzo*. Then it was thought in good Earnest, that in order to reduce *Messina*, it would be necessary to besiege it in due Form; therefore the Marquis having pitched upon the City of *Melazzo* for a Place of Arms, assembled there the whole Troops of the Island: He summoned the Barons of the Kingdom, who appeared there with a good Body of Militia, raised at their own Charges; and it was resolved, not only to relieve the Governor and the Royal Forts of *Messina*, but likewise to block up the Passes of *Teormina*, to cut off the Communication of the *Messinese* with the rest of the Island, and reduce them to their Duty, both by Force and Famine.

OUR Viceroy was invited to take a Share in this Undertaking, with which complying, he appointed the City of *Reggio* to be the Place of Arms, whither he ordered a strong Body of the Troops of the Kingdom to march, under the Command of General D. *Marc' Antonio di Gennaro*, with Orders to pass over to the Island, whenever the Marquis of *Bayona* should think fit. He afterwards sent two Gallies to *Melazzo* with 400 *Spanish* Foot; and he caused the like Number of *Italians* to be embarked in one Ship and two Tartanes, with Ammunition and Provisions; and the Squadrons of *Spanish* Gallies not being in our Seas, those of the Republick of *Genoa*, and the Knights of *Malta*, were employed in the King's Service.

THE *Messinese*, foreseeing that of themselves they were not able to withstand so many, from Mutiny proceeded to open Rebellion, resolving to have recourse to the King of *France* for Assistance and Protection; and in the mean time amusing the Marquis of *Bayona* with Negotiations and Treaties, without concluding any thing, they sent D. *Antonio Casaro* to *Rome* to treat with the Duke D'Etré, the *French* Ambassador there, about uniting their Island to the *French* Dominions, and inducing the King to send them speedy and powerful Succours. The Duke, and the Cardinal D'Etré his Brother, not having any particular Instructions about this Matter from their Prince, and *Casaro* not having sufficient Power to perform what he offered, in order not to lose Time, resolved to send *Casaro* himself to *France*, that he might represent the State of *Messina* to the King, and persuade him to send them Relief, and they gave him Letters directed to the Duke of *Vivonne*, Vice-Admiral of *France* in the *Mediterranean*, who was then residing in *Toulon*. The Sentiments of the Court of *France* about engaging in this Undertaking, were different; some, mindful of the famous *Sicilian Vespers*, and of the Aversion which the *Sicilians* have to the *French* Nation, were against it: Others persuaded the King not to neglect it, because it would be of great Use in the War, which was then very hot between the two Crowns, and at least would occasion a great Diversion to the *Spanish* Arms. At last a Medium was resolved upon, to order the Duke of *Vivonne* to assist the *Messinese*, but before he should sail with the whole Fleet, to send a Squadron with

with Relief, and at the same time confirm the *Messinese* in their Rebellion, in order to give the *Spaniards* a Diversion, and get a true Information of the State of Affairs, that then it might be more maturely considered what was fit to be done.

ON the other Hand, upon the Arrival of Advice at the Court of *Spain* of the Revolt of *Messina*, it was resolved, to use all Means, not only to reduce it by Force of Arms, but by an amicable Agreement, shewing Indulgence, and promising Pardon. But at the same time it was determined, that before Assistance could be sent to it from *France* (in case the *Messinese* should not embrace the Royal Clemency) to employ the whole Naval Force in reducing it. Therefore the Queen Regent granted them a general Indemnity, which was sent to the Marquis of *Bayona*, to be published in the Island; and the Marquis *Del Viso* was ordered to take the Command of the *Spanish* Gallies, and both he and D. *Melchior della Queva*, General of the Fleet, were commanded to join and sail with the Gallies and Men of War to the Coast of *Sicily*.

BUT both the one and the other Expedient proved unsuccessful; for the *Messinese*, grown insolent by the promised Assistance from *France*, and much more bold by having had the better in some Skirmishes, rejected the Indemnity which had been published in *Melazzo*: On the contrary, the General of the Gallies of *Malta* having sent Captain D. *Francesco Antonio Dattilo*, Marquis of *Caterina*, the Son of the renowned Colonel *Roberto Dattilo*, to carry their Pardon to them, with Letters assuring them, that it should be faithfully put in Execution; they not only slighted the Message, but made the Marquis Prisoner, and shut him up in a Dungeon.

UPON these unfortunate Advices, the Court of *Spain* resolved to change the Governor of that Island, and ordered the Marquis of *Villafranca* immediately to go and take the Government of it upon him; and at the same time the Marquis *Del Viso*, and D. *Melchior della Queva*, who had joined the Fleets in the Harbour of *Barcelona*, had Orders to sail in all haste to the Relief of that Kingdom. The General set sail with the Men of War on the 18th of *September* this Year 1674. but the Marquis *Del Viso*, being detained by the Winds, could not sail with the Gallies till the 18th of *October*, and it was the 5th of *November* before he could reach *Cagliari* in the Island of *Sardinia*; from whence, having on board the Marquis of *Villafranca*, the Sea being somewhat calmer, on the 10th of *December* he set sail for *Palermo*, where he arrived with the Gallies the 12th of the same Month. The new Viceroy having taken Possession of his Government in *Palermo*, went immediately to *Melazzo*, in order to be near *Messina*, whither also the Marquis *Del Viso* went with the Gallies; and making notable Progress, having taken Possession of the Tower of the *Phare*, it was resolved to besiege *Messina*, to cut off its Communication both by Sea and Land, and especially to hinder the *French* from sending any Relief to it; for which End, the General of the Fleet cast Anchor, with the greatest Part of the Men of War, in *S. John's Channel*, that all the Ships being in Sight of the City, it might give the greater Life to the Undertaking.

BUT while Things were so disposed, as gave Hopes of reducing the City in a few Days, on the first Day of *January* this new Year 1675. six *French* Men of War, with four Fire-Ships and some Tartans, were discovered steering towards *Messina*, with a Design to enter the Harbour. This was the Squadron sent by the Duke of *Vivonne*, which being commanded by Commadore *Valbel*, who had but just sailed from *Toulon*, was coming, by Stealth, to land a Reinforcement, at a Time, when the *Spanish* Fleet, either by reason of a Storm, or some other Occasion, should not be able to hinder it; nor had there been the least Notice of this Squadron, for all Advices mentioned the Royal Succour which was preparing by the Duke of *Vivonne*, who knew very well, that if he had waited till so great a Number of Ships had been fitted out, it would have been too late. *Valbel* having stood in near to *Messina*, suspecting that the *Spaniards* were in Possession of the Tower of the *Phare*, and having had notice, that the City was upon the Point of surrendring, though that very Day he might have got in to *Messina* without Opposition, for the Wind being favourable for him, hindered the Enemy's Fleet from coming out of *S. John's Channel*, yet he would not venture, for fear of being betrayed by the *Messinese*. But, whether it really was, that by reason of the contrary Winds, the Fleet, notwithstanding that all human Art was made use of, could not get out of that tempestuous Channel, to a Station where it could have prevented the Relief from getting in;

in; or really a Dispute amongst the Generals about the Command, or their Negligence, of which they were afterwards accused: the third Day *Valbel* being well assured, that the *Messinese* were obstinate, at last resolved to enter the Harbour, and on the 3d Day of *January* passed by in Sight of the Enemy's Fleet, without their being able to make the least Opposition.

HOWEVER, this Succour was not such, as ought to have made the *Spaniards* despair of the Undertaking. But the *Messinese*, became more bold, and, on the contrary, the commanding Officers of the Posts that had been possessed, struck with Fear, without waiting to be driven out by the Enemy, deserted them, whereby the Occasion was lost of being able, at that Time, to reduce the City by Force of Arms: Nevertheless the *Spaniards* were not discouraged, foreseeing, that by the Scarcity of Provisions the City would be reduced to its former Straits; therefore they were very careful to hinder any from being carried in by Sea. But while they were flattering themselves with these Hopes, the Duke of *Vivonne*, having Advice of the good Success of his Squadron, and of the Obstinacy of the *Messinese*, gave the King more certain Hopes of bringing that Kingdom under his Obedience; for which End, having assumed the Title of Viceroy of *Messina*, he set sail from *Toulon* with nine Men of War, three Fire-Ships, and eight Vessels loaded with Provisions, and having steered towards *Messina*, on the 10th of *February* he came upon the Coast of *Sicily*. The *Spanish* Generals, upon Advice of his approaching, joined all their Force to go and meet him, which they did, and on the 11th they engaged, and fought with so much Bravery, that the Battle began at nine a Clock in the Morning, and lasted till Night. But whether it was their Misfortune, or Negligence, or that the Wind changed in Favour of the *French*, it blew so hard, that their Gallies were forced to retire; so that *Valbel* was at liberty to go out of the Harbour of *Messina* with other twelve Ships, which putting the *Spaniards* in the Middle, they were obliged to fight no longer for Victory, but Life; till towards the Evening they were parted by a Storm, which gave the *French* an Opportunity next Day to enter into *Messina* without Opposition.

THESE Misfortunes likewise occasioned that the Gallies of *Naples* and *Sicily*, being found of no more Use in these Seas, were ordered to retire, and some of them steering for *Melazzo*, some for *Naples*, being overtaken with a Storm, two of them were shipwrecked off *Palinurus*, and another sunk off *Maratea*. The *Spanish* Fleet retired to *Naples* to repair the Damage they had suffered in the Battle. Many Men were lost in this obstinate War, which our Kingdom was forced to make up; and that not being sufficient, 4500 *Germans* were brought from *Germany*, and were no sooner come to *Naples*, than they fell almost all sick, so that it behoved the Viceroy to provide more Hospitals for them than Quarters; and the Hospitals of the City not being sufficient for them and the Soldiers of the Royal Fleet, new ones were erected in *Pozzuolo*.

UPON Advice of such unhappy Events, the Court of *Spain*, blaming the Conduct of the *Spanish* Generals, in great Wrath, by two Royal Writs, the one dated the 16th of *March* this Year 1675. occasioned by the Reinforcement that got in to *Messina* on the 3d of *January*, the other dated the 10th of *May*, ordered a Juncto of Ministers, as Royal Delegates, to be Judges of the Faults laid to their Charge. The Marquis of *Bayona* was accused of not having, by proper Means, which he might have made use of, reduced the *Messinese* in the Beginning. The Marquis *Del Viso*, General *Della Queva*, and Admiral *D. Francesco Centeno*, were charged with having been able, and not willing, to fight the Reinforcement put into *Messina* by *Valbel*. The Marquisses of *Bayona* and *Viso* were arrested in *Sicily*, and some Months after brought to *Naples*. Our Viceroy had Orders to arrest General *Della Queva* and the Admiral, and having quickly put his Orders in Execution, the first was sent to the Citadel of *Gaeta*, and the other to the Castle of *Ischia*. The Prince of *Montesarchio* was declared General of the *Spanish* Fleet, and came to *Naples* to exercise his Office. The Viceroy declared the General of the Artillery, *Fr. Gio. Battista Brancaccio*, Commander in chief of the Troops in *Reggio*; and the Marquis of *Tufo*, who had hitherto possessed that Office, was sent to have the same Command in the Province of *Terra d'Otranto*. The Juncto began to sit and take Cognizance of the Crimes imputed to those Generals, and the Regent *D. Pietro Valero* was ordered to examine narrowly into them; whereupon the Marquis *Del Viso* employed the famous Advocate *Francesco d'Andrea* to defend his Cause.

IN the mean time the Court of *Spain* was very pressing with the Viceroy to undertake a new Expedition for the Reduction of *Messina*; but it was in vain to expect it could be done, while the *French* were Masters of the Seas. Therefore it behoved him to think of refitting the Fleet, and, at the same time, of augmenting the Land-Forces of *Sicily*. However Money was wanting, and our Kingdom alone was obliged to furnish it; so that the Marquis of *Astorga* was put to hard Shifts in raising it. He exposed to Sale the Revenues of the Customs and Taxes, and sold them at a very low Rate, whereby many private Families became exceeding rich. The eminent Office of Auditor of the Exchequer, which had been exercised by D. *Andrea Concublet*, Marquis of *Arena*, being vacant by his Death, in the Month of *June* this Year 1675. was sold in a Hurry, for three Lives, to D. *Emanuel Pinto Mendozza*, for 46,000 Ducats; but the Sale not being approved of by the King, in order to obtain the Royal Assent, he was obliged to pay a thousand Pieces of Eight, besides other Charges which the King ordered to be paid to the Court of *Madrid*. The Viceroy likewise demanded of the Barons a Supply of Horsemen, armed and mounted at their Charges, which each of them furnished in Money according to their Abilities. And lastly, he took the third Part of the Revenues which Foreigners possessed in the Kingdom, for one Year. With this Money they began to refit the Fleet, for manning of which he brought 400 Seamen from *Ragusi*. But the Charges of refitting the Fleet being great, and a good Part of the Money employed to other Uses, the Work went on heavily; therefore the People, who saw the Royal Revenues alienated in a Hurry, and did not see the King's Service carried on with the same Care, grumbled at the Viceroy: The Soldiers complained that they were not paid. 'Tis not to be doubted, but the Charges and Succours that went out of this Kingdom for the War of *Messina*, under the Government of the Marquis of *Astorga*, were considerable, and of vast Importance: New Troops both of Foot and Horse were raised: The Militia of the Kingdom were ordered to march: 4500 *Germans* were brought from *Germany*, and all were sent either to *Melazzo*, *Reggio*, and other Places of *Calabria*, from whence they were transported to *Sicily* as Occasion required. *Reggio*, *Melazzo*, and *Scaletta* were provided with Ammunition and Provisions: Immense Sums of Money were furnished, not only for paying the Soldiers that guarded the Frontiers of the Kingdom, but likewise the Army in the Field and Garisons of *Sicily*. In fine, the *Spanish* Fleet was refitted, and the Crews were paid their Wages, which came to above 600,000 Ducats.

IN the mean time the Marshal *Vivonne* having reduced *Messina* under the Dominion of his Sovereign, and made himself Master of the Sea, was thinking of extending his Conquests over other Cities of that Island; but having made a Trial, he found the People steady and firm in their Loyalty to their own Prince, and ready to oppose him with great Intrepidity and Constancy. It behoved him to provide *Messina* with Provisions from remote Parts, and even to send for them to *France*, because the *Spaniards* had cut off all Communication by Land; and the Fleet, which was sitting out in *Naples*, disquieted him much, seeing, that the *Spaniards* were still resolved to do their utmost, in order to reduce that City. Therefore, after having scoured the Coast of *Palermo* with his Fleet, and in vain made Attempts upon the maritime Places of the Island, he stood for the Coast of *Naples*, with a Design to burn the *Spanish* Fleet, which was still in our Harbour; but having appeared in our Gulph in the Month of *July* this Year 1675: the Citizens were immediately up in Arms, and the most important Posts being well fortified, he was obliged to return to *Messina*, having only taken some Barks which had unluckily fallen in his Way.

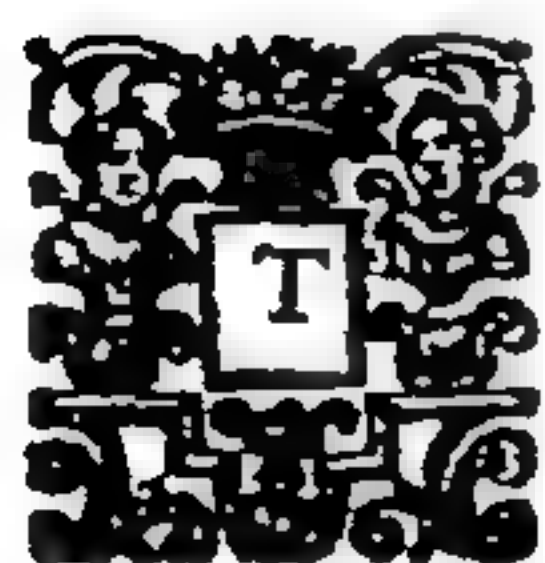
THE Fleet being now refitted, with all Necessaries provided, and the Seamen and Soldiers paid, while the Viceroy was hastening its Departure, and the Prince of *Montefarchio*, the General, had actually got it under Sail, on the 9th of *September* this same Year, some Ships came into our Harbour, which unexpectedly had brought from *Sardinia* the Marquis *De los Velez*, to be our Viceroy. A Report spread Abroad, that the Marquis of *Astorga*, and his favourite Ministers, had made vast Profit by this War, and that the Expeditions went heavily on, because the greatest Part of the Money had been applied to other Uses, had reached the Court of *Spain*. That Court, which had nothing so much at Heart, as the Reduction of *Messina*, and the Marquis of *Astorga* having governed three Years complete, resolved to send the Marquis *De los Velez* to be his Successor, who being then Viceroy of *Sardinia*, favoured likewise by the Queen-Regent, by the continual Recommenda-

tions of his Mother, who was her first Lady of the Bed-Chamber, was thought capable to support the Weight, not only of the Government of the Kingdom, but of the War of *Sicily*. Therefore *Astorga* thought fit, upon the Arrival of his Successor, to surrender the Government, and retire to the *Cbaja*, where he remained till the 13th of *October*, when he set out for the Court of *Spain*, there to exercise his Offices of Counsellor of State, and General of the Artillery of *Spain*. The Marquis of *Astorga* left us seven Statutes, which are set down in the often-mentioned Chronology.



CHAP. IV.

The Marquis De los Velez, the new Viceroy, continues to send Succours for the Reduction of Messina, which, being at last abandoned by the French, returns under the King's Obedience.



THE Expectation with which D. *Fernando Faxardo*, Marquis *De los Velez*, was received, and the Hopes conceived, that by his Government the Kingdom was to be eased of the Burden of so troublesome and tedious a War, which had impoverished it much more than the former Misfortunes, run high in the Minds of every Body. It was expected, that for the future the Money would be employed to better Purpose, and consequently stronger Efforts made for putting an End to the War of *Sicily*: That the *French* would be driven out, the Rebels subdued, Tranquillity restored in that Island, and, which was of the greatest Importance, our Kingdom freed, not only from the Charges of sending thither continual Reinforcements, but from the Fear of Invasions and Insults; for the *French*, not content with stirring up Sedition in that Island, were endeavouring to do the same in our Kingdom, by a constant Correspondence with the Bandits of *Calabria*. Nor did the *French* Ambassador residing at the Court of *Rome*, neglect, by secret Practices, and private Commissions, for the most part to the Monks, to sound the Minds of the People, and disperse Manifesto's, encouraging them to follow the Example of the *Messinese*. Therefore the Marquis *De los Velez* was obliged to appoint a Meeting of Judges, called *Giunta degl' Inconfidenti*, who discovered many of the Disaffected; of which, according as they were accused, some were imprisoned, some banished the Kingdom, and others hang'd.

IN the mean, the Queen-Regent pressing the Reduction of *Messina*, and at the same time threatening rigorously to punish the *Spanish* Generals, urging therefore the Regent *Valero* to send the Processes, which had been carried on against them, to Court, our Viceroy was forced to think of sending, in all haste, powerful Succours for that Expedition. Therefore exaggerating to the Nobility and Commonalty of *Naples* the urgent Occasions, he got them to give the King a Donative of 200,000 Ducats, one Part of which was raised by the voluntary Contribution of the Citizens, and the rest out of the Salaries of the Judges Delegates, and of those who had the Management of the Revenues. And in this manner was the War of *Sicily* supported, whither from time to time were sent, not only Supplies of Ammunition and Men, but of ready Money every Month for paying the Army.

BUT the greatest Hopes of turning the *French* out of that Island, were grounded upon the coming of D. *John of Austria*, who having been declared by the Queen-Regent,

Regent, the King's Vicar-General in *Italy*, was hourly expected with a Squadron of *Dutch* Men of War. At last, on the 30th of *November* this Year 1675. the *Dutch* Fleet, consisting of 18 Men of War, and six Fire-Ships, arrived at *Naples*, commanded by Admiral *Ruiter*, but *D. John*, by secret Orders from the King, being recall'd to Court, did not come. The Arrival of this Fleet much encouraged the *Spanish* Generals to undertake the Expedition, and *Messina* being now blocked up on all Sides, and the Besieged, sensible that the *French*, at the long Run, would not be able to hold out, began to mutter, that it was impossible for the *French* to keep Possession of *Messina*, and that the combined Fleets of *Spain* and *Holland* would certainly take it. They began likewise to be persuaded, that the King of *France*, not being able to conquer the whole Kingdom, had no Thoughts of keeping it, but only to give the *Spaniards*, with whom he was fighting in the Low Countries, a Diversion; and that therefore he sent them such Succours as were able to keep up this War in *Italy*, but not to free the City of *Messina* from the Straits to which it was reduced by the *Spanish* Troops. These Whisperings highly displeased the *French*, insomuch that in the Beginning of the Year 1676. they pushed on the War with greater Fury, and made new Attempts upon *Palermo* and other Places, but still with bad Success.

MEAN while the Marquis of *Villafranca* having gone for *Spain*, and the Marquis *De Castel-Rodrigo*, the Son of the Duke of *Medina de las Torres*, by *D. Anna Caraffa*, Princess of *Stigliano*, a Youth of about 35 Years of Age, being appointed Viceroy of that Island, and who, in the Wars of *Portugal* and *Catalonia*, had given Proofs of great Courage and Resolution, renewed the War with greater Vigour, and during this whole Year, and the Beginning of the following, he fought the *French* gallantly, so that the *Messinese* were in a desperate Condition. But in the Month of *April* this Year 1677. he dying of a Cholick, had not the Pleasure, with his own Hands, to put an End to the glorious Expedition. Before he died he committed the Administration of the Affairs of the Kingdom to the Marchioness his Wife, and the Command of the Troops to the Count of *Sartirana*, Colonel-General, till such time as the King should appoint a new Viceroy. But the King, by a private Letter, having ordered, in case the Marquis *Del Castel-Rodrigo*, by any Accident, should happen to die, the Cardinal *Portocarrero*, who was then in *Rome*, to take upon him the Government of that Island, the Cardinal immediately left *Rome*, and went to *Gaeta*, where having embarked on the 10th of *May*, he arrived safely in *Palermo*.

THE War was carried on all this Year with no less Heat than Intrepidity; but in the mean time there happened frequent and troublesome Tumults in *Messina*, not only on account of the Insolence of the *French* Soldiers, but of the Rumours spread Abroad amongst the People, that the *French* at last designed to pillage the City, and leave the Inhabitants to the Discretion of the *Spaniards*. Nor were the Rumours without Ground, for it had been already determined in the Council of *France* to abandon the *Messinese*; and it being a Secret from whence such a Resolution had proceeded, many took Occasion to pry into the Causes of it. Some attributed it to the immense Charges which *France* was at in transporting the Troops to *Sicily*, and much more in maintaining them there; and all Sorts of Provisions being wanting in *Messina*, they were obliged to carry them thither from distant Countries, not only for the Use of the Troops, but of the Citizens. It was computed, that of 20,000 Soldiers transported at different times into that Island, scarce the fourth Part was remaining, and all the rest were either dead of Fatigue or Diseases, or had fled, that they might not be exposed to Famine. That if they resolved to continue the War, new Squadrons must be sent to *Sicily*, seeing the *Spaniards* were making vast Preparations in all the Dominions they possessed in *Italy*. Besides, it behoved the *French* to maintain a Fleet constantly in these Seas, for keeping open the Passage for Provisions, and making Head against the *Spanish* Fleet, which would have been very strong, when joined by the Squadron of Men of War which the *Dutch* were sending to the *Mediterranean*, under the Command of Vice-Admiral *Evertz*; and that these Expeditions were vastly prejudicial to the War which the *French* were carrying on beyond the *Alps*, where they wanted Troops for reinforcing their Armies, and Ships for augmenting the Fleet, which they were forced to put to Sea, not only to oppose the Confederate Princes, but likewise the King of *England*, who being solicited by the Parliament, was threatening to join the King of *France's* Enemies, in order to oblige him to make Peace, upon such Conditions as he pretended to prescribe

prescribe to him. It was considered, that *France* was not able to maintain one Fleet in the Ocean, and another in *Sicily*, especially at that Time, when the greatest Part of the Arsenal and Ammunition in *Toulon*, and the Magazines in *Marseilles* had been consumed by Fire; and when the Count *D'Etrè* had returned from *America* very much shattered and diminished in Number, in an Engagement off the Island of *Tabago*, with the *Dutch* Vice-Admiral *Bink*. But above all, it was considered, that *France* could never find her Account in the War of *Sicily*, for it had already been found by Experience, that no Sirefs could be laid upon a general Revolt of the Island, which the *Messinese* had given out; on the contrary, by the Stedfastness and Constancy of the *Sicilians* in their Loyalty to their Prince, every Inch of Ground had cost the *French* a Torrent of Blood; and besides it behoved them to have a watchful Eye upon the *Messinese* themselves, since they had found, that some through Affection for *Spain*, others through Inconstancy of Temper, and all of them wearied with the Length and Calamities of the War, had left no Stone unturned, in order to be reconciled with the Catholick King. And it was concluded, that it was not possible for the *French* to hold out both against their bosom and open Enemies, and much less against Famine, which was making a much more cruel War upon them in *Messina* than the *Spaniards*.

THESE were the Conjectures then about this Resolution, though there were not wanting some, who judged the Causes to be much more hidden and mysterious, and that Secrets of much greater Importance were concealed. Others believed, that it was a Prelude to the Treaty of Peace, which was concluded in *Nimeguen* in the Year 1678. Be that as it will, 'tis certain, that this quitting of *Messina* was resolved upon in the Council of *France*, long before it was put in Execution. The Marshal *De Vivonne*, that he might not be obliged to leave the Charge which he thought he had executed with Applause, by an Act of Weakness, was unwilling to be present at the abandoning of the City; so that the King of *France* appointed the Marshal *De la Feuillade* in his Place, at the same time that the King of *Spain*, having named *Portocarrero* to the Archbishoprick of *Toledo*, vacant by the Death of the Cardinal of *Arragon*, the Prince *D. Vincenzo Gonzaga*, descended of the Dukes of *Guastalla*, was sent in his Room to govern *Sicily*, who having arrived at *Naples* on the 22d of *February* this Year 1678. on the first of *March* set sail for *Palermo*, taking with him a Ship with 500 *Neapolitan* Foot, followed some Days after with two Ships loaded with Ammunition.

THE Marshal *De la Feuillade* having arrived in *Messina*, first giving out, that he was resolved to pursue the War with greater Vigour, began to imbark the *French* Troops, under pretence of carrying them to besiege *Catania* and *Syracusa*; then having sent for the Jurats of the City, he shewed them the King of *France*'s Orders for abandoning *Sicily*. This News, like a Thunderbolt, struck the *Messinese* to the very Heart, who, terrified and confounded, were put to their last Shifts: They conjur'd the Marshal to stay, at least till such Time as they had put their Affairs in order. But that being denied them, many, despairing of Pardon, resolved to desert their native Country, and go to *France*: So many, both of the Nobility and Commonalty, imbarked in the Fleet which steered towards *Provence*. Thus *Messina* being deserted by the *French*, those that remained there gave immediately Advice of it to the Governor of *Reggio*, who presently went thither, with the Bishop of *Squillacè*, and some military Officers, and carried with him the Catholick King's Picture, at the Sight of which all the Citizens huzza'd. This happened in the Month of *March* this Year: Soon after other Officers went thither with a good Body of Troops, and at last the Viceroy, *Gonzaga*, likewise went, who dealing mercifully with these People, gave them an ample Pardon, and restored them to all their Goods that had not been alienated or sold; but he excluded all those who had rendered themselves unworthy of it by their Flight. He likewise commanded the *French* Fashion of Cloaths to be laid aside, and all the *French* Money to be carried to the Mint, in order to be coined with the King's Impression. He did not abolish the Senate, but waited for Orders about that from Court; however he forbade the Citizens to injure or revile one another on account of the late Rebellion; and having sent back all the Troops that were more than sufficient for the Garisons, the Forces likewise retired from *Reggio* to *Naples*.

BUT the Court of *Spain* was not pleased with the mild Treatment the *Messinese* received from *Gonzaga*, therefore he was recalled to *Madrid* to take his Seat in the Council

Council of State, and the Government of the Island was given to the Count of Santistevan, who being then Viceroy of Sardinia, immediately took shipping, and on the 29th of November arrived in Palermo, from whence, on the 5th of January this Year 1679. he went to Messina. The Count, according to his Instructions from Court, abolished the Senate, and changed that Form of Government, ordering, that the Magistracy should be no more called Senators or Jurats, but *Eletti* (Elects) and confined their Authority to very narrow Bounds. He deprived the *Messinese* of all their Privileges and Franchises. He caused the Town-House to be demolished, and having ordered the Ground upon which it stood, to be strewed with Salt, he caused a Pyramid to be erected, and upon the Top of it placed the King's Statue, made of the Metal of that very Bell, which formerly was rung for calling the Citizens together. He prohibited all Assemblies, regulated the publick Revenues, the Duties and Taxes; and in fine, according to the Instructions left him by Prince Gonzaga, in order to put a greater Bridle upon these People, he founded a strong and impregnable Citadel, in building of which, the best Engineers and Generals that Spain had in these Times, employed their utmost Skill.



C H A P. V.

The War of Messina being ended, the Marquis De los Velez resettled the Kingdom the best Way he could: His Regulations: His Departure, and the Laws he left us.



HIS cruel and obstinate War so impoverished the Kingdom, by the vast Expences it cost, that it was computed that little less than seven Millions were carried out of it. That the Succours might be ready and quickly dispatched, the Revenues of the Exchequer not being found answerable to the immense Sums that were requisite for lifting Soldiers, furnishing Provisions, Ammunition, Implements of War, and the Pay, as well of the Army in Sicily, as of the Fleet, and the Garisons of Calabria, it was absolutely necessary, not only, in a great Hurry, to sell Offices, but what was worse, the Funds, and at a very low Rate, to the so great Advantage of the Buyers, that all of them reaped vast Profit, and many had above Twenty *per Cent.* yearly. This having very much diminished the Incomes of the military Chest, many of these Sales were not only disapproved of by the Court of Spain, and the Royal Assent denied, but a Juncto of Ministers was appointed for examining the Sale of the Royal Revenues, Exchequer Payments and the Customs, as a Matter of great Importance. Many Expedients were proposed for remedying the late Disorders; but at last the Viceroy thought fit to make use of such, as were most consonant to Justice and Equity, therefore it was ordered, that all the said Contracts should be regulated according to the Price really paid, so as the Capitals of the Revenues and Customs might be reduced to *Cent. per Cent.*: The Exchequer Payments of the Province of *Terra di Lavoro* to Ninety; and those of all the other Provinces to Eighty *per Cent.* The Remainder was annexed to the Royal Patrimony; to which likewise was added, the Impost of the *Jus prohibendi* of Brandy, which at this Time amounted to 13,000 Ducats yearly.

THE Exchequer being thus resettled, other no less Disorders were next to be remedied. The Coin, notwithstanding the severe Executions in the late Governments, was daily more and more adulterated. The Severities were renewed by the

Marquis, the Prisons and Gallies were filled with False-Coiners: Many of them were hanged; but for all that it was impossible to root them out, and they were so stiffly bent upon Gain, that many of them, who had escaped the Halter, and been condemned to the Oar, continued to coin in the very Gallies. The Contagion had even reached the Cloisters, and the Monks were become great Proficients in that Art. The Goldsmiths adulterated their Work, by putting more Allay in it than the Laws of the Kingdom allow, which proved a great Hindrance to Commerce; for those, who had wrought Silver in their Houses, were not sure that it was worth the Money they had paid for it; and every Body had conceived so bad an Opinion of the Coin, that it began to be no more current; and besides the want of Weight, there were none but took upon them to condemn it as faulty, either in the Coinage or Allay: In short, the very Copper Money was adulterated and counterfeited. The Viceroy set about to remedy such crying Disorders; and he caused Actions to be entered against such Goldsmiths as had sold Gold or Silver that was not according to the Standard: He cried down all Money that was faulty, either in the Coinage or Allay, and ordered it to be consigned in the Hands of Persons appointed for that End in the different Wards of the City; and in the Provinces, in the Hands of the Treasurers, who were to return the Value in good and current Money to the Owners; but notwithstanding this, there happened innumerable Disputes, because some refused, as false Money, what was actually good, and others maintained to be good what was really bad; wherefore, in order to decide such Disputes, the Viceroy was obliged to commit the Decision of them to some Persons of Skill in each Ward. But all these Remedies proved useless, and not answerable to the Greatness of the Mischief. The only Remedy left, was to cry down the old, and coin new Money; but that was a Work that required great Preparation, and many Years. Nevertheless the Marquis did as much, as his calamitous Times would bear, for having no other Shift, he caused Copper Money to be coined, of a Figure so exactly circular, that it served afterwards as a Pattern to the Silver Money coined in the Government of the Marquis *Del Carpio* his Successor; for which End he repaired and enlarged the Mint, though he knew, that that Undertaking could not be accomplished during his Government.

THE Kingdom was not only discomposed by the Money, but frequently infested by the Banditti; and though they had been very troublesome at other Times, yet they became much more so now, because of the War of *Sicily*. The Marquis of *Astorga* had pardoned many of them, upon Condition of going to serve in *Sicily*; and the Marquis *De los Velez* had followed his Example, particularly in pardoning those of *Calabria*, who, by reason of the small Distance, were the most liable to be practised upon by the Enemy. The Design partly succeeded, for those who went, of famous Robbers, became brave Soldiers. But though there was the most diligent Search made after those that remained, and that many of them were put to cruel Deaths, yet it was not possible to extirpate them, or prevent their infesting the Country.

AT his Arrival, the City was in a most dissolute State, by the Confusion which the Sailors belonging to the Fleet, and the Soldiers that came to serve in the War of *Sicily* occasioned, insomuch that there was nothing but Disorder, and the most heinous Crimes were committed, such as Theft, Sacrilege, Murders, and all manner of Vices. Both the Nobility and Commonalty were used with the utmost Severity, many of them died by the Hands of the Hangman, many of them were strangled privately, others were condemned to the Gallies, and a vast Number pined away in Prison; but these Severities did not avail, for by Intercessions and Supplications, many found means to escape.

THE Magistrates did not behave themselves with that Severity and Integrity which the Laws prescribe, but some, out of Greediness of filthy Lucre, others out of Complaisance, were too favourable. D. *John of Austria* being declared Prime Minister of the Monarchy, consulted the Good of the Kingdom, and moved by secret Informations, deprived two Counsellors, two Presidents, and four Judges of the Vicariate of their Dignities and Offices, besides some Clerks of the Secretary's Office. These degraded Ministers having complained of being condemned without a Hearing, the Deputies of the City begged of the King, that, according to the Custom introduced by King *Philip II.* he would be pleased to send a Visitor to proceed against the Guilty in a judicial Manner, that no Room might be left for Passion,

Passion, or false Accusations, to which secret Processes were liable. The King complied with the Request, and sent Visitors to all his Dominions in *Italy*, ordering the Regent *Valero* to go Visitor to *Sicily*, and the President D. *Francesco Melos*, Duke of *Parate*, to *Milan*, and the Regent *Danesè Casati* to go from *Milan* to be Visitor in *Naples*. About the End of *April* 1679. he arrived, and having intimated his Commission, and received many Complaints, with a great deal of Circumspection he proceeded in examining the Causes, and nothing of any Moment was found amiss in the City, excepting, that some small Sums, wrongfully ordered to be paid by some Judges to Persons who had not a just Claim, were returned. All other Things went on smoothly; so that after *Casati* had staid two Years in *Naples*, in the Month of *April* 1681. he set out for *Spain*, in order to give the King an Account of his Proceedings. By the Event, it was believed, that, in the Report which he made of his Transactions, little or nothing was contained against the eight degraded Ministers; for, in process of Time, five of them were restored, some to the same, others to Offices of greater Authority; and the other three would easily have obtained the same Favour, if one of them had not contented himself with leading a private Life, and the other two were dead.

WHILE these Things were doing in *Naples*, on the 22d of *July* 1676. Pope *Clement X.* died in *Rome*, and the Cardinals being met in the Conclave, on the 22d of *September* following, elected *Benedetto Livio Odescalchi* of *Como*, Bishop of *Novara*, who took the Name of *Innocent XI.* By the Opinion which all the World had of his Integrity and innocent Life and Conversation, the Election was applauded by all the Princes of *Europe*, and there had not been a Pope in this Century, so much respected by them, as he was; so that the good Offices, which he interposed in promoting Peace among them, were kindly received, and had the desired Effect. A Treaty was set on Foot in *Nimeguen*, but the extravagant Pretensions of the King of *France*, and the different Interests of the Confederates retarded the Conclusion. But very opportunely this Year 1678. the Emperor *Leopold*, who had no Male-Issue, having a Son born to him, he seemed to be sent into the World as an Angel of Peace. The Demonstrations of Joy, which were made, not only in *Naples*, but in all the other *Austrian* Dominions, were exceeding great, for the Succession of that most august Family became thereby secured, and all Fear of future Revolutions and Disorders in the Empire removed. Therefore the Birth of this new Prince facilitated the Peace, which began with that made by the King of *France* with the States-General of *Holland*, to whom the King promised to deliver up the City of *Maastricht*, and to restore the Prince of *Orange* to the Possession of the Principality of that Name, and of all the other Territories situate in his Dominions which the Prince possessed before the War, without any other Obligation on the Part of the *Dutch*, but to observe an exact Neutrality, and not to give any Assistance to the Enemies of the Crown of *France*.

THIS Peace very much facilitated the concluding of another between *Spain* and *France*, which, after a Suspension of Arms for about a Month, was at last subscribed at *Nimeguen*, on the 17th of *September* this Year 1678. The Articles stipulated in it were many, a great Part of which related to the Contributions and Commerce of the Subjects of the two Crowns; and as for the Restitution of the Countries possessed, it was agreed, that the King of *France* should restore to the Catholick King, the Towns of *Charleroy*, *Binch*, *Actb*, *Oudenard*, *Courtray*, the Dutchy of *Limbourg*, the Country on the other Side of the *Maes*, the City and Citadel of *Ghent*, the Fort of *Rondenbuis*, the *Pais de Waes*, the Towns of *Leurwe* and *S. Ghislain* in the Low-Countries, besides the City of *Puigcerda*, in the Principality of *Catalonia*, with express Condition, that the Sluices and Fortifications annexed to *Newport*, should belong to the *Spaniards*, notwithstanding the Pretensions of the King of *France*, as Possessor of the Lordship and Jurisdiction of *Actb*. On the other Hand, the *Spaniards* were content to leave to the Crown of *France*, *Franch Comté* of *Burgundy*, the City of *Valenchiennes*, *Bucbain*, *Condè*, *Cambray*, *Cambresis*, *Aire*, *St. Omer*, *Tpres*, *Warwick*, *Warnevor*, *Poperinghen*, *Bailleul*, *Coffel*, *Banay*, and *Maubeuge*; as also *Charlemont*, in case the Catholick King, within the Space of a Year, yielded to the King of *France*, *Dinant*, belonging to the Principality of *Liege*. And lastly, *Spain* agreed to the same Neutrality which had been promised by the *Dutch*.

THEN followed the Peace between *France*, *Switzerland*, the Empire and the Emperor, which was intirely regulated according to the Stipulations of that of *Westphalia*

Westphalia in the Year 1648. without any Alteration, excepting that *Fribourg* was yielded to *France* in lieu of *Philipsbourg*, which was left to the Emperor; the Bishop of *Strasburg*, and the Princes of *Furstenberg*, were restored to the Possession of their Dominions, Goods, Pre-eminencies and Prerogatives; and the Restitution of *Lorrain* to the Duke of that Name, to whom *France* gave the City of *Toul*, and a Provost-ship in the three Bishopricks, in Exchange for *Nancy* and the Provost-ship of *Longovy*, which it retained, together with the Sovereignty of four Highways through *Lorrain*, of the Breadth of half a League, for a Passage from *S. Dizier* to *Nancy*, and from thence to *Alsace*, *Franch Comtè*, and the Bishoprick of *Metz*.

THE last Treaties of Peace were those between the Duke of *Brunswick*, the Princes of the *Lower Saxony*, the Bishops of *Munster* and *Osnaburg*, the Elector of *Brandenburg*, and the King of *Denmark* with the Crown of *Swedeland*; which were likewise regulated by that of *Westphalia*. So, upon the Payment of some Money to the Duke of *Brunswick*, and the Bishops of *Munster* and *Osnaburg*, and the Elector of *Brandenburg*, all the Dominions which *Swedeland* had lost during the Course of this War, were restored: To the first were only left the Bailiwick of *Tedinghausen*, and the Provost-ship of *Docuren*; and to the last, all the Country on the other Side, and some Places on this Side of the *Oder*, which, contrary to the Tenor of the Peace of *Munster*, had been possessed by the *Swedes*. The Subjects of each of the Parties were included; and it was particularly stipulated, that the County of *Rixingben* should be restored to the Count of *Alfeld*, and to the Duke of *Gottorp* his Dominions.

ALL the abovementioned Princes ratified the said Treaties, though many of them had consented to them out of cruel Necessity. The Duke of *Lorrain* alone refused to come in to them; and chose rather to remain deprived of his State, than to recover it thus mangled and confounded, yea sullied with the Sovereignty of *France* in the Heart of it. The Emperor, his Brother-in-Law, reserving this Affair of the Duke to a more favourable Opportunity, declared him Governor of the *Lower Austria* and *Tirol*, and assigned to him and *Leonora* of *Austria*, Queen-Dowager of *Poland*, his Wife, the City of *Innsbruck* for their Place of Residence.

ADVICE of this Peace coming to *Naples* in the Beginning of *October*, magnificent Feasts were celebrated; but much greater followed upon Advice of the King's Marriage, which, for the better cementing the Peace, was concluded with the Princess *Maria-Louisa* of *Bourbon*, Daughter to the Duke of *Orleans*, Brother to the King of *France*, betrothed in *Fontainbleau* to the Prince of *Conti*, as the King of *Spain's* Proxy. For this Marriage a Donative was asked from the *Seggi*, but that meeting with a great many Difficulties, as a Thing not formerly practised in the like Cases, and much more on account of the Misery to which the Kingdom was reduced, an Expedient was found of imposing a new *Jus prohibendi* upon Brandy. This Solemnity was in some measure imbittered by the Death of *D. John of Austria*, which happened in *Madrid* in the Month of *September*; nevertheless the Feasts were not interrupted, but only deferred till the News of the Bride's Arrival in *Spain*, so that on the 14th of *January* this new Year 1630. they were begun again with pompous and numerous Cavalcades, and continued with Tournaments, Illuminations, and other publick Demonstrations of Joy.

BUT notwithstanding this Peace, and this new Band of Friendship, we were still afraid of new Invasions, and preparing to prevent them. The *French*, impatient of Rest, though with so much Earnestness they had solicited the Peace with *Spain*, the *Dutch*, the Emperor, the Princes of the Empire, and the Northern Crowns; whether puffed up with having obtained it on their own Terms, or that, in order to confirm them in the Possession of their Conquests, they had a Mind to break the Union of so many Princes confederated to their Disadvantage, and then being divided, to crush them separately, whereas when united they seemed to be Invincible, began anew to give great Jealousy, and very soon gave Proofs that it was not without Ground; for when the Commissaries, in Execution of the Treaty of Peace, were about to meet for regulating the Limits, they refused to proceed, pretending, that the Catholick King ought to renounce the Title of Duke of *Burgundy*, the antient Inheritance of the House of *Austria*, and that consequently it ought to be taken out of the Commissions which his Commissaries produced. Afterwards they opened two Tribunals, one in *Tournay*, and another in *Metz*; and assuming a Jurisdiction over their neighbouring Princes, such as never had been heard

heard of before in the World, they not only caused to be adjudged to *France*, under pretence of Dependencies, the whole Country on the Frontiers of *Flanders* and the Empire, as they thought fit, but took actual Possession of it, compelling the Inhabitants to acknowledge the most Christian King for their Sovereign; prescribing the Bounds, and exercising all those Acts of Sovereignty, which Princes are wont to practise with Subjects. Moreover, during the Peace, they fitted out in their Harbours a most powerful Fleet of Men of War and Gallies, they filled their Magazines, and reinforced the Garisons of the Frontier Towns; which Preparations gave Jealousy to all the Princes of *Europe*. They deluded the Duke of *Savoy* with the Marriage of the Infanta of *Portugal*, then supposed to be Heiress of that Kingdom, with a Design, in his Absence, to take Possession of his Dominions, though afterwards, when the Duke was upon the Point of imbarking for *Lisbon*, the Snare being opportunely discovered, in order not to hazard the Possession of that noble Principality, upon the uncertain Hopes of the Succession of a Kingdom, the Treaty was broke off. To make themselves to be feared by all the Christian World, they solicited the *Dutch* to enter into an Alliance with them; and lastly, they made themselves Masters of the City of *Strasbourg*, situate upon the Banks of the *Rhine*, and putting a Garison into the Citadel of *Casale*, in the Marquisate of *Monferrat*, gave Ground to the *Italians* to be jealous of the excessive Covetousness of the *French*.

THESE Proceedings of the *French* occasioned great Jealousy likewise in *Naples*, so that whenever any of their Ships appeared off our Harbours, we were obliged to have a watchful Eye over them, for fear of being surprized. They were yet more suspected in the *Milanese*, and the Principality of *Catalonia*; therefore by the pressing Orders come from *Spain*, the Viceroy was obliged to raise 2000 Foot, and imbark them for *Catalonia*, under the Command of the Marquis of *Torreuso*; and likewise to send two Ships loaded with Ammunition: To take ten Crowns *per Cent.* of the Revenues of one Year, which had been assigned to private Persons upon the Customs, Taxes, and the Exchequer Payments, and in lieu thereof to give them an Assignment upon the Duty of Tobacco and Brandy: To summon all the Barons of the Kingdom to send some Horsemen for the King's Service; and accordingly each of them contributed in Money according to their Abilities; and the necessary Charges for raising them were calculated at the Rate of 75 Ducats a Man; and lastly, to put in Execution the King's Orders for paying only the half of what is commonly called Bounty Money, which is a Gratuity given by the King for past Services.

BUT while the Marquis *De los Velez* was busied in these Expeditions, he had Advice that the Court of *Spain* had appointed the Marquis *Del Carpio*, who was then his Catholick Majesty's Ambassador at *Rome*, to succeed him in the Government of the Kingdom. Soon after his Domesticks arrived, and he himself, preventing the Meeting, which *Los Velez*, with almost all the Nobility, was preparing to give him, on the 6th of *January* this Year 1683. arrived in the Convent of *S. Maria in Portico*, in the Suburbs of the *Chiaja*, before it was known that he had been near the City. He was immediately visited by his Predecessor, who on the 9th of the same Month yielded the Government to him, and quickly set out for the Court of *Spain*, where being arrived, he was kindly received by the King, and honoured with a Seat in the Council of State, and afterwards with the Office of President of the Council of the *Indies*.

THE Marquis *De los Velez* being so taken up with the troublesome War of *Sicily*, and in providing the immense Charges which were requisite for maintaining it, could not leave us Monuments of Buildings, Inscriptions, and Marbles, as his Predecessors had done. Nevertheless, during the seven Years and four Months of his Government, he left us Twenty-eight Statutes, all wise and prudent, whereby he made many wholesome Regulations, as well with respect to the Value and Quality of the Coin, as the keeping up Plenty in the Kingdom, which are set down in the Chronology prefixed to the first Tome of our Statutes.

BUT seeing his Successor relieved both the Kingdom and City of *Naples* from the so many Misfortunes, and put them upon a better Footing, so as to make a more handsome Figure, it will be necessary, in the following Book, to relate the generous and noble Exploits of this Hero.



T H E

CIVIL HISTORY

Of the KINGDOM of

N A P L E S.

B O O K XL.



Y the Proceedings of the *French* it was plainly seen, that the Peace, settled at *Nimeguen* between the two Crowns of *Spain* and *France*, would be of a very short Duration; but after the Death of *Maria Theresa* of *Austria*, Queen of *France*, which happened on the 30th of *July* this Year 1683. it was openly broke; and in the Month of *December*, a Proclamation being issued out, ordering all the *French*, under severe Penalties, to quit our Kingdom, a most bloody and obstinate War, which lasted many Years, began anew; and tho' in the Month of *August* 1684. there was a Truce concluded between *Spain*, *France*, and the Emperor; yet the War was begun again more obstinately than ever, and continued till the Peace of *Ryswick*, which was concluded on the 20th of *September* 1697. This War kept our Viceroy continually employ'd in sending from the Kingdom strong Succours, especially to *Catalonia*, where the *French*, under the Command of the Duke de *Noailles*, made notable Progress. But by the provident Care and prudent Management of the *Marquis del Carpio*, the Kingdom was restor'd to such a State, as made these Burthens little felt. To him we owe, that not only during his Government, we enjoy'd Tranquillity; but that by Virtue of his good Regulations, it likewise continued in the Times of his Successors.



C H A P. I.

*Of the Government of D. Gasper de Haro, Marquis del Carpio :
His Virtues, Death, and the Laws he left us.*

IN the Month of *January* this Year 1683. the Marquis, upon his taking the Reins of the Government into his Hands, by his Prudence and the Knowledge he had acquir'd of the Affairs of the Kingdom while he was Ambassador at *Rome*, immediately found, that it was not that the Kingdom wanted provident and wholesome Laws, for the good Government thereof ; nor that his Predecessors had hitherto been ignorant of the Mischiefs, or had not endeavour'd to remedy them: He knew that there could be no more prudent nor salutary Laws than his Predecessors had enacted, and he was of Opinion, that the best Law-makers, next to the *Romans*, were the *Spaniards* ; but he was sensible, that too much Indulgence, and the not putting the Laws in due Execution, but too easily dispensing with them, had corrupted Discipline, occasioned Looseness of Manners, and put the State in Disorder. He saw that his Predecessors had taken all Pains imaginable for remedying these Evils, but that they had either been deceived or careless in the Choice of the Means. Therefore having firmly determined to regulate his Conduct by a constant and fix'd Resolution rigorously to follow the Rules of uncorrupted and inflexible Justice ; he began to invigorate the Laws and Ordinances already established, and to shew the great Desire he had to have them punctually observed, he added new and more rigorous Punishments.

I N the Beginning of his Government he found, that the Frequency of Crimes, both in the City and Kingdom, was chiefly owing to the carrying of Fire-Arms, and many other Sorts of offensive Weapons, with which every body was provided and girt. There were many Laws, severely prohibiting the carrying of such ; but Licence had been so easily obtained for it, not only from the Viceroy, but other Magistrates, who assumed such a Power, and the Indulgence in execution of the Penalties was such, that the Prohibition was render'd vain. Therefore, in the Month of *February* this Year, he published a severe Statute, whereby, besides invigorating the old, he took away the Power from all Magistrates of granting Licence for carrying such Arms, and imposed severe Penalties upon the Offenders, which were irremissibly put in execution. Being likewise sensible, that the so many Thefts, Murders, Assassinations, and other Crimes were owing, no less to the Multitude of idle Persons, Vagabonds, and good-for-nothing Fellows, of which *Naples* and the other Cities and Towns of the Kingdom were full, than to the carrying of Arms ; his Care was, not only to revive the old and new Laws, ordering all such to quit the Kingdom, but added new Punishments, and made the Laws to be put in execution, charging the Magistrates to see them strictly fulfilled and executed. So that in a short time, the two principal Occasions of so many Crimes and Disorders were removed.

He saw, that Frauds and Tricks were much practised in all Arts, particularly in those where they were the most pernicious and prejudicial ; to wit—the Gold and Silversmiths, and the Weavers of Gold and Silk-Stuffs. Therefore he did what in him lay to root out these Abuses ; and for that End, he caused many Regulations, prescrib'd by King *Charles II.* for removing those Frauds, to be publish'd, which he

he order'd to be inviolably observ'd, and he set a Price upon Silk Stuffs, and made sundry Regulations for obviating the Frauds and Tricks of the Gold and Silversmiths. Perceiving, that both the City and Kingdom were going to wrack, by the pernicious Abuses introduced in the Richness of Apparel, the Number of Servants, and other Luxuries; by a severe Law he prohibited the excessive Number of Servants, embroider'd Clothes, and Cloth of Gold and Silver; likewise forbidding the Consumption of these Metals upon Sedans, Coaches, or Calashes, or even upon Saddles.

HE applied himself no less to the Reformation of our Tribunals, and with the utmost Care endeavour'd to root out the Abuses and Corruptions that had crept into them. The Visitor *Casati*, after visiting our Tribunals, having made a full Representation to the King of all the Abuses introduced into them, and particularly into the Council of *S. Clara*, of which he made a long Catalogue; the King, by his Royal Letters, dated in *Madrid* the 18th of *September* 1684. order'd the Marquis to use his utmost Endeavours in abolishing them; so that on the 19th of *April* 1685. by a publick Edict he put the King's Orders in execution; and at the same time likewise removed the many Abuses introduced into the Court of the Bailiwick of *Naples*, and prescribed many Regulations for its better Reformation.

BUT what with us render'd this prudent Minister worthy of immortal Glory, was his having restor'd the Kingdom to an entire Tranquillity, by two Actions truly noble, in abolishing the old, and coining new Money; and in having altogether extirpated the Banditi: In the preceding Books may be seen, how much his Predecessors had in vain toil'd to bring these Things about, because they had not the Dexterity to employ proper and effectual Means for putting an end to such hard and laborious Undertakings. On the one hand, considering the Difficulties he had to surmount, and on the other, how much it would redound, not only to the Welfare of the State, but to his own Glory, he laid himself wholly out in finding proper Means for bringing them to a happy Issue.

FOR which End he appointed a new Juncto of prudent and skilful Ministers, where, with the greatest Care and Circumspection, were to be thoroughly examin'd all the most proper Means for coining new Money of real Goodness and Weight, that Merchandize might thereby be brought to a just Price, the Citizens relieved, and foreign Traders might have the same Opinion of the Money of the Kingdom as formerly. It was in vain to think of abolishing the old, without first finding out Means for coining new Money; but that was an Affair of the greatest Importance, and which requir'd mature Deliberation, and an exact Scrutiny: Therefore, that the Disease might not grow worse while the Remedy was preparing, by rigorous Edicts, publish'd on the 29th of *May* 1683. the first Year of his Government, he revived the ancient Statutes against those who brought false Money into the Kingdom, against the Gold and Silversmiths, and other Persons, who should dare to melt down any sort of Money, adding to the Punishments already established, others more grievous and severe. Then, considering, that in order to make up the Loss which inevitably was to be the Consequence of abolishing the old, and coining new Money, it was absolutely necessary to find out a Fund for supplying that Loss; after various Scrutinies and nice Examinations, made in several Sessions of the Juncto, considering, that for compassing the Tranquillity of so flourishing a Kingdom, it would be no great Loss to the Subjects, if only some small Burthen were laid upon them; therefore it was resolved, that fifteen *Grana* should be imposed for ever upon each Bushel of Salt, above the Price it was then sold at, to be paid by all Persons whatsoever, without the least Exception, and also a Year's Rent of all the Incomes, as well of *Neapolitans* as Foreigners, and of Natives living abroad with their Families, without Exception of Persons, State, or Quality, to be exacted within three Years. All the *Seggi*, as well those of the Nobility, as that of the Commonalty, gave their hearty Concurrence in this Resolution; and in the Month of *July* the Royal Collateral Council confirmed it by a solemn and publick Decree, and the Tribunal of the Royal Chamber put it immediately in execution, by dispatching proper Orders for the Distribution and Collection.

THEN the Coinage of the new Money was immediately set about, and many Regulations were prescrib'd by the Viceroy about the melting Houses, the Artificers, Refiners, Gold Drawers, Merchants, Gold and Silversmiths, and Bankrupts; and sundry Provisions made for preventing Frauds and Tricks in a Work which

requir'd the Height of Honesty. From 1683. to the last Year of his Government, four Species of new Silver Money were coin'd, all of the same intrinsick Goodness. The first, call'd *Ducatone*, which was made of the same Value with a hundred *Grana*, had on the one Side the King's Effigies, and on the other a crown'd Scepter and two Globes, with this Motto: *Unus non sufficit*. The second, call'd *Mezzo* (half) *Ducatone*, had likewise on the one Side the King's Effigies, and on the other the Figure of Victory upon a Globe, holding in one Hand a Shield with the Royal Arms of *Aragon* and *Sicily*, and on the other a Branch of a Palm-tree. The third, which was worth twenty *Grana*, has on the one Side the Shield with the Royal Arms, and on the other the Geographical Description of the Kingdom of *Naples*, adorn'd with two *Cornucopia*'s, representing Justice and Plenty. The fourth, which was worth ten *Grana*, has on the one Side the King's Effigies, and on the other a Lion couchant, with this Motto: *Majestate securus*.

BUT while this great Work was going on, it being found, that though the giving this new Money such a Value answer'd the Viceroy's Ends, who was endeavouring, that the Money of this Kingdom by its intrinsick Goodness should not only relieve the Citizens, but be highly esteemed by Foreigners, yet it did not answer the Loss, which the abolishing of the old, and the Coinage of the new Money occasioned; and besides, it being likewise consider'd, that since the Coinage of the new Money had been begun, the Price of Silver had been alter'd, it would follow of course, that in a short time the Money would be destroyed, either by being melted down, or sent out of the Kingdom, as being of a greater intrinsick Value than had been put upon it; therefore it was propos'd to raise it *Ten per Cent.* more than had been resolv'd upon.

DIFFICULTIES were started by the *Seggi* about this Alteration, they looking upon it to be hurtful and prejudicial to the Kingdom; so that the Publication of it was delayed for that Time. And in the Year 1687. while this Affair was in Agitation, the Viceroy fell ill, and in *November* was snatch'd away from us by cruel Death. He died before he could enjoy the Fruits of this glorious Undertaking, and left that Advantage to his Successor. The Count of *Santistevan*, who succeeded him, that he might not lose so favourable an Opportunity, which in the Beginning of his Government might gain him great Reputation, greedily embraced it; and without any more ado, not minding the Difficulties started by the *Seggi*, approved of the designed Alteration of the Money already coin'd, and immediately in the Year 1688. coin'd other three Species of Money, and to one he gave the Name of *Tari*, which on the one Side has the King's Effigies, and on the other the Royal Arms, of the Value of twenty *Grana*: To another he gave the Name of *Carlino*, which has the same Impression, only adding to the Royal Arms the Badge of the Order of the Golden Fleece, of the Value of ten *Grana*; and to the third he gave the Name of *Grana Otto*, which has on the one Side the King's Effigies, and on the other a Cross Patee, with Rays issuing out of the four Angles; and on the 11th of *December* the same Year, he issued out a Proclamation, ordaining the Currency of the new, and the Abolishment of the old Money, and the Exchange of the one for the other, about which he prescribed several Regulations, not only for the City of *Naples*, but for the Provinces of the Kingdom, as shall be related, when we come to discourse of his Government.

BUT though the Marquis *del Carpio* had not the Pleasure of seeing this Work completed, yet he had a great deal in the other glorious Enterprize of quite extirpating the Banditi. He, among so many that had attempted it, with his own Eyes saw the Kingdom purg'd of that Vermin, and restor'd to its former Tranquillity. In order to the total Extirpation of them, after having, in the first Year of his Government, granted a full Indemnity to all Criminals and Outlaws, provided they should assist in the Pursuit of their Heads and Gangs, who were still infesting the Country, he laid himself wholly out for their total Extirpation: He sent the Troops against them, order'd all the Towers and Houses, where they were wont to haunt, to be demolished; and where he met with Resistance, he sent Cannon thither, and batter'd them, with a firm Resolution to destroy them entirely: He put a great Reward upon the Heads of such as could not be taken alive; and by these bold and effectual Means, he purged many Provinces of the Kingdom of that Plague. Nevertheless the two Provinces of *Abruzzo* continued to be still infested, in which these Villains, not only despising the Pardon offer'd them, provided that they

they should alter their Course of Life, but the rigorous Punishments that had been inflicted upon the Obstinate ; grown more stubborn than ever, they went on in committing Robberies, setting fire to Houses, taking Ransoms, pillaging, and doing all other Mischiefs. Therefore he bent his Thoughts upon extirpating them likewise out of these Provinces, that all the Kingdom might enjoy Peace and Tranquillity. For which end, on the 12th of *June* 1684. he publish'd a severe Edict, containing many Heads, whereby not only the Presidents, but the Syndicks of the Corporations of each City and Town, were strictly charged to discover and pursue them, and threaten'd with severe Punishment, such as should conceal them alive, or bury them when dead.

BUT what most of all conduced to their total Extermination, was his having, by rigorous and effectual Means, endeavour'd to strike Terror into their Protectors, Harbourers, and Correspondents. The greatest Part were supported by sundry Barons, and other Persons of Note, who procur'd them Shelter and Victuals; and either by Letters or Messages advised them of the Ambushes and Snares that were laid for them. Therefore he enacted a severe Law against these, whereby, besides renewing the old, he added other more terrible Punishments, to which were likewise liable all such as should keep the least Correspondence with the Banditi, or give them any Assistance, Favour, or Victuals; or should send them any Advice, though they were out of the Kingdom, and under the Dominion of another Prince. But, if the Protection or Shelter should be found to be such, as to alter the Nature of the Crime, to wit, if such Harbourers should partake of the Robberies and Ransoms, or assist them in the Crimes, or furnish them with Arms and Powder, or any other Materials, for enabling them to keep the Field; in such Cases he left it to the Discretion of the Judge, to extend the Punishment, even to Death: Besides, in order to facilitate the Proofs, the Testimonies of two Banditi, and the Proofs of two Witnesses, though of different Facts, were to be admitted as a full Conviction. These Severities made their Protectors think in good earnest of quite abandoning them, for seeing that the Punishments were inflicted without Mercy, and that there was no room left them to expect Favour, they withdrew their Protections. When these Villains found themselves depriv'd of Shelter, they were so terrified, that some made their Escape by Flight, some submitted and took the Benefit of the Indemnity, and others being taken, suffer'd the just Punishment of their Wickedness. Thus were they altogether rooted out of the Kingdom, so that there remained not the least Vestige of them. And the Undertaking prov'd so glorious and successful, that with us the Breed of them is quite lost: So that the Quiet, which the Kingdom has ever since enjoy'd in the Security of Travellers, Trade, and Commerce, is altogether owing to the singular Vigilance and Foresight of this prudent and glorious Minister, whose Memory will, therefore, remain immortal with us.

WE are likewise very much indebted to him for having suppressed another pernicious and scandalous Mischief, which having spread itself not only in *Naples*, but in the other Cities of the Kingdom, occasioned infinite Disorders and Oppressions. Some rich Men maintaining in their Houses many Bullies and loose Livers, struck Terror in the more weak; threatening them, often cutting and stabbing them, and in a thousand Ways outrageously abusing them, and by force extorting from them whatever they had a mind to; they protected the most guilty; they screw'd themselves into every Body's Business, and forced the weaker to do whatever they thought fit; they compell'd the Masters of Families to give their Daughters in Marriage to whomsoever they pleased, and hinder'd them from marrying those they did not like; in short, they had brought the Citizens under a most cruel Slavery. This Hero, with great Courage, rooted up so pernicious a Nuisance; he punished the Bullies severely, and dispersed them all, and with rigorous Punishments struck such Terror in their Protectors, that no more Abuses were committed; so that afterwards no more Insults nor domineering were seen, and all Ranks of People stood equally in Awe of Justice.

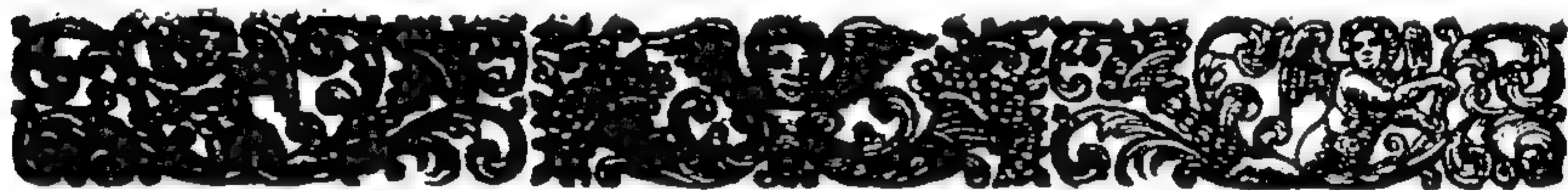
BUT what made it more plainly appear, that all the most commendable Virtues center'd in this Minister, was, that at the same time that he was a Terror to the Imperious and Unjust, he was mild and gentle to the Virtuous and Weak. His Piety was wonderful; he reliev'd the Poor and Unfortunate with unspeakable Charity; he took special Care that the Weak and Impotent should not be insulted; he

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was a mortal Enemy to filthy Avarice; he was moderate and sparing in every thing, but at the same time generous and magnificent.

BEING sensible, that in order to keep the People in good Humour, they must be plentifully supplied with these two Things, which they ardently desir'd, *Panem & Circenses*; he did what in him lay to keep Store of all Sort of Provisions in the City, so that there never was a Viceroy so much beloved and respected by the People as he: Rapt up with Joy and Satisfaction, they took delight in running after him in the publick Streets, and extolling him to the very Sky, with great Tenderneſs call'd him their kind Father and Lord.

IN publick Shews he was an Imitator of the Magnificence of the antient *Romans*; there never had been more sumptuous and surprizing in *Naples*. We still retain the Memory of them, which neither Length of Time, nor Malice, nor Emulation will be able to blot out. His Successors, who had a Mind to imitate him, came far short of him. But whether it be, that Death, by her constant Custom, usually carries off the best; or rather, that the cruel Destiny of this Kingdom was such, as not to allow us long to enjoy so great a Blessing and Satisfaction, in the middle of his glorious Career, he was unseasonable snatch'd away from us. Being taken ill of a lingering Fever, the Physicians, at first, had Hopes of being able to recover him, but the Disease increasing, tho' slowly, on the 15th of *November* this Year 1687. he died. He was bitterly lamented by all Ranks of People, especially the Commonalty, who were inconsolable upon so grievous and irreparable a Loss. Cruel Death robb'd us of many Monuments, that might have been expected from his Magnanimity and admirable Wisdom. His Corps, with magnificent and military Pomp, was carried to the Church *del Carmine*, where stately Obsequies were celebrated. And in the mean time the Kingdom being left without a Head, *D. Lorenzo Colonna*, High-Constable thereof, came in all haste from *Rome* to take the Government of it upon him, till such time as the King should send a Successor. But his Government was very short, for the Count of *Santistevan*, who was then Viceroy of *Sicily*, being appointed to succeed the *Marquis del Carpio*, he came immediately to *Naples*, and took Possession of the Government, of whom we shall now discourse.



C H A P. II.

*The Government of D. Francesco Benavides, Count de Santistevan :
The Regulations and Laws which he left us.*



THE Count *de Santistevan* having left the Government of the Island of *Sicily*, set out immediately for *Naples*, where he arriv'd about the End of *December*, and in the Beginning of the Year 1688. enter'd upon the Government of the Kingdom. In the first Year of his Administration there happen'd so terrible an Earthquake in *Naples*, that it threw down the most conspicuous Edifices: The great Cupola of the new Church of *Jesus*, and the ancient Portico of the Temple of *Castor* and *Pollux*, which was an exact Model of the *Corinthian* Order, tumbled down: *Benevento*, *Cerreto*, and other Cities were ruin'd. But above all, the Death of *Innocent XI.* a Pope of a most exemplary Life, which happen'd on the 11th of *August* this same Year, occasion'd much Grief, to whom, on the 6th of *October*, Cardinal *Pietro Ottoboni* succeeded, by the Name of *Alexander VIII.* The Count happening to succeed so great a Hero, from whom he had the Opportunity of taking shining Examples of a most excellent Government, endeavour'd to tread in his Footsteps. Therefore, by new Statutes,

Statutes, he invigorated those establish'd by the Marquis about the carrying of Arms, the Provisions, and the Price of Goods. But especially, not only in this first Year of his Government, but in the following Years, he was wholly bent upon regulating the Exchange of the old Money with the new, by him, as we have said, publish'd, alter'd, and rais'd in the Value. This Year 1688. he prescribed many Regulations concerning this Exchange, pointing out the Places and Persons, both in the City, and all the Provinces of the Kingdom. He foresaw the Disorders that might happen, and provided against them. He caused the Coinage of the new Money to be continued, and in 1689. added other two Species, to wit, the *Ducat*, which on the one Side has the King's Effigies crown'd, and on the other his Arms; and the Half *Ducat*, with the same Impressions: Besides, he allow'd all Persons whatsoever to give in their own Silver to the Royal Mint to be coin'd of the same Standard with what had been already coin'd, paying only 32 *Grana* for each Pound Weight of Silver, for the Coinage and Labour. He order'd the old Money, tho' of a false Coin, to be taken in Exchange, provided the Silver were good. He regulated the Method to be practis'd in the Banks, and prescrib'd a Form about taking their Bills and Letters of Credit. He renew'd the old Laws against false Coiners, and the Clippers of the antient Coin, and made others more rigorous and severe against those, who should dare to adulterate the new. In short, he had the Glory of bringing this last Work to Perfection, whereby Commerce and Traffick were restor'd, and began to flourish in the Kingdom. And if this Minister had kept within these Bounds, he would have gain'd a noble Reputation among us; but not content with the Alteration already made, having, on the 8th of *January* 1691. by a new Edict, rais'd the Value of the new Money other Ten *per Cent.* which made it Twenty above its first Value, (by causing, on the 7th of *April* the same Year, other four new Species of Money to be coin'd, to wit, the *Ducat*, Half *Ducat*, the *Tari*, and *Carlino*, which, on the one Side, have the King's Effigies, and on the other, the Badge of the Order of the Golden Fleece) it not only hurt his Reputation, but was a great Detriment to the Trade of the Kingdom; and he was so much the more to blame, inasmuch as having declar'd in that Edict, that one of the Reasons, whereby he had been mov'd to make this Alteration, was, by raising the Money, which was in the publick Books, to extinguish the Duty of 15 *Grana*, laid upon Salt, for the Coinage of the new Money; which Extinction never happen'd, so that the said Duty not only continued, but we bore the Loss occasion'd by the Alteration.

IN the mean time, the Court of *Spain* being in great Anxiety, on Account of the Barrenness of the Queen, *Maria Louisa of Bourbon*, soon after had Occasion to lament her Death. This matchless Queen died on the 12th of *February* 1689. and King *Charles II.* her Husband, in Performance of his last Duty to her, order'd, that, with magnificent Pomp, solemn Obsequies should be celebrated in all his Kingdoms, at the Royal Charges. It was the Count of *Santistevan's* Business to see them perform'd in *Naples*: Therefore after having given strict Orders to the Presidents of the Provinces, to cause to be celebrated in the most conspicuous Cities solemn Obsequies to the deceased Queen, he order'd most majestick and sumptuous Funeral Solemnities to be celebrated in *Naples*. According to the Custom already introduced, the Church of *S. Clara* was pitch'd upon, where the *Mausoleum* was erected, the Magnificence of which, the Beauty of the Poetical Compositions, and the Solemnity of the Ceremonies were such, that greater had never been seen before. There was no Occasion at this Time, as formerly, to have recourse to the Jesuits for these Compositions, because, by the Progress, which Learning had made in *Naples*, there flourish'd in it many Men of great Erudition. These, therefore, were employ'd, and he, who had the greatest Share in them, was the famous *Domenico Auliso*, the Ornament of our University, who being endowed with uncommon Learning, compos'd most noble Elogies, and some most pure and elegant Inscriptions. The 9th Day of *May* was appointed for the sacred Ceremony, which being to last from the Evening to the next Morning, the Viceroy was obliged to watch the whole Night over the Grave, without stirring from that Place, whither, according to Custom, he had gone, with a solemn Cavalcade; in which the Magistrates of the City, with the Marquis of *Fuscaldo*, the Syndick, surrounded by the Barons, and many of the Nobility, accompanied him. Two great Detachments of Soldiers were posted in different Parts of the City, one of Foot, in the

Square before the Royal Palace, the other of Horse and Foot, in the Square, at the Side of the Church of *S. Clara*, with all their Officers cloathed in Black, with their Arms reversed, according to the most antient Custom transmitted to us by the *Greeks* and *Romans*, who, at Funeral Solemnities, turned the Points of their Spears downwards, and inverted their Shields. The Viceroy having watched the whole Night, and the Ceremony being to be finished the next Morning, returned to the Church, where the Office was sung; then, at the Altar erected near the Mausoleum, Monsignor *Francesco Pignatelli*, Archbishop of *Taranto*, now Cardinal, and our most exemplary Archbishop, assisted by four Bishops, celebrated the Sacrifice of the Mass: Then *P. Ventimiglia*, a *Theatin*, pronounced the Funeral Oration in the *Spanish* Language, which being ended, the same Archbishop having censured and besprinkled the Grave, concluded the Ceremony. The Charge of composing an exact and distinct Description, not only of the *Apparatus*, the Mausoleum and Inscriptions, but of the Ceremonies and Solemnities performed over the Sepulchre, was committed to *Aluisio*, which he punctually executed in a small Treatise, under this Title, *A Description of the Mausoleum, and of the Solemnities celebrated over the Sepulchre of Queen Maria-Louisa of Bourbon*, wherein he displays his singular Learning; but having a natural Aversion to the Printing of any of his Works, though very elaborate, Manuscripts of this and his other notable and excellent Writings are preserved in *Naples*.

OUR King, now a Widower, in order to comply with the Desires of his Subjects, who longed for his having a numerous Progeny, on the 28th of *August* 1690. concluded his second Marriage with *Mariana* of *Newburg*, Daughter of the Elector *Philip-William* Count-Palatine of the *Rhine*, and Duke of *Newburg*. But in process of Time, it being perceived, that no Issue was to be expected by this second Wife, the Dominions, of which his vast Monarchy was composed, were in a terrible Consternation. Their Afflictions were augmented by the King's crazy Constitution, subject to continual Infirmities, which made the inestimable Loss of him much to be feared, because of the great Disorders and Revolutions it was like to produce. It was also seen, that by how much the *Spanish* Monarchy had declined, so much the more had that of *France* increased in Power and Strength: The *French* Armies, Victorious every where, had made surprizing Conquests in *Flanders*, *Germany*, and *Spain*, where the Duke *De Noailles* having besieged *Roses* by Land, and the Count *D'Etrè* by Sea, it was taken after eight Days Siege; and in the Year 1694. after the Duke *De Noailles* had defeated the *Spanish* Army upon the Banks of the *Ter*, he took the Cities of *Palamos*, *Girone*, *Ostalrick*, and *Castelfollit*.

IN the mean time the Count *De Santistevan's* Government being prolonged for other three Years, after having settled the Affair of the Coin, he had a mind to reform our Tribunals; and perceiving, that one of the chief Causes why Law-Suits came to be delayed, was, that the Judges too easily gave Ear to Objections, and their not deciding them so soon as they might, he prescribed certain and indispensable Terms for their Decisions, and for retrenching the Opinions of the Doctors, who, by various Interpretations, had, in a manner, rendered the former Statutes, made for that Purpose, useless: He prescribed Rules, and defined the Degrees of Consanguinity and Affinity, and, by a particular Statute, made other proper Regulations.

IN the Year 1690. a Report being spread, that, by the many and frequent Diseases in the Cities of *Conversano*, in the Province of *Bari*, and *Civita Vecchia*, in the Ecclesiastical State, the Sicknes was Contagious; in the Beginning of the following Year, upon Pain of rigorous Punishment, he prohibited all Commerce with that Province and *Civita Vecchia*, and likewise suspended it with the City of *Rome* and the Ecclesiastical State; and afterwards in *July* the same Year, he appointed proper Persons in each Ward of *Naples* to take care, not only of the City, but of the Suburbs and Villages, and not to suffer any Person to enter, without a Licence and the necessary Bills of Health. So that by the Rigour used in that Province, to prevent the spreading of the Distemper, the Kingdom was preserved, and shortly after all Suspicion of Contagion quite vanished.

IN the following Years of his Government other Regulations were made about the Provisions of the City and Kingdom; about the Frauds committed in Credit betwixt Man and Man: about the Importation of foreign Linnen and Woollen Cloth, and about other Affairs; and sundry other Provisions were made, which
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are to be found in the fourth and fifth Volumes of our Statutes. The Viceroy was not allowed to finish the last three Years of his Government, for the Duke of *Medina Celi*, who was then Ambassador from the King in *Rome*, with Pope *Innocent XII.* formerly our Archbishop, who had succeeded *Alexander VIII.* solicited the Court of *Spain* to be relieved from that expensive Embassy, and made Viceroy of this Kingdom. He arrived in *Naples* this Year 1695. and, to give time to his Predecessor to make ready for his Departure, he chose the Palace of the Prince of *S. Buono*, in the Square of *Carbonara*, for his Habitation, where he remained till such time as the Count of *Santistevan*, after having performed the ordinary Visits, set out for *Spain*, leaving us, besides those already mentioned, a lasting Monument of his Government, to wit, the small Fort which he caused to be built upon the Point of *Castel del Uovo*.



C H A P. III.

The Government of D. Lodovico de la Cerda, Duke De Medina Celi: His Conduct, and most unhappy End.

THE Duke *De Medina Celi* took the Government of the Kingdom with magnificent and noble Resolutions; and perceiving, that the Marquis *Del Carpio*, by his glorious and generous Actions, had left a shining Character behind him, he resolved to imitate him, at least in what he thought the Marquis had left undone. He was very sensible, that his Predecessor had rooted out the Banditi, and removed many Abuses that had been committed both in the City and Kingdom, but had not suppressed the contraband Trade, and the Frauds which were committed in the Importation of Merchandize, and in the Custom-Houses, whence proceeded vast Detriment, not only to the Royal Exchequer, but to the Assignees of the Revenues; therefore he did what in him lay, by severe Edicts, to prevent them. He allowed such slight Proofs to be admitted, that the *Seggi*, looking upon it as an Abuse, in order, in some measure, to mitigate the Rigour, thought fit to oppose him.

HE likewise pretended to imitate the Marquis in the Magnificence of publick Shews, so that in his Time most sumptuous ones were seen; and above all, he resolved to enlarge the Theatre of *S. Bartholomew*, and not only to provide it with costly and noble Scenes, but with the best Musicians that flourished in his Time in *Europe*; insomuch that it eclipsed the Fame of the *Venetian* Theatres, and those of the other Cities of *Italy*. He began, and brought to Perfection that noble Street, adorned with beautiful Trees, and most limpid Fountains, which he built upon the Sea-Side, all along the *Chiaja*. The Pomp and Grandeur of his Court was truly Royal and Magnificent, nor had there been seen at any time a more numerous and splendid. He encouraged Learning and Learned Men to a great Degree, assembling them in his Palace, where, with vast Attention and Complaisance, he heard their different Compositions. So that the *Belles Lettres*, which in the preceding Government had got footing among us, became more flourishing, and were more firmly established.

BUT all these noble and delightful Diversions came to be imbittered by most troublesome and grievous Cares. In process of Time the People were still more and more confirmed in their Belief, that the King would leave no Issue by the second Marriage, and they were firmly persuaded, that the Barrenness did not proceed

ceed from the Queen, a healthful and vigorous Woman, but from the King and his crazy Constitution. His continual Indisposition alarmed us frequently, and though now and then he grew better, at the same time that, upon the News of his Recovery, we were making Feasts and Illuminations, he had already relapsed. The Duke, in order to cheer up the People, and divert their Minds from melancholy Thoughts, always upon Advice of the King's growing better in his Health, made magnificent Feasts, and, in the Royal Palace, kept Assemblies of the most famous Learned Men, in which they recited most noble Compositions in different Languages, both in Prose and Verse, upon the King's better State of Health, which were likewise printed. In the Year 1697. he also caused to be coined a Piece of Gold, which he named *Scudo Riccio*, on the one Side of which, alluding to the King's Recovery, were his Majesty's Arms, supported by a crowned Eagle, and on the other, the King's Effigy at half Length, and underneath a Palm-Tree, stretching its Leaves over the Head, with this Motto, *Reviviscit*. But notwithstanding, by contrary Advice, that the King was like to die very soon without Issue, we were again seized with our wonted Fears.

ON the contrary, *France* was grown most Formidable, and in the Year 1696. had sent into the Field five strong Armies, and maintained them the whole Campaign in the Enemy's Country. The King of *France*, full of Glory and high elevated Thoughts, was forming vast Undertakings; and, to gain over the Duke of *Savoy* to his Interest, had clapt up a Peace with him, and the better to cement it, on the 4th of *July* the same Year, he hastened the Marriage between *Maria Adelaide* of *Savoy*, the Duke's Daughter, and the Duke of *Burgundy* his Grandchild, the Son of the Dauphin of *France*. By which means he had been left at liberty to employ all his Forces against *Spain* and *Flanders*, in which last, in the Year 1697. he took many Places, and in *Catalonia* the City of *Barcelona*, at the same time that he had named his Plenipotentiaries for the Peace. And in order the more speedily to compass the grand Design, the same Year he hastened the Peace with *England*, *Holland*, and *Spain*, which, on the 20th of *September*, was concluded at *Reiswick* with these Powers, and seven Weeks after with *Germany*. But some time after the Conclusion of this Peace, a secret Treaty between *England*, *Holland*, *France*, and *Savoy* was signed at the *Loo*, whereby a *Partition* was made of the *Spanish* Monarchy, in case that our King should happen to die without Issue, as in all likelihood would fall out. The Emperor *Leopold*, though he saw all the other Princes agree to it, never would give his Consent to any *Partition* whatsoever.

IT was thought, that under this Report of a *Partition*, already rumoured Abroad, a more profound Mystery was hid; for the King of *France* himself foresaw, that nothing could touch the *Spaniards* more to the Quick, than to propose such a Thing to them, being sure that it would create the utmost Abhorrence in them, jealous, that so vast and extended a Monarchy, to the great Glory of their Ancestors united, and brought to such a Pitch of Grandeur, should be so miserably divided and torn to pieces, and the Name and Glory of it extinguished; as indeed, not only the *Spaniards*, but King *Charles II.* himself had an Abhorrence to it, and to prevent the Designs, and to break these impertinent and unseasonable Treaties, which were carrying on about his Dominions, in *November* 1698. he turned his Thoughts upon raising to the Throne *Ferdinand-Joseph*, Electoral Prince of *Bavaria*, born of *Maria-Antonia*, the Daughter of the Empress his Sister; but that young Prince dying on the 9th of *February* 1699. before he was eight Years of Age, the Design fell to the Ground; whereupon the King of *France*, with greater Vigour, resumed his Negotiations with *England* and *Holland*, still insisting, as he gave out, upon the concerted *Partition*, and in the Month of *March* 1700. he confirmed the Treaty of the *Loo* with these Powers, with this Alteration only, that to the Share allotted to the Dauphin, the Dominions of the Duke of *Lorraine* should be added, to whom the State of *Milan* was to be given in Exchange; and *Spain*, with the Kingdoms of *Italy*, to the Archduke *Charles*, in full of all the Pretensions of his Family: Likewise subjoining, that this Treaty should be communicated to the Emperor, that in the Space of three Months, from the Day of the Intimation, he might declare his Mind, and upon his refusing to accept of the Share assigned to the Archduke *Charles*, his Son, the two Kings of *France* and *England*, and the States-General of *Holland*, would assign it to another Prince, and that if any should offer to oppose
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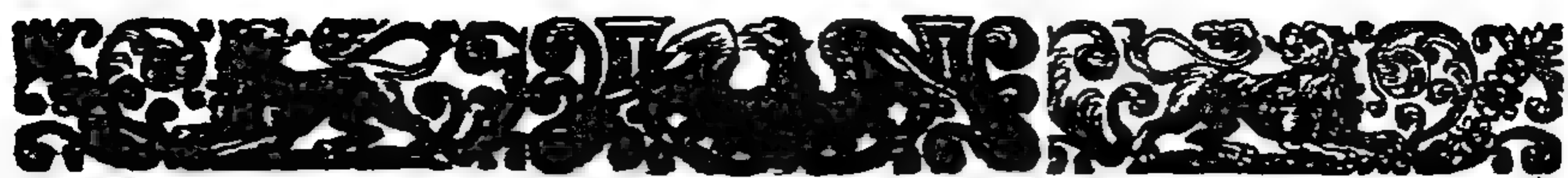
what had been established with common Consent, they would attack him with all their Forces.

THE more they endeavoured to push on this Treaty, so much the more were the *Spaniards* provoked, and resolved not to suffer the least Partition in their Monarchy. And King *Charles II.* was exceedingly grieved to hear of it, and ordered his Ministers to complain of it at *London*, and the other Courts; and at the same time, out of a tender Regard for his own Family, he assured the Emperor *Leopold*, that he would never derogate from the Laws of Blood, and the Intentions of his Forefathers. This was enough to make the Emperor the more firm and constant in his Resolution of not accepting the concerted Partition; insomuch that he answered the Marquis *De Villars*, who had been sent by the King of *France* to solicit him to accept of it, that if the King of *Spain* should happen to die without Issue, which Event he looked upon to be distant, because of his middle Age; as he was inclined to Peace, he would then willingly condescend to more just and wholesome Advice. But in the mean time the King of *France*, assured of this his Resolution of not yielding to any Division, began his Intrigues with the *Grandeess* of the Court of *Spain*, whom it was easy to bring over to his Design, shewing them, that not only out of Justice, but for their own Interest, they ought to persuade their King to raise to the Throne, *Philip* Duke of *Anjou*, the Dauphin's second Son, because in none other they could expect that their Monarchy would be maintained firm and intire; that in whose Person, supported by his powerful and formidable Armies, they would be able to crush the Power of all those who should offer to insult, or in the least divide it.

WHILE this Affair, of so great Importance, was transacting at the Court of *Spain*, in the Month of *September* this Year 1700. Pope *Innocent XII.* was taken ill, and after having governed that See nine Years and two Months, on the 27th of the same Month, in the 86th Year of his Age, died in *Rome*. The Day following, Advice of this Death came to the Duke *De Medina*, our Viceroy, and to Cardinal *Cautelmo* our Archbishop; and the next Morning the Viceroy sent the usual Number of Soldiers to *Rome* to attend the Duke *De Uzeda*, then his Catholick Majesty's Ambassador there; where, after a few Days, the Cardinals shut themselves up in the Conclave for the Election of a Successor. On the 5th of *October* the Cardinal Archbishop caused solemn Obsequies to be celebrated to him in the Cathedral, where his Funeral Oration was pronounced in *Latin* by *P. Partenio Giannetasio*, a Jesuit, famous for his printed Works; and a Month after, the Nuncio caused other more pompous and magnificent Funeral Ceremonies to be performed in the Church of *S. Maria della Nuova*.

BUT while the Cardinals, divided into Factions, were debating in the Conclave about the Election of a new Pope, about the End of *October* the fatal News came to us, that the King being taken grievously ill, there was little Hopes of his Recovery; but soon after, Advice coming that he was better, the Viceroy, in order to cheer up the People, made publick and sumptuous Feasts, and all the Streets of the City were full of Bonfires, and the Windows of Candles, and the Illuminations continued for three Nights. But, alas! at the same time, that, with so great Pomp and Joy, we were celebrating the King's Recovery, he had died on the first of *November*; and at one and the same time we had the News of his Death and of the Accession of *Philip* Duke of *Anjou* to the Throne of *Spain*. This Incident hastened the Election of a new Pope; for the *Spanish* and *French* Cardinals joining together, by the Plurality of Voices, elected Cardinal *Antonio Urbano* of *Urbino*, who had been Secretary of the Briefs in the preceding Pontificate, and was only 51 Years of Age. He was elected on the 23d of *November* this Year 1700. at 10 o'Clock, the Festival of Pope *S. Clement*, therefore he took the Name of *Clement XI.* though he had been made Cardinal by *Alexander VIII.*

THE Duke *De Medina*, during the so many Turns of Affairs, which happened after the untimely and most fatal Death of King *Charles II.* was both the Spectacle and Spectator of various worldly Vicissitudes, which at last brought him to an unhappy and lamentable End. Of him, besides those abovementioned, we have other Monuments, which are to be found in the fifth Tome of our Statutes, according to the last Edition of 1715.



C H A P. IV.

The Death of King Charles II. the Laws which he left us ; and what happened to us after so grievous and inestimable a Loss.

THE *French*, by the desperate State of King *Charles's* Health, still insisting more and more with the *Grandeess* of the Court of *Spain*, and especially with Cardinal *Portocarrero*, Archbishop of *Toledo*, of whose Probity and Prudence that King had conceived a great Opinion, upon having *Philip* the Dauphin's second Son declared Successor in his Kingdoms if he should die without Issue ; they magnified, not only the Dauphin's Rights to that Monarchy, by Virtue of those of Queen *Maria-Teresa* of *Austria*, his Mother, and King *Charles's* eldest Sister, but their own (the *Grandeess*) Interest. Ever since the War, made on account of the Succession of *Brabant*, they had studied to invalidate her Renunciation, confirmed by an Oath, and with the greatest Firmness and Solemnity ; and at that time they had published a Book containing Seventy-four Reasons for proving the Nullity thereof. But upon those Occasions, it having been demonstrated by strong and pithy Writings, how weak and groundless these Reasons were, they now subjoined, that many of those Answers could not be applied to the present Case, where the Renouncer, who was dead, did not claim the Succession, but her Son, whom no Deed of the Mother could hurt, he being called to the Succession in his own Person according to Law, and to whom no Renunciation made by his Ancestors could be a Bar. But they got not off so, for besides the strong and ample Clauses which had been inserted in these Renunciations, of purpose to leave no Room for this Subterfuge : These Renunciations were not to be regulated by the common Conclusions of our Doctors, but by the most important and excellent Purpose for which they were made, to wit, the perpetual Separation of the two Monarchies of *France* and *Spain*, and to the End that, by no Event whatsoever, these two Crowns might be joined upon one and the same Head. The *French*, in order to remove this last Obstacle, proposed, that the Declaration might be made, not in the Person of the Dauphin, but in that of the Duke of *Anjou*, to whom he had yielded up his Rights. Thus was the Union disappointed, and the End, for which the Renunciations were sought, subsisted no more. But this Scheme, so well concerted and adjusted, could not deprive the Emperor *Leopold* and his Children of the Right already made over to them by Virtue of the Wills of the Kings of *Spain*, and of the Renunciations, to which, though the Emperor should give up his Title to the Archduke *Charles*, his second Son ; besides that, it did not obstruct the Design of the always abhorred Union, it would be a more ready way to bring it about : Moreover the *French* really assumed to themselves what was in Question, for it was positively denied, that the Dauphin, by reason of the Incompatibility of the two Crowns, could never acquire any Right, and consequently, he had nothing to renounce to the Duke of *Anjou* his Brother. What therefore chiefly pushed on the *Spaniards* to persuade that King, to his great Grief, to declare the Duke of *Anjou* his Successor, was lest, by doing otherwise, the so much abhorred Partition should take Effect. They represented to that most pious King, the Miseries and Calamities that his faithful and beloved People must inevitably undergo, and that his Piety would never allow him to expose them to so many

many Misfortunes and Dangers. They put him in mind of the Grandeur and Generosity of the *Spanish* Nation, which would be deeply wounded and reduced to nothing, if, by doing otherwise, he should leave it exposed to the Insults of so formidable and potent a King. But above all, they recommended to him the Union of his Monarchy, which, to the great Glory of his Ancestors, being aggrandized, and brought to such a Bulk, that it had not its equal in the World, he ought not to expose it to be so miserably divided and torn to pieces, so as in future Ages there would scarce be any Memory of so noble a Structure. They likewise put him in mind, that the wise King *Ferdinand the Catholick*, though it was in his Power to have raised to the Throne at least of his own Kingdoms, and of those acquired by the Troops of *Arragon*, one of his own Family; nevertheless he called *Charles of Austria*, a *Fleming*, to the Succession of them all, because he knew very well, that in the Person of that most powerful Prince, and by what he was, and by what he was to be, these Kingdoms could be maintained united, making up a very large Monarchy, which would be able to subsist for many Ages, without being dissolved, to the Diminution of his own Glory, and that of the renowned *Spanish* Nation.

ABOUT the Beginning of *October*, the King being beset on all Hands by these Suggestions of the Grandees, especially of Cardinal *Portocarrero*, his Illness increased so much, that the Physicians despaired of his Recovery, and about the End of the Month the Pangs of Death coming upon him, he died on *Monday* the first of *November* 1700. His Body was embalmed on *Tuesday*, and on *Wednesday* exposed in the same Chamber where he was born. Many Altars were erected in a large Hall, where a great Number of Religious continued saying Masses till *Friday*, on which Day three solemn Masses were sung in the three Royal Chapels, and then a Pontifical one, at which all the Grandees assisted. Then the Corpse was removed to the *Escorial*, accompanied by all the Grandees, the Royal Household, and the four Mendicant Orders, where the Funeral Ceremonies were performed, suitable to so great and beloved a King. He was buried on the same Day and Hour which completed the 39th Year of his Age. He began to reign on the 6th of *November* 1675. which Day ended the Queen-Mother's Regency, and the *Junta*. On the 30th of *August* he married *Maria-Louisa de Bourbon*, and she dying on the 12th of *February* 1689. the Year following he married *Mariana of Newburg*; by neither of which he left Issue. Among his Virtues, his Piety and Religion were admirable; he never was heard to utter an offensive Word; he was much given to Business, often depriving himself of his Diversion, that he might not neglect to dispatch it; he never came to any Resolution without the previous Advice of his Ministers, and he was so exact in following their Sentiments, that he even forebore doing Things which he earnestly desired, and often ordered what was against his own Opinion, whenever he was so advised by his Ministers, judging, that by so doing, he had nothing to answer for to God in the Administration of his Dominions. He was greatly devoted to our *Lady*, and had a special and constant Veneration for the holy Sacrament of the *Eucharist*, insomuch that he never failed to assist at the forty Hours exposing of it.

THIS most pious Prince left us some Laws; and in 1675. the first Year of his Reign after the Regency, he established one, whereby he ordered, that, without his Royal Assent, Offices should neither be mortgaged nor sold: He likewise ordered, that nothing should be exacted from Persons impeached, before they were found Guilty: He prescribed Rules about manufacturing of Silk, Silver, and Gold, for preventing the Frauds, which, as we have said, were prohibited by the Marquis *Del Carpio* in the Time of his Government; and he made other Regulations, which are set down in the Chronology prefixed to the first Tome of Statutes, according to the last Edition.

THIS most clement King granted many Privileges and Favours both to our City and Kingdom, as well those sought during the Embassy of D. *Ettore Capecelatro*, which, though desired in King *Philip IV's* Life-time, were only fulfilled in the Year 1666. after his Death, as those asked by D. *Luigi Podero*, and D. *Francesco Caracciolo*, Marquis of *Grattela*, who were sent Ambassadors to the Court, and others, which we read in the second Volume of Privileges and Concessions, printed in 1719.

THE fatal News of the Death of King *Charles II.* came to *Naples* on the 20th of *November* this Year 1700. and at the same time the Advice of his having declared *Philip* Duke of *Anjou* his Successor in all the Dominions of the Monarchy of *Spain*; and the Duke of *Medina Celi*, in order to confirm the Advice, immediately caused to be published two Clauses, which were said to be extracted from the Will of the deceased King; in one of which the Succession of the Duke of *Anjou* was declared, and in the other was named the *Junta* of the Government, which he had appointed, till such time as the Successor should arrive in *Spain*, of which he made the Queen-Dowager the Head, and the Members were the President of the Council of *Castile*, the Vice-Chancellor or President of *Arragon*, the Archbishop of *Toledo*, the Inquisitor-General, one Grandee, and one Counsellor of State. To these Clauses the Duke of *Medina* added a Letter written by the Queen and the rest of the *Junta*, whereby he was charged to put in Execution whatever they ordered, and what in the like Cases was wont be practised. The People, astonished and surprized at so unexpected a Change, and moved with Grief for the Death of so pious and religious a King, lamented the common Misfortune by so great a Loss; and *Medina*, following the Example of the other Kingdoms of *Spain*, put his Orders in Execution, so that without the least Commotion or Disturbance, that Prince, which *Spain* had given us, was acknowledged.

THESE unexpected Events, not only very much astonished the Emperor *Leopold*, by reason of the great Injury done him with respect to his Right, in Vindication of which, in 1703. a Book was printed, with this Title, *A Defence of the Right of the House of Austria to the Succession of the Monarchy of Spain*; but the other Princes, Parties concerned in the designed Partition, who looking upon themselves as deluded by the Arts of the *French* King, and unsafe if they should suffer so great Power, and so many Kingdoms to be united in the House of *France*; and considering, that the Division of the Monarchy was what the *Spaniards* dreaded most, it was resolved to employ all their Power in placing upon that Throne *Charles* Archduke of *Austria*, *Leopold's* second Son, to whom not only the Father, but the Brother yielded their Rights; and accordingly he was declared King of *Spain*, and in all haste sent thither, in order to drive out his Rival. The *Dutch* declared for the Archduke; the Kings of *England* and *Portugal*, and afterwards the Duke of *Savoy* joined with the Emperor, and entered into a League for dispossessing *Philip* of the Dominions of *Spain*, and placing the Archduke *Charles* upon the Throne. This occasioned a bloody and cruel War between the Confederates and *France*, which was declared in the Year 1701. And the King of *England* dying soon after, *Anne Stuart*, the second Daughter of King *James II.* succeeding as Queen of that Kingdom, not only confirmed the Alliance, but more vigorously employed the Forces of her Kingdom for placing King *Charles* upon the Throne of *Spain*. Her Fleet carried him thither: *Catalonia* was taken, and the new King took up his Royal Residence in *Barcelona*, and afterwards, with the Imperial and *English* Troops, forced *Philip* to quit the City of *Madrid*; and if the Battle of *Almanza*, gained by the *French* on the 25th of *April* 1707. had not defeated the noble Design, *Spain* would have intirely submitted to his Dominion. The Emperor *Leopold* had not the Pleasure to see his Arms so well employed, and his Wishes backed by so prosperous Success; he was already dead, and in 1705. *Joseph I.* his Son, was elected in his Place.

AT this Time the glorious Imperial Arms were no less successful in *Italy* than in *Flanders*. The Siege of *Turin* was not only raised, but all the State of *Milan*, *Mantua*, and the other Places of *Lombardy*, were possessed in an Instant; so that the *French* were forced to abandon *Italy*, and retire with their Troops to *France*. The *French*, in order to relieve *Milan*, had drawn all their Troops out of our Kingdom; so that an Opportunity offered for making an Attempt upon it, which proved most successful. By reason of the natural Affection of the *Neapolitans* for the most august House of *Austria*, Count *Daun*, with a single Detachment of the Imperial Army, which the Emperor *Joseph* had in *Lombardy*, without the least Opposition, entered the Kingdom, and on the 7th of *July* this Year 1707. in the Name of King *Charles*, took Possession of the City of *Naples*, the Magistrates of which went as far as *Aversa* to present him the Keys. The Example of the Metropolis was immediately followed by the other Cities of the Kingdom: All the Castles surrendered: *Pescara* likewise submitted; only *Gaeta*, whither the *Spaniards* had retired,

retired, stood out, but in less than three Months, after a short Siege, it was taken by Storm, and pillaged. In short, the Imperial Troops were received with universal Joy and Satisfaction, and without Commotions, Tumults, or those Disorders which usually happen upon the Changes of Governments, the Kingdom peaceably and in the greatest Tranquillity went under the Dominion of King *Charles*, who kept then his Royal Residence in *Barcelona*.

NO small Advantage was reaped by our returning under the Dominion of this most august Family of *Austria*, by the many Concessions and Privileges, which, with a liberal Hand, above all the Kings his Predecessors, were bestowed by this grateful and most indulgent Prince. Moved by the Fidelity and Readiness shewn upon this Occasion, he granted both to the City and Kingdom new Favours, and all very considerable, and what is more, the ready Execution of the Old.

HE bestowed new and more honourable Titles upon the City and its Magistrates. He advanced its Natives to Employments, Benefices, and Offices, excluding Foreigners. By many Royal Writs he established the important Right of the *Exequatur Regium* to all Bulls, Briefs, and other Provisions that come from *Rome*: He prohibited, under severe Penalties, the Alienation of the Funds of the Royal Revenues: He quite abolished all Vestiges of the Inquisition: By his Royal Edicts he ordered, that all Foreigners should be excluded from all Benefices, Bishopricks, Archbishopricks, and other Ecclesiastical Dignities of the Kingdom, and that no Pensions should be imposed upon them in Favour of Foreigners: He confirmed all the Privileges and Favours granted by his Predecessors to the Barons and Kingdom: He abolished the Tribunal of the Rolls: He ordered, that the Prescription of a hundred Years should be good in Law against his Exchequer, even with respect to the *Regalia*, Matters relating to Jurisdiction, and his other Fiscal Rights: He extended the Feodal Succession in favour of the Barons to all the fifth Degree. Nor ought it to be looked upon as a small Advantage, our being now comprehended in the Truces which are made between the Emperor and the *Turk*; and the Commerce which he intends to open between *Germany* and our Kingdom, by establishing Free-Ports: A Thing, which was not to be desired of the *Spaniards*, much less expected. In short, he granted us many other considerable Favours, which, both to our Surprise and Contentment, we now read in the second Volume of the *Privileges and Favours*, which our City caused to be printed in the Year 1719. that not only their Value might be known, but likewise the Munificence of so great a Prince, who has been pleased so profusely to bestow them upon it.

IN the mean time our King *Charles III.* married a Princess no less prudent than beautiful, to wit, *Elizabetha-Christiana* of *Wolfenbuttel*, who traversing *Germany* and *Italy*, was conducted to her Spouse; at which time his Arms, under the Conduct of the Count of *Starembergh*, made wonderful Progress and Acquisitions, penetrating with his Armies as far as *Madrid*; and if the Duke of *Vendosme*, upon whom the Command of the *Spanish* Troops had been conferred, had not vigorously opposed our Army, forcing it to retire to *Catalonia*; the War of *Spain* would then have been gloriously ended. The *English* and *Dutch*, on the other Hand, had intirely routed the *French* in *Flanders*, in the Battle of *Oudenard* upon the *Scheld*, the Consequence of which was the taking of *Lille* and *Ghent*, and the Year following of *Tournay* and *Mons*; so that they forced *Lewis XIV.* to make Proposals of Peace, which, though they were advantageous to *France*, in the Conferences which were held in *Gertruydenberg* betwixt the Plenipotentiaries of *France*, *England*, and *Holland*, were not accepted.

BUT the Death of the Emperor *Joseph*, which happened on the 17th of *April* this Year 1711. at the Age of 32 Years, 8 Months, and 23 Days, without leaving Male-Issue, broke all the Designs, and changed the Face of Affairs. All the Princes of *Germany* recalled our King to the Empire; so that, while he was in *Barcelona*, by their common Consent he was elected Emperor in *Francfort*, and was proclaimed *Charles VI.* always august *Roman* Emperor. Therefore, leaving Queen *Elizabeth* in *Barcelona* to govern *Catalonia*, he thought fit to return to *Germany*, and take Possession of the Empire. And in the mean time the King of *France* taking Advantage of this Change, and, by sundry Negotiations and Allurements, having brought the Queen of *England* into his Measures, with great Earnestness solicited new Treaties of Peace. From the Beginning he persuaded that Queen to consent to a Suspension of Arms between *France* and *England*, so that she ordered the

Troops which she had in *Flanders* to retire from the *Dutch* Army: By which Separation that Army being much weakened, it was attacked by the *French* Army, commanded by the Marshal *de Villars*, and put so hard to it near *Denain*, that after a considerable Loss, the *French* made themselves Masters of the Enemy's Camp, took *S. Amand* and *Marchienne*, raised the Siege of *Landrechies*, and forced the Cities of *Doway* and *Quesnoy* to surrender.

THESE Advantages obliged the Confederates to hearken to the Proposals of Peace, so that Plenipotentiaries were named by both Parties, who having met at *Utrecht* (after a Suspension of Arms for *Italy*, and the Evacuation of *Catalonia* and *Majorca*, had, on the 14th of *March*, been agreed upon by the Emperor and the King of *France*) on the 11th of *April* 1713. a Peace was concluded between *England*, *Holland*, *Portugal*, *Savoy*, *Prussia*, *France*, and *Spain*. It was stipulated, that by means of the Renunciation made by *Philip* of his Right to the Crown of *France*, as well for himself as his Posterity, and of that of the Dukes of *Berry* and *Orleans* to the Crown of *Spain*, *Philip* should keep Possession of *Spain* and the *Indies*. *Sicily* was given to the Duke of *Savoy*, to whom likewise, and his Heirs, was promised the Succession of the Kingdom of *Spain*, in case *Philip's* Branch should fail. The Emperor was to keep Possession of the Kingdom of *Naples*, and the Dutchy of *Milan*. The Electors of *Bavaria* and *Cologne* were restored to the Possession of their Electorates. Queen *Anne* was acknowledged Queen of *England*, and after her Death the Duke of *Hanover* and his Heirs. The Fortifications of *Dunkirk* were to be demolished. The Towns of the *Spanish Flanders* were to be garisoned by the *Dutch*, in order to be restored to the House of *Austria*; and *Lille* and *Aire* were restored to the King of *France*.

THE Emperor, that he might not prejudice his Right to *Spain*, would neither ratify this Treaty, nor treat of a Peace with that Kingdom; therefore, on the 6th of *March* 1714. another particular Treaty was signed at *Rastadt*, between him and *France*, whereby the foregoing Conditions, with respect to all the other Powers, were confirmed, but he did not give over his Rights and Titles to that Monarchy, but was at freedom at any time to endeavour to recover it by Force of Arms. Nevertheless these Treaties were faithfully executed by all the Powers concerned, excepting *Spain*. *Sicily* was given to the Duke of *Savoy*, though *Spain* having afterwards a Mind to break this Treaty, by attempting to recover that Island, that Expedition occasioned the Change that afterwards followed, and which turned to the great Advantage of our Monarch, for having, by Force of Arms, recovered it from the Hands of the *Spaniards*, he gave the Island of *Sardinia* to the Duke of *Savoy* in Exchange for it; so that *Sicily* is now united to our Kingdom, as formerly, under the same Prince. *Catalonia* was evacuated, and the Empress *Elizabeth* returned to *Germany*, and joined her august Husband in *Vienna*, and being already big with Child, she soon after brought forth a Prince; but cruel and inexorable Death quickly deprived us of him, leaving us full of Sorrow and Affliction.

NEVERTHELESS, for the Government of those Dominions of *Spain*, of which the Emperor *Charles* was in Possession, a Supreme Council of State was erected in *Vienna*, composed not only of Counsellors of the long Robe, but of State, and of which the *German* Ministers have no Share. To this Council a Regent is sent from our Kingdom, as formerly had been in use to be sent to *Madrid* under the Government of the *Spaniards*. Therefore the same Methods are observed, and the Secretaries continue to act in the same manner as they did in *Spain*: The Royal Writs and Dispatches are penned in the *Spanish* Language, and the *Spanish* Ministers, who follow our most august Prince, retain their Share in this Council, whereof the Archbishop of *Valencia* is now the Head and President, and above all the rest is distinguished for his Loyalty and Zeal in the Service of our Prince.

IT was thought, that, by reason of the Competition and Dispute between these two Princes, *Charles* and *Philip*, each of which eagerly demanded the Investiture of the Kingdom of *Naples* of *Clement XI.* upon this Occasion that Custom would have been abolished; for that Pope having stedfastly refused it to the Emperor *Leopold*, who justly sought it for the Archduke *Charles*, his second Son, he likewise (to shew a Neutrality) refused to give it to King *Lewis* of *France*, who, no less earnestly sought it for the Duke of *Anjou*, his Grandchild. By reason of this Competition, during all *Clement's* Pontificate, which was very long, the Competitors did not think fit any more to demand it, so that it was thought, that the Investiture which

Charles

Charles II. took in the Year 1666. from Pope *Alexander VII.* would have been the last. Upon the like Occasion the Investiture of the Kingdom of *Sicily* was dropt; for the *Roman* Pontiffs, to avoid giving Offence to *Charles I.* of *Anjou*, and the *Anjoÿn* Kings his Successors, having always refused to give it to King *Peter* of *Arragon*, and the *Arragonian* Kings his Successors; the *Arragonians* afterwards considering, that no Detriment had happened to them through the want of it, and that all they got was only a Bit of Paper, with four written Words, as King *Charles III.* of *Durazzo* was wont to say to Pope *Urban VI.* they had no mind to seek it any more, so that, as it had been introduced there by a certain Custom, by Disusage it is now quite abolished; insomuch that afterwards neither King *Alphonfus I.* of *Arragon*, nor *Ferdinand the Catholick*, nor the other Kings of the most august House of *Austria*, never demanded it, and it only continues for the Kingdom of *Naples*:

THE *Roman* Pontiffs formerly arrogated likewise to themselves the Power of giving Investiture of the Kingdom of *Sardinia*, as *Boniface VIII.* actually gave it to *James* King of *Arragon*; but those Kings did not think fit to seek it afterwards¹. And they even pretended the same with respect to the Kingdoms of *Arragon* and *Valencia*, particularly *Martin IV.* who deprived *Peter* King of *Arragon* of these Kingdoms, and gave *Charles* of *Valois*, the Son of *Philip* King of *France*, the Investiture of them. But five Centuries are now past since the Popes laid aside such Thoughts and Pretensions². They likewise pretended to it in the Kingdom of *England*, as was practised in the Time of King *John*, who thought fit to take the Investiture of it from, and be crown'd by the Pope, who, therefore, sent *Pandolphus*, as his Apostolical Legate to crown him³. But the other Kings of *England* by no means would have Investiture of it since that Time, nor was it ever since practised. They attempted the same in the Kingdom of *Scotland*, in the Time of *Edward I.* of *England*. But the *English*, not minding that, gave the Pope to understand, that he had nothing to do with the *Scots*, who were Subjects and Vassals of the King of *England*⁴. Lastly, the Attempts are notorious which the *Roman* Pontiffs have made upon the *German Roman* Empire, which has been reckoned up by them among the Fiefs of the Church of *Rome*, and that therefore it belonged to them to elect the Emperors. But all Subjection was afterwards abrogated, and the Power of electing remains now absolutely in the Electoral Princes, and the Ceremony of going to be crowned in *Rome* by the Hands of the Pope is likewise laid aside. Thus, as Opportunities offered, wise Princes shook off these Yokes, which being introduced in Times of Ignorance, as they were then established by Fraud, so, by a contrary Practice, they were abolished.

NOTWITHSTANDING all this, Pope *Clement XI.* at the Age of 72 Years, after a long Pontificate, of little less than 21 Years, having died on the 19th of *March* 1721. and, in the Month of *May* the same Year, Cardinal *Conti* having been elected in his Place, who took the Name of *Innocent XIII.* who now, with great Applause, Conduct, and Prudence, governs the Apostolical See. In the first Year of his Pontificate, at the Desire of our Emperor (for Reasons, perhaps, more secret and prudent than are fit for us to pry into) has given him the Investiture of the Kingdom, and in the Month of *May* 1722. dispatched the Bull of it, in which, as *Leo X.* did by the Emperor *Charles V.* he dispensed with the Conditions of the antient Investitures, which prohibit the Kings of *Naples* to be Emperors or Kings of the *Romans*, and, upon accepting the Imperial Crown, declare them to have forfeited the Kingdom; as may be seen in the preceding Books of this History.

¹ Collen. Hist. lib. 5.

² Paul. Æmil. lib. 4.

³ Blond. decad. 2. lib. 6. Polyd. Virg. Hist. Angl. lib. 15.

⁴ Westmonasteriens. in Edwardo I.



C H A P. V.

*The State of our Jurisprudence, and of the other Arts and Sciences
which flourished among us in the End of the seventeenth Century,
and continue so at this Time.*

THE Progress, which the Jurisprudence, and the other Sciences made among us in the Reign of *Charles II.* was truly wonderful. In the other Kingdoms of *Europe*, and especially in *France*, they were restored, and brought to the highest Pitch of Perfection from the Beginning and in the Course of the seventeenth Century. However it was later before they were improved and polished with us. Our Jurisprudence, as we have said, was put into a better Form by *Francesco d'Andrea*, and those that followed him, and not only in the Chair, but in the Courts of Judicature, the Laws began to be taught by new Methods, and Law Points to be disputed according to the true Principles of our Jurisprudence, and the Interpretations of the most learned Lawyers. Philosophy, which hitherto, with us, had been confined to the Cloysters, and reduced to logical and metaphysical Subtleties, or to some idle and useless Disputes, appeared with a new Lustre by the Study of natural Sciences, and by a vast many new Discoveries, and the right Method practised in treating of it. Medicine, by the Experiments of natural Philosophy, and the Use of many Medicaments unknown to the Antients, proved more beneficial to Diseases. The Mathematicks, and especially Algebra, and the other abstract Parts thereof, were much improved by the Invention of new Methods. The Academies instituted among us, and composed of Men famous for their Skill in the Languages, Eloquence, and Erudition, contributed not a little to the Perfection of the Sciences, and the Advancement of Learning. Lastly, the Correspondence which was settled among us, with *France*, *Germany*, and *Holland*, by means of the *Journals of Literature*, brought Learning to the highest Pitch of Perfection; for by means of the great Number of Journals which are published in these Countries, every Body may have an Account of the Books that are printed in *Europe*, of the Matters they contain, and of the News of the Commonwealth of Learning.

AS for the Jurisprudence, we have seen, that *Francesco d'Andrea* was the first, who both pleaded and wrote according to its true Principles, and the Interpretations of *Cujacius* and other learned Men; and having for many Years exercised the Employment of an Advocate, and acquired that Fame which is known to all the World, he likewise acquired many Imitators; so that in our Tribunals, mere Barristers began to be distinguished from true Lawyers. Being afterwards made Judge of the Vicariate by the Count of *Santistevan*, and, by his Means, soon after advanced by King *Charles II.* to be a Counsellor, and then Attorney-General of the Royal Chamber, in exercising which Office, in his Pleadings, and especially in that famous Feudal Dispute¹, he displayed his Learning, his Knowledge in History, and the true Jurisprudence. After having been three Years in that Office, he got Leave from the King to return to the Sacred Council; from whence afterwards, by reason of his many Infirmities, and the great Desire he had of retiring from all Business, in order, the more quietly, to apply himself to the Study of Philosophy,

¹ Disputatio An Fratres in Feuda, &c. edit. 1694.

in which he took exceeding Delight, he retired to the Solitudes of *Candela*, a small Village in the Territories of *Melfi*, where this matchless Lawyer died on the 10th of September 1698.

THE next to him in Eloquence and Learning, and the Art of Pleading and Writing well, was the famous Advocate *Serafino Biscardi*. He had likewise for Collegues *D. Niccolo Carovita* and *Amato Danio*, but unequal to him in Eloquence, Knowledge, and Learning, and *Pietro di Fusco* and *Flavio Gurgo*, Men of profound Skill in the Law. There were also others who kept up in our Tribunals the true Art of Eloquence, who being still alive among us, and advanced to the chief Honours of Magistracy, I should be afraid of offending their Modesty in mentioning them; but out of Gratitude, and because I had the good Fortune to be the Disciple of one of them, who, in the Opinion of every Body, is without the Reach of Envy and Emulation, I cannot pass him over in Silence. This is the incomparable *Gaetano Argento*, who from his Youth, being Master of the most abstruse and uncommon Learning, of the Languages, History, and the *Belles Lettres*, he applied himself to the Study of the Laws, in which by the Penetration of his Divine Genius, his surprising Memory, and indefatigable Application, he succeeded to a wonderful Degree; insomuch, that by the Profoundness of his Knowledge, and especially in the Jurisprudence, he exceeded all the Lawyers that ever flourished among us. And being afterwards advanced to the Supreme Magistracy, and to the chief Honour of President of our Sacred Council, he acquired a most noble Character; for having the Superintendency of the Affairs of State of the greatest Moment, he discovered not only the Effects of his Learning, but of his Wisdom and the Art of Government.

THE Purity of our Jurisprudence was kept up in our Courts of Justice by these bright Men; but there were not wanting others of rare Talents in these Times, who likewise maintained it in the University. It had been, as we have said, begun to be taught in the University with greater Politeness than formerly; but it had not come up to that Perfection with which it was taught in other Universities, particularly in those of *France*; but as soon as the famous Professor *Dominico Auliso* began to teach in it, the Jurisprudence was brought to the utmost Height of Perfection. By his profound Learning, especially in the *Roman* and *Greek*: By his Skill in the Languages, and his vast Assiduity, he introduced the true Method of explaining the Laws. He was likewise the first that laid down a Rule to Opponents in the Chairs, how, and after what Method they ought to proceed, so as not making a Digression from the Text, as was usual formerly, into Premises, Amplifications, Restrictions, and Corollaries, they might come to the genuine Exposition and Sense of it, and then, with Perspicuity and Propriety of Speech, explain them. This Man was wonderful for his deep Knowledge in all manner of Learning. He was not only profoundly skilled in the true Jurisprudence, as his Works testify, but in the Mathematicks, the *Latin*, *Greek*, and other Oriental Languages. He was a great Antiquary, and had a particular Delight in the Study of antient Medals, and other Monuments of Antiquity. He was a great Philosopher, Poet, and Orator; and he made so great a Progress in the Study of Physick, that he wrote a most learned and accurate History of Physick, which he designed to have published, but by his natural Indifferency, always dubious and wavering, and never pleased with his own Works, being prevented by *Daniel le Clerc*, it remains in MS. with the other Works he left us. His Treatise, intitled *Scholæ Sacræ*, likewise he had made ready for the Press, but for the same Reason it is left to the Discretion of his Heir to publish it when he shall think fit. His Works upon the Law, which are now printed, were not designed by him to be published, but only for the Benefit of his Scholars, and he would have taken it as a great Affront, if, in his Life-time, any Person had taken upon him to do it; but the Good of the Publick has prevailed upon me, to whom, as one of his dearest Disciples, he recommended his Writings; more than his private Injury; for, though he, out of his natural Modesty, set no great Value upon his own Works, we are sure, that great Advantage will be reaped from them, and that the Judgment of the World will be very different from that of their Author. He has likewise left us many other Works upon Poetry, the Art of Oratory, *De emendatione Temporum*, Mathematicks, Philosophy, and diverse other Compositions; but all of them imperfect, and full of Erasurements, and short Expositions.

fitions in the Margin: Perhaps, at a more seasonable Time, and greater Leisure, the Republick of Letters shall partake of some of them.

ON account of his eminent Learning, in 1695: the primary Evening Chair being vacant by the Death of D. *Felice Aquadia*, with unanimous Voice he was placed in it, with a yearly Salary of 1100 Ducats, which he supported with the highest Splendor and Glory; insomuch that our University vied with the most illustrious Universities in *Spain* or *France*, and he taught in it to the End of *January* 1717. the Year of his Death. But though this was a grievous and inestimable Loss, yet neither the Chair nor the University suffered any thing by it; for amongst many Competitors for the Chair, with unanimous Consent it was filled up with an equally learned and famous Professor D. *Niccolo Capasso*, who at present supports it with Honour, and who having been the first that taught the Canon Law in our University, according to the true Principles taken from the Councils and Fathers, with the Help of the Ecclesiastical History, and according to the Interpretation of the most judicious and learned Canonists: As he formerly had adorned and made that Canonical Chair shine with more Lustre, so now, by his Eloquence, Skill in the Laws, great Erudition, and Knowledge in the Languages, he fills up the primary Civil Chair with no less Honour and Concourse of Students, than it was in the Time of his Predecessor.

IN these Times the other Chairs of this University, by the other Sciences taught there, were likewise put upon a better Footing. *Tommaso Cornelio* had introduced a new Philosophy into *Naples*, and got the Works of *Renatus des Cartes* to be taught there: In these Beginnings he had *Lionardo di Capoa* for his Colleague, who was both a Physician and Philosopher; so that they jointly began to promote the *Belles Lettres*, and especially Philosophy and Physick. Shortly after, some of more subtle Genius's, drawn in by their Example, likewise applied themselves to this new manner of Philosophizing, and laying aside all that they had learned in the Cloysters, they gave themselves to these new Studies. D. *Andrea Concubletto*, Marquis of *Arena*, was their Protector, who, moved by a passionate Inclination for such Studies, and also spurred on by a generous Envy, to see true Philosophy prevailing in the other Parts of *Europe*, and neglected and known by few in *Naples* alone, he did his utmost to get such as took Delight in it, to meet in some Place, where, by nice Examinations and Speculations, they might endeavour to make further Advances in the Knowledge of it. The Academy of Sciences had already been settled in *Paris*, and the Royal Society in *London*, therefore, in Imitation of these, the Marquis of *Arena* studied to establish his Academy. For which End the Marquis's own House was pitched upon for the Place of Meeting, into which the most learned Men of these Times were admitted. It was called the Academy *Degl' Investiganti*, and has for its Devise a Setting Dog, with a Motto out of *Lucretius*: *Vestigia iustrat* ¹.

THE most famous Men that were admitted into this Academy, and whose Memories are still preserved among us, besides *Cornelio* and *Capoa*, were the so famous *Camillo Pellegrino*, who, though he had spent his whole Life in different Studies, to wit, of History, and searching into our Antiquities, in his old Age was so fond of the new Discoveries, and Methods of this new Philosophy, that he found Fault with his Age, that would not allow him to apply himself to these Studies. The renowned *Francesco d'Andrea*, and his Brother *Gennaro*. D. *Carlo Buragna*, who restored the *Italian* Poetry in *Naples*, and besides his Skill in Geometry and Natural Philosophy, he was a great Master of Languages. *Giovanbattista Capucci*. *Sebastiano Bartoli*, a famous Physician of these Times, for whom the Viceroy, D. *Pedro Antonio* of *Arragon*, had a great Esteem. *Lucantonio Porzio*, a great Philosopher and Physician, who read noble and learned Lectures upon several philosophical Discoveries. The noble *Daniello Spinola* and D. *Michele Gentile*, Monsignor *Caramelle*, then Bishop of *Campagna*, and *Pietro Lizzardi*, a Jesuit, were likewise received Members of this Academy, besides many others of great Parts, who made it their whole Study to shake off the heavy Yoke which the Philosophy of the Cloysters had put upon the Necks of the *Neapolitans*.

THE Marquis of *Arena* having left *Naples*, and soon after died, this Assembly was dissolved; but for all that the Academists, some by teaching in the Chair,

¹ V. *Lionard. di Capoa* Parer. ragion. 8.

others by writing noble Treatises, continued to promote these Studies; so that in a very short time they made a most notable Progress, and gained over many Followers, diffusing not only this Philosophy, but the other Sciences; and they introduced new Methods in Physick, Anatomy, Botany, and the Mathematicks, and especially in Algebra, and very much extended the Knowledge of them. Those, who thought not fit to set up for the Chairs, signalized themselves in propagating the new Philosophy. *Lionardo di Capoa* made himself famous by his *Opinions* which he printed. *Gregorio Calaprese*, likewise a deep Philosopher, gave good Proofs, by his learned Writings, how great a Proficient he was in the *Cartesian* Philosophy, and many others of noble Genius's did the same.

THOSE who aspired after the Chairs, no less by their printed Works, than by teaching the Sciences publicly, very much raised the Reputation of our University; so that not only by the Civil and Canon Laws being taught there in the greatest Purity and Perfection, but all the other liberal Arts, it vied with the greatest Universities in *Europe*. The Chair of *Medicine* flourished under the famous *Lucca Tozzi*, renowned for his printed Works; and after his Death it flourished no less, but rather acquired greater Lustre, in being filled up by the so celebrated *Niccolo Cirillo*. That of *Anatomy* is likewise possessed by *Lucantonio Porzio*, famous over all *Europe* for his profound Knowledge, and elaborate printed Works. Those of *Mathematicks* and *Eloquence*, were supported, as they are still, by able Professors. By the preceding Misfortunes, the Chair of the *Greek Language*, in these Times had been suppressed; but in the Government of the Marquis *De los Velcz*, in the Year 1682. it was restored; and its being filled by D. *Gregorio Messeri*, a Priest, and a great Master of that Language, it became more flourishing than ever: So that all we know at present of that Language is owing to this renowned Professor.

THE same Year *Botany* was likewise restored to greater Advantage, by the Care of D. *Francesco Filamarini*, who being elected Governor of the Hospital of the Annunciation of *Naples*, for the publick Good, at his own Charges, caused a Garden without the Walls of the City, in a Place called *Montagnuolo*, to be planted with Simples, of which *Tommaso Donzelli*, a famous Physician in our Time, took the Direction, and enriched it with many Plants. Before him *Mario Schipano* had likewise cultivated that Study, which was transmitted to us by the celebrated *Fabio Colonna*; and in our Time *Gio. Battista Guarneri*, a renowned Physician and Professor, had made notable Progress in it.

AT the same time the *Italian Poetry* was restored to its antient Splendor among us by *Carlo Buragna*, *Pirro Schittini*, and other excellent Poets, who flourished then. The other Sciences, Learning, and the Languages, were brought to great Perfection under the Government of the Duke of *Medina Celi*, who protected them and their Professors. The Study of Ecclesiastical History and Positive Divinity, which had been brought to the utmost Perfection in *France*, came but of late to be cultivated among us; but some of bright Genius's having at last applied themselves to it, became most eminent in it: So that all the liberal Arts being introduced among us, Politeness and Learning were restored both in the City and Kingdom.





C H A P. VI.

The Ecclesiastical Polity of these Times.

URING the Reign of King *Charles II.* there was not the least Alteration among us, with respect to the Ecclesiastical Polity; but his *Spanish* Viceroys followed the Footsteps of their Predecessors. Two most exemplary Popes, who during that Time governed the Apostolical See, reduced Things to a more moderate State; and being zealous for the Honour of God, were more intent upon reforming the Manners of the Ecclesiasticks, than in promoting the Pretensions of that Court upon the Temporalities of Princes. *Innocent XI.* on account of his good Life and Conversation, drew Respect and Reverence, not only from the Catholick, but even from the pretended reformed Princes. He was wholly bent upon rooting out the Abuses which had crept into the whole Clerical Order; he condemned the Remissness of Discipline, and the pernicious Doctrines with which the scandalous Casuists had stuffed their Writings: He curbed the Insolence and Boldness of the Monks, and in the Year 1680. published a Bull against the ill-digested Method of preaching introduced by them, who being accustomed to the Sophistry of their Schools, and ignorant, not only of the Art of Eloquence, but of every Thing else, they gave themselves wholly to Quibbles, Antitheses, Illusions, and strained Metaphors; and, to serve their Purposes, also wrested both the Scriptures and the Fathers. *Innocent XII.* being a *Neapolitan*, studied the Quiet and Welfare of the Kingdom. He having been Archbishop of *Naples* for many Years, the Faults and Corruption of the Ecclesiasticks were well known to him, and especially the Extortions committed by the Tribunal of the Nunciature, and its Commissaries over the Kingdom, and the cruel Spoils that were practised: So that commiserating the calamitous State of our Churches, he resolved to remit the Spoils of the Churches, not comprehended in the Agreement, in favour of the Churches themselves, the Product of which was to be employed in repairing and beautifying them, with the Consent of the future Bishop or Prelate, and in Presence of a Person deputed by the Chapter, which he established accordingly by a Bull. And 'tis thought, that if the *Neapolitans* had insisted directly with this Pope, instead of applying to *Charles II.* for providing the Natives with Benefices, and excluding Strangers, perhaps he would have been induced to grant it. This zealous Pope removed many Abuses introduced into the Church, and, as much as in him lay, reformed the Court of *Rome* itself. He abolished the Scandal of *Nepotism*, and called his Nephews the poor Men, giving them the *Lateran* Palace, magnificently repaired, for their Habitation. He likewise abolished the selling of the Clerkships of the Chamber, and ordered, that for the future, Parish-Churches should not be burdened with Pensions. He appointed a particular Congregation for the Reformation of the Ecclesiasticks; and another for the Discipline of the Regular Clergy; and by a Bull he lessened the Authority of the Cardinals Protectors of Religious Orders. He prohibited Priests to enter into the Service of Laicks, moderated the Luxury of their Habits, forbid Ecclesiasticks to wear Periwigs, and made other Provisions for restoring good Discipline.

BUT these good Regulations were of short Duration, for he was no sooner dead, being succeeded by *Clement XI.* who had been accustomed all his Life-time to the Evasions of that Court, and bred up in its Maxims, than the former Disorders

ders were renewed. The Constitutions of that Religious Pope, by various and forced Interpretations, were rendered useless: The Incroachments were revived; and there never was a Pope, who had so many Quarrels with different Princes upon his Hand all at once, as this. He had Disputes with the Duke of *Savoy*, *Spain*, and *Germany*: He attempted to abolish the Monarchy of *Sicily*, though in vain; and in short to invalidate, not only the Sovereign Rights of our Princes, but the very Concessions granted by his Predecessor to our Kingdom and Churches.

INNOCENT's Bull, whereby the Apostolical Chamber was deprived of the Spoils of our vacant Churches, by wrested Interpretations, was rendered of no Effect; for it was interpreted to be put in Execution, when the Bishop or Prelate dies within his Diocese, but not when he happens to die without it. And when the Prelate died within his Diocese, the Law was also set aside, for by the Clause subjoined in it, that the Spoils, with the Consent of the future Prelate or Bishop, were to be employed upon the Churches, Matters were so ordered, that they received no Benefit from the Spoils; for the Bishops and Prelates coming from *Rome*, so impoverished by their expensive living at that Court, the Charges of dispatching the Bulls, and other Acknowledgements, that what they found remaining, was not employed in repairing or beautifying the Churches, or the Relief of the Poor, but for their own Use and Benefit, and for satisfying the Debts they had contracted by the long Stay they had made in *Rome*; and if the Chapter happened to find Fault with it, which seldom fell out, being unwilling to quarrel with their Superior, such Recourses served for no other End, but to squander away the Remainder upon long and expensive Law-Suits at *Rome*.

ALTHOUGH *Gregory*'s Bull, about the Immunity of the Churches, had not been received in the Kingdom, yet it was endeavoured to have it take Effect, even in the most enormous Crimes, by proceeding to Censures against the King's Ministers, who had a mind to punish the Guilty: The *Exequatur Regium* was looked upon as a Novelty; and the Incroachments and Irregularities of the Bishops of the Kingdom, who disturbed the Royal Jurisdiction, were vigorously defended.

BUT in the mean time our Kingdom having happily come under the Dominion of *Charles*, our most august Prince, who then had his Royal Residence in *Barcelona*, under his favourable Auspices the Incroachments of the Ecclesiasticks were not only vigorously opposed, but the Royal Rights, and the Privileges of his Subjects were more firmly established, and in so strong and resolute Terms, that in all the preceding Favours granted by our *Arragonian* and *Austrian* Princes to this City and Kingdom, there are not so pithy Expressions to be found. By many Royal Writs dispatched from *Barcelona*, he firmly established the Necessity of the *Exequatur Regium* to all the Bulls, Briefs, or other Provisions that come from *Rome*¹. He excluded Strangers from Benefices, and ordered the Revenues of those who had been provided of them, to be sequestrated². He abolished all Vestiges of the Inquisition, commanding, that, in Causes relating to our Holy Faith, the Ordinaries of the Places should proceed in the same manner as is practised in other Ecclesiastical Offences and Criminal Causes³. And being afterwards raised to the Imperial Throne, he continued stedfast in the same favourable Disposition towards us; insomuch that on the 6th of *August* 1713. at the Request of the City and Kingdom, he not only resolutely excluded Foreigners from all the Prelateships and Benefices of the Kingdom, ordering, that they should be conferred upon the Natives; but with the same Earnestness and Care he likewise endeavoured to prevent the Frauds committed in favour of Strangers, by Reservation of Pensions, &c. contrary to these his Royal Intentions: So that now, in order to avoid these Frauds, in granting the *Exequatur Regium* to the Provisions of Benefices conferred by *Rome* upon the Natives, the Supreme Collateral Council has made it a fixed Rule, to add this Clause, *Exceptis pensionibus forsan impositis in Beneficium exterorum*.

HOW much our Forefathers have laboured, not only with the Kings of the illustrious House of *Arragon*, but with those of *Austria* for obtaining so considerable a Benefit, the so many Requests, which we read, that have been made for that End to those most serene Princes by our City and Kingdom, sufficiently demonstrate; and in the Reign of King *Charles* II. in the Year 1692. we find two Resolutions

¹ Priv. e Graz. di Carlo VI. tom. 2. p. 229, 330.

² Priv. loc. cit. & pag. 227, 228, & 233.

³ Priv. &c. loc. cit. pag. 232.

made by a particular Deputation, for giving a new Memorial to the King about it ; and the learned Advocate *Pietro di Fusco* was pitched upon for drawing up the Petition, which was accordingly done, and presented to the Count of *Sanistevan*, then Viceroy. But Heaven had reserved so great and signal a Favour to be granted us in these latter Times by our most august, magnanimous, and clement Prince.

POPE *Clement* made a terrible Noise about it, and condemned the King's Edicts, as prejudicial to the Ecclesiastical Immunity. But by the Means of three learned and excellent Writings, penned by the most grave Lawyers, he was given to understand, that they were conformable, not only to the Laws and Customs of the other Nations of the Catholick World, but also to the Canons of many Councils and Constitutions of Popes, to the Doctrine of the Fathers of the Church, and to the general Opinion of the most grave and renowned Divines and Canonists.

IN the Reign of our most august Monarch and Emperor *Charles VI.* especially under the Government of Count *Daun*, our Viceroy, the Outrages of the Ecclesiasticks, and the Incroachments and Irregularities of the Bishops, were vigorously curbed, the Royal Prerogatives were boldly maintained, and the Prelates were punished by the Sequestration of their Revenues, and being summoned, and not appearing, they were frequently banished the Kingdom, which are Remedies, that not only the Laws, but the antient Usage of the Kingdom allow our Princes to make use of against them. The Immunity of the Churches was preserved according to the Prescription of the Canons, but not of the *Gregorian Bull*, which upon all Occasions had been rejected. The *Exequatur Regium* was indispensably to be sought and obtained to all Provisions that came from *Rome*. The Bishops were kept within their Bounds, and many Abuses were removed, which had crept into their Dioceses. The Franchises and Immunities of the Churches were maintained according to the Prescriptions of the Canons, and of our Laws, and Frauds were prevented : So that the Ecclesiastical Authority and Jurisdiction were confined to their just Bounds, leaving to the Priesthood what is of God, and to the Empire that which is *Cæsar's*. In which Work, no less glorious than acceptable to God, the most zealous *Gaetano Argento*, President of the Sacred Council, had the greatest Share, to whom our most august Monarch having committed the Defence of his Royal Jurisdiction, he maintained it with no less Learning than Vigour. He, who by profound Knowledge knew well how to distinguish the Limits of the Priesthood from those of the Empire, employed all his Care in keeping them within their just Bounds, that the one might not incroach upon the other. He was the first among us, who, according to the true Principles drawn from the Sacred Canons, Councils, the Sentiments of the Fathers, and of the most learned and grave Divines and Canonists, managed with Decency, great Learning and Judgment these Disputes about Jurisdiction, in which he soon became most accomplished, outstripping all that ever had undertaken that Charge before him. The so famous Regents *Villano*, *Revertera*, *de Ponte*, and many others, who signalized themselves in the Defence of the Royal Jurisdiction, came far short of him : Their Consultations being compared with his most learned ones, supported by Authorities and uncommon Observations, drawn not only from the Ecclesiastical History, Councils, Fathers, and the most excellent Canonists, but also from our Records, and the remarkable Instances of our Kingdom ; these as far over-top those, as the tall Cypress-Trees do the humble Shrubs. So that if any Thing was wanting, that hindered this Kingdom from vying with *France*, where these Studies are arrived at the utmost Perfection, to him is owing, that even in these we have no reason now to envy her.

UNDER the Reign of our most august Prince, the Grievances of the Tribunal of the Nunciature of *Naples* were likewise redressed, and, as we have said elsewhere, for the same Reason, the Tribunal of the Fabrick of *S. Peter* was suspended. Our Monarch being informed of the Spoils and Extortions that were committed in these Tribunals, to the great Detriment of his Subjects, in 1717. ordered the Nuncio to depart the Kingdom in 24 Hours ; which Royal Order coming to *Naples* in the Month of *October* the same Year, it was immediately put in Execution : The Nuncio departed, his Palace and the Doors of the Tribunal of the Fabrick were shut up. On the 4th of *June* the Year following, our Emperor being then at *Luxemburgh*, dispatched another Order, whereby he ordained the Revenues of the vacant Churches and Benefices to be sequestered, and employed in the Reparation and beautifying

beautifying these Churches, and relieving the Poor. And on the 8th of *October* the same Year 1718. he sent another, directed to Count *Daun*, the Viceroy, whereby he charged him to give him a full Information of the Extortions and Incroachments of these Tribunals, and how they could be remedied. The Viceroy, with great Exactness, by a Delegate of the Jurisdiction, executed the Imperial Order, giving him a full Account of the foul Practices of these Tribunals, and of the proper Remedy. In the mean time Pope *Clement*, by means of his Nuncio in *Vienna*, and the Intercession of the Empress *Leonora*, endeavoured to mitigate the Severity of her Son; so that the Affair being taken into Deliberation, the Nuncio was allowed to return, however, with a limited Power, and upon Condition of removing the bad Practices of his Tribunal. He returned in the Month of *June* 1719. but, on account of some Difficulties that occurred in giving the *Exequatur* to his Brief, our Collateral Council would not suffer him to enter the City; so that he was obliged to wait till new Orders came from Court, and the Difficulties being removed in *Vienna*, Orders came for restoring him to the Exercise of his Office; therefore, about the End of this Year 1719. he was introduced into the City, and his Tribunal was opened, but that of the Fabrick continued shut and suspended, as it is at present.

SUCH were the Difficulties that occurred in the Pontificate of *Clement XI.* in maintaining the Royal Rights, and freeing the King's Subjects from the Impositions and Tricks of the Ecclesiasticks. But *Clement* dying soon after, and being succeeded by the present Pope *Innocent XIII.* a firm and undisturbed Peace was settled between the Priesthood and the Empire, and these two Powers were brought to a perfect Harmony and Correspondence. This *Innocent*, imitating the great Pope *Innocent III.* his Predecessor and Kinsman, and putting in Execution, what he had established by a Canon of the *Lateran Council* ¹, has shewn his pacifick and moderate Sentiments, that as it is his earnest Desire, that the Laicks should not incroach upon the Rights of the Clergy, so it is his Will, that the Clergy be contented with what the Canons, the Apostolical Constitutions, and the approved Usages allow them; and that under pretence of Ecclesiastical Immunity they should not invade the Rights of the Laicks, and extend their Jurisdiction to the Prejudice of the Royal; to the End that, by a just and well regulated Distribution, what is *Cæsar's* may be rendered unto *Cæsar*, and to God what is God's.

¹ Conc. Later. sub Inn. III. can. 42.

S E C T. I.

Of Monks and Temporalities.

IN these Times, though the Monks had lost the Reputation which formerly they had, of Sanctity and Learning, yet they went on in acquiring Temporal Riches: The Revenues of what they had already acquired, the new Legacies, and the Donations which were made to their Churches, yielded them so much ready Money, that when they were disappointed in Legacies, they bought the Farms, and in case of Competition, as the highest Bidders, having such Plenty of ready Money, not gained with the Sweat of their Brows, they were preferred to all others. It became a Custom in these later Times, that all Testators left Chaplainships to their Churches, and settled plentiful Funds for saying Masses, laying the Stress of the Salvation of their Souls, not upon keeping themselves unspotted from the World, and in their Life-times endeavouring to relieve the Widows and Oppressed, but upon building sumptuous Chapels, and causing Masses to be said at all the Altars ¹. And it is very surprizing, that notwithstanding the Monks had brought themselves into Disrepute, and that the Laity spoke of them with Disrespect, yet they are still Masters of the Minds of the People, who act in the same manner as those, who, though they despise the Physicians while in Health, looking upon them as useless in the Cure of Diseases, upon the least Indisposition are more submissive to them than others.

¹ Bossuet. Politic. lib. 7. par. 2. art. 4. propos. 11.

DON *Pedro Antonio* of *Arragon*, the Viceroy, favoured them in their Acquisitions, and in his Time, besides the Hospital of *S. Januarius*, without the Walls of the City, the famous Hermitage of *Sister Orsola* was finished. Under the Government of the Marquis *De los Velez*, the bare-footed Hermits of *S. Augustin* opened a magnificent Church, by the Name of *S. Niccolo Tolentino*. *Gaspare Romer*, a famous *Flemish* Merchant, at his Death, enriched not only the Hospital of the Incurables, but likewise the Monastery of the Nuns of the Sacrament. Other foreign Merchants, having no Relations to whom they could leave their Riches, founded new Monasteries, and invited Nuns from their own Countries to come and live in them. To these were added the excessive Portions given with the Nuns upon their entering the Monasteries, to which the Portions belong after their Death; and whereas of old it was strongly disputed, whether the receiving of such Portions was *Simoniackal* or no, yet they were received without the least Scruple. It likewise became a Custom, that the very Monks reserved to themselves considerable yearly Rents, and in these latter Times such Reservations are practised by the very Mendicant Orders; and they are in a fair Way to take the other Step at entering the Monasteries, that is to say, to settle their own Patrimonies upon themselves. For which End, in these latter Times we see no more Reforms of the antient Orders, but new Congregations of Priests: The *Cowls* are laid aside, in order to lead a more lazy Life, without being obliged to attend the Choir, or to be bound to other Duties and Inconveniences, to which the austere and rigid Cowl is liable, they now like better to wear the *Cap*.

FROM such a vast Number of Sources are the immense Riches of the Ecclesiasticks drawn, which are the evident Cause of our Misery. The publick Burdens are borne by the Laicks alone, and they are become now much more insupportable, because the Estates that formerly were in the Possession of the Laicks, being continually conveyed to the Ecclesiasticks, the whole Burden, which before was divided, falls upon the Remnant left in the Hands of the Laicks. 'Tis computed by the most expert Men, and those who knew the State of the Kingdom, that of three Parts of the Revenues, near two are in the Possession of the Clergy, which never can be recovered out of their Hands, by reason of the most strict Laws made in their Favour to prevent it. Others generally affirm, that if the Kingdom were divided into five Parts, it would be found, that the Ecclesiasticks have four of the five; for they have almost the Half of the whole Land, and as for the rest, they get another Part and a half in Legacies and such like Donations; for none die without leaving some Legacy to some Church or Convent. Besides that, in a short time they are in a fair Way to purchase the whole Remainder, because having plenty of ready Money, arising from Legacies and their vast Revenues, they are constantly buying Farms and Houses. So that judicious Foreigners, in their Travels, amazed at such boundless Wealth, and among the rest, the knowing and learned *Burnet*, are of Opinion, that if a Stop be not put to it, the Ecclesiasticks in a short time will not only purchase the whole City of *Naples*, but within the Space of an Age will be Masters of the whole Kingdom.

OUR Forefathers were sensible of the Consequences of such pernicious Practices, and endeavoured to curb such unbounded Acquisitions. When, in the Name of the City, Barons, and Kingdom, the Regent *Ettore Capecelatro* was sent to King *Philip IV.* among the other Favours that were begged of that Monarch, one was, that he would be pleased to put a Stop to the Purchase of Estates which the Ecclesiasticks were making in the Kingdom. And King *Philip* dying before any proper Measures could be taken, Application was made to his Successor King *Charles II.* but it being looked upon as a Matter of great Moment, all that could be obtained of that King, was a Promise that he would take it into Consideration*. But under the happy Government of our most august Monarch, the City and Kingdom being encouraged by his Magnanimity and Clemency, put up a new Petition to him, in which, representing the Miseries which such Purchases brought upon the Kingdom, to the great Detriment both of the Royal Revenues and of the Subjects; the indisputable Right he had to be obeyed; and the Examples of other most religious Princes, who, by prudent Laws have suppressed such Purchases in their Dominions; they earnestly begged of him, that he would be pleased to do the same in the Kingdom of *Naples*, so that for the future the Ecclesiasticks may not be capable of pur-

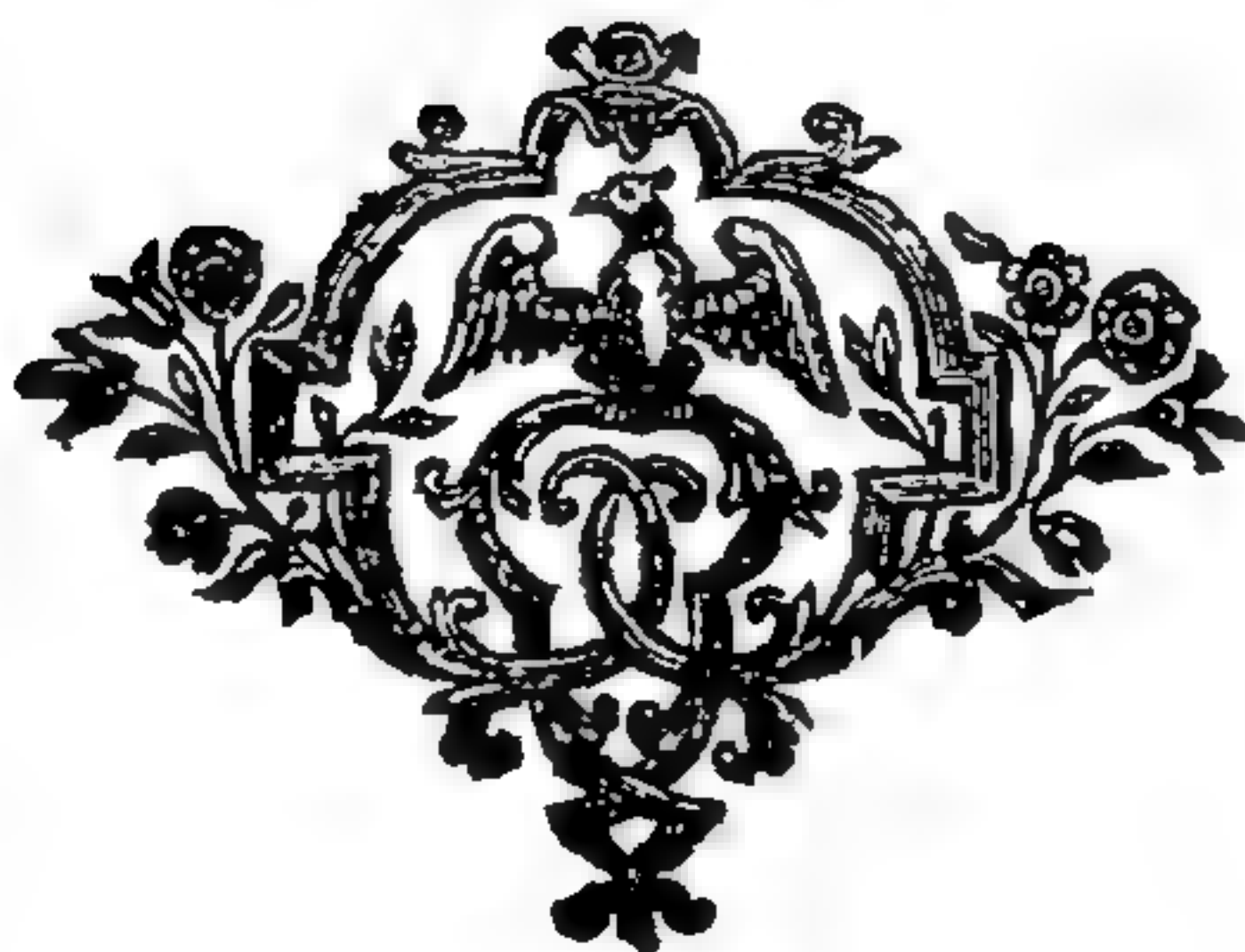
* Priv. é Graz. &c. di Carlo II. tom. 2. pag. 191.

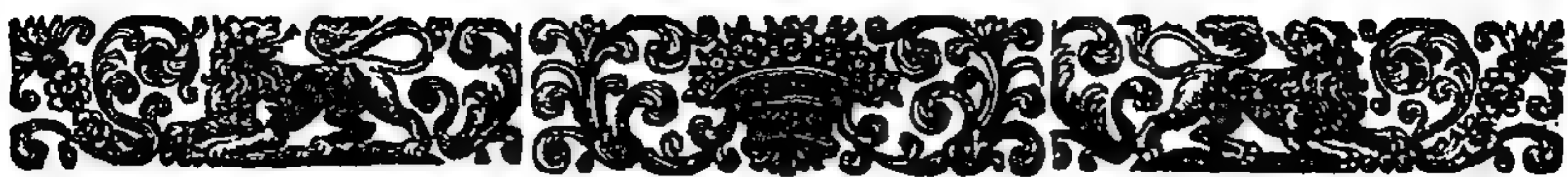
chasing Immoveables, neither by themselves, nor by the Means of other Persons ; and that in case, by Legacy or any other way, real Estates should happen to be left to them, they may be obliged to sell them, and be contented with the Price. At this Time, in the King's Absence, Queen *Elizabeth* governing in *Barcelona*, that most prudent Princess, moved by the said Petition, was pleased, by her Royal Order, dated in *Barcelona* the 19th of *March* 1712. strictly to command Count *Charles Borromeo*, then our Viceroy, that after having advised with the Collateral Council, and the Tribunal of the Royal Chamber, he should send her a full Information, with his own Opinion, of what occurred concerning the Request made, that she might act therein as she shall judge most just and fitting¹. In pursuance of these Royal Orders the Royal Collateral Council having thoroughly canvassed the Affair, it was remitted to the Royal Chamber, by which Tribunal, so far as belonged to it, the desired Information was drawn up, and it remains only now, that the same be done by the Collateral Council ; which in the mean time, while this Affair is still depending, at the Request of the City, watchful to prevent any Novelty, which in the Interim might be attempted by the Ecclesiasticks in making new Purchases, ordered the said Information to be ingrossed and sent to her Catholick Majesty, and mean while, that no Innovations should be attempted.

'TIS not to be doubted, but that, among the so many and signal Favours which our most august Prince hath heaped upon this his Kingdom, insomuch that it never was seen in so flourishing a Condition in any former Reign, as it is at present under his most clement Government, he will put an End to, and complete that just and glorious Work. And we ought so much the more securely to depend upon it, that, among his other valuable Favours, he has been pleased to confer a greater upon us, in committing the Government of this Kingdom to the most prudent Cardinal *Michael Federick d'Altham*, our Viceroy, who, emulating the Glory of his most renowned and wise Predecessors, behaves so, that to the dear and honourable Memory which we still retain of the just and prudent Government of the Marquis *Del Carpio*, his may be joined ; and since he governs us with the same Care and Prudence, 'tis just, that his Glory and Immortal Name be also the same.

¹ Priv. è Graz. di Carlo VII. tom. 2. pag. 244.

F I N I S.





THE following Bull, whereby this History is censured and condemned, having been sent to the Translator by his worthy and learned Friend Doctor *Richard Rawlinson*, who took down the Copy of it from the West Door of *St. John the Baptist's* Conventual Church, in the Island of *Malta*, where it had been affixed by the Nuncio's Order, and a Reward was soon after offered for discovering the Person who had dared to take it down: It is hoped the inserting of it here, as a curious Piece, will be acceptable to the Readers.

Ex Autographo penes Ricardum Rawlinson, L. L. D. & R. S. S.

DECRETUM.

Feria V. Die prima Julij 1723.

IN Congregatione Generali S. Romanæ & Universalis Inquisitionis habita in Palatio Apostolico coram Sanctissimo Domino nostro Innocentio, Divina Providentia Papa XIII. ac Eminentissimis & Reverendissimis D. D. S. R. E. Cardinalibus in tota Republica Christiana contra Hæreticam pravitatem generalibus Inquisitoribus à Sancta sede Apostolica specialiter Deputatis.

Sanctissimus Dominus noster Innocentius Papa XIII. habitis prius plurium insignium in Sacra Theologia Magistrorum & Professorum, nec non memoratæ Congregationis S. Romanæ & Universalis Inquisitionis Qualificatorum consultationibus, ac auditis votis dictorum Eminentissimorum & Reverendissimorum D. D. S. R. E. Cardinalium in tota Christiana Republica Generalium Inquisitorum, Libros typis Editos, & in quatuor tomos divisos, quibus titulus est *Dell' Historia Civile del Regno di Napoli libri XL. Scritti da Pietro Giannone Guirisconsulto ed Advocato Napolitano censuit, prout præsentì Decreto auctoritate Apostolica omnino prohibet, & damnat, uti continentes doctrinas, & propositiones quam plurimas falsas, temerarias, scandalosas, seditiosas, per summam calumniam injurias omnibus Ecclesiæ Ordinibus, & totæ Ecclesiæ Hierarchiæ, præsertim sanctæ sedi Apostolicæ, erroneas, schismaticas, atque impias, & hæresim, ut minimum, sapientes.*

Hos

Hos itaque libros sic prohibitos, & damnatos sanctitas sua vetat, nequis, cujuscunque sit status, & conditionis, ullo modo, & sub quocunque prætextu iterum imprimere, vel imprimi facere, neque jam quocunque loco, & quocunque idiomate impressos apud se retinere, aut legere audeat, sed eos Ordinariis locorum, aut hæreticæ pravitatis Inquisitoribus statim & cum effectu tradere, & consignare teneatur, sub pœnis indice librorum prohibitorum contentis, aliisque pœnis arbitrio sanctitatis suæ infligendis.

*Antonius Lancionus S. Romanæ, & Universalis
Inquisitionis Notarius. (L. S.)*

Die Sexta Julij 1723. Supradictum Decretum affixum & publicatum fuit ad valvas Basilicæ Principis Apostolorum, Palatii Sancti Officii in acie Campi Floræ, ac aliis locis solitis & consuetis Urbis per me Petrum Romolatum Sanctissimæ Inquisitionis Cursorem.

*Romæ Typis Reverendæ Cameræ Apostolicæ M. DCC. XXIII.
Publicetur.*

A. Rufus Inquisitor-Generalis & Delegatus Apostolicus.

*(L. S.)
(A. R.)*

Joachim Triste, Cancellarius.

*Vera Copia ita Testamur }
29 Augusti 1729. }*

*J. Locker,
Samuel Drake,
Richardus Rawlinson.*



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ERRORS that have escaped the Author and the Press, in the Original *Italian* Edition, and which by a Friend in *Paris*, he hath transmitted to the Translator, in order to have them corrected in the Translation.

V O L. I.

E R R O R S.

C O R R E C T I O N S.

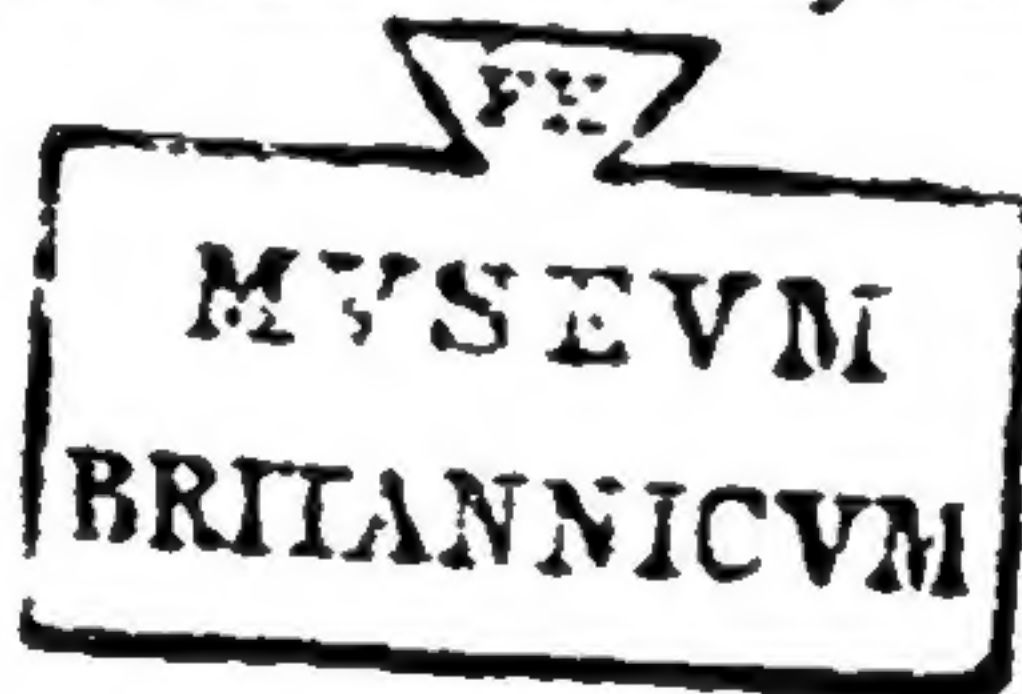
PAGE 2. in the Quotation, *Arnobius* adver.
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Pag. 26. *Pighius*, and *Franciscus Piteus*.
Ibid. *Theodorus Morcellius Adrianus Turne-*
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A *Arnobius* adver. *Gentes*, lib. 7.
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